



Agenda

City Commission Business Meeting

City of Kalamazoo

Monday, December 7, 2020

7:00 PM

Electronic Meeting

A. CALL TO ORDER/ROLL CALL

B. OPENING CEREMONY

1. Invocation
2. Introduction of Guests
 - a. Introduction of O.I.R. Group, the consultant selected to perform a use of force study and an independent review of the Public Safety Department's handling of events between May 30 and June 2 and on August 15 (Michael Gennaco, Principal, O.I.R. Group)
3. Proclamations

C. ADOPTION OF FORMAL AGENDA

D. COMMUNICATIONS

1. IK 2025 Three Year Update

E. PUBLIC HEARINGS

1. Public hearing to receive comments on a RESOLUTION approving an amendment to the Kalamazoo Downtown Economic Growth Authority (DEGA) Development and Tax Increment Financing (TIF) Plan. (**Action: Motion to adopt the resolution**)

F. PUBLIC COMMENTS

G. CONSENT AGENDA

(Action: Motion to approve items “1-11” and authorize the City Manager to sign all documents on behalf of the City)

1. Authorization for the payment of \$159,434.00 to Eagle Claims Management for the 2021 excess workers compensation premium.
2. Approval of a ten-year cooperative contract with 123Net for the lease of dark fiber under contract pricing that was established with the City of Westland in the amount of \$1,174,260.
3. Approval of a contract with USA Construction to build a splash pad at LaCrone Park in the amount of \$496,563.72.
4. Approval of a 60-month lease with Enterprise, Inc. for 58 light duty fleet vehicles, including maintenance, in the amount of \$1,440,029.40.
5. First reading of an ordinance to amend Chapters 22 and 33 to permit consumption of alcoholic beverages in public places and parks.
6. Adoption of a RESOLUTION adopting and approving an Act 381 Brownfield Plan for a redevelopment project located at 266 E. Michigan Avenue.
7. Adoption of a RESOLUTION acknowledging there were no new Homestead Neighborhood Enterprise Zone (NEZ) certificate applications received in 2020; and approving the revocation of one NEZ certificate.
8. Approval of a snow melt easement with Catalyst Development Co. 12, L.L.C at the former Lot 9 located at the southwest corner of Water and Edwards Streets.
9. Authorization for the City Manager to execute the acceptance of Good Faith Written Offers from the Michigan Department of Transportation to acquire easements and fee title to City-owned parcels adjacent to, and within, the I-94 right of way within the City limits.

10. Approval of the following appointments and reappointments to boards and commissions:

- the appointment of **Rob Liekis** to the Environmental Concerns Committee for a term expiring on January 1, 2022.
- the re-appointment of **Chris Bol** to the Parks and Recreation Advisory Board for a term expiring on January 1, 2022.
- the re-appointment of **John Johnson** to the Parks and Recreation Advisory Board for a term expiring on January 1, 2022.
- the re-appointment of **Pam Roland** to the Parks and Recreation Advisory Board for a term expiring on January 1, 2022.
- the appointment of **Joseph Buckman** to the Parks and Recreation Advisory Board for a term expiring on January 1, 2024.
- the appointment of **Michael Harrison** to the Parks and Recreation Advisory Board for a term expiring on January 1, 2024.
- the appointment of **Benjamin Stanley** to the Parks and Recreation Advisory Board for a term expiring on January 1, 2024.

11. Approval of the Mayor's appointments and reappointments to the following boards and commissions:

- the appointment of **Vice Mayor Patrese Griffin** to the Civil Rights Board as an ex-officio member.
- the appointment of **Diversity, Equity and Inclusion Director Dorla Bonner** to the Civil Rights Board as an ex-officio member.
- the reappointment of **Dana Underwood** to the Historic District Commission for a term expiring on January 1, 2024.
- the appointment of **Kyle Hibbard** to the Historic Preservation Commission for a term expiring on March 31, 2024.

H. REGULAR AGENDA

I. REPORTS AND LEGISLATION

1. City Manager's Report

J. UNFINISHED BUSINESS**K. POLICY ITEMS****L. NEW BUSINESS**

1. Approve the use of \$100,000 from the City Commission Initiatives line item to support gun violence reduction efforts; direct the City Manager to provide periodic updates to the full City Commission on program development and implementation; and authorize the City Manager to sign all documents related to these efforts. **(Action: Motion to approve)**
2. Approval of a letter to Eagle Creek Renewable Energy regarding the impacts of the Morrow Dam spillway gate failure. **(Action: Motion to approve and direct the City Clerk to send the letter)**
3. Committee of the Whole Meetings

M. COMMISSIONER COMMENTS**N. CLOSED SESSION****O. ADJOURNMENT**

ADDITIONAL INFORMATION

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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: **12/7/2020**

Item: **E.1.**

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

FROM: Clyde J. Robinson, City Attorney
Prepared by: Richard O. Cherry, Deputy City Attorney/BRA Counsel

DATE: December 7, 2020

SUBJECT: Amendment to the Kalamazoo Downtown Economic Growth Authority (DEGA) Development and Tax Increment Financing (TIF) Plan

RECOMMENDATION:

It is recommended that the City Commission adopt a RESOLUTION approving an amendment to the Kalamazoo Downtown Economic Growth Authority (DEGA) Development and Tax Increment Financing (TIF) Plan.

BACKGROUND:

On October 15, 2018, Kalamazoo City Commission voted to create the Kalamazoo Downtown Economic Growth Authority under the Corridor Improvement Authority Act (Public Act 280 of 2005) ("the Act"). This authority was created to allow for a new method of financing activities associated with the continued growth, maintenance, administration, and programming of Downtown Kalamazoo. When a new tax increment financing (TIF) district is created, a plan for how the funds will be collected and invested over the duration of the plan is required.

Since the DEGA is in its initial phases of growth, and funds to support development in the DEGA district are not yet fully established, the Kalamazoo Downtown Partnership and the City of Kalamazoo Community Planning and Economic Department have collaborated with the Brownfield Redevelopment Authority (BRA) to use BRA TIF to support development in the DEGA for the short-term, to ensure growth continues in the district. In order to do that, pursuant to the Act, the DEGA must amend its TIF plan to forgo capture of tax increment in its district on selected parcels so that the BRA can capture tax increment on those parcels to better support eligible activities on new development projects in the DEGA district. This amending of the plan is a several step process; therefore, the following additional actions by the DEGA, the BRA and City Commission under the Act and Act 381 are tentatively scheduled as follows:

November 2 – City Commission adopts resolution setting public hearing for approving amended TIF plan

December 7 – City Commission conducts public hearing

December 7 – City Commission considers adoption of resolution amending the DEGA's Development and Tax Increment Financing (TIF) Plan.

December 7 – City Commission considers adoption of resolution approving the Amendment to the Brownfield Redevelopment Plan

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:



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

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Given the nature of this amendment, no community resources were consulted.

FISCAL IMPACT:

There is no impact to the City of Kalamazoo general fund. The DEGA will forego the incremental revenue growth on selected parcels until the BRA completes reimbursement of eligible activities on each project. Incremental revenues would then flow to DEGA, allowing investment in core services, programming, initiatives, and capital improvements. Impact to local taxing units will remain consistent BRA projects that have been approved in recent years.



**KALAMAZOO DOWNTOWN
ECONOMIC GROWTH
AUTHORITY**

CITY OF KALAMAZOO

**DOWNTOWN
ECONOMIC
GROWTH
AUTHORITY**

**Development Plan
&
Tax Increment Financing Plan**

2018

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EXHIBITS

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3. Existing Land Uses including Brownfield Projects in the Qualified Development Area.
4. Proposed Land Use Framework in the Qualified Development Area.
5. Estimated Tax Increment Financing Revenue.
6. Development Plan Priorities, Estimates and Timeline.
7. List of Parcels Not Contributing to Downtown Economic Growth Authority.

I. INTRODUCTION

In 1988, the Kalamazoo Downtown Development Authority (“DDA”) implemented a Development Plan and Tax Increment Financing Plan (“DDA Development and TIF Plan”) to halt deterioration in the downtown of the City of Kalamazoo (“Downtown”) and to promote economic growth within the Downtown through the capture of tax increments derived from new development to be used for the construction of public improvements such as parking ramps, sidewalks and streetscapes. The incentives of such public infrastructure worked. For approximately 20 years, development occurred within the Downtown leading to economic growth.

However, since 2008, there have been several factors which have negatively impacted the growth and economic well-being of the Downtown. First, there was the nationwide great recession where real property values declined significantly resulting in a decline in tax revenue. Second, the demolition of long-standing facilities, which generated considerable tax revenue, and change of ownership of other taxable properties to tax-exempt entities also contributed to a decline in values. Due to these factors, the overall value of the DDA district has fallen below the initial assessed value thereby completely eliminating tax increment revenue for the purpose of promoting and encouraging economic development in the Downtown. To continue its economic vitality, something needs to be done.

There exists another Michigan statute for use as a tool in economic development. Act 280 of 2005, the Corridor Improvement Authority Act (“Act”), authorizes governmental bodies to establish a Corridor Improvement Authority (“CIA”) together with a qualified development area (“QDA”) as a means to promote economic growth through the capture of tax increments in the QDA similar to the operation and functioning of the DDA Development and TIF Plan. The powers granted to a CIA board are similar to those granted to the DDA and to the City’s Brownfield Redevelopment Authority (“BRA”) in order to carry out the intent of the Act. The activities of the CIA are largely funded by proceeds from a Tax Increment Financing Plan (“TIF Plan”), revenue bonds, donations, special assessments and fees.

The City of Kalamazoo (“City”), on October 15, 2018, adopted a resolution creating a CIA to be known as the Downtown Economic Growth Authority (“DEGA”) and established a QDA. The QDA is bisected by the business routes (BR) of US Highway 131, and Interstate I-94. BR US 131 is a north-south one-way pair crossing the district, sharing right-of-way with local streets Park Street and Westnedge Avenue. BR I-94 shares right-of-way with Stadium Drive at the west/southwest end of the QDA, and with King Highway at the east/southeast end of the QDA. As it crosses the center of the QDA, BR I-94 becomes a one-way pair, sharing right-of-way with local streets Kalamazoo and Michigan Avenues, and State Highway M-43. The QDA contains streets of each of the types described in the Imagine Kalamazoo 2025 Plan. (**Exhibit 4**) Amtrak railroad right-of-way serves as western and northern boundary for much of QDA. There are additional freight railroads that cross the district near its east end. Arcadia Creek, Portage Creek, and the Kalamazoo River flow through the QDA. Arcadia Creek’s course within the QDA begins at the southwest extent of the district as an exposed creek bed running northeast parallel to Stadium Drive at the edge of the Western Michigan University Campus. As it continues, Arcadia Creek turns east flowing through a man-made channel for several blocks until it opens into a pond at the Arcadia Creek Festival Place. From there it flows underground to its intersection with the Kalamazoo

River. The Kalamazoo River flows through a small portion of the QDA at its easternmost point flowing north from Mills Street to East Michigan Avenue. Portage Creek flows north through the QDA, first entering the QDA at Walnut Street, and flowing northeast to its confluence with the Kalamazoo River. The QDA Boundary follows Portage Creek for a stretch between Portage Street and Michigan Avenue. All three bodies of water are assets to the district, having spurred early and continued redevelopment efforts in areas adjacent to their banks.

In summary, the City Commission created the DEGA pursuant to Section 4 of the Act and included all properties, including a transit-oriented facility, within the QDA so as to meet the qualifying criteria set forth in Section 5 and Section 23 of the Act. The creation of DEGA is consistent with the City of Kalamazoo 2025 Imagine Kalamazoo Master Plan, the 2018 Urban Growth Initiative for Greater Downtown Kalamazoo, and the 2009 Downtown Kalamazoo Comprehensive Plan. It will provide a needed source of revenue to the development of Downtown and ongoing infrastructure investment since it will reset the basis upon which tax increment revenues will be captured. The DEGA will also solicit resources from the City of Kalamazoo for the purpose of partially funding its activities on an interim basis.

With the establishment of the DEGA, the Downtown Development Authority (DDA) TIF District and TIF and Development Plans will be dissolved. The DDA will continue to exist, levying a two-mill tax to support operations and administration of downtown activities and to oversee the management of the municipal parking system within Downtown Kalamazoo.

The Downtown Development Authority has several ongoing commitments (see tables on page 3) to support reimbursement of eligible expenses incurred by developers that have funded public infrastructure through development projects within the DDA TIF District (also in the DEGA TIF District). DDA agreements whose project obligations and compliance have been completed by the developer, will be honored by DEGA, Brownfield Redevelopment Authority, City, or with a combination of funds. These projects have reimbursement agreements with the DDA totaling \$1,462,137.35. Each of these projects also has an agreement with the Kalamazoo Brownfield Redevelopment Authority (BRA). Should the dissolution of the DDA TIF Plan result in additional BRA capture on these parcels the BRA may direct those funds to reimburse for expenses that were eligible for DDA reimbursement that are also eligible for BRA reimbursement. Alternately, DEGA TIF may be used to cover reimbursement of DDA-eligible expenses that are also DEGA-eligible. The final DDA development agreement in question is for the Exchange Building at 155 West Michigan Avenue for \$1,300,000. As the project is not yet complete, it is projected that new DEGA TIF on this project will be sufficient to meet DDA reimbursement obligations. DEGA and DDA will work with each developer to amend development agreements in a satisfactory manner.

Additionally, the DDA is obligated repay the City of Kalamazoo \$459,600 to cover the cost of the final Arcadia Creek Channel Project bond payment paid by the City in 2017. This cost will be assumed by DEGA, and paid with TIF. The DDA is also obligated to pay a loan to the City of Kalamazoo \$44,990 covering payment of an assessment appeal at 333 Portage Street. This will be repaid to the City with DEGA TIF.

DDA Project Reimbursements	Parcel(s)	Amount
Catalyst Development – 277 S. Rose Street	Parcel ID 06-15-390-300	\$450,137.35
Mavcon – 100 Block of E. Michigan Ave.	Parcel ID 06-15-376-010; 06-15-376-011	\$978,000.00
PlazaCorp – 421/427 E. Michigan Ave	Parcel ID 06-15-416-122; 06-15-411-271	\$34,000.00
Exchange Building – 155 W. Michigan Ave.	Parcel ID 06-15-380-081	\$1,300,000.00

DDA Debt Obligations	Description	Amount
City of Kalamazoo – Arcadia Creek Channel Project	Final Bond Payment	\$459,600.00
City of Kalamazoo – Assessment Appeal	Loan Repayment	\$44,990.00

As the revenues climb in early years, it will be necessary for the City of Kalamazoo to provide operational and programmatic support for DEGA activities. Annual budgets will be developed in conjunction with City Administration, and operational loans provided. It is anticipated that the DEGA will be self-sufficient in approximately 2025, at which time, payback to the City would commence to be paid by local TIF dollars.

With the goal of simplifying the development process in the district, and in keeping with the spirit of assorted efforts at the State-level, including the *Redevelopment-Ready Communities Program*, the DEGA endeavors to subsume the project support and remediation activities of the Brownfield Redevelopment Authority within district boundaries. This proposed structure will allow for a single point of contact for project support within downtown, with one timeline, set of approvals, and a single development agreement. This may be accomplished through interlocal agreement, or other means. Prior to any shift in project support responsibilities, policy will be developed in conjunction with DEGA and BRA staff and Boards, City, MEDC, MDEQ, and additional parties as needed.

General priorities and objectives of the Development Plan (“Development Plan”) are organized by six priority areas (mobility improvements, streetscape improvements, public space investment and maintenance, development and project support, economic development planning and research, and additional programs, services and administration), and are summarized below. Categories 1-6 will be supported through local TIF dollars. Categories 1-4 may be supported by local TIF, State of Michigan TIF, or a combination of the two.

1) Mobility Improvements

Make key investments to improve connectivity and accessibility both within the QDA boundaries and between the Downtown district and surrounding neighborhoods, taking into consideration various modes of transportation and key corridors.

Support and/or make investments to improve mobility for various modes of transportation Downtown, including:

Vehicles

Parking Management – Assess and evaluate parking system and supply/demand; implement improvements to support existing businesses and continued growth and development Downtown; invest in landscaping, lighting, signage and cosmetic improvements to existing surface lots and ramps; develop new parking facilities to accommodate demand arising from new investment in the Downtown; assess and invest in additional, innovative parking solutions, including, but not limited to, valet programs, ride share, car share, and autonomous vehicles. Continue operation of the public parking system in the Downtown for the City’s benefit either by assuming the responsibilities of the DDA under the existing Sublease or informally by providing assistance when necessary under the existing Sublease arrangement.

Estimated Investment	Implementation Timeline
\$3 – 3.5 million	5-30 years

Street Conversions – Invest in streetscape and parking infrastructure in coordination with City efforts to convert one-way streets to two-way streets. Invest in intersection reconfigurations, road diets, traffic calming, and other necessary changes to better accommodate all modes of travel.

Estimated Investment	Implementation Timeline
\$3.5 – 4 million	5-30 years

Public Transit – Plan for and support transit-oriented development projects. Assess and/or implement additional transit needed, including bus, bus rapid transit, light rail and other modes. Make improvements to public transit facilities, including bus stops, bus shelters, and installation of accessibility compliance infrastructure. Support planning of and changes to rail infrastructure downtown, including, but not limited to signals, crossings, and relocations of tracks.

Estimated Investment	Implementation Timeline
\$1.5 – 2 million	5-30 years

Bicycles

Bicycle infrastructure – Support further investment in bicycle network Downtown, including, but not limited to coordination of protected bicycle lane pilot programs; extension of bicycle trails throughout Downtown, bicycle share programs; and investment in bicycle amenities, such as additional and/or improved bicycle parking and signage.

Estimated Investment	Implementation Timeline
\$2 – 2.5 million	0-15 years

Pedestrians

Pedestrian infrastructure – Coordinate with City to enhance pedestrian safety and mobility, including but not limited to investments in sidewalks, crosswalks, traffic signs and signals, lighting and accessibility compliance. Activate vacant land, property and public space (see Priority 3), and make key streetscape improvements (see Priority 2) throughout the QDA to encourage pedestrian mobility.

Estimated Investment	Implementation Timeline
\$4 – 5 million	0-15 years

Corridors

Key corridors – Make improvements along primary gateway corridors into Downtown as identified by the 2025 Imagine Kalamazoo Master Plan, 2009 Downtown Kalamazoo Comprehensive Plan, and future Downtown plans to improve connectivity between the Downtown district and surrounding neighborhoods. Relocate utilities to support execution of corridor improvement strategies and street reconfigurations, including, but not limited to, burying of overhead utilities.

Estimated Investment	Implementation Timeline
\$3 – 3.5 million	5-30 years

2) Streetscape Improvements

Make key investments in streetscape infrastructure to improve accessibility and walkability Downtown.

Streetscape Planning – Create and implement a comprehensive streetscape plan for Downtown.

Estimated Investment	Implementation Timeline
\$100,000 – 125,000	0-5 years

Sidewalk Network – Improve and maintain the quality of sidewalks and sidewalk network Downtown; assess and implement potential areas for expansion of the existing snowmelt system; identify investments needed consistent with accessibility compliance standards.

Estimated Investment	Implementation Timeline
\$5 – 7 million	0-30 years

Streetscape Elements – Invest in the addition and maintenance of streetscape amenities, including, but not limited to: updates, improvement and expansion of wayfinding signage; lighting throughout the district; benches, tables, chairs and additional furniture for public use; pedestrian islands; increase Downtown tree canopy; install planters, hanging baskets and other beautification elements; sustainable streetscape elements including permeable pavers and stormwater mitigation infrastructure.

Estimated Investment	Implementation Timeline
\$5 – 7 million	0-30 years

Maintenance – Engage in ongoing maintenance of streetscape and streetscape elements, existing and to be added.

Estimated Investment	Implementation Timeline
\$2 – 2.35 million	0-30 years

3) Public Space Investment & Maintenance

Make key investments in public spaces to add value to and improve the vibrancy of Downtown.

Activation

Capital Improvements – Invest in permanent structural changes to existing and proposed public spaces Downtown, including Kalamazoo Mall, Arcadia Creek Festival Place and other strategic locations, to create accessible and inviting public spaces. Investments may be allocated toward improvements to waterfront areas along Kalamazoo River, Arcadia Creek and Portage Creek. Investments may also include installation of public facilities such as public restrooms.

Estimated Investment	Implementation Timeline
\$3 – 3.5 million	5-30 years

Public Art – Commission and/or install engaging public art to create vibrant public spaces Downtown, including, but not limited to, functional public art for transportation infrastructure.

Estimated Investment	Implementation Timeline
\$1.5 – 1.75 million	0-30 years

Furniture – Invest in street furniture and related infrastructure to encourage regular use of key public spaces Downtown.

Estimated Investment	Implementation Timeline
\$1.5 – 2 million	0-30 years

Green Space – Assess need for, acquire, and develop green space Downtown.

Estimated Investment	Implementation Timeline
\$2 – 2.25 million	5-30 years

Maintenance

Public space maintenance – Maintain existing public spaces within the district boundaries, including, but not limited to, landscaping, furniture and permanent infrastructure.

Estimated Investment	Implementation Timeline
\$1.5 – 1.6 million	0-30 years

Storm system maintenance – Continue to maintain the reconstructed Arcadia Creek storm system and pond areas; provide additional cosmetic enhancements and water features to the creek area and pond site; conduct planning and engineering studies to reduce long-term clean-up costs associated with annual sediment removal efforts; undertake capital improvements to the storm system as required.

Estimated Investment	Implementation Timeline
\$1.5 – 1.6 million	0-30 years

Presence

Ambassador Program – Create an ambassador program Downtown to maintain a clean, safe, and friendly Downtown.

Estimated Investment	Implementation Timeline
\$1.5 – 1.6 million	0-30 years

4) Development & Project Support

Promote development Downtown through targeted project incentives and promotion of or direct investment in key land and/or property.

Project Incentives – Identify development priorities to create and maintain a toolbox of project incentives for new development Downtown. Priorities will include, but are not limited to: Mixed-Use Development; additions to existing buildings; diversification of residential mix and types of housing, sustainable infrastructure, energy efficiency measures, job creation, including specific incentives targeted at affordable and workforce housing; engagement in workforce development programs.

Estimated Investment	Implementation Timeline
Project-/Parcel-based TIF	0-30 years

Land Acquisition, Redevelopment and Remediation – Acquire and/or redevelop land; acquire, redevelop or construct buildings; and support remediation activities at key development sites located within the QDA to further the goals and objectives of the Development Plan.

Estimated Investment	Implementation Timeline
\$5 – 5.25 million	5-30 years

Information Technology Infrastructure – Support planning, site preparation, installation, and maintenance of IT infrastructure, including but not limited to fiber optic, wireless, facilities, and sensors.

Estimated Investment	Implementation Timeline
\$3 – 3.25 million	0-30 years

Business Development – Provide resources and support to existing and new businesses, including, but not limited to workshops and grant programs.

Estimated Investment	Implementation Timeline
\$2 – 2.25 million	0-30 years

5) Economic Development Planning & Research

Commission and conduct research, studies, plans and/or reports to inform and further Downtown development priorities and the implementation of programs, services and initiatives.

Estimated Investment	Implementation Timeline
\$1 – 1.25 million	0-30 years

6) Additional Programs, Services and Administration

Implement various components of the Development Plan, 2025 Imagine Kalamazoo Master Plan, the 2018 Urban Growth Initiative for Greater Downtown Kalamazoo, the 2009 Downtown Kalamazoo Comprehensive Plan, and future Downtown plans. This may include the continuation of programs established by the DDA, including:

- Business Retention and Recruitment Program designed to encourage business development and retention in the Downtown, the Design Assistance Program to

assist with exterior façade improvements to historic Downtown commercial structures;

- Façade Improvement and Building Rehabilitation Program designed to bring dormant or under-utilized buildings in the central business district into productive use and to meet modern code, fire, safety and accessibility requirements;
- Downtown Kalamazoo Innovation Program to assist new retail, restaurant, service organizations and office tenants and to develop and fund such additional programs promoting the economic vitality of the Downtown;
- Conducting market research and public relations campaigns, develop, coordinate, and conduct retail and institutional promotions, and sponsor special events and related activities.
- Fulfilling DDA financial commitments incurred with the construction of public infrastructure, such as streetscape, public space and snowmelt.

Tax increment financing (“TIF”) administration shall include audit and legal services and Development Plan updates as needed. Administration may also include support for staffing and execution of all programs, services and initiatives outlined in this plan.

Estimated Investment	Implementation Timeline
\$3 – 3.1 million	0-30 years

II. DEVELOPMENT PLAN

A. Designation of Boundaries of the QDA in Relation to Highways, Streets, Streams or Otherwise.

1. General Description of Boundaries and Size of the QDA.

The QDA is bisected by the business routes (BR) of US Highway 131, and Interstate I-94. BR US 131 is a north-south one-way pair crossing the district, sharing right-of-way with local streets Park Street and Westnedge Avenue. BR I-94 shares right-of-way with Stadium Drive at the west/southwest end of the QDA, and with King Highway at the east/southeast end of the QDA. As it crosses the center of the QDA, BR I-94 becomes a one-way pair, sharing right-of-way with local streets Kalamazoo and Michigan Avenues, and State Highway M-43. The QDA contains streets of each of the types described in the Imagine Kalamazoo 2025 Plan. (**Exhibit 4**) Amtrak railroad right-of-way serves as western and northern boundary for much of QDA. There are additional freight railroads that cross the district near its east end. Arcadia Creek, Portage Creek, and the Kalamazoo River flow through the QDA. Arcadia Creek’s course within the QDA begins at the southwest extent of the district as an exposed creek bed running northeast parallel to Stadium Drive at the edge of the Western Michigan University Campus. As it continues, Arcadia Creek turns east flowing through a man-made channel for several blocks until it opens into

a pond at the Arcadia Creek Festival Place. From there it flows underground to its intersection with the Kalamazoo River. The Kalamazoo River flows through a small portion of the QDA at its easternmost point flowing north from Mills Street to East Michigan Avenue. Portage Creek flows north through the QDA, first entering the QDA at Walnut Street, and flowing northeast to its confluence with the Kalamazoo River. The QDA Boundary follows Portage Creek for a stretch between Portage Street and Michigan Avenue. All three bodies of water are assets to the district, with having spurred early and continued redevelopment efforts in areas adjacent to their banks.

2. Legal Description of the Boundaries and Size of the QDA. See **Exhibit 1**.
3. Map of the QDA. See **Exhibit 2**.

B. The Location and Extent of Existing Streets and Other Public Facilities Within the QDA Designating the Location, Character, and Extent of the Categories of Public and Private Land Uses Presently Existing and Those Proposed for the QDA, Including Residential, Recreational, Commercial, Industrial, Educational and Other Uses.

The QDA contains a varied assortment of public and private land uses, including commercial, cultural, industrial, educational, governmental, medical, institutional, residential, open space, parking, vacant and public street areas. Provided below and as shown on **Exhibit 3** is a detailed account of the character and extent of existing public and private uses found in the QDA. **Exhibit 3** also depicts the location and extent of existing streets.

1. Location and Extent of Existing Streets and Other Public Facilities.

The QDA contains approximately 87 acres of public street right-of-way as well as the following existing public land uses.

2. Existing Public Land Uses.

Existing public uses in the QDA include the following:

- (a) Kalamazoo Transportation Center;
- (b) The Kalamazoo Mall;
- (c) Approximately 3,000 public parking spaces, including two parking garages or decks, surface lots and on street spaces;
- (d) Federal Office Building;

- (e) City and County government administrative offices;
- (f) City and County courts;
- (g) Public safety stations;
- (h) Bronson Park;
- (i) Rose Park Veterans Memorial;
- (j) The Kalamazoo Valley Community College downtown campus;
- (k) The Kalamazoo Valley Museum;
- (l) The Kalamazoo Public Library.

In total, approximately 232 acres is devoted to public use and street right-of-way.

3. Existing Private Land Uses.

Existing private uses in the QDA include the following:

- (a) Radisson Plaza Hotel at Kalamazoo Center mixed-use facility containing hotel, conference, convention, office and retail space;
- (b) Commercial office, retail and restaurant space located primarily along Kalamazoo and Michigan Avenues, Park and Rose Streets, Westnedge Avenue, South, Edwards, Academy, Water, Eleanor, Portage and Lovell Streets and the Kalamazoo Mall/South Burdick Street;
- (c) Major cultural and entertainment facilities such as the Kalamazoo Institute of Arts, Civic Auditorium, State Theatre, Epic Center, Carver Center, AMC Movie Theater and numerous places of worship;
- (d) Multiple brewing and distilling facilities;
- (e) Bronson Hospital and Medical Center;
- (f) Western Michigan University Homer Stryker M.D. School of Medicine;
- (g) Major banks and savings and loan associations;

- (h) Office, service and community facilities occupied by nonprofit organizations;
- (i) A full-service automobile sales and service dealership and other auto-related services and businesses;
- (j) A number of vacant parcels, vacant, and partially vacant structures;
- (k) Private surface parking lots and parking ramps.

In all, approximately 190 acres of land in the QDA are devoted to private land uses, total building square footage is approximately 6.39 million, which includes 1.84 million square feet of office space, 3.3 million square feet in retail and restaurant use, approximately 66,000 square feet in industrial uses, and 1.18 million square feet of “other” uses. The total Downtown workforce is estimated at approximately 10,570.

4. Location and Extent of Proposed Improvements – Public and Private Uses

The location, character and extent of public and private land uses resulting from development activities and retention of many of the existing uses within the QDA are described below.

(a) Proposed Improvements – Public Uses

The proposed public land uses within the QDA are consistent with the 2025 Imagine Kalamazoo Master Plan (see Future Land Use Map in **Exhibit 4**). Proposed changes to public land uses within the QDA include the following:

- (i) Construction and rehabilitation of new and existing public parking spaces, including both surface lots and ramps, distributed throughout the QDA.
- (ii) Major street construction which may include conversion of one-way streets to two-way streets, reconfiguration of road beds and right-of-ways, to allow for the development of public and/or private facilities consistent with approved land uses and based on community input.
- (iii) Investments in mobility infrastructure along priority and main streets, and neighborhood connector corridors as identified by the 2025 Imagine Kalamazoo Master Plan (see **Exhibit 4**).

- (iv) Improvements to public spaces and streetscaping in the QDA.
- (v) Public utility improvements such as street improvements, curbs, sidewalks, water, sanitary sewer, storm drainage, electrical lines, and information technology infrastructure as needed in support of Downtown revitalization.
- (vi) Land acquisition needed for public and private improvements and to further the goals and objectives of the Development Plan.
- (vii) Other general public improvements as may be needed to stimulate private investment in the QDA.

(b) Proposed Improvements – Private Uses

Projects by private developers include:

- (i) Construction of a multi-story apartment building on the west side of South Rose Street between Lovell and Cedar streets.
- (ii) Construction of an eight-story mixed-use facility in former Lot 9 immediately north of the buildings in the 100 block of East Michigan Avenue which is to be a mixed-use facility and to include a private parking ramp.
- (iii) A multi-story mixed-use facility at the southeast corner of Michigan Avenue and Rose Street.
- (iv) Rehabilitation of existing structures and/or construction of new buildings to accommodate private, commercial, retail, office and residential uses, including a new hotel located on the west side of South Rose Street between Eleanor and Lovell Streets as well as multi-story residential structures abutting Arcadia Creek between South Westnedge and Park Street.
- (v) Construction of a multi-family housing project on the southern and western portion of the block bounded by Park, Lovell, Rose and Cedar streets.
- (vi) Construction of mixed-use facility at 433 South Burdick.

- (vii) Construction of additional facilities associated with Bronson Hospital throughout the campus area.
- (viii) Construction of buildings across a mix of uses and types along southern extension of Harrison Street.
- (ix) Redevelopment of Merchant's Crossing area bounded by East Michigan Avenue, Mills Street and the Kalamazoo River.
- (x) Construction of mixed-use buildings on surface parking lots located on the block bounded by Portage, South, and Edwards streets and East Michigan Avenue.
- (xi) Additional retail, office, restaurant, entertainment, residential and other commercial and mixed uses as opportunities arise.
- (xii) Redevelopment remediation of land parcels assembled in order to eliminate blight and to accommodate private, public and institutional development in the QDA.

C. Description of Existing Improvements in the QDA to be Demolished, Repaired or Altered and an Estimate of the Time Required for Completion.

There are currently no plans to demolish, repair, or alter buildings associated with public projects within the QDA, nor have there been any requests for support of private projects requiring demolition. Any future demolitions, alterations or repairs to buildings within the QDA to be supported with DEGA funds would be carried out in accordance with the objectives of this Development Plan.

D. Description and Location of Improvements Contemplated for the QDA and an Estimate of the Time Required for Completion. See **Exhibit 6.**

E. Stages of Construction and Estimated Time of Completion of Each Stage. See **Exhibit 6.**

F. Description of Those Parts of the QDA to be Left as Open Space and the Use Contemplated for the Space.

- a. Arcadia Creek Festival Place – Improvements to and maintenance of the site and promenade, which will be continue to be used for festivals, events, and everyday public use.
- b. Bronson Park – Coordination with City to activate and/or improve Bronson Park.

- c. Rose Park Veterans Memorial – Coordination with City to activate and/or improve park.
- d. Other open space and streetscape improvements, to be defined.

G. Description of Any Portions of the QDA that the DEGA Desires to Sell, Donate, Exchange or Lease to or From the City and the Proposed Terms Thereof.

There are no current plans to convey portions of the QDA to or from the City. However, the DEGA anticipates that activities defined in the Development Plan may require land or parcels within the QDA to be conveyed to or from the City. All land transactions or exchanges shall be in written format and also further the goals and objectives of this Development Plan.

H. Description of Desired Zoning Changes and Changes in Streets, Street Levels, Intersections, Traffic Flow Modifications or Utilities.

Planned improvements in the QDA will be accomplished in accordance with the City's Zoning Ordinances. Such changes will be compatible with the public and private improvements and also be consistent with the 2025 Imagine Kalamazoo Master Plan, the 2018 Urban Growth Initiative for Greater Downtown Kalamazoo, the 2009 Downtown Kalamazoo Comprehensive Plan, and future development plans.

Street, intersection and utility changes envisioned include, but are not limited to, the following:

1. *Street Conversions* – Invest in streetscape and parking infrastructure in coordination with City efforts to convert one-way streets to two-way streets. Invest in intersection reconfigurations, road diets, traffic calming, and other necessary changes to better accommodate all modes of travel.
2. *Public Transit* – Assess and/or implement additional transit needed, including bus, bus rapid transit, light rail and other modes. Make improvements to public transit facilities, including bus stops, bus shelters, and installation of accessibility compliance infrastructure. Support planning of and changes to rail infrastructure downtown, including, but not limited to signals, crossings, and relocations of tracks.
3. *Bicycle infrastructure* – Support further investment in bicycle network Downtown, including, but not limited to coordination of protected bicycle lane pilot programs; extension of bicycle trails throughout Downtown, bicycle share programs; and investment in

bicycle amenities, such as additional and/or improved bicycle parking and signage.

4. *Pedestrian infrastructure* – Coordinate with City to enhance pedestrian safety and mobility, including but not limited to investments in sidewalks, crosswalks, traffic signs and signals, lighting and accessibility compliance. Activate vacant land, property and public space (see Priority 3), and make key streetscape improvements (see Priority 2) throughout the QDA to encourage pedestrian mobility.
5. *Key corridors* – Make improvements along primary gateway corridors into Downtown as identified by the 2025 Imagine Kalamazoo Master Plan, 2009 Downtown Kalamazoo Comprehensive Plan, and future Downtown plans to improve connectivity between the Downtown district and surrounding neighborhoods. Relocate utilities to support execution of corridor improvement strategies and street reconfigurations, including, but not limited to, burying of overhead utilities.
6. *Sidewalk Network* – Improve and maintain the quality of sidewalks and sidewalk network Downtown; assess and implement potential areas for expansion of the existing snowmelt system; identify investments needed consistent with accessibility compliance standards.
7. *Streetscape Elements* – Invest in the addition and maintenance of streetscape amenities, including, but not limited to: updates, improvement and expansion of wayfinding signage; lighting throughout the district; benches, tables, chairs and additional furniture for public use; pedestrian islands; trees, tree pits, planters, hanging baskets and other beautification elements; sustainable streetscape elements including permeable pavers and stormwater mitigation infrastructure.

I. Estimate of the Cost of Development, a Statement of the Method of Financing the Development Plan and the Ability of the DEGA to Arrange the Financing.

Estimates for the projects as referred to above range from \$55.8 million to \$66.2 million. These estimates are tied to projected district revenues calculated at a 3% inflationary growth of the initial assessed value of buildings and parcels in the district. Methods of financing for these projects may include tax increment to be generated from the TIF Plan, including local school taxes and the State Education Tax, to be approved through the Michigan Strategic Fund, bonds, special assessments, state and federal funds, private philanthropy and other sources to fund

the public infrastructure. Consistent with Brownfield Redevelopment Authority policy, local school taxes and the State Education Tax will be held harmless.

Pending approval, Michigan Strategic Fund-approved funds are anticipated to represent 100% of the increment of local school taxes and the State Education Tax in the district for a period of 15 years or until which time contributions reach \$11 million. At that juncture, State of Michigan participation in the plan will be reviewed and assessed for possible extension. State funding for individual development projects will be considered on a case-by-case basis.

J. Designation of the Person or Persons, Natural or Corporate, to Whom All or a Portion of the Development is to be Used, Sold or Conveyed in any Manner and for Whose Benefit the Project is Being Undertaken if that Information is Available to the DEGA.

Currently, there are no private interests, parties or developers to whom commitments have been made by the DEGA to sell, lease or otherwise convey land which it may acquire and clear for private development. Several private developments are contemplated as referred above. It is likely that the DEGA will enter into agreements with each developer of such project to fund or construct the public infrastructure component connected to each project which may include parking ramps, street improvements, sidewalks, storm drainage and the like. The specific terms of such undertakings have not been negotiated with any of the developers.

The DEGA anticipates that any conveyances of properties to private as well as public entities will be on terms and conditions approved by the DEGA board of directors.

K. The Procedure for Bidding for the Leasing, Purchasing or Conveying in Any Manner of all or a Portion of the Development Upon Its Completion.

Those areas within the QDA scheduled for public improvements, presently or in the future, will be retained in the name of either the City, its Building Authority or the DEGA and, when applicable, subject not only to the approval of the board of directors of the DEGA, but also subject to the approval of the City Commission on terms and conditions compliant with the Development Plan.

Disposition of other parcels for private development will be pursuant to practices to be approved by the DEGA and, if needed, the City Commission.

Bidding, purchasing, and procurement policies will be consistent with those of the City of Kalamazoo.

L. Estimates of the Number of Persons Residing in the QDA and the Number of Families and Individuals to be Displaced.

There are approximately 2,500 permanent residents in the QDA. It is anticipated that no families or individuals will be displaced as a result of property acquisition, clearance activities and development of parcels.

M. Plan for Establishing Priority for the Relocation of Persons Displaced by the Development in Any New Housing in the QDA.

As indicated, there is no plan to displace individuals or businesses in the QDA. If these plans should change and entities and individuals will be displaced, the DEGA, in collaboration with the City, will establish a priority for the relocation of persons to be displaced.

N. Provision for the Costs of Relocating Persons and Businesses Displaced by the Development and Financial Assistance and Reimbursement of Expenses.

No displacement of businesses or persons is anticipated as a result of this Development Plan. However, if displacement should occur, financial assistance and reimbursement of expenses by those businesses and individuals to be displaced will be in accordance with the standards and provisions of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, Public Law 91-646.

O. Plan for Compliance with 1972 PA 227; MCL 213.321 to 213.332.

The relocation of any businesses or individuals who may be displaced shall also be carried out in accordance with the statutory requirements and provisions of State of Michigan Act 227 of the Public Acts of 1972. Costs for relocating persons displaced by the development and financial assistance and reimbursement of expenses, including litigation expenses and expenses incident to the transfer of title, shall be provided in accordance with the standards and provisions of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, being Public Law 91-646, 42 USC 4601, *et seq.*

P. Amendments to the Development Plan or TIF Plan.

Any amendments to either this Development Plan or TIF Plan shall receive approval by the Board of DEGA and the City Commission.

Q. Schedule to Periodically Review the Effectiveness of the Development Plan.

Progress on the implementation of this Plan will be tracked on an annual basis by DEGA staff or contractors and published as part of an annual report. Both the Development Plan and Tax Increment Financing Plan will be reviewed every five

(5) years to identify any need for revisions. A public work session will be conducted to support this process. Amendments to this Development Plan, if any, will be completed in compliance with Section 22 of the Act.

- R. Other Material that the Authority, Local Public Agency, or Governing Body Considers Pertinent. It is anticipated that the Authority will assume various obligations of the DDA which were incurred in connection with the financing or construction of various public improvements such as streetscape, public space and snowmelt.

III. TAX INCREMENT FINANCING PLAN

- A. Introduction. The activities of the DEGA may be financed through several sources in accordance with Section 14 of the Act. One such source is proceeds of a TIF Plan established under Sections 18 to 20 of the Act.

TIF is a funding technique which utilizes the tax revenues derived from the increase in assessed value of all taxable property within the QDA to secure and pay the costs of public improvements authorized by the Act and needed to carry out the objectives of the Development Plan. Revenues derived from the TIF Plan will be used to pay the actual costs of such improvements or to meet debt service payments on bonds issued by the City, its Building Authority or the DEGA.

- B. TIF Procedure.

1. The TIF procedure, as outlined in the Act, requires approval by the City Commission by adoption of a resolution of a Development Plan and a TIF Plan submitted to it by the DEGA. The approval process of the TIF Plan must comply with Sections 22 and 23 of the Act, to-wit:

- (a) Public Hearing. Before adoption of a resolution approving a Development Plan or TIF Plan, the City must hold a public hearing. At the time set for the public hearing, the City shall provide an opportunity for interested persons to speak and shall receive and consider communications in writing. The hearing shall provide the fullest opportunity for expression of opinion, for argument on the merits and for consideration of documentary evidence pertinent to the Development Plan and TIF Plan.

Before the public hearing on the TIF Plan, the City shall provide a reasonable opportunity to the taxing jurisdictions levying taxes subject to capture to meet with the City. The DEGA shall fully inform the taxing jurisdictions of the physical and economic implications of the proposed QDA. The taxing jurisdictions may present their recommendations at the public hearing on the TIF Plan. The DEGA may enter into agreements with the taxing jurisdictions and the City in which the QDA is located to share a portion of the captured assessed value of the QDA. (Section 18(3))

- (b) Notices of Public Hearing. Notice of the time and place of the public hearing must be published twice in a newspaper of general circulation designated by the City. The first notice must be published at least 20 days prior to the scheduled hearing date. The notice must contain all of the information required in Section 22(2) of the Act. Further, at least 20 days prior to the scheduled hearing date, the notice must be posted in at least 20 conspicuous and public

places within the QDA and mailed to all property owners of record in the QDA and by certified mail to the governing body of each taxing jurisdiction levying taxes that would be subject to capture if the TIF Plan is approved.

- (c) Right to Be Heard. At the public hearing on the Development Plan and TIF Plan, the taxing jurisdictions within the QDA may present their recommendations. The City must provide an opportunity for interested persons to speak and shall receive and consider communications in writing. The hearing shall provide the fullest opportunity for expression of opinion, for argument on the merits and for consideration of documentary evidence pertinent to the Development and TIF Plans. The City shall make and preserve a record of the public hearing, including all data presented at the hearing.
 - (d) Determination of Public Purpose and Approval of Ordinance. After the public hearing on the Development and TIF Plans, the City shall determine whether the Plans constitute a public purpose. If it determines that there is a public purpose, the City, by resolution, shall approve or reject the Development and TIF Plans or approve it with modification based upon the criteria set forth in Section 23 of the Act.
 - (e) Application to the Michigan Economic Growth Authority. Within 60 days after City approval of the Development and TIF Plans, the DEGA intends to make a written request to the Michigan Economic Growth Authority, or its successor, to include within the definitions of tax increment revenues under Section 3 of the Act (a) taxes under the State Education Tax Act (1933 PA 331; MCL 211.901 to 211.906) and (b) taxes levied by local or intermediate school districts under the Revised School Code (1976 PA 451; MCL 380.1 to 380.1852).
2. Procedure for Capture and Tax Increment Revenue. The Act permits the DEGA to capture the increase (“Increment”) that the current assessed value of the QDA exceeds the initial assessed value (IAV) of the QDA. Revenue thus captured may be expended by the DEGA pursuant to the Act and consistent with the Development and TIF Plans. The City and County Treasurers shall transmit the tax increment revenues to the DEGA which shall expend such revenues only upon the terms of the TIF Plan.

The IAV is being established as of December 31, 2017. The IAV is the State Equalized Value of the eligible property on that date, effective for property taxes levied for the fiscal year from January 1, 2018 – December

31, 2018. The Authority will capture the increment on the assessed value growth, including growth from inflation.

In certain circumstances depending on the size and duration of an economic development project, as well as other relevant economic factors as determined by the DEGA Board of Directors, or a project committee thereof, the DEGA may determine to forego all or a portion of capture that it is otherwise entitled to capture for specific projects, for a defined period of time, in order to allow the Brownfield Redevelopment Authority (BRA) within the QDA boundary to capture in its place only during such defined period of time. Under those circumstances, once all BRA eligible costs are reimbursed, the Brownfield Plan will terminate and the DEGA would thereafter capture all of the project TIF.

C. Estimates of Captured Assessed Value, Impact of TIF on the Assessed Values and Tax Revenues of the Affected Taxing Units.

The taxing units affected by this TIF plan are listed in the table below along with the corresponding millage rate that will be captured and the percent at which it will be captured by the DEGA. The local units participating in this TIF plan each have facilities within the QDA. Kalamazoo Regional Educational Service Agency (KRESA) millages and the Kalamazoo County Housing Millage are not impacted by this plan. **Exhibit 5** shows the current estimates of tax revenue that will be captured within the QDA and eligible State contributions. All revenue projections are estimates only.

Taxing Unit	Millage	DEGA Capture
	2018	(% of incremental growth captured within the QDA)
Central & Kalamazoo County Transit Authorities	1.0645	100%
City of Kalamazoo	13.8000	100%
Kalamazoo County	6.4782	100%
Kalamazoo Public Library	3.9487	50%
Kalamazoo Valley Community College	2.8089	100%

In the event that the DEGA assumes the responsibilities of the Brownfield Redevelopment Authority (BRA) within the QDA boundary, agreements may be entered into with local taxing units to share project-specific tax increment growth consistent with BRA TIF capture policy for reimbursement of eligible activities.

The DEGA may allow the BRA to capture the project TIF relating to specific projects during the term of a Brownfield Plan and use the project TIF to reimburse all eligible costs which would affect the percentage of incremental growth

captured by the DEGA. Under those circumstances, once all Brownfield Plan eligible costs are reimbursed, the Brownfield Plan will terminate and the DEGA would thereafter capture all of the project TIF.

D. Use of Revenues Derived from the DEGA's Share of Captured Assessed Value.

1. General. The tax increment revenues received by the DEGA will be accumulated and held in a Project Fund until such time as there is an amount sufficient to finance public infrastructure projects on behalf of the City or on behalf of private developers as incentives to private development. Revenues received will also be used to pay debt service on bonds which may be issued by the DEGA, the City or the City's Building Authority for development projects. Revenues from the collection of the tax increment will be used annually by the DEGA as it may deem necessary and appropriate in carrying out the purposes of the Development and TIF Plans with the following order of priority:

- (a) To pay into a debt retirement fund, or funds, for all outstanding series of bonds issued pursuant to the Development and TIF Plans in an amount equal to the interest and principal coming due prior to the next collection of taxes, less any credit for sums on hand in the debt retirement fund.
- (b) To establish a reserve account for payment of principal and interest on bonds issued pursuant to this TIF Plan to the extent required by any resolution authorizing bonds.
- (c) To pay the administrative and legal costs of formulating, adopting and administering the Development Plan and TIF Plan and any subsequent amendments.
- (d) To pay or place in a reserve account revenue for the purpose of paying the cost of completing the public improvements as set forth in the Development and TIF Plans to the extent those costs are not financed from other sources. The reserve fund shall not exceed \$800,000, or roughly six months of operating expenses, unless otherwise allocated to a specific project approved by DEGA Board that is consistent with Development Plan.
- (e) To pay for the public infrastructure improvements the DEGA has committed to a developer as an incentive to the developer's project.
- (f) To reimburse developers and other parties for expenses incurred in the funding of public infrastructure improvements through an agreement with the DDA if such obligations are assumed by the DEGA.

2. Project Uses.

Revenues derived from the captured assessed value will be retained by the DEGA to fulfill the purposes and objectives of the Development Plan, made a part of this TIF plan by reference, and shall be expended by the DEGA for such projects.

In the event that tax increment revenues are greater or less than projection used for the purpose of this TIF Plan, the available funds will be used to complete as much of the Development Plan, as is possible. The Authority will reevaluate, reprioritize, or reallocate revenues based on actual capture and where investment by the Authority will have the most positive impact within the QDA.

3. Project Costs.

The total estimated costs of projects and improvements are outlined in **Exhibit 6.**

E. Bonded and Other Indebtedness to be Incurred.

1. General.

Costs of public infrastructure improvements as described in the Development Plan and TIF Plan are to be financed on a cash basis or through one or more series of bonds or other instruments of debt as capturable tax revenue from private development occurs over the life of the Development and TIF Plans. Revenues in support of debt instruments will come from captured assessed value and other sources. The decision to utilize debt and public bonding as the instrument of debt, the number and timing of bond issues, and the dollar amounts for each bond to be incurred by the DEGA and/or the City shall be determined by the DEGA with approval of the City.

2. Maximum Amount of Bonded Indebtedness.

The Authority anticipates funding the Development plan on a pay-as-you-go basis, or through other internal financing means, however, in some cases these strategies may not be practical. Should bonding be deemed necessary to effectively implement the Development Plan, it will be done subject to any limitation and in accordance with any requirements prescribed by law. Additionally, if bonding is found necessary, the maximum amount of bonded indebtedness or debt capacity will be determined by the City's Financial Officer, in consultation with the City's Financial Advisor and in compliance with the legal debt limits as established by State Law, based on:

- The costs of the projects described in the Development Plan and adjusted for costs born by project partners, grants or other sources;
- The ability of the Authority to make all bond payments based on updated TIF projections, within the duration of the Plan;
- The marketability of such bonds at a competitive and favorable rate; and
- The expenses related to the issuance of the bonds, including all bond fees, attorney fees and associated costs.

Any determination by the City's Finance Officer will be subject to the approval of City Commission.

F. Duration of the TIF Plan.

This TIF Plan shall be in effect for a period of 30 years subject to its adoption on December 3, 2018, and shall terminate on December 3, 2048, unless this Plan is amended to extend or shorten its duration in accordance with MCL 125.2888. State of Michigan participation in this plan shall be limited to a term of 15 years, or until contributions reach \$11 million. At that juncture, State of Michigan participation in the plan will be reviewed and assessed for possible extension. State funding for individual development projects shall be considered on a case-by-case basis.

G. Reports.

The DEGA will submit annually to the City a report on the status of the TIF account and shall comply with the requirements of the Act.

H. Reimbursement of City.

In the event the City issues obligations on behalf of the DEGA, and the City is required in any fiscal year to pay out of its general fund any portion of the debt service on such an obligation, the DEGA shall fully reimburse the City.

Exhibit 1 - Legal Description of the Boundaries and Size of the QDA

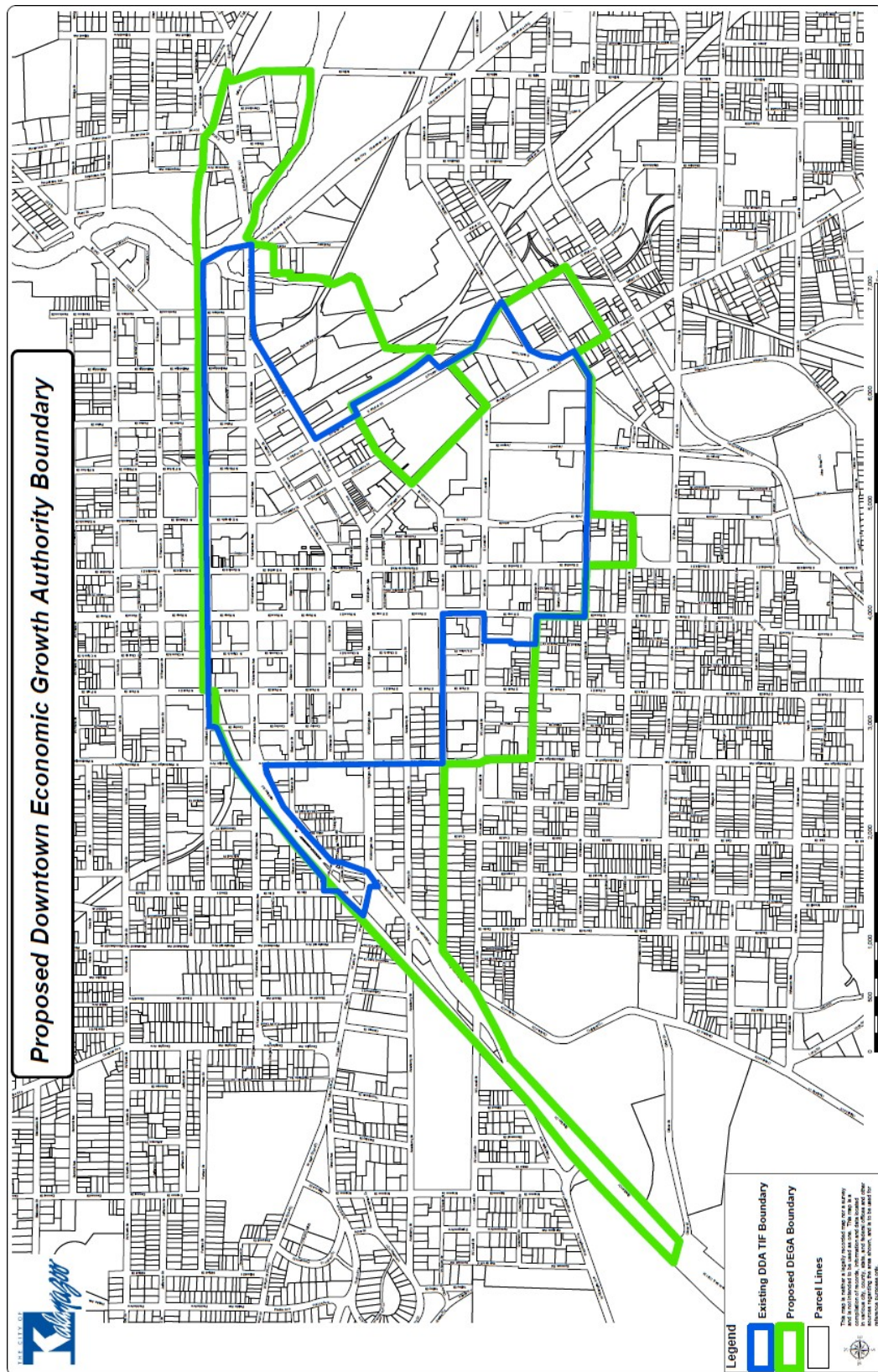
The boundaries commence at the intersection of the westerly right-of-way line of South Westnedge Avenue with the southerly right-of-way line of West Cedar St.; thence EAST along the southerly right-of-way line of West Cedar Street to its intersection with the westerly right of way line of South Rose Street; thence SOUTH along the westerly right-of-way line of South Rose Street to the southerly right-of-way line of Walnut Street; thence EAST along the southerly right-of-way line of Walnut Street to the westerly right-of-way line of Burdick Street; thence SOUTH to the southerly right-of-way line of Dutton Street; thence EAST to the easterly right-of-way line of John Street; thence NORTH to the southerly right-of-way line of E. Walnut Street; thence EAST along the southerly right-of-way line of E. Walnut Street to its intersection with the westerly right-of-way line of Portage Street; thence SOUTH along the westerly right-of-way line of Portage Street to its intersection with the southerly right-of-way line of East Dutton/Second Street; thence EAST along the southerly right-of-way line of Second Street to its intersection with the easterly right-of-way line of Pitcher Street; thence NORTH along the easterly right-of-way line of Pitcher Street to its intersection with the extension of the northerly right-of-way line of East Lovell Street; thence WEST along the northerly right-of-way line of East Lovell Street to its intersection with the easterly right-of-way line of Portage Street ; thence NORTH along the easterly right-of-way line of Portage Street to its intersection with the southerly right-of-way line of South Street; thence EAST along the southerly right-of-way line of South Street to its intersection with the westerly right-of-way line of Pitcher Street; thence EAST along a line being the extension of the southerly right-of-way line of South Street to the westerly right-of-way line of the Grand Elk railroad (formerly the westerly right-of-way line of the Grand Rapids and Indiana Railroad); thence SOUTH along the westerly right-of-way line of the Grand Elk Railroad to its intersection with the centerline of Portage Creek; thence running NORTHEASTERLY downstream along the centerline of Portage Creek to its intersection with southern property line of the parcel known as 140 Parkway Drive; then EAST to the eastern property line of said parcel; thence NORTH along the eastern property line of said parcel to its intersection with the southern property line of the parcel known as 646 East Michigan Avenue; thence EAST along the extension of the southern property line of 646 East Michigan Avenue to the midpoint of Parkway Drive; thence NORTH along the extension of the midpoint of Parkway Drive to its intersection with the southerly right-of-way line of East Michigan Avenue, (being Michigan Trunkline M-43); thence EAST along the southerly right-of-way of East Michigan Avenue to its intersection with the centerline of the Kalamazoo River; thence running upstream and EASTERLY along the centerline of the Kalamazoo River to its intersection with the extended western property line of the parcel known as 151 Mills Street; thence NORTHERLY along said western property line of 151 Mills St to the southerly boundary of the Norfolk Southern Railway right-of-way; thence WESTERLY along the southerly boundary of the Norfolk Southern Railway right-of-way to its intersection with the westerly right-of-way line of the North Park Street; thence SOUTHWESTERLY along the southerly boundary of the Norfolk Southern Railway right-of-way (becoming the Amtrak right-of-way) to its intersection with the extended northerly right-of-way line of Oliver Street; thence SOUTHEASTERLY along the extension of the

northerly right-of-way line of Oliver Street to the southerly right-of-way line of Business Loop 94, known as Stadium Drive/West Michigan Avenue; thence NORTHEASTERLY along the southerly right-of-way line of Business Loop 94 to its intersection with the southerly right-of-way line of West South Street; thence EAST along the southerly right-of-way line of West South Street to its intersection with the westerly right-of-way line of South Westnedge Avenue; thence SOUTH along the westerly right-of-way line of South Westnedge Avenue to the southerly right-of-way of West Cedar Street and the point of beginning.

The identified QDA includes approximately:

ACRES	
Total Acres	422.21
Private Land	189.70
Tax Exempt Land	74.33
Streets, railroads, river, creeks, & ponds	158.18
BUILDING SQUARE FOOTAGE	
Total Building Square Footage	6,390,000
Industrial Building Square Footage	66,100
Office Building Square Footage	1,839,500
Retail & Restaurant Square Footage	3,300,000

Exhibit 2 - Map of the Qualified Development Area



**Exhibit 3 - Existing Land Uses including Brownfield Projects
in the Qualified Development Area**

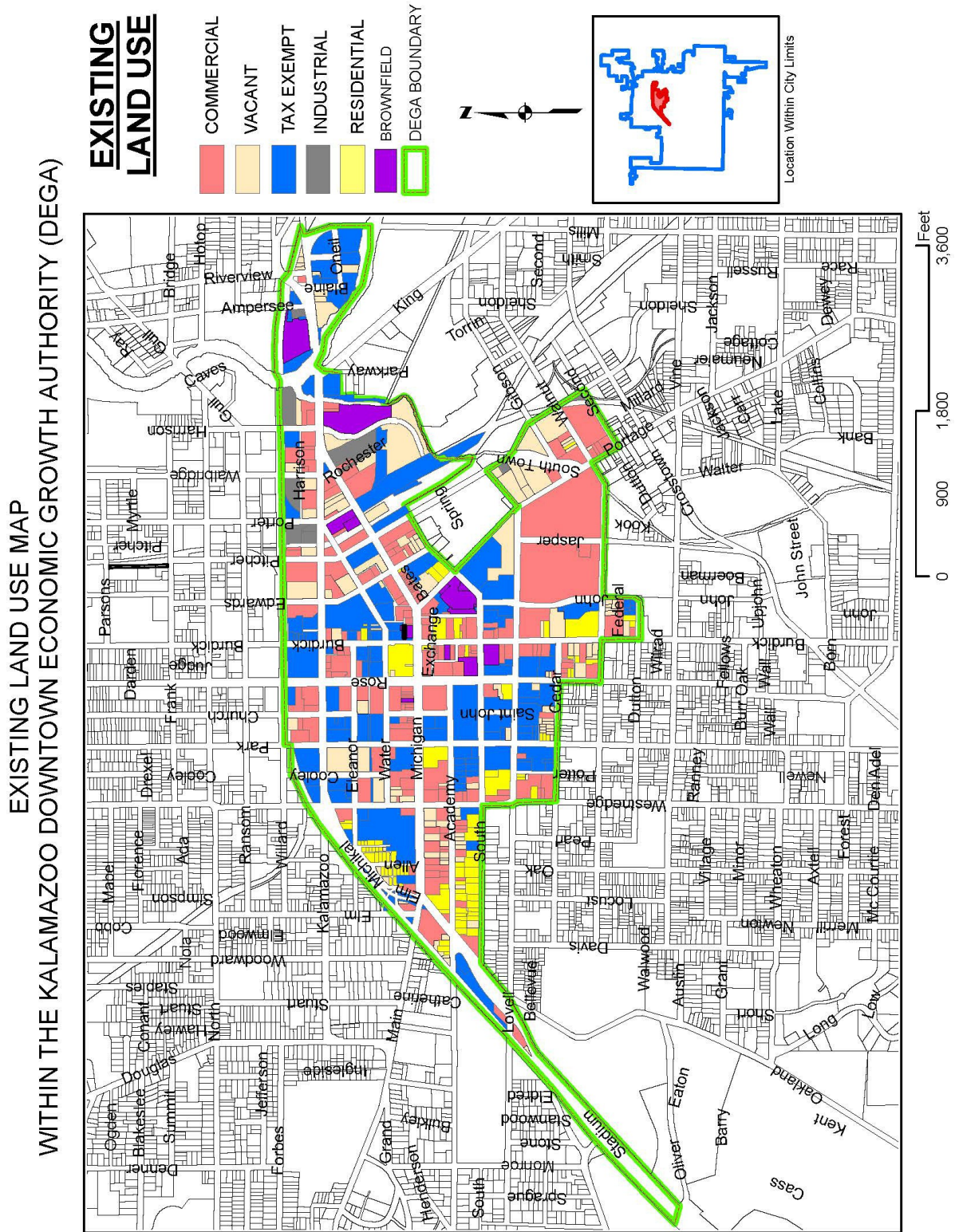
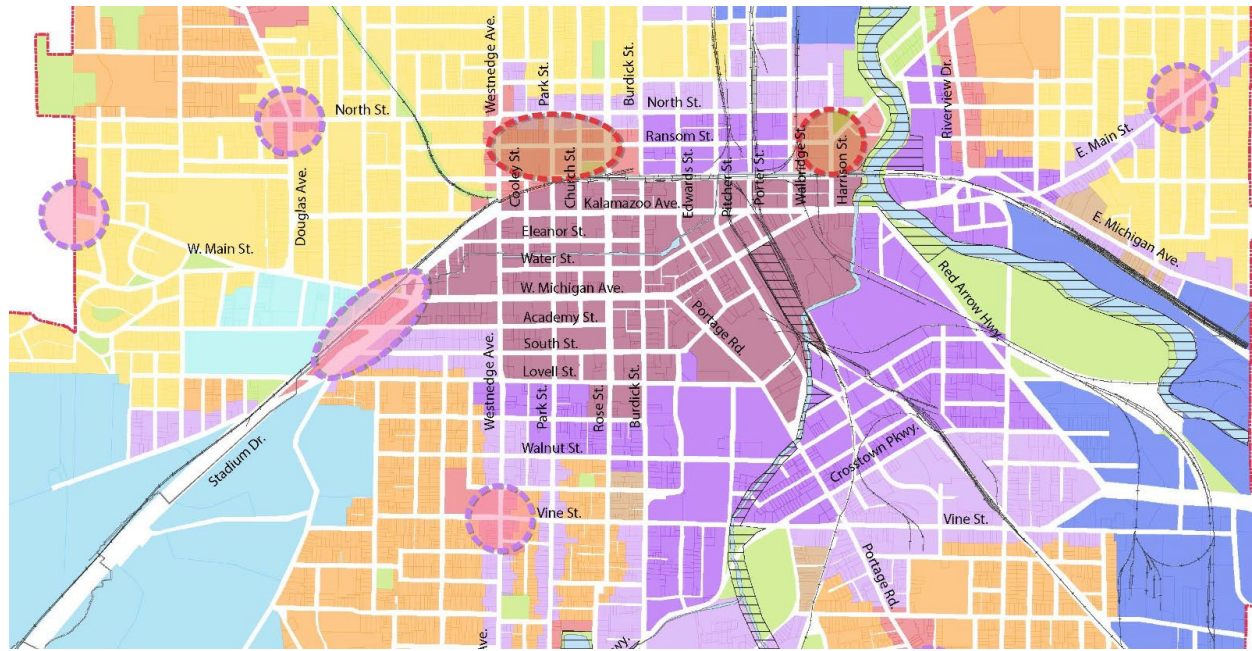


Exhibit 4 - Proposed Land Use Framework in the Qualified Development Area

Exhibit 4A. 2025 Imagine Kalamazoo Master Plan Future Land Use Map



Future Land Use - Legend

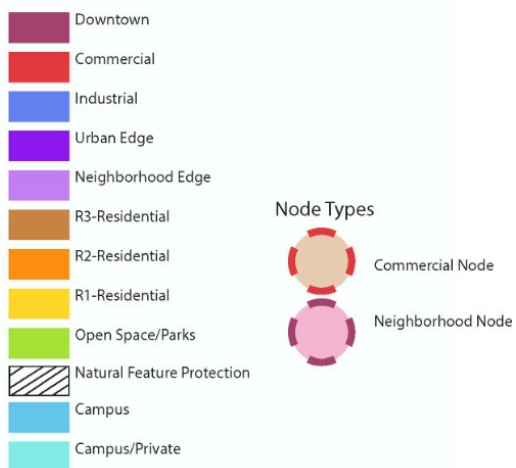
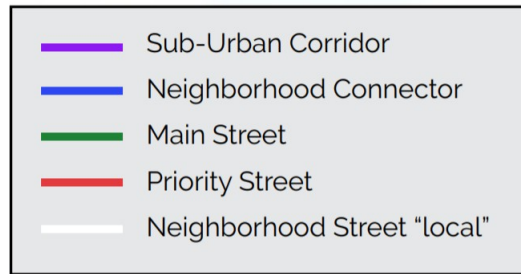
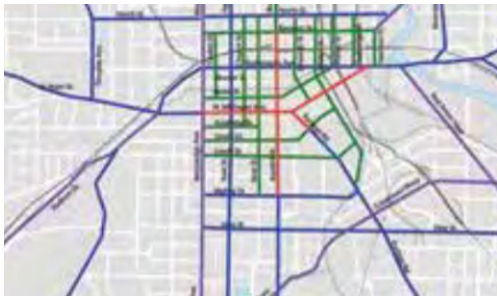


Exhibit 4B. 2025 Imagine Kalamazoo Master Plan Framework of Streets Map



Priority Streets



Main Streets



Neighborhood Connectors

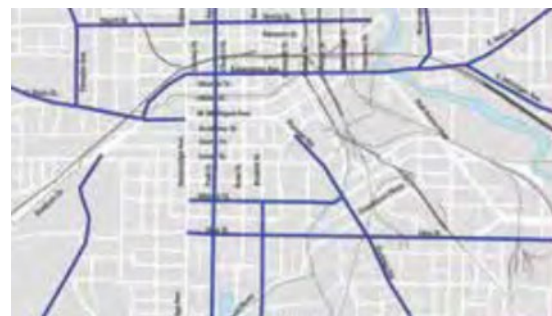


Exhibit 5 - Estimated Tax Increment Financing Revenue

Exhibit 5A. Central and Kalamazoo County Transit Authorities

Kalamazoo Downtown Economic Growth Authority - Estimates					
Central + Kalamazoo County Transit Authorities					
Year	DEGA District Total Assessed Value	DEGA District Projected Assessed Value Growth	DEGA Tax Capture - CCTA	DEGA Tax Capture - KCTA	TOTAL
	(Values based on estimated 3% growth annually)	(Projected Total Assessed Value, minus IAV)	(Dollar estimate based on Assessed Value Growth in Downtown District)	(Dollar estimate based on Assessed Value Growth in Downtown District)	(CCTA +KCTA)
Millage			0.75	0.3145	1.0645
2018	131,244,499				
2019	135,181,834	3,937,335	\$ 2,531	\$ 1,061	\$ 3,592
2020	139,237,289	7,992,790	\$ 5,137	\$ 2,154	\$ 7,291
2021	143,414,408	12,169,909	\$ 7,822	\$ 3,280	\$ 11,102
2022	147,716,840	16,472,341	\$ 10,587	\$ 4,439	\$ 15,026
2023	152,148,345	20,903,846	\$ 13,435	\$ 5,634	\$ 19,069
2024	156,712,795	25,468,296	\$ 16,369	\$ 6,864	\$ 23,233
2025	161,414,179	30,169,680	\$ 19,390	\$ 8,131	\$ 27,521
2026	166,256,605	35,012,106	\$ 22,503	\$ 9,436	\$ 31,939
2027	171,244,303	39,999,804	\$ 25,708	\$ 10,780	\$ 36,489
2028	176,381,632	45,137,133	\$ 29,010	\$ 12,165	\$ 41,175
2029	181,673,081	50,428,582	\$ 32,411	\$ 13,591	\$ 46,002
2030	187,123,273	55,878,774	\$ 35,914	\$ 15,060	\$ 50,974
2031	192,736,971	61,492,472	\$ 39,522	\$ 16,573	\$ 56,095
2032	198,519,081	67,274,582	\$ 43,238	\$ 18,131	\$ 61,369
2033	204,474,653	73,230,154	\$ 47,066	\$ 19,736	\$ 66,802
2034	210,608,893	79,364,394	\$ 51,008	\$ 21,389	\$ 72,398
2035	216,927,159	85,682,660	\$ 55,069	\$ 23,092	\$ 78,161
2036	223,434,974	92,190,475	\$ 59,252	\$ 24,846	\$ 84,098
2037	230,138,023	98,893,524	\$ 63,560	\$ 26,653	\$ 90,213
2038	237,042,164	105,797,665	\$ 67,997	\$ 28,513	\$ 96,511
2039	244,153,429	112,908,930	\$ 72,568	\$ 30,430	\$ 102,998
2040	251,478,032	120,233,533	\$ 77,275	\$ 32,404	\$ 109,679
2041	259,022,373	127,777,874	\$ 82,124	\$ 34,437	\$ 116,561
2042	266,793,044	135,548,545	\$ 87,118	\$ 36,532	\$ 123,650
2043	274,796,835	143,552,336	\$ 92,262	\$ 38,689	\$ 130,951
2044	283,040,740	151,796,241	\$ 97,561	\$ 40,911	\$ 138,471
2045	291,531,963	160,287,464	\$ 103,018	\$ 43,199	\$ 146,217
2046	300,277,922	169,033,423	\$ 108,639	\$ 45,556	\$ 154,195
2047	309,286,259	178,041,760	\$ 114,429	\$ 47,984	\$ 162,413
2048	318,564,847	187,320,348	\$ 120,393	\$ 50,485	\$ 170,877
Millage	1.0645	<i>(combined CCTA county-wide millage and KCTA urban millage)</i>			
Initial Assessed Value (IAV)	131,244,499				
Estimated Annual Inflation Rate	1.03				

Exhibit 5B. City of Kalamazoo

Kalamazoo Downtown Economic Growth Authority - Estimates			
<i>City of Kalamazoo</i>			
Year	DEGA District Total Assessed Value	DEGA District Projected Assessed Value Growth	DEGA Tax Capture
	(Values based on estimated 3% growth annually)	(Projected Total Assessed Value, minus IAV)	(Dollar estimate based on Assessed Value Growth in Downtown District)
2018	131,244,499		
2019	135,181,834	3,937,335	\$ 46,562
2020	139,237,289	7,992,790	\$ 94,522
2021	143,414,408	12,169,909	\$ 143,920
2022	147,716,840	16,472,341	\$ 194,799
2023	152,148,345	20,903,846	\$ 247,206
2024	156,712,795	25,468,296	\$ 301,184
2025	161,414,179	30,169,680	\$ 356,782
2026	166,256,605	35,012,106	\$ 414,048
2027	171,244,303	39,999,804	\$ 473,032
2028	176,381,632	45,137,133	\$ 533,785
2029	181,673,081	50,428,582	\$ 596,361
2030	187,123,273	55,878,774	\$ 660,814
2031	192,736,971	61,492,472	\$ 727,201
2032	198,519,081	67,274,582	\$ 795,579
2033	204,474,653	73,230,154	\$ 866,009
2034	210,608,893	79,364,394	\$ 938,552
2035	216,927,159	85,682,660	\$ 1,013,270
2036	223,434,974	92,190,475	\$ 1,090,231
2037	230,138,023	98,893,524	\$ 1,169,500
2038	237,042,164	105,797,665	\$ 1,251,148
2039	244,153,429	112,908,930	\$ 1,335,244
2040	251,478,032	120,233,533	\$ 1,421,864
2041	259,022,373	127,777,874	\$ 1,511,082
2042	266,793,044	135,548,545	\$ 1,602,977
2043	274,796,835	143,552,336	\$ 1,697,629
2044	283,040,740	151,796,241	\$ 1,795,120
2045	291,531,963	160,287,464	\$ 1,895,536
2046	300,277,922	169,033,423	\$ 1,998,964
2047	309,286,259	178,041,760	\$ 2,105,496
2048	318,564,847	187,320,348	\$ 2,215,223
Millage	13.8000		
Initial Assessed Value (IAV)	131,244,499		
Estimated Annual Inflation Rate	1.03		

Exhibit 5C. Kalamazoo County

Kalamazoo Downtown Economic Growth Authority - Estimates					
Kalamazoo County					
Year	DEGA District Total Assessed Value	DEGA District Projected Assessed Value Growth	DEGA Tax Capture - Operating	DEGA Tax Capture - Senior Millage	TOTAL
	(Values based on estimated 3% growth annually)	(Projected Total Assessed Value, minus IAV)	(Dollar estimate based on Assessed Value Growth in Downtown District)		(Operating + Senior)
Millage			6.1282	0.35	
2018	131,244,499				
2019	135,181,834	3,937,335	\$ 20,677	\$ 1,181	\$ 21,858
2020	139,237,289	7,992,790	\$ 41,974	\$ 2,397	\$ 44,372
2021	143,414,408	12,169,909	\$ 63,911	\$ 3,650	\$ 67,561
2022	147,716,840	16,472,341	\$ 86,505	\$ 4,941	\$ 91,446
2023	152,148,345	20,903,846	\$ 109,777	\$ 6,270	\$ 116,047
2024	156,712,795	25,468,296	\$ 133,748	\$ 7,639	\$ 141,386
2025	161,414,179	30,169,680	\$ 158,437	\$ 9,049	\$ 167,486
2026	166,256,605	35,012,106	\$ 183,867	\$ 10,501	\$ 194,369
2027	171,244,303	39,999,804	\$ 210,060	\$ 11,997	\$ 222,058
2028	176,381,632	45,137,133	\$ 237,039	\$ 13,538	\$ 250,577
2029	181,673,081	50,428,582	\$ 264,827	\$ 15,125	\$ 279,953
2030	187,123,273	55,878,774	\$ 293,449	\$ 16,760	\$ 310,209
2031	192,736,971	61,492,472	\$ 322,930	\$ 18,444	\$ 341,373
2032	198,519,081	67,274,582	\$ 353,295	\$ 20,178	\$ 373,473
2033	204,474,653	73,230,154	\$ 384,571	\$ 21,964	\$ 406,535
2034	210,608,893	79,364,394	\$ 416,785	\$ 23,804	\$ 440,589
2035	216,927,159	85,682,660	\$ 449,966	\$ 25,699	\$ 475,664
2036	223,434,974	92,190,475	\$ 484,142	\$ 27,651	\$ 511,792
2037	230,138,023	98,893,524	\$ 519,343	\$ 29,661	\$ 549,004
2038	237,042,164	105,797,665	\$ 555,600	\$ 31,732	\$ 587,332
2039	244,153,429	112,908,930	\$ 592,945	\$ 33,865	\$ 626,810
2040	251,478,032	120,233,533	\$ 631,411	\$ 36,062	\$ 667,472
2041	259,022,373	127,777,874	\$ 671,030	\$ 38,325	\$ 709,355
2042	266,793,044	135,548,545	\$ 711,838	\$ 40,655	\$ 752,493
2043	274,796,835	143,552,336	\$ 753,870	\$ 43,056	\$ 796,926
2044	283,040,740	151,796,241	\$ 797,163	\$ 45,528	\$ 842,692
2045	291,531,963	160,287,464	\$ 841,755	\$ 48,075	\$ 889,830
2046	300,277,922	169,033,423	\$ 887,685	\$ 50,698	\$ 938,383
2047	309,286,259	178,041,760	\$ 934,993	\$ 53,400	\$ 988,393
2048	318,564,847	187,320,348	\$ 983,719	\$ 56,183	\$ 1,039,903
Millage	6.478				
Initial Assessed Value (IAV)	131,244,499				
Estimated Annual Inflation Rate	1.03				

Exhibit 5D. Kalamazoo Public Library

Kalamazoo Downtown Economic Growth Authority - Estimates				
<i>Kalamazoo Public Library</i>				
Year	DEGA District Total Assessed Value	DEGA District Projected Assessed Value Growth	Estimated Tax Increment Amount	DEGA Capture - 50% Tax Increment Share
	(Values based on estimated 3% growth annually)	(Projected Total Assessed Value, minus IAV)	(Dollar estimate based on Assessed Value Growth in Downtown District)	
2018	131,244,499			
2019	135,181,834	3,937,335	\$ 13,323	\$ 6,661.62
2020	139,237,289	7,992,790	\$ 27,046	\$ 13,523.09
2021	143,414,408	12,169,909	\$ 41,181	\$ 20,590.40
2022	147,716,840	16,472,341	\$ 55,739	\$ 27,869.73
2023	152,148,345	20,903,846	\$ 70,735	\$ 35,367.45
2024	156,712,795	25,468,296	\$ 86,180	\$ 43,090.09
2025	161,414,179	30,169,680	\$ 102,089	\$ 51,044.41
2026	166,256,605	35,012,106	\$ 118,475	\$ 59,237.37
2027	171,244,303	39,999,804	\$ 135,352	\$ 67,676.11
2028	176,381,632	45,137,133	\$ 152,736	\$ 76,368.01
2029	181,673,081	50,428,582	\$ 170,641	\$ 85,320.67
2030	187,123,273	55,878,774	\$ 189,084	\$ 94,541.91
2031	192,736,971	61,492,472	\$ 208,080	\$ 104,039.79
2032	198,519,081	67,274,582	\$ 227,645	\$ 113,822.60
2033	204,474,653	73,230,154	\$ 247,798	\$ 123,898.90
2034	210,608,893	79,364,394	\$ 268,555	\$ 134,277.49
2035	216,927,159	85,682,660	\$ 289,935	\$ 144,967.43
2036	223,434,974	92,190,475	\$ 311,956	\$ 155,978.08
2037	230,138,023	98,893,524	\$ 334,638	\$ 167,319.04
2038	237,042,164	105,797,665	\$ 358,000	\$ 179,000.23
2039	244,153,429	112,908,930	\$ 382,064	\$ 191,031.86
2040	251,478,032	120,233,533	\$ 406,849	\$ 203,424.43
2041	259,022,373	127,777,874	\$ 432,378	\$ 216,188.79
2042	266,793,044	135,548,545	\$ 458,672	\$ 229,336.07
2043	274,796,835	143,552,336	\$ 485,756	\$ 242,877.77
2044	283,040,740	151,796,241	\$ 513,651	\$ 256,825.73
2045	291,531,963	160,287,464	\$ 542,384	\$ 271,192.12
2046	300,277,922	169,033,423	\$ 571,979	\$ 285,989.50
2047	309,286,259	178,041,760	\$ 602,462	\$ 301,230.81
2048	318,564,847	187,320,348	\$ 633,859	\$ 316,929.35
Millage	3.9487			
Initial Assessed Value (IAV)	131,244,499			
Estimated Annual Inflation Rate	1.03			

Exhibit 5E. Kalamazoo Valley Community College

Kalamazoo Downtown Economic Growth Authority - Estimates			
Kalamazoo Valley Community College			
Year	DEGA District Total Assessed Value	DEGA District Projected Assessed Value Growth	DEGA Tax Capture
	(Values based on estimated 3% growth annually)	(Projected Total Assessed Value, minus IAV)	(Dollar estimate based on Assessed Value Growth in Downtown District)
2018	131,244,499		
2019	135,181,834	3,937,335	\$ 9,477
2020	139,237,289	7,992,790	\$ 19,239
2021	143,414,408	12,169,909	\$ 29,294
2022	147,716,840	16,472,341	\$ 39,650
2023	152,148,345	20,903,846	\$ 50,317
2024	156,712,795	25,468,296	\$ 61,304
2025	161,414,179	30,169,680	\$ 72,621
2026	166,256,605	35,012,106	\$ 84,277
2027	171,244,303	39,999,804	\$ 96,283
2028	176,381,632	45,137,133	\$ 108,648
2029	181,673,081	50,428,582	\$ 121,385
2030	187,123,273	55,878,774	\$ 134,504
2031	192,736,971	61,492,472	\$ 148,017
2032	198,519,081	67,274,582	\$ 161,935
2033	204,474,653	73,230,154	\$ 176,270
2034	210,608,893	79,364,394	\$ 191,036
2035	216,927,159	85,682,660	\$ 206,245
2036	223,434,974	92,190,475	\$ 221,909
2037	230,138,023	98,893,524	\$ 238,044
2038	237,042,164	105,797,665	\$ 254,663
2039	244,153,429	112,908,930	\$ 271,780
2040	251,478,032	120,233,533	\$ 289,411
2041	259,022,373	127,777,874	\$ 307,571
2042	266,793,044	135,548,545	\$ 326,276
2043	274,796,835	143,552,336	\$ 345,541
2044	283,040,740	151,796,241	\$ 365,385
2045	291,531,963	160,287,464	\$ 385,824
2046	300,277,922	169,033,423	\$ 406,876
2047	309,286,259	178,041,760	\$ 428,560
2048	318,564,847	187,320,348	\$ 450,894
Millage	2.8089		
Initial Assessed Value (IAV)	131,244,499		
Estimated Annual Inflation Rate	1.03		

Exhibit 5F. Estimated State Contributions

Kalamazoo Downtown Economic Growth Authority - Local and State Estimates							
Year	DEGA District Total Assessed Value	DEGA District Projected Assessed Value	Local Tax Capture	SET	KPS	Total State Capture	Total Projected DEGA Tax Capture
	(Values based on estimated 3% growth annually)	(Projected Total Assessed Value, minus Initial Assessed Value)		(Reimbursed)	(Reimbursed)	(SET + KPS)	
Initial Assessed Value	131,244,499						
2019	135,181,834	3,937,335	\$ 88,151	\$ 20,157	\$ 55,422	\$ 75,579	\$ 163,730
2020	139,237,289	7,992,790	\$ 178,947	\$ 40,918	\$ 112,506	\$ 153,424	\$ 332,371
2021	143,414,408	12,169,909	\$ 272,466	\$ 62,302	\$ 171,303	\$ 233,605	\$ 506,071
2022	147,716,840	16,472,341	\$ 368,791	\$ 84,328	\$ 231,863	\$ 316,191	\$ 684,982
2023	152,148,345	20,903,846	\$ 468,006	\$ 107,015	\$ 294,241	\$ 401,256	\$ 869,262
2024	156,712,795	25,468,296	\$ 570,198	\$ 130,382	\$ 358,489	\$ 488,871	\$ 1,059,069
2025	161,414,179	30,169,680	\$ 675,455	\$ 154,450	\$ 424,666	\$ 579,116	\$ 1,254,571
2026	166,256,605	35,012,106	\$ 783,869	\$ 179,240	\$ 492,827	\$ 672,067	\$ 1,455,936
2027	171,244,303	39,999,804	\$ 895,537	\$ 204,774	\$ 563,034	\$ 767,808	\$ 1,663,345
2028	176,381,632	45,137,133	\$ 1,010,554	\$ 231,074	\$ 635,346	\$ 866,420	\$ 1,876,974
2029	181,673,081	50,428,582	\$ 1,129,021	\$ 258,163	\$ 709,828	\$ 967,991	\$ 2,097,012
2030	187,123,273	55,878,774	\$ 1,251,043	\$ 286,064	\$ 786,545	\$ 1,072,609	\$ 2,323,652
2031	192,736,971	61,492,472	\$ 1,376,726	\$ 314,803	\$ 865,563	\$ 1,180,366	\$ 2,557,092
2032	198,519,081	67,274,582	\$ 1,506,179	\$ 344,403	\$ 946,951	\$ 1,291,354	\$ 2,797,533
2033	204,474,653	73,230,154	\$ 1,639,515	\$ 374,892	\$ 1,030,781	\$ 1,405,673	\$ 3,045,188
2034	210,608,893	79,364,394	\$ 1,776,852			\$ -	\$ 1,776,852
2035	216,927,159	85,682,660	\$ 1,918,308			\$ -	\$ 1,918,308
2036	223,434,974	92,190,475	\$ 2,064,009			\$ -	\$ 2,064,009
2037	230,138,023	98,893,524	\$ 2,214,080			\$ -	\$ 2,214,080
2038	237,042,164	105,797,665	\$ 2,368,654			\$ -	\$ 2,368,654
2039	244,153,429	112,908,930	\$ 2,527,864			\$ -	\$ 2,527,864
2040	251,478,032	120,233,533	\$ 2,691,851			\$ -	\$ 2,691,851
2041	259,022,373	127,777,874	\$ 2,860,758			\$ -	\$ 2,860,758
2042	266,793,044	135,548,545	\$ 3,034,732			\$ -	\$ 3,034,732
2043	274,796,835	143,552,336	\$ 3,213,925			\$ -	\$ 3,213,925
2044	283,040,740	151,796,241	\$ 3,398,494			\$ -	\$ 3,398,494
2045	291,531,963	160,287,464	\$ 3,588,600			\$ -	\$ 3,588,600
2046	300,277,922	169,033,423	\$ 3,784,409			\$ -	\$ 3,784,409
2047	309,286,259	178,041,760	\$ 3,986,092			\$ -	\$ 3,986,092
2048	318,564,847	187,320,348	\$ 4,193,826			\$ -	\$ 4,193,826
TOTAL			\$ 55,836,910			\$ 10,472,330	\$ 66,309,240

Exhibit 6 - Development Plan Priorities, Estimates and Timeline

Priority Area	Description	Estimated Investments		Implementation Timeline		
Mobility Improvements		\$ 17,000,000	\$ 20,500,000	Years		
Vehicles		Low	High	0-5	5-15	15-30
Parking Management	Assess and evaluate parking system and supply/demand; implement improvements to support existing businesses and continued growth and development Downtown; invest in landscaping, lighting, signage and cosmetic improvements to existing surface lots and ramps; develop new parking facilities to accommodate demand arising from new investment in the Downtown; assess and invest in additional, innovative parking solutions, including, but not limited to, valet programs, ride share, car share, and autonomous vehicles. Continue operation of the public parking system in the Downtown for the City's benefit either by assuming the responsibilities of the DDA under the existing Sublease or informally by providing assistance when necessary under the existing Sublease arrangement.	\$ 3,000,000	\$ 3,500,000			
Street Conversions	Street Conversions – Invest in streetscape and parking infrastructure in coordination with City efforts to convert one-way streets to two-way streets. Invest in intersection reconfigurations, road diets, traffic calming, and other necessary changes to better accommodate all modes of travel.	\$ 3,500,000	\$ 4,000,000			
Public Transit	Plan for and support transit-oriented development projects. Assess and/or implement additional transit needed, including bus, bus rapid transit, light rail and other modes. Make improvements to public transit facilities, including bus stops, bus shelters, and installation of accessibility compliance infrastructure. Support planning of and changes to rail infrastructure downtown, including, but not limited to signals, crossings, relocations of tracks.	\$ 1,500,000	\$ 2,000,000			
Bicycles						
Bicycle infrastructure	Support further investment in bicycle network Downtown, including, but not limited to coordination of protected bicycle lane pilot programs; extension of bicycle trails throughout Downtown, bicycle share programs; and investment in bicycle amenities, such as additional and/or improved bicycle parking and signage.	\$ 2,000,000	\$ 2,500,000			
Pedestrians						
Pedestrian infrastructure	Coordinate with City to enhance pedestrian safety and mobility, including but not limited to investments in sidewalks, crosswalks, traffic signs and signals, lighting and accessibility compliance. Activate vacant land, property and public space (see Priority 3), and make key streetscape improvements (see Priority 2) throughout the QDA to encourage pedestrian mobility.	\$ 4,000,000	\$ 5,000,000			
Corridors						
Key corridors	Make improvements along primary gateway corridors into Downtown as identified by the 2025 Imagine Kalamazoo Master Plan, 2009 Downtown Kalamazoo Comprehensive Plan, and future Downtown plans to improve connectivity between the Downtown district and surrounding neighborhoods. Relocate utilities to support execution of corridor improvement strategies and street reconfigurations, including, but not limited to, burying of overhead utilities.	\$ 3,000,000	\$ 3,500,000			
Priority Area Subtotal		\$ 17,000,000	\$ 20,500,000			
Streetscape Improvements		\$ 12,100,000	\$ 16,475,000	Years		

Streetscape Planning		Low	High	0-5	5-15	15-30
	Create and implement a comprehensive streetscape plan for Downtown.	\$ 100,000	\$ 125,000			
Sidewalk Network						
	Improve and maintain the quality of sidewalks and sidewalk network Downtown; assess and implement potential areas for expansion of the existing snowmelt system; identify investments needed consistent with accessibility compliance standards.	\$ 5,000,000	\$ 7,000,000			
Streetscape Elements						
	Invest in the addition and maintenance of streetscape amenities, including, but not limited to: updates, improvement and expansion of wayfinding signage; lighting throughout the district; benches, tables, chairs and additional furniture for public use; pedestrian islands; increase Downtown tree canopy; install planters, hanging baskets and other beautification elements; sustainable streetscape elements including permeable pavers and stormwater mitigation infrastructure.	\$ 5,000,000	\$ 7,000,000			
Maintenance						
	Engage in ongoing maintenance of streetscape and streetscape elements, existing and to be added.	\$ 2,000,000	\$ 2,350,000			
Priority Area Subtotal		\$ 12,100,000	\$ 16,475,000			
Activation		Low	High	0-5	5-15	15-30
Capital Improvements	Invest in permanent structural changes to existing and proposed public spaces Downtown, including Kalamazoo Mall, Arcadia Creek Festival Place and other strategic locations, to create accessible and inviting public spaces. Investments may be allocated toward improvements to waterfront areas along Kalamazoo River, Arcadia Creek and Portage Creek. Investments may also include installation of public facilities such as public restrooms.	\$ 3,000,000	\$ 3,500,000			
Public Art	Commission and/or install engaging public art to create vibrant public spaces Downtown, including, but not limited to, functional public art for transportation infrastructure.	\$ 1,500,000	\$ 1,750,000			
Furniture	Invest in street furniture and related infrastructure to encourage regular use of key public spaces Downtown.	\$ 1,500,000	\$ 2,000,000			
Green Space	Assess need for, acquire, and develop green space Downtown.	\$ 2,000,000	\$ 2,250,000			
Maintenance						
Public Space Maintenance	Maintain existing public spaces within the district boundaries, including, but not limited to, landscaping, furniture and permanent infrastructure.	\$ 1,500,000	\$ 1,600,000			
Storm System Maintenance	Continue to maintain the reconstructed Arcadia Creek storm system and pond areas; provide additional cosmetic enhancements and water features to the creek area and pond site; conduct planning and engineering studies to reduce long-term clean-up costs associated with annual sediment removal efforts; undertake capital improvements to the storm system as required.	\$ 1,500,000	\$ 1,600,000			
Presence						
Ambassador Program	Create an ambassador program Downtown to help make Downtown clean, safe and friendly.	\$ 1,500,000	\$ 1,600,000			
Priority Area Subtotal		\$ 12,500,000	\$ 14,300,000			

Development & Project Support		\$ 10,000,000	\$ 10,750,000	Years		
Project Incentives		Low	High	0-5	5-15	15-30
	Identify development priorities to create and maintain a toolbox of project incentives for new development Downtown. Priorities will include, but are not limited to: Mixed-Use Development; additions to existing buildings; diversification of residential mix and types of housing, including specific incentives targeted at affordable and workforce housing; engagement in workforce development programs.		(project-based TIF dollars)			
Land Acquisition, Redevelopment and Remediation						
	Acquire and/or redevelop land; acquire, redevelop or construct buildings; and support remediation activities at key development sites located within the QDA to further the goals and objectives of the Development Plan.	\$ 5,000,000	\$ 5,250,000			
Information Technology Infrastructure						
	Support planning, site preparation, installation, and maintenance of IT infrastructure, including but not limited to fiber optic, wireless, facilities, and sensors.	\$ 3,000,000	\$ 3,250,000			
Business Development						
	Provide resources and support to existing businesses, including, but not limited to workshops and grant programs.	\$ 2,000,000	\$ 2,250,000			
Priority Area Subtotal		\$ 10,000,000	\$ 10,750,000			
Economic Development Planning & Research		\$ 1,000,000	\$ 1,125,000	Years		
		Low	High	0-5	5-15	15-30
	Commission and conduct research, studies, plans and/or reports to inform and further Downtown development priorities and the implementation of programs, services and initiatives.	\$ 1,000,000	\$ 1,125,000			
Priority Area Subtotal		\$ 1,000,000	\$ 1,125,000			
Additional Programs, Services & Administration		\$ 3,000,000	\$ 3,100,000	Years		
		Low	High	0-5	5-15	15-30
	Implement various components of the Development Plan, 2025 Imagine Kalamazoo Master Plan, the 2018 Urban Growth Initiative for Greater Downtown Kalamazoo, the 2009 Downtown Kalamazoo Comprehensive Plan, and future Downtown plans. This may include the continuation of programs established by the DDA, including business retention and recruitment efforts, façade and building rehabilitation programs and improvements, providing services for start-up businesses, marketing and promoting the Downtown area, and support for staffing and execution of all programs, services and initiatives outlines in this plan.	\$ 3,000,000	\$ 3,100,000			
Priority Area Subtotal		\$ 3,000,000	\$ 3,100,000			
TOTAL PLANNED DOWNTOWN INVESTMENT OVER 30 YEARS		\$ 55,600,000	\$ 66,250,000			
PROJECTED TOTAL LOCAL CAPTURE FROM ALL TAXING UNITS OVER 30 YEARS		\$ 55,800,000				
PROJECTED TOTAL STATE CAPTURE OVER 15 YEARS		\$ 10,472,330				
PROJECTED TOTAL CAPTURE OVER 30 YEARS		\$ 66,272,330				

Exhibit 7 - Parcels not contributing to capture in the DEGA

Parcel Number	Property address	Property Direction	Property Street Name	Property Suffix	Property Unit	Reason for non-DEGA Capture
06-14-300-001	419		AMPERSEE	AVE		State Owned Vacant
06-14-300-005	410		AMPERSEE	AVE		State Owned Vacant
06-14-300-105	416		AMPERSEE	AVE		State Owned Vacant
06-14-306-001	10		MILLS	ST		Land Bank Authority
06-14-306-007	2		MILLS	ST		Land Bank Authority
06-14-306-012	20		MILLS	ST		Land Bank Authority
06-14-307-001	50		MILLS	ST		City BRA held Property
06-14-310-010	350		BLAINE	ST		Land Bank Authority
06-14-311-031	930		ONEILL	ST		County Land Bank Sale
06-14-311-033	910		ONEILL	ST		City BRA held Property
06-14-311-044	922 E		MICHIGAN	AVE		Land Bank Authority
06-14-312-026	74		MILLS	ST		State Owned Vacant
06-14-312-030	1002		ONEILL	ST		Land Bank Authority
06-15-252-001	420 E		MICHIGAN	AVE		Railroad Property
06-15-304-100	459 N		ROSE	ST		City Owned Vacant
06-15-305-004	436 W		KALAMAZOO	AVE		County Property
06-15-305-006	440 W		KALAMAZOO	AVE		Tax Exempt property
06-15-306-012	416 W		KALAMAZOO	AVE		County Property
06-15-310-102	330 N		WESTNEDGE	AVE		WMU/State Improved
06-15-310-103	431 W		KALAMAZOO	AVE		WMU/State Improved
06-15-312-001	335 W		KALAMAZOO	AVE		Tax Exempt property
06-15-313-001	323 N		CHURCH	ST		Tax Exempt property
06-15-313-004	317 W		KALAMAZOO	AVE		County Property
06-15-314-003	201 W		KALAMAZOO	AVE		County Property
06-15-315-106	452		ELEANOR	ST		WMU/State Vacant
06-15-318-006	303 N		CHURCH	ST		County Property
06-15-318-010	250 N		PARK	ST		Hospital Property
06-15-318-011	220 N		PARK	ST		Tax Exempt property
06-15-320-007	231		COOLEY	ST		Tax Exempt property
06-15-321-210	230		COOLEY	ST		Tax Exempt property
06-15-323-005	210 N		PARK	ST		Hospital Property
06-15-326-001	446 N		BURDICK	ST		Religious Use - Exempt
06-15-326-100	450 N		BURDICK	ST		Religious Use - Exempt
06-15-327-003	145 E		KALAMAZOO	AVE		Religious Use - Exempt
06-15-330-100	459 N		BURDICK	ST		City Owned Improved
06-15-331-001	444 N		BURDICK	ST		Religious Use - Exempt
06-15-331-002	440 N		BURDICK	ST		Religious Use - Exempt
06-15-331-003	436 N		BURDICK	ST		Religious Use - Exempt
06-15-331-012	402 N		BURDICK	ST		Religious Use - Exempt
06-15-331-013	426 N		BURDICK	ST		Religious Use - Exempt
06-15-332-010	123 E		KALAMAZOO	AVE		Religious Use - Exempt
06-15-336-005	335 N		BURDICK	ST		Tax Exempt property
06-15-336-105	345 N		BURDICK	ST		PILOT
06-15-340-003	121		ELEANOR	ST		Tax Exempt property
06-15-340-102	232 N		ROSE	ST		Tax Exempt property
06-15-340-201	225 N		KALAMAZOO	MALL		Tax Exempt property
06-15-341-002	228 N		KALAMAZOO	MALL		Tax Exempt property
06-15-341-004	251 N		KALAMAZOO	MALL		College
06-15-341-291	252 N		KALAMAZOO	MALL		City Owned Vacant
06-15-341-301	230 N		KALAMAZOO	MALL	# 101	State Assessed Utility
06-15-342-003	145 E		WATER	ST		City Owned Improved
06-15-345-236	202 N		ROSE	ST		College
06-15-346-001	224 N		KALAMAZOO	MALL		Tax Exempt property

Parcels not contributing to capture in the DEGA

Parcel Number	Property address	Property Direction	Property Street Name	Property Suffix	Property Unit	Reason for non-DEGA Capture
06-15-346-242	201	N	KALAMAZOO	MALL		College
06-15-346-321	222	N	KALAMAZOO	MALL	# 100	Tax Exempt property
06-15-347-247	162	E	WATER	ST		City Owned Improved
06-15-347-301	121	E	WATER	ST		City Owned Vacant
06-15-348-253	180	E	WATER	ST		City Owned Vacant
06-15-351-021	410	W	MICHIGAN	AVE		Federal Government
06-15-353-012	135	N	CHURCH	ST		Religious Use - Exempt
06-15-354-030	232	W	MICHIGAN	AVE		County Brownfield
06-15-357-001	345	W	MICHIGAN	AVE		Religious Use - Exempt
06-15-358-001	315	W	MICHIGAN	AVE		Religious Use - Exempt
06-15-358-002	302		ACADEMY	ST		Religious Use - Exempt
06-15-360-002	477		ACADEMY	ST		Religious Use - Exempt
06-15-360-050	465		ACADEMY	ST		Religious Use - Exempt
06-15-360-051	461		ACADEMY	ST		Religious Use - Exempt
06-15-361-052	447		ACADEMY	ST		Religious Use - Exempt
06-15-361-053	439		ACADEMY	ST		Religious Use - Exempt
06-15-361-054	431		ACADEMY	ST		Religious Use - Exempt
06-15-362-062	212	S	PARK	ST		Religious Use - Exempt
06-15-363-100	200	S	ROSE	ST		Public Park Property
06-15-366-058	438	W	SOUTH	ST		Tax Exempt property
06-15-366-059	426	W	SOUTH	ST		Tax Exempt property
06-15-366-063	224	S	PARK	ST		School Property
06-15-366-158	450	W	SOUTH	ST		Tax Exempt property
06-15-371-002	314	S	PARK	ST		Tax Exempt property
06-15-372-001	347	W	SOUTH	ST		Tax Exempt property
06-15-372-002	333	S	PARK	ST		Tax Exempt property
06-15-373-003	321	W	SOUTH	ST		Religious Use - Exempt
06-15-374-001	241	W	SOUTH	ST		City Owned Improved
06-15-376-005	132	N	KALAMAZOO	MALL		College
06-15-376-010	105	E	MICHIGAN	AVE		Brownfield
06-15-376-011	105	E	MICHIGAN	AVE	REAR	Brownfield
06-15-377-101	128	E	WATER	ST		City Owned Vacant
06-15-379-005	140	S	EDWARDS	ST		City Owned Improved
06-15-382-201	130		PORTAGE	ST		City Owned Improved
06-15-383-200	140		PORTAGE	ST		Brownfield
06-15-386-223	154	S	KALAMAZOO	MALL		Brownfield
06-15-387-300	231		FARMERS	ALY		Brownfield
06-15-387-301	149		FARMERS	ALY		City Owned Vacant
06-15-388-100	180		PORTAGE	ST		Brownfield
06-15-388-101	231	E	SOUTH	ST		Brownfield
06-15-390-210	316	S	KALAMAZOO	MALL		Brownfield
06-15-390-300	277	S	ROSE	ST		Brownfield
06-15-392-202	142	E	SOUTH	ST		City Owned Improved
06-15-392-300	173	E	SOUTH	ST		City Owned Vacant
06-15-394-267	300		PORTAGE	ST		WMU/State Improved
06-15-395-001	128	W	LOVELL	ST		State Assessed Utility
06-15-395-211	315	S	ROSE	ST		Tax Exempt property
06-15-397-198	151	E	LOVELL	ST		City Owned Improved
06-15-402-002	410	E	WILLARD	ST		Railroad Property
06-15-404-007	419		HARRISON	ST		City BRA held Property
06-15-411-271	427	E	MICHIGAN	AVE		Brownfield
06-15-412-001	539	E	MICHIGAN	AVE		Tax Exempt property
06-15-415-114	325	E	MICHIGAN	AVE		Tax Exempt property

Parcels not contributing to capture in the DEGA

Parcel Number	Property address	Property Direction	Property Street Name	Property Suffix	Property Unit	Reason for non-DEGA Capture
06-15-416-122	421	E	MICHIGAN	AVE		Brownfield
06-15-421-200	402	E	MICHIGAN	AVE		Tax Exempt property
06-15-422-003	426	E	MICHIGAN	AVE		Tax Exempt property
06-15-423-002	500	E	MICHIGAN	AVE		Railroad Property
06-15-428-001	667	E	MICHIGAN	AVE		City Owned Vacant
06-15-429-001	813	E	MICHIGAN	AVE		State Owned Vacant
06-15-429-003	701	E	MICHIGAN	AVE		Brownfield
06-15-432-001	645	E	MICHIGAN	AVE		Public Park Property
06-15-433-001	720	E	MICHIGAN	AVE		City Owned Vacant
06-15-435-011	600	E	MICHIGAN	AVE		Brownfield
06-15-437-004	646	E	MICHIGAN	AVE		City BRA held Property
06-15-441-002	140		PARKWAY	DR		City Owned Vacant
06-16-443-029	522		ELEANOR	ST		Tax Exempt property
06-16-444-001	219	N	WESTNEDGE	AVE		Religious Use - Exempt
06-16-445-025	200		ELM	ST		State Owned Vacant
06-16-448-011	206		OLD ORCHARD	PL		Religious Use - Exempt
06-16-448-020	542	W	MICHIGAN	AVE		Religious Use - Exempt
06-16-454-005	800	W	MAIN	ST		Public Park Property
06-16-467-001	824	W	MICHIGAN	AVE		College
06-16-467-002	840	W	MICHIGAN	AVE		Public Park Property
06-16-476-035	706	W	MICHIGAN	AVE		Religious Use - Exempt
06-16-493-008	602	W	SOUTH	ST		Religious Use - Exempt
06-16-494-001	222	S	WESTNEDGE	AVE		Tax Exempt property
06-22-101-002	425	W	LOVELL	ST		Tax Exempt property
06-22-101-004	431	W	LOVELL	ST		Tax Exempt property
06-22-101-013	405	W	LOVELL	ST		Tax Exempt property
06-22-102-001	415	S	PARK	ST		Religious Use - Exempt
06-22-102-002	419	S	PARK	ST		Tax Exempt property
06-22-102-003	301	W	LOVELL	ST		Religious Use - Exempt
06-22-102-004	341	W	LOVELL	ST		Tax Exempt property
06-22-103-002	247	W	LOVELL	ST		Religious Use - Exempt
06-22-104-002	215	W	LOVELL	ST		City Owned Vacant
06-22-106-001	416	W	CEDAR	ST		Tax Exempt property
06-22-106-004	424	W	CEDAR	ST		Tax Exempt property
06-22-109-001	424	S	ROSE	ST		City Owned Vacant
06-22-125-001	133	W	LOVELL	ST		State Assessed Utility
06-22-130-004	116	W	CEDAR	ST		City Owned Improved
06-22-131-002	440	S	BURDICK	ST		City Owned Vacant
06-22-132-002	127	E	CEDAR	ST		Hospital Property
06-22-137-004	105	E	WALNUT	ST		PILOT
06-22-137-006	530		JOHN	ST		PILOT
06-22-147-002	126		FEDERAL	CT		Hospital Property
06-22-147-003	130		FEDERAL	CT		Hospital Property
06-22-147-004	123	E	DUTTON	ST		Hospital Property
06-22-147-063	127	E	DUTTON	ST		Hospital Property
06-22-148-001	622		JOHN	ST		Hospital Property
06-22-148-003	133	E	DUTTON	ST		Hospital Property
06-91-002-117	125	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-002-720	458	W	SOUTH	ST		Small Business Personal Property Exemption
06-91-004-022	541		PORTAGE	ST		Small Business Personal Property Exemption
06-91-005-880	653	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-006-840	350	E	MICHIGAN	AVE	STE 500	Small Business Personal Property Exemption
06-91-008-219	762	W	MAIN	ST		Small Business Personal Property Exemption

Parcels not contributing to capture in the DEGA

Parcel Number	Property address	Property Direction	Property Street Name	Property Suffix	Property Unit	Reason for non-DEGA Capture
06-91-008-255	433	S	ROSE	ST		Small Business Personal Property Exemption
06-91-009-320	128	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-009-585	491	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-009-628	1040	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-010-190	136	E	MICHIGAN	AVE	7TH & 8TH FL	Small Business Personal Property Exemption
06-91-010-710	124	W	SOUTH	ST		Small Business Personal Property Exemption
06-91-012-364	522	S	BURDICK	ST		Small Business Personal Property Exemption
06-91-013-420	350	E	MICHIGAN	AVE	STE 510	Small Business Personal Property Exemption
06-91-013-618	229	E	MICHIGAN	AVE	# 140	Small Business Personal Property Exemption
06-91-013-663	119	N	CHURCH	ST	STE 202	Small Business Personal Property Exemption
06-91-015-015	471	W	SOUTH	ST	UNIT41B	Small Business Personal Property Exemption
06-91-018-194	234	E	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-018-990	1000	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-019-820	350	E	MICHIGAN	AVE	STE 225	Small Business Personal Property Exemption
06-91-021-010	502	S	BURDICK	ST		Small Business Personal Property Exemption
06-91-021-567	100	N	EDWARDS	ST	# 100	Small Business Personal Property Exemption
06-91-021-990	122	W	SOUTH	ST		Small Business Personal Property Exemption
06-91-022-621	534		GIBSON	ST		Small Business Personal Property Exemption
06-91-024-310	141	E	MICHIGAN	AVE	# 600	Small Business Personal Property Exemption
06-91-024-377	261	E	KALAMAZOO	AVE	L 400	Small Business Personal Property Exemption
06-91-026-605	121	E	SOUTH	ST		Small Business Personal Property Exemption
06-91-027-574	350	E	MICHIGAN	AVE	STE 516	Small Business Personal Property Exemption
06-91-027-580	141	E	MICHIGAN	AVE	# 500	Small Business Personal Property Exemption
06-91-027-690	519		ACADEMY	ST		Small Business Personal Property Exemption
06-91-028-210	277	S	ROSE	ST	STE5000	Brownfield
06-91-030-232	414	S	BURDICK	ST	STE 300	Small Business Personal Property Exemption
06-91-031-650	179		PORTAGE	ST		Small Business Personal Property Exemption
06-91-031-680	527	S	ROSE	ST		Small Business Personal Property Exemption
06-91-032-410	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption
06-91-032-645	321	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-032-725	504	E	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-033-100	223	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-033-196	326	W	KALAMAZOO	AVE	#418-20	Small Business Personal Property Exemption
06-91-033-855	701	E	MICHIGAN	AVE		Brownfield
06-91-034-481	141	E	MICHIGAN	AVE	# 206	Small Business Personal Property Exemption
06-91-034-689	137	N	PARK	ST	STE 203 A	Small Business Personal Property Exemption
06-91-034-707	141	E	MICHIGAN	AVE	# 301	Small Business Personal Property Exemption
06-91-035-360	517	E	KALAMAZOO	AVE		Small Business Personal Property Exemption
06-91-036-150	535	S	BURDICK	ST	STE 115	Small Business Personal Property Exemption
06-91-037-866	214	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-038-060	542	E	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-039-350	338	E	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-040-570	472	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-041-965	425	S	WESTNEDGE	AVE		Small Business Personal Property Exemption
06-91-042-402	605	E	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-042-630	627	S	BURDICK	ST		Small Business Personal Property Exemption
06-91-044-080	202	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-045-180	229	E	MICHIGAN	AVE	# 340	Small Business Personal Property Exemption
06-91-045-720	229	E	MICHIGAN	AVE	# 340	Small Business Personal Property Exemption
06-91-047-500	309	E	WATER	ST		Small Business Personal Property Exemption
06-91-047-750	633	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-050-646	319	N	BURDICK	ST		Small Business Personal Property Exemption
06-91-050-655	151	S	ROSE	ST	LOWER L	Small Business Personal Property Exemption

Parcels not contributing to capture in the DEGA

Parcel Number	Property address	Property Direction	Property Street Name	Property Suffix	Property Unit	Reason for non-DEGA Capture
06-91-050-714	137	N	PARK	ST	STE 201 A	Small Business Personal Property Exemption
06-91-050-761	405	W	MICHIGAN	AVE	# 130	Small Business Personal Property Exemption
06-91-050-762	711	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-050-850	475	W	LOVELL	ST		Small Business Personal Property Exemption
06-91-051-013	251	N	ROSE	ST	STE 200	Small Business Personal Property Exemption
06-91-051-016	536	E	MICHIGAN	AVE	300	Small Business Personal Property Exemption
06-91-051-017	350	N	BURDICK	ST	STE 202	Small Business Personal Property Exemption
06-91-051-027	211	E	WATER	ST	STE 401	Small Business Personal Property Exemption
06-91-051-246	141	E	MICHIGAN	AVE	#408	Small Business Personal Property Exemption
06-91-051-248	151	S	ROSE	ST	STE 920	Small Business Personal Property Exemption
06-91-051-260	490	W	SOUTH	ST		Small Business Personal Property Exemption
06-91-051-336	645	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-051-472	436	N	PARK	ST		Small Business Personal Property Exemption
06-91-051-508	472		ACADEMY	ST		Small Business Personal Property Exemption
06-91-051-509	137	N	PARK	ST	STE 102	Small Business Personal Property Exemption
06-91-051-604	459	N	BURDICK	ST		Small Business Personal Property Exemption
06-91-051-693	132	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-051-746	203	S	WESTNEDGE	AVE		Small Business Personal Property Exemption
06-91-051-792	326	W	KALAMAZOO	AVE	#209-I	Small Business Personal Property Exemption
06-91-051-974	214	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-051-986	11		MILLS	ST		Religious Use - Exempt
06-91-052-015	250	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-052-136	259	E	MICHIGAN	AVE	STE 225	Small Business Personal Property Exemption
06-91-052-167	107	W	MICHIGAN	AVE	STE 900	Small Business Personal Property Exemption
06-91-052-227	521	E	MICHIGAN	AVE	STE 201	Small Business Personal Property Exemption
06-91-052-272	633	E	WALNUT	ST		Small Business Personal Property Exemption
06-91-052-409	404	S	BURDICK	ST		Small Business Personal Property Exemption
06-91-052-459	423	S	WESTNEDGE	AVE		Small Business Personal Property Exemption
06-91-052-475	229	E	MICHIGAN	AVE	# 245B	Small Business Personal Property Exemption
06-91-052-559	350	E	MICHIGAN	AVE	STE 500	Small Business Personal Property Exemption
06-91-052-566	350	E	MICHIGAN	AVE	STE 200	Small Business Personal Property Exemption
06-91-052-631	157	S	KALAMAZOO	MALL	STE 195	Small Business Personal Property Exemption
06-91-052-636	359	S	KALAMAZOO	MALL	# 102	Small Business Personal Property Exemption
06-91-052-894	117	W	SOUTH	ST		Brownfield
06-91-052-923	471	W	SOUTH	ST	UNIT41C	Small Business Personal Property Exemption
06-91-053-003	350	E	MICHIGAN	AVE	STE 435	Small Business Personal Property Exemption
06-91-053-036	336	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-053-042	107	W	MICHIGAN	AVE	STE 700	Small Business Personal Property Exemption
06-91-053-130	108	E	MICHIGAN	AVE		Tax Exempt property
06-91-053-144	543	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-054-175	762	W	MAIN	ST		Small Business Personal Property Exemption
06-91-054-234	326	W	KALAMAZOO	AVE	#313	Small Business Personal Property Exemption
06-91-054-257	225	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-054-258	237	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-054-260	359	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-054-688	262	E	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-054-704	107	W	MICHIGAN	AVE	STE 803	Small Business Personal Property Exemption
06-91-054-717	177		PORTAGE	ST		Small Business Personal Property Exemption
06-91-054-857	141	E	MICHIGAN	AVE	# 400	Small Business Personal Property Exemption
06-91-055-124	350	E	MICHIGAN	AVE	STE 101	Small Business Personal Property Exemption
06-91-055-137	405	W	MICHIGAN	AVE	# 130	Small Business Personal Property Exemption
06-91-055-145	480	W	LOVELL	ST		Small Business Personal Property Exemption
06-91-055-199	211	S	ROSE	ST		Tax Exempt property

Parcels not contributing to capture in the DEGA

Parcel Number	Property address	Property Direction	Property Street Name	Property Suffix	Property Unit	Reason for non-DEGA Capture
06-91-055-245	324	N	ROSE	ST		Small Business Personal Property Exemption
06-91-055-323	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption
06-91-055-508	535	S	BURDICK	ST	STE 255	Small Business Personal Property Exemption
06-91-055-581	125	W	EXCHANGE	PL		Tax Exempt property
06-91-055-710	146	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-055-741	141	E	MICHIGAN	AVE	# 403	Small Business Personal Property Exemption
06-91-055-742	240	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-055-845	408	E	MICHIGAN	AVE		Tax Exempt property
06-91-055-898	414	S	BURDICK	ST		Small Business Personal Property Exemption
06-91-055-939	224	W	KALAMAZOO	AVE		Small Business Personal Property Exemption
06-91-055-967	200	E	MICHIGAN	AVE	STE 201	Small Business Personal Property Exemption
06-91-055-975	241	E	MICHIGAN	AVE	STE 235	Small Business Personal Property Exemption
06-91-056-009	407	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-056-120	132	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-056-133	166	S	KALAMAZOO	MALL	STE B	Small Business Personal Property Exemption
06-91-056-182	575	E	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-056-202	277	S	ROSE	ST		Brownfield
06-91-056-216	336	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-056-217	126	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-056-221	346	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-056-222	111		PORTAGE	ST		Small Business Personal Property Exemption
06-91-056-231	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption
06-91-056-235	151	S	ROSE	ST	STE 105	Small Business Personal Property Exemption
06-91-056-249	100	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-056-310	535	S	BURDICK	ST		Small Business Personal Property Exemption
06-91-056-316	100	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-056-319	140		PORTAGE	ST		Brownfield
06-91-056-320	231	E	SOUTH	ST		Brownfield
06-91-056-321	231		FARMERS	ALY		Brownfield
06-91-056-338	136	E	MICHIGAN	AVE		Tax Exempt property
06-91-056-339	136	E	MICHIGAN	AVE	9TH FL	Tax Exempt property
06-91-056-341	151	S	ROSE	ST	STE 311	Tax Exempt property
06-91-056-342	151	S	ROSE	ST	STE 332	Tax Exempt property
06-91-056-345	323	N	CHURCH	ST		Tax Exempt property
06-91-056-346	513		ELEANOR	ST		Tax Exempt property
06-91-056-347	318	W	MICHIGAN	AVE		Tax Exempt property
06-91-056-348	410	W	MICHIGAN	AVE		Tax Exempt property
06-91-056-349	225	N	ROSE	ST		Tax Exempt property
06-91-056-351	333	S	PARK	ST		Tax Exempt property
06-91-056-355	410	W	MICHIGAN	AVE		Tax Exempt property
06-91-056-356	222	S	WESTNEDGE	AVE		Tax Exempt property
06-91-056-359	222	N	KALAMAZOO	MALL		Tax Exempt property
06-91-056-360	426	S	PARK	ST		Tax Exempt property
06-91-056-398	315	N	BURDICK	ST		Tax Exempt property
06-91-056-399	315	N	BURDICK	ST	STE 500	Small Business Personal Property Exemption
06-91-056-400	345	N	BURDICK	ST		Tax Exempt property
06-91-056-401	348	N	BURDICK	ST		Tax Exempt property
06-91-056-402	436	N	BURDICK	ST		Tax Exempt property
06-91-056-403	448	N	BURDICK	ST		Tax Exempt property
06-91-056-418	401	S	BURDICK	ST		Tax Exempt property
06-91-056-419	420	S	BURDICK	ST		Small Business Personal Property Exemption
06-91-056-420	432	S	BURDICK	ST		Religious Use - Exempt
06-91-056-421	535	S	BURDICK	ST	STE 230	Tax Exempt property

Parcels not contributing to capture in the DEGA

Parcel Number	Property address	Property Direction	Property Street Name	Property Suffix	Property Unit	Reason for non-DEGA Capture
06-91-056-422	535	S	BURDICK	ST	STE 254	Tax Exempt property
06-91-056-472	431	N	ROSE	ST		Tax Exempt property
06-91-056-484	321	W	SOUTH	ST		Religious Use - Exempt
06-91-056-485	347	W	SOUTH	ST		Tax Exempt property
06-91-056-520	326	W	KALAMAZOO	AVE	#408-9	Small Business Personal Property Exemption
06-91-056-531	326	W	KALAMAZOO	AVE	#422	Small Business Personal Property Exemption
06-91-056-548	326	W	KALAMAZOO	AVE		Tax Exempt property
06-91-056-552	326	W	KALAMAZOO	AVE		Tax Exempt property
06-91-056-617	141	E	MICHIGAN	AVE	# 101	Tax Exempt property
06-91-056-639	200	N	PARK	ST		Hospital Property
06-91-056-644	125	W	EXCHANGE	PL		Tax Exempt property
06-91-056-699	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption
06-91-056-710	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption
06-91-056-738	161	E	MICHIGAN	AVE	# 500	Small Business Personal Property Exemption
06-91-056-756	800	W	SOUTH	ST		Small Business Personal Property Exemption
06-91-056-767	141	E	MICHIGAN	AVE	STE 100	Small Business Personal Property Exemption
06-91-056-784	313	N	BURDICK	ST		Small Business Personal Property Exemption
06-91-056-810	141	E	MICHIGAN	AVE	STE 501	Small Business Personal Property Exemption
06-91-056-812	434	N	CHURCH	ST		Religious Use - Exempt
06-91-056-847	150	N	EDWARDS	ST		Small Business Personal Property Exemption
06-91-056-881	525	E	KALAMAZOO	AVE		Tax Exempt property
06-91-056-883	402	E	KALAMAZOO	AVE		Small Business Personal Property Exemption
06-91-056-887	418	W	KALAMAZOO	AVE		Tax Exempt property
06-91-056-888	418	W	KALAMAZOO	AVE		Tax Exempt property
06-91-056-897	240	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-056-926	415	W	LOVELL	ST		Small Business Personal Property Exemption
06-91-056-956	137	N	PARK	ST		Small Business Personal Property Exemption
06-91-057-001	330	N	WESTNEDGE	AVE		Small Business Personal Property Exemption
06-91-057-018	248	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-057-019	502	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-057-026	151	S	ROSE	ST	STE 104	Tax Exempt property
06-91-057-030	107	W	MICHIGAN	AVE	STE 500	Small Business Personal Property Exemption
06-91-057-038	100	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-057-064	302	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-057-070	277	S	ROSE	ST	STE3100	Brownfield
06-91-057-080	201	W	KALAMAZOO	AVE		Small Business Personal Property Exemption
06-91-057-089	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption
06-91-057-109	151	E	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-057-135	0		VARIOUS LOC-DDA ONLY			Small Business Personal Property Exemption
06-91-057-159	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption
06-91-057-184	0		VARIOUS LOC-DDA ONLY			Small Business Personal Property Exemption
06-91-057-198	312	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-057-247	161	E	MICHIGAN	AVE	4TH FL	Small Business Personal Property Exemption
06-91-057-316	350	S	ROSE	ST		Religious Use - Exempt
06-91-057-320	250	N	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-057-321	236	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-057-323	738		ACADEMY	ST		Tax Exempt property
06-91-057-327	221		FARMERS	ALY		Brownfield
06-91-057-358	308	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-057-391	340	E	MICHIGAN	AVE		Religious Use - Exempt
06-91-057-437	248	W	KALAMAZOO	AVE		Small Business Personal Property Exemption
06-91-057-449	425	S	WESTNEDGE	AVE		Small Business Personal Property Exemption
06-91-057-462	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption

Parcels not contributing to capture in the DEGA

Parcel Number	Property address	Property Direction	Property Street Name	Property Suffix	Property Unit	Reason for non-DEGA Capture
06-91-057-482	125	S	KALAMAZOO	MALL	STE 204	Small Business Personal Property Exemption
06-91-057-501	326	W	KALAMAZOO	AVE		Small Business Personal Property Exemption
06-91-057-521	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption
06-91-057-540	1104	S	WESTNEDGE	AVE		Small Business Personal Property Exemption
06-91-057-545	259	E	MICHIGAN	AVE	# 407	Small Business Personal Property Exemption
06-91-057-550	232	W	MICHIGAN	AVE	STE 101	County Brownfield
06-91-057-559	277	S	ROSE	ST	STE 3300	Brownfield
06-91-057-571	244	N	ROSE	ST		Small Business Personal Property Exemption
06-91-057-608	133	W	LOVELL	ST		Small Business Personal Property Exemption
06-91-057-619	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption
06-91-057-627	472		ACADEMY	ST		Small Business Personal Property Exemption
06-91-057-632	0		VARIOUS LOC-DDA ONLY			Small Business Personal Property Exemption
06-91-057-670	535	S	BURDICK	ST	STE 215	Small Business Personal Property Exemption
06-91-057-680	125	S	KALAMAZOO	MALL		Tax Exempt property
06-91-057-745	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption
06-91-057-763	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption
06-91-057-770	410	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-057-784	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption
06-91-057-810	229	E	MICHIGAN	AVE	STE 245A	Small Business Personal Property Exemption
06-91-057-902	141	E	MICHIGAN	AVE	# 402	Small Business Personal Property Exemption
06-91-057-906	611	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-057-923	630	E	WALNUT	ST		Small Business Personal Property Exemption
06-91-057-964	304	N	BURDICK	ST		Small Business Personal Property Exemption
06-91-057-966	420	N	CHURCH	ST	STE 1	Small Business Personal Property Exemption
06-91-057-988	326	W	KALAMAZOO	AVE	#301	Small Business Personal Property Exemption
06-91-058-019	229	E	MICHIGAN	AVE	# 345	Small Business Personal Property Exemption
06-91-058-064	125	E	MICHIGAN	AVE		Brownfield
06-91-059-002	154	S	KALAMAZOO	MALL		Brownfield
06-91-059-010	300	S	KALAMAZOO	MALL		Brownfield
06-91-059-032	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption
06-91-059-033	0		VARIOUS LOC-DDA ONLY			Small Business Personal Property Exemption
06-91-059-068	346	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-059-075	321	S	KALAMAZOO	MALL	STE 214	Small Business Personal Property Exemption
06-91-059-081	141	E	MICHIGAN	AVE	STE 300	Small Business Personal Property Exemption
06-91-059-083	161	E	MICHIGAN	AVE	STE 102	Small Business Personal Property Exemption
06-91-059-084	203	E	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-059-090	229	E	MICHIGAN	AVE	STE 245A	Small Business Personal Property Exemption
06-91-059-092	259	E	MICHIGAN	AVE	STE 305	Small Business Personal Property Exemption
06-91-059-093	259	E	MICHIGAN	AVE	STE 107	Small Business Personal Property Exemption
06-91-059-096	350	E	MICHIGAN	AVE	STE 100	Small Business Personal Property Exemption
06-91-059-099	702	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-060-019	151	S	ROSE	ST	STE 611	Small Business Personal Property Exemption
06-91-060-020	471	W	SOUTH	ST	UNIT41A	Small Business Personal Property Exemption
06-91-060-023	471	W	SOUTH	ST	UNIT42A	Small Business Personal Property Exemption
06-91-060-073	154	S	KALAMAZOO	MALL		Brownfield
06-91-060-122	211	E	WATER	ST	STE 213L	Small Business Personal Property Exemption
06-91-060-123	230	N	KALAMAZOO	MALL	# 101	State Assessed Utility
06-91-060-124	229	E	MICHIGAN	AVE	#240	Small Business Personal Property Exemption
06-91-060-128	326	W	KALAMAZOO	AVE	#121A	Small Business Personal Property Exemption
06-91-060-139	414		WALBRIDGE	ST		Small Business Personal Property Exemption
06-91-060-140	773	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-060-143	402	S	BURDICK	ST		Small Business Personal Property Exemption
06-91-060-148	401	E	MICHIGAN	AVE	STE 100	Small Business Personal Property Exemption

Parcels not contributing to capture in the DEGA

Parcel Number	Property address	Property Direction	Property Street Name	Property Suffix	Property Unit	Reason for non-DEGA Capture
06-91-060-151	117	W	CEDAR	ST	#B	Small Business Personal Property Exemption
06-91-060-155	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption
06-91-060-160	180		PORTAGE	ST		Brownfield
06-91-060-182	261	E	KALAMAZOO	AVE		Small Business Personal Property Exemption
06-91-060-187	117	W	CEDAR	ST	STE A	Small Business Personal Property Exemption
06-91-060-216	169		PORTAGE	ST		Small Business Personal Property Exemption
06-91-060-244	215	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-060-245	316	S	KALAMAZOO	MALL	STE 104	Brownfield
06-91-060-247	354	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-060-251	344	N	ROSE	ST		Small Business Personal Property Exemption
06-91-060-255	241	W	SOUTH	ST		Small Business Personal Property Exemption
06-91-060-267	242	E	KALAMAZOO	AVE	STE 104	Small Business Personal Property Exemption
06-91-060-281	350	E	MICHIGAN	AVE	STE 500	Small Business Personal Property Exemption
06-91-060-313	701	E	MICHIGAN	AVE		Brownfield
06-91-060-318	447	W	SOUTH	ST		Small Business Personal Property Exemption
06-91-060-342	254	E	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-060-355	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption
06-91-060-392	701	E	MICHIGAN	AVE		Brownfield
06-91-060-393	316	S	KALAMAZOO	MALL		Brownfield
06-91-060-414	141	E	MICHIGAN	AVE	#405	Small Business Personal Property Exemption
06-91-060-415	141	E	MICHIGAN	AVE	#406	Small Business Personal Property Exemption
06-91-060-416	141	E	MICHIGAN	AVE	# 602	Small Business Personal Property Exemption
06-91-060-420	259	E	MICHIGAN	AVE	#409	Small Business Personal Property Exemption
06-91-060-421	259	E	MICHIGAN	AVE	#105	Small Business Personal Property Exemption
06-91-060-423	259	E	MICHIGAN	AVE	#208	Small Business Personal Property Exemption
06-91-060-427	350	E	MICHIGAN	AVE	STE 17	Small Business Personal Property Exemption
06-91-060-463	211	E	WATER	ST	STE 201	Small Business Personal Property Exemption
06-91-060-477	121	W	SOUTH	ST		Brownfield
06-91-060-509	0		VARIOUS LOC-DDA ONLY			Small Business Personal Property Exemption
06-91-060-510	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption
06-91-060-512	251	N	ROSE	ST		Small Business Personal Property Exemption
06-91-060-531	133	W	LOVELL	ST		Small Business Personal Property Exemption
06-91-061-046	600	E	MICHIGAN	AVE	STE C	Brownfield
06-91-061-227	325	N	BURDICK	ST		Small Business Personal Property Exemption
06-91-061-245	121	E	MICHIGAN	AVE		Brownfield
06-91-061-246	161	E	MICHIGAN	AVE	LL2	Small Business Personal Property Exemption
06-91-061-247	214	E	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-061-266	729		ACADEMY	ST		Small Business Personal Property Exemption
06-91-061-270	166	S	KALAMAZOO	MALL	STE A	Small Business Personal Property Exemption
06-91-061-272	200	N	PARK	ST		Small Business Personal Property Exemption
06-91-061-292	125	W	EXCHANGE	PL		Small Business Personal Property Exemption
06-91-061-295	350	E	MICHIGAN	AVE	STE 112	Small Business Personal Property Exemption
06-91-061-299	277	S	ROSE	ST	STE 3500	Brownfield
06-91-061-318	527	E	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-061-329	300	E	WATER	ST		Brownfield
06-91-061-333	251	N	ROSE	ST	204/205	Small Business Personal Property Exemption
06-91-061-340	323	N	BURDICK	ST		Small Business Personal Property Exemption
06-91-061-362	245	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-061-365	505	E	KALAMAZOO	AVE	STE 4	Small Business Personal Property Exemption
06-91-061-366	511	E	KALAMAZOO	AVE		Small Business Personal Property Exemption
06-91-061-371	113	E	MICHIGAN	AVE		Brownfield
06-91-061-372	141	E	MICHIGAN	AVE	# 203	Small Business Personal Property Exemption
06-91-061-373	141	E	MICHIGAN	AVE	# 602	Small Business Personal Property Exemption

Parcels not contributing to capture in the DEGA

Parcel Number	Property address	Property Direction	Property Street Name	Property Suffix	Property Unit	Reason for non-DEGA Capture
06-91-061-374	141	E	MICHIGAN	AVE	# 601	Small Business Personal Property Exemption
06-91-061-375	141	E	MICHIGAN	AVE	# 404	Small Business Personal Property Exemption
06-91-061-376	151	E	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-061-379	259	E	MICHIGAN	AVE	# 307	Small Business Personal Property Exemption
06-91-061-382	259	E	MICHIGAN	AVE	# 209	Small Business Personal Property Exemption
06-91-061-383	276	E	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-061-384	405	W	MICHIGAN	AVE	STE 130	Small Business Personal Property Exemption
06-91-061-385	405	W	MICHIGAN	AVE	STE 415	Small Business Personal Property Exemption
06-91-061-386	405	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-061-387	445	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-061-388	427	E	MICHIGAN	AVE		Brownfield
06-91-061-389	600	E	MICHIGAN	AVE	STE A	Brownfield
06-91-061-400	600	E	MICHIGAN	AVE		Brownfield
06-91-061-415	180		PORTAGE	ST		Brownfield
06-91-061-428	225	N	ROSE	ST		Small Business Personal Property Exemption
06-91-061-435	131	W	SOUTH	ST		Brownfield
06-91-061-454	180		PORTAGE	ST		Brownfield
06-91-061-458	521	E	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-061-459	161	E	MICHIGAN	AVE	4TH FL	Small Business Personal Property Exemption
06-91-061-464	348	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-061-465	107	W	MICHIGAN	AVE	STE 804	Small Business Personal Property Exemption
06-91-061-473	211	S	ROSE	ST		Small Business Personal Property Exemption
06-91-061-480	350	E	MICHIGAN	AVE	STE 220	Small Business Personal Property Exemption
06-91-061-536	505	E	KALAMAZOO	AVE	STE A	Small Business Personal Property Exemption
06-91-061-541	600	E	MICHIGAN	AVE	STE D	Small Business Personal Property Exemption
06-91-061-552	225	W	WALNUT	ST	STE 209	Small Business Personal Property Exemption
06-91-061-553	125	E	KALAMAZOO	AVE	STE 102	Small Business Personal Property Exemption
06-91-061-554	312	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-061-555	238	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-061-558	107	E	MICHIGAN	AVE	STE 200	Small Business Personal Property Exemption
06-91-061-559	224	E	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-061-560	241	E	MICHIGAN	AVE	STE 235	Small Business Personal Property Exemption

AGREEMENT

This Agreement ("Agreement") made this 26th day of November, 2018, by and between the Kalamazoo Downtown Economic Growth Authority ("Authority") and the Board of Trustees of the Kalamazoo Public Library, a district library, ("Library").

RECITALS

A. The City of Kalamazoo ("City"), by resolution adopted on October 15, 2018, created the Kalamazoo Downtown Economic Growth Authority as a corridor improvement authority pursuant to Public Act 280 of 2005 ("Act") whose designated boundaries comprise a qualified development area ("QDA").

B. The Authority has prepared a Development "Plan and Tax Increment Financing Plan ("Plan") for submittal to the City permitting the capture of tax increments.

C. The Library is considered a "taxing jurisdiction" under the Act which permits it, pursuant to Section 18, to enter into an agreement with the Authority for sharing of captured assessed value.

D. The Library and Authority desire to enter into an arrangement to share in the growth of tax revenue under the Act.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties hereby agree as follows:

1. For any taxes for Library purposes which were levied prior to January 1, 2017 and which would otherwise be subject to capture pursuant to section 18(5) of the Act, the parties agree to share the captured assessed value within the QDA 50% to the Authority and 50% to the Library.

2. In the event Authority assumes activities previously performed by the Brownfield Redevelopment Authority ("BRA"), then it shall provide the Library with a full and complete financial accounting of such activities on an annual basis.

3. This Agreement shall be effective only upon approval by the Board of Trustees of the Library. If such approval is not obtained by December 3, 2018, this Agreement is null and void.

4. This Agreement shall be filed with the City Clerk and may also be an exhibit to the Plan.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

**KALAMAZOO DOWNTOWN ECONOMIC
GROWTH AUTHORITY**

By: CAV V

Its: LDVR I evc\--

**KALAMAZOO PUBLIC LIBRARY BOARD OF
TRUSTEES**

By: &J

Ist

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. _____

**A RESOLUTION FINDING THAT THE AMENDED
DEVELOPMENT AND TAX INCREMENT FINANCING
PLAN FOR THE CITY OF KALAMAZOO DOWNTOWN
ECONOMIC GROWTH AUTHORITY (DEGA)
CONSTITUTES A PUBLIC PURPOSE AND APPROVING
THE AMENDED PLAN**

Minutes of a regular meeting of the City Commission of the City held on December 7, 2020, at or after 7:00 o'clock p.m., local time, virtually, to be accessed at the following link:

_____.

PRESENT, Commissioners:

ABSENT, Commissioners:

The following preamble and resolution was offered by _____

and supported by _____.

WHEREAS, the Corridor Improvement Authority Act, Act 280 of the Public Acts of Michigan of 2005, as amended, MCL 125.2871 *et seq.*, and now re-codified within Public Act 57 of 2018 (the “Act”), authorized the City to establish a corridor improvement authority and to designate the boundaries of an authority corridor improvement development area provided certain criteria required by the Act had been met for the purpose of correcting and preventing deterioration in business districts, encouraging historic preservation and promoting economic growth; and

WHEREAS, on October 15, 2018, the Kalamazoo City Commission voted to create the Kalamazoo Downtown Economic Growth Authority (the DEGA) under the Act to allow for a new method of financing activities associated with the continued growth, maintenance, administration, and programming of downtown Kalamazoo; and

WHEREAS, since the DEGA is in its initial phases of growth, and funds to support development in the DEGA district are not yet fully established, the Kalamazoo Downtown Partnership and the City of Kalamazoo Community Planning and Economic Department have collaborated with the Brownfield Redevelopment Authority (BRA) to use BRA TIF to support development in the DEGA for the short-term, to ensure growth continues in the district; and

WHEREAS, in order to do that, pursuant to the Act, the DEGA must amend its TIF plan to forego capture of tax increment in its district on selected parcels so that the BRA can capture tax increment on those parcels to better support eligible activities on new development projects in the DEGA district; and

WHEREAS, pursuant to the Act, the City Commission may consider the approval of an Amended Plan after conducting a public hearing with respect thereto upon giving such notice as required by the Act; and

WHEREAS, the City Commission held a public hearing regarding the Amended Plan caused such a notice of the public hearing to be given as required by the Act.

NOW, THEREFORE, BE IT RESOLVED

1. The public hearing took place during the regular City Commission business meeting held on Monday, December 7, 2020, at 7:00 p.m.

2. During the public hearing all citizens, taxpayers and representatives or officials from any taxing jurisdiction whose millage subject to capture under the Downtown Kalamazoo Economic Growth Authority, were afforded an opportunity to be heard on proposed amendments to the tax increment financing.

3. The governing bodies of each taxing jurisdiction were contacted and given an opportunity to meet to discuss the proposed Plan Amendment.

4. That the City Clerk caused all notices to be published, mailed or posted as required by this resolution and Act.

5. The City Commission hereby determines that the Plan, as amended, constitutes a public purpose and approves the amendments to the plan based on the following considerations:

(a) The plan meets the requirements under section 620(2).

(b) The proposed method of financing the development is feasible and the authority has the ability to arrange the financing.

(c) The development is reasonable and necessary to carry out the purposes of this part.

(d) The land included within the development area to be acquired is reasonably necessary to carry out the purposes of the plan and of this part in an efficient and economically satisfactory manner.

(e) The development plan is in reasonable accord with the land use plan of the municipality.

(f) Public services, such as fire and police protection and utilities, are or will be adequate to service the project area.

(g) There are no changes in zoning, streets, street levels, intersections, or utilities required by the amendments to the Plan.

6. That all resolutions or parts of resolutions in conflict herewith shall be and the same are hereby rescinded.

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

AYES:

NAYS:

ABSTAIN:

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 _____. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267 of 1976). Minutes of the meeting will be available as required by the Act.

Scott A. Borling
City Clerk



City Commission Agenda Report

City of Kalamazoo

Date: **12/7/2020**

Item: **G.1.**

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

FROM: James K. Ritsema, ICMA-CM, City Manager
Prepared by: Stephen Vicenzi, Management Services Director / CFO

DATE: December 7, 2020

SUBJECT: Approval of 2021 Excess Workers Compensation Premium (Bid Ref#962-47-009.2.1)

RECOMMENDATION:

It is recommended that the City Commission authorize the payment of \$159,434.00 to Eagle Claims Management for the 2021 excess workers compensation premium. This is the second year of the City's two-year Excess Workers Compensation policy.

BACKGROUND:

This is statutorily required workers compensation coverage for the City. The City was confronted with a workers compensation insurance market which is seeking to impose greater self-insured retention levels on employers (the City has had an \$850,000 self-insured retention (SIR) which has been rarely exceeded) and higher premiums due to rising medical costs.

The City was able to retain its current SIR of \$850,000 with rate increase to .3699 cents per \$100 of payroll for two years. Our insurance agent, Keyser Group advised that the City should retain the SIR of \$850,000.

STRATEGIC VISION ALIGNMENT:

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

Insurance Policy Management, Risk Management

Strategic Goal Impact:



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 cost of the premium has been included in the proposed 2021 City Insurance Fund Budget and is funded by departments through payroll as a cost of employee benefits.



City Commission Agenda Report

City of Kalamazoo

Date: **12/7/2020**

Item: **G.2.**

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

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Tim Dubois, Chief Information Officer
Prepared by: Joseph Ulery, Deputy Chief Information Officer

DATE: December 7, 2020

SUBJECT: Approval of a 10-Year Cooperative Contract with 123Net for the Lease of Dark Fiber Bid Ref#00000-020.62

RECOMMENDATION:

It is recommended that the City Commission approve a ten-year contract with 123Net for the lease of dark fiber under contract pricing that was established with the City of Westland through Quote ID#14557 in the amount of \$1,174,260. This contract pricing was previously awarded to 123Net through the City of Westland through competitive bid #2018-0005-IT.

BACKGROUND:

Currently the City is utilizing leased fiber through multiple vendors including Charter and CTS. This fiber is running in a ring structure that is prohibitive for proper communication through the network. The proposed solution through 123Net will change the ring structure to a dual star topology that will enable the City to provide redundancy to their locations. This will also increase the speed of the City network, as the existing connections are currently capped at 100Mb/s, which is bottlenecking the network. The fiber through 123Net will not have this bandwidth limitation, enabling the City to drastically increase the speed of their network.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:



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

FISCAL IMPACT:

The up front costs for this agreement are available from excess 2020 General Fund budgets and the on-going operating costs over the next 10 years will be funded through Information Technology's operating budget. Actual operating costs will adjust with the construction schedule for the fiber installation. This agreement was anticipated in the proposed 2021 budget.



City Commission Agenda Report

City of Kalamazoo

Date: **12/7/2020**

Item: **G.3.**

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

FROM: James K. Ritsema, ICMA-CM, City Manager
Prepared by: Sean Fletcher, CPRP, Parks and Recreation Director

DATE: December 7, 2020

SUBJECT: Approval of a Contract with USA Construction to Build a Splash Pad at LaCrone Park (Bid Ref#91244-011.0)

RECOMMENDATION:

It is recommended that the City Commission approve a contract with the lowest responsive bidder, USA Construction to build a splash pad at LaCrone Park in the amount of \$469,563.72

BACKGROUND:

The Parks and Recreation Department worked with the Northside Association for Community Development and residents to determine the best location for a splash pad on the Northside. LaCrone Park was chosen as the location and the design was completed by MC Smith and Associates. The splash pad will be located next to the existing playground.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):
Investment in City Parks

Strategic Goal Impact:



Inviting Public Places - Vibrant streets, exceptional parks, and welcoming activities.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Collaborate (two-way conversation) - the community will have a chance to shape the project by

providing feedback.

Engagement/Communication Tools

In-person meetings were held at NACD and at the Douglass Community Center to obtain resident input regarding the location, design, and amenities associated with the new splash pad. A total of approximately 50 people attended the meetings.

FISCAL IMPACT:

A total of \$585,000.00 was budgeted in the 2020 Capital Improvement Project budget for this project #cip0300062 Northside Splash Pad. The budget has been previously utilized for design costs, but the project has adequate funding available to cover the cost of this construction contract.



City Commission Agenda Report

City of Kalamazoo

Date: **12/7/2020**

Item: **G.4.**

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

FROM: James K. Ritsema, ICMA-CM, City Manager
Prepared by: Steve Vicenzi, CFO / Director Management Services

DATE: December 7, 2020

SUBJECT: 60-Month Lease of Light Duty Fleet Vehicles (Bid Ref#000-00-017.3)

RECOMMENDATION:

It is recommended that the Commission approve the lease of 58 light duty fleet vehicles for a cost of \$1,440,029.40 over 60 months, and to authorize the City Manager to sign all documents on the City's behalf.

BACKGROUND:

The City of Kalamazoo maintains a light duty vehicle fleet, including sedans, SUVs, pick-up trucks and vans. In July 2016, the City Commission authorized the Administration to enter into an equity lease agreement with Enterprise Fleet Management (EFM). Due to the current standing relationship with EFM, the City did not go out for bid, but rather decided to sole source this purchase. EFM then utilizes a variety of purchasing options including cooperative purchasing and MiDeal.

The program with EFM allows the City to utilize equity leases, which are significantly different than typical finance leases. Utilizing an equity lease allows the City to own the vehicles throughout the lease with the option to buy-out the unpaid portion. It also allows the City to utilize the equity portion held in a vehicle when trading in towards new leases. The 2021 plan includes trading in 57 vehicles and lease 58 new vehicles. Utilizing EFM for this process will allow for the seamless transition where upon the availability of new vehicles, the trade-in vehicles can nearly simultaneously be sold through EFM.

Typically, staff seeks approval to lease vehicles in January of each year. Due to the COVID-19 pandemic, in order to guarantee delivery of vehicle's in 2021, manufacturers have moved their date for vehicle requests up to mid-December.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:



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 funds for the equity lease agreement are included in the 2021 proposed budget. The increase to the general fund portion is \$5,326.44 per year. The increase to lease payments for the Water and Wastewater funds are \$34,604.76 and \$7,795.56, respectively. The leases for the utility funds offsets the need to purchase vehicles with cash up front thus reducing the initial impact on utility rates.

The prices provided for each vehicle by EFMT match or beat MiDeal pricing.



City Commission Agenda Report

City of Kalamazoo

Date: **12/7/2020**

Item: **G.5.**

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

FROM: Clyde J. Robinson, City Attorney

DATE: December 7, 2020

SUBJECT: Proposed Ordinance to Amend Chapters 22 and 33 to Permit Consumption of Alcoholic Beverages in Public Places and Parks

RECOMMENDATION:

It is recommended that the City Commission amend those portions of the City Code of Ordinances which contain limited exceptions to the general prohibition on the possession and consumption of alcoholic beverages on public places and parks to accommodate the recent change in State law in response to the COVID-19 pandemic, which permits local Social District commons areas where individuals may consume alcohol outdoors.

BACKGROUND:

In July of this year, the Michigan Legislature adopted Public Act 124 to assist restaurants and bars negatively impacted by the COVID pandemic. This law permitted municipalities to designate “social districts” containing “commons areas” where customers of licensed establishments could possess and consume alcoholic beverages in designated plastic cups from 10:00 a.m. to 10:00 p.m. Sunday-Thursday and from 10:00 a.m. to Midnight on Friday and Saturday. The initial social district was established on August 3, 2020, by resolution, along the Kalamazoo Mall and Michigan Avenue where the greatest concentration of licensed establishments exists. At the same time, the City Commission amended the ordinances prohibiting the open consumption of alcohol to accommodate the social district.

In November, the City Commission was requested to expand the “commons area” to reach more licensed establishments which serve alcohol and to include Bronson Park within the area where individuals could gather. However, existing City ordinances generally prohibit the consumption of alcohol in City Park except under limited circumstances. At its November 16, 2020 meeting, the City Commission expressed a desire to revisit those ordinances in connection with the Public Act 124 Social District open consumption law.

STRATEGIC VISION ALIGNMENT:

COMMUNITY ENGAGEMENT:

This ordinance is the result of the request by the Downtown Kalamazoo Partnership to expand the footprint of the associated commons areas within the existing Social District to permit outdoor consumption of alcohol in support of downtown businesses that hold licenses to sell alcoholic beverages by the glass (or in this case by plastic cups) for consumption on the premises.

The proposal was reviewed by the Parks and Recreation Advisory Board at its December 1, 2020 meeting. While supportive of the initiative, concerns were voiced about drinking in Bronson Park during warmer weather and the fact that the current State law doesn't sunset until December 31, 2024.

FISCAL IMPACT:

CITY OF KALAMAZOO, MICHIGAN

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND CHAPTERS 22 AND 33
OF THE KALAMAZOO CODE OF ORDINANCES TO PERMIT LIMITED CONSUMPTION OF
ALCOHOLIC BEVERAGES IN PUBLIC PLACES AND PARKS**

Section 1. Section 22-57 Consumption of Alcoholic Beverages in Public Places is amended to read as follows:

No person shall consume or possess any uncapped, open container of any alcoholic liquor, as that term is defined in the Michigan Liquor Control Commission Act, on the public streets, parkways, or sidewalks of the City, or in any other place open to the general public, including any store or establishment doing business with the public not licensed to serve alcoholic beverages; provided however, that alcoholic liquor may be sold, possessed and/or consumed during the period of a special license with the specific approval, and in conformance with the conditions of such approval and the condition of a special license issued by the Michigan Liquor Control Commission or if the public place is designated as a social district common areas by a resolution adopted by the City Commission as permitted by Public Act 124 of 2020.

Section 2. Section 33-25 Alcohol Restrictions/Exceptions is amended to add Subsection C to read as follows:

C. Alcoholic liquor and beverages sold by approved licensed establishments may be possessed and consumed in public spaces and city parks if the City Commission has designated such areas as social district commons areas by resolution as permitted by Public Act 124 of 2020.

Section 3. REPEALER.

All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are repealed.

Section 4. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 5. EFFECTIVE DATE

Pursuant to Section 13(a) of the City Charter, this ordinance will take effect from and after 10 days from the date of its passage.

CERTIFICATE

The foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Kalamazoo at a regular meeting held on December __, 2020. Public notice was given, and the meeting was conducted in full compliance with the Open Meetings Act, (PA 267, 1976). Minutes of the meeting will be available as required by the Act, and the ordinance was duly recorded, posted and authenticated by the Mayor and City Clerk as required by the Charter of said City.

David F. Anderson, Mayor

Scott A. Borling, City Clerk



City Commission Agenda Report

City of Kalamazoo

Date: **12/7/2020**

Item: **G.6.**

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

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Rebekah Kik, Director of Community Planning & Economic Development
Prepared by: Jamie McCarthy, Sustainable Development Coordinator

DATE: December 7, 2020

SUBJECT: Adoption of a Resolution Adopting and Approving an Act 381 Brownfield Plan for 266 E. Michigan Avenue

RECOMMENDATION:

It is recommended that the City Commission adopt the resolution adopting and approving the Act 381 Brownfield Plan for a redevelopment project at 266 E. Michigan Avenue.

BACKGROUND:

The proposed project includes the redevelopment of a historic building situated on an approximately 0.078 acre parcel located at 266 E. Michigan Avenue in the City of Kalamazoo, Michigan (the "Property"). The Property is located in the heart of downtown and comprised of a four-story building with approximately 14,000 square feet of commercial and vacant space. The first floor is commercial with an active restaurant tenant and the upper three floors are vacant and undeveloped. The City Assessor determined the building to be functionally obsolete. 266 Michigan Ave Kalamazoo, LLC ("Developer") proposes to redevelop the first floor into two commercial tenant spaces, the upper three floors into residential use creating 11 apartments comprising approximately 10,500 square feet, for a total capital investment of approximately \$3.5 million.

The Brownfield Redevelopment Authority ("Authority") held a public hearing for the Act 381 Brownfield Plan in July 2020. The Plan describes "eligible activity" expenses in connection with the Property that the developer will incur, including lead and asbestos abatement, demolition, and infrastructure improvements. Immediately following the hearing, the Authority adopted a resolution recommending the City Commission adopt the plan and approve its implementation. A copy of the brownfield plan can be viewed at

<https://www.kalamazoocity.org/boarddocs/brownfield-redevelopment-authority/6928-266-e-michigan-brownfield-plan/file>

The Development Agreement and Brownfield Plan provides for up to eight years of Tax Increment Revenue (TIR) capture and reimbursement to the Developer for actual expenses incurred up to \$100,000. The TIF projections in the Brownfield Plan anticipate full reimbursement within 6 years and provides capture to the Local Brownfield Revolving Fund for 5 years, as allowed under Act 381 statute. The project must commence no later than March 15, 2021 and be completed by December 31, 2022.

STRATEGIC VISION ALIGNMENT:

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

Brownfield Redevelopment, Site Redevelopment - Work with developers to ensure private/public sites that qualify for the Brownfield plan are included, negotiate and manage redevelopment incentives (e.g., TIF), and maintained as needed.

Strategic Goal Impact:



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

Discussion - This Brownfield Plan works towards economic vitality by providing brownfield financing to redevelop one of the last partially vacant historic buildings in the downtown on E. Michigan Avenue. The project will increase apartment units and reactivate one of the commercial tenant spaces which is currently vacant. The project add taxable square footage to the tax roll and brings a functionally obsolete building up to current building and safety codes.

COMMUNITY ENGAGEMENT:

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

Discussion: During the BRA's public hearing the public was invited to provide comments. No one from the public spoke during the public hearing.

Engagement/Communication Tools

Public notice was published in the Kalamazoo Gazette and mailed to *ad valorem* taxing authorities.

FISCAL IMPACT:

No fiscal impact to the City is anticipated from this project. Tax increment financing (TIF) will be used to reimburse eligible activities and support staff administrative costs.

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. _____

**A RESOLUTION ADOPTING AND APPROVING AN ACT 381 BROWNFIELD PLAN
FOR
266 E. Michigan Avenue**

Minutes of a regular meeting of the City Commission of the City held on December 7, 2020, at 7:00 p.m., local time, at the City Hall, 241 West South Street, Kalamazoo, Michigan.

PRESENT:

ABSENT:

The following resolution was offered by Commissioner _____ and seconded by Commissioner _____.

RECITALS

- A. On May 5, 1997 the City of Kalamazoo ("City") created the City of Kalamazoo Brownfield Redevelopment Authority ("Authority"), under the provisions of Act 381, Public Acts of Michigan, 1996, as amended ("Act 381").
- B. Following the establishment of the Authority, the City has implemented Brownfield Plans, as required under Act 381, for the purposes of identifying real estate parcels for revitalization, redevelopment and reuse.
- C. The Authority has implemented the Act 381 Brownfield Plan for 266 E. Michigan Avenue under Act 381.
- D. Under Resolution No. 08-16, the City Commission delegated to the Authority the public hearing process regarding any future proposed Act 381 Brownfield Plan, including proposed Wayside Brownfield Plan.
- E. On July 16, 2020 the Authority held a public hearing as required under Act 381 and approved the implementation of the 266 E. Michigan Avenue Brownfield Plan.
- F. Following the public hearing, the Authority adopted a resolution recommending that the City Commission approve the 266 E. Michigan Avenue Brownfield Plan.
- G. The City Commission has reviewed Authority's resolution and Brownfield Plan, and finds that this Plan constitutes a public purpose in that:

- a. Notice of the public hearing was given to all taxing authorities levying ad valorem or specific taxes against any property affected by Wayside Brownfield Plan, and was also given by publication, as required by Act 381.
- b. It meets all requirements of Section 13 of Act 381.
- c. The proposed method of financing the costs of eligible activities of the Brownfield Plan is feasible, and the Authority has the authority to arrange the necessary financing.
- d. The costs of the eligible activities proposed by the Brownfield Plan are reasonable and necessary to carry out the purposes of Act 381, and
- e. The amount of captured taxable value estimated to result from the Brownfield Plan is reasonable.

THEREFORE, IT IS RESOLVED:

The Act 381 Brownfield Plan for 266 E. MICHIGAN AVENUE, as implemented by the City of Kalamazoo Brownfield Redevelopment Authority, is adopted and approved.

AYES:

NAYS:

ABSTAIN:

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by at a regular meeting held on December 7, 2020. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976). Minutes of the meeting will be available as required by Act 381.

Scott A. Borling
City Clerk

**CITY OF KALAMAZOO
BROWNFIELD REDEVELOPMENT AUTHORITY**

**A RESOLUTION APPROVING THE IMPLEMENTATION OF
AN ACT 381 BROWNFIELD PLAN FOR
266 E MICHIGAN AVENUE AND
RECOMMENDING ADOPTION BY THE CITY COMMISSION**

Minutes of a regular meeting of the City of Kalamazoo Brownfield Redevelopment Authority (“BRA”) held on July 16, 2020 at 7:30 a.m., local time, virtually pursuant to the Governor’s Executive Order No. 2020-129.

PRESENT: Nathan Bolton, Kevan Hess, Jason Novotny, Patti Owens, Fritz Brown, Lucas Middleton, Jamauri Bogan

ABSENT: James Escamilla, Kyle Gulau, Vice Mayor Patrese Griffin, Jasmine Vedula

The following resolution was offered by Member Owens and seconded by Member Bolton.

RECITALS:

A. The City has created the City of Kalamazoo Brownfield Redevelopment Authority (the “Authority”), under the provisions of Act 381, Public Acts of Michigan, 1996, as amended (“Act 381”).

B. Under Resolution No. 08-16, the City Commission delegated the public hearing process to the Authority regarding any future proposed Act 381 Brownfield Plan, including proposed Act 381 Brownfield Plan for 266 E Michigan Avenue.

C. A public hearing was held by the Authority on July 16, 2020, on the Brownfield Plan for 266 E Michigan Avenue, Kalamazoo; notice of the public hearing was given to all taxing authorities levying ad valorem or specific taxes against any parcels within the Brownfield Plan, and was also given by publication, as required by Act 381.

D. Following the public hearing on the 266 E Michigan Avenue Brownfield Plan, the Authority, in consideration of any comments heard at the public hearing or written communications received at or prior to the public hearing, determines that the Brownfield Plan constitutes a public purpose in that:

- a. It meets all requirements of Section 13 of Act 381.

- b. The proposed method of financing the costs of eligible activities of the 266 E Michigan Avenue Brownfield Plan is feasible, and the Authority has the authority to arrange the necessary financing.
- c. The description of eligible activities and their estimated costs are reasonable and necessary to carry out the purposes of Act 381, and
- d. The amount of captured taxable value estimated to result from the 266 E Michigan Avenue Brownfield Plan is reasonable.

THEREFORE, IT IS RESOLVED THAT:

The City of Kalamazoo Brownfield Redevelopment Authority approves the implementation of the Act 381 Brownfield Plan for 266 E Michigan Avenue in Kalamazoo and recommends the City Commission adopt a resolution approving this Brownfield Plan.

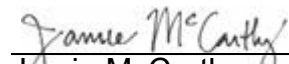
AYES: Nathan Bolton, Kevan Hess, Jason Novotny, Patti Owens, Fritz Brown, Lucas Middleton, Jamauri Bogan

NAYS: None

RESOLUTION DECLARED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the Brownfield Redevelopment Authority at a special meeting held on July 16, 2020. Public notice was given and the meeting was conducted in compliance with Executive Order 2020-129 issued by Governor Whitmer on June 18, 2020 suspending portions of the Michigan Open Meetings Act (PA 267, 1976). Minutes of the meeting will be available as required by the Act.



Jamie McCarthy
Recording Secretary



City Commission Agenda Report

City of Kalamazoo

Date: **12/7/2020**

Item: **G.7.**

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

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Rebekah Kik, CPED Director
Prepared by: Pete Eldridge, Assistant City Planner

DATE: December 7, 2020

SUBJECT: Neighborhood Enterprise Zone (NEZ) homestead Applications and Revocations

RECOMMENDATION:

It is recommended that the City Commission adopt a RESOLUTION acknowledging there were no new Homestead Neighborhood Enterprise Zone (NEZ) certificate applications received in 2020; and approving the revocation of one NEZ certificate.

BACKGROUND:

On September 29, 2008, the Kalamazoo City Commission created two Neighborhood Enterprise Zones (NEZs): one homestead NEZ in the Vine neighborhood, and one new construction NEZ in the Edison neighborhood. The Vine NEZs are for new owner/occupants of existing homes, and the Edison NEZs are for owners/occupants of new homes. The purpose of the NEZ program is to provide tax incentives for citizens to own and occupy homes in the designated neighborhoods, and it requires a financial investment by the owner toward improving the property. Successful NEZ applicants receive a reduction in their City and County operating taxes of fifty percent.

Within each zone, homeowners or builders are required to apply for a certificate for each property in order to obtain the tax benefits. All the applications received by the City must be approved by the City Commission. The approval takes effect in the following tax year. For example, the applications that are received and approved this year (2020) will take effect on tax bills issued in 2021. Applicants that receive approval can participate in the program for up to ten years.

No applications were received for the Vine or Edison NEZs in 2020. The recommended resolution recognizes this and revokes one current NEZ certificate due to delinquent taxes.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:



Complete Neighborhoods - residential areas that support the full range of people's daily needs

The NEZ Homestead Certificate Program was established in Kalamazoo in 2008 and has benefited nearly 100 homeowners in the Vine and Edison neighborhoods. Most of these properties were rentals prior to becoming involved in this program. The resulting homeownership has brought more stability to the neighborhoods.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Internal – this is an annual update on the Neighborhood Enterprise Zone program.

FISCAL IMPACT:

For new homestead NEZ certificates, the certificate is in effect for 10 years and represents a reduction of 50% of the City & County operating taxes for the home. Assuming static housing values and the City millage rate, the City would forego these amounts for the next ten years.

No fiscal impact as no NEZ homestead applications received in 2020.

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. ____

**A RESOLUTION APPROVING FIVE NEW APPLICATIONS FOR HOMESTEAD
NEIGHBORHOOD ENTERPRISE ZONE CERTIFICATES PURSUANT TO PUBLIC
ACT 147 OF 1992**

Minutes of a regular meeting of the City Commission of the City of Kalamazoo on
December 7, 2020 at 7:00 o'clock p.m., local time at the City Hall.

PRESENT, Commissioners:

ABSENT, Commissioners:

Recitals:

A. The Kalamazoo City Commission adopted the Vine Neighborhood Homestead Neighborhood Enterprise Zone and the Park-Cedar-Burdick-Lovell Area Homestead Neighborhood Enterprise Zone so that residents of the City of Kalamazoo would have the potential to take advantage of residential tax abatements while also providing incentives to encourage neighborhood revitalization; and

B. The City of Kalamazoo has not received any applications for Homestead Neighborhood Enterprise Zone Certificates; and

C. All applicants must indicate that they will invest at least \$500 in property upgrades for their respective homes within the first three years of their residence in the homestead properties.

THEREFORE, IT IS RESOLVED, that all property owners awarded a Certificate of Neighborhood Enterprise Zone for ten (10) years allows each of them to pay the reduced "Neighborhood Enterprise Zone Tax" until such time as:

1. The applicant no longer lives in the above listed address as his/her principal residence; or
2. The applicant is not current in payment of the Neighborhood Enterprise Zone Tax; or
3. Ten (10) years has elapsed from the time of the issuance of the certificate.

BE IT FURTHER RESOLVED, that the previously approved Neighborhood Enterprise Zone Certificate 2019-010 for 918 Davis Street (parcel number #06-71-019-010) has been hereby revoked by the City Assessor due to delinquent taxes.

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 December 7, 2020. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976). 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: **12/7/2020**

Item: **G.8.**

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

FROM: Clyde J. Robinson, City Attorney
Prepared by: Richard O. Cherry, Deputy City Attorney

DATE: December 7, 2020

SUBJECT: Snow Melt Easement with Catalyst Development Co. 12, L.L.C at the Former Lot 9

RECOMMENDATION:

It is recommended that the City Commission approve the Snow Melt System Easement located in public right-of-way (sidewalk) along the south side of Water Street, beginning at Edwards Street and extending west to the Kalamazoo Mall; a portion of the public right-of-way (sidewalk) on the west side of Edwards Street beginning at Water Street and extending south to the public alleyway; a portion of the public alleyway that runs along the south side of the building; and a strip of land immediately to the west of the building that is part of the remainder of Lot 9.

BACKGROUND:

In 2018, Catalyst Development Co. 12, L.L.C. (Catalyst) redeveloped the former parking lot located at the southwest corner of Water Street and Edwards Street, Kalamazoo, Michigan 49007, commonly known as Lot 9. This parcel is primarily the eastern portion of Lot 9 and is approximately 1.362 acres in size.

On that lot, Catalyst constructed a seven-story building which includes a first-class office space, approximately 45 residential units, and a parking structure with approximately 313 parking spaces.

Under a development and purchase agreement executed July 18, 2018, the Brownfield Redevelopment Authority (BRA) provided financial assistance to Catalyst through the capture of tax increment revenues to reimburse Catalyst for certain expenses it incurred in the project. Among the improvements Catalyst made was the installation of a snow melt system public right-of-way (sidewalk) along the south side of Water Street, beginning at Edwards Street and extending west to the Kalamazoo Mall; a portion of the public right-of-way (sidewalk) on the

west side of Edwards Street beginning at Water Street and extending south to the public alleyway; a portion of the public alleyway that runs along the south side of the building; and a strip of land immediately to the west of the building that is part of the remainder of Lot 9.

Since a portion of the snow melt system is in public rights-of-way, this easement agreement is necessary. Under the easement, Catalyst has agreed to operate the system for a minimum of 20 years; and, if it elects to discontinue such operation, will sell to the City for a nominal price (to be determined into future negotiations) upon 12 months prior notice.

STRATEGIC VISION ALIGNMENT:



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



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

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

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

Other than the active review and input from City staff in the attached easement, no other community resources were consulted.

FISCAL IMPACT:

Aside from the reimbursements made, and to be made, to Catalyst from tax increment revenues there has been no significant fiscal impact.

SNOW MELT SYSTEM EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that the City of Kalamazoo, Michigan, a municipal corporation, 241 W. South Street, Kalamazoo, MI 49007 (the “City”), for and in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration paid by Catalyst Development Co. 12, LLC, a Michigan limited liability company, 100 W. Michigan Avenue, Suite 300, Kalamazoo, MI 49007 (“Catalyst”), does hereby convey, grant and release to Catalyst an appurtenant easement to construct, operate, maintain, repair and/or replace an underground snow melt system on the following two (2) parcels of land situated in the City of Kalamazoo, County of Kalamazoo, State of Michigan, and described as:

See legal descriptions and sketches attached hereto as Exhibit A (the “Burdened Parcels”)

and to enter upon the Burdened Parcels for the purpose of the construction, operation, maintenance, repair and/or replacement thereof. It is understood and agreed that, unless otherwise set forth in a separate agreement, no buildings or construction of any kind or nature, other than the underground snow melt system and components, shall be placed upon the Burdened Parcel by either party without the prior written consent of the other party, its successors or assigns.

The parties acknowledge (1) that this easement is granted in connection with Catalyst’s construction of a seven story building to include first-class office space, approximately 45 residential units, and a parking structure with approximately 313 parking spaces, located on the southwest corner of Water Street and Edwards Street in downtown Kalamazoo (the “Building”); (2) that the Burdened Parcels include a portion of the public right-of-way (sidewalk) along the south side of Water Street, beginning at Edwards Street and extending west to the Kalamazoo Mall; a portion of the public right-of-way (sidewalk) on the west side of Edwards Street beginning at Water Street and extending south to the public alleyway; a portion of the public alleyway that runs along the south side of the Building; and a strip of land immediately to the west of the Building that is part of the remainder of Lot 9; and (3) that this easement shall run with the land for the benefit of the parcel upon which the Building is located, which is described more particularly on Exhibit B, attached hereto (the “Benefitted Property”).

The parties further acknowledge that the area upon, under and over which Catalyst shall construct, operate, maintain, repair and/or replace an underground snow melt system includes, in addition to the Burdened Parcels, as described above, certain open exterior spaces (sidewalks, entryways, etc.) owned by Catalyst and located on the Benefitted Property.

The area upon which the Snow Melt Easement is located and all the components of the snow melt system, including but not limited to the boilers, pipes, tubing, valves, conduits, switches and controls necessary for the operation of the system, regardless whether any such component is located in the Burdened Parcel or the Benefitted Property, shall be collectively considered and referred to as the “Snow Melt System.” Catalyst will provide the City “as built” drawings of the Snow Melt System upon completion.

Catalyst shall be solely responsible for the construction, maintenance and repair, replacement and operation of the Snow Melt System. Upon completion of such construction, maintenance, repairs or replacement, Catalyst shall restore the Burdened Parcel and Benefitted Property pursuant to the site plan for the Building approved by the City of Kalamazoo, or, if no site plan is applicable, to the condition it was in prior to the construction, maintenance, repairs or replacement of the Snow Melt System. If the City intends to perform any maintenance, repairs, replacement, or new installations of the sidewalks, signs, signals or other improvements within the Burdened Parcel, the City shall notify Catalyst not fewer than thirty (30) days prior to the intended work date so that Catalyst may work with the City to ensure that no damage is done to the Snow Melt System. In addition, in the event the City removes or replaces the sidewalk when it otherwise is in good condition, the City shall pay the cost of any repairs or replacements of the Snow Melt System that are necessitated by the removal and/or replacement of the sidewalk. Catalyst shall be responsible to locate the Snow Melt System for any ‘Miss Dig’ requests in the public right of way where the Snow Melt System is located.

In consideration of the pledge by the City of Kalamazoo Brownfield Redevelopment Authority (the “BRA”) to reimburse Catalyst for a portion of the costs it incurs in constructing the Building, as more fully set forth in a separate agreement between Catalyst and the BRA, Catalyst shall operate and maintain the Snow Melt System, as set forth in this Agreement, for a period of not less than 20 years. During this period Catalyst will not charge or assess any of the property owners occupying or owning property that abuts the Snow Melt System for costs incurred to maintain, repair, replace or service such system unless such cost is directly attributable to the negligent acts or omissions of the property owner or such owner’s tenants.

Upon the expiration of the 20-year period, or Catalyst’s decision to abandon and no longer operate and maintain the Snow Melt System, whichever later occurs, this easement shall terminate, and Catalyst shall have no further obligation to operate, maintain, repair or replace the Snow Melt System; provided, however, that Catalyst must provide the City prior written notice of its decision to abandon the Snow Melt System not less than twelve (12) months before the date of abandonment. If, after receipt of such notice from Catalyst, the City should desire to assume responsibility for the operation and maintenance of the Snow Melt System, the parties shall use the twelve (12) month notice period to engage in good faith negotiations to transfer some or all of the components of the Snow Melt System to the City, at a nominal cost, to enable the City to continue operating and maintaining the Snow Melt System, provided that such continued operation does not unreasonably interfere with Catalyst’s use of its property.

Catalyst shall defend, indemnify and hold the City, its successors and assigns, harmless from and against all claims, judgments, costs and expenses (including attorney fees) in connection with the exercise of the rights of use granted by this easement to Catalyst.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns.

This instrument is made to create an easement, and since the grantor is a municipality, in accordance with MCL 207.526, Sec.6(h)(i) and MCL 207.505, Sec.5(h)(i), no State or County transfer tax is required.

This Easement Agreement shall be effective as of _____, 2020.

IN WITNESS WHEREOF, the undersigned have affixed their signatures on the date indicated below.

CATALYST DEVELOPMENT CO. 12, L.L.C.

By: _____
Patti Owens, Vice President & Managing Director

Dated: _____, 2020.

CITY OF KALAMAZOO

By: _____
James Ritsema

Its: City Manager

Dated: _____, 2020.

STATE OF MICHIGAN)
COUNTY OF KALAMAZOO)

On this _____ day of _____, 2020, before me the undersigned, a Notary Public in and for said County, personally appeared Patti Owens, to me personally known, who being by me duly sworn, did say that she is the Vice-President and Managing Director of Catalyst Development Co. 12, LLC, and that she is executing this instrument on behalf of the Company.

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

STATE OF MICHIGAN)
COUNTY OF KALAMAZOO)

On this _____ day of _____, 2020, before me the undersigned, a Notary Public in and for said County, personally appeared James Ritsema, to me personally known, who being by me duly sworn, did say that he is the City Manager of the City of Kalamazoo, and that he is executing this instrument on behalf of the City of Kalamazoo.

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

Prepared By And When Recorded Return to:

Jordan R. Schau (P49881)
Lake, Parfet & Schau PLC
141 E. Michigan Avenue
Suite 600
Kalamazoo, MI 49007
(269) 382-5440

EXHIBIT A

LEGAL DESCRIPTION AND DRAWING OF THE BURDENED PARCEL

Land situated in the City of Kalamazoo, County of Kalamazoo, State of Michigan, and described as:

[See Next Page]



LANDTECH PROFESSIONAL SURVEYING AND ENGINEERING

P.O. Box 193 275 McGregor Way
Grawn, MI 49637
PHONE: 231-943-0050
FAX: 231-943-0051
www.landtechps.com

SURVEY DESCRIPTION

Part of Section 15, Town 2 South, Range 11 West,
City of Kalamazoo, Kalamazoo County, Michigan

PROPOSED EASEMENT 1

PART OF THE SOUTHWEST 1/4 OF SECTION 15, TOWN 2 SOUTH, RANGE 11 WEST, CITY OF KALAMAZOO, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY OF SOUTH EDWARDS STREET (PUBLIC) AND THE SOUTHERLY RIGHT OF WAY OF EAST WATER STREET (PUBLIC), ALSO BEING THE NORTHEAST CORNER OF LOT 255 OF PLAT OF TOWN OF KALAMAZOO, RECORDED AS LIBER 3, PAGE 8, KALAMAZOO COUNTY RECORDS; THENCE S59°03'43"W ALONG THE SOUTHERLY RIGHT OF WAY OF EAST WATER STREET AND THE NORTHERLY LINE OF SAID LOT A DISTANCE OF 482.97 FEET; THENCE S89°15'48"W ALONG SAID RIGHT OF WAY AND THE NORTHERLY LINE A DISTANCE OF 131.69 FEET TO THE NORTHWEST CORNER OF LOT 243 OF SAID PLAT; THENCE N00°29'09"W A DISTANCE OF 7.08 FEET; THENCE N89°18'23"E A DISTANCE OF 116.72 FEET; THENCE NORTHEASTERLY A DISTANCE OF 23.58 FEET, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 027°01'16" AND A CHORD BEARING N75°47'45"E 23.36 FEET; THENCE N59°03'43"E A DISTANCE OF 181.17 FEET; THENCE N52°56'17"W A DISTANCE OF 5.65 FEET; THENCE N58°03'18"E A DISTANCE OF 145.45 FEET; THENCE NORTHWESTERLY A DISTANCE OF 2.26 FEET, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 7.26 FEET, A CENTRAL ANGLE OF 017°49'20" AND A CHORD BEARING N28°04'35"W 2.25 FEET; THENCE N59°03'43"E A DISTANCE OF 120.68 FEET; THENCE N30°56'17"W A DISTANCE OF 5.93 FEET; THENCE N59°03'43"E A DISTANCE OF 13.02 FEET; THENCE SOUTHEASTERLY A DISTANCE OF 36.88 FEET, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 22.71 FEET, A CENTRAL ANGLE OF 093°01'36" AND A CHORD BEARING S74°25'29"E 32.96 FEET; THENCE S30°56'17"E A DISTANCE OF 16.90 FEET; THENCE S59°03'43"W A DISTANCE OF 4.58 FEET; THENCE S30°15'49"E A DISTANCE OF 124.50 FEET; THENCE NORTHEASTERLY A DISTANCE OF 8.84 FEET, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 11.42 FEET, A CENTRAL ANGLE OF 044°21'23" AND A CHORD BEARING N11°41'07"E 8.62 FEET; THENCE S75°56'17"E A DISTANCE OF 1.00 FEET; THENCE S30°56'17"E A DISTANCE OF 38.51 FEET; THENCE S36°37'43"W A DISTANCE OF 1.00 FEET; THENCE NORTHWESTERLY A DISTANCE OF 8.66 FEET, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 10.88 FEET, A CENTRAL ANGLE OF 045°36'09" AND A CHORD BEARING N73°56'17"W 8.43 FEET; THENCE S30°56'17"E A DISTANCE OF 30.79 FEET; THENCE NORTHEASTERLY A DISTANCE OF 7.52 FEET, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 12.61 FEET, A CENTRAL ANGLE OF 034°09'44" AND A CHORD BEARING N14°13'41"E 7.41 FEET; THENCE N87°03'43"E A DISTANCE OF 1.05 FEET; THENCE S30°58'20"E A DISTANCE OF 30.78 FEET; THENCE S59°03'43"W A DISTANCE OF 11.87 FEET; THENCE NORTHWESTERLY A DISTANCE OF 7.92 FEET, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 5.12 FEET, A CENTRAL ANGLE OF 088°37'57" AND A CHORD BEARING N75°15'56"W 7.15 FEET; THENCE S59°03'43"W A DISTANCE OF 9.23 FEET; THENCE S30°56'17"E A DISTANCE OF 5.12 FEET; THENCE S59°03'05"W A DISTANCE OF 215.93 FEET; THENCE NORTHWESTERLY A DISTANCE OF 8.80 FEET, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 5.60 FEET, A CENTRAL ANGLE OF 090°00'00" AND A CHORD BEARING N75°56'17"W 7.92 FEET; THENCE S60°01'36"W A DISTANCE OF 10.72 FEET; THENCE SOUTHWESTERLY A DISTANCE OF 8.35 FEET, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 6.03 FEET, A CENTRAL ANGLE OF 079°20'49" AND A CHORD BEARING S25°11'23"W 7.70 FEET; THENCE S58°44'33"W A DISTANCE OF 77.75 FEET; THENCE S89°50'00"W A DISTANCE OF 13.62 FEET TO THE WESTERLY LINE OF A PUBLIC ALLEY (PUBLIC); THENCE N00°41'48"W ALONG SAID ALLEY LINE A DISTANCE OF 41.12 FEET; THENCE N65°42'27"W A DISTANCE OF 10.27 FEET; THENCE S88°42'51"W A DISTANCE OF 4.48 FEET; THENCE N01°25'45"W A DISTANCE OF 14.66 FEET TO THE NORTHERLY LINE OF SAID ALLEY; THENCE N87°56'28"E ALONG SAID ALLEY LINE A DISTANCE OF 68.81 FEET; THENCE S09°38'48"E ALONG SAID LINE A DISTANCE OF 15.79 FEET; THENCE N59°03'57"E ALONG SAID ALLEY LINE A DISTANCE OF 269.61 FEET TO THE WESTERLY RIGHT OF WAY OF SOUTH EDWARDS STREET AND THE EASTERLY LINE OF LOT 255 OF SAID PLAT; THENCE N30°42'24"W ALONG SAID LINE A DISTANCE OF 210.00 FEET TO THE POINT OF BEGINNING. CONTAINS 16,326 SQUARE FEET OR 0.375 ACRES.

LANDTECH PROFESSIONAL SURVEYING AND ENGINEERING

P.O. Box 193 McGregor Way
Grawn, MI 49637
PHONE: 231-943-0050
FAX: 231-943-0051
www.landtechps.com

SURVEY DESCRIPTION

Part of Section 15, Town 2 South, Range 11 West,
City of Kalamazoo, Kalamazoo County, Michigan

PROPOSED EASEMENT 2

PART OF THE SOUTHWEST 1/4 OF SECTION 15, TOWN 2 SOUTH, RANGE 11 WEST, CITY OF KALAMAZOO, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY OF SOUTH EDWARDS STREET (PUBLIC) AND THE SOUTHERLY RIGHT OF WAY OF EAST WATER STREET (PUBLIC), ALSO BEING THE NORTHEAST CORNER OF LOT 255 OF PLAT OF TOWN OF KALAMAZOO, RECORDED AS LIBER 3, PAGE 8, KALAMAZOO COUNTY RECORDS; THENCE S59°03'43"W ALONG THE SOUTHERLY RIGHT OF WAY OF EAST WATER STREET AND THE NORTHERLY LINE OF SAID LOT A DISTANCE OF 305.50 FEET TO THE POINT OF BEGINNING; THENCE S13°53'59"W A DISTANCE OF 8.24 FEET; THENCE S30°56'17"E A DISTANCE OF 160.63 FEET; THENCE S79°21'39"E A DISTANCE OF 7.78 FEET; THENCE S30°56'24"E A DISTANCE OF 1.14 FEET TO THE NORTHERLY LINE OF A PUBLIC ALLEY (PUBLIC); THENCE S87°56'28"W ALONG SAID LINE A DISTANCE OF 22.24 FEET; THENCE N01°25'45"W A DISTANCE OF 5.99 FEET; THENCE NORTHWESTERLY A DISTANCE OF 35.64 FEET, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 17.94 FEET, A CENTRAL ANGLE OF 113°50'12" AND A CHORD BEARING N50°08'22"W 30.06 FEET; THENCE NORTHWESTERLY A DISTANCE OF 23.25 FEET, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 27.00 FEET, A CENTRAL ANGLE OF 049°20'27" AND A CHORD BEARING N81°42'04"W 22.54 FEET; THENCE N30°56'17"W A DISTANCE OF 0.70 FEET; THENCE N59°03'43"E A DISTANCE OF 6.82 FEET; THENCE S30°56'17"E A DISTANCE OF 0.54 FEET; THENCE NORTHEASTERLY A DISTANCE OF 23.48 FEET, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 20.91 FEET, A CENTRAL ANGLE OF 064°20'24" AND A CHORD BEARING N83°07'44"E 22.27 FEET; THENCE NORTHEASTERLY A DISTANCE OF 6.96 FEET, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 5.13 FEET, A CENTRAL ANGLE OF 077°43'55" AND A CHORD BEARING N07°00'05"E 6.43 FEET; THENCE N30°56'17"W A DISTANCE OF 95.60 FEET; THENCE S59°03'43"W A DISTANCE OF 14.13 FEET; THENCE SOUTHWESTERLY A DISTANCE OF 6.13 FEET, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 6.00 FEET, A CENTRAL ANGLE OF 058°34'38" AND A CHORD BEARING S88°21'02"W 5.87 FEET; THENCE NORTHEASTERLY A DISTANCE OF 23.15 FEET, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 18.23 FEET, A CENTRAL ANGLE OF 072°43'37" AND A CHORD BEARING N08°31'06"E 21.62 FEET; THENCE NORTHWESTERLY A DISTANCE OF 4.17 FEET, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2.80 FEET, A CENTRAL ANGLE OF 085°18'49" AND A CHORD BEARING N72°04'10"W 3.79 FEET TO THE SOUTHERLY RIGHT OF WAY OF EAST WATER STREET AND THE NORTHERLY LINE OF LOT 247 OF SAID PLAT; THENCE N59°03'43"E ALONG SAID LINE A DISTANCE OF 20.76 FEET TO THE POINT OF BEGINNING. CONTAINS 1,724 SQUARE FEET OR 0.040 ACRES.

EXHIBIT B

LEGAL DESCRIPTION OF THE BENEFITED PROPERTY

Land Situated in the State of Michigan, County of Kalamazoo, City of Kalamazoo, being more particularly described as:

PART OF THE SOUTHWEST 1/4 OF SECTION 15, TOWN 2 SOUTH, RANGE 11 WEST, CITY OF KALAMAZOO, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY OF SOUTH EDWARDS STREET (PUBLIC) AND THE SOUTHERLY RIGHT OF WAY OF EAST WATER STREET (PUBLIC), ALSO BEING THE NORTHEAST CORNER OF LOT 255 OF PLAT OF TOWN OF KALAMAZOO, RECORDED AS LIBER 3, PAGE 8, KALAMAZOO COUNTY RECORDS; THENCE S30°42'24"E ALONG THE WESTERLY RIGHT OF WAY OF SOUTH EDWARDS STREET AND THE EASTERLY LINE OF SAID LOT A DISTANCE OF 210.00 FEET TO THE NORTHERLY LINE OF A PUBLIC ALLEY (PUBLIC); THENCE S59°03'57"W ALONG SAID ALLEY LINE A DISTANCE OF 269.61 FEET; THENCE N09°38'48"W ALONG SAID ALLEY LINE A DISTANCE OF 15.79 FEET; THENCE S87°56'28"W ALONG SAID ALLEY LINE A DISTANCE OF 46.57 FEET; THENCE N30°56'24"W A DISTANCE OF 172.78 FEET TO THE SOUTHERLY RIGHT OF WAY OF EAST WATER STREET AND THE NORTHERLY LINE OF LOT 249 OF SAID PLAT; THENCE N59°03'43"E ALONG SAID RIGHT OF WAY AND THE NORTHERLY LINE OF SAID PLAT A DISTANCE OF 305.50 FEET TO THE POINT OF BEGINNING.



City Commission Agenda Report

City of Kalamazoo

Date: **12/7/2020**

Item: **G.9.**

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

FROM: Clyde J. Robinson, City Attorney

DATE: December 7, 2020

SUBJECT: MDOT Property Acquisitions

RECOMMENDATION:

It is recommended that the City Commission authorize the City Manager to execute the acceptance of Good Faith Written Offers from the Michigan Department of Transportation to acquire easements and fee title to City-owned parcels adjacent to, and within, the I-94 right of way within the City limits. The City owns various parcels along I-94 that the State desires to acquire in fee or acquire temporary or permanent easements.

BACKGROUND:

The Michigan Department of Transportation is embarking on improvements to I-94. In connection with the project, it has tendered seven Good Faith Written Offers to the City as required when exercising the power of eminent domain. The interests being acquired range from a small 255 sq grading easement to acquisition of abandoned Emerald Drive in the middle of I-94. The attached table provides a summary:

Parcel #	Location	Compensation	Area
778	4121 Pennway St	\$40,300	Fee title to area east of Consumers Energy easement (1.052 acres); permanent highway easement along southerly portion of remainder of the City parcel west of the Consumers Energy easement
782	3602 Van Rick Dr	\$2400	Grading easement over 13864 sq. ft (0.32 acre)
783	3330 Gembrit Circle	\$600	Grading easement over 412 sq. ft
839	2300 Dorchester Ave	\$600	Grading easement over 255 sq. ft
840	2301 Kilgore Rd	\$600	Grading easement over 402 sq. ft
841	4131 Pennway St	\$600	Grading easement over 2259 sq. ft/remove approx. 272' of ROW fence
842	Abandoned Emerald Dr	\$11,700	Fee title to ROW across I-94

The only matter which is of interest is the fact that when the State built I-94 over what had been Emerald Drive in the 1950s, there is no record that the property was acquired from the City of Kalamazoo Township. The City received the Emerald Drive right of way from the Township by quit claim deed when the Milwood area was annexed to the City. As such, the City is entitled to the compensation offered by the State for the 66' gap running across I-94.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:



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

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

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

Discussion: The City Commission could choose to contest the amount of compensation being offered. Such a challenge would not prevent the State from acquiring the property interests that are being sought. If the City were successful, it would be able to recoup its attorney fees. This is not recommended. The appraiser used by the State for a market study of the project is the former City of Battle Creek assessor and an individual the City has used as an appraiser/expert witness in the past. The appraisals done by a MDOT employee are consistent with the market study work. There is no reason to believe that the offers from the State are inconsistent with market trends for the location and type of property interest being acquired from the City.

FISCAL IMPACT:



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

PAUL C. AJEGBA
DIRECTOR

Good Faith Written Offer Letter

November 5, 2020

City of Kalamazoo Public Services
Mr. James Baker
Director of Public Works
241 W. South St.
Kalamazoo, MI 49007

Subject: CS 39022, JN 105886, Parcel 778
Address: 4121 Pennway St.
County: Kalamazoo

Dear Mr. Baker:

The Michigan Department of Transportation (MDOT) has an upcoming project along I-94 and has reviewed your property as it relates to the needs of the project. MDOT has determined that it is necessary to acquire Fee rights and Highway Easement over your property as described in the attached legal description.

In accordance with state and federal laws and federal regulations governing the acquisition of property by MDOT, this letter is MDOT's Good Faith Written Offer.

MDOT had a licensed real estate appraiser estimate the value of the property rights to be acquired. This Good Faith Offer is based on that valuation set forth in the enclosed appraisal. The report is considered to be part of this Good Faith Offer. It outlines the items for which you are entitled to be paid, based on the facts known at this time, along with the state of the market and condition of the property as of the date of valuation.

MDOT's Good Faith Offer to you as just compensation regarding Parcel 778 is itemized below:

Fee Acquisition	\$39,000
Highway Easement	\$1,300

Accordingly, the total amount that MDOT is offering for your property rights is \$40,300.

Please note that this offer is valid only until December 5, 2020, after which time MDOT may pursue a condemnation case if we have not reached an agreement. MDOT is authorized to acquire your property rights by purchase or condemnation.

Please review all the materials carefully and let us know in writing if you believe anything of significance has been omitted with respect to the amount of money you should be paid. MDOT will review the items you identify and will respond accordingly if any changes will be made to its Good Faith Written Offer. I am also available to discuss this offer with you and answer any questions you may have related to the attached documentation, this Good Faith Written Offer, and the Eminent Domain process.

ADDENDUM TO GOOD FAITH WRITTEN OFFER

This information required by P.A. 286 of 1964

Page 1 of 2

☐	NAME City of Kalamazoo Public Services	NATURE OF INTEREST Fee Owner
☐	ADDRESS 241 W. South Street	TELEPHONE NUMBERS 269-370-8715

☐ SEE ATTACHED LIST FOR ADDITIONAL OWNERS

Price	A	The owner(s) agree to sell the following described property to the Michigan Department of Transportation for the sum of <u>Thirty Nine Thousand Dollars (\$39,000)</u> and to deliver to the Michigan Department of Transportation a warranty deed clear of all encumbrances subject only to easements and restrictions of record.
Title	B	The owner(s) agree not to sell, convey, mortgage, or otherwise encumber the title to the land or any part thereof, or to permit any act or deed to diminish the value of the following described land.
Taxes	C	The owner(s) agree to pay all real estate taxes due and payable at the time of closing. The owner(s) also agrees to pay any special assessment levied at the time of closing. The owner(s) also agrees to pay any personal property taxes due and payable at the time of closing including all jeopardy assessments filed at the time of closing. Ad-valorem real taxes will be prorated in accordance with the provisions of Act 288, P.A. 1966.
Improvements	D	This sale includes all buildings, structures, trees and other improvements on the property.
Occupancy	E	The Michigan Department of Transportation will become the owner of the property upon payment of the price listed above. The owner(s) shall have the right to occupy the improvements on the property for a period of <u>Zero (0)</u> days after the closing. However, if the buildings become vacant subsequent to the acceptance of the Good Faith Offer, they will not be reoccupied.
Escrow Agent	F	The owners(s) agree that <u>Devon Title</u> will act as escrow agent in closing this sale. The escrow agent will deduct from the proceeds all sums necessary to satisfy and discharge all liens, encumbrances and taxes and secure and record the instruments sufficient to vest an unencumbered title in the name of the Michigan Department of Transportation, subject only to easements and restrictions of record.
Commitment	G	20005240
Delayed Payment	H	The owner(s) agree to await a later refund of prorated prepaid ad-valorem taxes.
Minerals	I	Fluid Mineral and Gas rights are ☒ included ☐ not included.
Special Provisions	J	None

Any personal property or fixtures that have not been removed by the date of a Notice to Quit to be issued by MDOT will become the property of MDOT and will be removed by MDOT, its contractors, or its agents. This does not apply to hazardous material.

MDOT reserves its rights to bring federal or state cost recovery actions against the present owners, and any other potentially responsible parties, arising out of release of hazardous substances on the property.

PROPERTY TAX CODE 3906-36-317-002

CONTROL SECTION 39022	JOB NUMBER 105885	PARCEL 778	NAME City of Kalamazoo Public Services
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ADDENDUM TO GOOD FAITH WRITTEN OFFER – HIGHWAY EASEMENT

This information required by P.A. 286 of 1964

Page 1 of 2

+	NAME City of Kalamazoo Public Services	NATURE OF INTEREST Fee Owner
-	ADDRESS 241 W. South Street	TELEPHONE NUMBERS 269-370-8715
+	NAME	NATURE OF INTEREST
-	ADDRESS	TELEPHONE NUMBERS

Price	A	The owner(s) agree to grant an easement for highway purposes over the following described property to the Michigan Department of Transportation for the sum of <u>One Thousand Three Hundred Dollars (\$1,300)</u> and to deliver to the Michigan Department of Transportation an easement subject to the following provisions: 1. The conveyance will include the consent of the grantors to the removal at any time of such trees, shrubs and vegetation as is, in the judgement of the Michigan Department of Transportation, necessary to construct and maintain the highway. Notice to the grantors of the removal is not required. 2. The grantors agree that no trees, shrubs or vegetation shall be cut or removed from the easement area by the grantors, their heirs, successors and assigns without the written permission of the Michigan Department of Transportation. 3. The grantors agree for themselves, their heirs, successors and assigns, that no billboard or advertising device shall be erected, permitted, or maintained on the right of way as described.
Title	B	The owner(s) agrees not to sell, convey, mortgage, or otherwise encumber the title to the land or any part thereof, or to permit any act or deed to diminish the value of the following described land.
Improvements	C	The easement includes all buildings, structures, trees, and other improvements, except <u>no exceptions</u> and when necessary the right to enter upon the remaining lands to remove said improvements.
Occupancy	D	The Michigan Department of Transportation will become the owner of the easement upon payment of the price listed above. The owner(s) shall have the right to occupy the improvements on the property for a period of <u>Zero (0)</u> days after the closing. However, if the buildings become vacant subsequent to the signing of this option, they will not be reoccupied.
Escrow Agent	E	The owners(s) agree that <u>Devon Title</u> will act as escrow agent in closing this agreement.
Commitment	F	20005240
Special Provisions	I	None
Any personal property or fixtures which have not been removed by the date of a Notice to Quit to be issued by MDOT will become the property of MDOT and will be removed by MDOT, its contractors, or its agents. This does not apply to hazardous material. MDOT reserves its rights to bring federal or state cost recovery actions against the present owners, and any other potentially responsible parties, arising out of release of hazardous substances on the property. The mortgagee consents to the easement granted and hereby agrees that the mortgage shall be subordinate to the easement.		
PROPERTY TAX CODE 3906-36-317-002		
CONTROL SECTION 39022	JOB NUMBER 105885	PARCEL 778 NAME City of Kalamazoo Public Services

COVENANT DEED

The CITY OF KALAMAZOO, a Michigan public body corporate, whose address is 241 W. South Street, Kalamazoo, Michigan 49007 ("Grantor"), grant and conveys to the MICHIGAN DEPARTMENT OF TRANSPORTATION, whose address is 425 West Ottawa Street, P.O. Box 30050, Lansing, MI 48909 ("Grantee"), the following described premises situated in the City of Kalamazoo, County of Kalamazoo, State of Michigan ("Property"):

See Attached Exhibit A Survey Attached as Exhibit C

together with all improvements, buildings, facilities, structures and real estate fixtures located on the Property, and subject to the easements, building, use and zoning restrictions, and limitations of record and those exceptions under **Exhibit B**.

In consideration of: Thirty Nine Thousand Dollars (\$39,000)

Further, Grantor covenants that it has not done, committed, or knowingly or willingly suffered to be done or committed, any act or matter while it was owner of the Property causing the Property to be charged or encumbered in title, estate, or otherwise.

The Grantor grants to the Grantee the right to make zero (0) divisions, if any, permitted under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended.

This property may be located within the vicinity of farm land or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act.

This conveyance is exempt from taxation under the provisions of MCL 207.505(h)(i), and MCL 207.526(h)(i).

Effective Date: _____

SIGNATURE AND ACKNOWLEDGEMENT INTENTIONALLY ON NEXT PAGE

EXHIBIT A

(PARTIAL FEE TAKE) out of: 3906-36—317-002

Lands located in the City of Kalamazoo, County of Kalamazoo, described as:

MDOT FEE ACQUISITION LEGAL DESCRIPTION

That part of the following described PARENT PARCEL which lies within a parcel described as: A parcel of land in the Southwest 1/4 of Section 36, T.2 S.-R.11W., City of Kalamazoo, County of Kalamazoo, Michigan, more particularly described as follows: To fix the point of beginning commence at the West 1/4 corner of said Section; thence S.00°-28'-40"W., on the West line of said Section, 662.57 feet to the North line of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 as monumented; thence S.88°-56'-13"E., on said North line, 870.02 feet to the point of beginning; thence continuing S.88°-56'-13"E., on said North line, 363.27 feet to a Limited Access Right-of-Way line, restricting all ingress and egress; thence continuing S.88°-56'-13"E., on said North line, 57.87 feet to the Existing Limited Access Right-of-Way line of U.S. Highway I-94; thence S.65°-28'-04"W., on said Existing Limited Access Right-of-Way line, 402.73 feet to the Easterly line of an 80' wide Consumers Energy easement recorded on Document #2020-022190 of Kalamazoo County Records and said Limited Access Right-of-Way line; thence N.24°-50'-42"W., on said Easterly line and Limited Access Right-of-Way line, 25.00 feet; thence continuing N.24°-50'-42"W., on said Easterly line, 106.29 feet; thence N.00°-28'-40"E., parallel with said West Section line, 55.89 feet to the point of beginning.

ALSO, that part of the following described PARENT PARCEL which lies within a parcel described as: a parcel of land in the Southwest 1/4 of Section 36, T.2 S.-R.11W., City of Kalamazoo, County of Kalamazoo, Michigan, more particularly described as follows: To fix the point of beginning commence at the West 1/4 corner of said Section; thence S.00°-28'-40"W., on the West line of said Section, 662.57 feet to the North line of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 as monumented; thence S.88°-56'-13"E., on said North line, 572.41 feet; thence S.00°-28'-40"W., parallel with said West Section line, 315.05 feet to a Limited Access Right-of-Way line restricting all ingress and egress, and the point of beginning; thence N.65°-28'-04"E., on said Limited Access Right-of-Way line and parallel with the Existing Limited Access Right-of-Way line of U.S. Highway I-94, 298.57 feet to the Westerly line of an 80' wide Consumers Energy easement recorded on Document #2020-022190 of Kalamazoo County Records; thence S.24°-50'-42"E., on said Westerly line and continuing on said Limited Access Right-of-Way line, 25.00 feet to said Existing Limited Access Right-of-Way line; thence S.65°-28'-04"W., on said Existing Limited Access Right-of-Way line, 310.37 feet; thence N.00°-28'-40"E., parallel with said West Section line, 27.59 feet to the point of beginning.

State Plane Grid and Distances with a combined scale factor of 0.99993223, State Plane Distance / 0.99993223 = Ground Distance.

There shall be no right of direct ingress and egress, to and from and between the lands herein described, over and across the above described Limited Access Right-of-Way lines. The lands above described in fee contain 45,817 square feet (1.052 acres), more or less. Subject to easements, rights of way, reservations, and restrictions, if any, of record.

PARENT PARCEL LEGAL DESCRIPTION

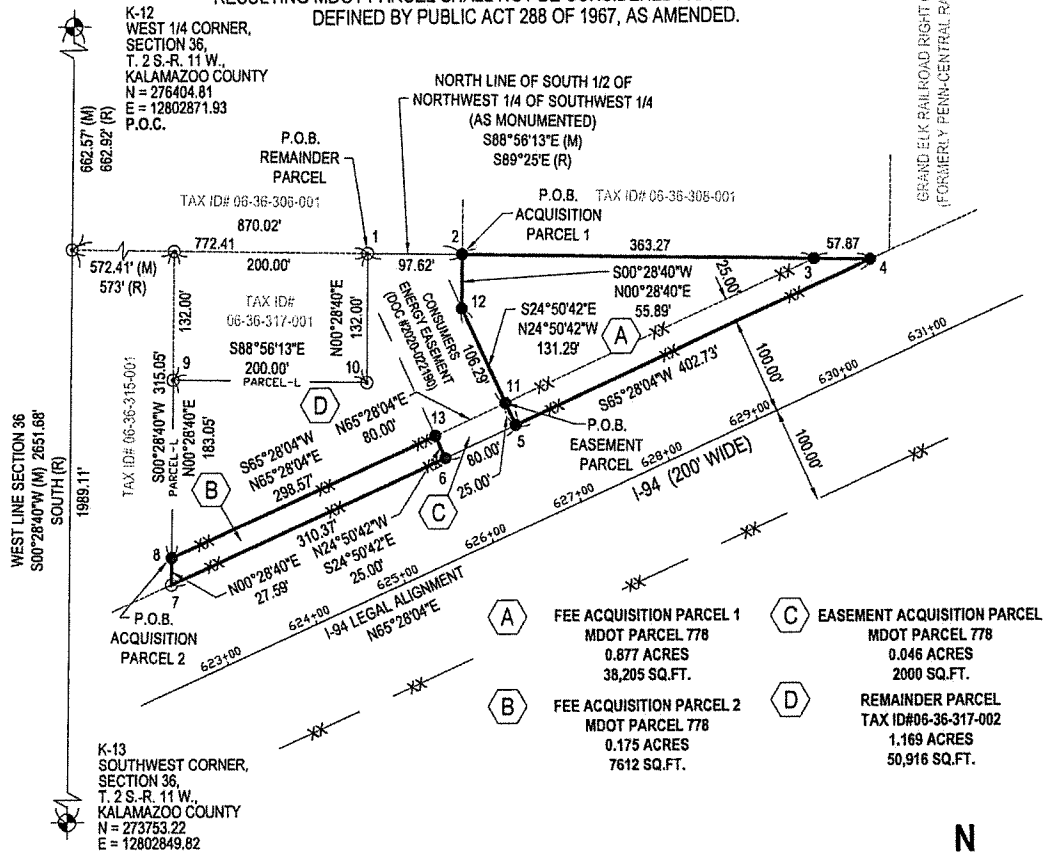
Land situated in the City of Kalamazoo, County of Kalamazoo, State of Michigan described as follows:

All that part of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 36, Town 2 South Range 11 West lying West of the Pennsylvania Railroad, excluding the West 577 feet thereof which lies North of a line 100 Northwestly of and measured at right angles and parallel to the survey line of US Highway 12 – Kalamazoo South Belt. Also excluding commencing at the West 1/4 post of Section 36, Town 2 South Range 11 West, thence South 662.92 feet along the West line of Section 36; thence South

Exhibit "C"

CERTIFICATE OF SURVEY

THIS SURVEY WAS PERFORMED FOR A PROPERTY TRANSFER FOR M.D.O.T.
R.O.W. ACQUISITION. NO DIVISIONS OR SUBDIVISIONS WERE MADE, AND THE
RESULTING MDOT PARCEL SHALL NOT BE CONSIDERED A BUILDING SITE AS
DEFINED BY PUBLIC ACT 288 OF 1967, AS AMENDED.



BASIS OF BEARINGS:
MICHIGAN COORDINATE SYSTEM
SOUTH ZONE (2113)

CALCULATED COORDINATES (MCS83)			FOUND / SET MONUMENTATION		
POINT#	NORTHING	EASTING	MONUMENT	OFFSET FROM CALC PT	PRECISION
1	275727.93	12803638.68	FOUND IRON	0.25' WEST	0.04'
2	275726.12	12803736.28	SET IRON WITH CAP #51487	NONE	0.02'
3	275719.38	12804099.49	SET IRON WITH CAP #51487	NONE	0.02'
4	275718.31	12804157.34	SET IRON WITH CAP #51487	NONE	0.02'
5	275551.09	12803790.97	SET IRON WITH CAP #51487	NONE	0.02'
6	275517.88	12803718.19	SET IRON WITH CAP #51487	NONE	0.02'
7	275389.01	12803435.84	FOUND IRON	0.40' SOUTH	0.04'
8	275416.60	12803436.07	SET IRON WITH CAP #51487	NONE	0.02'
9	275599.64	12803437.60	FOUND IRON	0.10' SOUTHWEST	0.04'
10	275595.93	12803637.58	FOUND IRON	0.25' SOUTH	0.04'
11	275573.78	12803780.47	SET IRON WITH CAP #51487	NONE	0.03'
12	275670.23	12803735.81	SET IRON WITH CAP #51487	NONE	0.03'
13	275540.56	12803707.69	SET IRON WITH CAP #51487	NONE	0.03'

LEGEND:

- SET 5/8" IRON WITH CAP #51487 (UNLESS OTHERWISE NOTED)
- ⊕ SECTION CORNER
- ⊙ FOUND IRON
- P.O.C. POINT OF COMMENCING
- P.O.B. POINT OF BEGINNING
- (R) RECORD
- (M) MEASURED



I, Anthony D. Thelen, being a Surveyor Licensed in the State of Michigan, hereby certify that I have surveyed and mapped the above parcel of land, that the relative positional precision of each corner, as shown on the included coordinate table, are within the limits accepted by the practice of professional surveying, and that I have complied with the regulations of P.A. 132 of 1970 as amended.

Anthony D. Thelen
ANTHONY D. THELEN, P.S. 08-10-2020
LICENSED PROFESSIONAL SURVEYOR
MICHIGAN LICENSE NO. 51487

FOR: **MDOT**
Michigan Department of Transportation

CS: 39022 JN: 105885C
ROUTE: I-94 DATE: 08-10-2020
DRAWN BY: JAB PARCEL: 778
CHECKED BY: TDT SHEET: 1 OF 3

PREPARED BY:
SURVEYING SOLUTIONS, INC.
1000 S. U.S. 27
ST. JOHNS, MICHIGAN 48879

CERTIFICATE OF SURVEY

REMAINDER PARCEL LEGAL DESCRIPTION MDOT PARCEL 778, CONTROL SECTION 39022

A parcel of land in the Southwest 1/4 of Section 36, T.2 S.-R.11W., City of Kalamazoo, County of Kalamazoo, Michigan, more particularly described as follows:

To fix the point of beginning commence at the West 1/4 corner of said Section; thence S.00°-28'-40"W., on the West line of said Section, 662.57 feet to the North line of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 as monumented; thence S.88°-56'-13"E., on said North line, 772.41 feet to the point of beginning; thence continuing S.88°-56'-13"E., on said North line, 97.62 feet; thence S.00°-28'-40"W., parallel with said West Section line, 55.89 feet to the Easterly line of an 80' wide Consumers Energy easement recorded on Document #2020-022190 of Kalamazoo County Records; thence S.24°-50'-42"E., on said Easterly line, 131.29 feet to an Existing Limited Access Right-of-Way line of U.S. Highway I-94; thence S.65°-28'-04"W., on said Existing Limited Access Right-of-Way line, 80.00 feet to the Westerly line of said Consumers Energy easement and a Limited Access Right-of-Way line, restricting all ingress and egress; thence N.24°-50'-42"W., on said Westerly line and Limited Access Right-of-Way line, 25.00 feet; thence S.65°-28'-04"W., continuing on said Limited Access Right-of-Way line and parallel with said Existing Limited Access Right-of-Way, 298.57 feet; thence N.00°-28'-40"E., parallel with said West Section line, 183.05 feet; thence S.88°-56'-13"E., parallel with said North line of the South 1/2 of the Northwest 1/4 of the Southwest 1/4, 200.00 feet; thence N.00°-28'-40"E., parallel with said West Section line, 132.00 feet to the point of beginning.

There shall be no right of direct ingress and egress, to and from and between the lands herein described, over and across the above described Limited Access Right-of-Way line. The lands above described in fee contain 50,916 square feet (1.169 acres), more or less. Subject to easements, rights of way, reservations, and restrictions, if any, of record.

NOTES:

1. Bearing are based on Grid North for Michigan Coordinate System, South Zone (2113).
2. Coordinate system is Michigan Coordinate System, South Zone (2113).
3. The measured distances shown on this survey and expressed in the Acquisition Parcel Description are **Grid distances**.
4. Average Combined Scale Factor for the project is 0.99993223.
5. Ground Distance = Grid Distance / Average Combined Scale Factor.
6. The coordinate system (NAD 83) was established by GPS measurement based on MDOT Job Number 105885C.
7. Parcels are subject to any rights-of-way, easements, or restrictions recorded or unrecorded, if any.
8. Legal Alignment established from Design Survey completed for MDOT Job Number 105885C.
9. Record bearings shown hereon, denoted with an (R), are from the Schedule C Legal Description, Title Commitment 20005240, Devon Title Agency.
10. Precision measures the relative positional precision defined as the length of the semi-major axis, expressed in feet, of the error representing the uncertainty due to random errors in measurement at the 95 percent confidence level (2Σ).

REFERENCES:

1. Title Commitment 20005240, Devon Title Agency, dated October 11, 2019

GOVERNMENT CORNER INFORMATION:

WITNESS BEARINGS REPORTED ARE MAGNETIC.
DISTANCES REPORTED ARE GROUND MEASUREMENTS.

WEST 1/4 CORNER (K-12)

SECTION 36, T.2 S.-R.11 W.

FOUND IRON MONUMENT, PER L.1, P.757

WITNESSES:

N50°W	39.06'	FOUND PK NAIL IN SW FACE OF UTILITY POLE
NORTH	15.46'	FOUND NAIL & TAG IN WEST FACE OF 24" CHERRY
S60°W	53.10'	SOUTHEAST CORNER OF GARAGE
WEST	45.95'	NORTHEAST CORNER OF GARAGE

SOUTHWEST CORNER (K-13)

SECTION 36, T.2 S.-R.11 W.

FOUND HARRISON MONUMENT WITH KALAMAZOO COUNTY REMONUMENTATION CAP IN MONUMENT BOX, PER L.3, P.567

WITNESSES:

N65°W	77.55'	SOUTHEAST CORNER OF CATCH BASIN
N40°E	78.10'	FOUND 1/2" IRON WITH 'REFERENCE POINT' CAP
S70°W	121.92'	FOUND 1/2" IRON WITH 'REFERENCE POINT' CAP
S50°E	60.38'	FOUND 1/2" IRON WITH 'REFERENCE POINT' CAP

FOR:  Michigan Department of Transportation	
CS: 39022	JN: 105885C
ROUTE: I-94	DATE: 08-10-2020
DRAWN BY: JAB	PARCEL: 778
CHECKED BY: TDT	SHEET: 3 OF 3
PREPARED BY: SURVEYING SOLUTIONS, INC. 1000 S. U.S. 27 ST. JOHNS, MICHIGAN 48879	

LEGAL DESCRIPTION

(HIGHWAY EASEMENT PCL 778)

Lands located in the City of Kalamazoo, County of Kalamazoo described as:

MDOT EASEMENT ACQUISITION LEGAL DESCRIPTION

That part of the following described PARENT PARCEL which lies within a parcel described as: A parcel of land in the Southwest 1/4 of Section 36, T.2 S.-R.11W., City of Kalamazoo, County of Kalamazoo, Michigan, more particularly described as follows: To fix the point of beginning commence at the West 1/4 corner of said Section; thence S.00°-28'-40"W., on the West line of said Section, 662.57 feet to the North line of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 as monumented; thence S.88°-56'-13"E., on said North line, 870.02 feet; thence S.00°-28'-40"W., parallel with said West Section line, 55.89 feet to the Easterly line of an 80' wide Consumers Energy easement recorded on Document #2020-022190 of Kalamazoo County Records; thence S.24°-50'-42"E., on said Easterly line, 106.29 feet to the point of beginning; thence continuing S.24°-50'-42"E., on said Easterly line, 25.00 feet to an Existing Limited Access Right-of-Way line of U.S. Highway I-94; thence S.65°-28'-04"W., on said Existing Limited Access Right-of-Way line, 80.00 feet to the Westerly line of said Consumers Energy easement; thence N.24°-50'-42"W., on said Westerly line, 25.00 feet; thence N.65°-28'-04"E., parallel with said Existing Limited Access Right-of-Way-line, 80.00 feet to the point of beginning.

State Plane Grid and Distances with a combined scale factor of 0.99993223, State Plane Distance / 0.99993223 = Ground Distance.

The lands above described in easement contain 2,000 square feet (0.046 acres), more or less. Subject to easements, rights of way, reservations, and restrictions, if any, of record.

PARENT PARCEL LEGAL DESCRIPTION

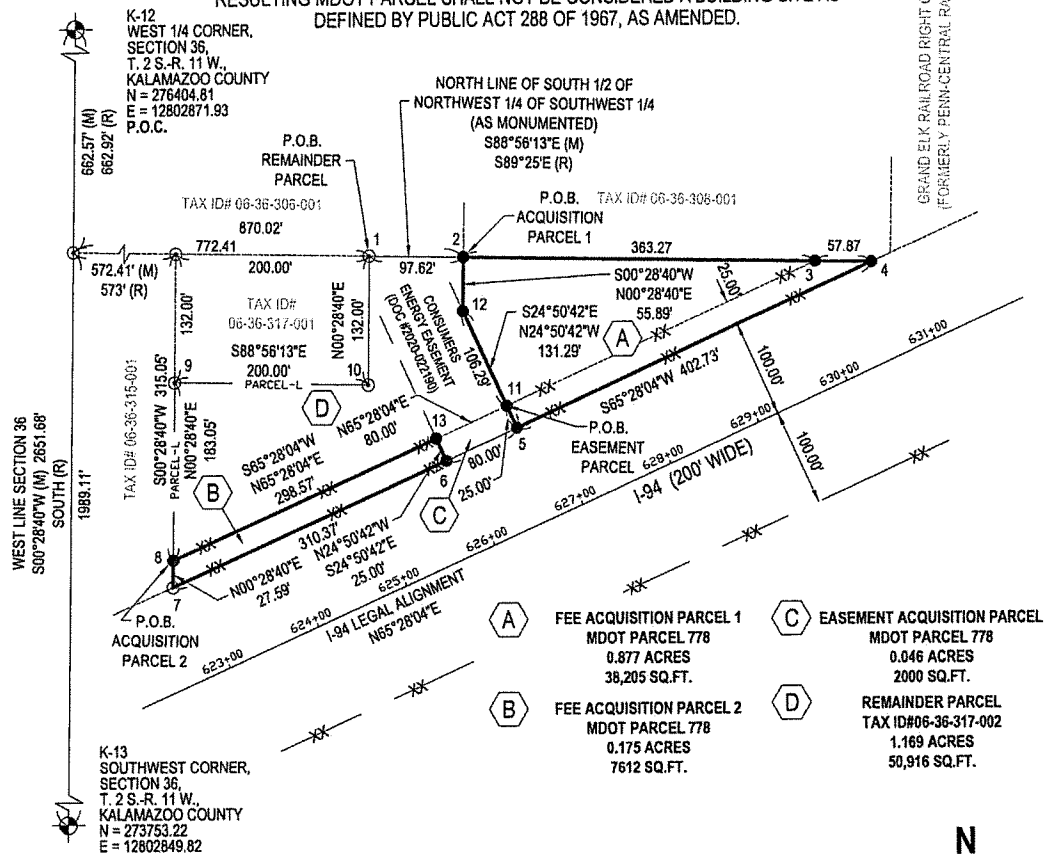
Land situated in the City of Kalamazoo, County of Kalamazoo, State of Michigan described as follows:

All that part of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 36, Town 2 South Range 11 West lying West of the Pennsylvania Railroad, excluding the West 577 feet thereof which lies North of a line 100 Northwesterly of and measured at right angles and parallel to the survey line of US Highway 12 – Kalamazoo South Belt. Also excluding commencing at the West 1/4 post of Section 36, Town 2 South Range 11 West, thence South 662.92 feet along the West line of Section 36; thence South 89 degrees 25 minutes East 573 feet to the point of beginning of said exclusion; thence South 89 degrees 25 minutes East 200 feet; thence South 132 feet; thence North 89 degrees 25 minutes West 200 feet; thence North 132 feet to the point of beginning of this exclusion.

EXHIBIT "A"

CERTIFICATE OF SURVEY

THIS SURVEY WAS PERFORMED FOR A PROPERTY TRANSFER FOR M.D.O.T.
R.O.W. ACQUISITION. NO DIVISIONS OR SUBDIVISIONS WERE MADE, AND THE
RESULTING MDOT PARCEL SHALL NOT BE CONSIDERED A BUILDING SITE AS
DEFINED BY PUBLIC ACT 288 OF 1967, AS AMENDED.



BASIS OF BEARINGS:
MICHIGAN COORDINATE SYSTEM
SOUTH ZONE (2113)

CALCULATED COORDINATES (MCS83)			FOUND / SET MONUMENTATION		
POINT#	NORTHING	EASTING	MONUMENT	OFFSET FROM CALC PT	PRECISION
1	275727.93	12803638.68	FOUND IRON	0.25' WEST	0.04'
2	275726.12	12803736.28	SET IRON WITH CAP #51487	NONE	0.02'
3	275719.38	12804099.49	SET IRON WITH CAP #51487	NONE	0.02'
4	275718.31	12804157.34	SET IRON WITH CAP #51487	NONE	0.02'
5	275551.09	12803790.97	SET IRON WITH CAP #51487	NONE	0.02'
6	275517.88	12803718.19	SET IRON WITH CAP #51487	NONE	0.02'
7	275389.01	12803435.84	FOUND IRON	0.40' SOUTH	0.04'
8	275416.60	12803436.07	SET IRON WITH CAP #51487	NONE	0.02'
9	275599.64	12803437.60	FOUND IRON	0.10' SOUTHWEST	0.04'
10	275595.93	12803637.58	FOUND IRON	0.25' SOUTH	0.04'
11	275573.78	12803780.47	SET IRON WITH CAP #51487	NONE	0.03'
12	275670.23	12803735.81	SET IRON WITH CAP #51487	NONE	0.03'
13	275540.56	12803707.69	SET IRON WITH CAP #51487	NONE	0.03'

LEGEND:

- SET 5/8" IRON WITH CAP #51487 (UNLESS OTHERWISE NOTED)
- ⊕ SECTION CORNER
- ⊙ FOUND IRON
- P.O.C. POINT OF COMMENCING
- P.O.B. POINT OF BEGINNING
- (R) RECORD
- (M) MEASURED



I, Anthony D. Thelen, being a Surveyor Licensed in the State of Michigan, hereby certify that I have surveyed and mapped the above parcel of land, that the relative positional precision of each corner, as shown on the included coordinate table, are within the limits accepted by the practice of professional surveying, and that I have complied with the regulations of P.A. 132 of 1970 as amended.

Anthony D. Thelen
ANTHONY D. THELEN, P.S. 08-10-2020
LICENSED PROFESSIONAL SURVEYOR
MICHIGAN LICENSE NO. 51487

FOR: **MDOT**
Michigan Department of Transportation

CS: 39022 JN: 105885C
ROUTE: I-94 DATE: 08-10-2020
DRAWN BY: JAB PARCEL: 778
CHECKED BY: TDT SHEET: 1 OF 3

PREPARED BY:
SURVEYING SOLUTIONS, INC.
1000 S. U.S. 27
ST. JOHNS, MICHIGAN 48879

CERTIFICATE OF SURVEY

REMAINDER PARCEL LEGAL DESCRIPTION MDOT PARCEL 778, CONTROL SECTION 39022

A parcel of land in the Southwest 1/4 of Section 36, T.2 S.-R.11W., City of Kalamazoo, County of Kalamazoo, Michigan, more particularly described as follows:

To fix the point of beginning commence at the West 1/4 corner of said Section; thence S.00°-28'-40"W., on the West line of said Section, 662.57 feet to the North line of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 as monumented; thence S.88°-56'-13"E., on said North line, 772.41 feet to the point of beginning; thence continuing S.88°-56'-13"E., on said North line, 97.62 feet; thence S.00°-28'-40"W., parallel with said West Section line, 55.89 feet to the Easterly line of an 80' wide Consumers Energy easement recorded on Document #2020-022190 of Kalamazoo County Records; thence S.24°-50'-42"E., on said Easterly line, 131.29 feet to an Existing Limited Access Right-of-Way line of U.S. Highway I-94; thence S.65°-28'-04"W., on said Existing Limited Access Right-of-Way line, 80.00 feet to the Westerly line of said Consumers Energy easement and a Limited Access Right-of-Way line, restricting all ingress and egress; thence N.24°-50'-42"W., on said Westerly line and Limited Access Right-of-Way line, 25.00 feet; thence S.65°-28'-04"W., continuing on said Limited Access Right-of-Way line and parallel with said Existing Limited Access Right-of-Way, 298.57 feet; thence N.00°-28'-40"E., parallel with said West Section line, 183.05 feet; thence S.88°-56'-13"E., parallel with said North line of the South 1/2 of the Northwest 1/4 of the Southwest 1/4, 200.00 feet; thence N.00°-28'-40"E., parallel with said West Section line, 132.00 feet to the point of beginning.

There shall be no right of direct ingress and egress, to and from and between the lands herein described, over and across the above described Limited Access Right-of-Way line. The lands above described in fee contain 50,916 square feet (1.169 acres), more or less. Subject to easements, rights of way, reservations, and restrictions, if any, of record.

NOTES:

1. Bearing are based on Grid North for Michigan Coordinate System, South Zone (2113).
2. Coordinate system is Michigan Coordinate System, South Zone (2113).
3. The measured distances shown on this survey and expressed in the Acquisition Parcel Description are **Grid distances**.
4. Average Combined Scale Factor for the project is 0.99993223.
5. Ground Distance = Grid Distance / Average Combined Scale Factor.
6. The coordinate system (NAD 83) was established by GPS measurement based on MDOT Job Number 105885C.
7. Parcels are subject to any rights-of-way, easements, or restrictions recorded or unrecorded, if any.
8. Legal Alignment established from Design Survey completed for MDOT Job Number 105885C.
9. Record bearings shown hereon, denoted with an (R), are from the Schedule C Legal Description, Title Commitment 20005240, Devon Title Agency.
10. Precision measures the relative positional precision defined as the length of the semi-major axis, expressed in feet, of the error representing the uncertainty due to random errors in measurement at the 95 percent confidence level (2Σ).

REFERENCES:

1. Title Commitment 20005240, Devon Title Agency, dated October 11, 2019

GOVERNMENT CORNER INFORMATION:

WITNESS BEARINGS REPORTED ARE MAGNETIC.
DISTANCES REPORTED ARE GROUND MEASUREMENTS.

WEST 1/4 CORNER (K-12)

SECTION 36, T.2 S.-R.11 W.

FOUND IRON MONUMENT, PER L.1, P.757

WITNESSES:

N50°W	39.08'	FOUND PK NAIL IN SW FACE OF UTILITY POLE
NORTH	15.46'	FOUND NAIL & TAG IN WEST FACE OF 24" CHERRY
S60°W	53.10'	SOUTHEAST CORNER OF GARAGE
WEST	45.95'	NORTHEAST CORNER OF GARAGE

SOUTHWEST CORNER (K-13)

SECTION 36, T.2 S.-R.11 W.

FOUND HARRISON MONUMENT WITH KALAMAZOO COUNTY REMONUMENTATION CAP IN MONUMENT BOX, PER L.3, P.567

WITNESSES:

N65°W	77.55'	SOUTHEAST CORNER OF CATCH BASIN
N40°E	78.10'	FOUND 1/2" IRON WITH 'REFERENCE POINT' CAP
S70°W	121.92'	FOUND 1/2" IRON WITH 'REFERENCE POINT' CAP
S50°E	60.38'	FOUND 1/2" IRON WITH 'REFERENCE POINT' CAP

FOR:  Michigan Department of Transportation	
CS: 39022	JN: 105885C
ROUTE: I-94	DATE: 08-10-2020
DRAWN BY: JAB	PARCEL: 778
CHECKED BY: TDT	SHEET: 3 OF 3
PREPARED BY: SURVEYING SOLUTIONS, INC. 1000 S. U.S. 27 ST. JOHNS, MICHIGAN 48879	

DONATION

This information is required by the Michigan Department of Transportation in order to donate property.

PROPERTY OWNER(S)
City of Kalamazoo Public Services

ADDRESS
241 W. South Street

CITY
Kalamazoo

STATE
MI

ZIP CODE
49007

Right(s) to be acquired:	\$	39,000.00	Fee – Real Property
	\$	1,300.00	Easement
	\$		Consent
	\$		Cost to Cure
Total Compensation	\$	40,300.00	

The compensation for the acquisition of your property (description attached) has been determined from current market data.

The undersigned owner(s) of the subject property identified below agrees with the following statements:

- I/We have been informed and fully understand that I/we have the right to receive just compensation for the subject property.
- I/We have been informed and fully understand that I/we have the right to an appraisal and the right to accompany the appraiser during an inspection of the subject property.
- I/We have been informed and fully understand that by signing this document, I/we are agreeing to donate the subject property in lieu of just compensation.
- I/We agree to donate said property and:
☐ Waive just compensation and waive the right to an appraisal and property inspection.

OR

- ☒ Waive just compensation, but request to exercise the right to an appraisal and property inspection.
- The decision to donate the subject property was made without undue influences or coercive action of any nature.
- I/We will execute the necessary instrument of conveyance upon presentation by agents or representatives of the Michigan Department of Transportation.

OWNERS SIGNATURE	DATE
OWNERS SIGNATURE	DATE
WITNESS SIGNATURE	DATE
MDOT APPROVAL	DATE

CONTROL SECTION 39022	PARCEL 778	NAME City of Kalamazoo Public Services
JOB NUMBER 105886	FEDERAL ITEM NUMBER NA	FEDERAL PROJECT NUMBER NA



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

PAUL C. AJEGBA
DIRECTOR

Good Faith Written Offer Letter

October 15, 2020

City of Kalamazoo Public Services
Mr. James Baker
Director of Public Works
241 W. South St.
Kalamazoo, MI 49007

Subject: CS 39022, JN 105886, Parcel 782
Address: 3602 Van Rick Dr.
County: Kalamazoo

Dear Mr. Baker:

The Michigan Department of Transportation (MDOT) has an upcoming project along I-94 and has reviewed your property as it relates to the needs of the project. MDOT has determined that it is necessary to acquire a Consent over your property as described in the attached legal description.

In accordance with state and federal laws and federal regulations governing the acquisition of property by MDOT, this letter is MDOT's Good Faith Written Offer.

MDOT had a licensed real estate appraiser estimate the value of the property rights to be acquired. This Good Faith Offer is based on that valuation set forth in the enclosed market study. The report is considered to be part of this Good Faith Offer. It outlines the items for which you are entitled to be paid, based on the facts known at this time, along with the state of the market and condition of the property as of the date of valuation.

MDOT's Good Faith Offer to you as just compensation regarding Parcel 782 is itemized below:

Consent	\$2,400.00
---------	------------

Accordingly, the total amount that MDOT is offering for your property rights is \$2,400.00.

Please note that this offer is valid only until November 16, 2020, after which time MDOT may pursue a condemnation case if we have not reached an agreement. MDOT is authorized to acquire your property rights by purchase or condemnation.

Please review all the materials carefully and let us know in writing if you believe anything of significance has been omitted with respect to the amount of money you should be paid. MDOT will review the items you identify and will respond accordingly if any changes will be made to its Good Faith Written Offer. I am also available to discuss this offer with you and answer any questions you may have related to the attached documentation, this Good Faith Written Offer, and the Eminent Domain process.

The Good Faith Written Offer we are making is for the property rights for all individuals and entities that may have a property interest in the parcel. If there is more than one person or entity with an interest in

October 15, 2020

the property, you can decide amongst yourselves how the proceeds of sale should be divided, or you can request a court to decide how to divide the payment.

Please note that as part of this offer, MDOT reserves the right to bring federal or state cost recovery actions against you (the present owners) and/or any other potentially responsible parties relating to any release of hazardous substances on the property. If you have any questions regarding this provision, please let us know.

Also included in this packet are instructions to register with us to have your compensation sent to you via electronic funds transfer (EFT).

If you agree and are willing to accept our offer, please sign and date below in the presence of a witness. Be sure the witness also signs and dates the acceptance. Please return this letter and acceptance to my attention.

Thank you in advance for your consideration of our Good Faith Written Offer and for your cooperation with MDOT. If you have any questions, please contact me at (269) 251-9140.

Sincerely, **David Ricard**
Digitally signed by: David Ricard
DN: cn = David Ricard
email = ricardd@mdot.michigan.gov, c = US, o = Michigan Department of Transportation, ou = Real Estate
Date: 2020.10.15 12:48:11 -0400

David Ricard
Property Analyst
Enclosures

Acceptance of Good Faith Written Offer

The Undersigned accept(s) the Michigan Department of Transportation's (MDOT's) Good Faith Written Offer of \$2,400.00 for the property rights detailed in the attached legal description.

Witness:	Date:	Property Owners:	Date:
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

CONTROL SECTION	JOB NO.	PARCEL	NAME
39022	105886	782	City of Kalamazoo

TO THE MICHIGAN DEPARTMENT OF TRANSPORTATION
*This information required by Act 286, P.A. of 1964, in order to
grant Michigan Department of Transportation access to property.*

For the sum of	Two Thousand, Four Hundred and 00/100 Dollars (\$2,400.00)
the grantors	City of Kalamazoo Public Services
241 W. South St., Kalamazoo, MI 49007	

grant to the Michigan Department of Transportation, whose address is 425 W. Ottawa, P.O. Box 30050, Lansing, MI 48909, consent to grade including, but not limited to, the right to any drainage structure replacement or repair, the right to remove trees, shrubs, and vegetation as necessary in the judgment of the Michigan Department of Transportation and the right of temporary occupancy by public utilities upon a parcel of land situated in the City of Kalamazoo.
County of Kalamazoo State of Michigan, described as:

This consent is effective from beginning to end of construction
Signed this _____ day of _____, 2020

X _____
Grantor – _____
Title – _____

X _____
Grantor –
Title –

MDOT reserved its rights to bring federal or state cost recovery actions against the present owners, and any other potentially responsible parties, arising out of release of hazardous substances on the property.

Page 119 of 216

LEGAL DESCRIPTION

(CONSENT) Parcel 782

CONSENT TO GRADE

Lands Located in the City of Kalamazoo, County of Kalamazoo, described as:

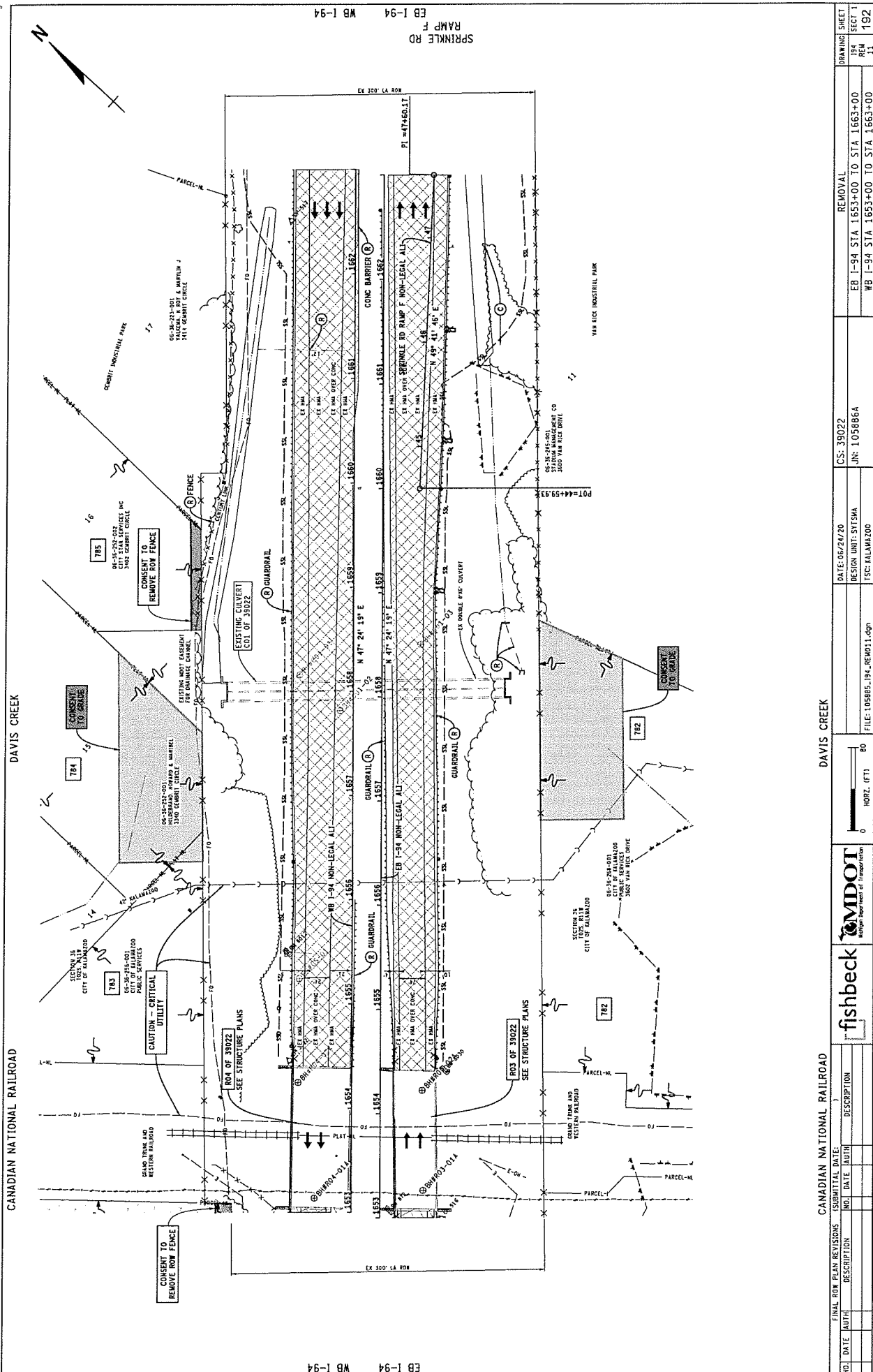
All that part of the following described TRACT "A" which lies within a parcel described as: Commencing at the Center Post of Section 36, Township 2 South, Range 11 West, City of Kalamazoo, County of Kalamazoo, Michigan; thence North 00° 15' 41" East along the West line of the Northeast 1/4 of said Section 36 a distance of 66.45 feet to a point on the Legal Alignment of Highway I-94 (per MDOT JN 105885A), said point also being a point on a 5692.87 foot radius curve to the left; thence Northeasterly along said Legal Alignment of Highway I-94 and the arc of said curve to the left an arc distance of 469.04 feet (chord bearing North 49° 06' 47" East, chord distance of 468.91 feet) to the point of tangency of said curve; thence North 46° 45' 10" East along said Legal Alignment of Highway I-94 a distance of 547.06 feet; thence South 43° 14' 50" East perpendicular to said Legal Alignment of Highway I-94 a distance of 150.00 feet to a point on the existing Southeasterly Limited Access right-of-way line of Highway I-94 (restricting all ingress and egress) and the Point of Beginning; thence North 46° 45' 10" East along said existing Southeasterly Limited Access right-of-way line of Highway I-94 a distance of 192.09 feet to the Easterly line of TRACT "A"; thence South 17° 56' 31" East along said Easterly line of TRACT "A" a distance of 88.49 feet; thence South 46° 45' 10" West parallel with said existing Southeasterly Limited Access right-of-way line of Highway I-94 a distance of 154.26 feet; thence North 43° 14' 50" West a distance of 80.00 feet to the Point of Beginning.

State Plane Grid and Distances with a combined scale factor of 0.99993223, State Plane Distance / 0.99993223 = Ground Distance.

The lands described above for grading purposes contain 13,854 square feet, more or less.

TRACT "A": Land situated in the City of Kalamazoo, County of Kalamazoo, State of Michigan described as follows:

All that part of the West 1/2 of the Northeast 1/4 of Section 36, Town 2 South, Range 11 West, City of Kalamazoo, Kalamazoo County, Michigan, lying Northeasterly of the Grand Trunk Western Railroad right of way and which lies Southerly of a line 150 feet Southerly of (measured at right angles) and parallel to a line described as: Beginning at a point on the East line of said Section 36, which is South 00°31'22" East a distance of 42.56 feet from the Northeast corner of said Section 36; thence South 45°36'38" West a distance of 3100 feet to a Point of Ending and which lies Southwesterly of a line described as: Beginning at a point on the East and West 1/4 line of said Section 36 which is South 89°52'13" West a distance of 1165.05 feet from the East 1/4 corner of said Section 36; thence North 44°28'02" West a distance of 200.00 feet; thence North 31°28'17" West a distance of 200.00 feet; thence North 45°15'32" West a distance of 200.00 feet; thence North 19°05'02" West a distance of 400.00 feet to a Point of Ending.



DAVIS CREEK

SPRINKLE RD
RAMP F
EB I-94 WB I-94

CANADIAN NATIONAL RAILROAD				DAVIS CREEK				REMOVAL			
NO.	DATE	AUTH.	DESCRIPTION	NO.	DATE	AUTH.	DESCRIPTION	NO.	DATE	AUTH.	DESCRIPTION
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fishbeck OMDOT

DATE: 06/24/20
DESIGN UNIT: SYTSHA
FILE: 105886.134 REMOVAL.dgn
TSC: KALAMAZOO

CS: 39022
JN: 105886A
EB I-94 STA 1653+00 TO STA 1663+00
WB I-94 STA 1653+00 TO STA 1663+00

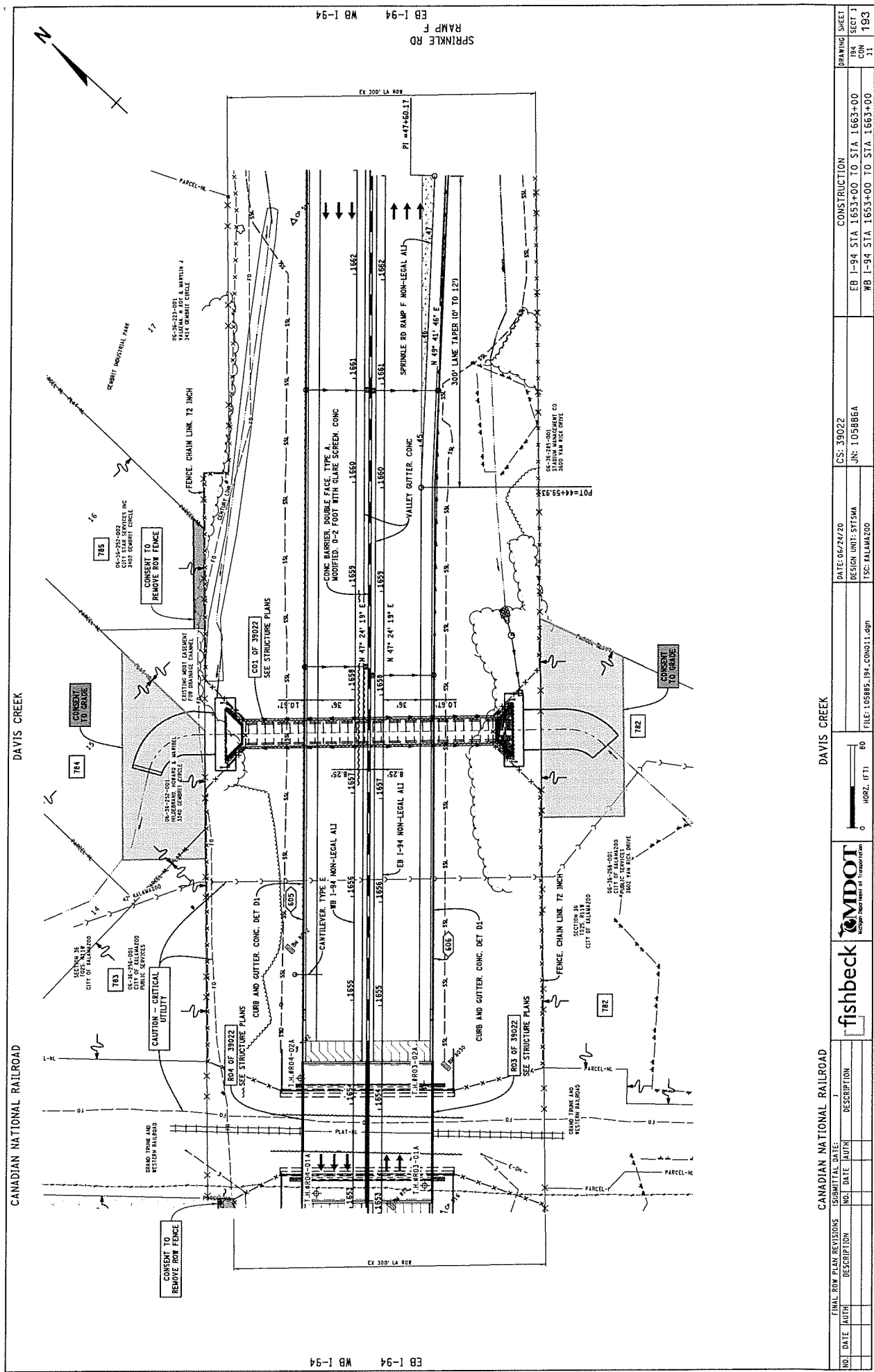
DAVIS CREEK

1" = 40' HORZ. (FT)

MDOT
Michigan Department of Transportation

FINAL ROW PLAN REVISIONS

DRAWING SHEET
194
REMOVAL
192



CANADIAN NATIONAL RAILROAD				DAVIS CREEK				CONSTRUCTION			
NO.	DATE	AUTH.	DESCRIPTION	NO.	DATE	AUTH.	DESCRIPTION	NO.	DATE	AUTH.	DESCRIPTION
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RELOCATION ELIGIBILITY NOTICEDISPLACEE: City of Kalamazoo Public ServicesBased on information as of October 15, 2020, you are eligible for the following benefits as indicated. You will NOT be required to move before November 16, 2020.**NON-RESIDENTIAL****BUSINESS, FARM, NON-PROFIT**

MOVING EXPENSES PLUS RE-ESTABLISHMENT EXPENSES

\$ TO BE DETERMINED

OR

FIXED PAYMENT

\$ TO BE DETERMINED

RESIDENTIAL**HOUSING SUPPLEMENT**

LISTING PRICE OF COMPARABLE DWELLING

\$

LESS ACQUISITION PRICE (125% of fair market value)

\$

=

MAXIMUM HOUSING SUPPLEMENT

\$

**RENTAL SUPPLEMENT/PURCHASE DOWN PAYMENT**

a) COMPARABLE RENT + UTILITIES \$ per month x 42 mo's

\$

b) LESS ACTUAL/ECONOMIC RENT + UTILITIES

OR 30% OF MONTHLY INCOME

\$ per month x 42 mo's

\$

c) RENTAL SUPPLEMENT ("a" minus "b")

\$

OR

d) PURCHASE DOWN PAYMENT (greater of "c" or \$7,200)

\$

**MOVING EXPENSES**

SELF MOVE - FIXED COST

\$ TO BE DETERMINED

OR

COMMERCIAL MOVE

\$ TO BE DETERMINED

COMPARABLE HOUSING		COMPARABLE RENTALS	
Sale Address	Bedrooms	Rental Address	Bedrooms

Claim must be filed within the prescribed time limits as noted on MDOT claim form 0677 or 0679. Claims can not be paid until all the conditions on the claim form have been met. You may file your appeal at any time up to 6 months after you have received this notice.

SEE RELOCATION BOOKLET FOR COMPLETE DESCRIPTION OF THE RELOCATION PROGRAM

PROPERTY ANALYST David Ricard	PROPERTY ANALYST SIGNATURE David Ricard	DATE 10/15/20
REGION AGENT Erik T. Kayser	ADDRESS 1501 E. Kilgore Rd., Kalamazoo, MI 49001	PHONE (269) 337-3964
CONTROL SECTION 39022	JOB NO. 105886	PARCEL 782
		NAME City of Kalamazoo Public Service

DONATION

This information is required by the Michigan Department of Transportation in order to donate property.

PROPERTY OWNER(S)
City of Kalamazoo Public Services

ADDRESS
241 W. South Street

CITY
Kalamazoo

STATE
MI

ZIP CODE
49007

Right(s) to be acquired:	\$	Fee – Real Property
	\$	Easement
	\$	Consent
	\$	Cost to Cure
Total Compensation	\$	2,400.00

The compensation for the acquisition of your property (description attached) has been determined from current market data.

The undersigned owner(s) of the subject property identified below agrees with the following statements:

- I/We have been informed and fully understand that I/we have the right to receive just compensation for the subject property.
- I/We have been informed and fully understand that I/we have the right to an appraisal and the right to accompany the appraiser during an inspection of the subject property.
- I/We have been informed and fully understand that by signing this document, I/we are agreeing to donate the subject property in lieu of just compensation.
- I/We agree to donate said property and:
☒ Waive just compensation and waive the right to an appraisal and property inspection.

OR

- ☐ Waive just compensation, but request to exercise the right to an appraisal and property inspection.
- The decision to donate the subject property was made without undue influences or coercive action of any nature.
- I/We will execute the necessary instrument of conveyance upon presentation by agents or representatives of the Michigan Department of Transportation.

OWNERS SIGNATURE	DATE
OWNERS SIGNATURE	DATE
WITNESS SIGNATURE	DATE
MDOT APPROVAL	DATE

CONTROL SECTION 39022	PARCEL 782	NAME City of Kalamazoo Public Services
JOB NUMBER 105886	FEDERAL ITEM NUMBER NA	FEDERAL PROJECT NUMBER NA



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

PAUL C. AJEGBA
DIRECTOR

Good Faith Written Offer Letter

October 15, 2020

City of Kalamazoo Public Services
Mr. James Baker
Director of Public Works
241 W. South St.
Kalamazoo, MI 49007

Subject: CS 39022, JN 105886, Parcel 783
Address: 3330 Gembrit Circle
County: Kalamazoo

Dear Mr. Baker:

The Michigan Department of Transportation (MDOT) has an upcoming project along I-94 and has reviewed your property as it relates to the needs of the project. MDOT has determined that it is necessary to acquire a Consent over your property as described in the attached legal description.

In accordance with state and federal laws and federal regulations governing the acquisition of property by MDOT, this letter is MDOT's Good Faith Written Offer.

MDOT had a licensed real estate appraiser estimate the value of the property rights to be acquired. This Good Faith Offer is based on that valuation set forth in the enclosed market study. The report is considered to be part of this Good Faith Offer. It outlines the items for which you are entitled to be paid, based on the facts known at this time, along with the state of the market and condition of the property as of the date of valuation.

MDOT's Good Faith Offer to you as just compensation regarding Parcel 783 is itemized below:

Consent to Grade	\$600.00
------------------	----------

Accordingly, the total amount that MDOT is offering for your property rights is \$600.00.

Please note that this offer is valid only until November 16, 2020, after which time MDOT may pursue a condemnation case if we have not reached an agreement. MDOT is authorized to acquire your property rights by purchase or condemnation.

Please review all the materials carefully and let us know in writing if you believe anything of significance has been omitted with respect to the amount of money you should be paid. MDOT will review the items you identify and will respond accordingly if any changes will be made to its Good Faith Written Offer. I am also available to discuss this offer with you and answer any questions you may have related to the attached documentation, this Good Faith Written Offer, and the Eminent Domain process.

The Good Faith Written Offer we are making is for the property rights for all individuals and entities that may have a property interest in the parcel. If there is more than one person or entity with an interest in

the property, you can decide amongst yourselves how the proceeds of sale should be divided, or you can request a court to decide how to divide the payment.

Please note that as part of this offer, MDOT reserves the right to bring federal or state cost recovery actions against you (the present owners) and/or any other potentially responsible parties relating to any release of hazardous substances on the property. If you have any questions regarding this provision, please let us know.

Also included in this packet are instructions to register with us to have your compensation sent to you via electronic funds transfer (EFT).

If you agree and are willing to accept our offer, please sign and date below in the presence of a witness. Be sure the witness also signs and dates the acceptance. Please return this letter and acceptance to my attention.

Thank you in advance for your consideration of our Good Faith Written Offer and for your cooperation with MDOT. If you have any questions, please contact me at (269) 251-9140.

Sincerely,

David
Ricard

Digitally signed by: David Ricard
DN: cn = David Ricard,
email = ricardd@michigan.gov, c = US, o = Michigan Department of Transportation, ou = Real Estate
Date: 2020.10.15 13:02:26 -0400

David Ricard
Property Analyst
Enclosures

Acceptance of Good Faith Written Offer

The Undersigned accept(s) the Michigan Department of Transportation's (MDOT's) Good Faith Written Offer of \$600.00 for the property rights detailed in the attached legal description.

Witness:	Date:	Property Owners:	Date:
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

CONTROL SECTION	JOB NO.	PARCEL	NAME
39022	105886	783	City of Kalamazoo Public Services

TO THE MICHIGAN DEPARTMENT OF TRANSPORTATION
This information required by Act 286, P.A. of 1964, in order to
grant Michigan Department of Transportation access to property.

For the sum of Six Hundred and 00/100 Dollars (\$600.00)

241 W. South St., Kalamazoo, MI 49007

See attached legal description.

Signed this day of , 20²⁰

X _____
Grantor – _____
Title – _____

X _____
Grantor –
Title –

PROPERTY TAX CODE (Part of) 3906-36-256-001		STATIONING See attached sketches	
CONTROL SECTION 39022	PARCEL 783	NAME City of Kalamazoo Public Services	
JOB NO 105886	FEDERAL ITEM NO N/A	FEDERAL PROJECT N/A	

LEGAL DESCRIPTION

(CONSENT) Parcel 783

CONSENT TO GRADE

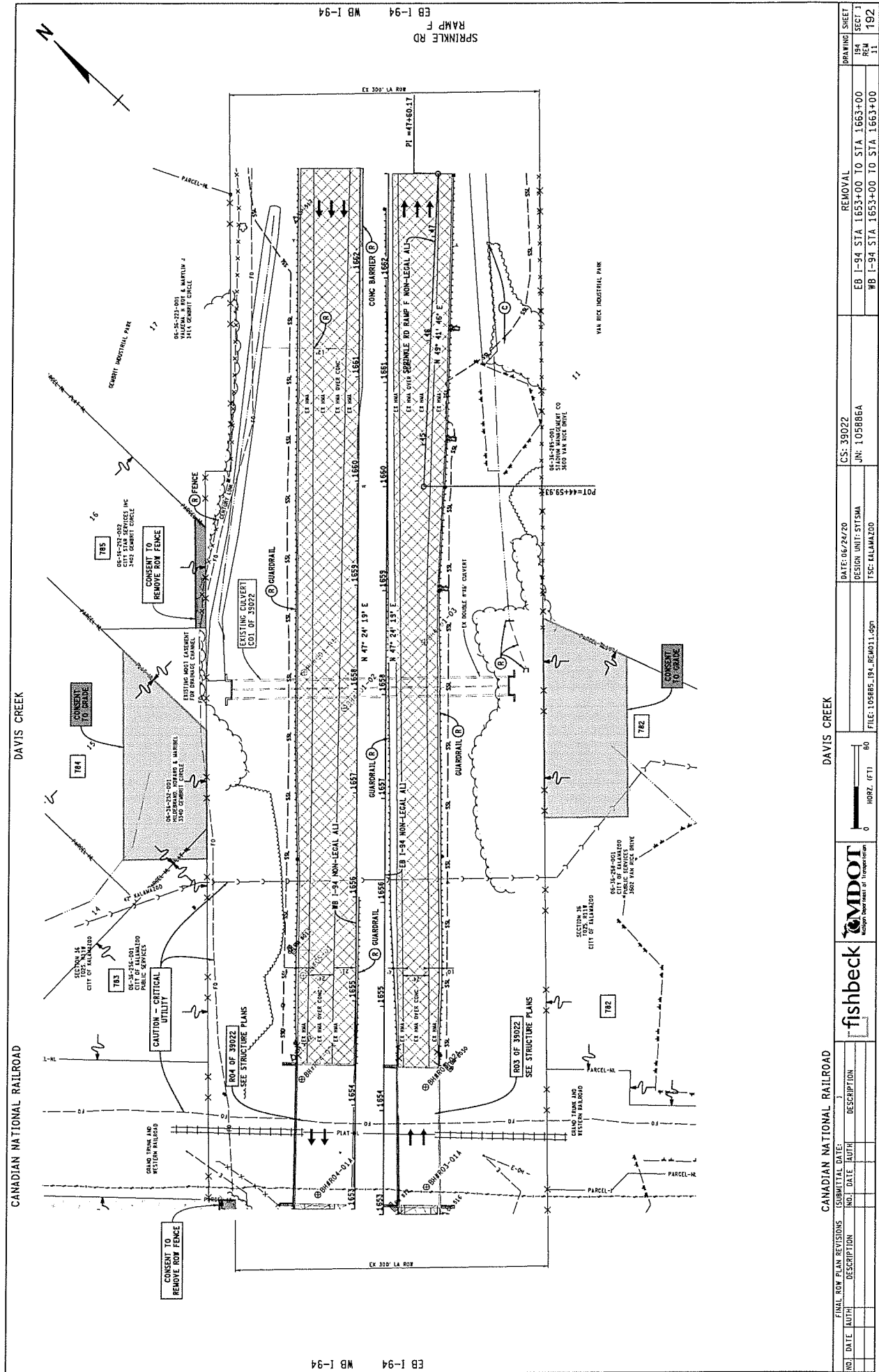
Lands located in the City of Kalamazoo, County of Kalamazoo, described as:

All that part of the following described TRACT "A" which lies within a parcel described as: Commencing at the Center Post of Section 36, Township 2 South, Range 11 West, City of Kalamazoo, County of Kalamazoo, Michigan; thence North 00° 15' 41" East along the West line of the Northeast 1/4 of said Section 36 a distance of 66.45 feet to a point on the Legal Alignment of Highway I-94 (per MDOT JN 105885A), said point also being a point on a 5692.87 foot radius curve to the left; thence Northeasterly along said Legal Alignment of Highway I-94 and the arc of said curve to the left an arc distance of 469.04 feet (chord bearing North 49° 06' 47" East, chord distance of 468.91 feet) to the point of tangency of said curve; thence North 46° 45' 10" East along said Legal Alignment of Highway I-94 a distance of 511.83 feet; thence North 43° 14' 50" West perpendicular to said Legal Alignment of Highway I-94 a distance of 175.00 feet to a point on the existing Northwestern Limited Access right-of-way line of Highway I-94 (restricting all ingress and egress) and the Point of Beginning; thence continuing North 43° 14' 50" West a distance of 80.00 feet; thence North 46° 45' 10" East parallel with said existing Northwestern Limited Access right-of-way line of Highway I-94 a distance of 201.58 feet to a point on the East line of Lot 15 of the Plat of Gembrit Industrial Park, according to the recorded Plat thereof recorded in Liber 26 of Plats, Page 29, Kalamazoo County Records; thence South 01° 01' 54" West along said East line of Lot 15 of said Plat a distance of 111.74 feet to a point on the existing Northwestern Limited Access right-of-way line of Highway I-94; thence South 46° 45' 10" West along said existing Northwestern Limited Access right-of-way line of Highway I-94 a distance of 123.53 feet to the Point of Beginning.

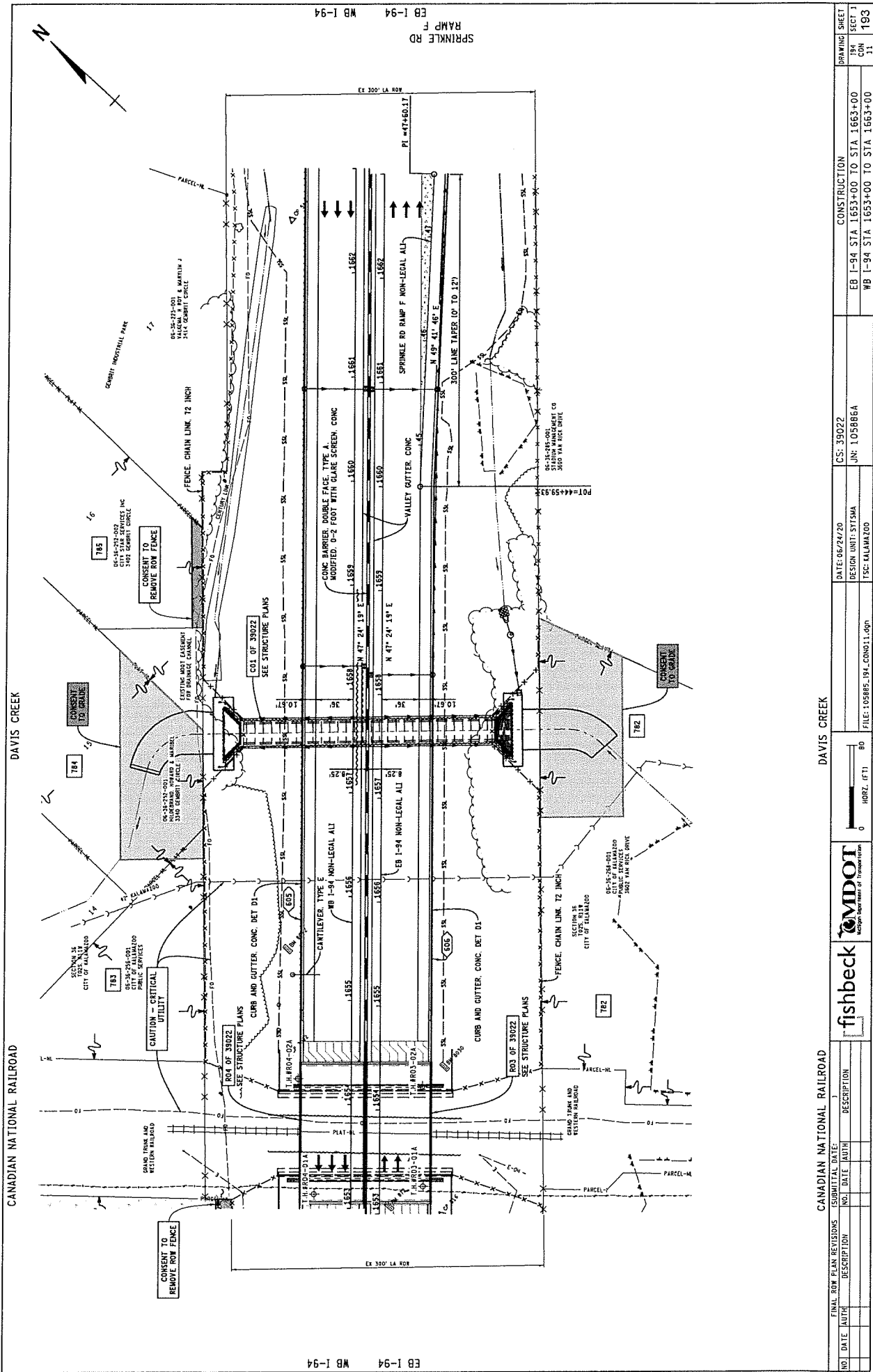
State Plane Grid and Distances with a combined scale factor of 0.99993223, State Plane Distance / 0.99993223 = Ground Distance.

The lands described above for grading purposes contain 412 square feet, more or less.

TRACT "A": Part of the West 1/2 of the Northeast 1/4 of Section 36, Town 2 South, Range 11 West, City of Kalamazoo, Kalamazoo County, Michigan, lying Northeasterly of the Grand Trunk Western Railroad right of way and lying Southerly of a line described as follows: Beginning at a point on the East line of said Section 36, which is South 0°31'22" East a distance of 42.56 feet from the Northeast corner of said Section; thence South 45°36'38" West, 2504.71 feet; thence North 44°23'22" West, 25 feet; thence North 88°25'22" West, 625.57 feet to a Point of Ending and lying Northwesternly of a line 175 feet Northwesternly of (as measured at right angles) and parallel to a line described as: Beginning at a point on the East line of said Section 36 which is South 0°31'22" East a distance of 42.56 feet from the Northeast corner of said Section; thence South 45°36'38" West, 3100 feet to a Point of Ending.



CANADIAN NATIONAL RAILROAD				DAVIS CREEK				REMOVAL			
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CANADIAN NATIONAL RAILROAD				DAVIS CREEK				CONSTRUCTION				DRAWING		SHEET	
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RELOCATION ELIGIBILITY NOTICEDISPLACEE: City of Kalamazoo Public ServicesBased on information as of October 15, 2020, you are eligible for the following benefits as indicated. You will NOT be required to move before November 16, 2020.**NON-RESIDENTIAL****BUSINESS, FARM, NON-PROFIT**

MOVING EXPENSES PLUS RE-ESTABLISHMENT EXPENSES

\$ TO BE DETERMINED

OR

FIXED PAYMENT

\$ TO BE DETERMINED

RESIDENTIAL**HOUSING SUPPLEMENT**

LISTING PRICE OF COMPARABLE DWELLING

\$

LESS ACQUISITION PRICE (125% of fair market value)

\$

=

MAXIMUM HOUSING SUPPLEMENT

\$

**RENTAL SUPPLEMENT/PURCHASE DOWN PAYMENT**

a) COMPARABLE RENT + UTILITIES \$ _____ per month x 42 mo's

\$

b) LESS ACTUAL/ECONOMIC RENT + UTILITIES

OR 30% OF MONTHLY INCOME \$ _____ per month x 42 mo's

\$

c) RENTAL SUPPLEMENT ("a" minus "b")

\$

OR

d) PURCHASE DOWN PAYMENT (greater of "c" or \$7,200)

\$

**MOVING EXPENSES**

SELF MOVE - FIXED COST

\$ TO BE DETERMINED

OR

COMMERCIAL MOVE

\$ TO BE DETERMINED

COMPARABLE HOUSING		COMPARABLE RENTALS	
Sale Address	Bedrooms	Rental Address	Bedrooms

Claim must be filed within the prescribed time limits as noted on MDOT claim form 0677 or 0679. Claims can not be paid until all the conditions on the claim form have been met. You may file your appeal at any time up to 6 months after you have received this notice.

SEE RELOCATION BOOKLET FOR COMPLETE DESCRIPTION OF THE RELOCATION PROGRAM

PROPERTY ANALYST David Ricard	PROPERTY ANALYST SIGNATURE David Ricard	DATE 10/15/20
REGION AGENT Erik T. Kayser	ADDRESS 1501 E. Kilgore Rd., Kalamazoo, MI 49001	PHONE (269) 337-3964
CONTROL SECTION 39022	JOB NO. 105886	PARCEL 783
		NAME City of Kalamazoo Public Service

DONATION

This information is required by the Michigan Department of Transportation in order to donate property.

PROPERTY OWNER(S)
City of Kalamazoo Public Services

ADDRESS
241 W. South Street

CITY
Kalamazoo

STATE
MI

ZIP CODE
49007

Right(s) to be acquired:	\$	Fee – Real Property
	\$	Easement
	\$ 600.00	Consent
	\$	Cost to Cure
Total Compensation	\$ 600.00	

The compensation for the acquisition of your property (description attached) has been determined from current market data.

The undersigned owner(s) of the subject property identified below agrees with the following statements:

- I/We have been informed and fully understand that I/we have the right to receive just compensation for the subject property.
- I/We have been informed and fully understand that I/we have the right to an appraisal and the right to accompany the appraiser during an inspection of the subject property.
- I/We have been informed and fully understand that by signing this document, I/we are agreeing to donate the subject property in lieu of just compensation.
- I/We agree to donate said property and:
☒ Waive just compensation and waive the right to an appraisal and property inspection.

OR

- ☐ Waive just compensation, but request to exercise the right to an appraisal and property inspection.
- The decision to donate the subject property was made without undue influences or coercive action of any nature.
- I/We will execute the necessary instrument of conveyance upon presentation by agents or representatives of the Michigan Department of Transportation.

OWNERS SIGNATURE	DATE
OWNERS SIGNATURE	DATE
WITNESS SIGNATURE	DATE
MDOT APPROVAL	DATE

CONTROL SECTION 39022	PARCEL 783	NAME City of Kalamazoo Public Services
JOB NUMBER 105886	FEDERAL ITEM NUMBER NA	FEDERAL PROJECT NUMBER NA



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

PAUL C. AJEGBA
DIRECTOR

Good Faith Written Offer Letter

September 15, 2020

City of Kalamazoo Public Services
Mr. James Baker
Director of Public Works
241 W. South St.
Kalamazoo, MI 49007

Subject: CS 39022, JN 105885, Parcel 839
Address: 2300 Dorchester Ave.
County: Kalamazoo

Dear: Mr. Baker,

The Michigan Department of Transportation (MDOT) has an upcoming project along I-94 and has reviewed your property as it relates to the needs of the project. MDOT has determined that it is necessary to acquire a Consent over your property as described in the attached legal description.

In accordance with state and federal laws and federal regulations governing the acquisition of property by MDOT, this letter is MDOT's Good Faith Written Offer.

MDOT had a licensed real estate appraiser estimate the value of the property rights to be acquired. This Good Faith Offer is based on that valuation set forth in the enclosed market study. The report is considered to be part of this Good Faith Offer. It outlines the items for which you are entitled to be paid, based on the facts known at this time, along with the state of the market and condition of the property as of the date of valuation.

MDOT's Good Faith Offer to you as just compensation regarding Parcel 839 is itemized below:

Consent	\$600.00
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Accordingly, the total amount that MDOT is offering for your property rights is \$600.00.

Please note that this offer is valid only until November 16, 2020, after which time MDOT may pursue a condemnation case if we have not reached an agreement. MDOT is authorized to acquire your property rights by purchase or condemnation.

Please review all the materials carefully and let us know in writing if you believe anything of significance has been omitted with respect to the amount of money you should be paid. MDOT will review the items you identify and will respond accordingly if any changes will be made to its Good Faith Written Offer. I am also available to discuss this offer with you and answer any questions you may have related to the attached documentation, this Good Faith Written Offer, and the Eminent Domain process.

The Good Faith Written Offer we are making is for the property rights for all individuals and entities that may have a property interest in the parcel. If there is more than one person or entity with an interest in

the property, you can decide amongst yourselves how the proceeds of sale should be divided, or you can request a court to decide how to divide the payment.

Please note that as part of this offer, MDOT reserves the right to bring federal or state cost recovery actions against you (the present owners) and/or any other potentially responsible parties relating to any release of hazardous substances on the property. If you have any questions regarding this provision, please let us know.

Also included in this packet are instructions to register with us to have your compensation sent to you via electronic funds transfer (EFT).

If you agree and are willing to accept our offer, please sign and date below in the presence of a witness. Be sure the witness also signs and dates the acceptance. Please return this letter and acceptance to my attention.

Thank you in advance for your consideration of our Good Faith Written Offer and for your cooperation with MDOT. If you have any questions, please contact me at (269) 251-9140.

Sincerely, **David Ricard**
Digitally signed by: David Ricard
DN: cn = David Ricard, email = ricard@michigan.gov, c = US, o = Michigan Department of Transportation OU = Real Estate
Date: 2020.10.15 12:38:43 -04'00'

David Ricard
Property Analyst
Enclosures

Acceptance of Good Faith Written Offer

The Undersigned accept(s) the Michigan Department of Transportation's (MDOT's) Good Faith Written Offer of \$600.00 for the property rights detailed in the attached legal description.

Witness:	Date:	Property Owners:	Date:
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

CONTROL SECTION	JOB NO.	PARCEL	NAME
39022	105885	839	City of Kalamazoo

COMPENSATION SUMMARY

	Square Footage	Price Per Square Foot	Total	Rate of Return or Discount	Total Value	Total Compensation
GRADING	255 x	1.28 =	\$326.40 x	10% =	\$33	\$300
	x	=	\$0.00 x	=	\$0	
	x	=	\$0.00 x	=	\$0	
	x	=	\$0.00 x	=	\$0	
	=					
				Total =	\$33	\$300

Total Compensation Offered (Two Years)

TOTAL \$600

CS: 39022	JN: 105885	PARCEL: 839	NAME: City of Kalamazoo
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TO THE MICHIGAN DEPARTMENT OF TRANSPORTATION
*This information required by Act 286, P.A. of 1964, in order to
grant Michigan Department of Transportation access to property.*

LEGAL DESCRIPTION

(CONSENT)

Lands located in the City of Kalamazoo, County of Kalamazoo, described as:

All that part of the following described TRACT "A" which lies within a parcel described as: Commencing at the Southeast corner of Section 35, Town 2 South, Range 11 West, City of Kalamazoo, County of Kalamazoo, Michigan; thence North 00° 28' 40" East on the East line of the Southeast 1/4 of said Section 36 a distance of 1373.60 feet to a point on the existing Northwesterly Limited Access Right-of-Way line of Highway I-94 and the Point of Beginning; thence South 65° 28' 04" West along said existing Northwesterly Limited Access Right-of-Way line of Highway I-94 a distance of 1023.20 feet; thence South 68° 25' 00" West along the existing Northerly Limited Access Right-of-Way line of Ramp C of Highway I-94 and Portage Road Interchange a distance of 425.57 feet; thence continuing along said existing Northerly Limited Access Right-of-Way line of Ramp C of Highway I-94 and Portage Road Interchange South 73° 38' 51" West a distance of 252.58 feet; thence continuing along said existing Northerly Limited Access Right-of-Way line of Ramp C of Highway I-94 and Portage Road Interchange South 87° 12' 30" West a distance of 223.64 feet; thence continuing along said existing Northerly Limited Access Right-of-Way line of Ramp C of Highway I-94 and Portage Road Interchange North 88° 58' 16" West a distance of 356.52 feet to the West line of Outlet "F" of the Plat of Bloomfield No. 2, recorded in 19 of Plats, Page 31, Kalamazoo County Records; thence North 00° 37' 34" East along said West line of Outlet "F" of the Plat of Bloomfield No. 2 a distance of 3.00 feet; South 88° 58' 16" East parallel with the existing Northerly Limited Access Right-of-Way line of Ramp C of Highway I-94 and Portage Road Interchange a distance of 356.44 feet; thence North 87° 12' 30" East parallel with said existing Northerly Limited Access Right-of-Way line of Ramp C of Highway I-94 and Portage Road Interchange a distance of 99.77 feet; thence North 00° 37' 34" East a distance of 2.00 feet; thence North 73° 38' 51" East parallel with said existing Northerly Limited Access Right-of-Way line of Ramp C of Highway I-94 and Portage Road Interchange a distance of 259.96 feet; thence North 68° 25' 00" East parallel with said existing Northerly Limited Access Right-of-Way line of Ramp C of Highway I-94 and Portage Road Interchange a distance of 425.07 feet; thence North 65° 28' 04" East parallel with the existing Northwesterly Limited Access Right-of-Way line of Highway I-94 a distance of 1026.59 feet to a point on the East line of the Southeast 1/4 of said Section 36; thence South 00° 28' 40" West along said East line of the Southeast 1/4 of said Section 36 a distance of 7.72 feet to the Point of Beginning.

State Plane Grid and Distances with a combined scale factor of 0.99993223, State Plane Distance / 0.99993223 = Ground Distance.

The lands described above for grading purposes contain 255 square feet, more or less.

TRACT "A": East 33 feet of Lot 281 of the Plat of Bloomfield No. 1, Kalamazoo County Records.

This is not part of the Tract "A" description for MDOT Parcel 239. This is note to show an error in the legal description for TIN # 3906-36-315-001 (being MDOT Parcel 841) – the property legal description for TIN # 3906-36-320-001 covers property described in the legal description for TIN # 3906-36-315-001 (MDOT Parcel 841). I think the legal description for TIN # 3906-36-315-001 (MDOT Parcel 841) should read as follows: Beginning in the North line of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 36, Town 2 South, Range 11 West, City of Kalamazoo, County of Kalamazoo, Michigan, which is 33 feet East of the West line of Section 36; thence East 540 feet along said North line; thence South 343.87 feet parallel to said West line to the North line of Highway US12 (Kalamazoo South Belt); thence Southwesterly thereon to the West line of Section 36; thence North along said West line to a point 33 feet West and 525.08 feet South of the Place of Beginning; thence East 33 feet; thence North 525.08 feet to the Point of Beginning, EXCEPT the East 33 feet of Lot 281 of the Plat of Bloomfield No. 1.



CONTROL SECTION 3022
POINT OF BEGINNING
JN 105885A
WB I-94 STA 1623+00.00
EB I-94 STA 1623+00.00

SECTION 14
TSS 8118
CITY OF ALAMAZO

CAUTION - CRITICAL
UTILITY

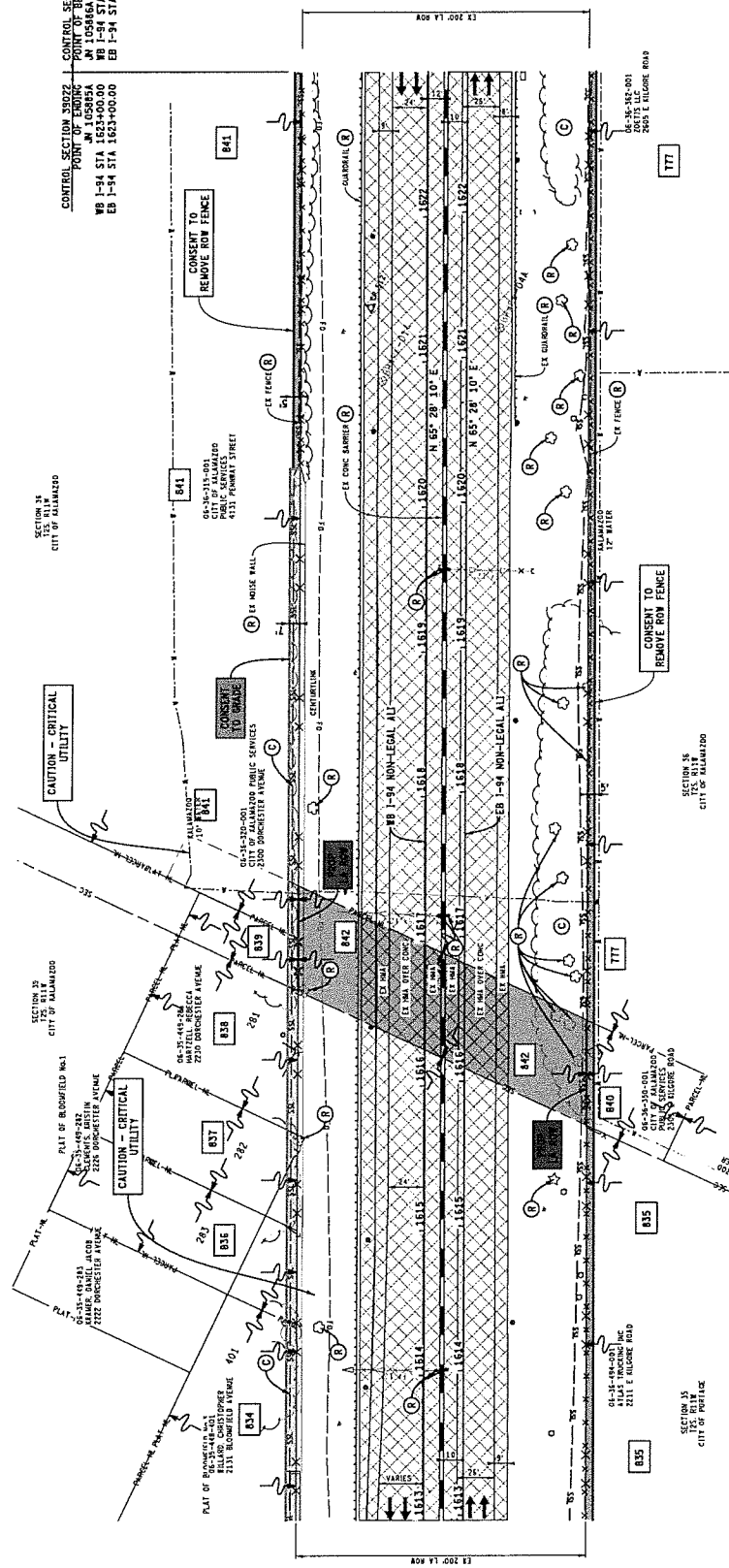
SECTION 15
TSS 8118
CITY OF ALAMAZO

CAUTION - CRITICAL
UTILITY

CONSENT TO
REMOVE ROW FENCE

CONSENT TO
GRADE

CONSENT TO
REMOVE ROW FENCE



EB I-94 WB I-94

WB I-94 EB I-94

FINAL ROW PLAN REVISIONS				SUBMITTAL DATE:		1		AECOM		MDOT Michigan Department of Transportation		 0 80 HORIZ. (FT.)		DATE: 06/24/20		CS: 39022		REMOVAL		DRAWING SHEET	
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DRAWING SHEET
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DATE: 06/24/20
DESIGN UNIT: SYT5MA
TSC: KALAMAZOO

CS: 39022
JN: 105885A

EB I-94 STA 1613+00 TO STA 1623+00
WB I-94 STA 1613+00 TO STA 1623+00

FILE: 105885-I-94-161300.dgn

SECTION 14
TSS 8118
CITY OF ALAMAZO

SECTION 15
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SECTION 74
TSS 8118
CITY OF ALAMAZO

SECTION 75
TSS 8118
CITY OF ALAMAZO

SECTION 76
TSS 8118
CITY OF ALAMAZO

SECTION 77
TSS 8118
CITY OF ALAMAZO

SECTION 78
TSS 8118
CITY OF ALAMAZO

SECTION 79
TSS 8118
CITY OF ALAMAZO

SECTION 80
TSS 8118
CITY OF ALAMAZO

SECTION 81
TSS 8118
CITY OF ALAMAZO

SECTION 82
TSS 8118
CITY OF ALAMAZO

SECTION 83
TSS 8118
CITY OF ALAMAZO

SECTION 84
TSS 8118
CITY OF ALAMAZO

SECTION 85
TSS 8118
CITY OF ALAMAZO

SECTION 86
TSS 8118
CITY OF ALAMAZO

SECTION 87
TSS 8118
CITY OF ALAMAZO

SECTION 88
TSS 8118
CITY OF ALAMAZO

SECTION 89
TSS 8118
CITY OF ALAMAZO

SECTION 90
TSS 8118
CITY OF ALAMAZO

SECTION 91
TSS 8118
CITY OF ALAMAZO

SECTION 92
TSS 8118
CITY OF ALAMAZO

SECTION 93
TSS 8118
CITY OF ALAMAZO

SECTION 94
TSS 8118
CITY OF ALAMAZO

SECTION 95
TSS 8118
CITY OF ALAMAZO

SECTION 96
TSS 8118
CITY OF ALAMAZO

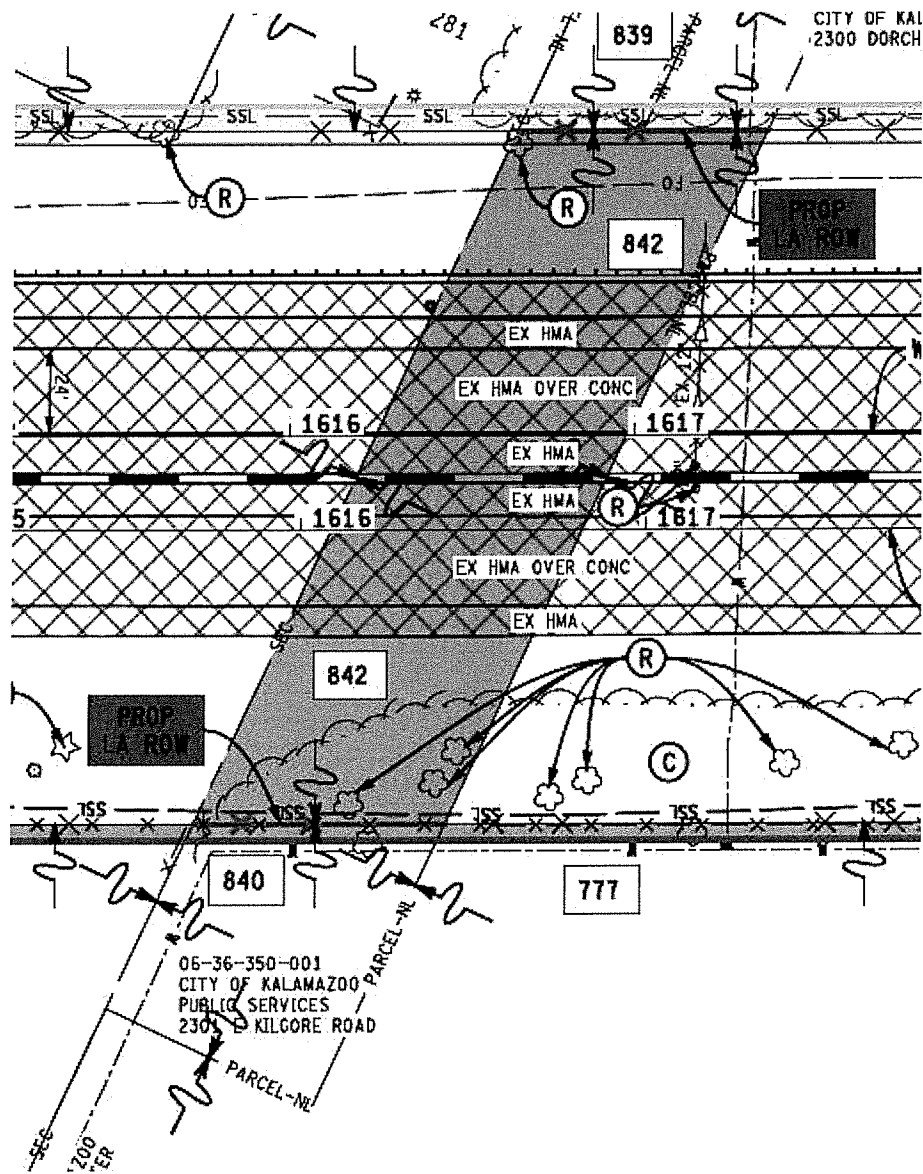
SECTION 97
TSS 8118
CITY OF ALAMAZO

SECTION 98
TSS 8118
CITY OF ALAMAZO

SECTION 99
TSS 8118
CITY OF ALAMAZO

SECTION 100
TSS 8118
CITY OF ALAMAZO

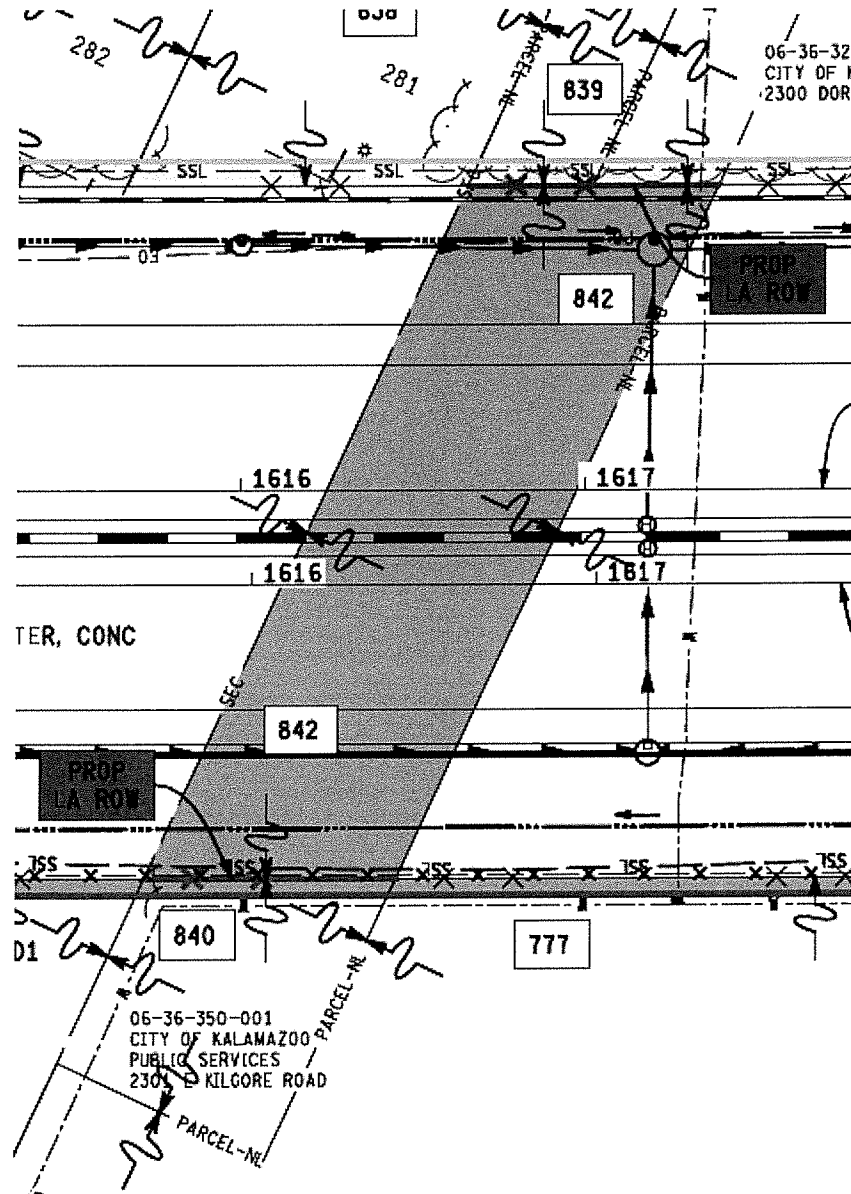
SUBJECT SKETCH



REMOVAL SHEET

CONTROL SECTION: 39022	JOB NUMBER: 105885	PARCEL : 839	NAME: City of Kalamazoo
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SUBJECT SKETCH



CONSTRUCTION SHEET

CONTROL SECTION: 39022	JOB NUMBER: 105885	PARCEL : 839	NAME: City of Kalamazoo
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RELOCATION ELIGIBILITY NOTICEDISPLACEE: City of Kalamazoo Public ServicesBased on information as of October 15, 2020, you are eligible for the following benefits as indicated. You will NOT be required to move before November 16, 2020.**NON-RESIDENTIAL****BUSINESS, FARM, NON-PROFIT**

MOVING EXPENSES PLUS RE-ESTABLISHMENT EXPENSES

\$ TO BE DETERMINED

OR

FIXED PAYMENT

\$ TO BE DETERMINED

RESIDENTIAL**HOUSING SUPPLEMENT**

LISTING PRICE OF COMPARABLE DWELLING

\$

LESS ACQUISITION PRICE (125% of fair market value)

\$

=

MAXIMUM HOUSING SUPPLEMENT

\$

**RENTAL SUPPLEMENT/PURCHASE DOWN PAYMENT**

a) COMPARABLE RENT + UTILITIES \$ _____ per month x 42 mo's

\$

b) LESS ACTUAL/ECONOMIC RENT + UTILITIES

OR 30% OF MONTHLY INCOME \$ _____ per month x 42 mo's

\$

c) RENTAL SUPPLEMENT ("a" minus "b")

\$

OR

d) PURCHASE DOWN PAYMENT (greater of "c" or \$7,200)

\$

**MOVING EXPENSES**

SELF MOVE - FIXED COST

\$ TO BE DETERMINED

OR

COMMERCIAL MOVE

\$ TO BE DETERMINED

COMPARABLE HOUSING		COMPARABLE RENTALS	
Sale Address	Bedrooms	Rental Address	Bedrooms

Claim must be filed within the prescribed time limits as noted on MDOT claim form 0677 or 0679. Claims can not be paid until all the conditions on the claim form have been met. You may file your appeal at any time up to 6 months after you have received this notice.

SEE RELOCATION BOOKLET FOR COMPLETE DESCRIPTION OF THE RELOCATION PROGRAM

PROPERTY ANALYST David Ricard	PROPERTY ANALYST SIGNATURE David Ricard	DATE 10/15/20
REGION AGENT Erik T. Kayser	ADDRESS 1501 E. Kilgore Rd., Kalamazoo, MI 49001	PHONE (269) 337-3964
CONTROL SECTION 39022	JOB NO. 105885	PARCEL 839
		NAME City of Kalamazoo Public Services

DONATION

This information is required by the Michigan Department of Transportation in order to donate property.

PROPERTY OWNER(S)
City of Kalamazoo Public Services

ADDRESS
241 W. South Street

CITY
Kalamazoo

STATE
MI

ZIP CODE
49007

Right(s) to be acquired:	\$	Fee – Real Property
	\$	Easement
	\$ 600.00	Consent
	\$	Cost to Cure
Total Compensation	\$ 600.00	

The compensation for the acquisition of your property (description attached) has been determined from current market data.

The undersigned owner(s) of the subject property identified below agrees with the following statements:

- I/We have been informed and fully understand that I/we have the right to receive just compensation for the subject property.
- I/We have been informed and fully understand that I/we have the right to an appraisal and the right to accompany the appraiser during an inspection of the subject property.
- I/We have been informed and fully understand that by signing this document, I/we are agreeing to donate the subject property in lieu of just compensation.
- I/We agree to donate said property and:
☒ Waive just compensation and waive the right to an appraisal and property inspection.

OR

- ☐ Waive just compensation, but request to exercise the right to an appraisal and property inspection.
- The decision to donate the subject property was made without undue influences or coercive action of any nature.
- I/We will execute the necessary instrument of conveyance upon presentation by agents or representatives of the Michigan Department of Transportation.

OWNERS SIGNATURE	DATE
OWNERS SIGNATURE	DATE
WITNESS SIGNATURE	DATE
MDOT APPROVAL	DATE

CONTROL SECTION 39022	PARCEL 839	NAME City of Kalamazoo Public Services
JOB NUMBER 105885	FEDERAL ITEM NUMBER NA	FEDERAL PROJECT NUMBER NA



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

PAUL C. AJEGBA
DIRECTOR

Good Faith Written Offer Letter

October 15, 2020

City of Kalamazoo Public Services
Mr. James Baker
Director of Public Works
241 W. South St.
Kalamazoo, MI 49007

Subject: CS 39022, JN 105885, Parcel 840
Address: 2301 E. Kilgore Rd.
County: Kalamazoo

Dear Mr. Baker:

The Michigan Department of Transportation (MDOT) has an upcoming project along I-94 and has reviewed your property as it relates to the needs of the project. MDOT has determined that it is necessary to acquire a Consent over your property as described in the attached legal description.

In accordance with state and federal laws and federal regulations governing the acquisition of property by MDOT, this letter is MDOT's Good Faith Written Offer.

MDOT had a licensed real estate appraiser estimate the value of the property rights to be acquired. This Good Faith Offer is based on that valuation set forth in the enclosed market study. The report is considered to be part of this Good Faith Offer. It outlines the items for which you are entitled to be paid, based on the facts known at this time, along with the state of the market and condition of the property as of the date of valuation.

MDOT's Good Faith Offer to you as just compensation regarding Parcel 840 is itemized below:

Consent to Remove ROW Fence	\$600.00
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Accordingly, the total amount that MDOT is offering for your property rights is \$600.00.

Please note that this offer is valid only until November 16, 2020, after which time MDOT may pursue a condemnation case if we have not reached an agreement. MDOT is authorized to acquire your property rights by purchase or condemnation.

Please review all the materials carefully and let us know in writing if you believe anything of significance has been omitted with respect to the amount of money you should be paid. MDOT will review the items you identify and will respond accordingly if any changes will be made to its Good Faith Written Offer. I am also available to discuss this offer with you and answer any questions you may have related to the attached documentation, this Good Faith Written Offer, and the Eminent Domain process.

The Good Faith Written Offer we are making is for the property rights for all individuals and entities that may have a property interest in the parcel. If there is more than one person or entity with an interest in

October 15, 2020

the property, you can decide amongst yourselves how the proceeds of sale should be divided, or you can request a court to decide how to divide the payment.

Please note that as part of this offer, MDOT reserves the right to bring federal or state cost recovery actions against you (the present owners) and/or any other potentially responsible parties relating to any release of hazardous substances on the property. If you have any questions regarding this provision, please let us know.

Also included in this packet are instructions to register with us to have your compensation sent to you via electronic funds transfer (EFT).

If you agree and are willing to accept our offer, please sign and date below in the presence of a witness. Be sure the witness also signs and dates the acceptance. Please return this letter and acceptance to my attention.

Thank you in advance for your consideration of our Good Faith Written Offer and for your cooperation with MDOT. If you have any questions, please contact me at (269) 251-9140.

Sincerely,

David
Ricard

Digitally signed by: David
Ricard
DN: CN = David Ricard
email = ricardd@michigan.
gov, C = US, O = Michigan
Department of
Transportation, OU = Real
Estate
Date: 2020.10.15 12:45:23 -
04'00'

David Ricard
Property Analyst
Enclosures

Acceptance of Good Faith Written Offer

The Undersigned accept(s) the Michigan Department of Transportation's (MDOT's) Good Faith Written Offer of \$600.00 for the property rights detailed in the attached legal description.

Witness:	Date:	Property Owners:	Date:
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

CONTROL SECTION	JOB NO.	PARCEL	NAME
39022	105885	840	City of Kalamazoo Public Services

TO THE MICHIGAN DEPARTMENT OF TRANSPORTATION
This information required by Act 286, P.A. of 1964, in order to
grant Michigan Department of Transportation access to property.

LEGAL DESCRIPTION

(CONSENT)

CONSENT TO REMOVE R.O.W. FENCE

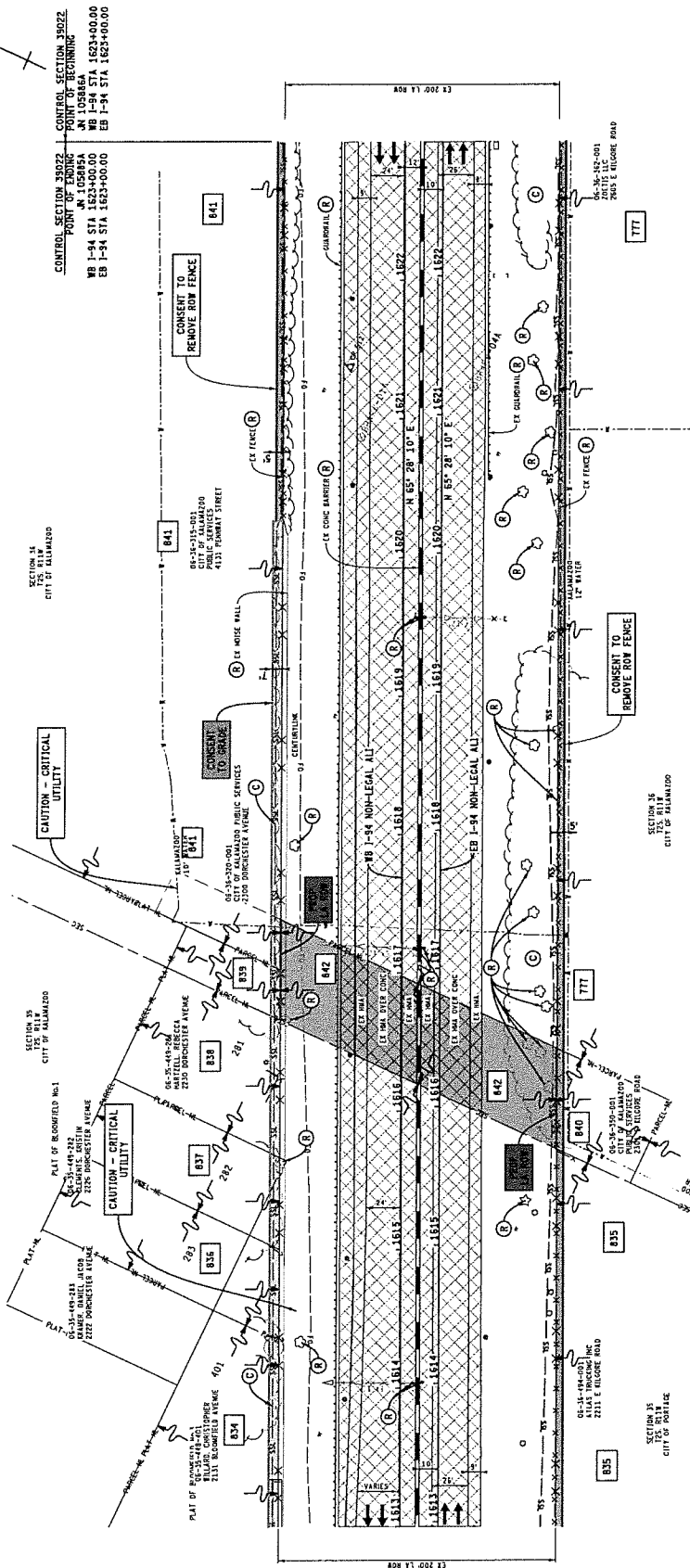
Lands located in the City of Kalamazoo, County of Kalamazoo, described as:

A consent to remove the existing right-of-way fence, over and across the following described TRACT "A", said consent area for right-of-way fence removal is more particularly described as follows: Commencing at the Southwest corner of Section 36, Town 2 South, Range 11 West, City of Kalamazoo, County of Kalamazoo, Michigan; thence North 00° 28' 40" East on the West line of the Southwest 1/4 of said Section 36 a distance of 1152.91 feet to a point on the existing Southeasterly Limited Access Right-of-Way line of Highway I-94 and the Point of Beginning; thence North 65° 28' 04" East on said existing Southeasterly Limited Access Right-of-Way line of Highway I-94 a distance of 72.83 feet to a point on the East line of the West 66.00 feet to the Southwest 1/4 of said Section 36; thence South 00° 28' 40" West along said East line of the West 66.00 feet to the Southwest 1/4 of Section 36 a distance of 5.52 feet; thence South 65° 28' 04" West parallel to said existing Southeasterly Limited Access Right-of-Way line of Highway I-94 a distance of 72.83 feet to a point on the West line of Southwest 1/4 of said Section 36; thence North 00° 28' 40" East along said West line of the Southwest 1/4 of Section 36 a distance of 5.52 feet to the Point of Beginning.

State Plane Grid and Distances with a combined scale factor of 0.99993223, State Plane Distance / 0.99993223 = Ground Distance.

The lands above described for Right-of-Way fence removal contain 402 square feet, more or less.

TRACT "A": Commencing at a point 66 rods North of the Southwest corner of Section 36, Town 2 South, Range 11 West, City of Kalamazoo, County of Kalamazoo, Michigan; thence running thence East 66 feet; thence North to the Southerly line of US-12 Kalamazoo South Belt, thence Southwesterly along said Highway to the West line of said Section; thence Southerly along said Section line to the Beginning.



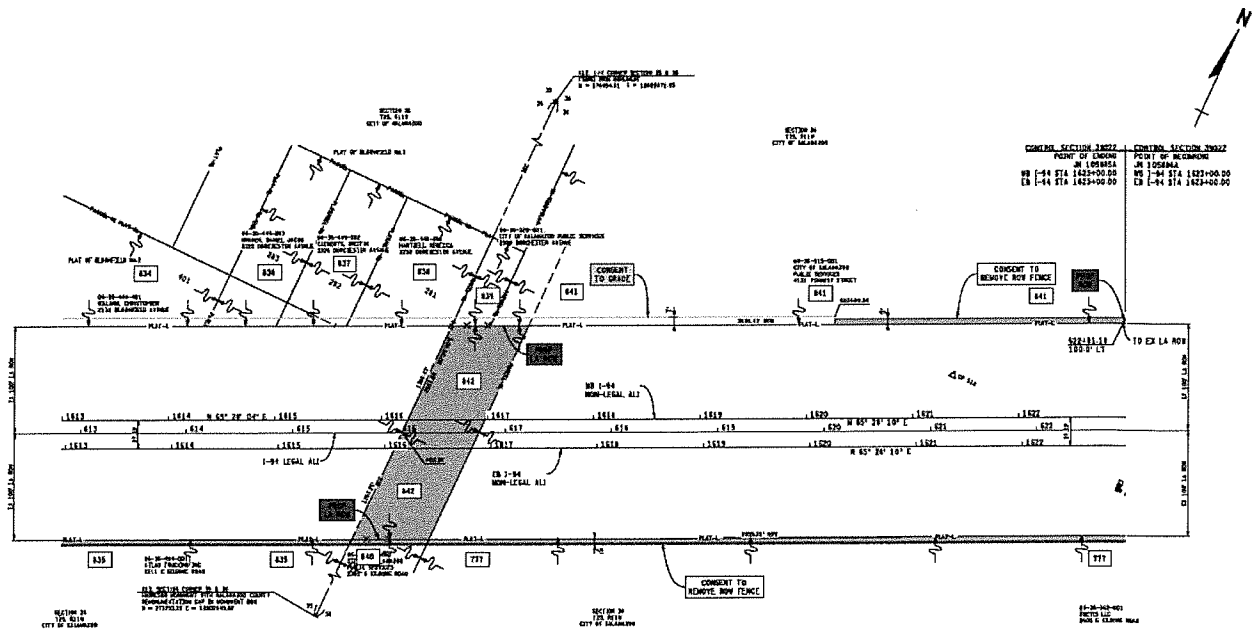
FINAL ROW PLAN REVISIONS				SUBMITTAL DATE:		) ,	
NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

							
FILE: 105885.L-94.151300.dgn		TSC: KALAMAZOO		DESIGN UNIT: SYTSMA		DATE: 06/24/20	
JUN: 105885A		CS: 39022		REMOVAL		DRAWING SHEET	
E8 -94 STA 161+00 TO STA 162+00		E8 -94 STA 161+00 TO STA 162+00		E8 -94 STA 161+00 TO STA 162+00		194 SECT 1	
WB -94 STA 161+00 TO STA 162+00		WB -94 STA 161+00 TO STA 162+00		WB -94 STA 161+00 TO STA 162+00		7 164	



				 AECOM Engineering • Architecture • Construction Management				 GMDOT Georgia Department of Transportation				 0 60 HORIZ. (FT)				SUBMITTAL DATE: _____ DATE: _____ AUTH: _____ NO. _____ DATE: _____ AUTH: _____ DESCRIPTION _____ DATE: _____ AUTH: _____				CS: 39022 JN: 105885-A FILE: 105885_1-84-161300.dgn DATE: 06/24/20 DESIGN UNIT: STSMA TSC: MALAWA20 REMOVAL EB 1-94 STA 161.3+00 TO STA 1623+00 WB 1-94 STA 161.3+00 TO STA 1623+00				DRAWING SHEET 184 A-1 165			
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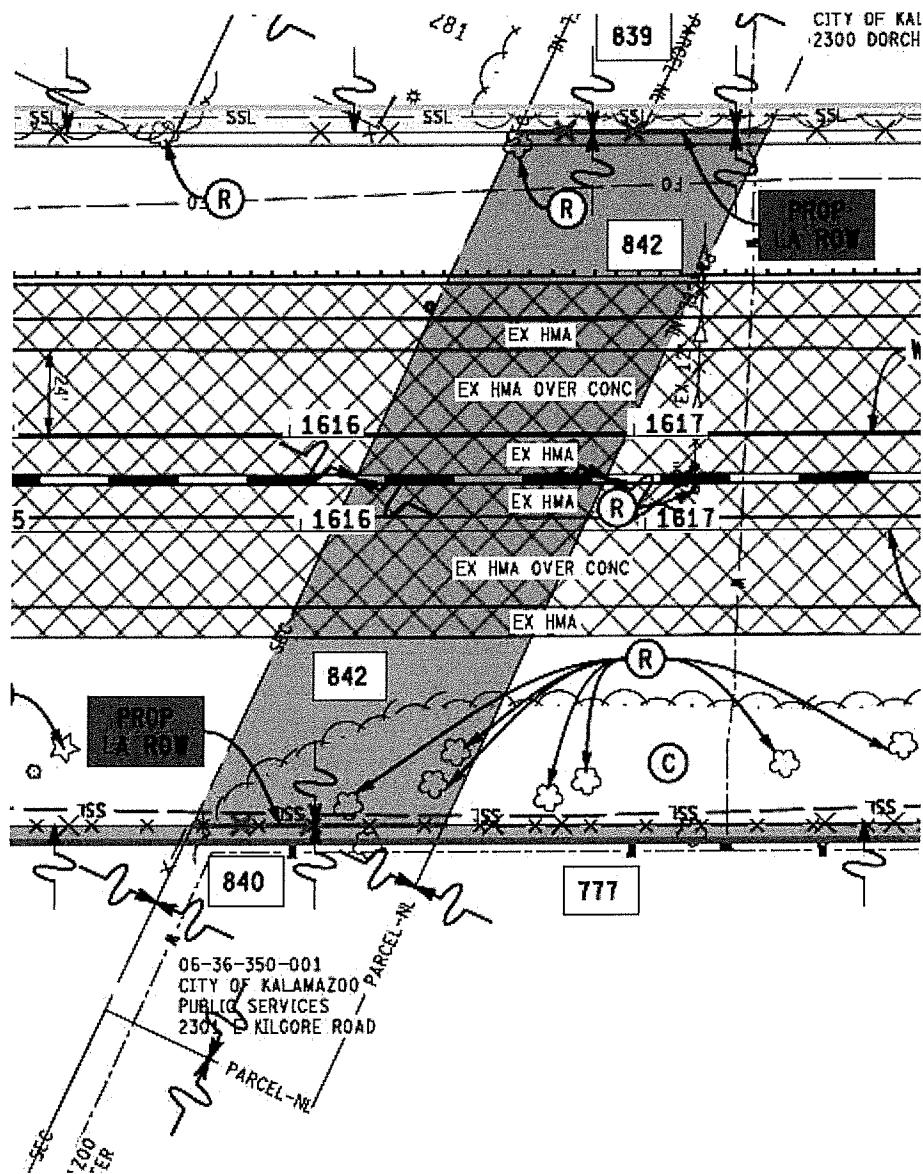
SUBJECT SKETCH



ALIGNMENT SHEET

CONTROL SECTION: 39022	JOB NUMBER: 105885	PARCEL : 840	NAME: City of Kalamazoo
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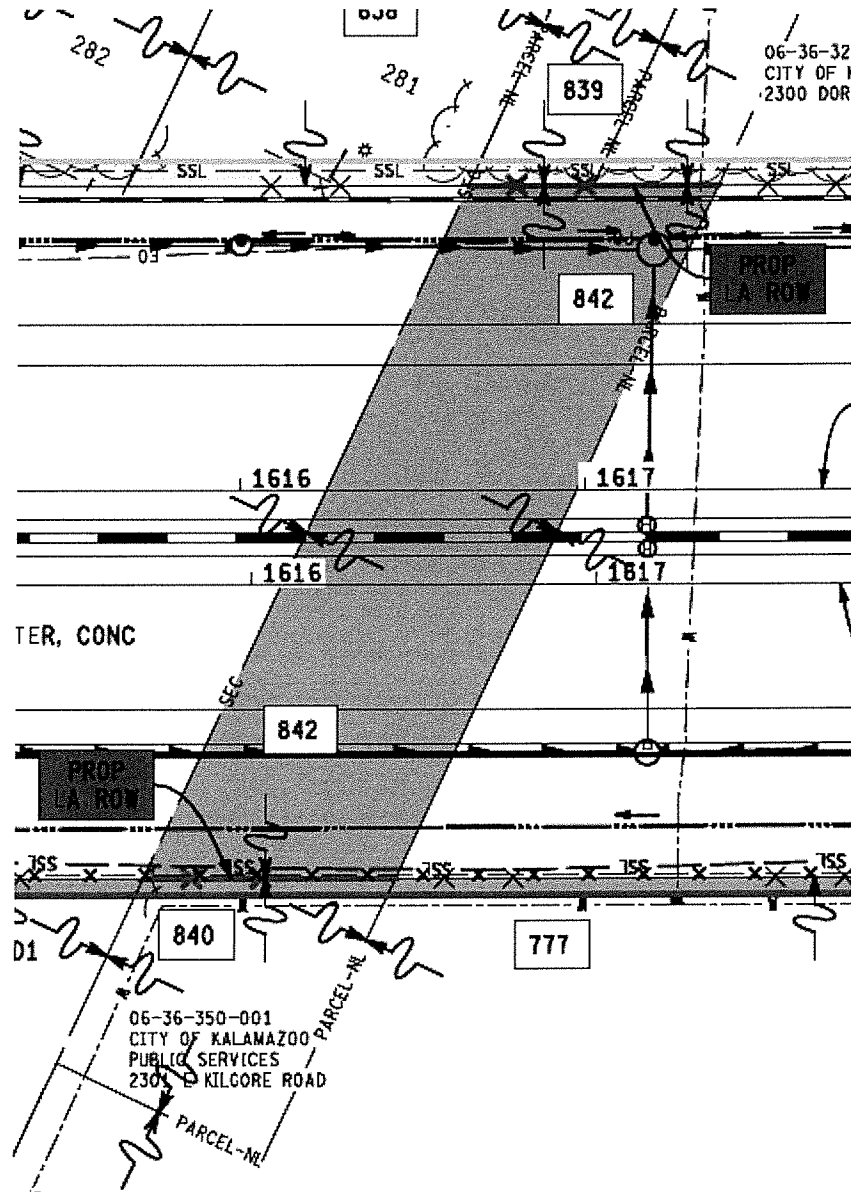
SUBJECT SKETCH



REMOVAL SHEET

CONTROL SECTION: 39022	JOB NUMBER: 105885	PARCEL : 840	NAME: City of Kalamazoo
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SUBJECT SKETCH



CONSTRUCTION SHEET

CONTROL SECTION: 39022	JOB NUMBER: 105885	PARCEL : 840	NAME: City of Kalamazoo
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RELOCATION ELIGIBILITY NOTICEDISPLACEE: City of Kalamazoo Public ServicesBased on information as of October 15, 2020, you are eligible for the following benefits as indicated. You will NOT be required to move before November 16, 2020.**NON-RESIDENTIAL****BUSINESS, FARM, NON-PROFIT**

MOVING EXPENSES PLUS RE-ESTABLISHMENT EXPENSES

\$ TO BE DETERMINED

OR

FIXED PAYMENT

\$ TO BE DETERMINED

RESIDENTIAL**HOUSING SUPPLEMENT**

LISTING PRICE OF COMPARABLE DWELLING

\$

LESS ACQUISITION PRICE (125% of fair market value)

\$

=

MAXIMUM HOUSING SUPPLEMENT

\$

**RENTAL SUPPLEMENT/PURCHASE DOWN PAYMENT**

a) COMPARABLE RENT + UTILITIES \$ _____ per month x 42 mo's

\$

b) LESS ACTUAL/ECONOMIC RENT + UTILITIES

OR 30% OF MONTHLY INCOME \$ _____ per month x 42 mo's

\$

c) RENTAL SUPPLEMENT ("a" minus "b")

\$

OR

d) PURCHASE DOWN PAYMENT (greater of "c" or \$7,200)

\$

**MOVING EXPENSES**

SELF MOVE - FIXED COST

\$ TO BE DETERMINED

OR

COMMERCIAL MOVE

\$ TO BE DETERMINED

COMPARABLE HOUSING		COMPARABLE RENTALS	
Sale Address	Bedrooms	Rental Address	Bedrooms

Claim must be filed within the prescribed time limits as noted on MDOT claim form 0677 or 0679. Claims can not be paid until all the conditions on the claim form have been met. You may file your appeal at any time up to 6 months after you have received this notice.

SEE RELOCATION BOOKLET FOR COMPLETE DESCRIPTION OF THE RELOCATION PROGRAM

PROPERTY ANALYST David Ricard	PROPERTY ANALYST SIGNATURE David Ricard	DATE 10/15/20
REGION AGENT Erik T. Kayser	ADDRESS 1501 E. Kilgore Rd., Kalamazoo, MI 49001	PHONE (269) 337-3964
CONTROL SECTION 39022	JOB NO. 105885	PARCEL 840
		NAME City of Kalamazoo Public Service

DONATION

This information is required by the Michigan Department of Transportation in order to donate property.

PROPERTY OWNER(S)
City of Kalamazoo Public Services

ADDRESS
241 W. South Street

CITY
Kalamazoo

STATE
MI

ZIP CODE
49007

Right(s) to be acquired:	\$	Fee – Real Property
	\$	Easement
	\$ 600.00	Consent
	\$	Cost to Cure
Total Compensation	\$ 600.00	

The compensation for the acquisition of your property (description attached) has been determined from current market data.

The undersigned owner(s) of the subject property identified below agrees with the following statements:

- I/We have been informed and fully understand that I/we have the right to receive just compensation for the subject property.
- I/We have been informed and fully understand that I/we have the right to an appraisal and the right to accompany the appraiser during an inspection of the subject property.
- I/We have been informed and fully understand that by signing this document, I/we are agreeing to donate the subject property in lieu of just compensation.
- I/We agree to donate said property and:
☒ Waive just compensation and waive the right to an appraisal and property inspection.

OR

- ☐ Waive just compensation, but request to exercise the right to an appraisal and property inspection.
- The decision to donate the subject property was made without undue influences or coercive action of any nature.
- I/We will execute the necessary instrument of conveyance upon presentation by agents or representatives of the Michigan Department of Transportation.

OWNERS SIGNATURE	DATE
OWNERS SIGNATURE	DATE
WITNESS SIGNATURE	DATE
MDOT APPROVAL	DATE

CONTROL SECTION 39022	PARCEL 840	NAME City of Kalamazoo Public Services
JOB NUMBER 105885	FEDERAL ITEM NUMBER NA	FEDERAL PROJECT NUMBER NA



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

PAUL C. AJEGBA
DIRECTOR

Good Faith Written Offer Letter

October 15, 2020

City of Kalamazoo Public Services
Mr. James Baker
Director of Public Works
241 W. South St.
Kalamazoo, MI 49007

Subject: CS 39022, JN 105885, Parcel 841
Address: 4131 Pennway St.
County: Kalamazoo

Dear Mr. Baker:

The Michigan Department of Transportation (MDOT) has an upcoming project along I-94 and has reviewed your property as it relates to the needs of the project. MDOT has determined that it is necessary to acquire two Consents over your property as described in the attached legal descriptions.

In accordance with state and federal laws and federal regulations governing the acquisition of property by MDOT, this letter is MDOT's Good Faith Written Offer.

MDOT had a licensed real estate appraiser estimate the value of the property rights to be acquired. This Good Faith Offer is based on that valuation set forth in the enclosed market study. The report is considered to be part of this Good Faith Offer. It outlines the items for which you are entitled to be paid, based on the facts known at this time, along with the state of the market and condition of the property as of the date of valuation.

MDOT's Good Faith Offer to you as just compensation regarding Parcel 841 is itemized below:

Consent to Grade & Consent to Remove ROW Fence	\$600.00
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Accordingly, the total amount that MDOT is offering for your property rights is \$600.00.

Please note that this offer is valid only until November 16, after which time MDOT may pursue a condemnation case if we have not reached an agreement. MDOT is authorized to acquire your property rights by purchase or condemnation.

Please review all the materials carefully and let us know in writing if you believe anything of significance has been omitted with respect to the amount of money you should be paid. MDOT will review the items you identify and will respond accordingly if any changes will be made to its Good Faith Written Offer. I am also available to discuss this offer with you and answer any questions you may have related to the attached documentation, this Good Faith Written Offer, and the Eminent Domain process.

The Good Faith Written Offer we are making is for the property rights for all individuals and entities that may have a property interest in the parcel. If there is more than one person or entity with an interest in

October 15, 2020

the property, you can decide amongst yourselves how the proceeds of sale should be divided, or you can request a court to decide how to divide the payment.

Please note that as part of this offer, MDOT reserves the right to bring federal or state cost recovery actions against you (the present owners) and/or any other potentially responsible parties relating to any release of hazardous substances on the property. If you have any questions regarding this provision, please let us know.

Also included in this packet are instructions to register with us to have your compensation sent to you via electronic funds transfer (EFT).

If you agree and are willing to accept our offer, please sign and date below in the presence of a witness. Be sure the witness also signs and dates the acceptance. Please return this letter and acceptance to my attention.

Thank you in advance for your consideration of our Good Faith Written Offer and for your cooperation with MDOT. If you have any questions, please contact me at (269) 251-9140.

Sincerely, **David Ricard**
Digitally signed by: David Ricard
DN: cn = David Ricard,
email = jricard@mdot.michigan.gov,
c = US, o = Michigan Department of Transportation
OU = Real Estate
Date: 2020.10.15 12:42:22 -0400

David Ricard
Property Analyst
Enclosures

Acceptance of Good Faith Written Offer

The Undersigned accept(s) the Michigan Department of Transportation's (MDOT's) Good Faith Written Offer of \$600.00 for the property rights detailed in the attached legal description.

Witness:	Date:	Property Owners:	Date:
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

CONTROL SECTION	JOB NO.	PARCEL	NAME
39022	105885	841	City of Kalamazoo Public Services

COMPENSATION SUMMARY

	Square Footage	Price Per Square Foot	Total	Rate of Return or Discount	Total Value	Total Compensation
GRADING	2,259 x	0.80 =	\$1,807.20 x	10% =	\$181	
GRADING	1,364 x	0.80 =	\$1,091.20 x	10% =	\$109	
	x	=	\$0.00 x	=	\$0	
	x	=	\$0.00 x	=	\$0	
	=	=		=		
			Total	=	\$290	\$300

Total Compensation Offered (Two Years)

TOTAL \$600

CS: 39022	JN: 105885	PARCEL: 841	NAME: City of Kalamazoo
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TO THE MICHIGAN DEPARTMENT OF TRANSPORTATION
This information required by Act 286, P.A. of 1964, in order to
grant Michigan Department of Transportation access to property.

LEGAL DESCRIPTION

(CONSENTS)

CONSENT TO GRADE

Lands located in the City of Kalamazoo, County of Kalamazoo, described as:

All that part of the following described TRACT "A" which lies within a parcel described as: Commencing at the Southwest corner of Section 36, Town 2 South, Range 11 West, City of Kalamazoo, County of Kalamazoo, Michigan; thence North 00° 28' 40" East on the West line of the Southwest 1/4 of said Section 36 a distance of 1373.60 feet to a point on the existing Northwestern Limited Access Right-of-Way line of Highway I-94 and the Point of Beginning; thence continuing North 00° 28' 40" East along the West line of the Southwest 1/4 of said Section 36 a distance of 7.72 feet; thence North 65° 28' 04" East parallel with the existing Northwestern Limited Access Right-of-Way line of Highway I-94 a distance of 357.44 feet; South 24° 28' 04" East perpendicular to said existing Northwestern Limited Access Right-of-Way line of Highway I-94 a distance of 7.00 feet to a point on said existing Northwestern Limited Access Right-of-Way line of Highway I-94; thence South 65° 28' 04" West along said existing Northwestern Limited Access Right-of-Way line of Highway I-94 a distance of 360.70 feet to the Point of Beginning.

State Plane Grid and Distances with a combined scale factor of 0.99993223, State Plane Distance / 0.99993223 = Ground Distance.

The lands described above for grading purposes contain 2,259 square feet, more or less.

TRACT "A": Beginning in the North line of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 36, Town 2 South, Range 11 West, City of Kalamazoo, County of Kalamazoo, Michigan, which is 33 feet East of the West line of Section 36; thence East 540 feet along said North line; thence South 343.87 feet parallel to said West line to the North line of Highway US12 (Kalamazoo South Belt); thence Southwesterly thereon to the West line of Section 36; thence North along said West line to a point 33 feet West and 525.08 feet South of the Place of Beginning; thence East 33 feet; thence North 525.08 feet to the Point of Beginning.

CONSENT TO REMOVE R.O.W. FENCE

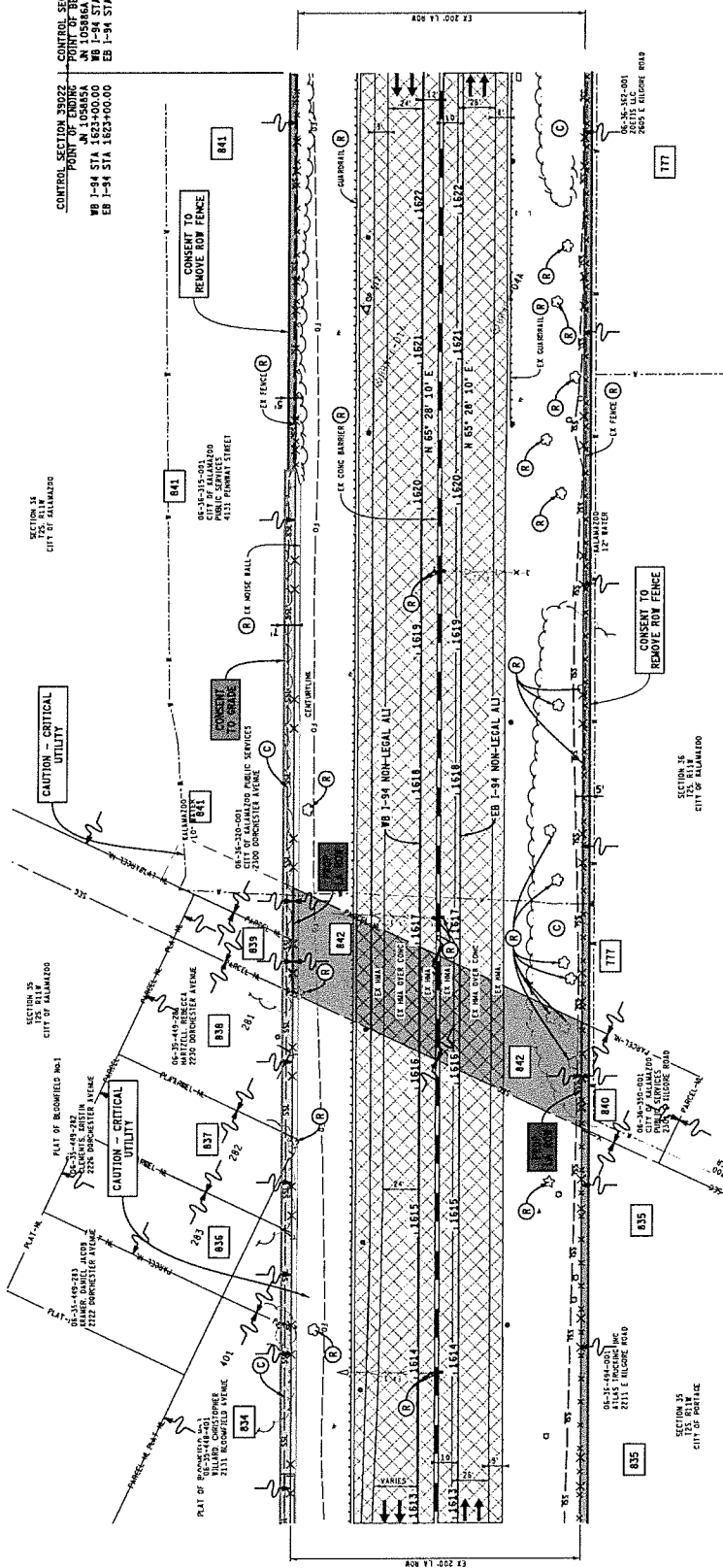
Lands located in the City of Kalamazoo, County of Kalamazoo, described as:

A consent to remove the existing right-of-way fence, over and across the following described TRACT "A", said consent area for right-of-way fence removal is more particularly described as follows: Commencing at the Southwest corner of Section 36, Town 2 South, Range 11 West, City of Kalamazoo, County of Kalamazoo, Michigan; thence North 00° 28' 40" East on the West line of the Southwest 1/4 of said Section 36 a distance of 1373.60 feet to a point on the existing Northwestern Limited Access Right-of-Way line of Highway I-94; thence North 65° 28' 04" East on said existing Northwestern Limited Access Right-of-Way line of Highway I-94 a distance of 360.70 feet and the Point of Beginning; thence North 24° 31' 56" West perpendicular to said existing Northwestern Limited Access Right-of-Way line of Highway I-94 a distance of 5.00 feet; thence North 65° 28' 04" East parallel with the existing Northwestern Limited Access Right-of-Way line of Highway I-94 a distance of 273.91 feet to a point on the East line of the West 573.00 feet of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 36; thence South 00° 28' 40" West along the East line of the West 573.00 feet of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 36 a distance of 5.52 feet to a point on the existing Northwestern Limited Access Right-of-Way line of Highway I-94; thence South 65° 28' 04" West along said existing Northwestern Limited Access Right-of-Way line of Highway I-94 a distance of 271.58 feet to the Point of Beginning.

State Plane Grid and Distances with a combined scale factor of 0.99993223, State Plane Distance / 0.99993223 = Ground Distance.

The lands above described for Right-of-Way fence removal contain 1,364 square feet, more or less.

TRACT "A": Beginning in the North line of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 36, Town 2 South, Range 11 West, City of Kalamazoo, County of Kalamazoo, Michigan, which is 33 feet East of the West line of Section 36; thence East 540 feet along said North line; thence South 343.87 feet parallel to said West line to the North line of Highway US12 (Kalamazoo South Belt); thence Southwesterly thereon to the West line of Section 36; thence North along said West line to a point 33 feet West and 525.08 feet South of the Place of Beginning; thence East 33 feet; thence North 525.08 feet to the Point of Beginning.



FINAL ROW PLAN REVISIONS				SUBMITTAL DATE:		1	
NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION



AECOM
Engineering, Architecture, Construction

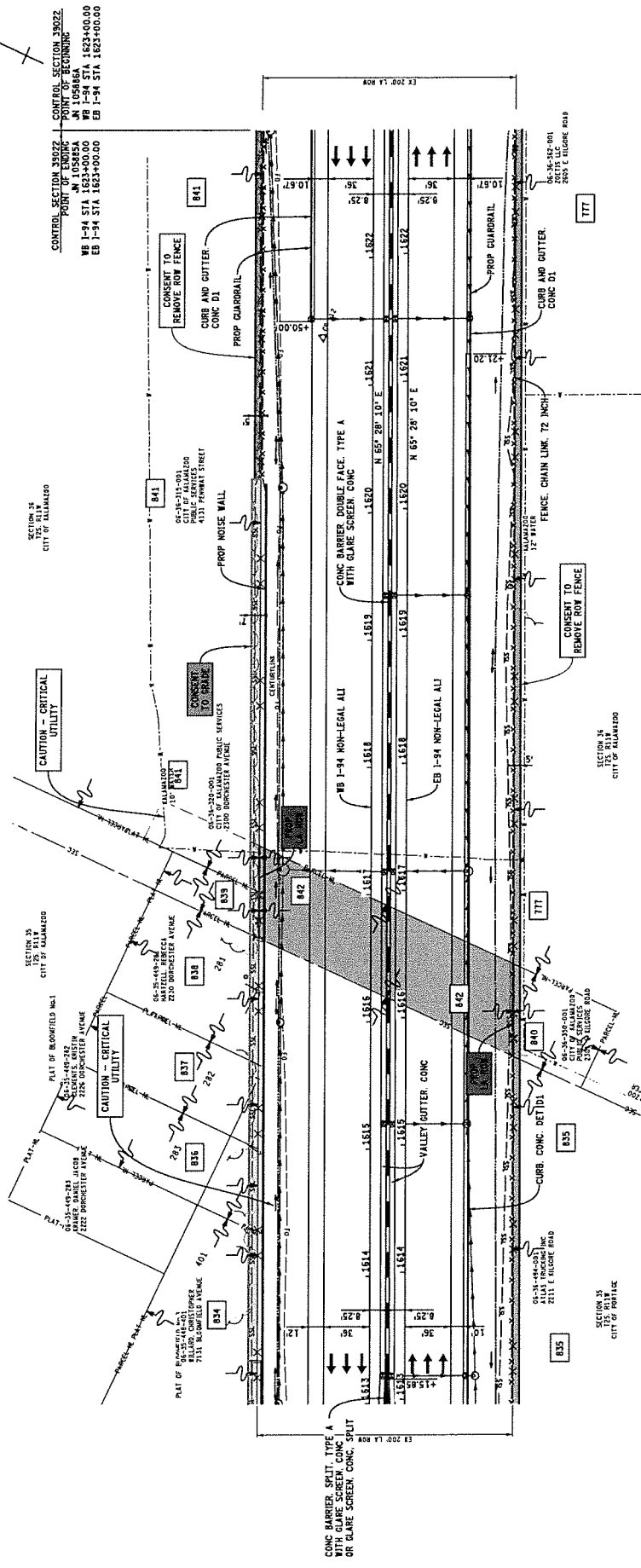


MDOT
Michigan Department of Transportation



0 80
HORIZ. (FT.)

 MDOT Michigan Department of Transportation	DATE: 06/24/20	CS: 39022	REMOVAL	DRAWING SHEET
	DESIGN UNIT: SYT5MA	JN: 105985A	EB I-94 STA 1613+00 TO STA 1623+00	194 SECT 1
	FILE: 105985_I-94_161300.dgn	TSC: KALAMAZOO	WB I-94 STA 1613+00 TO STA 1623+00	7 REM 164



CONTROL SECTION 39022
CONC BARRIER DOUBLE FACE TYPE A
JN: 105885
WB I-94 STA 1623+00.00
EB I-94 STA 1623+00.00

SECTION 38
CITY OF ALABAMA

SECTION 35
CITY OF ALABAMA

SECTION 32
CITY OF ALABAMA

WB I-94
EB I-94

WB I-94
EB I-94

FINAL ROW PLAN REVISIONS		SUBMITTAL DATE:		DRAWING SHEET	
NO.	DATE	AUTH.	DESCRIPTION	NO.	DATE
				194	REVISION 1
				165	REVISION 7

CS: 39022	DATE: 06/24/20	REMOVAL
JN: 105885A	DESIGN UNIT: ST/MSA	EB I-94 STA 1613+00 TO STA 1623+00
FILE: 105885-I-94-161300.dgn	ISC: ALABAMA 200	WB I-94 STA 1613+00 TO STA 1623+00

0 100 200 FT

MDOT
Michigan Department of Transportation

ALCOM

RELOCATION ELIGIBILITY NOTICEDISPLACEE: City of Kalamazoo Public ServicesBased on information as of October 15, 2020, you are eligible for the following benefits as indicated. You will NOT be required to move before November 16, 2020.**NON-RESIDENTIAL****BUSINESS, FARM, NON-PROFIT**

MOVING EXPENSES PLUS RE-ESTABLISHMENT EXPENSES

\$ TO BE DETERMINED

OR

FIXED PAYMENT

\$ TO BE DETERMINED

RESIDENTIAL**HOUSING SUPPLEMENT**

LISTING PRICE OF COMPARABLE DWELLING

\$

LESS ACQUISITION PRICE (125% of fair market value)

\$

=

MAXIMUM HOUSING SUPPLEMENT

\$

**RENTAL SUPPLEMENT/PURCHASE DOWN PAYMENT**

a) COMPARABLE RENT + UTILITIES \$ per month x 42 mo's

\$

b) LESS ACTUAL/ECONOMIC RENT + UTILITIES

OR 30% OF MONTHLY INCOME \$ per month x 42 mo's

\$

c) RENTAL SUPPLEMENT ("a" minus "b")

\$

OR

d) PURCHASE DOWN PAYMENT (greater of "c" or \$7,200)

\$

**MOVING EXPENSES**

SELF MOVE - FIXED COST

\$ TO BE DETERMINED

OR

COMMERCIAL MOVE

\$ TO BE DETERMINED

COMPARABLE HOUSING		COMPARABLE RENTALS	
Sale Address	Bedrooms	Rental Address	Bedrooms

Claim must be filed within the prescribed time limits as noted on MDOT claim form 0677 or 0679. Claims can not be paid until all the conditions on the claim form have been met. You may file your appeal at any time up to 6 months after you have received this notice.

SEE RELOCATION BOOKLET FOR COMPLETE DESCRIPTION OF THE RELOCATION PROGRAM

PROPERTY ANALYST David Ricard	PROPERTY ANALYST SIGNATURE David Ricard	DATE 10/15/20
REGION AGENT Erik T. Kayser	ADDRESS 1501 E. Kilgore Rd., Kalamazoo, MI 49001	PHONE (269) 337-3964
CONTROL SECTION 39022	JOB NO. 105885	PARCEL 841
		NAME City of Kalamazoo Public Service

DONATION

This information is required by the Michigan Department of Transportation in order to donate property.

PROPERTY OWNER(S)
City of Kalamazoo Public Services

ADDRESS
241 W. South Street

CITY
Kalamazoo

STATE
MI

ZIP CODE
49007

Right(s) to be acquired:	\$	Fee – Real Property
	\$	Easement
	\$ 600.00	Consent
	\$	Cost to Cure
Total Compensation	\$ 600.00	

The compensation for the acquisition of your property (description attached) has been determined from current market data.

The undersigned owner(s) of the subject property identified below agrees with the following statements:

- I/We have been informed and fully understand that I/we have the right to receive just compensation for the subject property.
- I/We have been informed and fully understand that I/we have the right to an appraisal and the right to accompany the appraiser during an inspection of the subject property.
- I/We have been informed and fully understand that by signing this document, I/we are agreeing to donate the subject property in lieu of just compensation.
- I/We agree to donate said property and:
☒ Waive just compensation and waive the right to an appraisal and property inspection.

OR

- ☐ Waive just compensation, but request to exercise the right to an appraisal and property inspection.
- The decision to donate the subject property was made without undue influences or coercive action of any nature.
- I/We will execute the necessary instrument of conveyance upon presentation by agents or representatives of the Michigan Department of Transportation.

OWNERS SIGNATURE	DATE
OWNERS SIGNATURE	DATE
WITNESS SIGNATURE	DATE
MDOT APPROVAL	DATE

CONTROL SECTION 39022	PARCEL 841	NAME City of Kalamazoo Public Services
JOB NUMBER 105885	FEDERAL ITEM NUMBER NA	FEDERAL PROJECT NUMBER NA



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

PAUL C. AJEGBA
DIRECTOR

Good Faith Written Offer Letter

October 15, 2020

City of Kalamazoo
Mr. James Baker
Director of Public Works
241 W. South St.
Kalamazoo, MI 49007

Subject: CS 39022, JN 105885, Parcel 842
Address: 66 foot gap in I-94 ROW
County: Kalamazoo

Dear Mr. Baker:

The Michigan Department of Transportation (MDOT) has an upcoming project along I-94 and has reviewed your property as it relates to the needs of the project. MDOT has determined that it is necessary to acquire permanent Fee rights over your property as described in the attached legal description.

In accordance with state and federal laws and federal regulations governing the acquisition of property by MDOT, this letter is MDOT's Good Faith Written Offer.

MDOT had a licensed real estate appraiser estimate the value of the property rights to be acquired. This Good Faith Offer is based on that valuation set forth in the enclosed market study. The report is considered to be part of this Good Faith Offer. It outlines the items for which you are entitled to be paid, based on the facts known at this time, along with the state of the market and condition of the property as of the date of valuation.

If you choose, you have the right to request an appraisal be completed to determine the market value of the property rights being acquired. The appraisal will then become the basis for a revised written Good Faith Offer.

MDOT's Good Faith Offer to you as just compensation regarding Parcel 842 is itemized below:

Fee Acquisition	\$11,700.00
-----------------	-------------

Accordingly, the total amount that MDOT is offering for your property rights is \$11,700.00.

Please note that this offer is valid only until November 16, 2020, after which time MDOT may pursue a condemnation case if we have not reached an agreement. MDOT is authorized to acquire your property rights by purchase or condemnation.

Please review all the materials carefully and let us know in writing if you believe anything of significance has been omitted with respect to the amount of money you should be paid. MDOT will review the items you identify and will respond accordingly if any changes will be made to its Good Faith Written Offer. I am also available to discuss this offer with you and answer any questions you may have related to the attached documentation, this Good Faith Written Offer, and the Eminent Domain process.

The Good Faith Written Offer we are making is for the property rights for all individuals and entities that may have a property interest in the parcel. If there is more than one person or entity with an interest in the property, you can decide amongst yourselves how the proceeds of sale should be divided, or you can request a court to decide how to divide the payment.

Please note that as part of this offer, MDOT reserves the right to bring federal or state cost recovery actions against you (the present owners) and/or any other potentially responsible parties relating to any release of hazardous substances on the property. If you have any questions regarding this provision, please let us know.

Also included in this packet are instructions to register with us to have your compensation sent to you via electronic funds transfer (EFT).

If you agree and are willing to accept our offer, and also agree to the terms and conditions set forth in the attached addendum(a), please sign and date below in the presence of a witness. Be sure the witness also signs and dates the acceptance. Please return this letter and acceptance to my attention.

Thank you in advance for your consideration of our Good Faith Written Offer and for your cooperation with MDOT. If you have any questions, please contact me at (269) 251-9140.

Sincerely,

David
Ricard

Digitally signed by:
David Ricard
DN: cn = David Ricard
email = ricard@michigan.gov
c = US, o = Michigan
Department of
Transportation, ou =
Real Estate
Date: 2020.10.15 13:20:
20 -04'00'

David Ricard
Property Analyst
Enclosures

Acceptance of Good Faith Written Offer

The Undersigned accept(s) the Michigan Department of Transportation's (MDOT's) Good Faith Written Offer of \$11,700.00 for the property rights detailed in the attached legal description.

Witness:	Date:	Property Owners:	Date:
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

CONTROL SECTION	JOB NO.	PARCEL	NAME
39022	105885	842	City of Kalamazoo

ADDENDUM TO GOOD FAITH WRITTEN OFFER

This information required by P.A. 286 of 1964

Page 1 of 2

☐	NAME	NATURE OF INTEREST
	City of Kalamazoo Public Services	Fee Owner
	ADDRESS	TELEPHONE NUMBERS
	241 W. South Street	269-370-8715

☐ SEE ATTACHED LIST FOR ADDITIONAL OWNERS

Price	A	The owner(s) agree to sell the following described property to the Michigan Department of Transportation for the sum of <u>Eleven Thousand Seven Hundred Dollars (\$11,700)</u> and to deliver to the Michigan Department of Transportation a warranty deed clear of all encumbrances subject only to easements and restrictions of record.
Title	B	The owner(s) agree not to sell, convey, mortgage, or otherwise encumber the title to the land or any part thereof, or to permit any act or deed to diminish the value of the following described land.
Taxes	C	The owner(s) agree to pay all real estate taxes due and payable at the time of closing. The owner(s) also agrees to pay any special assessment levied at the time of closing. The owner(s) also agrees to pay any personal property taxes due and payable at the time of closing including all jeopardy assessments filed at the time of closing. Ad-valorem real taxes will be prorated in accordance with the provisions of Act 288, P.A. 1966.
Improvements	D	This sale includes all buildings, structures, trees and other improvements on the property.
Occupancy	E	The Michigan Department of Transportation will become the owner of the property upon payment of the price listed above. The owner(s) shall have the right to occupy the improvements on the property for a period of <u>Zero (0)</u> days after the closing. However, if the buildings become vacant subsequent to the acceptance of the Good Faith Offer, they will not be reoccupied.
Escrow Agent	F	The owners(s) agree that <u>Devon Title</u> will act as escrow agent in closing this sale. The escrow agent will deduct from the proceeds all sums necessary to satisfy and discharge all liens, encumbrances and taxes and secure and record the instruments sufficient to vest an unencumbered title in the name of the Michigan Department of Transportation, subject only to easements and restrictions of record.
Commitment	G	20009375
Delayed Payment	H	The owner(s) agree to await a later refund of prorated prepaid ad-valorem taxes.
Minerals	I	Fluid Mineral and Gas rights are ☒ included ☐ not included.
Special Provisions	J	

Any personal property or fixtures that have not been removed by the date of a Notice to Quit to be issued by MDOT will become the property of MDOT and will be removed by MDOT, its contractors, or its agents. This does not apply to hazardous material.

MDOT reserves its rights to bring federal or state cost recovery actions against the present owners, and any other potentially responsible parties, arising out of release of hazardous substances on the property.

PROPERTY TAX CODE (Part of) 3906-36-350-001 & 3906-36-320-001

CONTROL SECTION 39022	JOB NUMBER 105885	PARCEL 842	NAME City of Kalamazoo Public Services
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LEGAL DESCRIPTION

Lands located in the City/Township of: Kalamazoo County of: Kalamazoo described as:

See attached Legal Description.

INSTRUCTIONS TO ESCROW AGENT

FEE	\$11,700.00	OTHER	
PA 367 & 439		OTHER	
RELEASE OF DAMAGES		OTHER	

PROPERTY TAX CODE (Part of) 3906-36-350-001 & 3906-36-320-001

CONTROL SECTION	JOB NUMBER	PARCEL	NAME
39022	105885	842	City of Kalamazoo Public Services

COVENANT DEED

The CITY OF KALAMAZOO, a Michigan public body corporate, whose address is 241 W. South Street, Kalamazoo, Michigan 49007 ("Grantor"), grant and conveys to the MICHIGAN DEPARTMENT OF TRANSPORTATION, whose address is 425 West Ottawa Street, P.O. Box 30050, Lansing, MI 48909 ("Grantee"), the following described premises situated in the City of Kalamazoo, County of Kalamazoo, State of Michigan ("Property"):

See Attached Exhibit A

together with all improvements, buildings, facilities, structures and real estate fixtures located on the Property, and subject to the easements, building, use and zoning restrictions, and limitations of record and those exceptions under **Exhibit B**.

In consideration of: Eleven Thousand, Seven Hundred and 00/100 Dollars (\$11,700.00).

Further, Grantor covenants that it has not done, committed, or knowingly or willingly suffered to be done or committed, any act or matter while it was owner of the Property causing the Property to be charged or encumbered in title, estate, or otherwise.

The Grantor grants to the Grantee the right to make zero (0) divisions, if any, permitted under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended.

This property may be located within the vicinity of farm land or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act.

This conveyance is exempt from taxation under the provisions of MCL 207.505(h)(i), and MCL 207.526(h)(i).

Effective Date: _____

SIGNATURE AND ACKNOWLEDGEMENT INTENTIONALLY ON NEXT PAGE

Dated: _____

CITY OF KALAMAZOO

By: _____
James K. Ritsema

Its: City Manager

CORPORATE ACKNOWLEDGMENT

STATE OF MICHIGAN }
 }
COUNTY OF KALAMAZOO }

The foregoing instrument was acknowledged before me on _____,
by _____, chair of the CITY OF KALAMAZOO BROWNFIELD
REDEVELOPMENT AUTHORITY, on its behalf.

Notary Public
Kalamazoo County, Michigan
My commission expires: _____

This Instrument Drafted By and Return To:
David Ricard
Michigan Department of Transportation
Southwest Region
1501 E. Kilgore Rd.
Kalamazoo, MI 49001

EXHIBIT A

(PARTIAL FEE TAKE) out of: 3906-36-350-001 & 3906-36-320-001

Lands located in the City of Kalamazoo, County of Kalamazoo, described as:

All that part of the following described TRACT "A" which lies within a parcel described as: Commencing at the Southeast corner of Section 35, Town 2 South, Range 11 West, City of Kalamazoo, County of Kalamazoo, Michigan; thence North 00° 28' 40" East on the East line of the Southeast 1/4 of said Section 35 a distance of 1152.91 feet, said point being South 00° 28' 40" West, 110.35 feet (as measured along the West line of Southwest 1/4 of said Section 36) of the Legal Alignment of Highway I-94 per MDOT JN 105885A and the Point of Beginning; thence continuing North 00° 28' 40" East on the East line of the Southeast 1/4 of said Section 35 a distance of 220.70 feet to the Point of Beginning of a Limited Access Right-of-Way line (restricting all ingress and egress); thence North 65° 28' 04" East along said Limited Access Right-of-Way line a distance of 72.83 feet to a Point of Ending of Limited Access Right-of-Way line; thence South 00° 28' 40" West a distance of 220.70 feet to a point, said point also being the Point of Beginning of a Limited Access Right-of-Way line (restricting all ingress and egress); thence South 65° 28' 04" West along said Limited Access Right-of-Way line a distance of 72.83 feet to the Point of Beginning, said point also being the Point of Ending of said Limited Access Right-of-Way line.

State Plane Grid and Distances with a combined scale factor of 0.99993223, State Plane Distance / 0.99993223 = Ground Distance.

There shall be no right of direct ingress and egress, to and from and between the lands herein described, over and across the above described Limited Access Right-of-Way lines. The lands above described in fee contain 14,566 square feet (0.334 acres), more or less. Subject to easements, rights of way, reservations, and restrictions, if any, of record.

TRACT "A": Land situated in the City of Kalamazoo, County of Kalamazoo, State of Michigan described as follows:

A portion of US Highway 94 described on the Michigan Department of Transportation Right of Way Map as Parcel 75.

More particularly described in Quit-Claim Deed recorded in Liber 718 on Page 578 being land Quit-Claimed by consideration of annexation to the City of Kalamazoo (grantee) by the Township of Kalamazoo (grantor) and described as follows:

TENTH

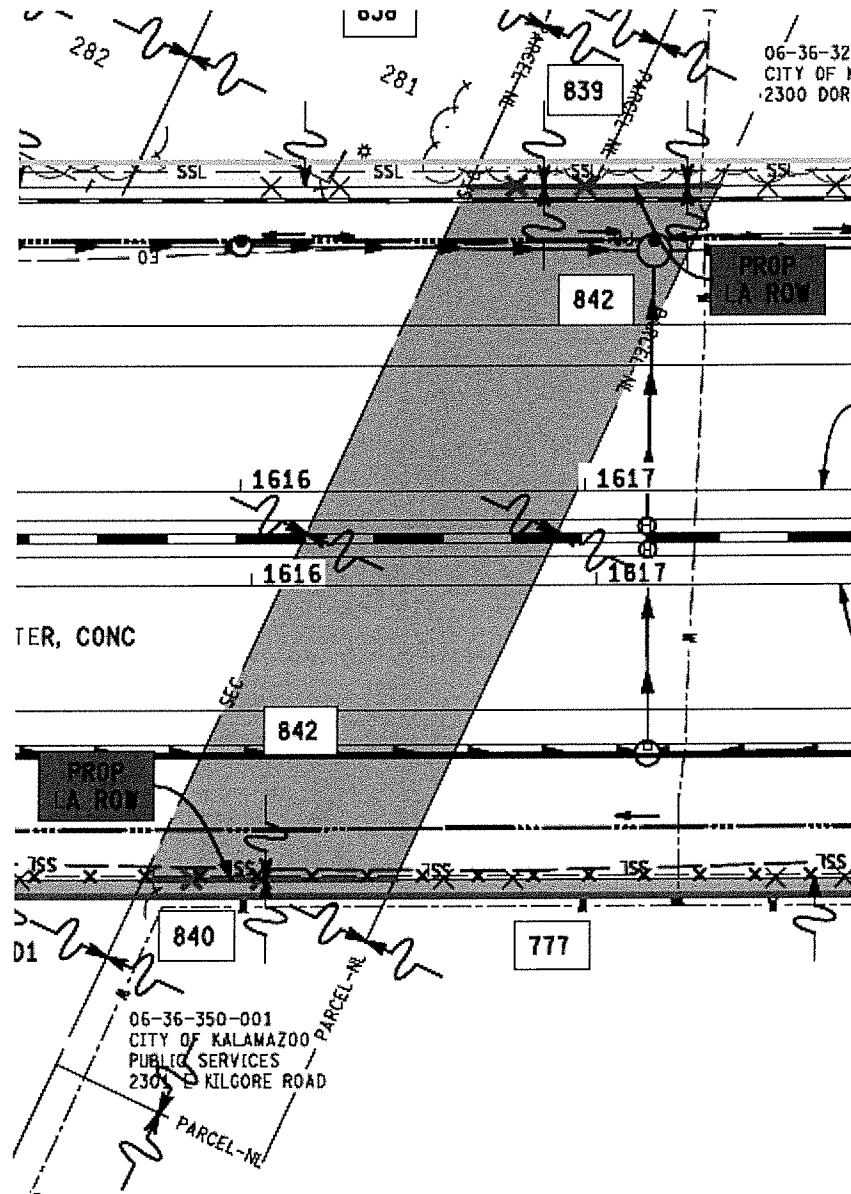
The East thirty-three (33) feet of Lot two hundred eight-one (281) of the recorded plat of "Bloomfield No. 1". Also unplatted land located in the Southwest quarter (SW¼) of Section 36, T. 2 S., R. 11 W., and more particularly described as follows: Beginning at a point in the East line of the recorded plat of "Bloomfield No. 1", which point is five hundred (500) feet South of the North line of the South half (S½) of the Northwest quarter (N.W.¼) of the Southwest quarter (SW¼) of said Section 36 (said point being in the East line of Emerald Drive and thirty-three (33) feet East of the West line of said Section 36 and running thence East parallel to the West line of said Section 36 about three hundred ninety-five (395) feet to the South line of the North fourteen (14) rods of the Southwest quarter (SW¼) of the Southwest quarter (SW¼) of said Section 36; thence West along said South line Sixty-six (66) feet to the West line of said Section; thence North along the West line of said Section two hundred seventy-nine and seven hundredths (279.07) feet to the Southerly line of Lot two hundred eighty-one (281) of said "Bloomfield No. 1"; thence Northeasterly along the Southerly line of said Lot two hundred eighty-one (281) thirty-six and forty-two hundredths (36.42) feet to the Southeasterly corner of said Lot two hundred eighty-one (281); thence North along the East line of said lot two hundred eighty-one (281) and along the east line of said Emerald Drive on hundred and thirty-eight hundredths (100.38) feet to the place of beginning.

EXHIBIT B
SPECIFIC EXCEPTIONS

1. Any provisions contained in any instruments of record which provisions pertain to the transfer of divisions under Section 109(3) of the Subdivision Control Act of 1967, as amended.
2. Grantee accepts the Property in it "AS IS, WHERE IS" condition.

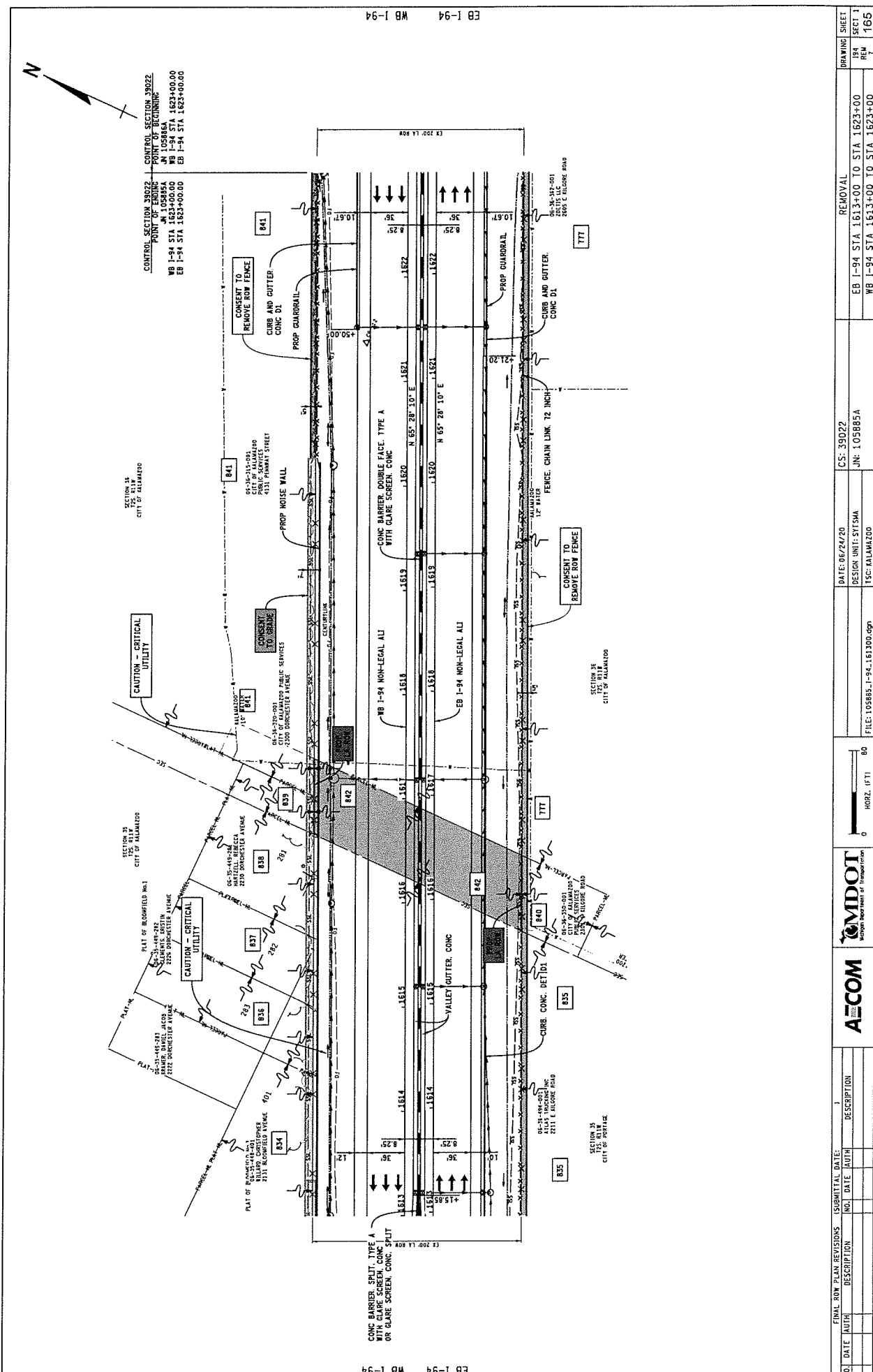
CONTROL SECTION: 39022	JOB NUMBER: 105885	PARCEL : 842	NAME: City of Kalamazoo
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SUBJECT SKETCH



CONSTRUCTION SHEET

CONTROL SECTION: 39022	JOB NUMBER: 105885	PARCEL : 842	NAME: City of Kalamazoo
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FINAL ROW PLAN REVISIONS				SUBMITTAL DATE:		1	
Q	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION



AECOM
Engineering, Architecture, Construction Management



MDOT
Michigan Department of Transportation

DATE: 06/24/20
DESIGN UNIT: SYTSHA
FILE: 105885_I-94_161300.dgn

CS: 39022
JN: 105885A

EB I-94 STA 1613+00 TO STA 1623+00
WB I-94 STA 1613+00 TO STA 1623+00

REMOVAL
194
165

DATE: 06/24/20
DESIGN UNIT: SYTSHA
FILE: 105885_I-94_161300.dgn

CS: 39022
JN: 105885A

EB I-94 STA 1613+00 TO STA 1623+00
WB I-94 STA 1613+00 TO STA 1623+00

REMOVAL
194
165

RELOCATION ELIGIBILITY NOTICEDISPLACEE: City of KalamazooBased on information as of October 15, 2020, you are eligible for the following benefits as indicated. You will NOT be required to move before November 16, 2020.**NON-RESIDENTIAL****BUSINESS, FARM, NON-PROFIT**

MOVING EXPENSES PLUS RE-ESTABLISHMENT EXPENSES

\$ TO BE DETERMINED

OR

FIXED PAYMENT

\$ TO BE DETERMINED

RESIDENTIAL**HOUSING SUPPLEMENT**

LISTING PRICE OF COMPARABLE DWELLING

\$

LESS ACQUISITION PRICE (125% of fair market value)

\$

=

MAXIMUM HOUSING SUPPLEMENT

\$

**RENTAL SUPPLEMENT/PURCHASE DOWN PAYMENT**

a) COMPARABLE RENT + UTILITIES \$ per month x 42 mo's

\$

b) LESS ACTUAL/ECONOMIC RENT + UTILITIES

OR 30% OF MONTHLY INCOME

\$ per month x 42 mo's

\$

c) RENTAL SUPPLEMENT ("a" minus "b")

\$

OR

d) PURCHASE DOWN PAYMENT (greater of "c" or \$7,200)

\$

**MOVING EXPENSES**

SELF MOVE - FIXED COST

\$ TO BE DETERMINED

OR

COMMERCIAL MOVE

\$ TO BE DETERMINED

COMPARABLE HOUSING		COMPARABLE RENTALS	
Sale Address	Bedrooms	Rental Address	Bedrooms

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SEE RELOCATION BOOKLET FOR COMPLETE DESCRIPTION OF THE RELOCATION PROGRAM

PROPERTY ANALYST David Ricard	PROPERTY ANALYST SIGNATURE David Ricard	DATE 10/15/20
REGION AGENT Erik T. Kayser	ADDRESS 1501 E. Kilgore Rd., Kalamazoo, MI 49001	PHONE (269) 337-3964
CONTROL SECTION 39022	JOB NO. 105885	PARCEL 842
		NAME City of Kalamazoo

DONATION

This information is required by the Michigan Department of Transportation in order to donate property.

PROPERTY OWNER(S)
City of Kalamazoo Public Services

ADDRESS
241 W. South Street

CITY
Kalamazoo

STATE
MI

ZIP CODE
49007

Right(s) to be acquired:	\$		Fee – Real Property
	\$	11,700.00	Easement
	\$		Consent
	\$		Cost to Cure
Total Compensation	\$	11,700.00	

The compensation for the acquisition of your property (description attached) has been determined from current market data.

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- I/We have been informed and fully understand that I/we have the right to an appraisal and the right to accompany the appraiser during an inspection of the subject property.
- I/We have been informed and fully understand that by signing this document, I/we are agreeing to donate the subject property in lieu of just compensation.
- I/We agree to donate said property and:
☒ Waive just compensation and waive the right to an appraisal and property inspection.

OR

- ☐ Waive just compensation, but request to exercise the right to an appraisal and property inspection.
- The decision to donate the subject property was made without undue influences or coercive action of any nature.
- I/We will execute the necessary instrument of conveyance upon presentation by agents or representatives of the Michigan Department of Transportation.

OWNERS SIGNATURE	DATE
OWNERS SIGNATURE	DATE
WITNESS SIGNATURE	DATE
MDOT APPROVAL	DATE

CONTROL SECTION 39022	PARCEL 842	NAME City of Kalamazoo Public Services
JOB NUMBER 105885	FEDERAL ITEM NUMBER NA	FEDERAL PROJECT NUMBER NA



City Commission Agenda Report

City of Kalamazoo

Date: **12/7/2020**

Item: **G.10.**

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

FROM: Scott A. Borling, City Clerk

DATE: December 7, 2020

SUBJECT: Appointments to Boards and Commissions

RECOMMENDATION:

It is recommended that the City Commission approve the following appointments and reappointments to boards and commissions:

- the appointment of **Rob Liekis** to the Environmental Concerns Committee for a term expiring on January 1, 2022.
- the re-appointment of **Chris Bol** to the Parks and Recreation Advisory Board for a term expiring on January 1, 2022.
- the re-appointment of **John Johnson** to the Parks and Recreation Advisory Board for a term expiring on January 1, 2022.
- the re-appointment of **Pam Roland** to the Parks and Recreation Advisory Board for a term expiring on January 1, 2022.
- the appointment of **Joseph Buckman** to the Parks and Recreation Advisory Board for a term expiring on January 1, 2024.
- the appointment of **Michael Harrison** to the Parks and Recreation Advisory Board for a term expiring on January 1, 2024.
- the appointment of **Benjamin Stanley** to the Parks and Recreation Advisory Board for a term expiring on January 1, 2024.

BACKGROUND:

City ordinance establishes that the City Commission appoints and reappoints members to the

Environmental Concerns Committee (ECC) and the Parks and Recreation Advisory Board (PRAB). The ECC has recommended Rob Liekis for appointment. The Parks and Recreation Advisory Board has recommended Chris Bol, John Johnson, and Pamela Roland for reappointment; and Joseph Buckman, Michael Harrison, and Benjamin Stanley for appointment. The attached Nomination Reports describe the nominees' qualifications. The ECC's report also describes other actions taken by the ECC, 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 these appointments and reappointments.



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 resignation of Mr. Phil Deitrich as Co-Chair and active member of ECC as of October 1, 2020
- The appointment of Mr. Rob Liekis to an active member with a three-year term expiring December 1, 2023.
- The appointment of Mr. Ian Magnuson to ECC Co-Chair starting October 1, 2020 until his term is up January 1, 2022.

SPECIAL REQUIREMENTS FOR THIS POSITION

No ECC positions require special qualifications.

SELECTION PROCESS

Applicants Considered

Mr. Liekis was one of three applicants interviewed for open position created by Mr. Dietrich's resignation. Mr. Liekis is to fill Mr. Dietrich's position.

Mr. Magnuson has been voted by ECC members to replace Mr. Dietrich as Environmental Concerns Committee Co- chair until his term ends in January 2022.

Interview Process and Final Recommendation

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

NOMINEE QUALIFICATIONS

Dual Board Memberships

Mr. Liekis does not serve on any other boards.

Residency

Mr. Liekis is a resident of the City of Kalamazoo.

Term Limits

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

Training, Experience, Education and Skills

Mr. Liekis has been a lifelong advocate for conservation and wildlife preservation. He is 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



Advisory Boards and Commissions Appointee Nomination Report

City of Kalamazoo

RECOMMENDATION

The Parks and Recreation Advisory Board (PRAB) recommends that the City Commission approve the following re-appointments and first term appointments:

- The re-appointment of John Johnson will fill the position he held previously on the PRAB Board. Mr. Johnson's term would expire January 1, 2022.
- The re-appointment of Chris Bol will fill the position he held previously on the PRAB Board. Mr. Bol's term would expire January 1, 2022.
- The re-appointment of Pam Roland will fill the position she held previously on the PRAB Board. Mrs. Roland's term would expire January 1, 2022.
- The appointment of Benjamin Stanley with a first term expiring January 1, 2024.
- The appointment of Michael Harrison with a first term expiring January 1, 2024.
- The appointment of Joseph Buckman with a first term expiring January 1, 2024.

SPECIAL REQUIREMENTS FOR THIS POSITION

The PRAB membership requires representatives be residents of the City of Kalamazoo.

SELECTION PROCESS

Applicants Considered

The following applicants Benjamin Stanley, Michael Harrison and Joseph Buckman.

Interview Process and Final Recommendation

Mr. Johnson has been a contributing board member of PRAB during his most recent term. The board voted 5-0 at their January 7th, 2020 meeting to recommend Mr. Johnson for re-appointment.

Mr. Bol has been a contributing board member of PRAB during his most recent term. The board voted 5-0 at their January 7th, 2020 meeting to recommend Mr. Bol for re-appointment.

Mrs. Roland has been a contributing board member of PRAB during her most recent term. The board voted 3-0 at their October 6, 2020 meeting to recommend Mrs. Roland for re-appointment.

The PRAB board voted 4-0 for the appointment of Mr. Stanley, Mr. Harrison and Mr. Buckman at the October 6, 2020 meeting.

NOMINEE QUALIFICATIONS

Dual Board Memberships

Currently, Johnson is not serving on another City Advisory Board.

Residency

Mr. Johnson resides in the city of Kalamazoo in the Edison neighborhood.

Term Limits

This would be a three-year term and Mr. Johnson's final term until eligible for nomination.

Training, Experience, Education and Skills

Mr. Johnson works for a local non-profit and is active in the community. He is very supportive of the Parks & Recreation Department and is especially fond of the Farmers' Market. Mr. Johnson supports the Parks & Recreation Department by attending various special events and meetings.

Mr. Bol is an avid cyclist and has children that utilize various City parks. He is very supportive of the Parks and Recreation Department and is focused on creating cycling opportunities for everyone in our community.

Mrs. Roland is the Executive Director of the Kalamazoo Junior Girls, who have adopted MLK Jr. Park. Mrs. Roland and her program participants plant flowers in MLK Park annually, and complete additional volunteer service to keep the park looking nice.

Contribution to Diversity

Mr. Johnson lives in the Edison neighborhood.

Mr. Bol lives in the Winchell neighborhood.

Mrs. Roland lives in the Northside neighborhood.

Mr. Stanley lives in the Northside neighborhood.

Mr. Harrison lives in the Westnedge Hill neighborhood.

Mr. Buckman lives in the Arcadia neighborhood.

NOMINATION RATIONALE

All PRAB members have a very good attendance record at PRAB meetings and contribute to the Parks & Recreation Department in various ways. The new members have expressed an interest in serving on a City board and were interviewed by the Parks and Recreation Advisory Board at the October 6th, 2020 meeting.

CITY CLERK'S CERTIFICATION

The nominee's 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



City Commission Agenda Report

City of Kalamazoo

Date: **12/7/2020**

Item: **G.11.**

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

FROM: Scott A. Borling, City Clerk

DATE: December 7, 2020

SUBJECT: Mayor's Appointments to Boards and Commissions

RECOMMENDATION:

It is requested and recommended that the City Commission approve the Mayor's appointments and reappointments to the following boards and commissions:

- the appointment of **Vice Mayor Patrese Griffin** to the Civil Rights Board as an ex-officio member.
- the appointment of **Diversity, Equity and Inclusion Director Dorla Bonner** to the Civil Rights Board as an ex-officio member.
- the reappointment of **Dana Underwood** to the Historic District Commission for a term expiring on January 1, 2024.
- the appointment of **Kyle Hibbard** to the Historic Preservation Commission for a term expiring on March 31, 2024.

BACKGROUND:

On September 8, 2020 the City Commission adopted Ordinance 2013, which created the Civil Rights Board (CRB). The CRB is made up of seven voting members and two ex-officio, non-voting members appointed by the Mayor and approved by the City Commission. On November 2nd the City Commission approved the Mayor's appointment of the seven voting members to the CRB. Section 18-15 (B) of the City Code says, "The ex-officio Board members shall be appointed by the Mayor and approved by the City Commission. One member shall be a City Commissioner and the other member shall be a City officer or employee, recommended by the City Manager, but who shall not be a City Commissioner or the City Manager." Mayor Anderson has appointed Vice Mayor Griffin and Diversity, Equity and Inclusion Director Dorla Bonner to these positions and is now requesting City Commission approval as required by

ordinance.

City ordinance and state law establish that the Mayor appoints members to the Historic District Commission (HDC), and the Historic Preservation Commission (HPC). After reviewing the recently submitted Nomination Reports from these two commissions the Mayor has reappointed Dana Underwood to the HDC and has appointed Kyle Hibbard to the HPC. Mayor Anderson is now requesting City Commission approval of this appointment and reappointment as required by ordinance. The attached Nomination Reports describe the nominees' qualifications.

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 these appointments and reappointment.



Advisory Boards and Commissions Appointee Nomination Report

City of Kalamazoo

RECOMMENDATION

The Historic District Commission (HDC) recommends that the Mayor approve the reappointment of Dana Underwood for her second full term through December 31, 2023.

SPECIAL REQUIREMENTS FOR THIS POSITION

All Historic District Commissioners are required by ordinance to have “a clearly demonstrated interest in or knowledge of historic preservation.”

SELECTION PROCESS

Applicants Considered

There were no other applications on file with the clerk.

Interview Process and Final Recommendation

In addition, commissioner Dana Underwood would like to serve a second term and the commission recommends her reappointment.

NOMINEE QUALIFICATIONS

Dual Board Memberships

Ms. Underwood is not currently serving on any other city board or commission.

Residency

Ms. Underwood lives at 229 Stuart Avenue in the Stuart neighborhood.

Term Limits

This is the second term for Ms. Underwood and she will be ineligible for an additional term.

Training, Experience, Education and Skills

Ms. Underwood has worked on historic homes, including her own in Kalamazoo and St. Louis. Ms. Underwood is the innkeeper at the Stuart Avenue B&B and very active in the Stuart Area Restoration Association.

Contribution to Diversity

Ms. Underwood is white and 50-65 years old years old.

NOMINATION RATIONALE

The Commission recommends the reappointment of Ms. Underwood based on her interest and knowledge of practical preservation issues and enthusiasm for preservation.

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



Advisory Boards and Commissions Appointee Nomination Report

City of Kalamazoo

October 28 2020

RECOMMENDATION

The Historic Preservation Commission (HPC) recommends that the Mayor approve the appointment of Kyle Hibbard to the Historic Preservation Commission to complete the unexpired term of Nicole Hibbard. He would complete her term to March 31, 2021, then be appointed to his first full term and would expire on March 31, 2024.

SPECIAL REQUIREMENTS FOR THEIR POSITION

This position requires no special skills or training beyond the ordinance requirement of “a demonstrated interest in or knowledge of the history of Kalamazoo and/or the principles of historic preservation.”

SELECTION PROCESS

Applicants Considered

The City Clerk had no other active applications for the Historic Preservation Commission.

Interview Process and Final Recommendation

The Historic Preservation Commission reviewed the application of r. Hibbard at their virtual meeting on Wednesday, October 14, 2020 and interviewed him. The commission, after discussion at the meeting, voted unanimously to recommend his appointment.

NOMINEE QUALIFICATIONS

Dual Board Memberships

Mr. Hibbard is not currently serving on any other city advisory boards.

Residency

Mr. Hibbard lives at 219 West Walnut in the city of Kalamazoo in the Vine neighborhood.

Term Limits

This would be the first appointment to the HPC for the applicant. At the end of this unexpired term on March 31, 2021, he would be eligible for re-appointment for two more terms.

Training, Experience, Education And Skills

Mr. Hibbard is a CAD designer and lives in a historic Classical Revival home in the Vine Historic District.

Contribution To Diversity

Mr. Hibbard is 22-34 and is of European American descent.

NOMINATION RATIONALE

The Commission chose this candidate based on his past and present involvement with history, historic preservation and enthusiasm for preservation.

CITY CLERK'S CERTIFICATION

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

Scott A. Borling, Deputy City Clerk



City Commission Agenda Report

City of Kalamazoo

Date: **12/07/20**

Item **L1**

TO: The Kalamazoo City Commission

FROM: Mayor Anderson, Vice Mayor Griffin, and Commissioner Hess

DATE: December 7, 2020

SUBJECT: Gun Violence Interventions

RECOMMENDATION

It is recommended that the City Commission approve the use of \$100,000 from the City Commission Initiatives line item to support gun violence reduction efforts; direct the City Manager to provide periodic updates to the full City Commission on program development and implementation; and authorize the City Manager to sign all documents related to these efforts.

BACKGROUND

Mayor David Anderson indicated in a statement released earlier this year:

“We have a gun violence crisis in Kalamazoo. And, although cities across Michigan and the nation are having similar experiences, we cannot accept this in our community. Every resident has a right to expect that, no matter what neighborhood they call home, it will be a safe place for them and their families...We must contemplate what daily path to tread so that the idea of serious violence in our shared community is an inconceivable notion. Our response will require us all to determine how we can be a part of the solution. What affects one of us, affects all of us.”

Kalamazoo is experiencing an increase in gun violence like cities across the country. In 2019 there were 31 non-fatal shootings and 13 gun-related homicides. As of mid-October 2020, there have been 60 non-fatal shootings and 11 gun-related homicides. The map attachment shows gun violence activity that has occurred throughout the city, with concentrations happening in several of our neighborhoods.

Kalamazoo Department of Public Safety (KDPS) has been actively working to address the increase in gun violence through several different initiatives; however, a systems-change approach is needed that works to address the root of the problem. Effective interventions must recognize contributing factors to gun violence which are linked to social determinants of health. Gun violence can be tied to economic stability, education and access, environment, access to healthcare, etc.

Mayor Anderson, Vice Mayor Griffin and Commissioner Hess each suggested strategies to the City Manager for addressing gun violence in the community. Over the past several weeks, City Manager Ritsema convened a series of meetings with the three commissioners, Chief Coakley, Assistant Chief Boysen, and Deputy City Managers Moore and Lam to discuss gun violence intervention strategies. The intent of these meetings was to develop a shared understanding on how to collectively approach the issue of gun violence in our community; and to finalize a plan to convene community leaders, and take swift action, to advance a collective gun violence reduction strategy.

Over the course of four meetings, the ad hoc group developed a multi-layered proposal to impact gun violence in the city of Kalamazoo:

- 1) **Community mobilization & cohesion:** engaging community leaders actively working to reduce violence; develop and grow block clubs
- 2) **Community healing:** mental health services for survivors/victims of gun violence
- 3) **Housing rehabilitation:** support for repairing homes involved in gun violence
- 4) **Increased security systems,** such as Ring Security Cameras

Community Mobilization & Cohesion:

Community Leadership and Engagement

Interfaith Strategy for Advocacy and Action in the Community's (ISAAC) Gun Violence Prevention Task Force, the Group Violence Intervention (GVI) Team, community leaders involved in the Anti-Gun Violence Coalition, and KDPS have been making plans to intentionally deepen communication, brainstorming and coordination among various efforts. There are successful initiatives underway in the community, and City staff are interested in identifying ways to provide support.

Block Club Project: \$25,000

Shared Prosperity Kalamazoo (SPK) is an initiative that originated with the Kalamazoo City Commission's decision in 2014 to make poverty reduction a key priority for the city. Under the leadership of the City Commission, Shared Prosperity Kalamazoo was established to place emphasis on more broadly shared prosperity, not just the alleviation of poverty. In an attempt to realize this objective, SPK identified three distinct but interrelated goals to carry out its work: 1) increase access to good jobs; 2) ensure the healthy growth, development, and learning of all our youth; and 3) create strong families.

Shared Prosperity Kalamazoo (SPK) target neighborhoods -- Northside, Edison, and Eastside -- have seen increasing numbers of violent incidents due to poverty. As socioeconomic and environmental conditions decline, the costs of poverty are negatively affecting local neighborhood systems. To meet the socioeconomic, human, and safety needs of SPK target neighborhoods, the City is seeking to pilot a network of resident-led block clubs to offer accessible opportunities for acquiring security systems and training to build power among residents. Primary goals for this project are to:

- Improve communications between city organizations and neighborhood residents
- Develop helpful connections to people, information, and opportunities within and between neighborhoods (social capital)
- Foster environments of increased community health and wellbeing, safety, and leadership capacity

As shown in other metropolitan cities across the nation, block clubs have increased community cohesion, collective efficacy, and strengthened social capital, in addition to creating safer spaces. Block clubs should prove effective in SPK target neighborhoods because there is an appetite for involving residents as producers and co-creators of solutions, not just consumers of program services. This can be accomplished via block club development by providing accessible, equitable platforms for people to turn available resources into the power they need to make the changes they want while increasing neighborhood safety. Block clubs should also prove effective in SPK target neighborhoods because they can create a direct channel to communicate with families and youth.

Funds are intended to support resident recruitment, orientation, training, events, evaluation, and outreach.

Community Healing: \$25,000

As Mayor Anderson has stated, “The tragic, senseless and horrific deaths and shootings are devastating events for the entire community. It is a profound loss for children, for mothers, for family, for friends, for neighborhoods and our City. All of us experience the riptide of this trauma. Everyone suffers. No one is unscathed. We must first hold a place in our hearts for the families for whom these events are front and center, forever and unalterably life changing.” With each act of violence, the need for mental health supports deepen. Funds are proposed to support community efforts underway to improve access to culturally competent mental health professionals for community members impacted by gun violence.

Housing Rehabilitation: \$25,000

There have been a number of homes that have been severely damaged by gunfire – leaving residents to deal with costly repairs in addition to trauma from the incident. Funds are proposed to support the development and implementation of a pilot for income eligible residents to receive assistance for home repair after a shooting has occurred.

Increased Security Systems: \$25,000

The City has been researching security camera initiatives in which municipalities partner with a company to improve access to cameras through discounted, bulk pricing and a streamlined purchase process. Security cameras, video doorbells and alarm systems for residential use can link smartphone users to their devices. Through this technology, residents have the capability to see visitors through their smartphones, tablets or desktops.

Funds are proposed to purchase security systems to offer to residents. Initially security system distribution will be focused within the block club initiative to those who wish to participate and could be expanded to larger areas that have experienced the most gun activity. This program is under development while staff work through a number of details.

Proposed Budget

Block club project	\$ 25,000
Community healing	\$ 25,000
Housing rehabilitation	\$ 25,000
Increased security systems	\$ 25,000
TOTAL	\$100,000

The budget is preliminary and may be adjusted as program details are finalized. The City Manager will provide updated budget information in his periodic program updates.

STRATEGIC VISION ALIGNMENT

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

FISCAL IMPACT

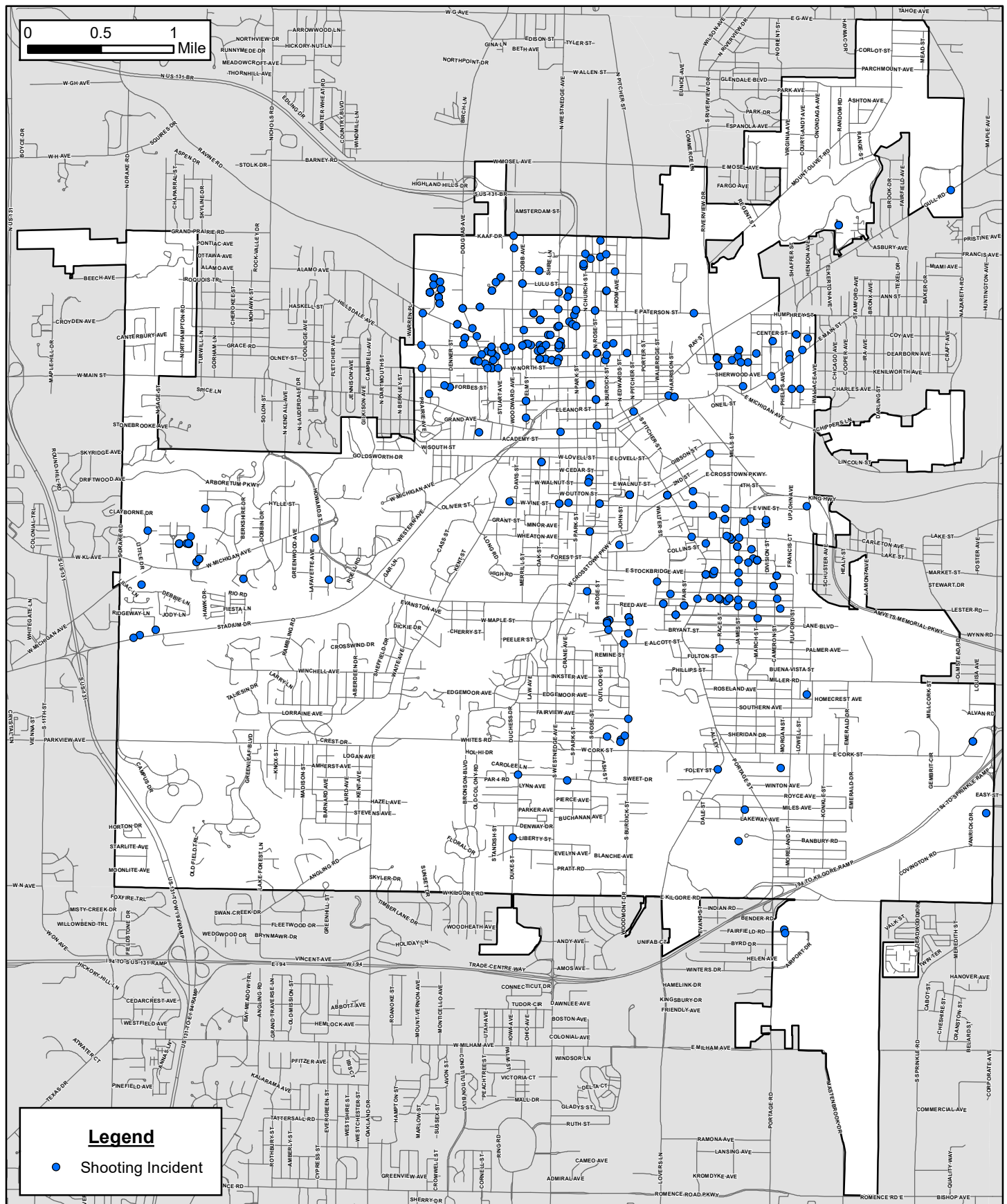
This proposal intends to utilize the full \$100,000 allocated for City Commission initiatives in the 2020 General Fund budget.

CITY OF KALAMAZOO

Shooting Victims & Recovered Casings

1/1/2020 - 11/30/2020

N





Date: **12/07/20**

Item **L2**

CITY COMMISSION

241 W. South Street
Kalamazoo, MI 49007-4796
Ph. 269.337.8046
Fx. 269.337.8182

December 7, 2020

Mr. David Fox
Eagle Creek Renewable Energy
116 N State Street
Neshkoro, WI 54960

Mr. Fox:

We, the members of the Kalamazoo City Commission, represent just one of many communities in the Kalamazoo River Valley that has been impacted by the Morrow Dam spillway gate failure. We are reaching out to express our concern over the lasting ecological and safety implications on our communities from the release of excessive sediment overflow, resulting from the failed reservoir spillway gate replacement in October 2019.

The impact on the river's vegetation, fish and wildlife is likely to be long lasting. Those who regularly enjoy the river for recreational and other purposes have observed potential decreases in fish populations and aquatic plant life. Habitat for aquatic insects, crawfish, baitfish, muscles, fish, and turtles are now covered in sludge. So long as the river contains this sediment sludge, it will continue to wreak havoc on the wildlife and the ecology of the river. Moreover, the sediment flowing downriver has created dangerous conditions for those who enjoy the river for recreation, has created sediment islands, inlet mound blockages, impassable recreational launch areas, and conditions that would make it difficult for public safety to perform rescues in cases of emergencies. Finally, there is an unknown environmental toll being taken by the disruption of sediment from its dormant state and the resulting potential release of toxic or pollutant material into our communities.

It is our understanding the following steps have or will be taken to address the impacts to the Kalamazoo River: the spillway gate repairs are underway; a "limited quantity" of sediment will be removed immediately upstream of the dam; and three short-term modifications have been made to the required minimum downstream flows. In addition, a Mitigation Plan was developed as a requirement for receiving a conditional permit, and this plan included monitoring of permitted activities and the deployment of targeted sediment control measures, including a combination of shoreline containment, turbidity curtain checks, and fiber coir logs.

Although we acknowledge these current and planned efforts by Eagle Creek, we do not feel they will be enough to adequately repair damage caused many miles downstream, through the heart of

Kalamazoo County and our communities. Regular users of the river still observe excessive sediment spillage downriver, even after curtain measures were put in place months ago. We need reassurance that more than a “limited quantity” of sediment will be remediated, and we urge Eagle Creek Renewable Energy to quickly meet all clean-up requirements and return any impacted segment of the Kalamazoo River to its previous state. Incremental improvements are not acceptable; it is imperative the ecological habitat be restored. We also request that you provide additional information on the monitoring practices that will be in place. It is imperative that independent or government regulatory bodies regularly test segments of the river to monitor levels of potential dangerous contaminate toxins and that any sediment contamination that occurred at unsafe levels be clearly communicated to impacted communities, along with your plans to remediate that contamination. Our communities need to know the contaminants that are observed in high levels so that we can understand the ecological and safety impacts of such releases on our population and the wildlife.

We look forward to receiving detailed information and prompt updates regarding our requests, and we ask that this information be provided to all impacted communities.

Best Regards,

Mayor David Anderson
Vice Mayor Patrise Griffin
Commissioner Eric Cunningham
Commissioner Jeanne Hess
Commissioner Erin Knott
Commissioner Chris Praedel
Commissioner Jack Urban



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
KALAMAZOO DISTRICT OFFICE



LIESL EICHLER CLARK
DIRECTOR

September 16, 2020

VN No. SVN-00974

VIA EMAIL AND CERTIFIED MAIL

Mr. David H. Fox
Director, Licensing and Compliance
Eagle Creek Renewable Energy
Two Bethesda Metro Center, Suite 1330
Bethesda, Maryland 20814
david.fox@eaglecreekre.com

Dear Mr. Fox:

SUBJECT: Second Violation Notice-Morrow Dam
Federal Energy Regulatory Commission (FERC) Project No. 9000 –
Emergency Drawdown
Property Location: Comstock Township, Kalamazoo County, Michigan

The purpose of this letter is to notify Eagle Creek Renewable Energy (ECRE) of continued violations of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, (NREPA), Part 301, Inland Lakes and Streams, of the NRPEA and Part 303, Wetlands Protection, of the NREPA ; to inform ECRE of its obligations under Part 201, Environmental Remediation; and to identify actions necessary to address ongoing violations and immediately reduce downstream turbidity resulting from the extended drawdown at the Morrow Dam.

To date, the turbidity curtains installed at the end of July and beginning of August, 2020 have not been effective in reducing transport of sediment from the impoundment based on readings from ECRE's turbidity meters, as well as continued Michigan Department of Environment, Great Lakes and Energy (EGLE) sampling, showing significantly elevated turbidity downstream of the impoundment and immediately upstream of the impoundment, as compared to areas above Morrow Lake. Significant areas of sediment deposition have been observed and documented downstream. This information suggests that the lowered impoundment is and will continue to be a substantial source of sediment being mobilized to downstream areas until appropriate and effective corrective measures are implemented.

Notice under Part 31, 301, and 303

As stated in WRD's July 8, 2020 Violation Notice VN-010802, the continued discharge of sediment laden water and unnatural turbidity into waters of the state is a violation of

Section 3109(1) of Part 31. Discharge of fill material within the 100-year floodplain without a permit is a violation of Section 3108(1) of Part 31. Unauthorized filling of river bottomlands is a violation of Section 30102(1) of Part 301. Additionally, the lowering of Morrow Lake resulted in the diminishment of an inland lake in violation of Section 30102(d) of Part 301 and the draining of surface waters from wetlands in violation of Section 30304(d) of Part 303. As previously stated, the drawdown was conducted in violation of Part 301, Part 31, and Part 303. These violations have not been resolved and are ongoing.

According to the Michigan Department of Natural Resources (MDNR), Fisheries Division, numerous adverse natural resource impacts, including but not limited to aquatic organisms, recreational uses, and stream geomorphology are expected as a result of the ongoing drawdown:

Notice under Part 201

Persons who are liable for a facility pursuant to Section 20126 of Part 201 include the owners or operators of the facility who are responsible for an activity causing a release or threatened release of a hazardous substance. **ECRE is** the owner or operator of the **Morrow Dam Facility** (Facility). **ECRE was** an owner or operator of the Facility at the time of the release of hazardous substances at the Facility, and responsible for an activity causing the release of hazardous substances into the environment. **Therefore, ECRE is** a person who is liable under Section 20126(1) of Part 201.

Obligations under Part 201

As a liable party under Part 201, **ECRE is** responsible for:

(1) addressing the contamination at the Facility as provided in Section 20114 of Part 201, (2) all costs lawfully incurred by EGLE for addressing the contamination or undertaking response activities, (3) any other costs for response activity reasonably incurred by any other person, and (4) damages for the value of injury to, destruction of, or loss of natural resources.

ECRE has an affirmative obligation to comply with Section 20114 of Part 201, which lists the steps required of a liable party to address environmental contamination. These steps include, as applicable:

- **Place additional curtains on the Kalamazoo River channel banks to prevent further liberation of sediment**
- Immediately taking measures to contain or remove the contamination source;
- Immediately identifying and eliminating any threat of fire or explosion or direct contact hazards;
- Notifying EGLE and affected neighbors if contamination has migrated off the property;
- Immediately initiating removal of a hazardous substance that is in a liquid phase; and

- Defining the nature and extent of contamination and undertaking response activities to achieve Part 201 cleanup criteria.

Performance of Response Activities

State law, including Part 201 of the NREPA, authorizes EGLE to use public funds to undertake actions to protect the public health, safety, and welfare, and the environment. A person who is liable under Section 20126 of the NREPA is jointly and severally liable for all costs, including any associated interest, that are lawfully incurred by the state relating to the selection and implementation of response activity under Part 201, including the response activities specified by Sections 20107a, 20114, 20118, 20120a, 20120b, 20120c, 20120d and 20120e of Part 201 of the NREPA and Part 10 of the Part 201 Administrative Rules. Pursuant to state, federal, or common law, including Sections 20126a and 3115(2) of the NREPA, MCL 324.20126a and 324.3115(2), and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9607(a), a liable person is subject to cost recovery actions by the state or federal government for all response activity costs incurred by either at a facility.

In consideration of the violations and subsequent resource impacts detailed above, EGLE requests that the following response activities (or comparable) be completed. Prior to the commencement of response activities, ECRE should submit a response plan to our office for review:

These response activities may include:

- Installation of boom and curtain along the Kalamazoo River channel banks through Morrow Lake to prevent further erosion of exposed bank soft sediment containing PCBs from river channel side scour and overbank runoff during precipitation events.
- Installation and maintenance of a series of sediment traps along the main river channel, properly engineered and located to prevent the downstream migration of bedload material from within Morrow Lake and from areas of sediment accumulation that have occurred downstream of the dam as a result of the drawdown.
- Installation of engineering controls to address head cutting occurring in the upstream river channel areas within Morrow Lake to prevent further sediment mobilization within the river channel from degradation and downcutting of the channel bed.
- Installation of cofferdams and/or other grade control to partially re-impound Morrow Lake to a level that would reduce sediment recruitment and migration but maintain hydraulic capacity of the dam and limit upstream flooding risk.

Please be advised that this letter serves as formal notice that EGLE has referred this issue to the US Environmental Protection Agency (EPA) to conduct emergency

response efforts and EPA is prepared to conduct the necessary response activities at the Facility should ECRE not fulfill its responsibilities as outlined above.

If ECRE does not voluntarily perform the response activities required by Part 201, please also be advised that Section 20137(1)(f) of the NREPA provides for the assessment of a civil fine of up to \$10,000 for each day of violation of Part 201 and its administrative rules. Furthermore, a person who violates the due care provisions of Section 20107a(1) is liable for response activity costs and natural resource damages attributable to any exacerbation of existing contamination and for any civil fines that may be imposed under Part 201. Please note, Part 31, Part 301, and Part 303 also provide for the assessment of civil fines for violations of each of those parts.

As requested in VN-010802, ECRE should submit a plan, for EGLE review and approval, to assess the impacts to aquatic resources and stream functions of the Kalamazoo River including, but not limited to, water quality, biology, and geomorphology. Evaluation of the magnitude and spatial extent of the sediment released and deposited downstream as a result of the drawdown, including collection of bathymetry data for areas downstream of the dam where sediment may have accumulated, should be completed.

Please respond to this notice no later than **September 23, 2020** indicating whether you intend to undertake the response activities identified above. Please include a response plan, for EGLE review, documenting what activities will be undertaken and methods to be utilized. Commencement of response activities shall take place no later than **October 7, 2020**.

Upon ceasing the ongoing violations of the NREPA by conducting the response activities described above, EGLE will contact you to discuss resolution of all unauthorized impacts and violations.

To discuss any of the items in this letter further, or if you have any questions, please contact us at EGLE, 7953 Adobe Road, Kalamazoo, Michigan 49009. Thank you for your attention to this matter.

Sincerely,



Kyle Alexander
Kalamazoo District Supervisor
Water Resources Division
269-568-2681



David Haywood
Kalamazoo District Supervisor
Remediation and Redevelopment Division
269-547-0604

DH:SE

cc: Senator Sean McCann
Representative Brandt Iden
Ms. Michelle Mohney, Comstock Township Clerk
Mr. James Baker, City of Kalamazoo
Mr. Tom Weaver, U.S. Geological Survey
Ms. Jennifer Palodino, FERC
Ms. Kim Nguyen, FERC
Mr. John Zygaj, FERC
Ms. Jessica Pruden, U.S. Fish and Wildlife Service
Mr. Scott Hicks, U.S. Fish and Wildlife Service
Ms. Lisa Williams, U.S. Fish and Wildlife Service
Mr. Jim Saric, EPA
Ms. Cheryl Vosburg, Kalamazoo River Watershed Council
Ms. Elizabeth Binoniemi-Smith, Match-E-Be-Nash-She-Wish Band of Pottawatomi
Mr. John Rodwan, Nottawaseppi Huron Band of the Pottawatomi
Ms. Jodi Smet, ECRE
Mr. Jay Wesley, MDNR
Mr. Brian Gunderman, MDNR
Mr. Matt Diana, MDNR
Mr. Jessica Mistak, MDNR
Ms. Kesiree Thiamkeelakul, MDNR
Mr. Kyle Kruger, MDNR
Mr. Jerrod Sanders, EGLE
Ms. Amy Lounds, EGLE
Mr. Luis Saldivia, EGLE
Ms. Anne Garwood EGLE
Mr. Derek Haroldson, EGLE
Mr. Luke Trumble, EGLE
Mr. John Bayha, EGLE
Mr. Chris Lantinga, EGLE
Mr. Dan Peabody, EGLE
Ms. Bree Bennett, EGLE
Mr. David O'Donnell, EGLE
Mr. Dan Yordanich, EGLE

Via E-Mail

September 23, 2020

Kyle Alexander
Kalamazoo District Supervisor
Water Resources Division
Department of Environment, Great Lakes and Energy
Kalamazoo District Office
7953 Adobe Road
Kalamazoo, MI 49009

David Haywood
Kalamazoo District Supervisor
Remediation and Redevelopment Division
Department of Environment, Great Lakes and Energy
Kalamazoo District Office
7953 Adobe Road
Kalamazoo, MI 49009

***Re: Morrow Dam (FERC No. 9000) Response to Violation Notice (00974), dated
September 16, 2020 (“Second Notice”)***

Dear Mr. Alexander and Mr. Haywood:

STS Hydropower, LLC (“STS”), which operates the Morrow Dam under United States Federal Energy Regulatory Commission (“FERC”) Exemption Project No. 9000, was forced to commence an emergency drawdown on October 31, 2019 when a routine structural inspection revealed serious defects to the tainter gates at the dam. The drawdown was necessary to remove pressure from the gates and eliminate the risk of an uncontrolled flooding event downstream, which would have posed a considerable public health and safety risk. STS immediately notified the Michigan Department of Environment, Great Lakes and Energy (“EGLE”), the Michigan Department of Natural Resources (“MDNR”) and FERC of this situation and coordinated the drawdown with those agencies. The repairs, which were initially anticipated to last for a period of at least four months, were determined after the drawdown was completed to be more substantial and are now expected to be completed in December 2020. STS remains committed to working cooperatively to mitigate unintended consequences from this emergency drawdown and to restore ordinary water levels in an orderly fashion for the 2021 season under the advice of MDNR and EGLE.

Against this backdrop, the Second Notice restates certain allegations of violations of Parts 31, 301 and 303 of the Natural Resources and Environmental Protection Act made in an earlier letter, dated July 8, 2020 from Derek Haroldson of the EGLE Kalamazoo District Office. STS

responded to the earlier letter on July 17, 2020, which it supplemented on August 7 and August 21, 2020, and refers to its prior responses.

In addition, the Second Notice makes the novel claim, without foundation, that Eagle Creek Renewable Energy, LLC (“ECRE”), the parent company of STS, is liable under MCL 324.20126 as an owner or operator of a facility responsible for an activity causing a release or threatened release of a hazardous substance. This allegation apparently concerns river sediments which are passing through the Morrow Dam. This allegation is unwarranted for several reasons, but in particular:

- EGLE has not provided any information or evidence that hazardous substances above actionable levels are present either above or below the Morrow Dam. If EGLE has any such information, please provide it.
- EGLE has not stated any basis for attributing liability to the parent company, ECRE.
- For liability to attach to an owner or operator under MCL 324.20126, there must be a “release or threat of release.” The term “release” is defined in MCL 324.20101(1)(pp) as “any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of a hazardous substance **into the environment**. . . .” (emphasis added). As you are aware, the Morrow Dam does not contribute any contaminants to the Kalamazoo River or its sediments and any contamination that may be flowing through the dam was already present in the environment as a result of releases by parties wholly unrelated to STS and ECRE. The Second Notice fails to provide any justification for claiming that there has been a release “into the environment” as a result of STS’s actions.
- Likewise, under MCL 324.20126(4)(d)(iii), an owner or operator is not responsible for a release of hazardous substances caused by “an act or omission of a third party other than an employee or agent of the person or a person in a contractual relationship existing either directly or indirectly with a person who is liable under this section.” As noted above, any contamination that may be present in the river water or sediments is a result of actions by parties wholly unrelated to STS and ECRE.
- Similarly, under MCL 324.20126(4)(c), an owner or operator “of property onto which contamination has migrated” is not liable for such contamination unless the owner or operator is “responsible for an activity causing **the release that is the source of the contamination**.” (Emphasis added.) Even if contamination exists at actionable levels (which has not been established as a matter of fact), the passive migration of that contamination does not impose liability on ECRE or STS because they are not responsible for the “release” (as defined above) that is the original source of the contamination.

For these reasons, STS and ECRE cannot agree with the assertion in the Second Notice that it has incurred liability or due care responsibilities under Part 201. The same analysis applies under analogous provisions of CERCLA, 42 USC 9601 et seq.

Nonetheless, in the continuing spirit of cooperation and the interest of the local communities, STS remains committed to implementing mitigation measures to control elevated turbidity levels, and if necessary, implement corrective measures for confirmed sediment depositional areas that are likely the result of the drawdown. Prior to receiving EGLE's July 8th Letter, STS began to implement an adaptive management approach for identifying and controlling turbidity levels and assessing and mitigating sediment deposition downstream. The initial stage of this adaptive management approach is focused on identifying significant sediment sources and implementing prioritized control measures. To date, STS has completed the following assessment and control measures:

- On July 24th, STS installed 1,050 feet of sediment curtain immediately upstream of the dam to control major areas of bank erosion and reduce sediment migration downstream.
- On July 30th, STS completed a preliminary desktop analysis of sediment migration control benefits associated with feasible modifications to the current reservoir drawdown target elevation. The analysis showed that a partial refill of the reservoir would not materially reduce sediment migration.
- On August 7th, STS installed an additional 1,050 feet of custom sediment curtain in the same area to further control sediment and turbidity sources in the same area.
- On August 20th, STS deployed a real-time, telemetry-based turbidity and water quality monitoring network to support its adaptive management approach.
- On August 21st, STS completed a detailed assessment of potential areas of head cutting upstream of the dam that had been identified by EGLE and MDNR. STS determined that these areas are not a significant potential source of sediment.
- On August 21st, STS completed a preliminary reconnaissance of the downstream reach of the Kalamazoo River to identify potential depositional areas and obtain information necessary to develop our *Interim Field Investigation Plan* and a comprehensive *Downstream Technical Assessment Plan*. The draft Interim Field Investigation Plan, which includes the sediment sampling plan described in our August 21, 2020 response, is under development for submission to EGLE.
- On September 9th, STS installed 450 feet of turbidity curtain downstream in the vicinity of the dam to further control the downstream migration of sediment leaving the reservoir and to contain sediment already deposited in this area.

STS consistently reviewed the scope and results of these activities with EGLE, MDNR and other relevant resource agencies during regular project briefing conference calls held on July 10th, July 21st, July 29th, August 5th, August 18th, August 28th, September 3rd, September 16th and September 22nd.

With respect to the potential response activities described in the Second Notice, STS is already working to install additional turbidity curtains, which it has determined are likely to yield positive results. Specifically, STS is preparing to deploy an additional 1,100 feet of sediment and shoreline protection curtain in the bottomlands area in the upstream vicinity of the dam. These additional measures are expected to further control potential sediment sources in this area. An additional 500 feet of permeable curtain will also be installed in the downstream vicinity of the dam to contain sediment already deposited in this area and prevent further downstream migration. Implementation of these additional control measures is expected to commence immediately and be complete prior to October 2nd.

STS is also working with its consultants to evaluate the other response activities identified in the Second Notice, together with comparable alternatives, and to identify, design and implement particular measures that will further enhance its current adaptive management approach and the development of the plans described in its prior responses (*e.g. Interim Field Investigation, Downstream Technical Assessment Plan, Reservoir Technical Assessment Plan*). Currently, it is expected that additional measures will include the: deployment of 600 feet of shoreline conifer tree protection in the reservoir upstream of the current turbidity curtains and the additional curtains STS plans to install as described in the preceding paragraph. This area is too shallow for deployment of additional curtains and the deployment of conifer trees has been found to be an effective alternative method of bank stabilization.

STS is considering the efficacy of additional measures to potentially implement. These evaluations will proceed in close consultation with EGLE and MDNR. The measures being considered include the following:

- Deployment of sediment traps. While such traps have certain attendant negative consequences, the relatively short term of their deployment may support their use in this case.
- Raising the reservoir elevation a limited amount. STS has made the preliminary determination that such a measure would not compromise dam safety.
- Installation of sediment curtain diversion wing schemes at targeted locations further downstream of the dam to promote sediment collection and prevent the resuspension of existing sediment deposits.

STS will continue to fully cooperate and work with EGLE and MDNR to monitor and mitigate turbidity and sediment deposition while we continue to work to resolve the dam safety issues. Notwithstanding the foregoing, STS respectfully maintains that the emergency drawdown was performed in accordance with all federal and state legal requirements applicable to a FERC-regulated dam and in coordination with EGLE and MDNR.¹

¹ STS repeats the “Reservation of Rights” in its July 17, 2020 letter as if provided in full herein.

Sincerely,

HONIGMAN LLP



S. Lee Johnson

cc (via email):

Senator Sean McCann
Representative Brandt Iden
Ms. Michelle Mohny, Comstock Township Clerk
Mr. James Baker, City of Kalamazoo
Mr. Tom Weaver, United States Geological Survey
Ms. Jennifer Polardino, FERC
Ms. Kim Nyugen, FERC
Mr. John Zygaj, FERC
Ms. Jessica Pruden, U.S. Fish and Wildlife Service
Mr. Scott Hicks, U.S. Fish and Wildlife Service
Ms. Lisa Williams, U.S. Fish and Wildlife Service
Mr. Jim Saric, EPA
Ms. Cheryl Vosburg, Kalamazoo River Watershed Council
Ms. Elizabeth Binoniemi-Smith, Match-E-Be-Nash-She-Wish Band of
Pottawatomi Indians
Mr. John Rodwan, Nottawaseppi Huron Band of Potawatomi Indians
Ms. Jody Smet, STS
Mr. Jay Wesley, MDNR
Mr. Brian Gunderman, MDNR
Mr. Matt Diana, MDNR
Mr. Jessica Mistak, MDNR
Ms. Kesiree Thiamkeelakul, MDNR
Mr. Kyle Kruger, MDNR
Mr. Jerrod Sanders, EGLE
Ms. Amy Lounds, EGLE
Mr. Luis Saldivia, EGLE
Ms. Anne Garwood, EGLE
Mr. Derek Haroldson

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Mr. Luke Trumble, EGLE
Mr. John Bayha, EGLE
Mr. Chris Lantinga, EGLE
Mr. Dan Peabody, EGLE
Mr. David O'Donnell, EGLE
Mr. Dan Yordanich, EGLE
Mr. David Fox, STS
Ms. Melissa Sonneleitner, STS
Ms. Kimberly Bose, FERC
Mr. Adam Christy, FERC
Mr. Kevin Griebenow, FERC
Ms. Bree Bennett, EGLE

City of Kalamazoo - Office of the City Attorney**INTER-OFFICEMEMO**

To: Honorable Mayor Anderson, Vice Mayor Griffin and City Commissioners
From: Clyde J. Robinson, City Attorney
Date: December 1, 2020
Subject: Committee of the Whole Synopsis

Overview

Under Robert's Rules of Order (RRO and which the City Commission has adopted for its parliamentary procedures) the Committee of the Whole, and its two variant versions,¹ can be employed by a deliberative body to consider a matter in greater detail using a meeting structure that allows for less formal discussion and deliberation. When a body meets as a Committee of the Whole (CoW) the following rules, unless amended, are in effect:

	Chair	Votes	Motions	Speaker Limits	Minutes	Extend time
Committee of the Whole	Member other than presiding officer	No roll call votes. Vote does not decide the matter; only represents a recommendation	May only adopt, amend, and "rise & report" on the matter under consideration. Can't postpone, adjourn or recess.	None (Suspends rule that member can't speak twice until all other members have had chance to speak.)	No, but memoranda of the meeting may be kept which is discarded once the matter is acted upon.	No, may not arrange future meetings on the matter
Quasi-CoW	Presiding officer	Represents a recommendation	All motions permitted, but any motion, except to amend the matter being considered, ends the meeting.	None	Same	Same
Informal Consideration	Presiding officer	Votes on a matter are formally taken and are final	All motions permitted	None	Yes, since the action taken is final	Yes, can put a matter over to another meeting

¹ Quasi-Committee of the Whole and Informal Consideration are the two recognized variants on the CoW.

As the above table illustrates, proper use of the CoW (and its variants), while more informal than normally allowed, comes with a set of rules that in some respects can be just as limiting. In practice, as noted by Julie Pioch in an October 2012 MSU Extension Service monograph, *Suggestions for Organizing and Effective Committee of the Whole for Local Government*,², use of the CoW tool by local governments does not usually adhere to the strict requirements of Roberts Rules of Order. Instead, the CoW is used to permit the members of a governing body to work toward a common understanding of an issue by listening to one another (and the public) in developing a consensus on matters that will come before the public body for decision.

Considerations

The City Commission used to hold what were called Committee of the Whole meetings at 7 AM on the Friday before a Regular Business meeting. The meetings were held in the Community Room and were largely a review by the City Manager (along with relevant staff) of the items that were on the upcoming Monday evening meeting agenda. The CoW meetings usually lasted about 60 to 90 minutes. Given the time when these meetings were held, and the lack of the substantive discussion at most of the meetings, the CoW fell into disuse. However, Rule 4 of the City Commission Rules which governs CoW meetings still exists and may be amended to accommodate a different approach.

In reviving the CoW practice, the City Commission should consider the following:

1. What is the purpose of the meetings? What is the desired outcome of meeting?
2. How often should a CoW meet? What time of day & day of the week?³
3. What rules should govern Public Comment at a CoW?
4. May substantive (final) action be taken on items while meeting as a CoW?

In addition to the parliamentary processes governing the CoW, if these meetings will be regularly scheduled, they must be set and noticed as part of the yearly meeting schedule adopted by the City Commission as required by the Open Meetings Act.

Draft of Proposed Rule

The following proposed redline draft removes the CoW language at Rule 4 and adopts a separate Committee of the Whole rule is provided for your consideration in addressing the questions posed above:

² The referenced monograph is available at:
https://www.canr.msu.edu/uploads/236/34017/Guidelines_for_using_a_Committee_of_the_Whole_2.0.pdf.

³ These questions can be avoided should the City Commission opt to handle CoW items under the New Business portion of its Regular Business meetings. The Commission would adjourn itself into the CoW to handle New Business and when finished, return to the Regular Meeting.

Rule 4A. COMMITTEE OF THE WHOLE MEETINGS

The order of business for Committee of the Whole meetings shall be Call to Order/Roll Call, [Citizen Comments](#), Discussion of items on Upcoming City Commission Agendas, Community Issues, ~~Citizen Comments~~, Adjournment. ~~No votes shall be taken, nor shall any other type of decision be made at the meeting of the Committee of the Whole. This rule shall not be construed to prohibit the addition, removal, or relocation of items on the upcoming City Commission meeting agenda.~~

The agenda for Committee of the Whole Meetings shall be set by the City Manager and consist of matters that may come before the City Commission at future Regular Business meetings and information on Community Issues.

Meetings of the Committee of the Whole shall be chaired by the Mayor or in his or her absence by the Vice Mayor. Parliamentary procedures will be governed by Robert's Rules of Order for Informal Consideration. Minutes will be kept and approved in the course of usual business of the City Commission.

In considering any matter coming before the Committee of the Whole, such may be amended, postponed until a certain time or postponed indefinitely.

It has been suggested that Rule be modified to permit members of the public speak at times other than Public Comment when recognized by the chair and include language to recognize that invited presenters may speak on a matter under discussion. Additionally, rather than suspend the rule restricting how often a Commissioner may speak, that the parliamentary rule limiting when a Commissioner may speak to an issue a second time be adopted. In order to permit the Mayor to play a more active role in CoW discussions, consideration might be given to having the Vice Mayor preside over CoW meetings. Finally, the Commission may wish to place a limit (90 minutes) on the duration of CoW meetings.

Conclusion

This overview is intended assist members of the City Commission and staff in considering whether to revive the CoW practice. Here is should be noted that even when CoW meetings were held in the past, the City Manager continued to regularly met with the Administrative Committee to formulate the agendas for City Commission meetings, with limited input from the remaining members of the Commission. The move to the current Small Group model by the City Manager was an attempt to engage in a more meaningful manner with the four Commissioners who were not on Administrative Committee.

Cc: James K. Ritsema, City Manager
Scott A. Borling, City Clerk