



MINUTES

**Committee on Development and Planning
Wednesday, February 20, 2013 – 12:00 p.m.
Tenth Floor Conference Room – Lansing City Hall**

CALL TO ORDER

The meeting called to order at 12:00 p.m.

ROLL CALL

Councilmember Brian Jeffries, Chair
Councilmember Derrick Quinney, Vice Chair
Councilmember Jody Washington, Member – Excused absence

OTHERS PRESENT

Diana Bitely, Council Staff
Don Kulhanek, City Attorney
Karl Dorshimer, LEAP
Mark Sinila, Niowave
Dexter Slugorsui
Randy Oberlin, Fire
Mary Elaine Kiener, WNO
Charles Drayton, Citizen
Angela Wittrock, MLive

APPROVAL OF MINUTES

COUNCILMEMBER QUINNEY MADE A MOTION TO APPROVE THE MINUTES OF THE FEBRUARY 6, 2013 COMMITTEE MEETING, AS SUBMITTED. MOTION CARRIED, 2-0.

PUBLIC COMMENT ON AGENDA ITEMS

None.

DISCUSSION/ACTION

Niowave Review (WNA Letter) and SLU Ordinance Update

Councilmember Quinney questioned the playground equipment, which Mr. Kulhanek indicated that the equipment was not salvageable, but he understands that the equipment was moved to another location. Former City Attorney Smith reported to Council the day after the equipment was moved, that the Parks Department moved the equipment.

Ms. Stachowiak stated that the playground equipment did not meet the minimum safety requirements to keep the equipment on their site, so the Parks Department moved it to Sleepy Hollow Park.

Mr. Kulhanek maintained that Niowave met the requirement as outlined within the resolution, which only speaks to the preservation of the playground equipment, not the location of the equipment.

Councilmember Jeffries questioned how we could address issues like this where there is an understanding of how something is outlined and the intent behind the

Councilmember Jeffries questioned the difference between the “findings” and the “conditions” that occur; we must actually find that those elements exist. If we do not find a yes on those elements then we do not approve the SLU. Does this mean that the findings are not relevant past the date of approval of the resolution?

Mr. Kulhanek stated that those “findings” apply only to the time at which the resolution was approved, and does not speak to future conditions. He confirmed that the “findings” cannot be construed as obligations to be upheld at any future date other than the date of the resolution.

Councilmember Jeffries questioned if the “findings” change over time, and the Council approved the SLU based upon those findings, what can Council or the City do about the changes that come about when there are changes to the original “findings”.

Mr. Kulhanek stated those “findings” are not enforceable. The findings in the resolution do not change, but the circumstances around the SLU have changed.

Councilmember Jeffries stated that what Council based their approval on were the “findings”; he could argue that if the findings change, the SLU changes, and there should be a discussion on that.

Ms. Stachowiak disagreed with that statement.

Mr. Kulhanek commented that the resolution clearly and doubly states that there was only one “condition” for the SLU.

The Committee agreed that all their “findings” would then need to be listed under “conditions” to ensure that their understanding of a project at the time of approval remains consistent throughout and as time passes.

Ms. Stachowiak explained that so long as site changes do not contradict or violate the zoning ordinances.

Ms. Kiener questioned why she was told that no people would be working inside the building once the structure was completed.

Ms. Stachowiak stated that she thinks this was a misunderstanding. They built a small building in the back that, due to its temperature is not manned.

Ms. Kiener stated that she feels she was deliberately misled at the time.

Ms. Stachowiak reviewed Draft #2 of the proposed SLU Ordinance.

Mr. Kulhanek commented that none of what is in the ordinance could be applied retroactively.

Councilmember Jeffries recalled a previous discussion where the notification scope would increase to 500'.

COUNCILMEMBER QUINNEY MADE A MOTION TO INCREASE THE NOTIFICATION OF PUBLIC HEARING TO BE SENT TO ALL PROEPRTY OWNERS FROM 300' TO 500' OF THE SUBJECT PROPERTY. MOTION CARRIED, 2-0.

COUNCILMEMBER QUINNEY MADE A MOTION TO SEND NOTIFICATION TO THE CITY OF LANSING NEIGHBORHOOD WATCH OFFICER FOR DISTRIBUTION TO NEIGHBORHOOD WATCHES IN THE AFFECTED AREA. MOTION CARRIED, 2-0.

COUNCILMEMBER QUINNEY MADE A MOTION TO INCREASE THE LENGTH OF TIME FOR COUNCIL REVIEW AND APPROVAL FROM 45 DAYS TO 60 DAYS DUE TO THE REDUCED COUNCIL MEETINGS IN 2013. MOTION CARRIED, 2-0.

Ms. Stachowiak responded to questions on whether the ordinance needs to be sent back to the Planning Board, and indicated that this amendment would have to be reviewed which would day another 30-45 days depending upon meeting the 15-day required notice and the fact that the Planning Board does not meet again until the first Tuesday in April after meeting the required 15-day notification. She would have to post the notice today to get it on the Planning Board agenda. She agreed that she could attempt to organize a special Planning Board meeting.

Mr. Johnson stated that he would authorize a special meeting as the Department Director.

COUNCILMEMBER QUINNEY MADE A MOTION TO REFER THE ORDINANCE TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. MOTION CARRIED, 2-0.

Setting a Public Hearing in Consideration of Niowave 328 PPE Application

Mr. Dorshimer reported that there are over 50 employees making over \$60,000/year. They are looking to purchase equipment and make a \$5 million dollar investment over the six year exemption period. They would have 100% exemption for those six years and realize a tax savings of \$549,000. At the end of the six years, the entire property would be fully taxable. The depreciation would be nearly 50% based upon calculations used by the City's Assessor's office. They also anticipate hiring an additional 25 employees who would average \$60,000/year.

Mr. Sinila stated that the employees would occupy positions such as chemical, engineer, physicists, technician's jobs, employees in the "clean" room. We have hit a niche that has been well received, particularly by the U.S. Navy. It is hard to concretely say what the future holds, but they do have a long-term agreement for growth with the U.S. Navy. We are tapped out on the property where the headquarters are, and do not anticipate any further development on this site. The location of any new development depends on the technology.

Councilmember Jeffries questioned whether Niowave has met with the neighborhood to discuss the issues raised.

Mr. Sinila stated that back in September, they made a formal offer to do a 2-year \$100,000 landscaping project, led by Bob Ford, presented it to Walnut Neighborhood Organization who could not reach a consensus so the process has stalled. There are landscape specifications that they must meet, but they are also throwing in another \$100,000 to improve the aesthetics of the building. Niowave did go through the approval process, and they have made the offer for the investment for the landscaping, trees, shrubs, parking lot to make the location presentable. We invest in the community, owning 14 rental homes in the Walnut Neighborhood, which have been rehabilitated and feel that they have helped keep up values within the neighborhood. We want to be and feel that we have been good neighbors. The issue is now, in his opinion, is that the neighborhood has not been able to reach an agreement amongst themselves.

Ms. Kiener responded on behalf of Walnut Neighborhood, that from the beginning, the neighbors have been clear in their requests. They first requested that Niowave address the façade and the closest they have gotten is that Niowave would try to hide the building; they have not specifically addressed the "façade". The landscaping option was lovely, but does nothing for the façade. She would like clarification from Niowave on whether \$100,000 would go toward required landscaping under the site permit and based upon the renditions from Bob Ford with the trees at the maturity presented, pay for these landscaping improvements.

Mr. Sinila stated that they have received cost estimates of \$15-\$20 per square feet for the façade, thus it is very costly. That is why they are proposing landscaping. The \$100,000 is money set aside over and above the city's landscaping requirements.

Ms. Kiener stated that one of the neighbors sought an estimate from a contractor who confirmed that the cost would be near \$250,000.

Mr. Sinila stated that the estimate he received would be near \$300,000 to change the façade.

Mr. Dorshimer is to provide the amount of tax savings realized from the initial tax incentive. The initial investment was more focused on the property itself.

COUNCILMEMBER QUINNEY MADE A MOTION TO SET A PUBLIC HEARING FOR MONDAY, MARCH 11, 2013 IN CONSIDERATION OF PPE-01-12 NIOWAVE, INC. MOTION CARRIED, 2-0.

Act-1-2013; Property Acquisitions, Accepting FEMA Hazard Mitigation Grant

Mr. Johnson explained that they are seeking to acquire residential properties in the flood plain that are either occupied or vacant properties, with the permission of the owner. The acquisition of the properties and demolition of the existing structures is expected to:

- reduce the risk of harm to life and property for those owners, who choose to move to flood-safe areas;
- reduce the rates for flood insurance for all flood insurance rate payers in the City;
- reduce the need for emergency services in a serious flood event

Ms. Oberlin reported that they just closed out Phase I, which totaled \$1.3 million out of which they acquired 22 properties.

Dexter stated that there were 8 total donations from the Land Bank, of which 6 were vacant lots. All of the remaining 14 properties had structures on them originally.

COUNCILMEMBER QUINNEY MADE A MOTION TO APPROVE ACT-1-2013; HAZARD MITIGATION GRANT PROGRAM, PROPERTY ACQUISITION. MOTION CARRIED, 2-0.

Mr. Johnson stated that they spoke to the Allen Neighborhood Center throughout the process to ensure that the properties are maintained. They also have a partnership with the Land Bank in maintaining those properties.

Ms. Oberlin stated that they are focusing on two contiguous areas to remove structures to form a larger green-space area, and lessen the amount of maintenance for sidewalks, for instance.

Councilmember Wood expressed concern with removing sidewalks.

Mr. Johnson clarified that they would look for a creative way to connect the space and ensure that there is safe traveling space for residents visiting the green space.

Letter from Attorney on behalf of Block 100 Limited Partnership Regarding Note Purchase Agreement Renewal

RECEIVED AND PLACED ON FILE.

Re-Notice of Intent to Establish Condominium Project, Parkside at College Fields, in the City of Lansing Submitted by McClelland & Anderson, LLP

Ms. Stachowiak stated that this letter is just notifying that they are continuing work at the site and will be presenting a Master Deed in conjunction with their 425 Agreement. No action is required at this time by the City Council.

RECEIVED AND PLACED ON FILE.

RECEIPT OF COMMUNICATIONS

None

OTHER

None.

PENDING

None.

ADJOURN

The meeting was adjourned at 1:21 p.m.

Submitted by,

Diana Bitely, Recording Secretary

Lansing City Council

Approved by the Committee on 3/6/2013

Appropriate documents attached to original set of minutes.



REVISED AGENDA
Committee on Development and Planning
Wednesday, February 20, 2013 @ 12:00 p.m.
10th Floor Conference Room, City Hall

Councilmember Brian Jeffries, Chair
Councilmember Derrick Quinney, Vice Chair
Councilmember Jody Washington, Member

1. Call to Order

2. Roll Call

3. Approval of Minutes

A. February 6, 2013

4. Public Comment on Agenda Items

5. Discussion/Action:

- A. Niowave Review (WNA Letter) and SLU Ordinance Update
- B. Setting a Public Hearing in Consideration of Niowave 328 PPE Application
- C. Act-1-2013; Property Acquisitions, Accepting FEMA Hazard Mitigation Grant
- D. Letter from Attorney on behalf of Block 100 Limited Partnership Regarding Note Purchase Agreement Renewal
- E. Re-Notice of Intent to Establish Condominium Project, Parkside at College Fields, in the City of Lansing Submitted by McClelland & Anderson, LLP

6. Other

7. Adjourn

8. Pending

- Reutter Park Place Brownfield # 54

XV 1611



OFFICE OF THE MAYOR

9th Floor, City Hall
124 W. Michigan Avenue
Lansing, Michigan 48933-1694
(517) 483-4141 (voice)
(517) 483-4479 (TDD)
(517) 483-6066 (Fax)

Virg Bernero, Mayor

From the 6-25-12 Council Meeting Packet
REFERRED TO THE COMMITTEE ON
DEVELOPMENT AND PLANNING

TO: City Council President Brian Jeffries and Council Members
FROM: Mayor Virg Bernero
DATE: June 21, 2012
RE: Approval of Niowave 328 PPE Application

The attached correspondence is forwarded for your review and appropriate action.

VB/rh
Attachment

To: Virg Bernero, Mayor
From: Karl Dorshimer - LEDC
Subject: CITY COUNCIL AGENDA ITEM - Approval of Niowave 328 PPE Application
Date: June 21, 2012

Please forward this resolution to City Council for placement on the Agenda.

If you have any questions, or need additional information, please give me a call.

Attachments

BY THE PLANNING AND DEVELOPMENT COMMITTEE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
Approving a Personal Property Exemption

WHEREAS, pursuant to Public Act 328 of 1998 (1998 PA 328), Niowave Inc. has made Application for Exemption of New Personal Property (PPE-01-12) for an property located at 1012 North Walnut Street this is contained within the Lansing Brownfield Redevelopment Zone, established, by the Lansing City Council on August 18, 1997 pursuant to Act 381 of 1996, as amended; and

WHEREAS, a public hearing was held July 15, 2012, on the Niowave Inc. Application for Exemption of new personal property, at which, and with advance written notice, the assessor and any and all representatives, all owners of real and personal property within the Lansing Brownfield Redevelopment Zone other City residents and taxpayers, the assessor and all representatives of the affected taxing units were afforded an opportunity to appear and be heard on the application and exemption request; and

WHEREAS, the City is an eligible distressed community under Public Act 328 by containing NEZ classifications under Neighborhood Enterprise Zone Act of 1992, and as acknowledged in the State Tax Commission bulletin on exemption of new personal property to assessing officers, dated May 10, 1999; and

WHEREAS, Lansing Brownfield Redevelopment Zone area is an eligible district under Public Act 328, as amended, and it is within the jurisdiction of the City of Lansing and, therefore, within an eligible distressed community; and

WHEREAS, Niowave Inc. meets the requirements of an eligible business under Public Act 328 by being primarily engaged in manufacturing;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby approves the application of Niowave Inc. for exemption of new personal property PPE-01-12 pursuant to Public Act 328 of 1998, as amended, for that portion of the Lansing Brownfield Redevelopment Zone legally described as: LOTS 4, 5, 6, 7, 8, 9, 10, 11 & 12 BLOCK 39 ORIG PLAT

BE IT FURTHER RESOLVED that the personal property exemption PPE-01-12 under Public Act 328 shall be for the period of six (6) years effective Dec. 31, 2012 and ending Dec. 31, 2018.

BE IT FINALLY RESOLVED that the City Clerk shall cause the application for exemption of new personal property PPE-01-12 to be completed and shall cause the completed application and a copy of this Resolution to be filed with the State Tax Commission.

[16537:4:20120621:094243]

BY THE PLANNING AND DEVELOPMENT COMMITTEE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
Setting a Public Hearing for a Personal Property Exemption

WHEREAS, pursuant to Public Act 328 of 1998, Niowave Inc., has made Application for Exemption of New Personal Property (PPE-01-12) for an area commonly known as 1012 N. Walnut Street which is contained within the Lansing Brownfield Redevelopment District, established by the Lansing City Council on August 18, 1997 pursuant to Public Act 381 of 1996, as amended, and

WHEREAS, prior to acting upon this request, the City desires to hold a public hearing on 's Application for Exemption of New Personal Property (PPE-01-12), to allow for all residents, taxpayers and other interested persons to appear and be heard;

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held in the City Council Chambers of the City of Lansing, 10th Floor, Lansing City Hall, Lansing, Michigan, on July 15, 2012, on Niowave's application for New Personal Property Exemption on the following described property:

LOTS 4, 5, 6, 7, 8, 9, 10, 11 & 12 BLOCK 39 ORIG PLAT; commonly known as 1012 N. Walnut Street, Lansing, Michigan,

and, that the City Clerk cause to be published in a publication of general circulation, giving notice of such hearing, and that the City Clerk also shall notify the Lansing City Assessor and the legislative body of each taxing unit that levies ad valorem property taxes in the eligible local assessing district in which the eligible district is located. Before acting on the resolution, the Lansing City Council shall afford an opportunity for all residents, taxpayers of the City of Lansing, other interested persons, including but not limited to the City Assessor and representatives of the affected taxing units, to appear and be heard on the approval of a New Personal Property Exemption (PPE-01-12).

City of Lansing
Notice of Public Hearing

The Lansing City Council will hold a public hearing on Monday, August 21, 2006 at 7:00 p.m. in the City Council Chambers, 10th Floor, Lansing City Hall, Lansing, MI, for the purpose stated below:

To afford an opportunity for all residents, taxpayers of the City of Lansing, other interested persons to appear and be heard on the approval of a New Personal Property Exemption (PPE-6-06) requested by the applicant indicated below:

Applicant: Niowave, Inc.

Location: 1012 N. Walnut Street

Location of subject property:

LOTS 4, 5, 6, 7, 8, 9, 10, 11 & 12 BLOCK 39 ORIG PLAT.

Approval of a New Personal Property Exemption (PPE-01-12) requested by Niowave, Inc. will result in the abatement of new personal property taxes located within the subject property. Further information regarding this application for property tax abatement may be obtained from Mr. Karl R. Dorshimer, Economic Development Corporation of the City of Lansing, 401 S. Washington Sq., Suite 1, Lansing, Michigan, 48933, (517) 483-4140.

[16532:8:20120621:092658]

Application for Exemption of New Personal Property

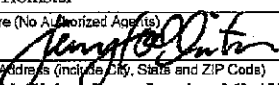
Issued under P.A. 328 of 1998. An exemption will not be effective until approved by the State Tax Commission.

INSTRUCTIONS: Read instructions on page 2 of this form before completing this application. File the original and two copies of this form and the required attachments (resolution approving, copy of legal description and a detailed description of the business operations) with the clerk of the local government unit. The State Tax Commission requires two complete sets.

PART 1: APPLICANT INFORMATION

1a. Applicant/Company Name (Applicant must be an ELIGIBLE BUSINESS) Niowave Inc.		2. County Ingham
1b. Company Mailing Address (No. and Street, P.O. Box, City, State, ZIP Code) 1012 N. Walnut Street, Lansing, MI, 48906		3. City/Township/Village (indicate which) City of Lansing
1c. Location of Eligible Business (No. and Street, City, State, ZIP Code) 1012 N. Walnut Street, Lansing, MI, 48906	4a. Local School District Lansing	4b. School Code 33020
5. Check below the type of business in which you are engaged and provide a detailed description of the business operation on a separate sheet ☒ Manufacturing ☐ Research & Development ☐ Office Operations ☐ Mining ☐ Wholesale Trade		
6a. Identify type of ELIGIBLE DISTRICT where Eligible Business and New Personal Property will be located Brownfield Redevelopment District	6b. Governing Unit that Established ELIGIBLE DISTRICT City of Lansing	6c. Date ELIGIBLE DISTRICT was Established 8/18/1997
7. Name of Person in the Eligible Business to Contact for Further Information Jerry Hollister		8. Telephone Number (517) 999-3475
9. Mailing Address 1012 N. Walnut Street, Lansing, MI, 48906		

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all of the information is truly descriptive of the property for which application is being made. The undersigned, authorized officer further certifies that the applicant is an Eligible Business as defined in P.A. 328 of 1998.

11. Name of Company Official Jerry Hollister	12. Title Chief Operating Officer
13. Signature (No Authorized Agents) 	14. Date 6/20/2012
15. Mailing Address (include City, State and ZIP Code) 1012 N. Walnut Street, Lansing, MI, 48906	
16. Email Address hollister@niowaveinc.com	17. Telephone Number (517) 999-3475
18. Fax Number (517) 999-3626	

PART 2: LOCAL GOVERNMENT UNIT CLERK VERIFICATION

19. Name of Local Governmental Unit Which Passed Resolution for Exemption of New Personal Property City of Lansing		20. Date of Resolution (Attach Copy)	21. Expiration Date of Exemption
22. Name of Clerk Chris Swope		23. Date application was received by Local Unit	
24. Clerk's Signature		25. Clerk's Mailing Address clerk@lansingmi.gov	
26. Telephone Number (517) 483-4131	27. Fax Number (517) 377-0068	28. Email Address	
29. LUC Code	30. School Code 33020	31. Date District was Established 08/18/97	

STATE TAX COMMISSION USE			
Application No.	Date Received	LUC Code	School Code

XV 26

RECEIVED
2012 DEC 10 AM 11:48
LANSING CITY CLERK



FROM THE 12/17/12
MEETING
Referred to the Committee on
Development & Planning

508 W. Grand River Ave.
Lansing, MI 48906
December 10, 2012

Lansing City Council
10th floor - City Hall
124 W. Michigan Ave.
Lansing, MI 48933

Dear City Council Members:

This letter serves as a formal request on behalf of the Walnut Neighborhood Organization for the Lansing City Council to conduct a review of the Special Land Use Permit (SLU-8-2006) previously granted to Niowave, Inc. [Resolution #413] in August, 2006, based on Niowave's proposal "to utilize the building at 1012 N. Walnut Street [the former Walnut Street School] as a laboratory."

As part of its initial approval process, Niowave's original Special Land Use Permit request was evaluated for its compatibility with of 9 separate criteria [as set forth in Section 1282.03(f)(1)-(2)].

Having determined that Niowave's proposal initially met these criteria in August, City Council's Resolution #413 also stated that "this Special Land Use permit shall remain in effect only so long as the petitioner fully complies with this resolution, and if the petitioner fails to comply, the Special Land Use permit may be terminated by City Council Resolution.

In 2006, the Planning Board and the City Council followed the law. The Special Land Use Permit, still held by City Council, was unanimously approved. For six years, Niowave complied with the Special Land Use Permit. They no longer do.

By constructing the pole barn in the manner that they did, Niowave is now violating at least six of the nine criteria used to originally approve their Special Land Use Permit:

- The special land use is *no longer* designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area;
- The special land use *has changed* the essential character of the surrounding area;
- The special land use *now interferes* with the general enjoyment of adjacent property;
- The special land use *no longer* represents an improvement to the use or character of property under consideration and the surrounding area in general and also is *no longer* in keeping with the natural environment of the lot;
- If the special land use *is hazardous* to adjacent property, through the excessive production of glare;

RECEIVED

DEC 10 2012

LANSING CITY COUNCIL

- We do not know if the special land use is adequately served by essential public facilities and services, or if it is demonstrated that the person responsible for the proposed special land use is able to continually provide adequately for the services and facilities deemed essential to the special land use under consideration;
- We do not know if the special land use does not place demands on public services and facilities in excess of current capacity;
- The special land use is *no longer* consistent with the intent and purpose of this Zoning Code and the objectives of any currently adopted Comprehensive Plan; and
- We do not know if the special land use meets the dimensional requirements of the district in which the property is located.

Zoning ordinances provide safeguards for those living in zoned communities. Lansing has a comprehensive zoning ordinance. It complies with state law. It fits in with the Comprehensive Plan. The problem is that a portion of the Lansing City Code was bypassed. This situation did not arise because it fell through the cracks of bureaucracy. The pole barn was approved and built because Niowave disregarded the conditions of the Special Land Use Permit in their 2012 building permit application and the Office of Planning and Zoning failed to address the criteria within the Special Land Use Permit when approving their site plan.

We respectfully request your review and consideration of this matter.

Sincerely,



Rina Risper, President



Virg Bernero, Mayor

OFFICE OF THE MAYOR

9th Floor, City Hall
124 W. Michigan Avenue
Lansing, Michigan 48933-1894
(517) 483-4141 (voice)
(517) 483-4479 (TDD)
(517) 483-6066 (Fax)

XV 161

FROM THE 2/11/13
MEETING
Referred to the
Committee on
Development and
Planning

TO: City Council President Carol Wood and Council Members

FROM: Mayor Virg Bernero

DATE: February 7, 2013

RE: Resolution— Act-1-2013—Property Acquisitions—Accepting FEMA Hazard Mitigation Grant

The attached correspondence is forwarded for your review and appropriate action.

VB/rh
Attachment

To: Virg Bernero, Mayor
From: Bill Rieske, Assistant Planning Manager
Subject: CITY COUNCIL AGENDA ITEM
Act-1-2013, Hazard Mitigation Grant Program
Date: February 6, 2013

Please forward this resolution to City Council for placement on the Agenda.

If you have any questions, or need additional information, please give me a call.

Attachments

BY THE COMMITTEE ON DEVELOPMENT & PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Act-1-2013, Hazard Mitigation Grant Program, Property Acquisition

WHEREAS, the City of Lansing has applied through the State of Michigan, Michigan State Police, Emergency Management and Homeland Security Division for Federal Emergency Management Agency (FEMA) Pre-Disaster Mitigation Competitive Grant; and

WHEREAS, The Lansing City Council reviewed the grant and authorized its submission to FEMA; and

WHEREAS, FEMA has awarded \$752,897 in grant funds to be used over a three year period for the City of Lansing to reduce the risk of harm to life and property in flood-prone areas of the City; and

WHEREAS, the required match of \$250,965 will be met through a \$18,500 donation of property from the Ingham County Land Bank, and through the Development Office using \$232,465 in Community Development Block Grant (CDBG) funds already allocated or planned to be allocated for property acquisition, or acquisition funds from its Neighborhood Stabilization Program (NSP) grant budget; and

WHEREAS, the FEMA Hazard Mitigation Grant will provide funds for voluntary acquisition of 21 owner-occupied or vacant properties; and

WHEREAS, existing structures will be razed using these grant funds and the resultant vacant parcels may be used for community gardens, urban farming, natural areas, recreation or other purposes as permitted by FEMA; and

WHEREAS, the acquisition of these properties and demolition of existing structures is expected to:

- Reduce the risk of harm to life and property for those owners, who choose to move to flood-safe areas,
- Reduce the rates for flood insurance for all flood insurance rate payers in the City, and
- Reduce the need for emergency services in a serious flood event; and

WHEREAS, the reduction of risk in flood-prone areas is a priority under the City's consolidated strategy and Plan for the use of CDBG and NSP funds; and

WHEREAS, the FEMA grant includes acquisition of the following 18 properties with structures and 3 vacant parcels either by donation from the Ingham County Land Bank or by purchase with grant funds:

Parcels with Structures

[18360:8:20130208:134303]

Parcel Number	Legal Description
33-01-01-22-301-071	LOT 45 CLARKS SUB
33-01-01-22-301-091	LOT 43 CLARKS SUB
33-01-01-22-304-001	LOT 27 CLARKS SUB
33-01-01-22-304-011	LOT 28 CLARKS SUB
33-01-01-22-304-021	LOT 29 CLARKS SUB
33-01-01-22-304-031	LOT 30 CLARKS SUB
33-01-01-22-301-131	LOT 37 CLARKS SUB
33-01-01-22-301-151	LOT 35 & 36 EX COM 25 FT E OF NW COR LOT 36, TH W 25 FT, S 107 FT TO SW COR LOT 36, E 26.85 FT, N TO BEG; CLARKS SUB
33-01-01-22-304-161	LOT 11 CLARKS SUB
33-01-01-22-304-151	LOT 10 CLARKS SUB
33-01-01-22-304-111	LOT 6 CLARKS SUB
33-01-01-23-126-031	LOT 19 BROWNS SUB OF A
33-01-01-23-126-002	Lot 16 & PT VAC HARTON ST COM NE COR SAID LOT TH N 33 FT, W 132, S 33 FT, E TO BEG; BROWNS SUB OF A PART OF OUTLOTS A AND B OF SNYDERS SUB
33-01-01-23-126-011	LOT 17 BROWNS SUB OF A PART OF OUTLOTS A AND B OF SNYDERS ADD
33-01-01-23-126-112	LOTS 20 & 2 BROWNS SUB OF A PART OF OUTLOTS A & B OF SNYDERS ADD
33-01-01-23-104-001	LOTS 94 & 95 LANSING ADDITION COMPANYS SUB REC L 5 P 20
33-01-01-23-104-161	LOT 133 LANSING ADDITION COMPANYS SUB REC L 5 P 20
Vacant Parcels	
33-01-01-23-103-051	LOT 49 LANSING ADDITION COMAPNYS SUB REC L 5 P 20
33-01-01-23-103-061	LOT 50 LANSING ADDITION COMPANYS SUB REC L 5 P 20
33-01-01-23-105-003	LOT 176 THRU 180 INCL, ALSO S ½ LOT 175 LOT 175 LANSING ADDITION COMAPNYS SUB REC L 5 P 20

WHEREAS, at its February 5, 2013 meeting, the Planning Board reviewed the FEMA grant in accordance with its Act 33 Review procedures and voted unanimously (7-0) to recommend approval of the grant and proposed acquisition of properties; and

WHEREAS, the Committee on Development and Planning has reviewed the report and recommendation of the Planning Board, and concurs therewith;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves acceptance of the Hazard Mitigation grant in the amount of \$752,897 and the required match of 250,965 for the completion of activates funded by the grant; and

[18360:3:20130208:134305]

BE IT FURTHER RESOLVED, that Mayor Virg Bernero, on behalf of the City of Lansing, is authorized to accept the above described award; that he is hereby authorized to sign the grant agreement, to establish new and separate expenditure accounts for it as necessary, and to take such other action as may be required to implement the grant; and

BE IT FINALLY RESOLVED, that Mayor Bernero is hereby authorized to accept property by donation from the Ingham County Land Bank, to negotiate agreements with property owners to purchase property at then current appraised value and, subject to prior approval by the City Attorney as to form, to sign and execute all documents necessary to acquire the aforementioned properties and to effectuate such transactions in accordance with the FEMA grant, provided that all sales are voluntary and the properties to be acquired are either occupied by the property owner or vacant.

Act-1-13, Hazard Mitigation Grant Program (HMPG), Property Acquisition
Page 1

GENERAL INFORMATION

APPLICANT: City of Lansing
Development Office
316 N. Capitol Avenue
Lansing, MI 48933

STATUS OF APPLICANT: Prospective purchaser

APPLICANT'S PROPOSAL:

The Development Office and LFD Emergency Management Division have been working to acquire vacant land and residential structures in the 100-year flood plain in two areas of the city: the **Baker-Donora** and **Urbandale** neighborhoods. This application is to continue this effort.

EXISTING AND
SURROUNDING LAND USE: One and/or Two Family Residential Structures/
Vacant lots

EXISTING AND
SURROUNDING ZONING: Urbandale Properties: "B" Residential;
Baker Donora Properties: "C" Residential

PROPOSED ZONING: No change

PROPERTY SIZE & SHAPE: Small scale residential, mostly rectangular

MASTER PLAN DESIGNATION: The *Design Lansing* Comprehensive Plan
designates these areas for Medium-Low Density
Residential

AGENCY RESPONSES

Assessors: No response received as yet.

BWL: No response received as yet.

Building Safety/
Code Compliance Demolition permits will be required for each structure.

City Attorney: No response received as yet.

Development: Development Office supports this proposal. We have
letters of commitment from both the Allen Neighborhood
Center and the Ingham County Land Bank Garden
program for maintenance of the subject properties.

EDC: No response received as yet.

Act-1-13, Hazard Mitigation Grant Program (HMGP), Property Acquisition
Page 2

Lansing Fire Department - Emergency Management Division:

There are a number of benefits to moving forward with the HMGP grant:

- Most importantly, by acquiring these homes we are getting people out of harm's way, reducing the number of homes that we have to rescue people from, dispose of debris from, assess for damage, inspect or potentially demolish at our own cost after the next flood. The homes we are targeting are in the most dangerous parts of the floodplain.
- Acquisition is the best form of flood mitigation, but it's typically hard to get people to participate because they don't trust the government to act in good faith. We have momentum already with this project, we've gotten the trust of neighborhood residents and many are ready to sell.
- By acquiring contiguous parcels that are already located near vacant city owned land, we make the lots easier to maintain, and in the long-term, open up the possibility of removing streets, sidewalks, and other infrastructure.
- Planning [Development Office] has developed agreements with Floodplain Farms, Allen Neighborhood Center, and the Ingham County Land Bank to maintain the lots we acquire under the HMGP grant. In the long-term the lots could be used for gardening, farming, planted with low-maintenance ground cover, or allowed to return to a natural state.
- We anticipate entering into the National Flood Insurance Program (NFIP) Community Rating System program in 2013. The additional lots we acquire with HMGP will give us points in the program that will lower flood insurance rates for residents and businesses in the City. This is especially important since businesses are facing significant increases in their flood insurance rates this year.
- The HMGP grant was from 2010. Federal mitigation programs weren't funded at all in 2012 and it's not known how much funding they will receive in the future.
- If future mitigation funding is available, successfully implementing this grant will increase our chances of receiving funding, while giving the money back could hurt our chances.
- Our acquisition program is already in place, the groundwork has been laid with residents, and funding is immediately available. This is the best chance we will have for flood mitigation.

Parks and Recreation: No comments.

Police: No response received as yet.

Public Service:

Public Service has reviewed Act-1-2013 and has the following comments:

- We have no objections to acquiring the properties.
- The properties in question are currently served by sanitary and storm sewers.
- There are cross lot sewers between Hayford and Mifflin, in line with Harton Street. The properties of 700 S. Foster and the Hayford street property have cross lot sewers. Acquiring those properties would be beneficial to ensure the sewers are protected. (Cross lot sewers run across land and are not in the street.)

Act-1-13, Hazard Mitigation Grant Program (HMPG), Property Acquisition
Page 3

Transportation Engineer:

No comments or requirements related to transportation issues.

APPLICANT'S PROPOSAL

The City of Lansing, Michigan is working on a floodplain mitigation project to remove several owner-occupied residential structures and vacant lots in the Baker/Donora and the Allen Neighborhood (Urbandale) areas from the floodplain.

The City proposes to acquire four vacant properties and provide the option for 16 homeowners living in the floodplain to sell their homes. Each parcel will be placed with an open space deed restriction that will help to ensure these properties in the floodplain are never developed. These open space properties will be made available to local community members for community gardens and other open space activities.

People who wish to move out of the 100-year floodplain will be able to sell their property at fair market value and their exposure to losses due to flood will be prevented. Health and safety risks for residents who would otherwise be living in the floodplain will be avoided. The overall threat of monetary damage in the event of flooding will be reduced for properties in the City. Flood insurance premiums for other Lansing residents will be reduced after the properties are acquired and razed. Emergency management risks will be avoided for the properties that are razed.

BACKGROUND:

Lansing has several waterways identified by the National Flood Insurance Program: the Grand River, Red Cedar River, Sycamore Creek, Pawlowski Creek (a.k.a. Mud Lake Drain) and the Reynolds Drain. The last 100-year flood occurred in 1904 and the most significant recent flood was in 1975. During that time, a 25-year flood on the Red Cedar and a 10-15 year flood on the Grand River inundated hundreds of homes.

In the City of Lansing, there are approximately 2,152 properties in the floodplain, many of which are located in poor neighborhoods. Twenty-five percent of the floodplain population lives below the poverty level, with levels as high as 46% in some neighborhoods. Acquiring these properties and maintaining them as open space would reduce the impact of flooding.

According to Section 1288 of the Zoning Ordinance:

- **Floodplain** means the area of land adjoining the channel of a river, stream, watercourse, lake or other similar body of water, which area of land will be inundated by a base flood, as determined by studies of the U.S. Army Corps of Engineers and the Michigan Water Resources Commission, until such time as a Flood Insurance Rate Map issued by the Federal Insurance Administrator.
- **Floodway** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation above a height designated by the State Department of Natural Resources.

Floodway properties are subject to the highest velocity of flood waters. According to the regulations, no residential structures can be built in a floodway. In order for structures to be built in the floodplain, approval of a permit from the Department of Environmental

Act-1-13, Hazard Mitigation Grant Program (HMGP), Property Acquisition
Page 4

Quality is required before the city can approve construction. All other requirements must also be met as specified in Section 1288 of the City of Lansing Zoning Ordinance.

Flood History in the Baker Donora and Urbandale areas:

March 1916	Flood levels between 10-25 year in Urbandale. Concurrent flooding on the Grand is expected to have made levels even higher in Baker-Donora.
March 1918	Flood levels at 827 ft. (10-year) in Baker-Donora. Levels in Urbandale about 825 ft.
April 1927	Flooding 10-25 year levels in Urbandale. Flood levels unknown in Baker-Donora, but flooding on the Grand at the same time is expected to have caused between 25-50 year levels.
March 1948	Flooding in Baker-Donora at about 833 ft. (10-year) Urbandale flooded to 831 ft. 40 homes evacuated in lower Urbandale.
May 1948	Flood levels about 825 ft. in Urbandale and 833 ft. in Baker-Donora, due to the impact of concurrent flooding on the Grand River.
April 1975	25-year flood in Urbandale (831 ft.) Flood height at Baker-Donora unknown, but gage readings in North Lansing and at Farm Lane indicate the flooding was closer to 50 year levels (833 ft.)

ANALYSIS

An Act 33 Review is conducted in accordance with Section 208 of the Administration Code when the City purchases or sells real property.

LOCATION

The **Baker-Donora** neighborhood is located on the south bank of the Red Cedar River, less than a mile upstream from its confluence with Grand River approximately a half mile downstream from its confluence with Sycamore Creek. The Ingham County Land Bank has acquired fourteen properties in this area, and the City acquired four under a previous grant. This HMGP proposal is to acquire ten additional properties in this area.

Urbandale is located on the north side of the Red Cedar River, separated from the river by the embankments of US-127 and I-496. Flooding occurs through storm sewers, which drain directly to the river, and through the viaducts under US-127 at Kalamazoo Street and Michigan Avenue. The Ingham County Land Bank has acquired 48 properties in this area, and the City acquired 15 under a previous grant. This HMGP proposal is to acquire nine additional properties in this area. In the immediate area, 28 properties are used for community gardens.

CHARACTER:

The character of these areas is basically residential. Those properties acquired will be razed and maintained for green space.

Act-1-13, Hazard Mitigation Grant Program (HMPG), Property Acquisition
Page 5

EXTENT

This project will not only reduce the community's flood risk, but the wise use of green space and the removal of structures which have suffered from repeated flooding will directly benefit these neighborhoods.

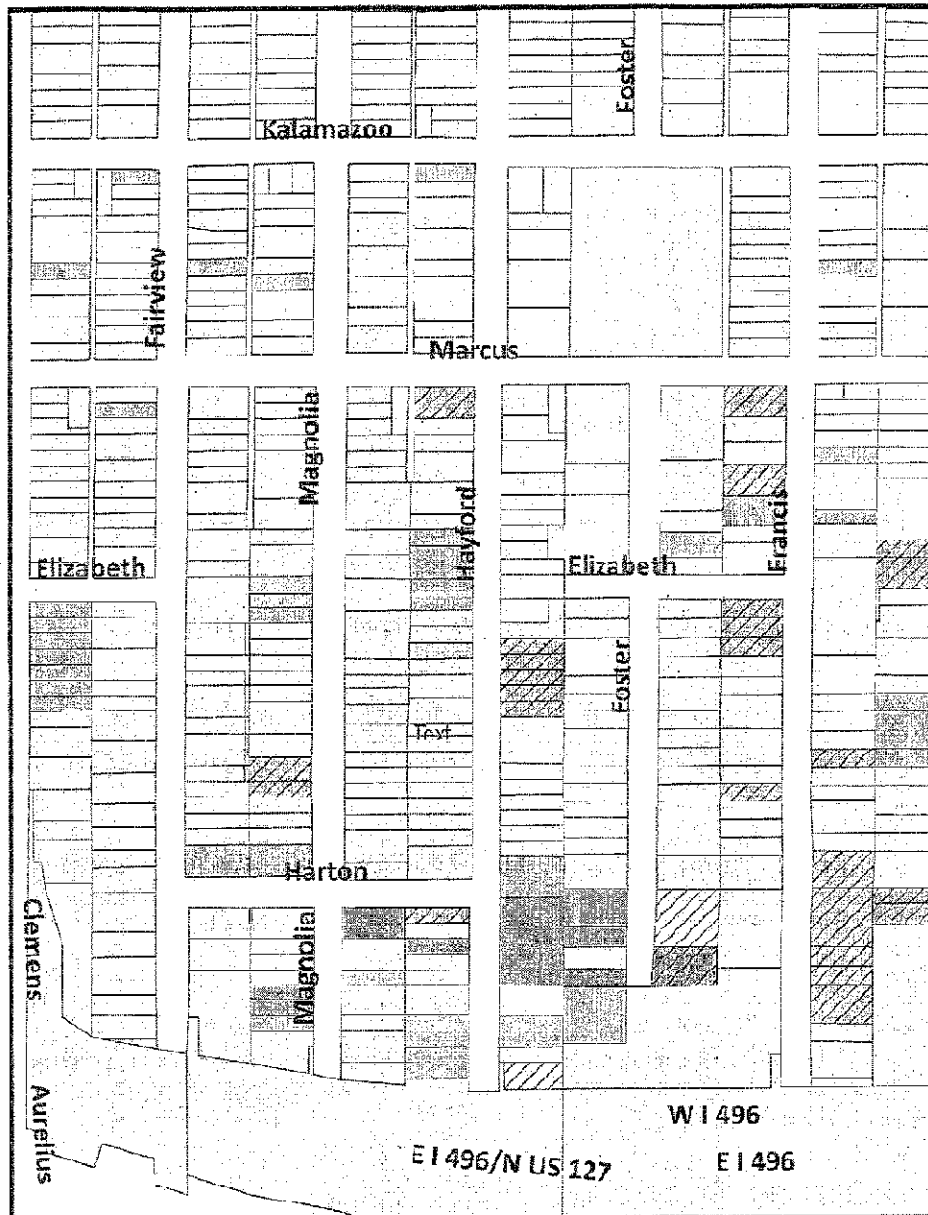
OTHER

An environmental assessment will be conducted for these properties to make sure that there are no issues that will adversely impact the environment. This project will be in compliance with federal environmental laws and executive orders. Removing structures from the floodplain and floodway and allowing the area to revert to its natural state will benefit the environment. Also, since these areas have a high concentration of low and moderate income persons, the project complies with one of the National objective of the Department of Housing and Urban Development use of Community Development Block Grant funds are to assist low and moderate income people find sustainable housing.

STAFF RECOMMENDATION

Staff recommends approval of Act-1-13, the request by the Development Office to continue its effort to acquire vacant land and residential structures in the 100-year flood plain in the **Baker-Donora** and **Urbandale** neighborhoods.

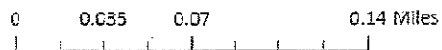
FEMA Flood Mitigation Grants



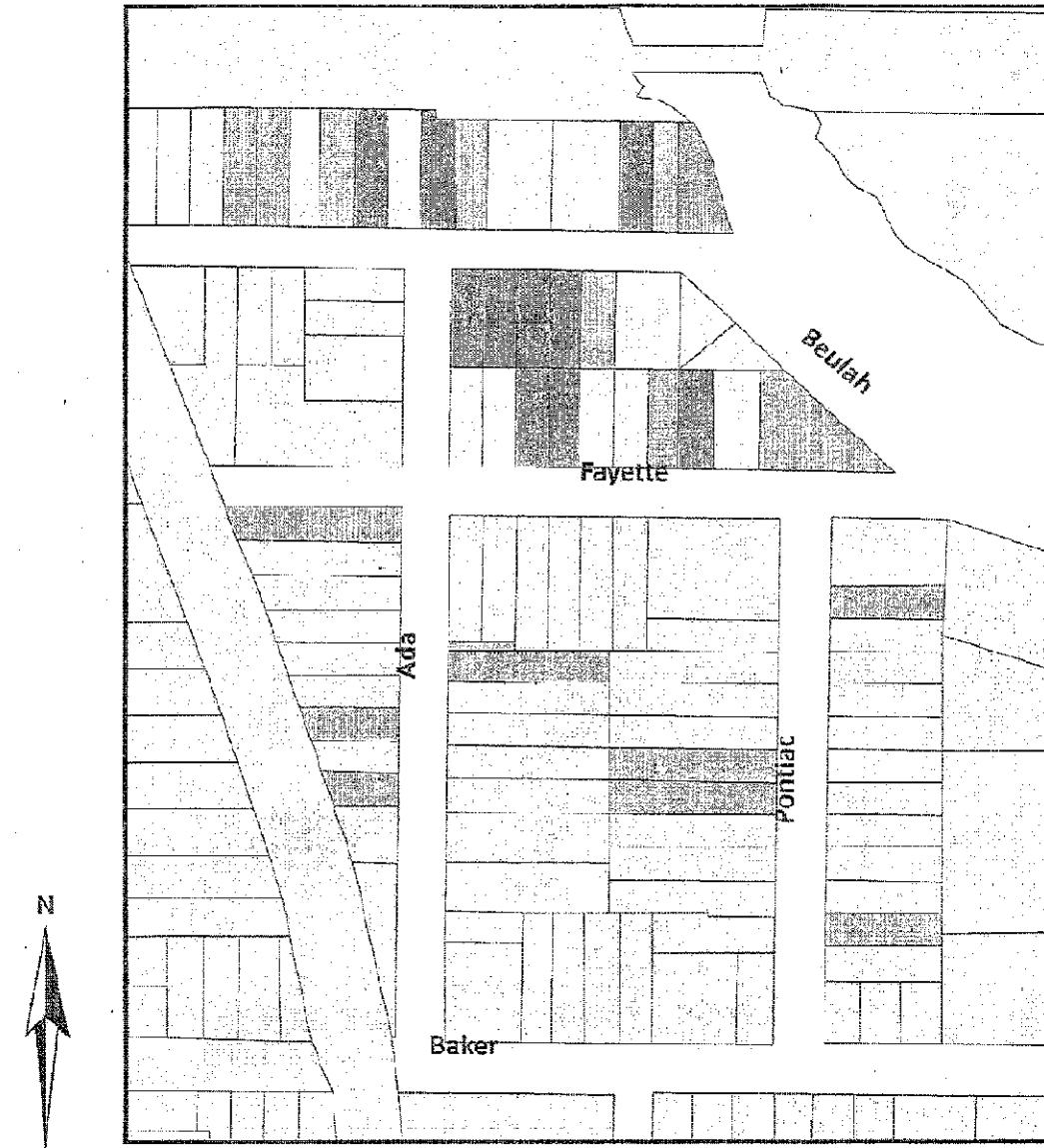
Urbandale Neighborhood

Legend

-  PDM/Acquired
-  HMGP/Proposed
-  Gardens
-  Ingham County Land Bank



FEMA Flood Mitigation Grants



Baker Donora Neighborhood

Legend

-  PDM/Acquired
-  HMGP/Proposed
-  Ingham County Land Bank

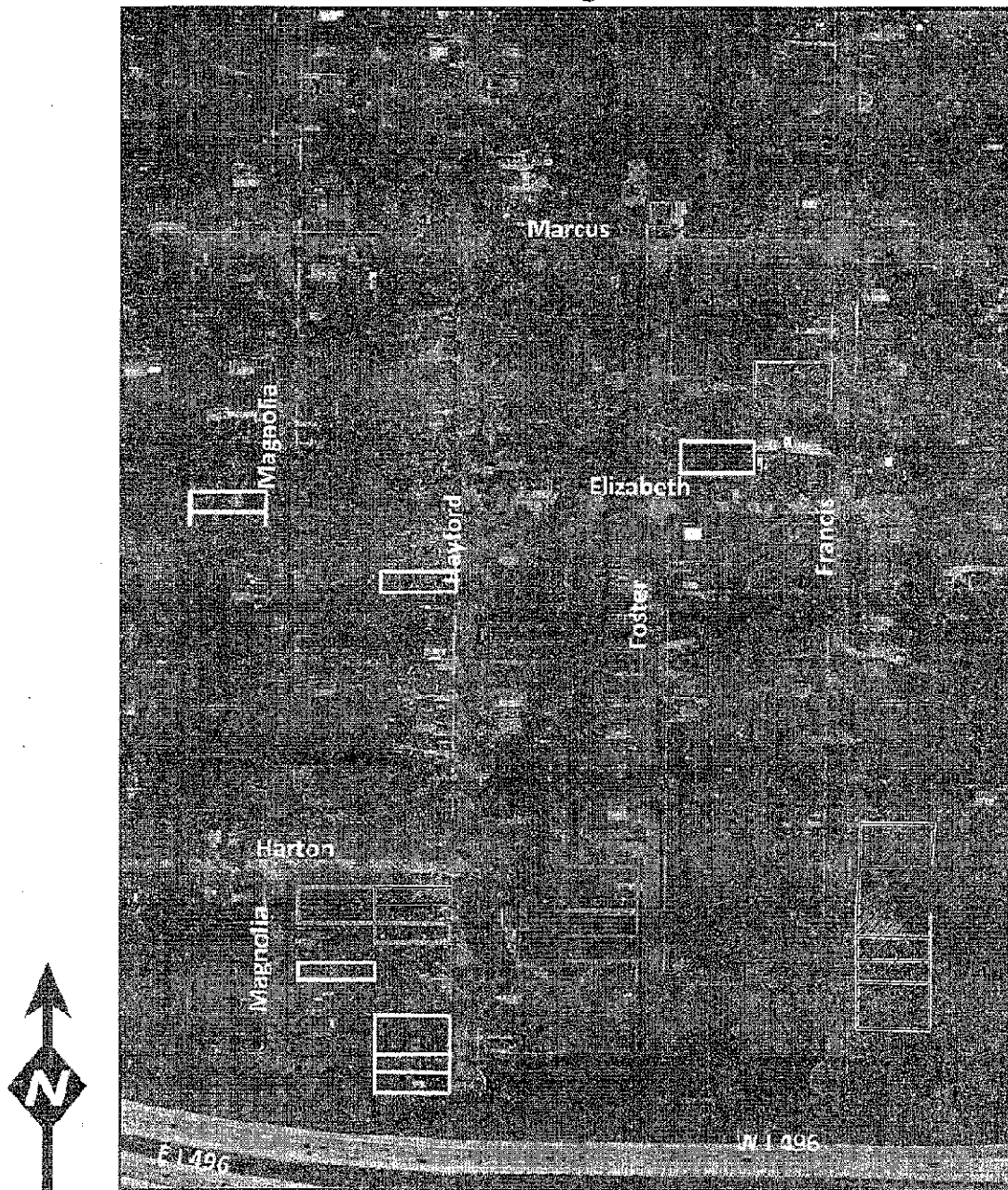
0 0.015 0.03 0.06 Miles



FEMA Hazard Mitigation

Parcel	Address	Legal Description	Owner	SEV
33-01-01-22-301-071	725 Beulah St	Lot 45 Clarks Sub	Candelaria Elizalde Cota & Itoverto Lara	16300
33-01-01-22-301-091	731 Beulah St	LOT 43 CLARKS SUB	William & Donna Harder	16100
33-01-01-22-304-001	800 Beulah St	Lot 27 Clarks Sub	Gordon Curtin	18800
33-01-01-22-304-011	804 Beulah St	Lot 28 Clarks Sub	Julie & Richard Cole	13300
33-01-01-22-304-021	806 Beulah St	Lot 29 Clarks Sub	Edward Zehnen	8400
33-01-01-22-304-031	810 Beulah St	Lot 30 Clarks Sub	Stefan Farrell	14200
33-01-01-22-301-131	817 Beulah St	Lot 47 Clarks Sub	Stuart Rapier	10200
33-01-01-22-301-151	823 Beulah St	Lots 35 & 36 Exe Com 25 Ft E of NW Cor Lot 36, TH W 25 FT, S 107 FT to SW Cor LOT 36, E 26.85 FT, N To	Ingham County Land Bank	0
33-01-01-22-304-161	807 Fayette St	Lot 11 Clarks Sub	Brian Wenk	21100
33-01-01-22-304-151	811 Fayette St	Lot 10 Clarks Sub	Dwight Sholky & Ruth McPherson	17500
33-01-01-22-304-111	823 Fayette St	Lot 6 Clarks Sub	Stacie Gibson & Dawn McCoy	19700
33-01-01-23-126-031	708 S. Foster Ave	Lot 19 Browns Sub of A Part of Outlots A and B of Sydners Add	Robert Getter	15500
33-01-01-23-126-002	700 S. Foster Ave	Lot 16 & Pt Vac Harton St Cor NE Cor Said Lot 1H IV 33 FT, W 132 FT, S 33 FT, E To Beg; Browns Sub of A Part of Outlots A and B of Sydners Sub	L-HCOM LLC	20300
33-01-01-23-126-011	704 S. Foster Ave	Lot 17 Browns Sub of A Part of Outlots A and B of Sydners Add	Jeffrey Hillman & Dale Huber	15200
33-01-01-23-126-112	713 S. Foster Ave	Lots 20 & 21 Browns Sub of a part of Outlots A & B of Sydners Add	Ingham County Land Bank	0
33-01-01-23-104-001	703 S. Magnolia Ave	Lots 94 & 95 Lansing Addition Companys Sub Rec L 5	Belinda Fitzpatrick	7300
33-01-01-23-104-161	706 S. Hayford Ave	Lot 133 Lansing Addition Companys Sub Rec L 5 P 20	Susan Knight	8900
33-01-01-23-103-051	720 S. Magnolia Ave	Lot 49 Lansing Addition Companys Sub Rec L 5 P 20	Christian Nwubu	13100
33-01-01-23-103-061	714 S. Magnolia Ave	Lot 50 Lansing Addition Companys Sub Rec L 5 P 20	Ingham County Land Bank	0
33-01-01-23-105-003	S. Hayford Ave	Lots 176 Thru 180 Incl, Also S 1/2 Lot 175 Lansing Addition Companys Sub Rec L 5 P 20	Ingham County Land Bank	0

FEMA Flood Mitigation Grants

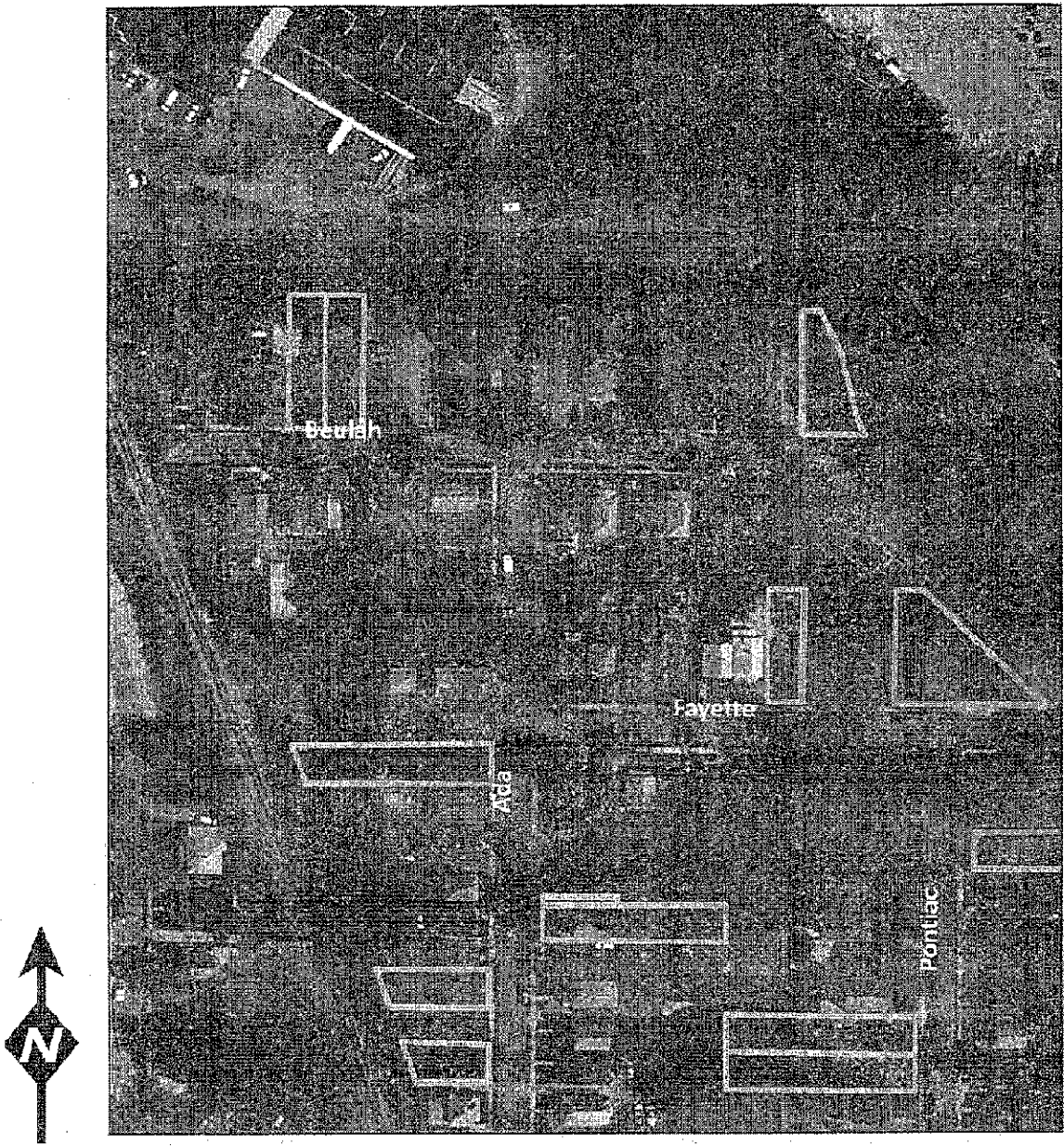


Legend

-  Gardens
-  Ingham County Land Bank
-  HMGP/Proposed
-  PDM/Acquired

Urbandale Neighborhood

FEMA Flood Mitigation Grants



Legend

- streets
- Ingham County Land Bank
- HMGP
- PDM/Acquired

Baker Donora Neighborhood

XV 2a

BROOKOVER, CARR & SCHABERG, P.C.
ATTORNEYS

1005 ABBOT ROAD, EAST LANSING, MI 48823
PHONE: (517) 336-4300
FAX: (517) 336-4398

GEORGE M. BROOKOVER
JILL A. SCHABERG

DIANE S. CARR (Ret.)

FROM THE 2/11/13
MEETING
Referred to the
Committee on
Development and
Planning

January 22, 2013

HAND DELIVERED

Mr. Karl Dorshimer
Director of Economic Development
500 East Michigan, Suite 202
Lansing, MI 48933

Re: Note Purchase Agreement Renewal

Dear Mr. Dorshimer:

Please be advised that the undersigned is local counsel for the Block 100 Limited Partnership.

On or about October 14, 2005, my client and the City of Lansing and the Economic Development Corporation of the City of Lansing entered into a "Note Purchase Agreement" relative to previously existing UDAG and EDC loan agreements. Under the terms of the October 14, 2005 Agreement, my client has the option to extend the original agreement and subsequent amendments to the original agreement upon payment of the sum of \$100,000.00 on or before January 31, 2013. Pursuant to Section 5.3 of the "Note Purchase Agreement," please be advised that Block 100 Limited Partnership hereby exercises its option pursuant to such Agreement.

In accord with requirements of the "Note Purchase Agreement," my client herewith tenders its Cashier's Check in the amount of \$100,000.00 in order to extend the agreement through January 31, 2014.

We are delighted to continue our partnership with the Lansing Economic Corporation and the City of Lansing in order to continue to move the City forward in these difficult economic times.

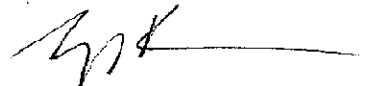
RECEIVED
2013 JAN 24 PM 4:31
LANSING CITY CLERK

Mr. Karl Dorshimer
January 22, 2013
Page 2

Should you have any questions, please do not hesitate to call me.

Very truly yours,

BROOKOVER, CARR & SCHABERG, P.C.


George M. Brookover

GMB/pjb
Enclosure
cc w/enc:

Mayor Virgil Bernero
Mr. Calvin Jones
Ms. Carol Wood

THIS DOCUMENT CONTAINS A TRUE WATERMARK - HOLD TO LIGHT TO VIEW



CASHIER'S CHECK

No 883503910

2013
925

DATE JANUARY 11, 2013

PAY ONE HUNDRED THOUSAND DOLLARS AND 00 CENTS

\$ 100,000.00

TO THE
ORDER OF: ECO. DEVELOPMENT CORP. OF LANSING

PURPOSE/REMITTER: BLOCK 100 LTD PARTNERSHIP

Location: 883 PRIV CLIENT RESELLER

U.S. Bank National Association
Minneapolis, MN 55480



Franklin D. ...
AL FIDELITY SIGNATURE

Details on Back
Security Features Included

⑈0883503910⑈ ⑆092900383⑆15006023510⑈

XV 2 a

McCLELLAND & ANDERSON, L.L.P.
ATTORNEYS AT LAW

From the 1/28/13 Meeting
Referred to the Committee
on Development and
Planning

GREGORY L. MCCLELLAND
GAIL A. ANDERSON
DAVID E. PIERSON
MEISSA A. HAGEN
JARED A. ROBERTS

1305 SOUTH WASHINGTON AVENUE, SUITE 102
LANSING, MICHIGAN 48910
TELEPHONE: (517) 482-4690
FACSIMILE: (517) 482-4875
www.mcllansing.com

BERNARDO A. BALLESTEROS
BRIAN F. WESTRIN

January 9, 2013

RECEIVED
JAN 14 2013
Lansing City Attorney

City of Lansing
City Hall
124 W. Michigan Ave
Lansing, MI 48933

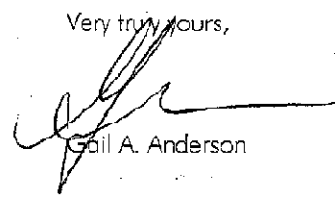
Re: Parkside at College Fields

Dear Sir/Madam:

Enclosed please find a Re-Notice of Intent for Parkside at College Fields in the City of Lansing.

If you have any questions or need additional information, please contact me.

Very truly yours,


Gail A. Anderson

GAA/caj
Enclosure

G:\docs\2300\C2016\M001\Parkside at College Fields\City of Lansing ltr.doc

RECEIVED
2013 JAN 15 PM 1:50
LANSING CITY CLERK

RE-NOTICE OF INTENT TO ESTABLISH CONDOMINIUM PROJECT
Under P.A. 59, of 1978, as amended, Section 71

Sec. 71. Not less than 10 days before taking reservations under a preliminary reservation agreement for a unit in a condominium project, recording a master deed for a project, or beginning construction of a project which is intended to be a condominium project at the time construction is begun, whichever is earliest, a written notice of proposed action shall be provided to each of the following:

- (a) The appropriate city, village, township or county.
- (b) The appropriate county road commission and county drain commissioner.
- (c) The department of environmental quality.
- (d) The state transportation department.

1.	Project Name:	Perkside at College Fields
2.	Name and Address of Developer:	Jones Property Development, LLC c/o McClelland & Anderson, LLP 305 S. Washington Ave, Suite 102 Lansing, MI 48910
3.	Legal description of property:	See attached Exhibit A Jones Property Development, LLC, Michigan limited liability company
	By:	
	Is:	Gail A. Anderson Attorney
	Date:	January 9, 2013

EXHIBIT A

A parcel of land in the Northwest ¼ and the Northeast ¼ of Section 32, T4N, R1W, Meridian Township, Ingham County, Michigan, the surveyed boundary of said parcel described as: Commencing at the North ¼ corner of said Section 32; thence S00°07'39"W along the North South ¼ line of said Section 32 a distance of 1408.13 feet to the point of beginning of this description; thence Southeasterly 201.47 feet along a curve to the right, said curve having a radius of 330.00 feet, a delta angle of 34°58'47", and a chord length of 198.35 feet bearing S75°30'47"E; thence S36°44'59"E 99.63 feet; thence Northeasterly 29.64 feet along a curve to the left, said curve having a radius of 720.00 feet, a delta angle of 2°21'32", and a chord length of 29.64 feet bearing N20°45'10"E; thence S51°36'06"E 63.11 feet; thence Southwesterly 91.87 feet along a curve to the right, said curve having a radius of 780.00 feet, a delta angle of 6°44'54", and a chord length of 91.82 feet bearing S24°26'37"W; thence S27°49'04"W 54.79 feet; thence Southwesterly 54.18 feet along a curve to the right, said curve having a radius of 1080.00 feet, a delta angle of 2°52'27", and a chord length of 54.17 feet bearing S29°15'17"W; thence S59°18'29"E 77.98 feet; thence S23°29'35"E 69.48 feet; thence Southwesterly 174.07 feet along a curve to the right, said curve having a radius of 1215.00 feet, a delta angle of 8°12'31", and a chord length of 173.92 feet bearing S36°42'50"W; thence S49°31'41"E 15.02 feet; thence S40°28'30"W 65.37 feet; thence S50°49'12"W 304.95 feet; thence Southwesterly 435.72 feet along a curve to the right, said curve having a radius of 862.20 feet, a delta angle of 28°57'17", and a chord length of 431.09 feet bearing S75°23'59"W; thence S89°57'37"W 216.60 feet; thence Northwesterly 451.62 feet along a curve to the right, said curve having a radius of 330.00 feet, a delta angle of 78°24'43", and a chord length of 417.19 feet bearing N50°31'15"W; thence N76°55'27"E 25.02 feet; thence Northeasterly 130.27 feet along a curve to the right, said curve having a radius of 305.00 feet, a delta angle of 24°28'23", and a chord length of 129.29 feet bearing N01°02'25"E; thence N13°16'36"E 115.29 feet; thence Northwesterly 152.71 feet along a curve to the left, said curve having a radius of 2737.20 feet, a delta angle of 3°11'48", and a chord length of 152.69 feet bearing N79°27'06"W; thence N04°48'21"E 60.16 feet; thence N09°35'41"E 150.01 feet; thence Southeasterly 241.12 feet along a curve to the right, said curve having a radius of 2947.20 feet, a delta angle of 4°41'15", and a chord length of 241.05 feet bearing S78°45'28"E; thence Southeasterly 254.63 feet along a curve to the left, said curve having a radius of 837.75 feet, a delta angle of 17°24'54", and a chord length of 253.66 feet bearing S84°26'58"E; thence Northeasterly 164.16 feet along a curve to the left, said curve having a radius of 2257.29 feet, a delta angle of 4°00'00", and a chord length of 164.12 feet bearing N84°45'35"E; thence Northeasterly 123.36 feet along a curve to the left, said curve having a radius of 195.20 feet, a delta angle of 36°12'36", and a chord length of 121.32 feet bearing N64°56'56"E; thence N49°19'37"E 91.04 feet; thence N62°37'50"E 261.18 feet; thence Northeasterly 14.65 feet along a curve to the right, said curve having a radius of 330.00 feet, a delta angle of 2°32'35", and a chord length of 14.65 feet bearing N85°43'33"E to the point of beginning; said parcel containing 20.36 acres more or less; said parcel subject to all easements and restrictions if any.