AGENDA
Committee on Development and Planning
Tuesday, December 20, 2016 @ 10:00 a.m.
10th Floor Conference Room, City Hall

Councilmember Jody Washington, Chair
Councilmember Jessica Yorko, Vice Chair
Councilmember Judi Brown Clarke, Member

1. **Call to Order**

2. **Public Comment on Agenda Items**

3. **Minutes:**
   December 8, 2016
   December 12, 2016

4. **Discussion/Action:**

A.) ORDINANCE - Z-7-2016; Rezoning from “F” & “DM-2” to “E-1”; Dunkel & Collins Road

B.) RESOLUTION – Set a Public Hearing; OPRA District ; 500 S. Hosmer Street

C.) RESOLUTION – Set a Public Hearing; OPRA Certificate; 500 S Hosmer Street

D.) RESOLUTION – ACT-11-2016; 637 E. Michigan Avenue; Vacate North East Street Easements

E.) DISCUSSION – Ordinance- Transparency in the Bidding Process

5) Other/Place on File

6) Adjourn

COMMITTEE On Development & Planning DATE 12.20.2016

Please print

NAME	ADDRESS	EMAIL	Representing	PHONE
Kathy Miller			RSL	
JACKSON GROSS				
MARK MELLO	1910 Hadley Rd Lapeer MI			517 214-0804
Chris HARKINS	301 N. SYCAMORE LANSING MI 48933		JACKSON NAT'L	
Jonathan Bancroft				
Jared Cypher		jcypher@ingham.org	Ingham County	517-676-7229
WILL MATTHEWS		wmatthews@macritchie.biz	Macritchie	587 888 3298
Eric Pratt - LEAP	1000 Washington	eric@purelansing.com	LEAP	517-643-1564
Karl Dorshimer		karl@purelansing.com	〃	
J.P. Buckingham	1375 S. Washington Lansing	jp.buckingham@triterra.us	Triterra	(517) 930 1089
JASON KILDEA	330 MARSHALL ST SUITE 100, LANSING	JKILDEA@GILLESPIE-GROUP.COM	GILLESPIE Group	517 204-1516
STEVE JAPINGA			LRCC	517 449 3732
Sue Stachowiak	316 N Cap.	sstachow@lansingmi.gov	Planning	4085

DRAFT

MINUTES
Committee on Development and Planning
Thursday, December 8, 2016 @ 10:00 a.m.
Council Chambers, City Hall 10th Floor

CALL TO ORDER
The Committee on Development and Planning meeting was called to order at 10:02 a.m. by Council Member Washington.

PRESENT
Council Member Washington, Chair
Council Member Yorko, Vice-Chair
Council Member Brown Clarke, Member

OTHERS PRESENT
Sherrie Boak, Council Staff
Council Member Wood
Council Member Hussain
Council Member Dunbar
Council Member Spitzley
Jim Smiertka, City Attorney
Klein, Assistant City Attorney
Karl Dorschimer, LEAP
Price Dobernick
Eric Farrington
Pat Gillespie
Chris Keck
Mark Mello
Lance Fralm
Bob Long
Fred Frederickson
Brian Brannick
Chris Karkins
Jason Kilora
Elaine Womboldt

Council Member Brown Clarke outlined the process for the meeting with the Committee of the Whole being called to order at the end of the Committee on Development and Planning. The Committee of the Whole will hold the discussions on the Ordinance on Transparency on

Bidding. All recommendations during the Committee of the Whole meeting will be taken up with the Committee on Development & Planning at their next meeting on December 20, 2016.

Council Member Sptizley asked what occurs after it appears at Development and Planning. Council Member Brown Clarke noted it will then come out of Committee back to the full City Council in January, 2017.

Council Member Washington noted to the full Council that during the Committee of the Whole there will be discussion and recommendations, but the Committee on Development and Planning will not be recrafting the ordinance.

PUBLIC COMMENT
No public comment at this time.

MINUTES
MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE MINUTES FROM NOVEMBER 10, 2016 AS PRESENTED. MOTION CARRIED 3-0.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE MINUTES FROM NOVEMBER 23, 2016 AS PRESENTED. MOTION CARRIED 3-0.

DISCUSSION – ORDINANCE AMENDMENTS TO ADDRESS URBAN AGRICULTURE USES
OPRA District; 204 E. Grand River Avenue; Looney Moon LLC
OPRA Certificate; 204 E Grand River Avenue; Looney Moon LLC
Council Member Yorko asked if anything had changed with the applications or the sites since the public hearing. Mr. Dorschimer from the audience stated it had not.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE OPRA DISTRICT FOR 204 E. GRAND RIVER AVENUE, LOONEY MOON, LLC. MOTION CARRIED 3-0.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE OPRA DISTRICT FOR 204 E. GRAND RIVER AVENUE, LOONEY MOON, LLC. MOTION CARRIED 3-0.

Adjourn at 10:06 a.m.
Submitted by,
Sherrie Boak, Recording Secretary,
Lansing City Council
Approved by the Committee on_________________

DRAFT

MINUTES
Committee on Development and Planning
Monday, December 12, 2016 @ 5:15 p.m.
Council Conference Room, City Hall 10th Floor

CALL TO ORDER
Called to order at 5:15 p.m.

PRESENT
Council Member Washington, Chair
Council Member Yorko, Vice-Chair- absent
Council Member Brown Clarke, Member

OTHERS PRESENT
Sherrie Boak, Council Staff
Jim Smiertka, City Attorney
Heather Sumner, Assistant City Attorney
Karl Dorschimer, LEAP
Tim Ayers, Fluid Chillers
Jessica DiBone, PM Environmental

PUBLIC COMMENT
No public comment.

RESOLUTION – Brownfield Redevelopment Plan #66; Fluid Chiller Expansion
Council Member Washington made note the public hearing on the Council agenda and this request for approval will be on the same meeting. However, quick passage is an exception this one time because there will be no Council meetings for another month.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE RESOLUTION FOR THE BROWNFIELD REDEVELOPMENT PLAN #66 FOR FLUID CHILLER EXPANSION.
Council Member Washington asked Mr. Dorschimer if the project would capture school taxes. Mr. Dorschimer confirmed they do capture and are made whole by the State, Mr. Smiertka noted it is taken out of the amount they report and the State makes it whole.
MOTION CARRIED 2-0.

Adjourn at 5:17 p.m.
Submitted by, Sherrie Boak, Recording Secretary,
Lansing City Council
Approved by the Committee on________________

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

TO: City Council President Judi Brown Clarke and Councilmembers

FROM: Mayor Virg Bernero

DATE October 7th

RE: Z-7-2016, Rezoning from "F" & "DM-2" to "E-1", Dunckel & Collins Road

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

VB/rh
Attachment

Virg Bernero, Mayor

City of Lansing

Inter-Departmental Memorandum

WORKING TOWARD A CLEANER GREENER LANSING

To:	Virg Bernero, Mayor
From:	Susan Stachowiak, Zoning Administrator
Subject:	CITY COUNCIL AGENDA ITEM Z-7-2016, Rezoning from "F" & "DM-2" to "E-1", Dunckel & Collins Road
Date:	October 5, 2016

The Lansing Planning Board, at its regular meeting held on October 4, 2016, voted (6-0) to recommend approval of a request by Gateway, LLC to rezone the properties at 3600/3626 Dunckel Road & the vacant parcel north of 4600 Collins Road from “DM-2” Residential and “F” Commercial Districts to “E-1” Apartment Shop District. The purpose of the rezoning is to permit a mixed use development on the subject properties consisting of residential apartments, a hotel and various retail and office uses.

The Planning Board found, based on testimony, evidence and the staff report, that the proposed rezoning will be consistent with the existing land use patterns in the area and with goals of the future land use pattern being advanced in the Design Lansing Comprehensive Plan.

At the Planning Board public hearing held on October 4, 2016, the applicant’s representative spoke in favor of the request and no other comments were received.

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

ORDINANCE # _______

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:

To change the zoning classification of the property described as follows:

Case Number: Z-7-2016

Legal Descriptions: **33-01-01-36-252-001:** Lot 1, Hospitality Motor Inns, A Subdivision on part of the Southwest ¼ of Section 36, T4N, R2W, City of Lansing, Ingham County, MI, as recorded in Liber 29 of Plats, Pages 9-11, Ingham County Records, Except Commencing at the Northwest Corner of said Lot 1; thence South 86º09’45” East along the North line of said Lot 1 a distance of 676.19 feet to the point of beginning; thence South 86º09’45” East continuing along said North line 118 feet to the Northeasterly line of said Lot 1; thence South 44º58’35” East along said Northeasterly line 109.12 feet; thence South 03º50’15” West perpendicular to said North line 78.14 feet; thence North 86º09’45” West parallel with said North line 200.12 feet; thence North 03º50’15” East perpendicular to said North line 150 feet to the point of beginning; said parcel containing 12.09 acres more or less, from “DM-2” Residential District to “E-1” Apartment Shop District.

33-01-01-36-352-022: Part of Lot 1, Commencing 677.19 Feet East of the Northwest Corner of Lot 1, Thence South 86º09’45”, East 298.09 Feet, South 01º31’45”, East 173.08 Feet, North 44º 52’49”, West 150 Feet, South 03º50’15”, West 78.01 Feet, North 86º09’45”, West 200 Feet, North 03º50’15”, East 150 feet to the point of beginning; Hospitality Motor Inns, City of Lansing, Ingham County, MI, from “F” Commercial District to “E-1” Apartment Shop District.

33-01-01-36-352-032: Commencing at the Northeast Corner of Lot 2, Thence North 86º09’45”, West 314.78 Feet, South 01º31’45”, East 240 Feet, South 86º09’45”, East 314.78 Feet, North 01º31’45”, West 240 Feet to the point of beginning; Hospitality Motor Inns, City of Lansing, Ingham County, MI, from “F” Commercial District to “E-1” Apartment Shop District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance was duly adopted by the Lansing City Council on _________, 2016, and a copy is available in the office of the Lansing City Clerk, 9th Floor, City Hall, 124 W. Michigan Avenue, Lansing, MI 48933.

Section 4. This ordinance shall take effect upon the expiration of seven (7) days from the date this notice of adoption is published in a newspaper of general circulation.

GENERAL INFORMATION

APPLICANT:	Gateway, LLC 2422 Jolly Road, Suite 100 Okemos, MI 48864
OWNER:	HLSUB Illinois, Inc. 874 Green Bay Road, Suite 120 Winnetka, IL 60093 Lothamer Investment Co. LLC 3626 Dunckel Road Lansing, MI 48910
REQUESTED ACTION:	Rezone 3600 Dunckel Road from ""DM-2" Residential to "E-1" Apartment Shop and rezone 3626 Dunckel Road and the vacant parcel north of 4600 Collins Road from "F" Commercial to "E-1" Apartment Shop District
EXISTING LAND USE:	Vacant Hotel
EXISTING ZONING:	"F" Commercial & "DM-2" Residential Districts
PROPOSED ZONING:	"E-1" Apartment Shop District
PROPERTY SIZE:	3600 Dunckel: 12.16 acres 3626 Dunckel: .96 acres Vacant: 1.73 acres
SURROUNDING LAND USE:	N: Motel/Office/Educational S: Post Office/Credit Union E: Agricultural W: Multiple Family Residential
SURROUNDING ZONING:	N: "A" Residential & "F" Commercial Districts S: "D-1" Professional Office & "F" Commercial Districts E: Township Zoning W: "CUP" Community Unit Plan Districts
MASTER PLAN:	The Design Lansing Master Plan designates the subject property for "Research & Development" use. Dunckel Road is designated as a minor arterial and Collins Road is designated as a collector road.

DESCRIPTION:

Z-7-2016. This is a request by Gateway, LLC to rezone the properties at 3600/3626 Dunckel Road & vacant parcel north of 4600 Collins Road from "DM-2" Residential and "F" Commercial Districts to "E-1" Apartment Shop District. The purpose of the rezoning is to permit a mixed use development on the subject properties consisting of residential apartments, a hotel and various retail and office uses.

AGENCY RESPONSES

Assessing:	Assessing does not have any comments or objections.
BWL:	
Building Safety:	The BSO has no objections. Project will be subject to site and building plan reviews.
Development Office:	
Fire Marshal:	
Parks & Recreation:	No comments.
Public Service:	
Traffic Engineer:	The Transportation and Non-Motorized Group has no objection to the rezoning. The initial layout shows an access point at the US-127/I-496 ramp & Dunckel Road intersection. This access point would require approval by both the City of Lansing and the Michigan Department of Transportation. The applicant is encouraged to discuss this issue with MDOT and the City early in the design process as changes to the intersection and internal site circulation would probably be needed to make this access viable. Due to the size of the development, it is also likely that a traffic impact study will be required.

REZONING ANALYSIS

COMPATIBILITY WITH SURROUNDING LAND USE

The proposed use of the site for a mixed use development consisting of apartments, a hotel and retail space will be compatible with the existing land uses in the surrounding area. There is already a large multiple family residential apartment complex to the west and a motel to the north. The site has historically been used as a hotel with an associated restaurant and recreational facilities. The building was most recently converted to condominiums for transient residential occupancy which is still considered a "hotel" by the standards of the Zoning Ordinance. Thus, converting the site to apartments, a hotel and various retail uses is not a significant change from how the site has historically been utilized. In its current state, the property detracts rather than contributes to the surrounding area. The building at this location has been vacant for a very long time and is in a significant state of deterioration. The proposed development will provide a renewed sense of vitality to the site and to the area in general.

COMPLIANCE WITH MASTER PLAN

The Design Lansing Master Plan designates the subject property for "research and development" land use. While the proposed rezoning to "E-1" Apartment Shop District will not comply with the specific Master Plan designation for the subject property, the rezoning is consistent with one of its goals which is to concentrate this type of "suburban" commercial development on the outskirts of the City with easy access to the expressways, where the streets are designed to carry a very high volume of traffic and there are no nearby single family residential neighborhoods that would be negatively impacted. In fact, despite the Master Plan designation, commercial/multiple family residential development seems to be a far more appropriate use of the property than a "research and development" operation, given its convenient access to and visibility from the expressway. Research and development uses are destination type uses that do not depend on high visibility and convenient access. Development of the subject property for a research and development facility would be an underutilization of the site and would result in the loss of a parcel of land that is ideal for the type of development that depends on convenient access to an expressway.

IMPACT ON VEHICULAR AND PEDESTRIAN TRAFFIC

The proposed development will have no negative impacts on the transportation systems in the area. Dunckel Road is designated as a minor arterial and Collins Road is designated as a collector road, both of which are designed to accommodate a relatively high volume of traffic. Furthermore, the site is located in very close proximity to the US-127 expressway entrance on Dunckel Road which makes it a good location for a hotel and a large multiple family residential apartment complex from a traffic standpoint.

IMPACT ON PUBLIC FACILITIES:

New construction will require site plan review at which time the adequacy of utilities to accommodate the proposed development will be evaluated. According to the City Transportation Engineer, it is likely that a traffic impact study will be required due to the size of the development in order to determine what, if any changes to the transportation system in the area are necessary to accommodate the traffic that will be generated by the development.

ENVIRONMENTAL IMPACT

Given the amount of human intervention already occurring on this site, the zoning proposal will have little impact on the physical environment. The proposed development will be required to go through an administrative site plan approval process, during which the drainage system as well as all other physical aspects of the development will be reviewed for compliance with city codes.

While the proposed development will generate additional traffic, noise, lighting, etc., the uses in the area should not be negatively impacted, particularly since the nearest residential use is separated from the subject property by the freeway.

IMPACT ON FUTURE PATTERNS OF DEVELOPMENT

The proposed rezoning is not anticipated to have any negative impacts on future patterns of development in the area. The site adjoins a freeway to the west, farmland to the east, the Red Roof Inn and office buildings to the north and a post office to the south. The proposed mixed use development is therefore, consistent with the surrounding land uses. Furthermore, approval of the rezoning is not anticipated to set a negative precedent for future rezoning requests in the area since the characteristics of the subject property are very unique in comparison to other properties in the area. First, the subject property is already developed for a housing type of use and secondly, it is significantly larger than other parcels in the area in within the City limits. In fact, there are no other properties in the vicinity of the subject property that would be as appropriate for the type of development proposed by the current applicant.

SUMMARY

This is a request by Gateway, LLC to rezone the properties at 3600/3626 Dunckel Road & vacant parcel north of 4600 Collins Road from "DM-2" Residential and "F" Commercial Districts to "E-1" Apartment Shop District. The purpose of the rezoning is to permit a mixed use development on the subject properties consisting of residential apartments, a hotel and various retail and office uses.

The findings of fact as outlined in this staff report support a positive recommendation for the requested rezoning. The proposed development will be consistent with the existing land use patterns in the area and with the goals of the Design Lansing Comprehensive Plan. Additionally, the proposed rezoning will have no negative impacts on traffic patterns, the environment or future patterns of development in the area.

RECOMMENDATION

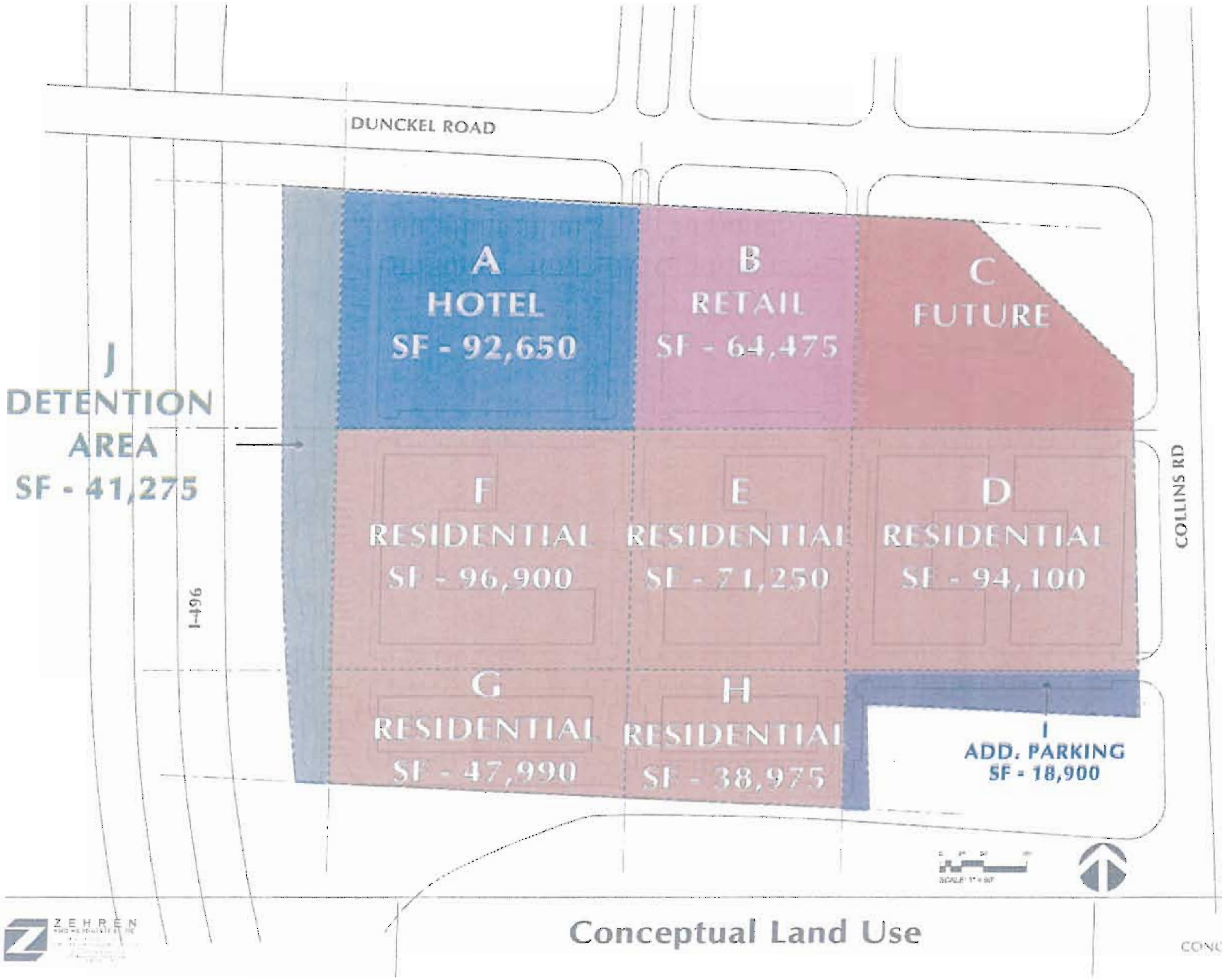
Pursuant to the findings described above, the following recommendations are offered for the Planning Board's consideration:

> Staff recommends approval of Z-7-2013 to rezone the properties at 3600/3626 Dunckel Road & the vacant parcel north of 4600 Collins Road from "DM-2" Residential and "F" Commercial Districts to "E-1" Apartment Shop District, based on the findings of fact as outlined in this staff report.

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator

3600 Dunckel



Land Use Summary:

A - Hotel - 92,650
B- Retail - 65,475
C - Future Development - 62,175
D-H - Residential - 349,215
D - 94,100
E - 71,250
F - 96,900
G - 47,990
H - 38,975
i - Additional Parking - 18,900
J - Detention Area - 41,275

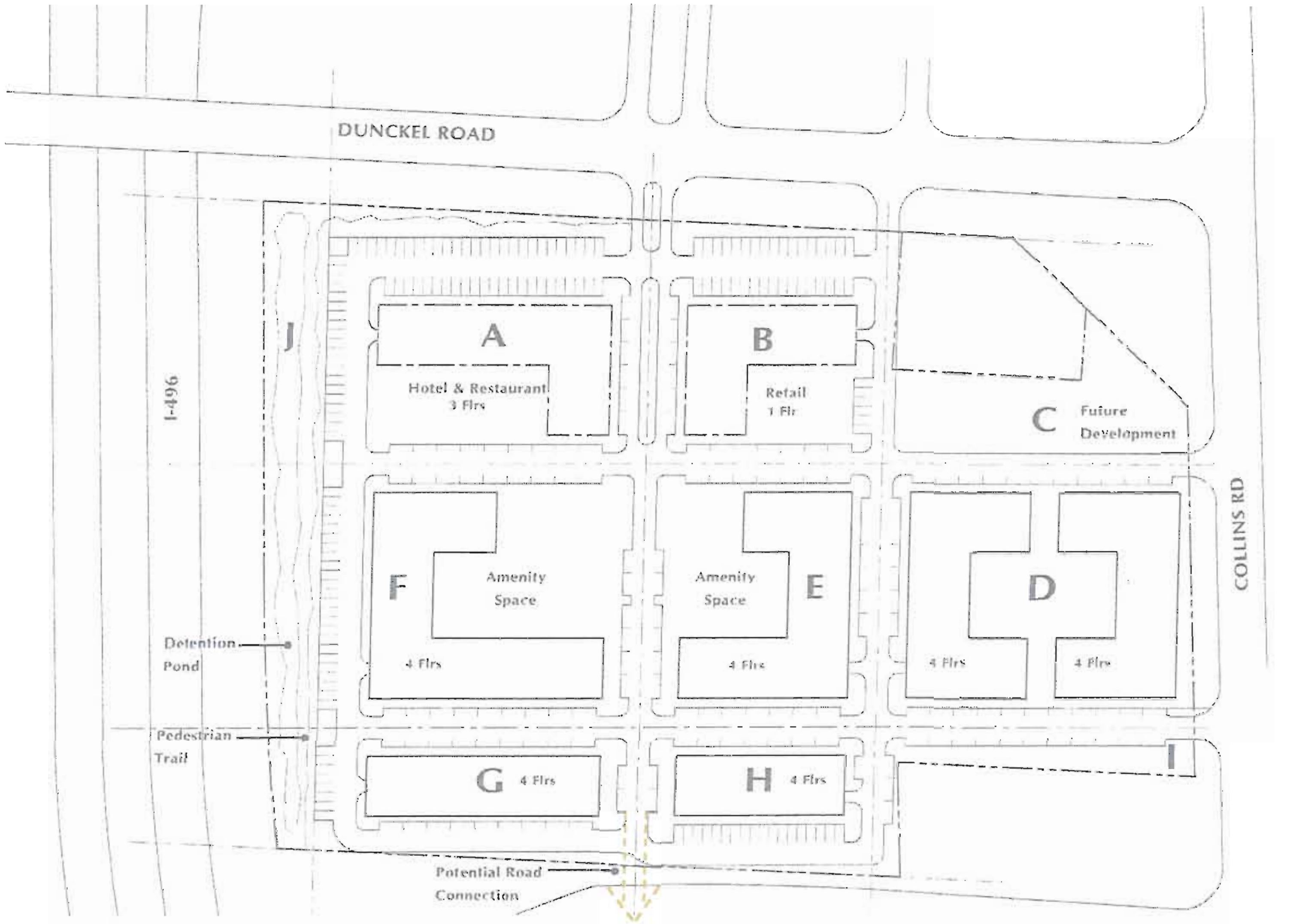
TOTAL - 629,690 SF
(14.4 ACRES)

Conceptual Land Use

ZEHREN

3600 DUNCKEL
CONCEPTUAL DEVELOPMENT PLAN
August 25th, 2016

BRANOFF RANDLE
REAL ESTATE PARTNERS



3600 Dunckel

Development Summary:

Hotel & Restaurant

Gross F.A. Hotel: 57,750
Net F.A. Hotel: 49,087
90 Rooms Proposed
(500sf +/- each room)

Gross F.A. Restaurant: 4,875
Net F.A. Restaurant: 4,144

Parking Required: 130 Spaces
Parking Proposed: 145 Spaces

Retail

Gross F.A.: 16,500
Net F.A.: 14,025

Parking Required: 56
Parking Proposed: 56

Residential

Dwelling Units: 453
Parking Required: 453
Parking Proposed: 538

Total Sub Surface Parking: 441

Hotel & Restaurant: 60
Retail: 0
Residential: 381

Total Surface Parking: 313

Hotel & Restaurant: 85
Retail: 56
Residential: 158
Additional: 14

Total Parking: 754

SCALE 1" = 50'

BRANOFF RANDLE
REAL ESTATE PARTNERS

ZEHREN

Conceptual Site Plan

3600 DUNCKEL
CONCEPTUAL DEVELOPMENT PLAN
August 25th, 2016

PARCEL / BLDG AREA (SF)	USE	FLOOR PLATE	FLOORS	TOTAL BLDG. GROSS F.A.	NET F.A. (85% OF GROSS)	DWELLING UNITS	AREA SF PER SPACE	PARKING REQUIRED	PARKING PROVIDE
92650	Hotel	20,875	3	57,750	49,088	90.0		110.0	
	Restaurant	4,875	1	4,875	4,144			20.0	
	Surface Parking						220-225		85
	Sub Surface Parking	20,875					350		60
						90.0		130	145
64,475	Retail	16,500	1	16,500	14,025	0.0		56	
	Surface Parking						220-225		56
						0		56	58
62,175	Residential	0	0	0		0.0		0.0	
	Parking								0
						0.0		0	0
94,100	Residential	45,250	4	181,000	153,850	154		154	
	Surface Parking						220-225		28
	Sub Surface Parking	45,250					350		129
						154		154	157
71,250	Residential	29,900	4	119,600	101,660	102		102	
	Surface Parking						220-225		26
	Sub Surface Parking	29,900		*One level below*			350		85
						102		102	111
96,900	Residential	30,500	4	122,000	103,700	104		104	
	Surface Parking						220-225		48
	Sub Surface Parking	30,500					350		87
						104		104	135
47,990	Residential	16,000	4	64,000	54,400	54		54	
	Surface Parking						220-225		28
	Sub Surface Parking	16,000					350		46
						54		54	74
38,975	Residential	11,625	4	46,500	39,525	40		40	
	Surface Parking						220-225		28
	Sub Surface Parking	11,625		*One level below*			350		33
						40		40	61
On Street Parking	On Street Parking								[illegible]
						543		639	753

Parking Summary			
Surface Parking			
	Hotel		85
	Retail		56
	Residential		172
		Surface Parking	313
Sub Surface Parking			
	Hotel		60
	Residential		381
		Sub Surface Parking	441
Parking Totals			754

Development Summary		Gross Floor Area	Net Floor Area	D.U.
	Hotel	57,750	49,088	90
	Restaurant	4,875	4,144	
	Residential	533,100	453,135	453
	Retail	16,500	14,025	
Development Totals		612,225	520,391	543

Residential Density (entire site = 14.44 acres) :	31.4
Residential Density (residential blocks = 8.45 acres) :	54.0

NOTES:

1 Maximum building height is 4 stories above grade.
2 All Parking is 1 level underground (for each block (unless noted otherwise) with on street parallel and perpendicular parking.
3 Dwelling unit size is based on 1,000 SF per unit for residential and 500 SF per unit for hotel, calculated from Net Floor Area.
4 Parking is based on 1.0 spaces per dwelling unit and 4 spaces / 1000 SF retail.
5 All parking numbers and square footages are approximate based on conceptual level of detail.

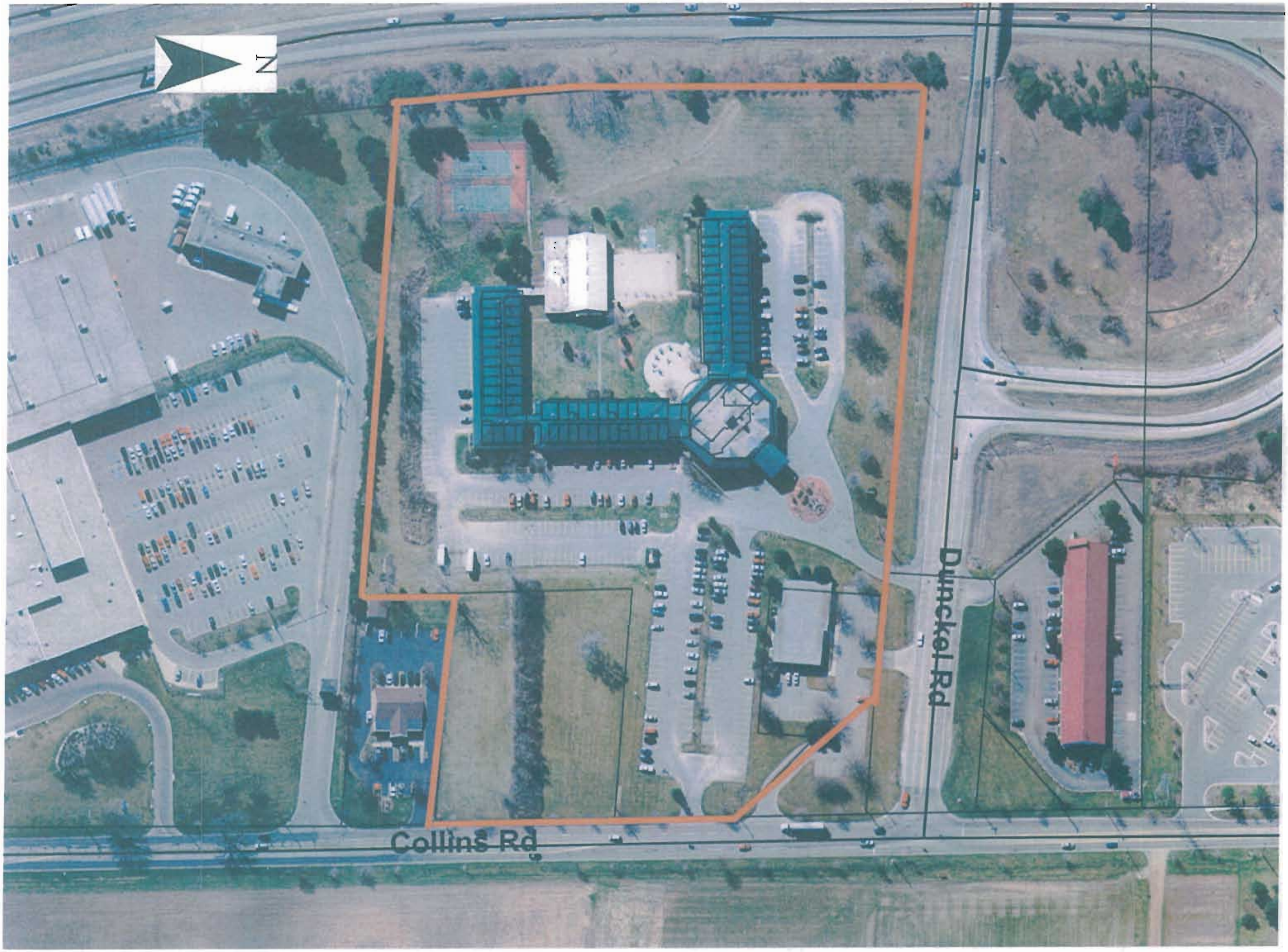
ZEHREN AND ASSOCIATES, INC.

Development Summary

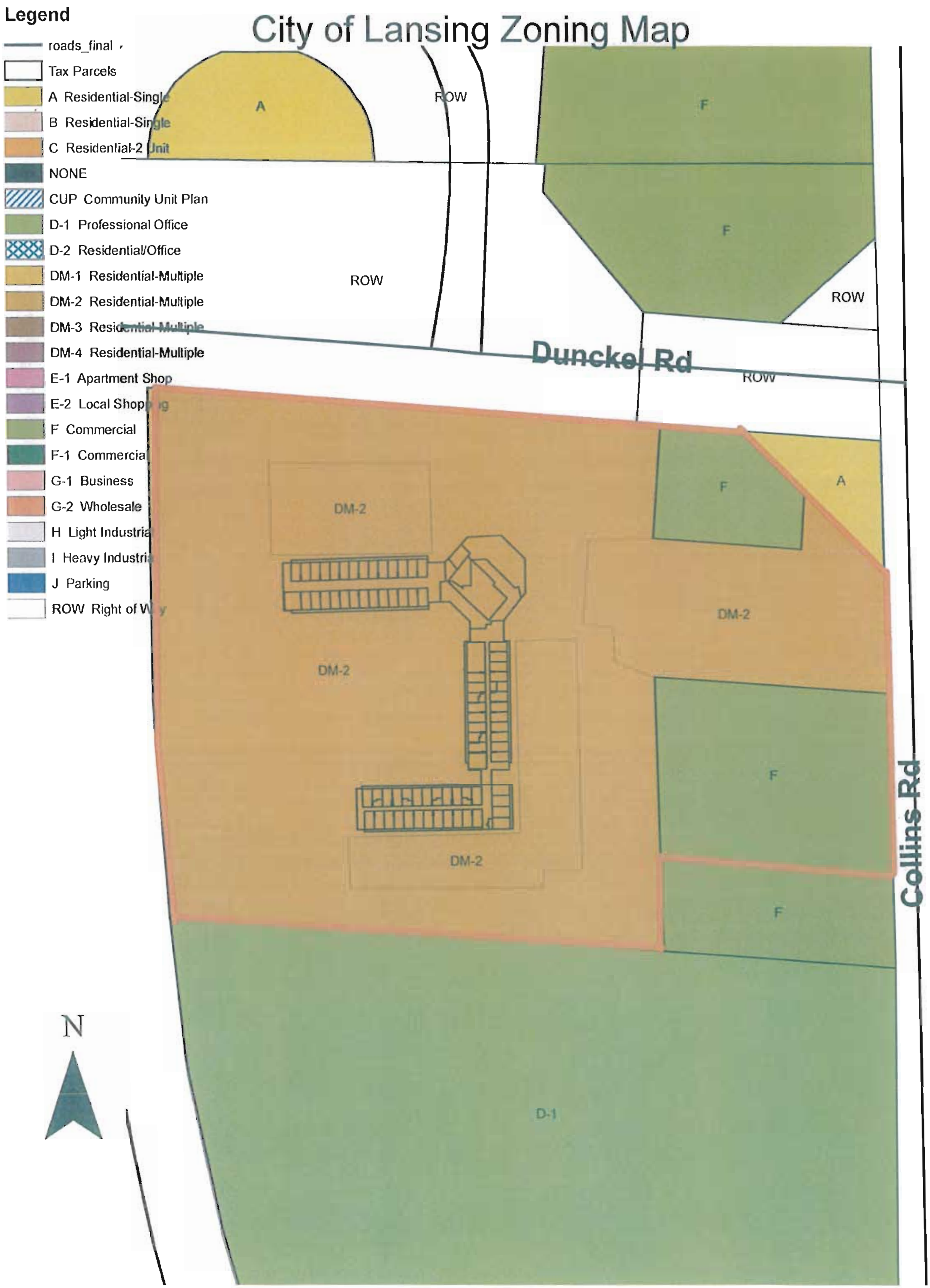
3600 DUNCKEL
CONCEPTUAL DEVELOPMENT PLAN
August 25th, 2016

3600 Dunckel

BRANOFF RANDLE
REAL ESTATE PARTNERS



N
Dunckel Rd
Collins Rd



City of Lansing Zoning Map
Legend
roads_final
Tax Parcels
A Residential-Single
B Residential-Single
C Residential-2 Unit
NONE
CUP Community Unit Plan
D-1 Professional Office
D-2 Residential/Office
DM-1 Residential-Multiple
DM-2 Residential-Multiple
DM-3 Residential-Multiple
DM-4 Residential-Multiple
E-1 Apartment Shop
E-2 Local Shopping
F Commercial
F-1 Commercial
G-1 Business
G-2 Wholesale
H Light Industrial
I Heavy Industrial
J Parking
ROW Right of Way
A
ROW
F
F
ROW
ROW
Dunckel Rd
ROW
F
A
DM-2
DM-2
DM-2
F
DM-2
F
Collins Rd
D-1
N

OFFICE OF THE MAYOR
9th Floor, City Hall
124 W. Michigan Avenue
Lansing, Michigan 48933-1694
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Virg Bernero, Mayor

TO: City Council President Judi Brown Clarke and Councilmembers

FROM: Mayor Virg Bernero

DATE: 12-8-16

RE: Hosmer Storage LP OPRA Application

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

VB/rh
Attachment

Virg Bernero, Mayor

City of Lansing

Inter-Departmental Memorandum

To: Virg Bernero, Mayor

From: Karl Dorshimer

Subject: CITY COUNCIL AGENDA ITEM - Hosmer Storage LP OPRA Application

Date: December 8, 2016

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 AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolution to Set a Public Hearing Regarding the Establishment of an Obsolete Property Rehabilitation Act District
506 South Hosmer Street

WHEREAS, Hosmer Storage, LP., the owner of the property located at 506 South Hosmer Street in the City of Lansing, Michigan (the “Property”) has requested in writing that the City of Lansing establish an Obsolete Property Rehabilitation District (the “District”) as enabled by Public Act 146 of 2000, the ”Obsolete Property Rehabilitation Act” (the “Act”), and

WHEREAS, Hosmer Storage, LP has executed a Purchase Agreement to acquire the property and will be the legal owner of greater than fifty percent (50%) of all taxable value of the property located within the proposed District, and

WHEREAS, the property in question and the proposed boundary of the District is legally described as:

LOT 5 ASSESSORS PLAT NO 24 REC L 10 P 29, Ingham County, Michigan -- Parcel Number: 33-01-01-15-351-051, and

WHEREAS, the Act requires that before establishing the District the Lansing City Council shall give written notice by certified mail to the owners of all real property within the proposed District and shall hold a public hearing in order to provide an opportunity for owners, residents or other taxpayers of the City of Lansing to appear and be heard regarding the establishment of the District.

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 Monday, ______________________ at 7:00 p.m. for the purpose of receiving public comment on the establishment of an Obsolete Property Rehabilitation District under the provisions of Public Act 146 of 2000 and that the Clerk shall publish once in a publication of general circulation within the community a notice of the scheduled public hearing and that the notice appear not less than 10 or more than 30 days prior to the date of the hearing and that the Clerk also cause the owner of property within the proposed district to receive written notice of the public hearing to be delivered by certified mail.

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

Resolution to Establish an Obsolete Property Rehabilitation Act District
506 South Hosmer Street

WHEREAS, the owner of property located at 506 South Hosmer Street in the City of Lansing, Michigan (the “Property”) has requested in writing that the City of Lansing establish an Obsolete Property Rehabilitation District (the “District”) as enabled by Public Act 146 of 2000, the Obsolete Property Rehabilitation Act (the “Act”), and

WHEREAS, Hosmer Storage, LP, hereinafter called the “Developer”, has executed a Purchase Agreement to acquire the property, and

WHEREAS, the Developer is the legal owner of greater than fifty percent (50%) of all taxable value of the property located within the proposed District, and

WHEREAS, the Developer has, in writing, requested the District for the Property and for the City of Lansing to take all necessary steps and actions to establish the District on their behalf, and

WHEREAS, the property in question and the proposed boundary of the District is legally described as:

LOT 5 ASSESSORS PLAT NO 24 REC L 10 P 29, Ingham County, Michigan -- Parcel Number: 33-01-01-15-351-051, and

WHEREAS, the Act requires that before establishing the District the Lansing City Council shall give written notice by certified mail to the owners of all real property within the proposed District and shall hold a public hearing in order to provide an opportunity for owners, residents or other taxpayers of the City of Lansing to appear and be heard regarding the establishment of the District and that such notice was given and said public hearing was held on **(Insert Date)**;

NOW THEREFORE BE IT RESOLVED that the following property are hereby approved and established as an Obsolete Property Rehabilitation District as provided by Public Act 146 of 2000 legally described as:

LOT 5 ASSESSORS PLAT NO 24 REC L 10 P 29, Ingham County, Michigan -- Parcel Number: 33-01-01-15-351-051, and

BE IT FINALLY RESOLVED that this resolution shall not be construed as the City Council’s approval of any future application for an Obsolete Properties Rehabilitation Exemption Certificate for the Developer or any other applicant.

[30324:2:20161207:140349]

November 8, 2016

Lansing City Clerk
City Hall
124 West Michigan Ave.
Lansing, MI 48933

Re: Obsolete Property Rehabilitation Act District Application
506 South Hosmer Street, Lansing, Michigan

General Project Description

The undersigned applicant, with the written permission of the owner of the above property, hereby requests the establishment of an OPRA District covering this property. The applicant intends to acquire the property and re-habilitate the building as a self-storage facility. Property rehabilitation includes improving curb appeal/streetscape, building integrity (roof and structural repairs), new asphalt, improvements to the interior. The project will include a total of 678 new storage units ranging in size from 25 square feet to 300 square feet.

District Establishment Purpose

In an effort to maximize the utility value of the functionally obsolete building, the applicant is committed to doing complete rehabilitation of the building. In that context, and as more fully detailed below, the developer will incur considerable renovation costs. The establishment of the OPRA District, with its multi-year property tax deferment benefit is vital to making the economics of this project work.

Community Benefits

Redevelopment of the property would provide numerous benefits to the City. While the specific facility would undergo considerable renovation, the entire area would benefit from the transformation of a vacant building into a thriving and fully utilized property.

Basis of Eligibility

The property must be an "Obsolete property" which means commercial property or commercial housing property that is 1 or more of the following:

(i) A "Facility" as that term is defined under section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101. This can be determined by an environmental firm.

(ii) Functionally Obsolete. If the project is on property that is functionally obsolete, the applicant shall include, with the application, an affidavit signed by a level 3 or level 4 assessor, that states that it is the assessor's expert opinion that the property is functionally obsolete and the underlying basis for that opinion.

The property is considered an eligible "Obsolete property" because: (a) the property was previously utilized as a commercial property; (b) it is located within the City of Lansing, a qualified local governmental unit under MCL 125.2782(k); (c) the property has been determined to be a "facility", as the term is defined under section 20101 of the Natural Resources and Environmental Protection Act (NREPA), Michigan Public Act 451 of 1994, MCL 324.20101, as amended ("Part 201"); and (d) the property has been determined to be functionally obsolete by the City of Lansing, Assessor's Office as defined in Sections 2(e) and 2(s), respectively, of Act 381.

Project Costs and Phasing

The OPRA tax abatement is a significant component of this project. The petitioner has estimated the renovation costs at approximately $2,998,612. Renovations are anticipated to be complete by December 2017. The renovation estimate includes:

Demolition and Asbestos Abatement	$ 280,355
Construction	1,777,630
Equipment and Fixtures	290,000
Soft Cost of Construction	650,627
TOTAL	$ 2,998,612

Major renovation efforts are required to put the vacant, dilapidated building back to use. Renovation efforts will include, but are current not limited to, new or improved fixed building equipment, including heating, ventilation, and lighting, improved roof structure, wall and floor replacement, improved wall placement, improved interior and exterior appearance, and other physical changes required to restore or change the obsolete property to an economically efficient condition.

Property Taxable Value and Legal Description

The property is 506 S. Hosmer Street. Specifics on this property are as follows:

Owner's Name: Eydel Properties LLC
Sq Feet of Building: Approximately 81,414
Tax ID Number: 33-01-01-15-351-051
Tax Value Land: $140,600 (2016)
Tax Value Land Improvements: $0 (2016)
Tax Value Building: $139,400 (2016)
SEV Total: $280,000 (2016)
Legal Description: LOT 5 ASSESSORS PLAT NO 24 REC L 10 P 29

Thank you in advance for your assistance and consideration in this matter.

Sincerely,
Hosmer Storage LP

Will Mathews

City of Lansing
Notice of Public Hearing

The Lansing City Council will hold a public hearing on **(Insert Date)** 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 and ad valorem taxing units to appear and be heard on the establishment of an Obsolete Property Rehabilitation District (the "District"), pursuant to and in accordance with the provisions of the Obsolete Property Rehabilitation Act, Public Act 146 of 2000, for the property located at 506 South Hosmer Street, Lansing, Michigan, legally described as follows:

LOT 5 ASSESSORS PLAT NO 24 REC L 10 P 29, Ingham County, Michigan -- Parcel Number: 33-01-01-15-351-051

Creation of this District will enable the owner or potentially the developer of property within the District to apply for an Obsolete Property Rehabilitation Exemption Certificate which would result in the abatement of certain property taxes. Further information regarding this issue may be obtained from Karl Dorshimer, Lansing Economic Area Partnership (LEAP), 1000 S. Washington Ave., Suite 201, Lansing, MI 48910, 517-702-3387.

ECONOMIC DEVELOPMENT CORPORATION
LANSING CITY TREASURER APPROVAL FORM
BUSINESS

Business Name: Hosmer Storage LP
Business Contact Person: Tom Wach
Phone Number: 403 612 7799

Project Location: 506 S. Hosmer, Lansing, MI 48912

Type of EDC Service: OPRA Application

EDC Contact Person Name: Karl Dorshimer

Email: karl@purelansing.com Phone Number: 517-243-3512

Due Date: As soon as possible

Approval:

Sammy Good

City Treasurer

AGREEMENT IN CONSIDERATION OF DEVELOPMENT INCENTIVES

THIS AGREEMENT in Consideration of Development Incentives ("Agreement") is made and entered this 24th day of November, 2016, by and between the City of Lansing, Michigan, a Michigan municipal corporation ("City"), and Hosmer Storage LP, a Michigan Corporation ("Applicant"), (collectively the "Parties");

I. STATEMENT OF PURPOSE:

The City of Lansing welcomes new investment and the creation of new jobs. To achieve these goals, the City offers a variety of economic incentives that are designed to facilitate the expansion of existing businesses and the location of new businesses within the City, as well as the rehabilitation of obsolete structures and the reuse of environmentally contaminated sites.

Economic incentives typically do not provide City funds to developers or businesses, but rather encourage new investment and job creation in the City that would not have occurred without the incentive. The purpose of this Agreement is to establish performance expectations, reporting requirements, and preferences for Lansing-based firms, resident employees and union employees in hiring, contracting, subcontracting and procurement related to the acceptance of economic incentives by the Applicant.

Economic incentives are beneficial to both the City and the Applicant. The approval of incentives must be a transparent and public process that produces a clear agreement between the Parties regarding the responsibilities of both the City and the Applicant. This public process does not end with the approval of the incentive, but continues until the commitments made by the Applicant under this Agreement are met.

II. DEFINITIONS

As used in this Agreement, the definitions herein shall be the mutually understood meaning of the following terms:

"*Incentive*" means a reduction in City taxes levied on real or personal property, or other financial benefit to Applicant, for a limited number of years as specified in this Agreement, and which may include, but is not limited to, those tax reductions or other financial benefits authorized by the Obsolete Property Rehabilitation Act (Public Act 146 of 2000, as amended), Neighborhood Enterprise Zone Act (Public Act 147 of 1992, as amended), Brownfield Redevelopment Financing Act (Public Act 381 of 1996, as amended), Plant Rehabilitation and Industrial Development Districts (Public Act 198 of 1974, as amended) and the New Personal Property Tax Exemption authorized by Public Act 328 of 1998.

"*Lansing-based firm*" means an incorporated business entity that owns or leases an office, warehouse, distribution center, or wholesale or retail store located within the corporate limits of the City of Lansing.

"*Full-time Equivalent Employees (FTE)*" means a combination of full-time and part-time employees that represents all employees as a comparable number of full-time employees.

III. RECITALS:

A. APPLICANT/PROJECT INFORMATION

Name of Project: 506 S. Hosmer Redevelopment Project

Business Name of Applicant *(if applicable)*: Hosmer Storage LP

____

Name of Parent Company *(if applicable)*: ______________________________

List Managing Partner and all other Partners, including percentage ownership interest of each partner:

Hosmer Storage LP	100 %
	%
	%
	%

List City incentive(s) and number of years requested for each:

Obsolete Property Rehabilitation Act (OPRA) Tax Abatement	12 Years
	Years
	Years
	Years

List all Federal, State or other incentives and their estimated value that may be part of this project:

____

Name of Financial Institution(s) funding the Project *(if unavailable upon execution of this Agreement, Applicant agrees to furnish commitment letter(s) from lending institution(s) to the LEDC when available):*

____

____

Estimated number of new, permanent full-time equivalent employees (FTE) upon Project Completion *(if applicable):*

2 - 3 FTE

Estimated total investment in real and personal property, including acquisition and construction costs, upon Project Completion:

$ 2,998,612

Estimated average hourly wage or annual salary of new, permanent employees *(if applicable):*

$ 14.00 - $17.00 per hr.

B. APPLICANT ACCEPTANCE OF NOTICE AND REPORTING REQUIREMENTS AND LOCAL PREFERENCES IN HIRING, PROCUREMENT OF GOODS AND SERVICES, CONTRACTING AND SUBCONTRACTING

(initial spaces below to indicate acceptance) (on the final executed copy the client needs to be willing to initial each of these)

______ Applicant agrees to notify the LEDC and City Assessor of any and all partnership changes during the term of any incentives approved for the Project.

______ Applicant agrees, and may be required to provide written documentation at the request of the LEDC, to consider and hire as many Lansing residents and Lansing-based firms, including but not limited to consultants, suppliers, contractors and sub-contractors, as reasonably possible.

______ Applicant agrees, and may be required to provide written documentation at the request of the LEDC, to make good faith efforts to hire contractors and sub-contractors that employ union labor when economically feasible.

Applicant agrees that all employees, contractors and sub-contractors related to this Project will pay all City individual income tax.

Applicant agrees to report annually to the City Treasurer all gross individual income taxes paid and current residential addresses of all employees.

Applicant agrees that all contractors and sub-contractors will report annually to the City Treasurer all gross individual income taxes paid and current residential addresses of all employees.

C. LEDC STAFF/ADMINISTRATION RECOMMENDATION

Name of Lead Staff Person: Karl Dorshimer

Revenue currently paid to the City by the site or project (12 yrs.): $ 62,894.64

Estimated total revenue to the City upon Project Completion (12 yrs.): $ 142,621.64

Estimated total value of City Incentive(s) (12 yrs.): $ 157,108.00

Estimated total new net revenue to the City (12 yrs.): $ 79,727.00

Staff Comments *(indicate reasons for providing Incentive and describe any additional value to the City as a result of approval)*:

Project Timeline: The project is anticipated to begin in March of 2017 and be completed by the August of 2017.

Have all appropriate City Incentive fees been received? YES NO

Staff Recommendation: APPROVE DENY MODIFY

(if DENY or MODIFY please explain in space provided below)

Administration Recommendation: APPROVE DENY MODIFY

(if DENY or MODIFY please explain in space provided below)

D. ADDITIONS:

1. Applicant, in seeking local legislative approval, has made certain representations to the City as more fully set forth herein.

2. The Applicant has applied for Brownfield Tax Increment Financing (TIF) for the purpose of rehabilitation of the existing building and site structural features including asbestos surveys and abatement, extensive interior demolition, Baseline Environmental Assessment activities, due care and additional response activities, site preparation activities and public infrastructure improvements ("Project"). The Project is anticipated to create 2 - 3 new full-time equivalent employees (FTE) with a total estimated investment in real property of $1,802,630 and personal property of $290,000, when completed.

3. The Applicant has supplied to the LEDC all application and supporting documentation, including a list of all partners of the Applicant with an ownership interest in the Project, which in turn has been forwarded to the City prior to the approval of the Incentive.

4. The Applicant has provided to the LEDC detailed information including wage and benefit information for the Project and new, permanent full-time equivalent employees (FTE) expected to be hired or retained as a result of the Project, which in turn has been forwarded to the City prior to approval of the Incentive.

5. The Applicant and the City desire to enter into an agreement whereby the Applicant and City specify and agree on the Project performance measures under which the Incentive is granted, and some of the conditions under which such Incentive can be modified or revoked by the City and/or State of Michigan. Nothing in this Agreement supersedes or diminishes any rights of the City or the State established by Federal, State, or Local law or regulations.

6. The Lansing City Treasurer has verified in writing the Applicant is not delinquent and/or late on any property taxes owed to the City for all properties in which the applicant owns a twenty-five percent (25%) or more interest.

7. The Lansing City Treasurer has verified in writing the Applicant, if an employer in the City, is in compliance with all required City wage withholding and income reporting requirements for all of their employees.

8. The Lansing City Treasurer has verified in writing the Applicant is not delinquent and/or late on any corporate or other business income taxes owed the City, if any.

9. The LEDC has verified that all application fees due have been paid in full by the Applicant.

IV. AGREEMENT:

NOW, THEREFORE, in consideration of the recitals and mutual covenants and agreements herein contained and pursuant to MCL Public Act 146 of 2000, as amended (the "Act"), as amended, the Parties agree as follows:

A. Reliance on Recitals

The Parties acknowledge Applicant has made representations contained within its application, and the recitals and additions above, with the purpose and intent of City's reliance thereon, as well as for compliance with the Act, as amended, and the City relies upon these representations in its determination that the Incentive should be approved.

B. Project Area

The location of the Project is commonly known as 506 South Hosmer Street ("Project Area") and legally described as follows:

LOT 5 ASSESSORS PLAT NO 24 REC L 10 P 29

C. Project Timeframe.

The Applicant and City agree the City's approval of the Incentive is based upon completion of the Project within a specific time period ("Project Timeframe"). The Project Timeframe starts March 31, 2017 and ends August 31, 2017.

D. Project Completion

The Applicant and the City agree that for the Project to be considered complete, the Applicant must perform all of the following in the Project Area within the Project Timeframe ("Project Completion"):

1. Use best efforts to create at approximately 3-5 new, permanent full-time equivalent employees (FTE).

2. Purchase and/or locate within the Project Area, personal property with a fair market value of $290,000. This personal property may not be moved to the Project Area from another location within the City of Lansing.

3. Make improvements to the real property currently estimated at $2,347,985 (including infrastructure). Improvements include only hard costs, and exclude architectural, engineering & legal costs.

4. Obtain all necessary building permits and site plan approvals, including payment of all required fees, plus final inspections including a Certificate of Occupancy from the City of Lansing and all other appropriate authorities and agencies.

5. Upon Project Completion, the applicant will provide to the LEDC, upon request, any and all appropriate financial records that are referenced as part of this Agreement.

6. Project Completion to be performed by August 31, 2017.

E. Project Completion Progress Reports

The Applicant shall file an annual report with the LEDC on the Applicant's progress toward achieving Project Completion. Reports shall be submitted in compliance with all LEDC reporting requirements. Applicant understands and agrees that the information submitted to the LEDC will be available for public viewing, unless prior approval is requested and granted for specific confidential business information that is not subject to disclosure under the Freedom of Information Act (Public Act 442 of 1976, being MCL 15.231 et. seq., as amended). Non-compliance with reporting requirements may result in the modification or revocation of the Incentive.

Lack of performance and compliance with this agreement, may be considered as relevant information in consideration of the approval of all future incentive applications to the LEDC or City by the Applicant or any person or entity with (25%) or more ownership in the Project.

F. Verification of Project Completion

No later than thirty (30) days after the end of the Project Timeframe, the Applicant shall provide in writing to the LEDC a Final Project Completion Report ("Final Report") with proof of Project Completion. Acceptable forms of proof may include, as directed by LEDC, proof of employment, proof of paid invoices, executed and filed tax documentation, final financing documents and similar material which confirm original financial data, engineering and architectural "as-built" drawings, photographs, and other like evidence of completion of the Project in the Project Area. If at any time during the Project Timeframe the Applicant completes the Project as agreed upon in Section (4), the Applicant may submit the Final Project Completion Report to the LEDC.

G. Consideration of Applicant's Compliance with the Agreement.

Within 60 days of receiving the Final Report, or 90 days after the end of the Project Timeframe, the LEDC shall make a preliminary determination if the Applicant has achieved Project Completion. In the event the preliminary determination concludes the Project was completed per this Agreement, written notification of such finding shall be sent from the LEDC to the Applicant and the City of Lansing Finance Director. In the event the LEDC makes the determination the Applicant did not complete the project per this Agreement, the LEDC will forward in writing its findings and a recommended course of action to the Applicant and the City of Lansing Finance Director. Prior to any action that might lead to the modification or revocation of all or part of the Incentive, the City shall offer the Applicant the reasonable opportunity to appear before the Council and be heard. In the event of the revocation of all or part of the Applicant's Incentive, the City may consider the breach of contract when contemplating the approval of all future Incentive applications to the City by the Applicant or any partners listed as required in the Recitals.

H. Failure of Applicant to Pay Tax Applicable to Personal Property

If any property tax applicable to the personal property that makes up the project is not paid within the time permitted by law for payment without penalty during the life of the Incentive being granted by this Agreement, the City may seize and sell the personal property to pay the tax, expenses of sale, and interest on the tax, or may commence civil litigation to recover the amount of tax an interest thereon, in accordance with Michigan law.

I. Failure of Applicant to Pay Tax Applicable to Real Property

If any property tax applicable to the real property that makes up the project is not paid within the time permitted by law for payment without penalty during the life of the Incentive being granted by this Agreement, the City may place a lien on the real property. The City may enforce the lien in the same manner as provided by law for the foreclosure in the circuit courts of mortgage liens upon real property, in accordance with Michigan law.

J. City's Rights under Act

Nothing in this Agreement shall supersede the City's ability to request the State Tax Commission to revoke the Incentive as otherwise provided, or as may hereafter be provided, under the Act, as amended. Nothing in this Agreement supersedes or diminishes any rights of the City or the State established by Federal, State, or Local law or regulations.

K. Ambiguity

If this Agreement or any of its terms and conditions are determined to be ambiguous, this Agreement and all its terms and conditions shall be considered as if drafted by both parties.

L. Rights and Remedies Cumulative

The Parties shall have all the rights and remedies available at law, in equity or in this Agreement to enforce the rights and obligations under this Agreement. All remedies shall be cumulative and none will be exclusive of any other. The exercise by either party of any one or more of such remedies shall not preclude the exercise by it, at the same or different times, of any other such remedies for the same default or breach or of any of its remedies for any other default or breach by the other party. No waiver made by either such party with respect to the performance, or manner or time thereof, or any obligation under the Agreement shall be considered a waiver of any rights of the party making the waiver with respect to the particular obligation of the other party or condition to its own obligation beyond those expressly waived in writing and to the extent thereof, or a waiver in any respect in regard to any other rights of the party making the waiver or any other obligations of the other party.

M. Right In Third Parties

This Agreement is not intended nor shall it create any rights, expectations or benefit to any third parties, including any creditor of the parties.

N. Severability

The invalidity of any portion of this Agreement shall not affect the validity of the remainder thereof.

O. Subsequent Waivers

One or more waivers of any provision, covenant, or condition of this Agreement shall not be construed as a waiver of a subsequent breach of the same provision, covenant, or condition, or as a waiver of a subsequent breach of other provisions, covenants, or conditions. The consent or approval to or for any act shall not be deemed to render unnecessary the consent or approval to or for any subsequent similar act.

P. Termination

This Agreement terminates upon verification of project completions by the LEDC, or upon the written agreement of the Parties.

Q. Authority.

The Applicant's execution, delivery and performance of this Agreement have been duly authorized. The Applicant's representative executing this Agreement does so with requisite authority to fully and completely bind the Applicant.

IN WITNESS WHEREOF, the undersigned Parties hereto execute this Agreement as of the day and year first above written.

WITNESSES:	**HOSMER STORAGE LP:**
______________________	By: ______________________ Will Mathews
Tom Wach	Its: Member
	CITY OF LANSING:
______________________	By: ______________________ Virg Bernero
______________________	Its: Mayor
	LANSING ECONOMIC DEVELOPMENT CORPORATION:
______________________	By: ______________________ Robert L. Trezise, Jr.
______________________	Its: Representative
Approved as to form:	I hereby certify that funds are available in Account No.: ______________
______________________ Janene McIntyre City Attorney	______________________ City Controller

LANSING MICHIGAN

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

TO: City Council President Judi Brown Clarke and Councilmembers

FROM: Mayor Virg Bernero

DATE: 12-8-16

RE: Hosmer Storage LP OPRA Application

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

VB/rh
Attachment

City of Lansing

Inter-Departmental Memorandum

Virg Bernero, Mayor

WORKING TOWARD A CLEANER GREENER LANSING

To: Virg Bernero, Mayor

From: Karl Dorshimer

Subject: CITY COUNCIL AGENDA ITEM - Hosmer Storage LP OPRA Application

Date: December 8, 2016

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 DEVELOPMENT AND PLANNING COMMITTEE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolution to Set a Public Hearing Regarding the Granting of an
Obsolete Property Rehabilitation Act Certificate
506 South Hosmer Street

WHEREAS, Hosmer Storage, LP, owner of the property located at 506 South Hosmer Street in the City of Lansing, Michigan (the "Property") has applied to the City of Lansing for the City to approve the issuance of an Obsolete Property Rehabilitation Exemption Certificate (the "OPRA Certificate"), pursuant to the Michigan Obsolete Property Rehabilitation Act, being Public Act 146 of 2000 (the "Act"); and

WHEREAS, the Property in question of the Certificate is legally described as:

LOT 5 ASSESSORS PLAT NO 24 REC L 10 P 29, Ingham County, Michigan -- Parcel Number: 33-01-01-15-351-051, and

WHEREAS, the Act requires that before granting a Certificate the Lansing City Council hold a public hearing in order to provide an opportunity for the applicant, the City Assessor, a representative of the affected taxing units, the residents, and other taxpayers of the City of Lansing general public appear and be heard regarding the approval of the OPRA Certificate.

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 Monday, ___________________ at 7:00 p.m. for the purpose of receiving public comment on the approval of an OPRA Certificate under the provisions of Public Act 146 of 2000 and that the Clerk shall publish once in a publication of general circulation within the community a notice of the scheduled public hearing and that the notice appear not less than 10 or more than 30 days prior to the date of the hearing.

Michigan Department of Treasury
3674 (Rev. 05-13)

Application for Obsolete Property Rehabilitation Exemption Certificate

This form is issued as provided by Public Act 146 of 2000, as amended. This application should be filed after the district is established. This project will not receive tax benefits until approved by the State Tax Commission. Applications received after October 31 may not be acted upon in the current year. This application is subject to audit by the State Tax Commission.

INSTRUCTIONS: File the original and two copies of this form and the required attachments with the clerk of the local government unit. (The State Tax Commission requires two copies of the Application and attachments. The original is retained by the clerk.) Please see State Tax Commission Bulletin 9 of 2000 for more information about the Obsolete Property Rehabilitation Exemption. The following must be provided to the local government unit as attachments to this application: (a) General description of the obsolete facility (year built, original use, most recent use, number of stories, square footage); (b) General description of the proposed use of the rehabilitated facility, (c) Description of the general nature and extent of the rehabilitation to be undertaken, (d) A descriptive list of the fixed building equipment that will be a part of the rehabilitated facility, (e) A time schedule for undertaking and completing the rehabilitation of the facility, (f) A statement of the economic advantages expected from the exemption. A statement from the assessor of the local unit of government, describing the required obsolescence has been met for this building, is required with each application. Rehabilitation may commence after establishment of district.

Applicant (Company) Name (applicant must be the OWNER of the facility) Hosmer Storage LP		
Company Mailing address (No. and street, P.O. Box, City, State, ZIP Code) 160 Greentree Drive, Suite 101, Dover Delaware 19904		
Location of obsolete facility (No. and street, City, State, ZIP Code) 506 S. Hosmer Street, Lansing, Michigan 48912		
City, Township, Village (indicate which) City of Lansing	County Ingham	
Date of Commencement of Rehabilitation (mm/dd/yyyy) 3/31/2017	Planned date of Completion of Rehabilitation (mm/dd/yyyy) 8/31/2017	School District where facility is located (include school code) Lansing Public School District (33020)
Estimated Cost of Rehabilitation $2,998,612.00	Number of years exemption requested 12	Attach Legal description of Obsolete Property on separate sheet

Expected project likelihood (check all that apply):

- [x] Increase Commercial activity
- [ ] Retain employment
- [x] Revitalize urban areas
- [x] Create employment
- [ ] Prevent a loss of employment
- [ ] Increase number of residents in the community in which the facility is situated

Indicate the number of jobs to be retained or created as a result of rehabilitating the facility, including expected construction employment 15

Each year, the State Treasurer may approve 25 additional reductions of half the school operating and state education taxes for a period not to exceed six years. Check the following box if you wish to be considered for this exclusion. [ ]

APPLICANT'S CERTIFICATION

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 this application is being submitted. Further, the undersigned is aware that, if any statement or information provided is untrue, the exemption provided by Public Act 146 of 2000 may be in jeopardy.

The applicant certifies that this application relates to a rehabilitation program that, when completed, constitutes a rehabilitated facility, as defined by Public Act 146 of 2000, as amended, and that the rehabilitation of the facility would not be undertaken without the applicant's receipt of the exemption certificate.

It is further certified that the undersigned is familiar with the provisions of Public Act 146 of 2000, as amended, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Obsolete Property Rehabilitation Exemption Certificate by the State Tax Commission.

Name of Company Officer (no authorized agents) Will Mathews	Telephone Number (587) 888-3298	Fax Number
Mailing Address 160 Greentree Drive, Suite 101, Dover Delaware 19904		Email Address wmathews@macritchie.biz
Signature of Company Officer (no authorized agents)		Title Member

LOCAL GOVERNMENT UNIT CLERK CERTIFICATION

The Clerk must also complete Parts 1, 2 and 4 on Page 2. Part 3 is to be completed by the Assessor.

Signature	Date application received

FOR STATE TAX COMMISSION USE		
Application Number	Date Received	LUCI Code

LOCAL GOVERNMENT ACTION

This section is to be completed by the clerk of the local governing unit before submitting the application to the State Tax Commission. Include a copy of the resolution which approves the application and Instruction items (a) through (f) on page 1, and a separate statement of obsolescence from the assessor of record with the State Assessor's Board. All sections must be completed in order to process.

PART 1: ACTION TAKEN

Action Date:_______________________________

☐ Exemption Approved for _________ Years, ending December 30, _________ (not to exceed 12 years)

☐ Denied

Date District Established	LUCI Code	School Code

PART 2: RESOLUTIONS (the following statements must be included in resolutions approving)

A statement that the local unit is a Qualified Local Governmental Unit.

A statement that the Obsolete Property Rehabilitation District was legally established including the date established and the date of hearing as provided by section 3 of Public Act 146 of 2000.

A statement indicating whether the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under Public Act 146 of 2000 and under Public Act 198 of 1974 (IFT's) exceeds 5% of the total taxable value of the unit.

A statement of the factors, criteria and objectives, if any, necessary for extending the exemption, when the certificate is for less than 12 years.

A statement that a public hearing was held on the application as provided by section 4(2) of Public Act 146 of 2000 including the date of the hearing.

A statement that the applicant is not delinquent in any taxes related to the facility.

If it exceeds 5% (see above), a statement that exceeding 5% will not have the effect of substantially impeding the operation of the Qualified Local Governmental Unit or of impairing the financial soundness of an affected taxing unit.

A statement that all of the items described under "Instructions" (a) through (f) of the Application for Obsolete Property Rehabilitation Exemption Certificate have been provided to the Qualified Local Governmental Unit by the applicant.

A statement that the application is for obsolete property as defined in section 2(h) of Public Act 146 of 2000.

A statement that the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District.

A statement that the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of Public Act 146 of 2000 and that is situated within an Obsolete Property Rehabilitation District established in a Qualified Local Governmental Unit eligible under Public Act 146 of 2000 to establish such a district.

A statement that completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create employment, retain employment, prevent a loss of employment, revitalize urban areas, or increase the number of residents in the community in which the facility is situated. The statement should indicate which of these the rehabilitation is likely to result in.

A statement that the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of Public Act 146 of 2000.

A statement of the period of time authorized by the Qualified Local Governmental Unit for completion of the rehabilitation.

PART 3: ASSESSOR RECOMMENDATIONS

Provide the Taxable Value and State Equalized Value of the Obsolete Property, as provided in Public Act 146 of 2000, as amended, for the tax year immediately preceding the effective date of the certificate (December 31st of the year approved by the STC).

	Taxable Value	State Equalized Value (SEV)
Building(s)		

Name of Governmental Unit	Date of Action on application	Date of Statement of Obsolescence

PART 4: CLERK CERTIFICATION

The undersigned clerk certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way. Further, the undersigned is aware that if any information provided is untrue, the exemption provided by Public Act 146 of 2000 may be in jeopardy.

Name of Clerk	Clerk Signature	Date	
Clerk's Mailing Address	City	State	ZIP Code
	Telephone Number	Fax Number	Email Address

Mail completed application and attachments to: Michigan Department of Treasury
State Tax Commission
P.O. Box 30471
Lansing, Michigan 48909-7971

If you have any questions, call (517) 373-2408.

For guaranteed receipt by the State Tax Commission, it is recommended that applications and attachments are sent by certified mail.

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

Resolution to Approve an Obsolete Property Rehabilitation Act Certificate
506 South Hosmer Street

WHEREAS, pursuant to the Michigan Obsolete Property Rehabilitation Act, being Public Act 146 of 2000 (PA 146 of 2000), Hosmer Storage, LP has filed an application for an Obsolete Property Rehabilitation Exemption Certificate (OPRA Certificate) with the Lansing City Clerk, for a proposed obsolete facility at 506 South Hosmer Street, Lansing, Michigan (Obsolete Property); and

WHEREAS, Hosmer Storage, LP (the Developer) owns the proposed Obsolete Property; and

WHEREAS, the proposed Obsolete Property is located within an Obsolete Property Rehabilitation District legally established by resolution adopted **(Insert Date)**, after a public hearing was held on **(Insert Date)**, as provided by section 3 of PA 146 of 2000; and

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under Public Act 146 of 2000 and under Public Act 198 of 1974 (IFT's) does not exceed 5% of the total taxable value of the City of Lansing; and

WHEREAS, a public hearing was held on **(Insert Date)** in order to provide an opportunity for the applicant, the City Assessor, a representative of the affected taxing units, the residents, and other taxpayers of the City of Lansing general public appear and be heard regarding the approval of the OPRA Certificate; and

WHEREAS, Hosmer Storage, LP has been certified in writing by the City of Lansing Treasurer to be not delinquent in any taxes related to the facility; and

WHEREAS, the application is for 12 years and under no circumstances or criteria will an extension of the exemption be considered; and

WHEREAS, the application is for obsolete property as defined in section 2(h) of Public Act 146 of 2000; and

WHEREAS, the applicant Hosmer Storage, LP has provided answers to all required questions under the application instructions to the City of Lansing; and

WHEREAS, the City of Lansing requires that rehabilitation of the facility shall be completed by December 31, 2018; and

WHEREAS, the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District; and

WHEREAS, the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of Public Act 146 of 2000 and that is situated within an Obsolete Property Rehabilitation District established in the City of Lansing eligible under Public Act 146 of 2000 to establish such a district; and

WHEREAS, completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create employment, revitalize an urban area, and increase the number of residents in the community in which the facility is situated; and

WHEREAS, the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of Public Act 146 of 2000.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby grants an Obsolete Property Rehabilitation Exemption for the real property, excluding land, located in an Obsolete Property Rehabilitation District at 506 South Hosmer Street legally described as LOT 5 ASSESSORS PLAT NO 24 REC L 10 P 29, Ingham County, Michigan -- Parcel Number: 33-01-01-15-351-051; for a period of 12 years, beginning December 31, 2017 and ending December 30, 2029.

BE IT FINALLY RESOLVED that the City Clerk shall cause the Application for Obsolete Property Rehabilitation Certificate to be completed, including the “Clerk Certification” and shall file the completed application, together with a certified copy of this resolution with the State Tax Commission.

City of Lansing
Notice of Public Hearing

The Lansing City Council will hold a public hearing on Monday, **(Insert Date)** 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, City Assessor, other interested persons and ad valorem taxing units to appear and be heard on the approval of an Obsolete Property Rehabilitation Certificate (the “Certificate”), pursuant to and in accordance with the provisions of the Obsolete Property Rehabilitation Act, Public Act 146 of 2000, for property located at 506 South Hosmer Street, Lansing, Michigan, but more particularly described as follows:

LOT 5 ASSESSORS PLAT NO 24 REC L 10 P 29, Ingham County, Michigan -- Parcel Number: 33-01-01-15-351-051, and

Approval of this Certificate will provide the owner or potentially the developer of property an abatement of certain property taxes for the improvements to the property noted above. Further information regarding this issue may be obtained from Karl Dorshimer, Lansing Economic Area Partnership (LEAP), 1000 S. Washington Ave., Suite 201, Lansing, MI 48910, 517-702-3387.

LANSING MICHIGAN

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

TO: City Council President Judi Brown Clarke and Councilmembers

FROM: Mayor Virg Bernero

DATE: 12-8-16

RE: Act-11-2016, 637 E. Michigan Avenue, Vacant N. East Street Easements

---

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

VB/rh
Attachment

Virg Bernero, Mayor

City of Lansing

Inter-Departmental Memorandum

WORKING TOWARD A CLEANER GREENER LANSING

To: Virg Bernero, Mayor

From: Susan Stachowiak, Zoning Administrator

Subject: CITY COUNCIL AGENDA ITEM
Act-11-2016, 637 E. Michigan Avenue, Vacant N. East Street Easements

Date: December 7, 2016

At its regular meeting held on December 6, 2016, the Planning Board voted unanimously (4-0) to recommend approval of Act-11-2016. The applicant, 637 E. Michigan, LLC is requesting that the City vacate utility easements remaining in the vacated N. East Street right-of-way (ROW) at the site of the former Clara's restaurant. The Planning Board found that the reservation of the easements is no longer necessary for the City, railroad or any other government agency or public/private utility.

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 AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Act-11-2016, 637 E. Michigan Ave. (former Clara's restaurant), PPN 33-01-01-16-277-403

Vacate N. East Street Easements

WHEREAS, Jason Kildea, of 637 E. Michigan, LLC, 330 Marshall St., Ste. 100, Lansing, MI, requests that the City vacate utility easements remaining in the vacated N. East Street right-of-way (ROW) at the site of the former Clara's restaurant; and

WHEREAS, on September 11, 1978 the Lansing City Council vacated the west 22.65 feet of the N. East Street ROW bordering the east side of the former Clara's property, reserving easements for utilities; and

WHEREAS, on October 8, 1990, the east 18.6 feet of the N. East Street ROW adjacent to Clara's were vacated, along with and the entire 41.25 foot width north to Shiawassee Street (approx. 1200 feet), reserving easements; and

WHEREAS, according to the applicants, they have reviewed the title insurance information with the Office of the City Attorney and Transportation Engineer Andy Kilpatrick, and they agree the easements are no longer needed nor will they be needed in the future; and

WHEREAS, at its meeting on December 6, 2016, the Planning Board reviewed the location, character, and extent of the proposal in accordance with is Act 33 Review procedures, and found that the reservation of easements is unnecessary; and

WHEREAS, on December 6, 2016, the Planning Board voted unanimously (4-0), to recommend the vacation of the easements reserved in the 1978 and 1990 resolutions located within the N. East Street ROW and now attached to the former Clara's property at 637 E. Michigan Avenue; 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 hereby approves Act-11-2016, and vacates the easements reserved in 1978 and 1990 over and under the property described as:

> A parcel of land in the Northeast ¼ of Section 16, Town 4 North, Range 2 West, City of Lansing, Ingham County, Michigan, being described as:
>
> Commencing at the East ¼ of said Section 16; thence North 00 degrees 02 minutes 00 seconds East along the East line of said Section 16, a distance of

107.75 to the Point of Beginning of this description; thence North 89 degrees 55 minutes 05 seconds West a distance of 18.95 feet; thence North 00 degrees 32 minutes 08 seconds East 542.59 feet; thence South 89 degrees 58 minutes 00 seconds East perpendicular to the East line of said Section 16, a distance of 14.20 feet to a point on the East line of said Section 16; thence South 00 degrees 02 minutes 00 seconds West along the East line of said Section 16, a distance of 542.58 feet to the Point of Beginning.

BE IT FINALLY RESOLVED, that the Mayor, on behalf of the City, is hereby authorized to sign and execute all documents to complete this transaction, subject to prior approval as to content and form by the City Attorney.

STAFF REPORT

APPLICANT/OWNER: 637 E. Michigan, LLC
330 Marshall St., Ste 100
Lansing, MI 48912

REQUESTED ACTION:
The Applicant requests that the City vacate utility easements remaining in the vacated N. East Street ROW at the site of the former Clara's restaurant. The street was vacated in 1990 with a reservation of utility easements that, according to the applicants, are no longer necessary.

EXISTING LAND USE: Vacant commercial building (former Clara's restaurant)

EXISTING ZONING: "H" Light Industrial.

EASEMENT SIZE & SHAPE: Rectangular Shape, approx. 41.25' x 542.58' (22,381 square feet)

SURROUNDING LAND USE:
N: Parking lot, residential townhouses.
S: Light industrial, commercial.
E: Light industrial, commercial.
W: "Commercial, light industrial, Cooley Law School Park.

SURROUNDING ZONING: Primarily "H" Light Industrial.

MASTER PLAN DESIGNATION: The Design Lansing Comprehensive Plan designates the subject property as Downtown Mixed-Use Center: Edge.

BACKGROUND

On September 11, 1978 the Lansing City Council vacated the west 22.65 feet of the N. East Street ROW bordering the east side of the former Clara's property. On October 8, 1990, the east 18.6 feet were vacated. Utility easements were reserved in both cases.

The 1990 action (Act-21-90) was to vacate the remainder of the N. East Street adjacent to Clara's, and the entire 41.25 foot width north to Shiawassee Street (approx. 1200 feet).

AGENCY RESPONSES:

AT&T:
ATT Legacy does not have any phone lines north of Michigan Avenue adjacent to Clara's. This line was rerouted a number of years ago.

Board of Water and Light:
We have a water main along Pere Marquette west of Clara's. I do not show any water distribution facilities between the railroad and Clara's.

City Attorney:
In 1990 the City Council vacated portions of East Street lying between Michigan Avenue and Shiawassee Street. The vacation was done by resolution 551 passed September 27, 1990. Preliminary to the passage of the resolution, the City had conducted an Act 285 review (n/k/a Act 33). Because of the Act 285 review, the City made the vacation subject to the reservation of certain interests in the vacated street.

In 2013, the owners of Clara's wanted to refinance their property and requested the City acknowledge the street vacation by a Quit Claim Deed. The Quit Claim Deed's purpose was solely to affirm that the West side of East Street had been vacated. The owners were represented by the law firm of Miller Canfield. Because the 1990 resolution was subject to certain reserved interests in the City, the Quit Claim Deed was made a subject to these interests. For the reason that the Council had already vacated the subject right of way, no additional Council action was needed for the Quit Claim Deed.

Parks and Recreation: No comments.

Public Service - Engineering:
Railroad rights-of-way (which East Street was) are often used by telecoms and gas companies. I know CSX has storm sewer along their tracks. CSX may also have other utilities in the corridor.

In the picture from August 2015, there is an established pole line with wires on them. There is an *underground utility paralleling the tracks. The railroad (CSX) has storm sewer in the grade and* likely their own buried communication lines.

CSX Railroad:
Per Peter Trolle, Facilities Manager this will not impact CSX facilities. Thank you.

OTHER

According to the applicants, they have reviewed the title insurance information with the city attorney and Tranportation Engineer Andy Kilpatrick, and they agree the easements are no longer needed or will they be needed in the future.

The overhead wires in the photograph on the previous page appear to be located on the original Union Depot (former Clara's) site, not within the former East Street ROW.

ANALYSIS

Please refer to the attached diagrams of the existing and proposed easements (Exhibits A & B, respectively).

Location: The subject easements are located just east of the former Clara's restaurant in the former N. East Street ROW, which was vacated (reserving utilities) and is now part of the former Clara's property.

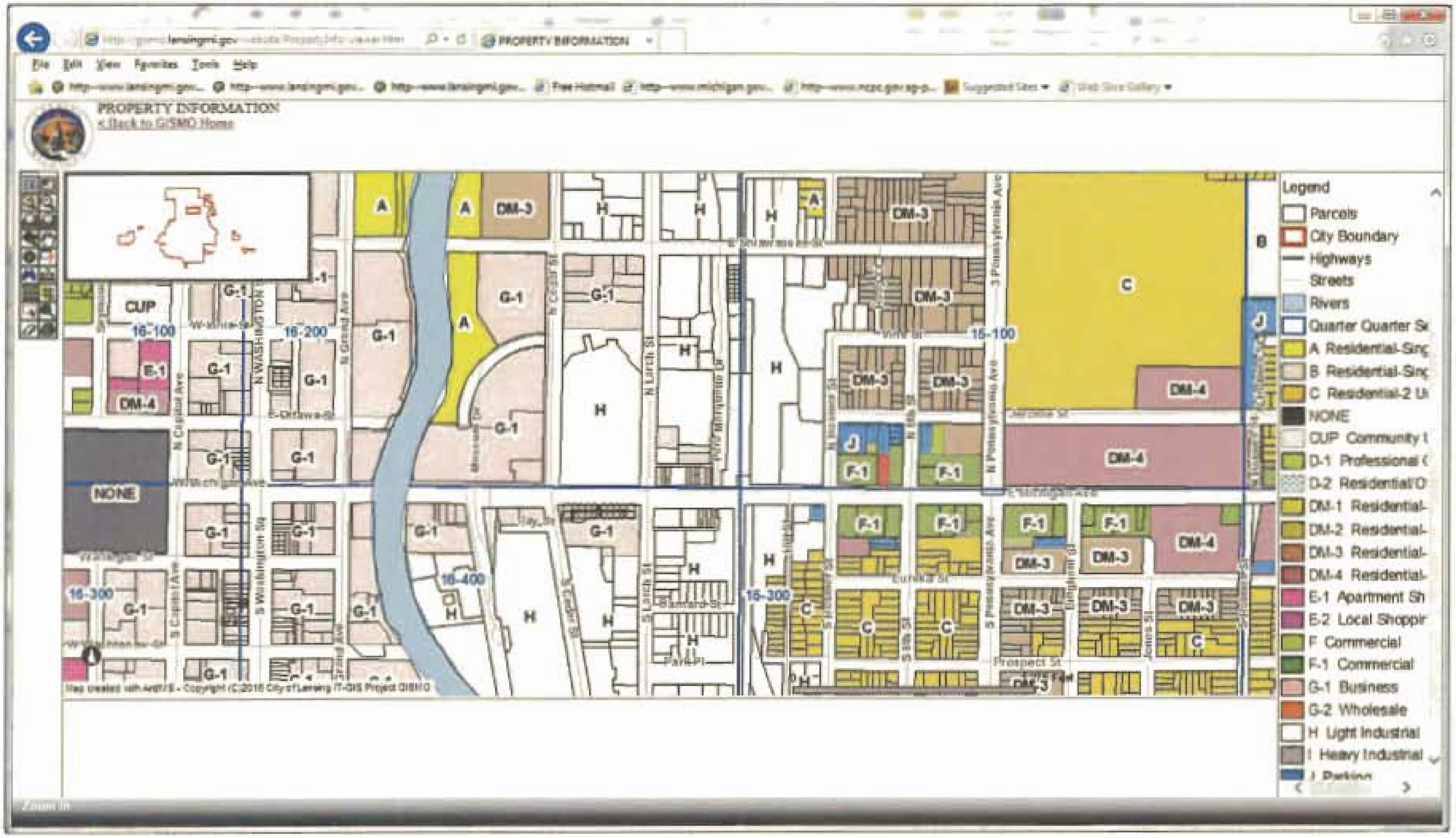
Character: The character of the area will be unaffected by this decision.

Extent: The proposal is limited in extent to include only those easements reserved along the east side of the former Clara's property in the 1978 and 1990 Council resolutions (an area measuring approx. 41.25' x 542.58' (22,381 square feet).

RECOMMENDATION

Staff recommends approval as proposed, based on a finding that the easements are no longer necessary.


Pere Marquette Dr
E Michigan
Google earth
Google earth
feet
1000
meters
500


PROPERTY INFORMATION
< Back to GISMO Home
File Edit View Favorites Tools Help
Legend
Parcels
City Boundary
Highways
Streets
Rivers
Quarter Quarter Se
A Residential-Sing
B Residential-Sing
C Residential-2 U
NONE
CUP Community
D-1 Professional
D-2 Residential/O
DM-1 Residential-
DM-2 Residential-
DM-3 Residential-
DM-4 Residential-
E-1 Apartment Sh
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F Commercial
F-1 Commercial
G-1 Business
G-2 Wholesale
H Light Industrial
I Heavy Industrial
16-100
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N Grand Ave
N Cedar St
N Larch St
S Cedar St
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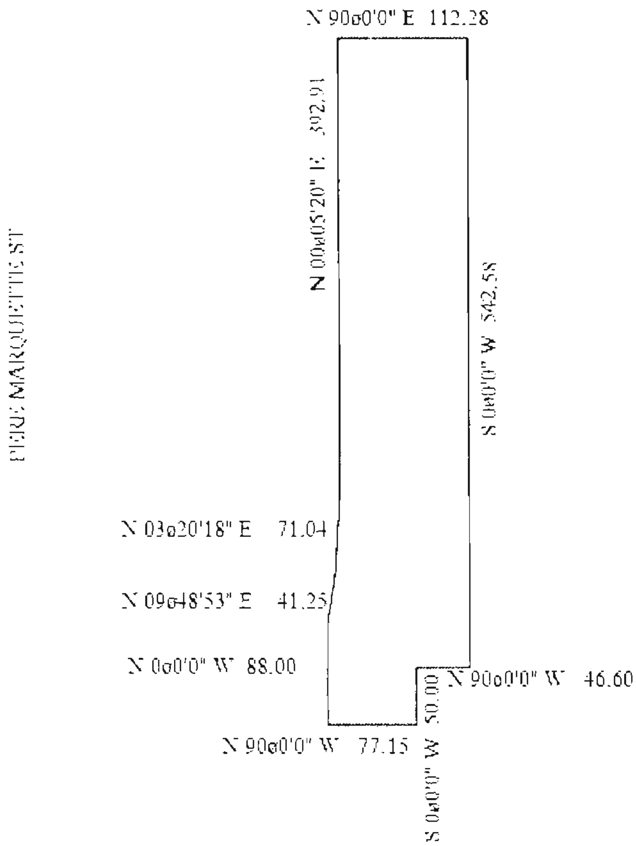
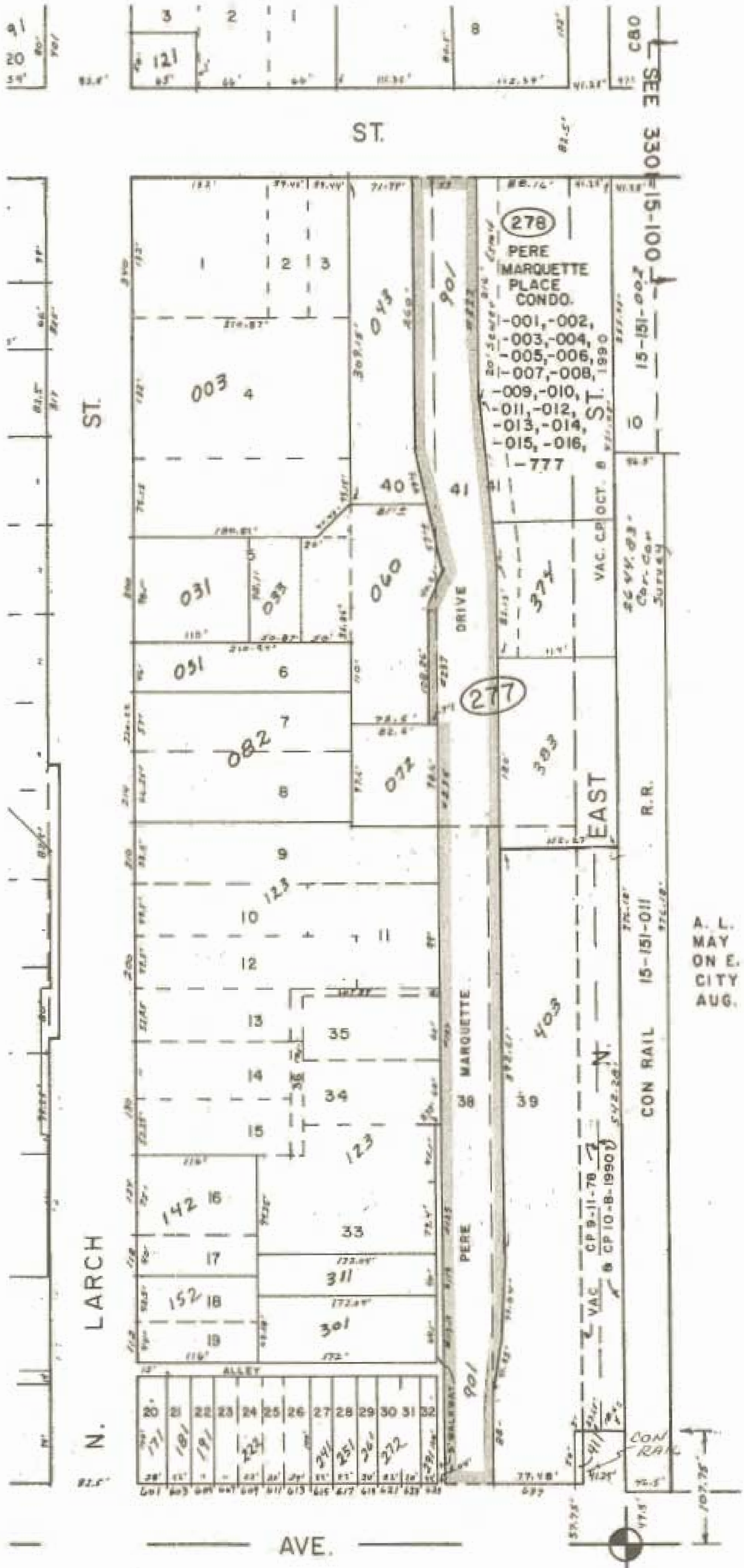
S Capitol Ave
N Capitol Ave
S Washington Sq
N WASHINGTON
N Pennsylvania Ave
S Pennsylvania Ave
Prospect St
Eureka St
Jerome St
E Michigan Ave
Park Pl
Jones St
Map created with ArcGIS - Copyright (C)2016 City of Lansing IT-GIS Project GISMO

Image/Sketch for Parcel: 33-01-01-16-277-403



Sketch by Apex Medina™


ST.
N. LARCH ST.
AVE.
PERE MARQUETTE DRIVE
EAST ST.
CON RAIL R.R.
A. L. MAY ON E. CITY AUG.
SEE 330-15-100
278
PERE MARQUETTE PLACE CONDO.
-001, -002, -003, -004, -005, -006, -007, -008, -009, -010, -011, -012, -013, -014, -015, -016, -777
277
15-151-011
VAC. CP OCT. 8 1990
CP 9-11-78 & CP 10-8-1990 VAC.
ALLEY
CON RAIL

Resolution # 551

LIBER 1866 PG 112

September 27, 1990

COMMITTEE ON PHYSICAL DEVELOPMENT

Act-21-90
North East Street

WHEREAS the City has determined that a portion of North East Street right-of-way between East Michigan Avenue and East Shiawassee Street is excess to City requirements; and

WHEREAS the North East Street ROW is located within the original plat of Lansing and is more particularly described as:

> A parcel of land in the northeast ¼ of Section 16, T4N, R2W, City of Lansing, Ingham County, Michigan; the boundary of said parcel being described as commencing at the east ¼ corner of said Section 16; thence N 00° 02' 00" east along the east line of said Section 16 a distance of 157.75 feet to the point of beginning of this description; thence north 89° 55' 05" west a distance of 41.25 feet; thence north 00° 02' 00" east parallel to the east line of said Section 16 a distance of 1173.60 feet to the southerly line of Shiawasse Street; thence south 89° 55' 05" east along the southerly line of Shiawassee Street a distance of 41.25 feet to a point on the east line of said Section 16; thence south 00° 02' 00" west along the east line of said Section 16 a distance of 1173.60 feet to the point of beginning; said parcel containing +/- 1.111 acres;

and

WHEREAS the Lansing Planning Board has reviewed this request under the provisions of Act 285 of Michigan Public Acts of 1931 and has recommended the City vacate North East Street as described subject to the City maintaining public access easements for City and other public utilities and an easement for the encroachment of the existing railroad track; and

WHEREAS the Physical Development Committee of City Council has reviewed and concurred with the Planning Board's recommendations;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves the vacation of the above described portion of North East Street right-of-way; and

FURTHER BE IT RESOLVED that the vacation be subject to public utility easements for maintaining installation, repair or removal of sewer and utilities and the existing railroad tracks until such time as they are removed.

By Councilmember Canady:

Carried unanimously; Councilmember Adado absent.

[*space above this line for recording purposes*]

QUIT CLAIM DEED

The City of Lansing, a Michigan municipal corporation, whose business address is 124 W. Michigan Avenue, Lansing, Michigan 48933 ("Grantor"), conveys and quitclaims to Clara's Inc., a Michigan corporation whose address is 637 E. Michigan Avenue, Lansing, Michigan 48933 ("Grantee"), the following premises located in the City of Lansing, Ingham County, Michigan, legally described as:

> A parcel of land in the Northeast 1/4 of Section 16, Town 4 North, Range 2 West, City of Lansing, Ingham County, Michigan, being described as: Commencing at the East 1/4 corner of said Section 16; thence North 00 degrees 02 minutes 00 seconds East along the East line of said Section 16, a distance of 107.75 feet to the Point of Beginning of this description; thence North 89 degrees 55 minutes 05 seconds West a distance of 18.95 feet; thence North 00 degrees 32 minutes 08 seconds East 542.59 feet; thence South 89 degrees 58 minutes 00 seconds East perpendicular to the East line of said Section 16, a distance of 14.20 feet to a point on the East line of said Section 16; thence South 00 degrees 02 minutes 00 seconds West along the East line of said Section 16, a distance of 542.58 feet to the Point of Beginning.
>
> Subject to the reservation by the Grantor of an easement for the installation, maintenance, repair and removal of sewer and other public utilities and for the existing railroad tracks, if any, until such time as the railroad tracks are removed.

For and in consideration of the sum of $1.00, the receipt and sufficiency of which is hereby acknowledged.

This deed is exempt from transfer taxes pursuant to MCL 207.505(a) and (l) and MCL 207.526(a) and (n).

[*signature page follows*]

CERTIFIED

MAY 29 2013

INGHAM COUNTY
REGISTER OF DEEDS

GRANTOR:
City of Lansing

By: ______________________
Name: Virg Bernero
Title: Mayor of Lansing
Date: May 20, 2013

STATE OF MICHIGAN)
) ss.
COUNTY OF INGHAM)

The foregoing instrument was acknowledged before me on May 20TH, 2013 by VIRG BERNERO, who is THE MAYOR of City of Lansing, a Michigan municipal corporation, on behalf of the City.

RENEE FREEMAN
Notary Public, State of Michigan
County of Ingham
My Commission Expires Jul. 11, 2014
Acting in the County of

____
Notary Public
INGHAM County, Michigan
My commission expires: 7-11-14

Drafted by and when recorded return to:
Eric C. Bartley, Esq.
Miller Canfield Paddock & Stone
840 West Long Lake Road, Suite 200
Troy, Michigan 48098

21,135,935.2\151026-00001

APPROVED AS TO FORM ______________________
CITY ATTORNEY

By COMMITTEE ON BUILDINGS AND PROPERTIES—

Resolved by the City Council of the City of Lansing:

Whereas, East Street was dedicated in the original Plat of the Town of Michigan (now the City of Lansing) as recorded June 23, 1847, Liber 7, Page 596, Ingham County Records; and

Whereas, it is desirable to vacate the portion of East Street described as:

Commencing North 0°02' East 107.75 feet and North 89°56'05" West 12.95 feet from the East ¼ Corner of Section 16, Track 4 North—Range 2 West, City of Lansing, Ingham County, Michigan. Thence North 0°32'08" East 542.50 feet, thence Southwesterly 39.47 feet along 290.92 foot radius curve to the right, chord bearing South 30°31' 11" West 39.44 feet, thence Southwesterly 12 feet more or less along 209.71 foot radius curve to the left chord bearing South 22°54'13" West 152.26 feet, point being the west right-of-way line of East Street, thence South on west right-of-way line of East Street to a point 22.3 feet West of beginning, East 22.3 feet to beginning.

The above description to coincide with a line survey provided by Sir Pizza Corporation.

Subject to the following: For any and all purposes the right of ingress, and egress for the employees of the Board of Water and Light and the City of Lansing, the employees of utilities, either public or private, to use the land vacated or so much as may be necessary for the installation, maintenance, repair or removal of utilities.

Now, Therefore, Be It Resolved by the Action of the Lansing City Council that the portion of East Street described above be vacated.

Be It Further Resolved that the City Clerk is hereby authorized and directed to record a certified copy of this Resolution with the Register of Deeds, and shall also send a copy of the recorded Resolution to the State Treasurer.

Adopted by the following vote:

Yeas: Councilmen Adado, Baker, Belen, Brenke, Gunther, Hull, McKane—7.

Nay: Councilman Blair—1.

By COMMITTEE OF THE WHOLE—

Resolved by the City Council of the City of Lansing:

Whereas, the City of Lansing has been offered a parcel of property 70 feet by 750 feet lying south of properties fronting on Armstrong Street east of Joshua, and

Whereas, said property has been recommended for acquisition as part of a proposal park site and is being offered for the cost of recording the deed.

Now, Therefore Be It Resolved, the Property Manager is directed and hereby authorized to accept the deed for said property with the cost of recording the deed charged to Account 101-692-000 740.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SERVICE AND HIGHWAYS—

Resolved by the City Council of the City of Lansing:

That the Easement Grant between Lanny and Gaynelle Dittmer, husband and wife whose address is 1929 Gay Lane, and the City of Lansing, for the construction, reconstruteion, and maintenance of a sidewalk and fence along the south ten (10) feet of the property described as follows, be approved.

Lot 70 exc. the N 40 ft. of the W 120 ft. Supervisors Plat of Prosperity Farms No. 1, City of Lansing, Ingham County, Michigan, and

That the City Clerk be directed to have said Easement Grant recorded with the Regisrar of Deeds Office.

Adopted by the following vote:

Unanimously.

By COUNCILMEN BELEN, ADADO, and BAKER—

Resolved by the City Council of the City of Lansing:

Whereas, the City of Lansing has a franchise agreement with Continental Cablevision of Lansing, Inc., and the City of East Lansing has a franchise agreement with National Cable Company; and

Whereas, the two companies agree in principle to the concept of an interconnect between the systems so that Lansing and East Lansing cable subscribers may have access to local access programming from both systems; and

Whereas, both companies are prepared to work out the technological aspects of such an interconnect with the advice of appropriate governmenal and advisory bodies; and

Whereas, all parties concerned have evidenced a willingness to work out the operational aspects of such an interconnect for the maximum benefit of residents of both cities;

ORDINANCE NO. ___________

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO ADD SECTION 206.25 TO CHAPTER 206 OF THE LANSING CODIFIED ORDINANCES BY REQUIRING TRANSPARENCY IN THE BIDDING AND OPENING OF BIDS FOR PROJECTS THAT RECEIVE CERTAIN ECONOMIC INCENTIVES APPROVED BY THE LANSING CITY COUNCIL.

THE CITY OF LANSING ORDAINS:

Section 1. That Section 206.25 be added to Chapter 206 of the Codified Ordinances of the City of Lansing, Michigan to read as follows:

(A) PURPOSE. THE PURPOSE OF THIS SECTION IS TO PROMOTE FAIRNESS IN BIDDING ON DEVELOPMENTS AND CONSTRUCTION PROJECTS THAT RECEIVE ECONOMIC INCENTIVES FROM THE CITY OF LANSING BY ENSURING TRANSPARENCY IN THE DISTRIBUTION, OPENING, AND AWARDING OF BIDS. THE ORDINANCE ADOPTING THIS SECTION CONSTITUTES A PUBLIC PURPOSE OF THE CITY OF LANSING.

(B) DEFINITIONS. AS USED IN THIS SECTION:

(1) "APPLICANT" MEANS A PERSON, CORPORATION, PARTNERSHIP, OR OTHER ENTITY THAT HAS APPLIED FOR AND RECEIVED ECONOMIC INCENTIVES APPROVED BY LANSING CITY COUNCIL.

(2) "BID" MEANS A SEALED OFFER TO PROVIDE SERVICES PURSUANT TO A SOLICITATION FOR BIDS.

(3) "BID QUOTE" MEANS THE TOTAL BID AMOUNT IN DOLLARS AS READ ALOUD AND RECORDED AT THE BID OPENING.

(4) "CONSTRUCTION WORK" MEANS THE ACT OF CONSTRUCTING A BUILDING OR INFRASTRUCTURE (INCLUDING DEMOLITION WORK) OR CLEARING A SITE WHICH REQUIRES A PERMIT FOR IMPROVEMENT OR ALTERATIONS. CONSTRUCTION WORK DOES NOT REFER TO ANY OTHER ACT THAT MIGHT BE ASSOCIATED WITH A PROJECT SUCH AS PLANNING AND/OR ARCHITECTURAL WORK.

(5) "ECONOMIC INCENTIVE(S)" MEANS ANY OF THE FOLLOWING: PAYMENT IN LIEU OF TAXES (PILOT) THAT IS CONTINGENT ON RECEIVING APPROVAL FROM LANSING CITY COUNCIL; A TAX ABATEMENT ISSUED UNDER PUBLIC ACT 328 OF 1998; A BROWNFIELD APPROVED UNDER PUBLIC ACT 381 OF 1996; OR, AN OBSOLETE PROPERTY REHABILITATION ACT ABATEMENT ISSUED UNDER PUBLIC ACT 146 OF 2000.

(6) "PERMIT" MEANS A BUILDING PERMIT, MECHANICAL PERMIT, ELECTRICAL PERMIT, OR PLUMBING PERMIT, ISSUED BY THE LANSING BUILDING SAFETY OFFICE.

(7) "PROJECT" MEANS A REAL ESTATE DEVELOPMENT IN THE CITY OF LANSING WHICH IS RECEIVING AN ECONOMIC INCENTIVE AND THE CONSTRUCTION WORK THAT WILL BE DONE ON THE DEVELOPMENT PURSUANT TO A PERMIT.

(8) “PUBLICLY ACCESSIBLE LOCATION” MEANS ONE OF THE FOLLOWING LOCATIONS: LETTS COMMUNITY CENTER; ALFREDA SCHMIDT COMMUNITY CENTER, GIER COMMUNITY CENTER, FOSTER COMMUNITY CENTER, LANSING CITY HALL CITY COUNCIL CHAMBERS, OR A CITY-OWNED BUILDING DURING REGULAR BUSINESS HOURS.

(9) “PUBLICLY ADVERTISED” MEANS:

(a) ADVERTISED AT A TIME AND LOCATION CUSTOMARY IN THE RELEVANT TRADE; AND,

(b) PUBLISHED ONCE IN A NEWSPAPER.

(10) “TRANSPARENT AND FAIR BIDDING PROCESS” MEANS: A BIDDING PROCESS THAT INCLUDES:

- OPENESS AND TRANSPARENCY;
- BID OPENINGS AT PUBLICLY ACCESSIBLE LOCATIONS;
- PUBLIC ADVERTISEMENTS OF BIDS IN APPROPRIATE VENUES WITH THE DATE, TIME, AND LOCATION FOR RESPONSE AND BID OPENING;
- ~~SOLICITATION OF BIDS FROM THREE OR MORE SUPPLIERS REGARDLESS OF LABOR ORGANIZATION AFFILIATION;~~
- SEVEN BUSINESS DAYS OR MORE TO RESPOND FOR PROSPECTIVE BIDDERS;
- PUBLIC DISCLOSURE OF ALL BIDDERS AND BID AMOUNTS; AND

- NOTIFICATION TO BIDDERS NOT SELECTED OF THE BIDDER SELECTED AND THE AMOUNT OF THE SUCCESSFUL BID.

(C) REQUIREMENTS.

EVERY PROJECT SUBMITTED TO THE LANSING CITY COUNCIL FOR APPROVAL OF AN ECONOMIC INCENTIVE REQUESTED BY AN APPLICANT SHALL INCLUDE THE WRITTEN AGREEMENT OF THE APPLICANT CONSISTING OF, AND INCLUDING, THE FOLLOWING:

(1) THAT THE APPLICANT WILL ABIDE BY THE PRINCIPLES OF A TRANSPARENT AND FAIR BIDDING PROCESS AS DEFINED IN THIS SECTION; AND

(2) THAT ANY ECONOMIC INCENTIVES AWARDED TO THE APPLICANT'S PROJECT ARE SUBJECT TO REVOCATION OR OTHER PENALTIES OR SANCTIONS ALLOWED BY THE AUTHORIZING STATUTE FOR THE PARTICULAR ECONOMIC INCENTIVE; AND

(3) A CERTIFICATION THAT THE APPLICANT IS NOT IN FINANCIAL DEFAULT TO THE CITY OF LANSING RELATING TO TAXES, LICENSES, PERMITS, OR FEES; AND

(4) PROOF OF A VALID TAX IDENTIFICATION NUMBER, REQUIRED LICENSES, AND CERTIFICATES OF INSURANCE NECESSARY FOR THE PROJECT; AND

(5) THE SPECIFIC PLAN OF THE APPLICANT TO ABIDE BY THE PRINCIPLES OF A TRANSPARENT AND FAIR BIDDING PROCESS, INCLUDING ANY

CONSTRUCTION WORK INCLUDED WITHIN THE RESPONSIBILITIES OF A GENERAL CONTRACTOR; AND

(6) A DISCLOSURE OF ANY CITATION FOR A VIOLATION OF A TRANSPARENT AND FAIR BIDDING PROCESS; AND

(7) A DISCLOSURE OF ANY GOVERNMENTAL DEBARMENT OR SUSPENSION FROM BIDDING OR CONTRACTING.

(D) APPLICATION. THIS SECTION SHALL ONLY APPLY TO A PROJECT FROM THE TIME THE ECONOMIC INCENTIVE IS APPROVED BY THE LANSING CITY COUNCIL UNTIL PROJECT COMPLETION AS DEFINED BY A DEVELOPMENT AGREEMENT BETWEEN THE APPLICANT AND THE CITY OF LANSING; OR, IF NO AGREEMENT EXISTS, BY THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY BY THE CITY OF LANSING. THE ACCEPTANCE OF AN APPLICATION BY THE CITY DOES NOT CONSTITUTE THE APPROVAL OF AN ECONOMIC INCENTIVE. THE APPLICANT MAY INCLUDE INFORMATION IN THE APPLICATION TO ENABLE COUNCIL TO DETERMINE WHETHER, AND TO WHAT EXTENT, THE APPLICANT HAS ENGAGED IN A PRE- CONSTRUCTION TRANSPARENT AND FAIR BIDDING PROCESS PRIOR TO THE APPLICANT'S FILING.THIS SECTION SHALL NOT APPLY TO ECONOMIC INCENTIVES INITIATED BY THE INGHAM COUNTY LAND BANK OR THE DEWITT CHARTER TWP. – CITY OF LANSING NEXT MICHIGAN DEVELOPMENT CORPORATION. THIS ORDINANCE SHALL NOT APPLY TO ANY ECONOMIC

INCENTIVE OR PROJECT APPROVED PRIOR TO THE EFFECTIVE DATE OF THE ORDINANCE ADOPTING THIS SECTION.

(E) PROJECT LABOR AGREEMENTS. NOTHING IN THIS SECTION SHALL BE INTERPRETED TO PROHIBIT OR REQUIRE AN APPLICANT, OR ANY CONTRACTOR OR SUBCONTRACTOR OF AN APPLICANT, FROM REQUIRING IN BID SPECIFICATIONS THAT A SUCCESSFUL BIDDER ENTER INTO A PROJECT LABOR AGREEMENT OR OTHER COLLECTIVE BARGAINING AGREEMENT AS A CONDITION OF CONTRACT AWARD.

(F) VIOLATIONS. IN THE EVENT AN APPLICANT VIOLATES THE REQUIREMENTS OF THIS ORDINANCE, THE CITY MAY TAKE WHATEVER ACTION LEGALLY PERMISSIBLE TO REVOKE ANY ECONOMIC INCENTIVE PURSUANT TO THE WRITTEN AGREEMENT GRANTED AND MAY CAUSE THE APPLICANT TO BE INELIGIBLE FOR FUTURE ECONOMIC INCENTIVES. ANY COMPLAINT MADE CONCERNING AN ALLEGED VIOLATION OF A PROJECT'S WRITTEN AGREEMENT MADE PURSUANT TO SECTION 206.25 (C) SHALL BE SUBMITTED TO THE CITY ATTORNEY ~~AND THE CITY COUNCIL~~ WITH SUPPORTIVE DOCUMENTATION.

(G) SUNSET. THIS ORDINANCE SHALL EXPIRE ON A DATE FIVE YEARS FROM THE DATE OF ENACTMENT.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment, unless given immediate effect by City Council.

Approved as to form by the City Attorney on ________________________2016

____

12/20/16 p 1

JY outstanding questions / concerns about transparancy in bidding ordinance —

Nov 10, 2016 draft

1. p 3 line 14 "three or more suppliers"

what if there are not three for a specific type of job?

esp historic presv. work?

2. who is going to "police" / "monitor"

if bids are being opened at

publicly accessible locations?

2a. also who will monitor that the ~~~~ bids ~~~~ remain sealed prior to opening?

3. How does this ordinance define "public disclosure" of all bidders and bid amounts.

This needs to be defined

Submitted Comments

12/20/16 JY
questions p2

4. What is the point of
notifying bidders not selected
of the bidder that was selected
and the amount of the successful
bid? (p 3 line 19-20)

5. How will someone reviewing
a violation know if the advertising
method used was
"customary in the relevant trade"
that seems subjective, can we
tighten this up/be more specific?
p 3 lines 4-6

6. p 4 line 9-1~~7~~ - is this not
already included in ~~the~~ all
~~economic~~ development agreements
for ec dev incentives?

12/20/16
JY questions
p3

7. If the mechanism for revocation is through complaint to and review by city attorney, then why does p5, line 12-15 state that "the applicant may include information in the application to enable council to determine whether, and to what extent, the applicant has engaged in a pre-construction transparent and fair bidding process prior to the applicant's filing."

8. Timeframe and $ amounts.

We heard concerns during public comment that the ordinance was/is unclear about which phases of construction would be subject to the ordinance

Hosmer Storage, LP - 506 Hosmer St - 204 E. Grand River Ave. OPRA

#		Ave Per Year	12 Year OPRA
1	Base Personal Property Tax Value		$0
2	Base Land Property Tax Value		$70,300
3	Base Building Property Tax Value		$196,550
4	New Personal Property Investment		$290,000
5	New Building Property Investment (hard costs)		$1,802,630
6	New soft costs		$650,627
7	Demolition and Asbestos Abatement		255,355
8	Total Investment		$2,998,612
9	Total Personal Property Taxes Collected	$5,328	$63,939
10	City's Portion of Personal Property Taxes Collected	$1,456	$17,477
11	Amount of Personal Property Taxes Abated	$0	$0
12	Total Real Property Taxes Collected	$35,093	$421,111
13	City's Portion of Real Property Taxes Collected	$5,188	$62,251
14	Amount of Real Property Taxes Abated	$31,785	$381,423
15	City's Portion of Real Property Taxes Abated	$13,092	$157,108
16	**Total Taxes Paid by Developer**	**$40,421**	**$485,050**
17	**Total Taxes Abated**	**$31,785**	**$381,423**
18	**Total Lansing Taxes Collected**	**$6,644**	**$79,727**
19	**Total Lansing Taxes Abated**	**$13,092**	**$157,108**
20	**Taxes Collected Without Project**	**$18,979**	**$227,748**
21	**Taxes Collected With Project**	**$40,421**	**$485,050**
22	**Increase in Total Taxes**	**$21,442**	**$257,303**
23	**City Taxes Collected Without Project**	**$5,188**	**$62,251**
24	**City Taxes Collected With Project**	**$6,644**	**$79,727**
25	**Increase in City Taxes**	**$1,456**	**$17,477**

Submitted @ cnty

PHOTO: 1 DATE: 10/31/2016
SUBJECT: The Property standing on Hosmer Street facing north.

PHOTO: 2 DATE: 10/31/2016
SUBJECT: View of former windows filled-in with plaster.

PHOTO: 3 **DATE: 10/31/2016**
SUBJECT: Eroded foundation on west side of building.

PHOTO: 4 **DATE: 10/31/2016**
SUBJECT: Eroded brick on the southwest side of building.

PHOTO: 5 **DATE: 10/31/2016**
SUBJECT: **Eroded brick on the southwest corner of building.**

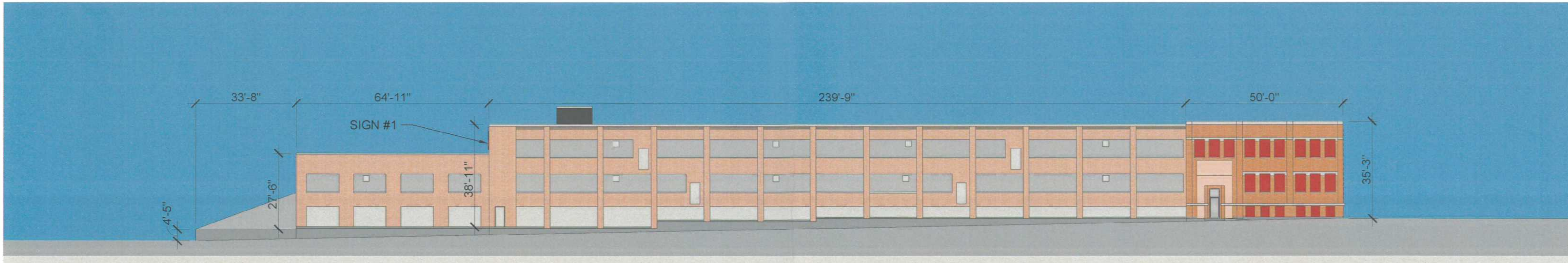
PHOTO: 6 **DATE: 10/31/2016**
SUBJECT: **View of the south side of the building.**

PHOTO: 7 **DATE: 10/31/2016**
SUBJECT: Typical warehouse space.

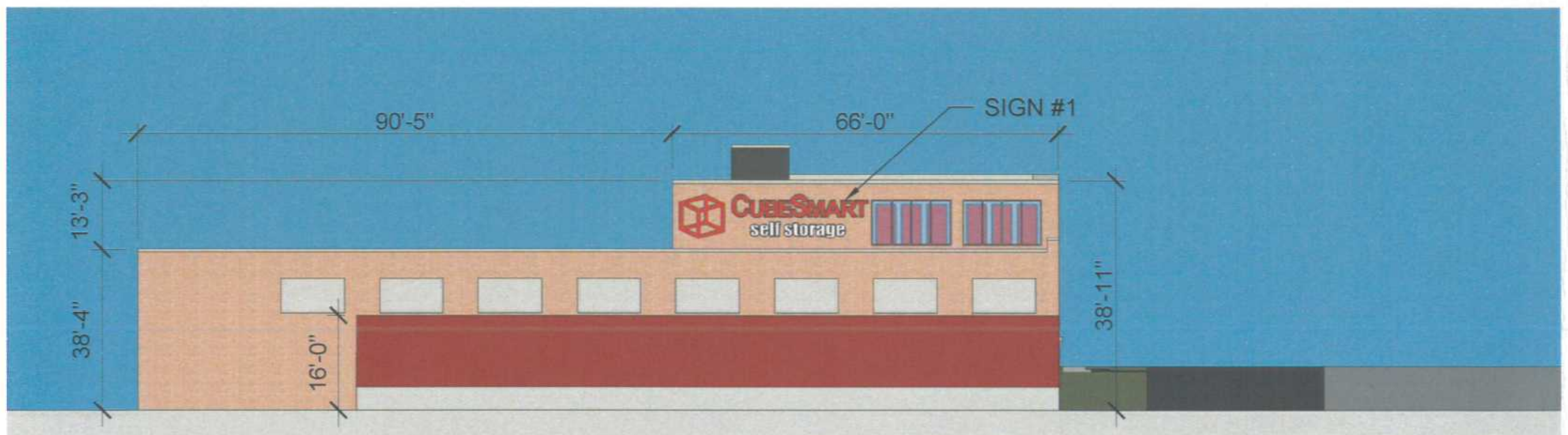
PHOTO: 8 **DATE: 10/31/2016**
SUBJECT: Interior view of former windows filled-in with plaster located on second floor.

PHOTO: 9 **DATE:** 10/31/2016
SUBJECT: Interior view of former windows filled-in with plaster located on first floor.

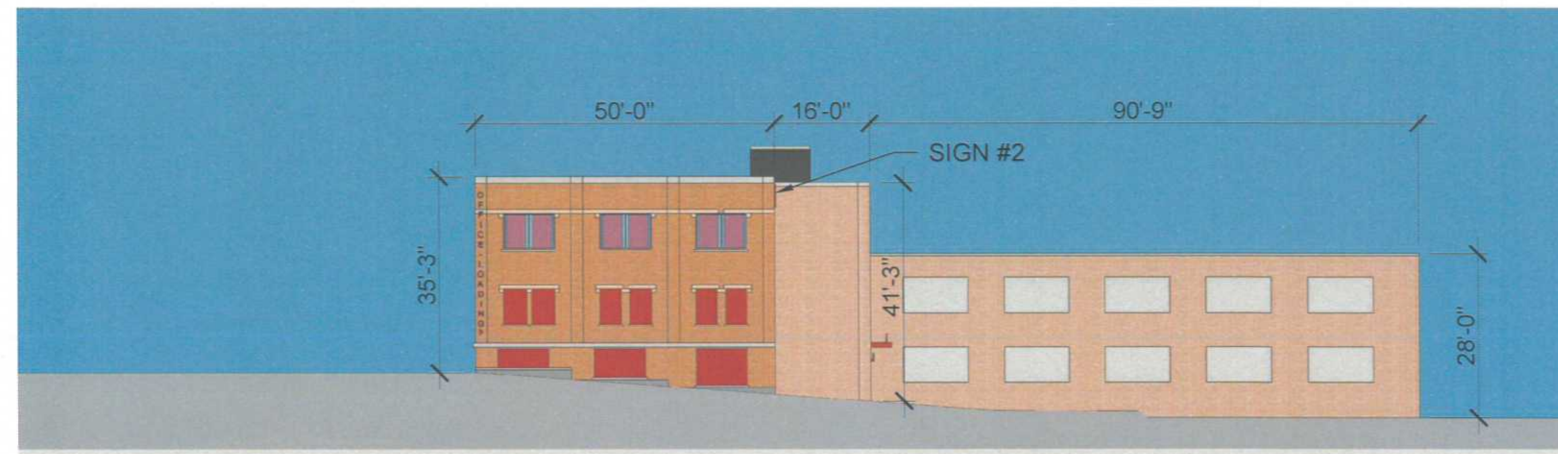
PHOTO: 10 **DATE:** 10/31/2016
SUBJECT: Buckled wood flooring located in the basement of the building.



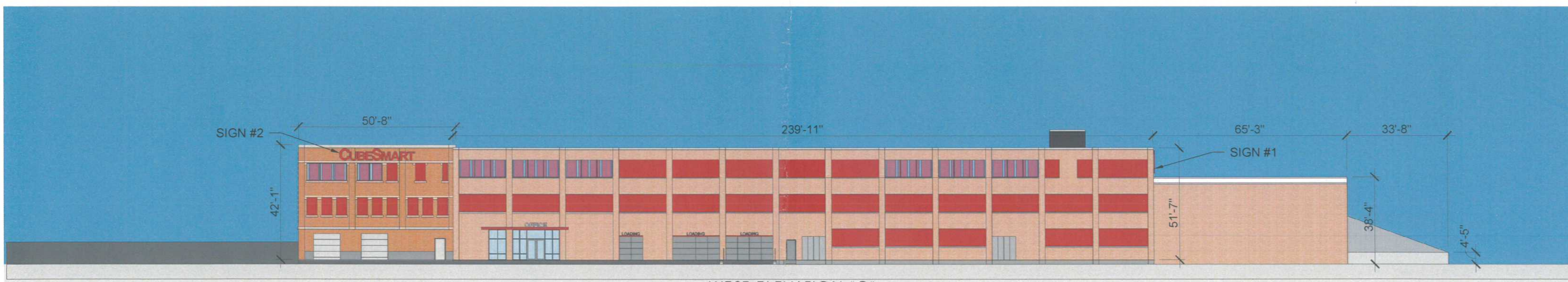
EAST ELEVATION "A"



SOUTH ELEVATION "D"



NORTH ELEVATION "B"



WEST ELEVATION "C"

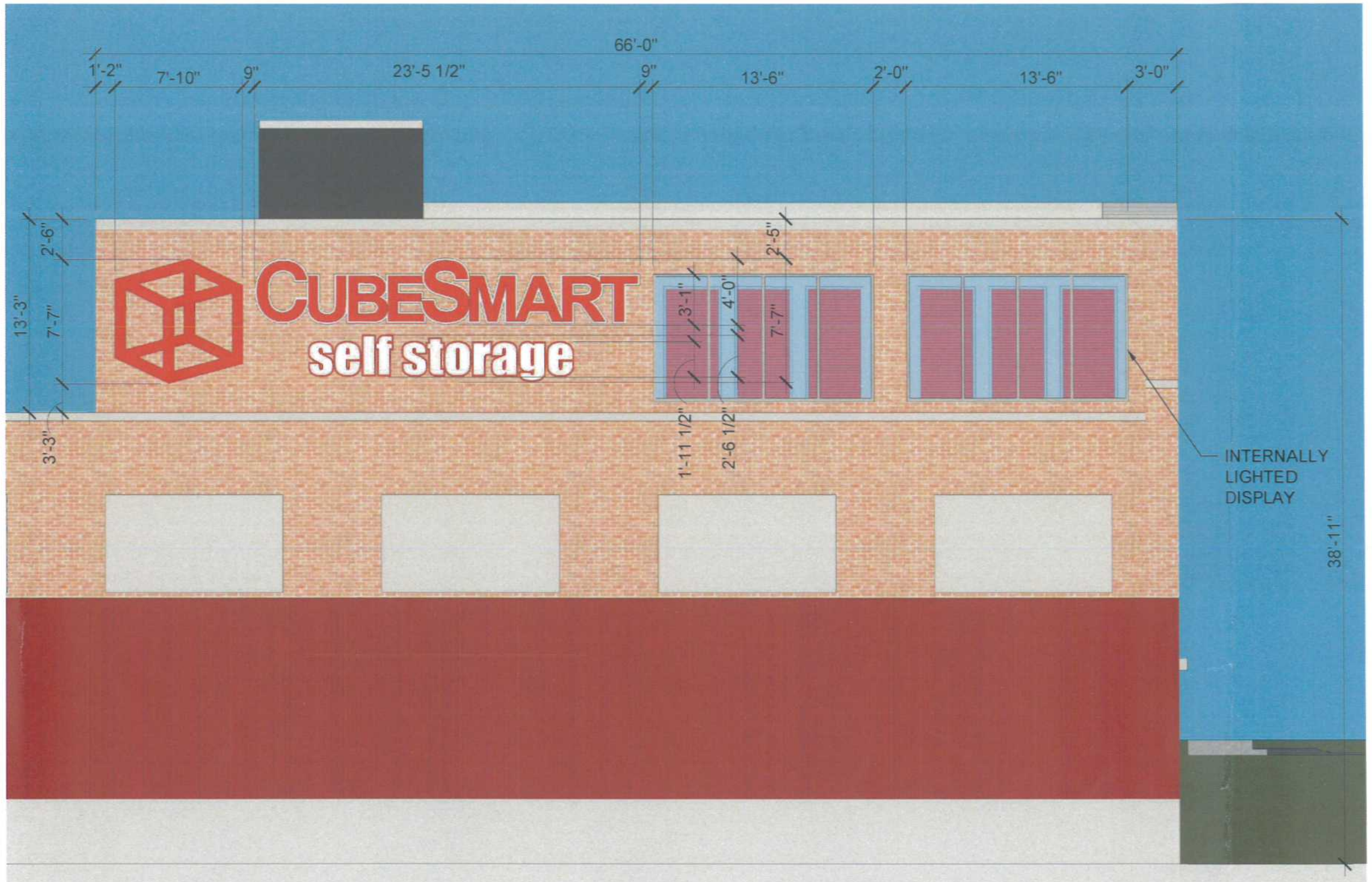
ELEVATIONS

Macritchie Storage, LLC
DEVELOPER/OWNER

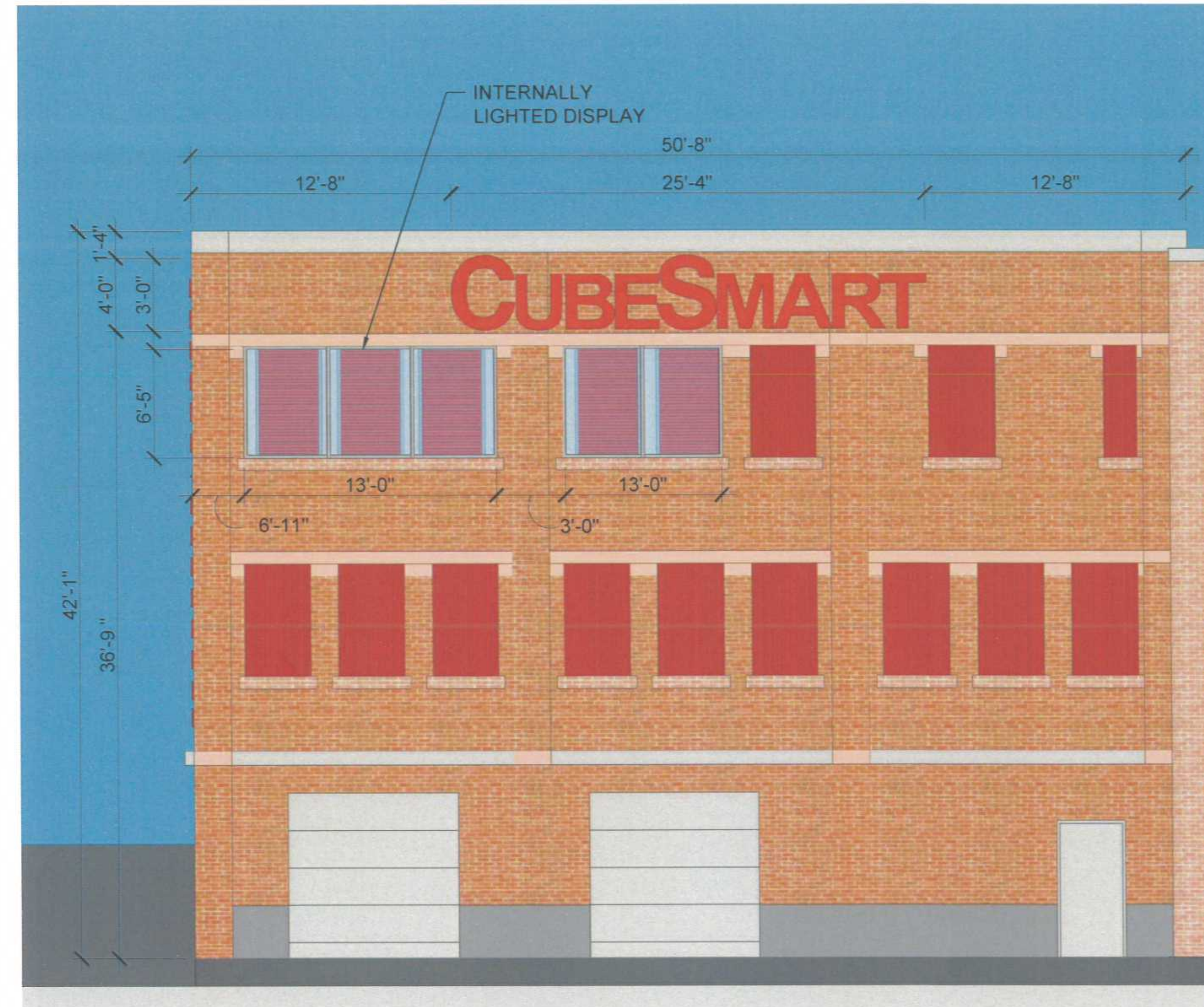
DECEMBER 19, 2016

506 S HOSMER STREET
LANSING, MICHIGAN 48912

SULLIVAN
GOULETTE
& WILSON
ARCHITECTS



SIGN #1



SIGN #2

NORTH

SIGNAGE ELEVATIONS

506 S HOSMER STREET
LANSING, MICHIGAN 48912

Macritchie Storage, LLC
DEVELOPER/OWNER

DECEMBER 19, 2016

SULLIVAN
GOULETTE
& WILSON
ARCHITECTS

BUILDING PERSPECTIVE-
LOOKING SOUTHWEST

Macritchie Storage, LLC
DEVELOPER/OWNER

DECEMBER 19, 2016

506 S HOSMER STREET
LANSING, MICHIGAN 48912

SULLIVAN GOULETTE & WILSON
ARCHITECTS

BUILDING PERSPECTIVE-
LOOKING NORTHEAST

Macritchie Storage, LLC
DEVELOPER/OWNER

DECEMBER 19, 2016

506 S HOSMER STREET
LANSING, MICHIGAN 48912

SULLIVAN GOULETTE & WILSON
ARCHITECTS