



AGENDA
Committee on Development and Planning
Monday, February 19, 2018 @ 4:00 p.m.
10th Floor Conference Room, City Hall

Council Member Adam Hussain, Chair
Council Member Patricia Spitzley, Vice Chair
Council Member Jody Washington, Member

- 1. Call to Order**
- 2. Public Comment on Agenda Items**
- 3. Minutes**
 - February 5, 2018
- 4. Discussion/Action:**
 - A.) RESOLUTION** –Amend Res. 0145 of 1981 for SLU-1-2016; 2101 E. Mt. Hope Avenue; Petition for the construction of a mobile cell tower
 - B.) RESOLUTION** – Introduction and Set Public Hearing; Z-1-2018; 600 Block East Michigan; Rezone from “H” Light Industrial to “G-1” Business District
 - C.) RESOLUTION** – ACT-1-2018; 600 Block East Michigan; Vacate Alley
 - D.) RESOLUTION** – Land Acquisition Project Agreement; Michigan Department of Natural Resources; Lansing Boat Club
- 5) Other**
- 6) Adjourn**

[illegible]

DRAFT



MINUTES

Committee on Development and Planning
Monday, February 5, 2018 @ 4:00 p.m.
Council Conference Room, City Hall 10th Floor

CALL TO ORDER

Called to order at 4:01 p.m.

PRESENT

Council Member Hussain, Chair
Council Member Spitzley, Vice-Chair
Council Member Washington, Member- excused

OTHERS PRESENT

Sherrie Boak, Council Staff
Don Kulhanek, Planning & Neighborhood Development
Brian McGrain, Planning & Neighborhood Development
Susan Stachowiak, Planning & Neighborhood Development
Greg Venker, Assistant City Attorney – arrived at 4:07 pm.
Kevin McKinney
Thadd Goimes
Jeff Deehan
Elaine Womboldt

PUBLIC COMMENT

No public comment at this time.

Council Member Hussain passed the gavel to Council Member Spitzley.

MINUTES

MOTION BY COUNCIL MEMBER HUSSAIN TO PLACE THE MINUTES FROM NOVEMBER 27, 2017 ON FILE. MOTION CARRIED 2-0.

Council Member Spitzley passed the gavel to Council Member Hussain.

DISCUSSION/ACTION

RESOLUTION – SLU-4-2017; 735 E. Hazel Street; Residential Use in Heavy Industrial

Ms. Stachowiak recapped the development as a renovation of a vacant industrial parcel, with mixed use first floor office, and a maximum of 160 residential units on the second floor. Because it is zoned industrial they need the special land use approval. During the public

hearings, Ms. Stachowiak noted there were no negative comments, and the department recommends approval.

Mr. Deehan was present to answer any questions on the proposed development, which will incorporate shipping containers into the construction. Council Member Hussain asked if there would be onsite parking. Mr. Deehan noted there is 2 acres of surface parking across Hosmer that they are renting. The parking ratio is only parking .5 per unit, and Ms. Stachowiak confirmed parking does not need to be on site as long as it is within 300 ft.

MOTION BY COUNCIL MEMBER SPTIZLEY TO APPROVE THE SLU -4-2017 FOR 735 HOSMER. MOTION CARRIED 2-0.

RESOLUTION – Introduction and Setting of Public Hearing; PILOT; Porter Senior Apartments; 505 Townsend Street

Council Member Hussain informed the Committee and confirmed with the staff that the applicant will be present at the February 12, 2018 Council meeting to speak and answer any questions.

Mr. Kulhanek reviewed the project which is senior housing and Section 8 subsidized, with 100 units, and built in 1920. The site currently already has a 4% PILOT, which they received in 1982 and will expire in 2022. Mr. Kulhanek explained that the owners need this new PILOT to be on the same term as their funding from MSDHA, so this is to extend the PILOT to 2033. The applicant will be present at the February 12, 2018 meeting and will go into further details on the improvements, but they will include elevators, windows, a generator, roofing, and general maintenance. Some apartments will also get new appliances and cabinets. It was noted that they are expected to spend a total of \$30,000 per unit with an overall investment of approximately \$3 million. This is a project to enhance moderate-income housing for the elderly.

Council Member Hussain spoke on his concerns and admitted he struggled with the fact that they have had a 4% PILOT since 1982, and the list of repairs appears to be large and the buildings are faulty. He asked Law if there was something Council could do if they do not make good on the repairs, specifically inquiring whether the PILOT could be terminated if the repairs are not made. Mr. Kulhanek answered that termination has never been considered as an option, and there would be problems if it was terminated. He assured them that MSHDA is responsible for the inspections and he is not sure if a PILOT can be revoked. The way PILOTS are written is that they have a contractual effect and a “promise” is given with the PILOT approval and they “promise” to do the work.

Council Member Hussain continued his opposition to the PILOTS, stating with MSHDA it appears they receive more points with a PILOT however the PILOTS never come back on the tax rolls and it's not clear whether they receive more points for having a lower percentage PILOT. Council Member Spitzley stated that the applicants do get more points on their LIHTC application for securing a lower percentage, but asked that if this was a contractual agreement, why can't the City look at the PILOT contract and add consequences if they are not living up to the expectations. Mr. Kulhanek referred to the ordinance in front of the Committee, noting it has to be written to meet MSHDA approval. Council Member Spitzley asked if then Council can do a side contract similar to a development agreement. Mr. Venker agreed with Mr. Kulhanek that the Ordinance has to meet MSDHA and it is also statutory and if the City contracts a right they have under the statute, the City would be in trouble. Council Member Spitzley referred to Brownfield agreements and their conditions. Mr. Venker stated in development agreements the City usually owns a portion so they can set guidelines, and in a Brownfield there are things for payment timelines and necessary actions. Council Member Hussain asked Mr. Venker to look

into what restrictions and protections can be established, and Council Member Spitzley added she did not want something taken out of the ordinance as required to be written by MSHDA, but would be interested in something similar to a developers agreement where the City can say they have to do what they are proposing to do.

Mr. McGrain stated they can verify whether applicants receive more points for lower percentage PILOTS, but assured the Committee that there will be a huge element of compliance at the State level if the funds don't go in to what they state, and then they won't get the State tax credit. He too suggested speaking to the developer on February 12th on what their goals are to complete.

Council Member Hussain noted a concern that when it is noted as "senior living" it is general and not always 55 and over. Mr. McGrain assured them that this development (Porter) is 55 and over and they have not had any complaints. He would review the HUD definition for "senior living" also. Mr. Kulhanek referred back to the ordinance, and noted that the ordinance does say specifically "age 55", and they do have to submit every year to the Assessor's office that verifies the project.

Ms. Womboldt asked for accountability for developers that obtain advantages from the City.

MOTION BY COUNCIL MEMBER SPITZLEY TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR FEBRUARY 26, 2018 FOR THE PILOT FOR PORTER SENIOR APARTMENTS AT 505 TOWNSEND STREET. MOTION CARRIED 2-0.

Other

No other comments.

Adjourn

Adjourn at 4:26 p.m.

Submitted by, Sherrie Boak,

Recording Secretary,

Lansing City Council

Approved by the Committee on _____

RESOLUTION #
BY THE COMMITTEE _____
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, on June 22, 1981, as recommended by the Lansing Parks Board and presented by the Parks and Recreation Department, the Lansing City Council adopted a classification report listing designated parkland under Resolution #0145; and

WHEREAS, Crego Park, located at 2101 E. Mt. Hope Avenue, Lansing, Michigan 48910, (hereinafter "Property" is classified as designated parkland under Resolution #0145 of 1981); and

WHEREAS; the City of Lansing is desirous of repurposing the section of Property set forth herein for the purpose of a wireless communication tower;

WHEREAS, the Lansing Parks Board at its November 18, 2015 meeting, voted unanimously (6-0) to approve the proposed site; and

WHEREAS, the Planning Board at its April 5, 2016 meeting, voted unanimously (5-0) to recommend approval of SLU-1-2016 to permit a wireless communication tower at 2101 E. Mt. Hope Avenue; and

WHEREAS, the City Council held a public hearing regarding SLU-1-2016 on June 13, 2016 and approved SLU-1-2016, to permit a wireless communication tower at 2101 E. Mt. Hope Avenue within the 100-year floodplain of the Red Cedar River; and

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby amends the Property as listed in Resolution #0145 of 1981 for the purpose of removing the section of Property set forth herein, as described in Resolution #1045 of 1981, from the list of "dedicated parkland", as recommended by the Parks Board

BE IT FURTHER RESOLVED, that the Lansing City Council hereby adopts amendment as described above, and changes the designation of Crego Park, particularly described as:

Commencing at the South 1/4 corner of Section 23, T4N, R2W, City of Lansing, Ingham County, Michigan; thence N 89°59'28" E 371.70 feet along the south line of said Section 23 (also being the centerline of Mount Hope Avenue, 66 feet wide); thence N 00°21'28" E 1056.00 feet to the north line of "Supervisor's Plat of Fidelity Farms" as recorded in Liber 15 of Plats, Page 7, Ingham County Records; thence N 00°00'32" W 140.00 feet; thence N 27°51'35" W 80.00 feet; thence N 48°45'17" W 107.47 feet; thence N 59°51'35" W 485.00 feet; thence N 56°02'24" W 200.00 feet; thence N 38°07'43" W 125.00 feet; thence S 51°52'17" W 15.00 feet to the POINT OF BEGINNING:

thence S 38°07'43" E 50.00 feet;
 thence S 51°52'17" W 30.00 feet;

thence N 38°07'43" W 50.00 feet;
thence N 51°52'17" E 30.00 feet to the POINT OF ENDING; being a part of
the Southwest 1/4 of Section 23, T4N, R2W, City Lansing, Ingham
County, Michigan; containing 10,000 square feet or 0.230 acres of land;
and subject to easements and restrictions of record, if any;

Together with a 30 foot wide easement for ingress egress and public utilities, the
centerline of said easement is described as follows:

Commencing at the South 1/4 corner of Section 23, T4N, R2W, City of Lansing, Ingham
County, Michigan; thence N 89°59'28" E 371.70 feet along the south line of said Section
23 (also being the centerline of Mount Hope Avenue, 66 feet wide); thence N 00°21'28"
E 1056.00 feet to the north line of "Supervisor's Plat of Fidelity Farms" as recorded in
Liber 15 of Plats, Page 7, Ingham County Records and the POINT OF BEGINNING:

thence N 00°00'32" W 140.00 feet;
thence N 27°51'35" W 80.00 feet,
thence N 48°45'17" W 107.47 feet;
thence N 59°51'35" W 485.00 feet;
thence N 56°02'24" W 200.00 feet;
thence N 38°07'43" W 125.00 feet to the POINT OF ENDING; being a part of
the South 1/2 of Section 23, T4N, R2W, City of Lansing, Ingham County,
Michigan; except any part taken, deeded or used for public road purposes;
and subject to easements and restrictions of record, if any;

And together with a 10 foot wide easement for public utilities, the centerline of said
easement is described as follows:

Commencing at the South 1/4 corner of Section 23, T4N, R2W, City of Lansing, Ingham
County, Michigan; thence N 89°59'28" E 371.70 feet along the south line of said Section
23 (also being the centerline of Mount Hope Avenue, 66 feet wide); thence N 00°21'28"
E 1056.00 feet to the north line of "Supervisor's Plat of Fidelity Farms" as recorded in
Liber 15 of Plats, Page 7, Ingham County Records; thence S 89°59'28" W 20.00 feet
along the north line of said "Supervisor's Plat of Fidelity Farms" to the POINT OF
BEGINNING:

thence N 00°00'32" E 125.00 feet;
thence N 26°22'12" W 86.65 feet;
thence N 48°45'17" W 95.00 feet;
thence N 59°51'35" W 483.72 feet;
thence N 56°02'24" W 203.82 feet;
thence N 38°07'43" W 78.15 feet to the POINT OF ENDING; being a part of the
South 1/2 of Section 23, T4N, R2W, City of Lansing, Ingham County,
Michigan; except any part taken, deeded or used for public road purposes;
and subject to easements and restrictions of record, if any.

from “Open Space – Dedicated Park” to “Open Space – Quasi-Public / Wireless Cell Tower” to accommodate the proposed Verizon Wireless monopole tower.

4. Use the data gathered from this experiment to evaluate the effect on non-local and local traffic in the area.
5. Recommend a final course of action based on the additional information.

Adopted by the following vote:

Yeas: Councilmen Adado, Gunther, Lindemann, McKane, Worthington—5.

Nays: Councilmen Blair, Brenke—2.

By COMMITTEE ON PUBLIC PROPERTIES AND SAFETY—

Resolved by the City Council of the City of Lansing:

Whereas, resident of Harris Street have requested action to improve traffic conditions in their area due to heavy truck traffic servicing Friedland Iron and Metal Company; and

Whereas, the management at Friedland's has been cooperative in seeking short- and long-term solutions to Harris Street traffic problems; and

Whereas, one short term measure to improve conditions, suggested by the Transportation Advisory Committee, is to pave the east end of Harris Street to Friedland's gate, which can be done once the City-owned roadway is dedicated as a public street; and

Whereas, the easterly 50 feet of roadway is owned by Friedland's, which will pave this section at company expense;

Now, Therefore, Be It Resolved the Lansing City Council hereby dedicates the following described property as Harris Street:

The extension of Harris Street commencing at the northeast corner of Lot

82, Banghart Subdivision No. 1, hence east 50 feet, hence north 54 feet, hence west 50 feet, hence south 54 feet to point of beginning, City of Lansing, Ingham County, Michigan,

And

Be It Further Resolved the City Clerk is hereby authorized and requested to have this dedication recorded as required; and

Be It Finally Resolved the Committee on Physical Development will continue to investigate long-term solutions to truck traffic on Harris Street, for a subsequent report to Council and the Mayor.

Adopted by the following vote:

Unanimously.

By PUBLIC PROPERTIES & SAFETY—

Resolved by the City Council of the City of Lansing:

Whereas, by resolution approved December 10, 1979, the City Council adopted a comprehensive parkland policy, part of which requested a classification of existing City properties designated as parkland; and

Whereas, the Parks and Recreation Department has prepared such classification report, listing designated parkland as either neighborhood parks, community parks, city-wide parks, or special use parks; and

Whereas, the Parks Board has reviewed and approved the classification listing;

Now, Therefore, Be It Resolved the Lansing City Council hereby approves and adopts the "Designation of Park Land" classification report as attached.

Adopted by the following vote:

Unanimously.

DESIGNATION OF PARK LAND

Designations are based primarily on who uses the park with size and location additional factors.

- N.P. Neighborhood Playground
- C. Community Park & Athletic Field
- C.W. City Wide Facility
- * Special Use in Addition to Basic Designation

Each designation includes uses that are appropriate to the lower intense classifications (Example: Community Parks include Neighborhood Usage).

PARK AREAS DESIGNATED BY EITHER DEED, COUNCIL RESOLUTION OR ACTUAL DEVELOPMENT. SUBJECT TO CITY CHARTER AND DEC. 12, 1979 POLICY ACTION ON DEVELOPMENT, ENCROACHMENT AND DISPOSAL.

	Year Acquired	Number of Acres	Designation
Attwood Park	1962	28.8	C.
Averill Park	1961	8.0	N.P.
Bancroft Park	1920	42.4	C.
Bassett Park	1940	3.4	N.P.
Beck Park	1977	10.0	N.P.
Bluebell Park	1970	2.7	N.P.
Burchard Park (inc. Chadwell addition)	1975, 1980	5.0	C.W.
Cavanaugh Park	1958	25.0	C.

	Year Acquired	Number of Acres	Designation
Clifford Park	1920	5.4	N.P.
Cooley Gardens	1938	1.4	C.W.
Davis Park	1970	41.8	C.W.
Dietrich Park	1970	5.0	C.W.
Dodge Park (inc. Oppen addition)	1974, 1981	10.7	C.W.
Dunnebacke Park	1954	6.4	N.P.
Durant Park	1920	3.0	C.*
Edmore Park	1940	0.4	N.P.
Elm Park	1936	5.6	C.
Elmhurst Park	1957	5.3	N.P.
Everett Field	1964	3.0	C.
Fenner Arboretum	1954	120.0	C.W.
Filley Park	1940	2.2	N.P.
Forest View Park	1975	8.1	N.P.
Foster Community Center	1979	2.3	C.
Foster Park	1919	4.0	N.P.
Frances Park	1918	57.8	C.W.
Georgetown Park	1970	11.2	N.P.
Gier Park and Center	1945	37.2	C.W.
Glen Eden Park	1974	2.5	N.P.
Grand River Park	1927	41.6	C.W.
Grand River School Park	1979	2.5	N.P.
Grand Woods Park	1924	139.3	C.W.
Greencroft Park	1925	1.5	N.P.*
Hillborn Park	1969	6.2	N.P.
Hillsdale	1978	3.2	N.P.
Hull Court	1940	1.3	N.P.
Hunter Park	1940	14.0	C.
Ingham Park	1959	11.8	N.P.
Irving Park	1940	0.4	N.P.*
Jones Lake Park	1966	1.8	N.P.
Kalamazoo Plaza	1923	0.4	C.*
Kendon Park	1957	5.6	C.
Kimberly Park	1969	19.5	N.P.
Kingsley Community Center	1974	4.6	C.
Larch Park	1940	0.5	N.P.
Lewton Park	1957	1.7	N.P.
Lyons Park	1951	5.0	N.P.
Maple Grove Hall	1965	4.0	C.
Marscot Park	1975	5.0	N.P.
Marshall Field	1940	11.4	C.
McKinch Park	1971	5.5	N.P.
Michigan Avenue Park	1939	28.1	C.W.
Miller Road Center	1942	0.3	C.
Moores Park (inc. Glenn Island)	1908, 1912	22.9	C.
Municipal Field	1947	6.7	C.W.
Munn Park	1970	14.4	N.P.
Oak Park	1852	16.7	N.P.
Ormand Park	1931	8.2	N.P.
Osborn Park	1940	0.6	N.P.
Pleasant View Park	1959	7.4	C.
Porter Park	1939	10.7	N.P.
Potter Park	1917	98.5	C.W.
Poxson Park	1949	16.7	N.P.
Quentin Park	1938	10.3	C.
Ranney Park	1917	19.1	C.W.
Reasoner Park	1913	6.6	N.P.
Red Cedar Golf Course	1926	61.3	C.W.
Regent Park	1940	2.5	N.P.
Reola Park	1919	0.6	N.P.
Reutter Park	1878	3.0	C.*
Risdale Park	1967	17.6	N.P.
Riverfront Park	1973	20.9	C.W.
Riverside Park	1918	7.3	N.P.*
Riverstreet Park	1947	4.7	N.P.
St. Joseph Park	1945	18.8	C.
Scott Park and Center	1929	5.5	C.W.
Scott Woods	1957	87.4	C.W.
Seventh Park	1954	1.6	N.P.
Sheffield Park	1967	26.3	C.
Shubel Park	1924	55.5	C.W.*
Stabler Park	1940	1.3	N.P.
Stroud Park	1950	0.8	N.P.

	Year Acquired	Number of Acres	Designation
Sycamore Park	1924	10.0	C.
Sycamore Golf Course	1919	53.2	C.W.
Tammany Park	1974	1.6	N.P.
Tecumseh Park	1950	39.0	N.P.
Trager Park	1928	0.6	N.P.*
Turner Park	1976	0.04	N.P.*
Wainwright Park	1962	5.4	N.P.
Waldo Park	1949	0.5	N.P.
Walsh Park	1953	4.0	N.P.
Washington Park	1942	45.4	C.W.
Waverly Golf Course	1939	87.3	C.W.
Wentworth Park	1972	0.9	C.*
Westside Park	1940	15.5	C.
Wilson Park	1969	4.9	N.P.
Woodcreek Park	1966	4.4	N.P.
TOTAL ACREAGE 96 PARKS		1598.24	

AREAS ACQUIRED FOR PARK LAND
BUT UNDEVELOPED. THE
PROPERTIES ARE SUBJECT TO
PROVISIONS OF THE CITY CHARTER
AND DEC. 12, 1979 POLICY ACTION ON
DEVELOPMENT, ENCROACHMENT
AND DISPOSAL.

	Year Acquired	Number of Acres
Crego Park	1969	200.7
Fine Park	1979	35.8
Holly Park	1978	5.0
Priggooris Park	1959	263.0
Willoughby Park	1964	50.0
TOTAL ACRES 5 PARKS		554.5

AREAS UNDER LEASE TO THE CITY
OF LANSING.

	Number of Acres	Designation
Comstock Park	8.2	C.
Fairview Park	12.2	N.P.
Ferris Park	3.0	N.P.
Groesbeck Golf Course	115.6	C.W.
119th Armory Park	6.8	N.P.
TOTAL ACREAGE 5 PARKS	145.8	

PROPERTY ACQUIRED FOR FUTURE
PARK PURPOSES ALTHOUGH
SPECIFIC LOCATION AND CHARACTER
NOT DEFINED. PARCELS NOT
SUBJECT TO THE DISPOSAL
PROVISIONS OF CITY CHARTER.
UNLESS THEY ARE WATERFRONT.
BUT SUBJECT TO DEC. 12, 1979 POLICY
ACTION WITH REGARD TO DISPOSAL
OF LAND UNSUITABLE FOR PARK
DEVELOPMENT.

	Year Acquired	Number of Acres
Foster Street Lots	1949	1.4
Kahres Property	1962	4.0
Highway Parcel B	1968	12.1
Highway Parcel C	1968	44.0
Highway Parcel D	1968	39.0
Highway Parcel E	1968	33.0
Highway Parcel F	1968	13.0
Highway Parcel G	1968	9.0
Mifflin Property	1940	1.2
Paulson Park	1958	22.0

INTRODUCTION OF ORDINANCES

The following ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code for property located at:

Z-1-2018: Rezone from “H” Light Industrial district to “G-1” Business district, the property bounded by E. Michigan Avenue to the north, Barnard Street to the south, S. Larch Street to the west and the railroad right-of-way to the east, with the following exceptions (property not included in the rezoning):

- * 628 E. Michigan Avenue
- * Vacant parcel at the southeast corner of E. Michigan Avenue & S. Larch Street
- * 629 Barnard Street & the adjoining vacant parcel to its east
- * 119 S. Larch Street, except the north 16.5 thereof
- * 2 parcels located immediately south of 119 S. Larch Street

was introduced by the Committee on Development & Planning, read a first and second time by its title and referred to the Committee on Development and Planning.

BY THE COMMITTEE ON DEVELOPMENT & PLANNING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, _____, 2018, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-1-2018: Rezone from “H” Light Industrial district to “G-1” Business district, the property bounded by E. Michigan Avenue to the north, Barnard Street to the south, S. Larch Street to the west and the railroad right-of-way to the east, with the following exceptions (property not included in the rezoning):

- * 628 E. Michigan Avenue
- * Vacant parcel at the southeast corner of E. Michigan Avenue & S. Larch Street
- * 629 Barnard Street & the adjoining vacant parcel to its east
- * 119 S. Larch Street, except the north 16.5 thereof
- * 2 parcels located immediately south of 119 S. Larch Street

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-1-2018

Parcel Number's: 33-01-01-16-428-002/-031/-041/-051/-061/-131/-141/-151/-161/-171/-181/-191/-201/-211 and the north 16.5 feet of 33-01-01-16-428-092

Legal Descriptions: Lots 1 through 4, Lots 6 through 12 and the East 4 feet of Lot 13, Connards Subdivision of Lot 1, Block 242 of the Original Plat of the City of Lansing, the alley, including the vacated portion thereof, located south of Lots 1 through 19 of Connards Subdivision of Lot 1, Block 242 of the Original Plat of the City of Lansing, Lots 1 through 24 of Barnard's Subdivision, except Lots 2, 3, 21, 22, 23, the South 36.25 feet of Lot 20, the North 8 feet of the West 165 feet of Lot 2, Block 242 of the Original Plat of the City of Lansing and the South 35.31 feet of the North 43.31 feet of the West 135 feet of Lot 2, Block 242 of the Original Plat of the City of Lansing, Ingham County, MI, from "H" Light Industrial district to "G-1" Business 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 _____, 2018, 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.

CITY OF LANSING
NOTICE OF PUBLIC HEARING

**Z-1-2018 - Rezoning from “H” Light Industrial District to “G-1” Business District
Act-1-2018 – Alley Vacation**

The Lansing City Council will hold a public hearing on Monday, _____, 2018 at 7:00 p.m. in Council Chambers, 10th Floor, Lansing City Hall, 124 W. Michigan Avenue, Lansing, Michigan to consider the following requests by GG Acquisitions, LLC:

Z-1-2018: Rezone the property bounded by E. Michigan Avenue to the north, Barnard Street to the south, S. Larch Street to the west and the railroad property to the east from “H” Light Industrial to “G-1” Business district, with the following exceptions (property not included in the rezoning): 628 E. Michigan Avenue, 629 Barnard Street and the adjacent parcel to its east, the parcel of land located at the southeast corner of E. Michigan Avenue and S. Larch Street (formerly addressed as 608 E. Michigan Avenue), 119 S. Larch Street, except the north 16.5 feet thereof and the 2 parcels located immediately south of 119 S. Larch Street.

Act-1-2018: Vacate the alley commencing at the southwest corner of Lot 19, thence south 16 feet, east 348.82 feet, north 16 feet, thence west to the point of beginning; and Lot 4, except the east 10 feet of the north 51.5 feet thereof, Connard’s Subdivision of Lot 1, Block 242 of the Original Plat of the City of Lansing.

The purpose of the rezoning and alley vacation is to allow for future mixed use development of the site.

For more information, please call Lansing City Council at 517-483-4177. If you are interested in this matter, please attend the public hearing or send a representative. Written comments will be accepted between 8 a.m. and 5 p.m. on City business days if received before 5 p.m., Monday, _____, 2018 at the City Clerk’s Office, Ninth Floor, City Hall, 124 West Michigan Ave., Lansing, MI 48933 or email city.clerk@lansingmi.gov.

Chris Swope, City Clerk

GENERAL INFORMATION

APPLICANT: GG Acquisitions, LLC
330 Marshall Street, Suite 100
Lansing, MI 48912

OWNERS: See attached.

REQUESTED ACTIONS: Rezone from "H" Light Industrial to "G-1" Business District
Alley vacation

EXISTING LAND USE: Commercial, Industrial, Single and Multi-Family Residential

EXISTING ZONING: "H" Light Industrial District

PROPOSED ZONING: "G-1" Business District

PROPERTY SIZE: 159,244 square feet – 3.65 acres – total area to be rezoned
including the alley to be vacated

SURROUNDING LAND USE: N: Various commercial & office uses, Lansing Rescue
Mission
S: Commercial, industrial, single and multi-Family
Residential
E: Railroad/office Building
W: Stadium District (multi-family residential &
commercial)

SURROUNDING ZONING: N: "G-1" Business & "H" Light Industrial Districts
S: "H" Light Industrial District
E: "H" Light Industrial District
W: "G-1" Business & "H" Light Industrial Districts

MASTER PLAN: The Central Lansing Comprehensive Plan designates the
subject property for retail/commercial with upper floor mixed
use. The Design Lansing Master Plan designates the subject
property for Downtown Mixed-Use Center: Edge. E.
Michigan Avenue is designated as a minor arterial. S. Larch
Street is designated as an activity corridor. Barnard Street is
designated as a local road.

DESCRIPTION:

The following requests by GG Acquisitions, LLC, are to facilitate a future mixed use development on the property described below, including the alley to be vacated:

Act-1-2018: Vacate the alley commencing at the southwest corner of Lot 19, thence south 16 feet, east 348.82 feet, north 16 feet, thence west to the point of beginning; and Lot 4, except the east 10 feet of the north 51.5 feet thereof, Connard's Subdivision of Lot 1, Block 242 of the Original Plat of the City of Lansing.

Z-1-2018: Rezone from "H" Light Industrial district to "G-1" Business district, the property bounded by E. Michigan Avenue to the north, Barnard Street to the south, S. Larch Street to the west and the railroad right-of-way to the east, with the following exceptions (property not included in the rezoning):

- * 628 E. Michigan Avenue
- * Vacant parcel at the southeast corner of E. Michigan Avenue & S. Larch Street
- * 629 Barnard Street & the adjoining vacant parcel to its east
- * 119 S. Larch Street, except the north 16.5 thereof
- * 2 parcels located immediately south of 119 S. Larch Street

AGENCY RESPONSES

BWL:

BWL Electric: Approved. No comments. Contact person: Jerry Wheeler, ph: 517-702-6644

BWL Street Lighting: Approved. No Comments.

BWL Water & Steam Distribution: Approved

Please note that this approval does not constitute an agreement for service, and is subject to the following conditions:

- General Comments:
 - o All service piping, up to and including the service risers are part of the water system and cannot be installed or altered without a BWL Water Service Agreement in place. BWL jurisdiction for domestic services ends at the outlet of the domestic meter setting. BWL jurisdiction for fire services ends at the connection point to the backflow preventer. Service risers to the building will only be constructed by LBWL forces or a LBWL approved contractor.
 - o It is the applicant's responsibility to determine the estimated water demand (including fire flow requirements) of this project, and sizing services accordingly. The LBWL will not take responsibility for inadequately sized services or metering specified by the applicant.
 - o The Customer is responsible for coordinating with the Fire Marshall of Jurisdiction for hydrant placement on the site. Note that if the installation of fire

- hydrants is required, then the installation will require permitting by the MDEQ, and the owner will be responsible for meeting all requirements for the installation of water main. The BWL's experience is that the Fire Marshall will require a fire hydrant be installed within 100 feet of any proposed fire department connection.
- o MDEQ permits and signed easements shall be established prior to construction, if applicable.
- Site Specific Comments:
 - o Commercial zoning requires 2500 gpm of fire flow protection. Therefore, the following must be considered for future development:
 - ☐ In order to meet commercial fire flow requirements, any proposed water main for future development must connect to the existing 24-inch main in Michigan Avenue. Commercial fire flow is not available from a connection taken solely off of Larch or Barnard.
 - ☐ Based on the lengths and layout of proposed water main, the BWL will enforce looping requirements.
 - ☐ It is the BWL's experience that the Lansing Fire Marshall will require a fire hydrant to be placed within 100' of new building fire department connections. Developer is to coordinate fire protection requirements for any future development with the Lansing Fire Marshall, and communicate those requirements to the BWL so connection and looping requirements can be determined.

BWL Water Operations: I have no comments or concerns.

BWL Environmental Wellhead Protection: We have no Wellhead Protection Concerns in this area.

Building Safety:	The BSO has no objections.
Development Office:	No comments pertaining to the Development Office.
Fire Marshal:	No response received.
Parks & Recreation:	The removal of any right-of-way trees and or altering of any right-of-way rain gardens for future development plans would require review and approval by the Forestry division.
Public Service:	Regarding the impacts of this vacation to sanitary sewer service, all of the parcels fronting Michigan Ave. have service in the "new" sanitary sewer on Michigan Ave. Further, regarding sanitary sewer service at the parcel at the west end of the east/west alley (i.e., Liskey's), their sanitary sewer service is off of Cedar St. However, it's not clear how or whether the steel "pole barn-type" building south of the east/west alley (i.e.,

Parcel #33-01-01-16-428-100) is served, but there is no existing public sewer in the east/west alley, so the question of sanitary service to that building is probably moot. The county's info shows Parcel #33-01-01-16-428-100 as owned by Brogan's and I believe they simply store tires in there, but there is and would be no sanitary service available to that parcel (again, this probably isn't an issue, because there apparently has never been sanitary service to that building)

Regarding any access issues, the large parcel that is kind of a parking lot, Parcel #33-01-01-16-428-002, has access off of their driveway approach on Michigan Ave. HOWEVER, again regarding the steel building that encompasses Parcel #33-01-01-16-428-100, it looks like that'd be land-locked, if we vacate the east/west alley. Although the steel building is only a few feet from Brogan's tire shop, they have to cross the east/west alley to access the steel building.

Further, regarding utilities in that alley, the attached map from Consumers Energy shows a 2" medium pressure gas main in the alley. I'm pretty sure this main serves the structures north of the alley along the south side of Michigan Ave.

To summarize, it appears the only issue relative to vacation of both of these alleys is access to the steel building/Parcel #33-01-01-16-428-100, if the east/west alley is vacated.

Transportation Engineer:

There is no objection to the rezoning, however, driveway access points will need to be consolidated and will be subject to City and/or MDOT driveway location standards as appropriate. A traffic study may also be required, depending on the proposed use. If any parcels that have access exclusively off the alley are not owned by the applicant, alternate access will have to be provided by the applicant for these parcels. Any public utilities in the alleys will need to be addressed with relocation/abandonment costs paid for as part of the development.

ACT 33 – ALLEY VACATION

An Act 33 Review is conducted in accordance with Section 208 of the Administration Code when the City purchases, sells or substantially changes the use of property. The Michigan Municipal Planning Act (P.A. 33 of 2008, as amended) requires a review of the location, character, and extent of the proposal by the Planning Board, prior to consideration by the City Council. The following is a review of Act-1-2018 in accordance with these standards.

ANALYSIS

Location: The alley to be vacated runs east off of S. Larch Street along the south lines of the properties fronting along the south side of the 600 block of E. Michigan Avenue, for a distance of 348.82 feet. The alley that runs north for a distance of 109.92 feet to the E. Michigan Avenue right-of-way line is also proposed to be vacated. The east and west alley is platted and originally extended from Larch Street to what was formerly East Street and is now a railroad right-of-way. The east 77 feet of the alley was vacated in 1961. The City then acquired the property that runs north and south to provide a connection between the remaining alley and E. Michigan Avenue.

The alley is located in the midst of properties that are being assembled for a larger building site on East Michigan Avenue. As such, all utilities within the alley will need to be relocated, and lots combined so as to eliminate land-locked parcels.

Character: The alley will change from being a utilitarian means of access to the rear of the buildings in a quasi-industrial setting to being incorporated in a larger mixed-use development with the character and intensity of downtown Lansing.

Extent: Analysis of the extent of a proposal evaluates whether the level or magnitude of the proposed request is appropriate in relation to the intended land use pattern, public facilities, and services in the area. The alley would impede the proposed development in accordance with the shared vision expressed in the Design Lansing Comprehensive Plan.

REZONING ANALYSIS

COMPATIBILITY WITH SURROUNDING LAND USE:

The proposal is to rezone the block bounded by E. Michigan Avenue to the north, Barnard Street to the south, S. Larch Street to the west and the railroad to the east from "H" Light Industrial to "G-1" Business district, with the following exceptions (property not included in the rezoning):

- * 628 E. Michigan Avenue
- * Vacant parcel at the southeast corner of E. Michigan Avenue & S. Larch Street
- * 629 Barnard Street & the adjoining vacant parcel to its east
- * 119 S. Larch Street, except the north 16.5 thereof
- * 2 parcels located immediately south of 119 S. Larch Street

The subject property is located in an area that contains an eclectic mix of uses. The site is located just east of the Stadium District site which is a commercial/residential mixed use building.

The Cooley Law School baseball stadium is located to its north. The block directly north of the subject property includes the Lansing Rescue Mission and various first floor commercial/office uses with upper floor residential units. The property directly adjoins an active rail line to the east and residential uses of varying densities to the south. Several of the parcels of land that are included in the rezoning request are vacant or being used strictly for parking. The dominant land uses on the site are automotive repair facilities.

The existing uses on the subject property are out of character with the general land use pattern along E. Michigan Avenue which consists of commercial/residential uses and entertainment venues. These types of uses support each other, draw people to the area, many of whom utilize the bus system for transportation, create activity outside of normal business hours, and generally contribute to the vibrancy of an area located in close proximity to the core downtown. Parking lots and automobile repair facilities, by contrast, do not produce activity outside of normal business hours, do not provide support for other businesses in the area and do not draw pedestrian traffic to the area. A mixed use development on the site would provide a renewed sense of vitality to the area site and is a strategic location for the realization of the overall mixed land use pattern being advanced in the Master Plans for this area.

COMPLIANCE WITH MASTER PLAN:

The Central Lansing Comprehensive Plan designates the subject property for retail/commerce with upper floor mixed use. The Design Lansing Master Plan designates the subject property for Downtown Mixed-Use Center: Edge. The purpose of this designation as described in the Plan is:

“To support the downtown area by allowing a mix of uses and to enhance the quality of the pedestrian environment; maintain the presence of older, often historic buildings; and provide for a transition in building height and use intensity to near-downtown neighborhoods.”

With respect to placemaking characteristics, the Plan states that:

“Buildings should maintain a consistent setback and nearly continuous street facade to frame the street, with a clearly-defined primary entrance oriented to the street. Surface parking should be located on the interior of the block where possible and should be well landscaped and screened in all cases. Parking ratio maximums should be considered. Building base and top should be articulated. Facade articulation into vertical components should be considered. Minimum transparency (windows and doors) requirements should be established. Transitional features requirements (architectural elements and building massing height step backs) to mitigate potential conflicts between higher intensity uses and residential uses should be considered. Historic preservation of valuable existing buildings, and residentially-scaled and detailed new architecture should be encouraged in areas where older residential structures remain and on neighborhood edges.”

The G-1 Business district is the most appropriate zoning designation to facilitate the mixed use development strategy being advanced in the Central Lansing and Design Lansing Master Plans. It is specifically designed for the downtown in that it allows a mix of retail, office, and high density residential uses as a matter of right. It is also the zoning designation that allows for development in

accordance with the placemaking characteristics described above (no parking or setback requirements and no building height or lot coverage limitations).

IMPACT ON VEHICULAR AND PEDESTRIAN TRAFFIC:

No negative impacts on vehicular or pedestrian traffic are anticipated to result from future mixed use development of the site. A mixed use development will generate additional pedestrian traffic which is very positive for the area. The current pedestrian walkway system and traffic controls in the area are designed to accommodate large volumes of pedestrian traffic in a safe manner. With respect to vehicular traffic, access to the site will likely be from S. Larch Street which is a major road, designed to carry a high volume of traffic.

The subject property is located on two major bus routes (E. Michigan and Larch) and thus, the occupants of a future mixed use building can be less dependent on privately owned automobiles. It is also within walking distance of several major employers and institutional facilities such as Sparrow Hospital, State of Michigan offices, Lansing city hall, the Accident Fund, Lansing Community College, Cooley Law School and Davenport University. Despite its location, a future developer will have to provide adequate on-site parking to accommodate the needs of the occupants of a mixed use building, even though on-site parking is not required under the "G-1" zoning district. It is anticipated that the site will be developed in a manner similar to the Stadium District to the west with the building located at the front property line along E. Michigan Avenue and parking to its south, accessible primarily from S. Larch Street with secondary access from Barnard Street.

IMPACT ON PUBLIC FACILITIES:

New development will require administrative site plan review at which time the specific details of the the utility systems to accommodate the development will be evaluated. No concerns about the availability of utilities have been expressed by any of the reviewing agencies.

ENVIRONMENTAL IMPACT:

Given the amount of human intervention already occurring on this site, the zoning proposal will have little impact on the physical environment. Redevelopment of the site will be required to go through the City's 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. Furthermore, Michigan Avenue and Larch Street are major bus routes which allow residents of the area to be less dependent on private transportation. Reducing motorized traffic has a positive impact on the environment since less traffic results in less pollution created by the greenhouse gas emissions that motorized vehicles produce and less wear and tear on roads.

IMPACT ON FUTURE PATTERNS OF DEVELOPMENT:

The rezoning is intended to accommodate redevelopment of the site for a mixed residential/commercial building which would have a positive impact on future development patterns in the area and strengthen the linkage between the E. Michigan Avenue corridor east of the River and the core downtown. New residential units will provide convenient housing for people who work, attend

school or simply choose to live in an area that is within walking distance of the goods, services and entertainment venues already available in Lansing's core downtown. In addition, the occupants of the residential units will have convenient access to public transportation and will provide a strong customer base for the existing commercial uses in the area.

The "G-1" Business district is the appropriate zoning designation to facilitate the mixed land use development pattern being advanced in the Central Lansing and Design Lansing Comprehensive Plans. Redevelopment of the site may encourage more redevelopment projects in the area that will further the goals of the Master Plans to create a vibrant mixed use area surrounding the core downtown. The "G-1" district allows for a mix of office, commercial and residential uses to the highest density permitted under the Zoning Ordinance (up to 87 dwelling units per acre). It also has no setback or parking requirements and no limitations on building height or lot coverage which is why the overwhelming majority of the land in and around the core downtown area is currently zoned "G-1" Business.

SUMMARY

These are requests by GG Acquisitions, LLC, to facilitate a future mixed use development on the property described below, including the alley to be vacated:

Act-1-2018: Vacate the alley commencing at the southwest corner of Lot 19, thence south 16 feet, east 348.82 feet, north 16 feet, thence west to the point of beginning; and Lot 4, except the east 10 feet of the north 51.5 feet thereof, Connard's Subdivision of Lot 1, Block 242 of the Original Plat of the City of Lansing.

Z-1-2018: Rezone from "H" Light Industrial district to "G-1" Business district, the property bounded by E. Michigan Avenue to the north, Barnard Street to the south, S. Larch Street to the west and the railroad right-of-way to the east, with the following exceptions (property not included in the rezoning):

- * 628 E. Michigan Avenue
- * Vacant parcel at the southeast corner of E. Michigan Avenue & S. Larch Street
- * 629 Barnard Street & the adjoining vacant parcel to its east
- * 119 S. Larch Street, except the north 16.5 thereof
- * 2 parcels located immediately south of 119 S. Larch Street

The findings of fact as outlined in this staff report support a positive recommendation for the requested rezoning and alley vacation. The proposed rezoning will be consistent with the existing land use patterns in the area and with the future land use pattern being advanced in the City Comprehensive Plans. Additionally, the proposed rezoning will have no negative impacts on traffic patterns, the environment or future patterns of development in the area.

RECOMMENDATIONS

Pursuant to the findings described above, staff is recommending approval of the following requests:

Act-1-2018: Vacate the alley commencing at the southwest corner of Lot 19, thence south 16 feet, east 348.82 feet, north 16 feet, thence west to the point of beginning; and Lot 4, except the east 10 feet of the north 51.5 feet thereof, Connard's Subdivision of Lot 1, Block 242 of the Original Plat of the City of Lansing, contingent on the combination of parcels adjacent to the alley to eliminate land-locking any parcel.

Z-1-2018: Rezone from "H" Light Industrial district to "G-1" Business district, the property bounded by E. Michigan Avenue to the north, Barnard Street to the south, S. Larch Street to the west and the railroad right-of-way to the east, with the following exceptions (property not included in the rezoning):

- * 628 E. Michigan Avenue
- * Vacant parcel at the southeast corner of E. Michigan Avenue & S. Larch Street
- * 629 Barnard Street & the adjoining vacant parcel to its east
- * 119 S. Larch Street, except the north 16.5 thereof
- * 2 parcels located immediately south of 119 S. Larch Street

Respectfully Submitted,

Bill Rieske
Assistant Planning Manager

Susan Stachowiak
Zoning Administrator

SUPPLEMENT TO ACT 33 REVIEW APPLICATION

Submitted by GG Acquisitions, LLC

The alley sought to be vacated: This is an application to vacate an alley as depicted on the survey attached (**Exhibit A**), and legally described in the attached **Exhibit B**. The alley runs east and west between Larch Street and the former East Street. At its eastern end, it turns to the North to E. Michigan Avenue.

The Applicant: The Applicant is GG Acquisitions, LLC. Applicant is an affiliate of The Gillespie Group. The Applicant has entered into agreements to purchase the properties adjacent to the alley (as addressed further herein), with the exception of the property owned by 600 E. Michigan-Lansing, LLC.. 600 E. Michigan-Lansing, LLC is an affiliate of Applicant / The Gillespie Group and said property is to be included in the contemplated development.

The Properties Abutting the Alley:

1. The property owned by 600 E. Michigan-Lansing, LLC and described on **Exhibit C**. This property abuts the alley to the North and generally at the corner of Larch and E. Michigan. It includes the West 18 feet of Lot 13, and all of lots 14, 15, 16, 17, 18 and 19 of the Plat of Connards Subdivision of Lot 1, Block 242, of the Original Plat of the City of Lansing ("Connards Subdivision"). The contact for this property is the Applicant.
2. The property owned by James E. Brogan as described on **Exhibit D**. This property is to the East of the 600 E. Michigan-Lansing, LLC property and is located along E. Michigan Avenue (North side of the alley)—Lots 6, 7, 8, 9, 10, 12 and 13 of Connards Subdivision; and, part of Lot 24 of said subdivision which lies to the South of the alley. Mr. Brogan's address is 1270 Whittier Drive, East Lansing, MI 48823. His phone number is (517) 332-6153 and his email address is sarastanbrog@gmail.com.
3. The property owned by 621 East Michigan, LLC as described on **Exhibit E**. This property is to the East of the Brogan property along east Michigan Avenue, and is to the North and West of the alley—being Lot 5 of Connards Subdivision. The contact for 621 East Michigan, LLC is Fady Samuel Albout, 625 E. Michigan Ave., Lansing MI, 48912.

4. The property owned by Michigan Avenue Development Co., LLC as described on **Exhibit F**. This property is to the West of the Alley (Lots 1, 2, 3 and part of Lot 4 of Connards Subdivision) and to the South (Lot 24 of Connards Subdivision). The contact for Michigan Avenue Development Company, L.L.C is Lawrence A. Bass, 405 E. Maple Street, Lansing, MI, P.O. Box 14180, Lansing, MI 48901.
5. The property owned by Edward C Carpenter Family Trust dated March 28, 2002 described as Parcel on **Exhibit G**. Applicant's agreement to purchase also includes the balance of the property describe in Exhibit G, but only "Parcel 5" abuts the alley. Parcel 5, being the North 16.50 feet of Lot 20 of Connards Subdivision, is abuts the south of the alley, across from the 600 E. Michigan-Lansing, LLC property and part of the Brogan property (Lot 12 of Connards Subdivision). The contact person for this property is Edward Carpenter, 119 S. Larch St., Lansing, MI.; phone number 417-204-5856.

The Requested Action

Applicant requests that the alley be vacated to its full extent and width. It is requested that the resolution approving this vacation provide that the effective date of the vacation, and the conveyance of title be the date of site plan approval for the development of a project including properties outlined above and described in Exhibits D through G (or immediately thereafter).

Miscellaneous

Based upon conversation with the City's staff it is Applicant's understanding that (a) neither an appraisal or an environmental report will be required as part of this application or the approval being requested; and (b) the owners of the property abutting the alley need not sign the application. If this understanding is not accurate please advise at your earliest opportunity.

SUPPLEMENT TO PETITION FOR RE-ZONING

Submitted by GG Acquisitions, LLC

The property to be re-zoned: This is an application to rezone the property described below and depicted on the survey attached (**Exhibit A**), and legally described in the attached Exhibits B through E (and the alley (as addressed below and in a separate application to vacate the alley brought pursuant to Act 33)). The request is to re-zone the property from H (Light Industrial) to G-1 (Business) to allow the property to be developed for mixed commercial and residential uses. In referencing the survey, please note this application does not apply to the property owned by 600 E. Michigan-Lansing, LLC (generally at the corner of Larch and E. Michigan) being the West 18 feet of Lot 13, and all of lots 14, 15, 16, 17, 18 and 19 of the Plat of Connards Subdivision of Lot 1, Block 242, of the Original Plat of the City of Lansing ("Connards Subdivision"), as that property is currently zoned G-1. Also this application does not include the property owned by 621 East Michigan, LLC—(628 E. Michigan) being Lot 5 of Connards Subdivision as that property is zoned G-1; or Lots 2 and 3 of Block 1, of Barnard's Subdivision (even though they are depicted in the survey being provided).

The Applicant: The Applicant is GG Acquisitions, LLC. Applicant is an affiliate of The Gillespie Group. The Applicant has entered into agreements to purchase the properties sought to be re-zoned (addressed further herein), has also entered into an agreement to purchase the property owned by 621 East Michigan, LLC (common address 628 E. Michigan which is zoned G-1) and 600 E. Michigan-Lansing, LLC., the owner of the West 18 feet of Lot 13, and all of lots 14, 15, 16, 17, 18 and 19 of the Connards Subdivision (zoned G-1), is an affiliate of Applicant / The Gillespie Group.

The Properties to Be Re-Zoned:

1. The property owned by James E. Brogan as described on **Exhibit B**. This property is to the East of the 600 E. Michigan-Lansing, LLC property and is located along E. Michigan Avenue—Lots 6, 7, 8, 9, 10, 12 and 13 of Connards Subdivision; and, part of Lot 24 of said subdivision which lies to the South of the alley. This property consists of 27,075 sqft. Mr. Brogan's address is 1270 Whittier Drive, East Lansing, MI 48823. His phone number is (517) 332-6153 and his email address is sarastanbrog@gmail.com.
2. The property owned by Michigan Avenue Development Co., LLC as described on **Exhibit C**. This property is to the East of the Brogan Property (Lots 1, 2, 3 and part of Lot 4 of Connards Subdivision) and to the South (Lot 24 of Connards Subdivision). This property consists of 35,163 sqft. The contact for Michigan Avenue Development Company, L.L.C is Lawrence A. Bass, 405 E. Maple Street, P.O. Box 14180, Lansing, MI 48901.
3. The property owned by Carpenter Apartments, LLC (as to Parcels 1-4 and 8 described on **Exhibit D**), Edward C Carpenter Family Trust dated March 28, 2002 (as to the property described as Parcels 5 and 6 on **Exhibit D**), and Edward C. Carpenter, (as to Parcel 7 on **Exhibit D**). Theses parcels include Lots 6, 7 and 8 and a portions of Lots 9 and 10 of Block 1 of the Barnard's Addition to the City of Lansing ("Barnards Subdivision"), and portions of Lots 2 and 20 of Connards Subdivision, all of which are more particularly

described on the survey. Note, this request for rezoning does not include all of the property owned by Carpenter, just the land as described in **Exhibit D** and the survey. This property consists of 79,323 sqft. The contact person for these properties is Edward Carpenter, 119 S. Larch St., Lansing, MI. 48912; phone number 417-204-5856.

4. The property owned by the Ingham County Treasurer—being Lots 4 and 5, Block 1, of Barnards Subdivision, as described on **Exhibit E**. This property consists of 10,202 sqft. The contact information for the Ingham County Treasurer is Eric Schertzing, Treasurer, 313 W. Kalamazoo St. Lansing, MI 48933. (517) 483-6503
5. The Alley-- the alley runs east and west between Larch Street and the former East Street. At its eastern end, it turns to the North to E. Michigan Avenue. The alley consists of 7,481 sqft.

The Requested Action

Applicant requests the above referenced property be rezoned from H to G-1 Business so that it may be developed for a mixed commercial and residential use. Upon rezoning, all of Connards Subdivision will be zoned G-1, with the exception of the Liskey's (Carpenter) operation/property not being purchased. The size and nature of residential uses and structures and, as to commercial uses, the number of employees, parking spaces, and hours / days of operation have yet to be determined.

Miscellaneous

This Petition pertains to 159,244 sqft of property or 3.65 acres= $\pm$. An \$800.00 filing fee is therefore being provided.

Applicant is represented by John R. Fifarek, Lasky Fifarek, P.C. with respect to this Petition. Any comments, questions or concerns may be directed to him at 120 N. Washington Square, Suite 625, Lansing, MI 48933. His phone number is (517) 267-2226 and email jfifarek@laskyfifarek.com.

 First American Title™	Commitment for Title Insurance
Exhibit A	ISSUED BY First American Title Insurance Company

File No.: 174761

The Land referred to herein below is situated in the County of Ingham, State of Michigan, and is described as follows:

Parcel 1:

Lot 7, Block 1, of Barnard's Addition to the City of Lansing, Ingham County, Michigan, according to the recorded Plat thereof, as recorded in Liber 1, Page(s) 32, Ingham County Records.

Parcel 2:

The East 45 feet of Lots 9 and 10, Block 1, of Barnard's Addition to the City of Lansing, Ingham County, Michigan, according to the recorded Plat thereof, as recorded in Liber 1, Page(s) 32, Ingham County Records.

Parcel 3:

The West 90 feet of Lot 9, Block 1, of Barnard's Addition to the City of Lansing, Ingham County, Michigan, according to the recorded Plat thereof, as recorded in Liber 1, Page(s) 32, Ingham County Records.

Parcel 4:

The West 90 feet of Lot 10, Block 1, of Barnard's Addition to the City of Lansing, Ingham County, Michigan, according to the recorded Plat thereof, as recorded in Liber 1, Page(s) 32, Ingham County Records.

Parcel 5:

The North 16.50 feet of Lot 20, of Connard's Subdivision of Lot 1, Block 242 of the Original Plat of the City of Lansing, according to the recorded Plat thereof, as recorded in Liber 1 of Plats, Page(s) 31, Ingham County Records.

Parcel 6:

The South ½ of the North ½ of the West 135 feet of Lot 2, Block 242 of the Original Plat of the City of Lansing, according to the recorded Plat thereof, as recorded in Liber 1 of Plats, Page(s) 31, Ingham County Records.

Carpenter

Parcel 7:

Lot 8, Block 1, of Barnard's Addition to the City of Lansing, Ingham County, Michigan, according to the recorded Plat thereof, as recorded in Liber 1, Page(s) 32, Ingham County Records.

Parcel 8:

Lot 6, Block 1, of Barnard's Addition to the City of Lansing, Ingham County, Michigan, according to the recorded Plat thereof, as recorded in Liber 1, Page(s) 32, Ingham County Records.

	First American Title™	Commitment for Title Insurance
		ISSUED BY First American Title Insurance Company
Exhibit A		

File No.: 174556

The Land referred to herein below is situated in the County of Ingham, State of Michigan, and is described as follows:

Lot 4 and 5, Block 1, of Barnards Subdivision of Lots 2, 3 and 4, Block 242 of the Original Plat of the City of Lansing, Ingham County, Michigan, according to the recorded Plat thereof, as recorded in Liber 1, Page(s) 32, Ingham County Records.

Ingham County Treasurer

 First American Title™	Commitment for Title Insurance ISSUED BY First American Title Insurance Company
Exhibit A	

File No.: 174691

The Land referred to herein below is situated in the County of Ingham, State of Michigan, and is described as follows:

Lot 6, 7, 8, 9, 10, 11, 12 and 13, except the West 18 feet thereof, of Connard's Subdivision of Lot 1, Block 242 of Original Plat of the, City of Lansing, Ingham County, Michigan, according to the recorded Plat thereof, as recorded in Liber 1, Page(s) 31, Ingham County Records, ALSO that part of Lot 24, Connard's Subdivision of Lot 1, of Block 242, of the Original Plat of the City of Lansing, according to the recorded plat thereof, as recorded in Liber 1 of Plats, Page 32, Ingham County Records, being further described as commencing at the Northwest corner of Lot 24, of said Plat; thence South 90°00'00" East, 161.04 feet, along the Northerly line of Lot 24; thence South 00°24'20" East, 62.63 feet; thence South 89°49'30" West, 161.32 feet to the Westerly line of Lot 24; thence North 00°02'00" East, 63.12 feet, along said Westerly line to the point of beginning.

Brogan Property

 First American Title™	Commitment for Title Insurance ISSUED BY First American Title Insurance Company
Exhibit A	

File No.: 174555

The Land referred to herein below is situated in the County of Ingham, State of Michigan, and is described as follows:

Lots 1, 2, 3, 24, and the East 10 feet of the North 51.55 feet of Lot 4, Connard's Subdivision of Lot 1, of Block 242, of the Original Plat of the City of Lansing, according to the recorded plat thereof; ALSO beginning at the Southeast corner of said Lot 1; thence South 16 feet; thence West 77 feet; thence North 16 feet; thence East 77 feet to the point of beginning; ALSO Lot 1 of Block 1 of Barnard's Subdivision, recorded in Liber 1 of Plats, Page 32, Ingham County Records; ALSO the North 1/2 of Lot 2, Block 242, except the West 135 feet thereof and except the East 30 feet of the West 165 feet of the North 8 feet thereof, Original Plat of the City of Lansing. The said property may also be described as: Beginning at the Northeast corner of Lot 1 of Connard's Subdivision of Lot 1 of Block 242 of the Original Plat of the City of Lansing, according to the recorded plat thereof; thence South along the Eastern boundaries of Lot 1, Lot 1 extended; and Lot 24 of Connard's Subdivision, the North 1/2 of Lot 2, Block 242 and Lot 1 of Block 1 of Barnard's Subdivision, a measured distance of 521.30 feet to an "X" cut on concrete marking the Southeast corner of Lot 1 of Block 1 of Barnard's Subdivision; thence West 42 feet to a point being the Southwest corner of said Lot 1, Block 1 of Barnard's Subdivision; thence North 121.5 feet to a point, which point is a measured distance of 41.87 feet West of the Eastern boundary line of Lots 1 and 24 aforesaid, being the Northwest corner of said Lot 1, Block 1 of Barnard's Subdivision; thence West 251.21 feet to a point being the Northwest corner of Lot 7, Block 1, of Barnard's Subdivision; thence North 78.62 feet; a point 135 feet East of the East Boundary of Larch Street; thence East 30 feet to a point being 8 feet South of the North line of Lot 2, Block 242; thence North a measured distance of 195.9 feet along the West boundary line of Lot 24 of Connard's Subdivision of Block 242 to a point being the Northwest corner of said Lot 24; thence East 183.04 feet along the Northern boundary line of said Lot 24 to a point 16 feet South of the Southwest corner of Lot 3 of Connard's Subdivision; thence Northerly 16 feet to a point being the Southwest corner of Lot 3 of Connard's Subdivision; thence continuing North along the West boundary line of said Lot 3, 59.5 feet to an "X" cut therein; thence West 10 feet to an "X" cut; thence North a measured distance of 51.55 feet to a point in the North Boundary line of Lot 4 and the South boundary line of Michigan Avenue; thence East along the South boundary of Michigan Avenue and the North boundary lines of Lots 4, 3, 2, and 1 of Connard's Subdivision to place of beginning.

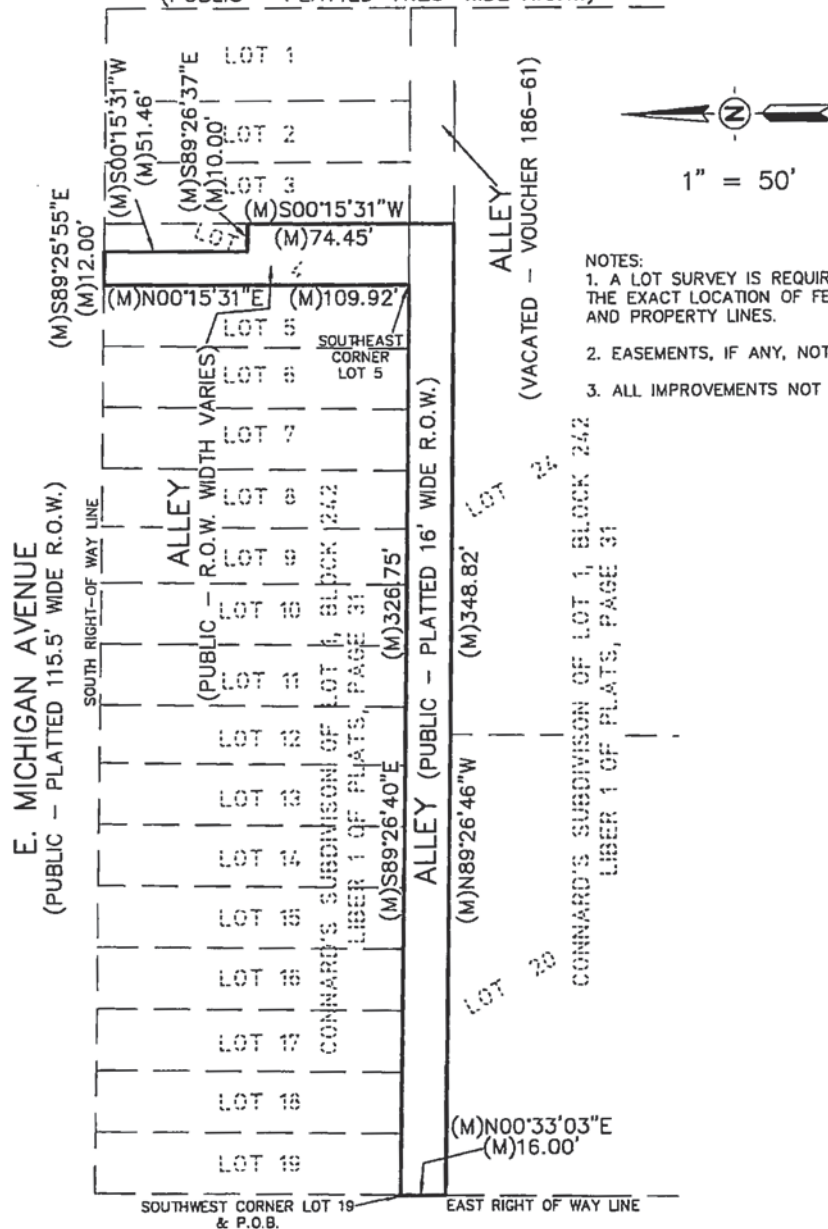
EXCEPT:

Part of Lot 24, Connard's Subdivision of Lot 1, of Block 242, of the Original Plat of the City of Lansing, according to the recorded plat thereof, as recorded in Liber 1 of Plats, Page 32, Ingham County Records, being further described as commencing at the Northwest corner of Lot 24, of said Plat; thence South 90°00'00" East, 161.04 feet, along the Northerly line of Lot 24; thence South 00°24'20" East, 62.63 feet; thence South 89°49'30" West, 161.32 feet to the Westerly line of Lot 24; thence North 00°02'00" East, 63.12 feet, along said Westerly line to the point of beginning.

Michigan Avenue Development Co., LLC

For:
Gillespie Group
330 Marshall Street
Lansing, MI 48912

FORMER EAST STREET
(PUBLIC - PLATTED 41.25' WIDE R.O.W.)



NOTES:

1. A LOT SURVEY IS REQUIRED FOR THE EXACT LOCATION OF FENCE AND PROPERTY LINES.
2. EASEMENTS, IF ANY, NOT SHOWN.
3. ALL IMPROVEMENTS NOT SHOWN.

LARCH STREET
(PUBLIC - PLATTED 82.5' WIDE R.O.W.)

This plan was made at the direction of the parties heron and intended solely for their immediate use and no survey has been made and no property lines were monumented, all easements recorded or unrecorded may not be shown, unless specifically noted, and no dimensions are intended for use in establishing property lines.

R = Recorded Distance
M = Measured Distance
— = Deed Line
- - - = Distance Not to Scale



**KEBS, INC. KYES ENGINEERING
BRYAN LAND SURVEYS**

2116 HASLETT ROAD, HASLETT, MI 48840
PH. 517-339-1014 FAX. 517-339-8047

13432 PRESTON DRIVE, MARSHALL, MI 49068
PH. 269-781-9800 FAX. 269-781-9805

DRAWN BY SLH	SECTION 16, T4N, R2W
FIELD WORK BY ---	JOB NUMBER:
SHEET 1 OF 2	92950.PLT-ALLEY

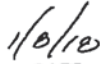
PLOT PLAN

ALLEY DESCRIPTION:

A parcel of land being part of the Plat of Connard's Subdivision of Lot 1, Block 242 of the Original Plat of the City of Lansing, according to the recorded plat thereof, as recorded in Liber 1 of Plats, Page 31, Ingham County Records; said parcel is more particularly described as: Beginning at the Southwest corner of Lot 19, of said Plat of Connard's Subdivision; thence S89°26'40"E along the North line of an alley of said plat a distance of 326.74 feet to the Southeast corner of Lot 5 of said plat; thence N00°15'31"E along the East line of said Lot 5 a distance of 109.92 feet to the South Right of Way line of East Michigan Avenue; thence S89°25'55"E along said South line a distance of 12.00 feet; thence S00°15'31"W 51.46 feet; thence S89°26'37"E 10.00 feet to a point on the West line of Lot 3 of said plat; thence S00°15'31"W 74.45 feet to a point on the South line of said alley; thence N89°26'46"W along said South line 348.82 feet to the East Right of Way line of South Larch Street; thence N00°33'03"E along said East Right of Way line 16.00 feet to the point of beginning; said alley containing 0.17 acre, more or less; said alley subject to all easements and restrictions if any.



DANE B. PASCOE
PROFESSIONAL SURVEYOR



DATE
No. 54434



KEBS, INC. KYES ENGINEERING
BRYAN LAND SURVEYS

2116 HASLETT ROAD, HASLETT, MI 48840
PH. 517-339-1014 FAX. 517-339-8047

13432 PRESTON DRIVE, MARSHALL, MI 49068
PH. 269-781-9800 FAX. 269-781-9805

DRAWN BY SLH

SECTION 16, T4N, R2W

FIELD WORK BY ---

JOB NUMBER:

SHEET 2 OF 2

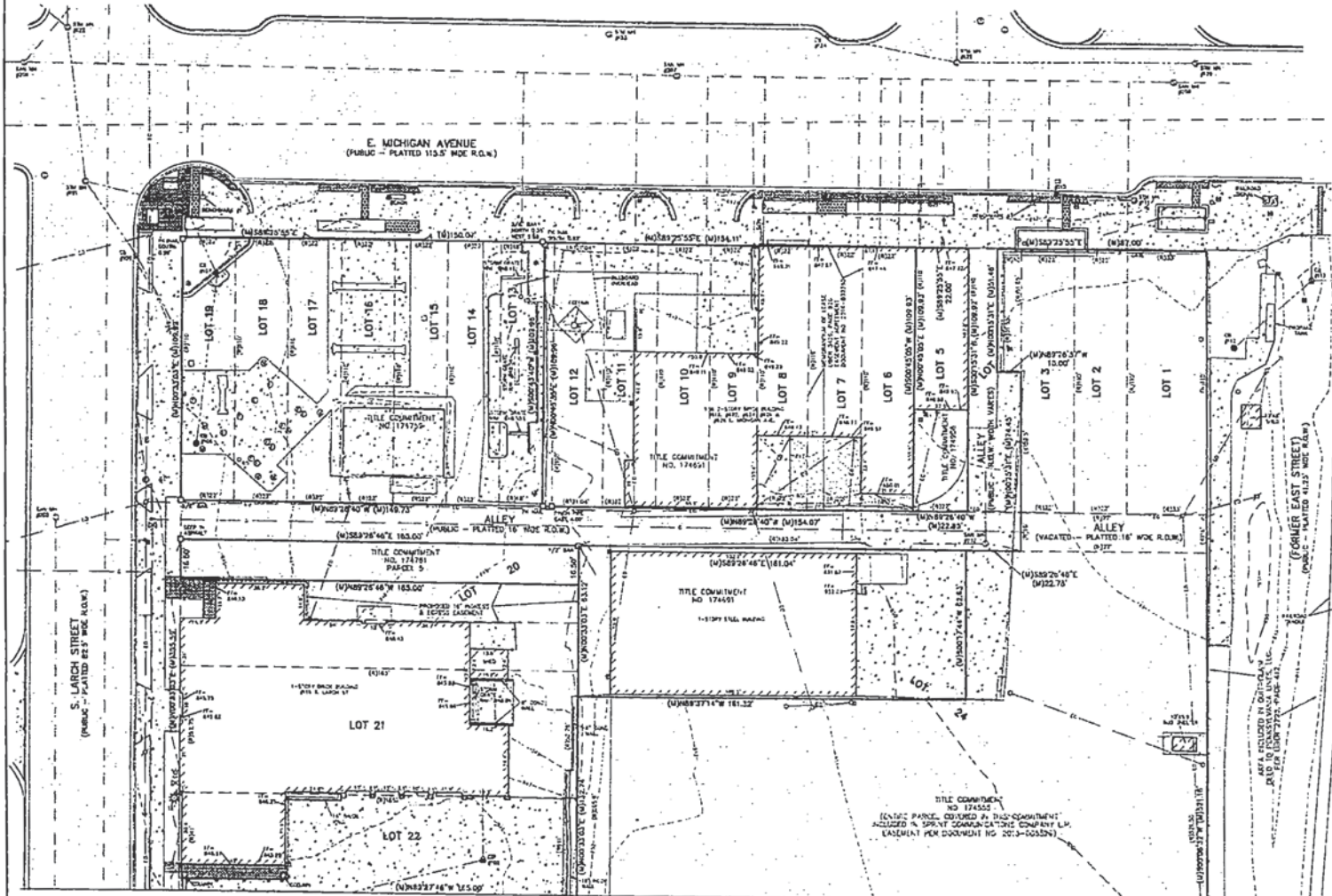
92950.PLT-ALLEY

BOUNDARY & TOPOGRAPHIC SURVEY

"600 E. MICHIGAN PROJECT"

FOR: GILLESPIE GROUP

SCALE 1" = 20'



LEGEND

- SET 1/2" BAR WITH CAP
- FOUND IRON AS NOTED
- DEED LINE
- DISTANCE NOT TO SCALE
- FENCE
- ASPHALT
- CONCRETE
- GRAVEL
- STEEL PLATE
- ADA PLATE
- FORD/ROCK/STAIRS
- BRICK
- EXISTING SPOT ELEVATION
- EXISTING CONTOUR ELEVATION
- SANITARY SEWER
- STORM SEWER
- WATER LINE
- GAS LINE
- OVERHEAD WIRES
- BUILDING OVERHANG
- DECIDUOUS TREE
- CONIFEROUS TREE
- SANITARY MANHOLE
- DRAINAGE MANHOLE
- ELECTRIC MANHOLE
- TELEPHONE MANHOLE
- STEAM MANHOLE
- FUEL MANHOLE
- MONITORING WELL
- CATCH BASIN
- CLEAINT
- FIVE HYDRANT
- VALVE
- POST INDICATOR VALVE
- UTILITY POLL
- LIGHT POLE
- LIGHT POLE (BASE ONLY)
- GUY WIRE
- UTILITY PEDISTAL
- TRANSFORMER
- HANDHOLE
- ELECTRIC METER
- GAS METER
- GAS VALVE
- WATER METER
- SIGN
- POST/BOLLARD
- AIR CONDITIONING UNIT
- PARKING METER



REV'S	DATE	BY	CHK'D	APP'D	DESCRIPTION
1	12/13/2011	EF	EF	EF	PRELIMINARY
2	12/13/2011	EF	EF	EF	FINAL

KEBS, INC. 201 MARKET STREET, SUITE 100 ANN ARBOR, MI 48106 TEL: 734-338-8888 FAX: 734-338-8887 WWW.KEBS.COM	DRAWN BY: EF FIELD WORK BY: BAW SHEET: 1 OF 2	SECTION: 18, TAN, R2W JOB NUMBER: 20130000
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Erik R. Freestrom
ERIK R. FREESTROM
PROFESSIONAL SURVEYOR NO. 2013-000000

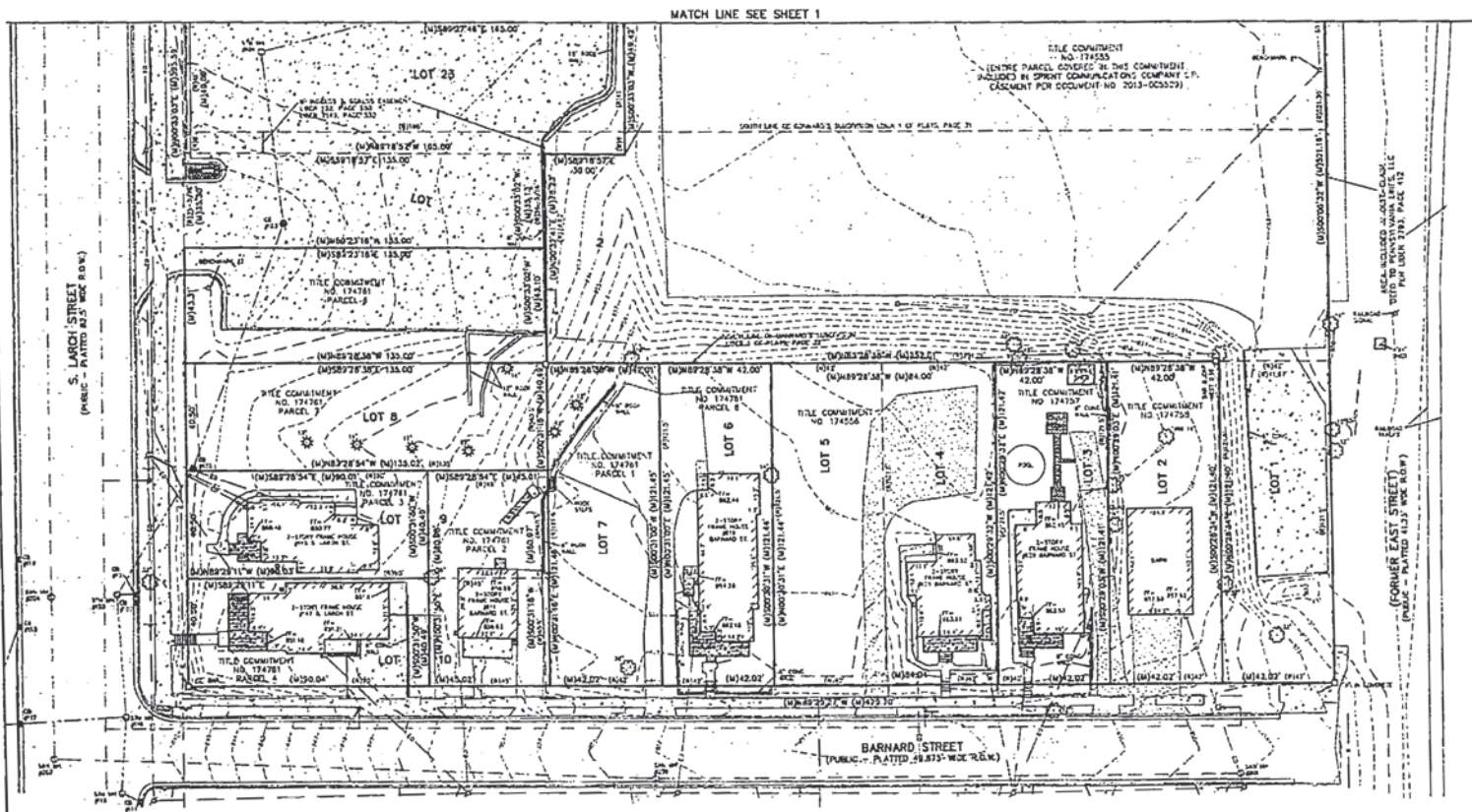
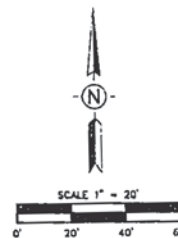
DATE

MATCH LINE SEE SHEET 2

BOUNDARY & TOPOGRAPHIC SURVEY

FOR: GILLESPIE GROUP

"600 E. MICHIGAN PROJECT"

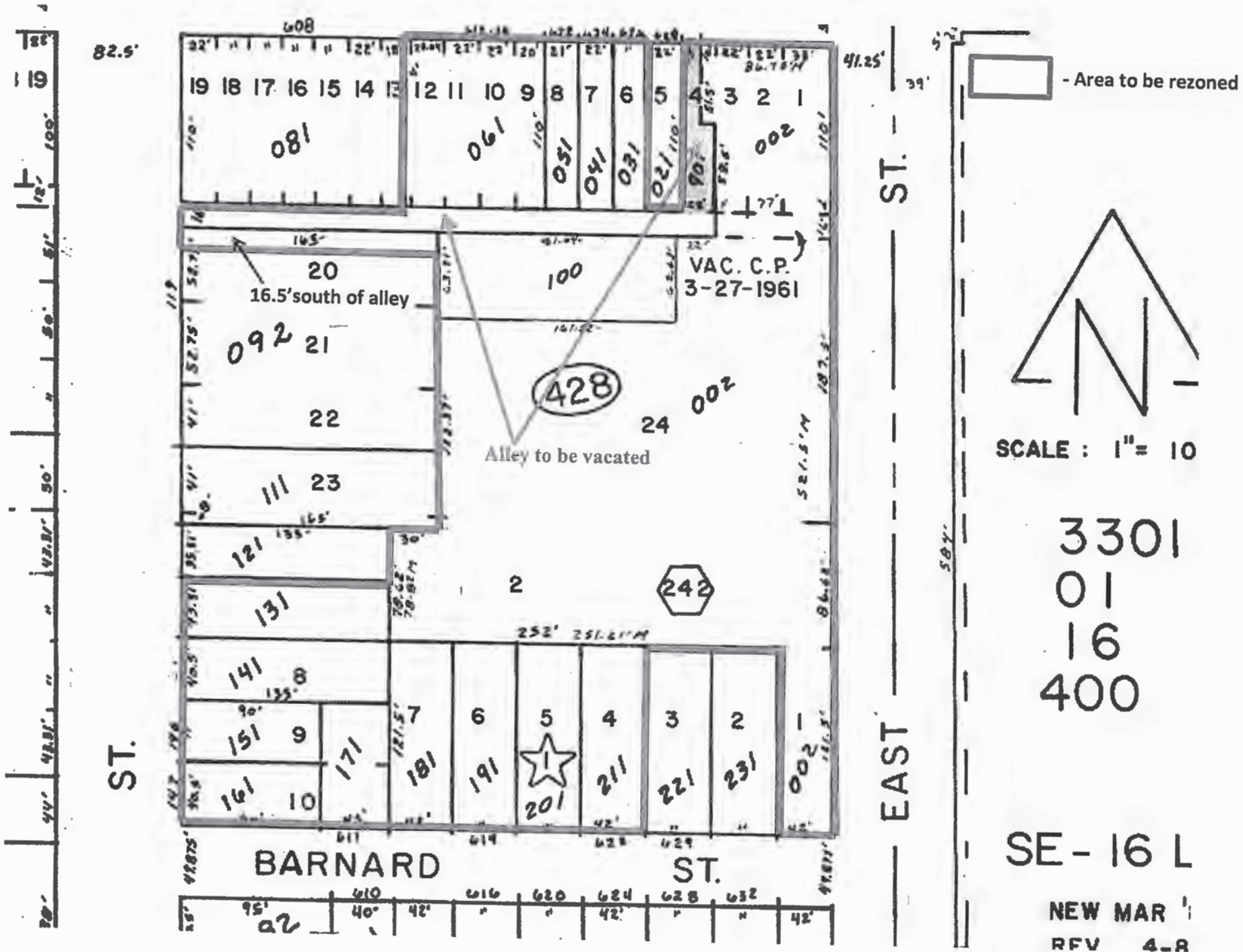


- LEGEND**
- = SET 1/2" BAR WITH CAP
 - = FOUND SIGN AS NOTED
 - = DEED LINE
 - = DISTANCE NOT TO SCALE
 - = FENCE
 - = ASPHALT
 - = CONCRETE
 - = GRASS
 - = STEEL PLATE
 - = ADA PLATE
 - = PORCH/DECK/STAIRS
 - = BRICK
 - = EXISTING SPOT ELEVATION
 - = EXISTING CONTOUR ELEVATION
 - = SANITARY SEWER
 - = STORM SEWER
 - = WATER LINE
 - = GAS LINE
 - = OVERHEAD WIRES
 - = BUILDING OVERHANG
 - = DECORATIVE TREE
 - = CONIFEROUS TREE
 - = SANITARY MANHOLE
 - = DRAINAGE MANHOLE
 - = ELECTRIC MANHOLE
 - = TELEPHONE MANHOLE
 - = STEAM MANHOLE
 - = FUEL MANHOLE
 - = MONITORING WELL
 - = CATCH BASIN
 - = CLEANOUT
 - = FIRE HYDRANT
 - = VALVE
 - = POST INDICATOR VALVE
 - = UTILITY POLE
 - = LIGHT POLE
 - = LIGHT POLE (BASE ONLY)
 - = GUY WIRE
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 - = TRANSFORMER
 - = MANHOLE
 - = ELECTRIC METER
 - = GAS METER
 - = GAS VALVE
 - = WATER METER
 - = SOY
 - = POST/BOLLARD
 - = AIR CONDITIONING UNIT
 - = PARKING METER



DRP 12/1/21
DATE
DICK R. PRIESTRICH
PROFESSIONAL SURVEYOR NO. 53457

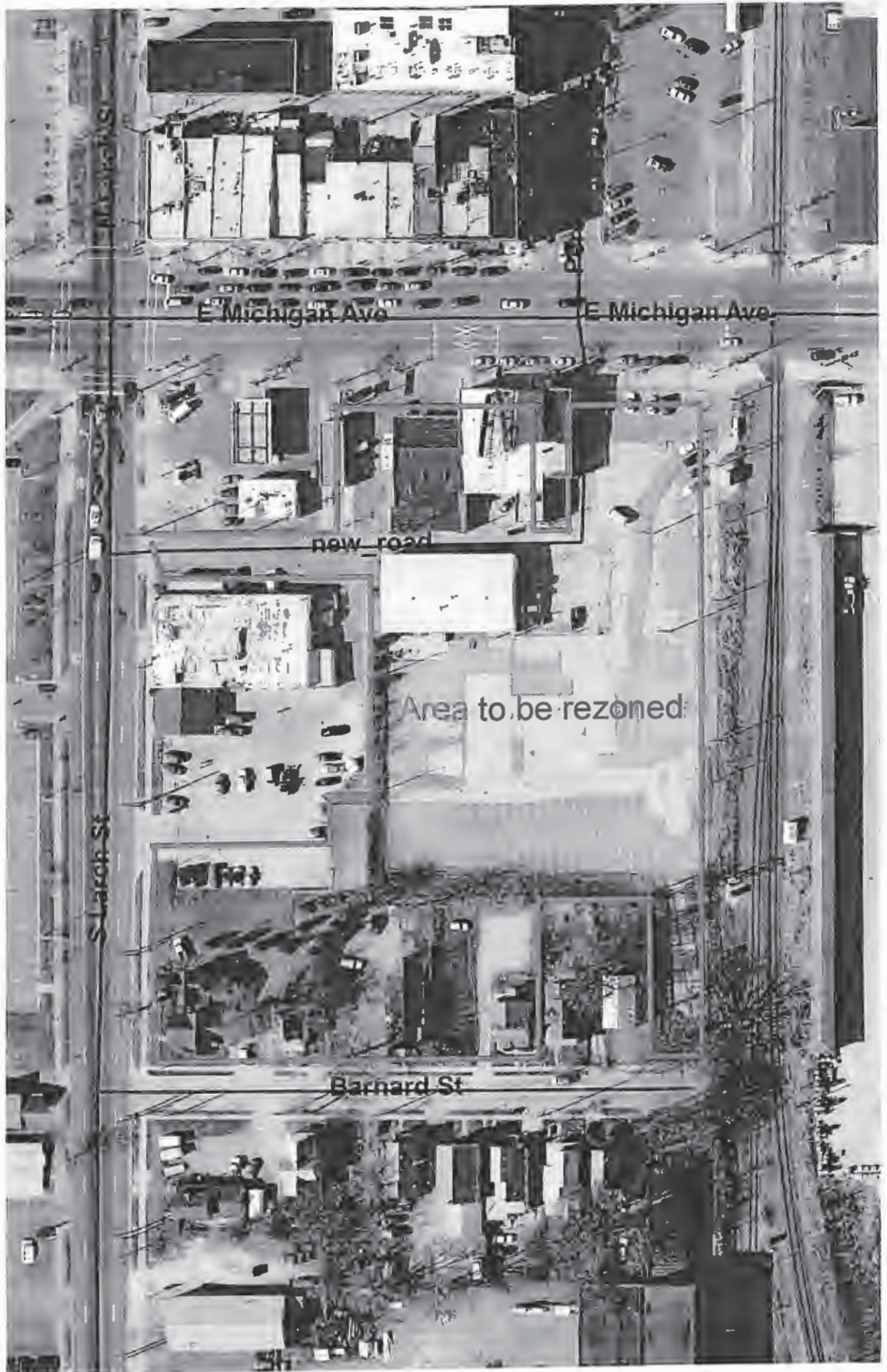
REV/DATE	COMMENTS	BY	CHKD
12/13/21	PRELIMINARY		
12/16/21	SOME FINAL		
KEBS, INC. 2000 BARNETT ROAD, BARNETT, MI 48810 PH: 517-386-1854 FAX: 517-386-1857 WWW.KEBSINC.COM Survey Office - PO BOX 791-880 LANSING MI 48206-0791 FAX: 313-961-8300 TEL: 313-961-8300 JRM HANKS SHEET 2 OF 3 822501.000			



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SE-16 L

NEW MAR 1
RFV 4-R



Legend

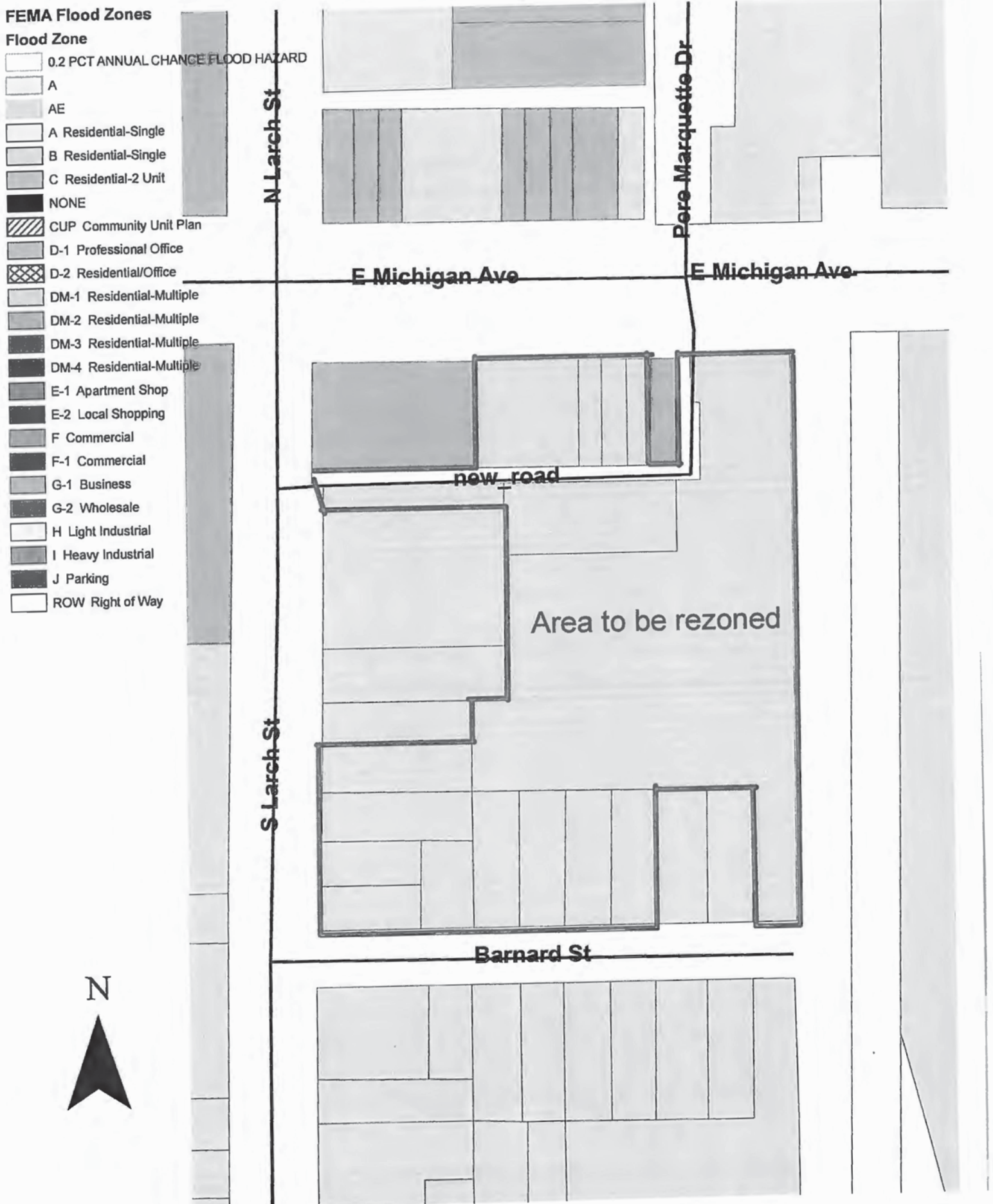
roads_final

FEMA Flood Zones

Flood Zone

-  0.2 PCT ANNUAL CHANCE FLOOD HAZARD
-  A
-  AE
-  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

Zoning



RESOLUTION # _____

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Act-1-2018, 600 Blk. E. Michigan Ave. (S. Side) Alley Vacation

WHEREAS, Pat Gillespie of GG Acquisitions, LLC, requests the vacation of the east-west alley south of the 600 Block of E. Michigan Ave.; and

WHEREAS, the alley is "L" shaped, beginning in the 100 Block of S. Larch Street, eastward parallel to Michigan Ave., then north between buildings that face Michigan Avenue; and

WHEREAS, at its meeting on February 6, 2018, the Planning Board found, based on a review of the location, character, and extent of the Act-1-2018 proposal, that:

- The alley is located in the midst of properties that are being assembled for a larger building site on East Michigan Avenue and all utilities within the alley will need to be relocated, and lots combined so as to eliminate land-locked parcels,
- The alley will change from being a utilitarian means of access to the rear of the buildings in a quasi-industrial setting to being incorporated in a larger mixed-use development with the character and intensity of downtown Lansing.
- Retaining the alley would impede the proposed development in accordance with the shared vision expressed in the *Design Lansing Comprehensive Plan*; and

WHEREAS, the Planning Board voted unanimously (4-0) to recommend approval of Act-1-2018, the vacation of the entire alley, contingent on the combination of parcels adjacent to the alley to eliminate land-locking any parcel; 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, the Lansing City Council hereby approves Act-1-2018, and vacates the subject alley as requested, legally described as:

Commencing at the Southwest corner of Lot 19, thence south 16 feet, east 348.82 feet, north 16 feet, thence west to the point of beginning; and Lot 4, Except the East 10 Feet of the North 51.5 Feet thereof, Connard's Subdivision of Lot 1, Block 242 of the Original Plat of the City of Lansing,

contingent on the combination of parcels adjacent to the alley to eliminate land-locking any parcel;

BE IT FINALLY RESOLVED, that the City Clerk within 30 days of passage of the resolution shall forward certified copies of the resolution to the Ingham County Register of Deeds for recording and upon return, transmit a copy of the recorded resolution to the Michigan Department of Licensing and Regulatory Affairs, Office of Land Survey and Remonumentation (OLSR), the Planning and Development and Assessor's Offices, the Department of Public Service, and the applicant.

GENERAL INFORMATION

APPLICANT: GG Acquisitions, LLC
330 Marshall Street, Suite 100
Lansing, MI 48912

OWNERS: See attached.

REQUESTED ACTIONS: Rezone from "H" Light Industrial to "G-1" Business District
Alley vacation

EXISTING LAND USE: Commercial, Industrial, Single and Multi-Family Residential

EXISTING ZONING: "H" Light Industrial District

PROPOSED ZONING: "G-1" Business District

PROPERTY SIZE: 159,244 square feet – 3.65 acres – total area to be rezoned
including the alley to be vacated

SURROUNDING LAND USE: N: Various commercial & office uses, Lansing Rescue
Mission
S: Commercial, industrial, single and multi-Family
Residential
E: Railroad/office Building
W: Stadium District (multi-family residential &
commercial)

SURROUNDING ZONING: N: "G-1" Business & "H" Light Industrial Districts
S: "H" Light Industrial District
E: "H" Light Industrial District
W: "G-1" Business & "H" Light Industrial Districts

MASTER PLAN: The Central Lansing Comprehensive Plan designates the
subject property for retail/commercial with upper floor mixed
use. The Design Lansing Master Plan designates the subject
property for Downtown Mixed-Use Center: Edge. E.
Michigan Avenue is designated as a minor arterial. S. Larch
Street is designated as an activity corridor. Barnard Street is
designated as a local road.

DESCRIPTION:

The following requests by GG Acquisitions, LLC, are to facilitate a future mixed use development on the property described below, including the alley to be vacated:

Act-1-2018: Vacate the alley commencing at the southwest corner of Lot 19, thence south 16 feet, east 348.82 feet, north 16 feet, thence west to the point of beginning; and Lot 4, except the east 10 feet of the north 51.5 feet thereof, Connard's Subdivision of Lot 1, Block 242 of the Original Plat of the City of Lansing.

Z-1-2018: Rezone from "H" Light Industrial district to "G-1" Business district, the property bounded by E. Michigan Avenue to the north, Barnard Street to the south, S. Larch Street to the west and the railroad right-of-way to the east, with the following exceptions (property not included in the rezoning):

- * 628 E. Michigan Avenue
- * Vacant parcel at the southeast corner of E. Michigan Avenue & S. Larch Street
- * 629 Barnard Street & the adjoining vacant parcel to its east
- * 119 S. Larch Street, except the north 16.5 thereof
- * 2 parcels located immediately south of 119 S. Larch Street

AGENCY RESPONSES

BWL:

BWL Electric: Approved. No comments. Contact person: Jerry Wheeler, ph: 517-702-6644

BWL Street Lighting: Approved. No Comments.

BWL Water & Steam Distribution: Approved

Please note that this approval does not constitute an agreement for service, and is subject to the following conditions:

- General Comments:
 - o All service piping, up to and including the service risers are part of the water system and cannot be installed or altered without a BWL Water Service Agreement in place. BWL jurisdiction for domestic services ends at the outlet of the domestic meter setting. BWL jurisdiction for fire services ends at the connection point to the backflow preventer. Service risers to the building will only be constructed by LBWL forces or a LBWL approved contractor.
 - o It is the applicant's responsibility to determine the estimated water demand (including fire flow requirements) of this project, and sizing services accordingly. The LBWL will not take responsibility for inadequately sized services or metering specified by the applicant.
 - o The Customer is responsible for coordinating with the Fire Marshall of Jurisdiction for hydrant placement on the site. Note that if the installation of fire

-
- hydrants is required, then the installation will require permitting by the MDEQ, and the owner will be responsible for meeting all requirements for the installation of water main. The BWL's experience is that the Fire Marshall will require a fire hydrant be installed within 100 feet of any proposed fire department connection.
 - o MDEQ permits and signed easements shall be established prior to construction, if applicable.
 - Site Specific Comments:
 - o Commercial zoning requires 2500 gpm of fire flow protection. Therefore, the following must be considered for future development:
 - ☐ In order to meet commercial fire flow requirements, any proposed water main for future development must connect to the existing 24-inch main in Michigan Avenue. Commercial fire flow is not available from a connection taken solely off of Larch or Barnard.
 - ☐ Based on the lengths and layout of proposed water main, the BWL will enforce looping requirements.
 - ☐ It is the BWL's experience that the Lansing Fire Marshall will require a fire hydrant to be placed within 100' of new building fire department connections. Developer is to coordinate fire protection requirements for any future development with the Lansing Fire Marshall, and communicate those requirements to the BWL so connection and looping requirements can be determined.

BWL Water Operations: I have no comments or concerns.

BWL Environmental Wellhead Protection: We have no Wellhead Protection Concerns in this area.

Building Safety:	The BSO has no objections.
Development Office:	No comments pertaining to the Development Office.
Fire Marshal:	No response received.
Parks & Recreation:	The removal of any right-of-way trees and or altering of any right-of-way rain gardens for future development plans would require review and approval by the Forestry division.
Public Service:	Regarding the impacts of this vacation to sanitary sewer service, all of the parcels fronting Michigan Ave. have service in the "new" sanitary sewer on Michigan Ave. Further, regarding sanitary sewer service at the parcel at the west end of the east/west alley (i.e., Liskey's), their sanitary sewer service is off of Cedar St. However, it's not clear how or whether the steel "pole barn-type" building south of the east/west alley (i.e.,

Parcel #33-01-01-16-428-100) is served, but there is no existing public sewer in the east/west alley, so the question of sanitary service to that building is probably moot. The county's info shows Parcel #33-01-01-16-428-100 as owned by Brogan's and I believe they simply store tires in there, but there is and would be no sanitary service available to that parcel (again, this probably isn't an issue, because there apparently has never been sanitary service to that building)

Regarding any access issues, the large parcel that is kind of a parking lot, Parcel #33-01-01-16-428-002, has access off of their driveway approach on Michigan Ave. HOWEVER, again regarding the steel building that encompasses Parcel #33-01-01-16-428-100, it looks like that'd be land-locked, if we vacate the east/west alley. Although the steel building is only a few feet from Brogan's tire shop, they have to cross the east/west alley to access the steel building.

Further, regarding utilities in that alley, the attached map from Consumers Energy shows a 2" medium pressure gas main in the alley. I'm pretty sure this main serves the structures north of the alley along the south side of Michigan Ave.

To summarize, it appears the only issue relative to vacation of both of these alleys is access to the steel building/Parcel #33-01-01-16-428-100, if the east/west alley is vacated.

Transportation Engineer:

There is no objection to the rezoning, however, driveway access points will need to be consolidated and will be subject to City and/or MDOT driveway location standards as appropriate. A traffic study may also be required, depending on the proposed use. If any parcels that have access exclusively off the alley are not owned by the applicant, alternate access will have to be provided by the applicant for these parcels. Any public utilities in the alleys will need to be addressed with relocation/abandonment costs paid for as part of the development.

ACT 33 – ALLEY VACATION

An Act 33 Review is conducted in accordance with Section 208 of the Administration Code when the City purchases, sells or substantially changes the use of property. The Michigan Municipal Planning Act (P.A. 33 of 2008, as amended) requires a review of the location, character, and extent of the proposal by the Planning Board, prior to consideration by the City Council. The following is a review of Act-1-2018 in accordance with these standards.

ANALYSIS

Location: The alley to be vacated runs east off of S. Larch Street along the south lines of the properties fronting along the south side of the 600 block of E. Michigan Avenue, for a distance of 348.82 feet. The alley that runs north for a distance of 109.92 feet to the E. Michigan Avenue right-of-way line is also proposed to be vacated. The east and west alley is platted and originally extended from Larch Street to what was formerly East Street and is now a railroad right-of-way. The east 77 feet of the alley was vacated in 1961. The City then acquired the property that runs north and south to provide a connection between the remaining alley and E. Michigan Avenue.

The alley is located in the midst of properties that are being assembled for a larger building site on East Michigan Avenue. As such, all utilities within the alley will need to be relocated, and lots combined so as to eliminate land-locked parcels.

Character: The alley will change from being a utilitarian means of access to the rear of the buildings in a quasi-industrial setting to being incorporated in a larger mixed-use development with the character and intensity of downtown Lansing.

Extent: Analysis of the extent of a proposal evaluates whether the level or magnitude of the proposed request is appropriate in relation to the intended land use pattern, public facilities, and services in the area. The alley would impede the proposed development in accordance with the shared vision expressed in the Design Lansing Comprehensive Plan.

REZONING ANALYSIS

COMPATIBILITY WITH SURROUNDING LAND USE:

The proposal is to rezone the block bounded by E. Michigan Avenue to the north, Barnard Street to the south, S. Larch Street to the west and the railroad to the east from "H" Light Industrial to "G-1" Business district, with the following exceptions (property not included in the rezoning):

- * 628 E. Michigan Avenue
- * Vacant parcel at the southeast corner of E. Michigan Avenue & S. Larch Street
- * 629 Barnard Street & the adjoining vacant parcel to its east
- * 119 S. Larch Street, except the north 16.5 thereof
- * 2 parcels located immediately south of 119 S. Larch Street

The subject property is located in an area that contains an eclectic mix of uses. The site is located just east of the Stadium District site which is a commercial/residential mixed use building.

The Cooley Law School baseball stadium is located to its north. The block directly north of the subject property includes the Lansing Rescue Mission and various first floor commercial/office uses with upper floor residential units. The property directly adjoins an active rail line to the east and residential uses of varying densities to the south. Several of the parcels of land that are included in the rezoning request are vacant or being used strictly for parking. The dominant land uses on the site are automotive repair facilities.

The existing uses on the subject property are out of character with the general land use pattern along E. Michigan Avenue which consists of commercial/residential uses and entertainment venues. These types of uses support each other, draw people to the area, many of whom utilize the bus system for transportation, create activity outside of normal business hours, and generally contribute to the vibrancy of an area located in close proximity to the core downtown. Parking lots and automobile repair facilities, by contrast, do not produce activity outside of normal business hours, do not provide support for other businesses in the area and do not draw pedestrian traffic to the area. A mixed use development on the site would provide a renewed sense of vitality to the area site and is a strategic location for the realization of the overall mixed land use pattern being advanced in the Master Plans for this area.

COMPLIANCE WITH MASTER PLAN:

The Central Lansing Comprehensive Plan designates the subject property for retail/commerce with upper floor mixed use. The Design Lansing Master Plan designates the subject property for Downtown Mixed-Use Center: Edge. The purpose of this designation as described in the Plan is:

“To support the downtown area by allowing a mix of uses and to enhance the quality of the pedestrian environment; maintain the presence of older, often historic buildings; and provide for a transition in building height and use intensity to near-downtown neighborhoods.”

With respect to placemaking characteristics, the Plan states that:

“Buildings should maintain a consistent setback and nearly continuous street facade to frame the street, with a clearly-defined primary entrance oriented to the street. Surface parking should be located on the interior of the block where possible and should be well landscaped and screened in all cases. Parking ratio maximums should be considered. Building base and top should be articulated. Facade articulation into vertical components should be considered. Minimum transparency (windows and doors) requirements should be established. Transitional features requirements (architectural elements and building massing height step backs) to mitigate potential conflicts between higher intensity uses and residential uses should be considered. Historic preservation of valuable existing buildings, and residentially-scaled and detailed new architecture should be encouraged in areas where older residential structures remain and on neighborhood edges.”

The G-1 Business district is the most appropriate zoning designation to facilitate the mixed use development strategy being advanced in the Central Lansing and Design Lansing Master Plans. It is specifically designed for the downtown in that it allows a mix of retail, office, and high density residential uses as a matter of right. It is also the zoning designation that allows for development in

accordance with the placemaking characteristics described above (no parking or setback requirements and no building height or lot coverage limitations).

IMPACT ON VEHICULAR AND PEDESTRIAN TRAFFIC:

No negative impacts on vehicular or pedestrian traffic are anticipated to result from future mixed use development of the site. A mixed use development will generate additional pedestrian traffic which is very positive for the area. The current pedestrian walkway system and traffic controls in the area are designed to accommodate large volumes of pedestrian traffic in a safe manner. With respect to vehicular traffic, access to the site will likely be from S. Larch Street which is a major road, designed to carry a high volume of traffic.

The subject property is located on two major bus routes (E. Michigan and Larch) and thus, the occupants of a future mixed use building can be less dependent on privately owned automobiles. It is also within walking distance of several major employers and institutional facilities such as Sparrow Hospital, State of Michigan offices, Lansing city hall, the Accident Fund, Lansing Community College, Cooley Law School and Davenport University. Despite its location, a future developer will have to provide adequate on-site parking to accommodate the needs of the occupants of a mixed use building, even though on-site parking is not required under the "G-1" zoning district. It is anticipated that the site will be developed in a manner similar to the Stadium District to the west with the building located at the front property line along E. Michigan Avenue and parking to its south, accessible primarily from S. Larch Street with secondary access from Barnard Street.

IMPACT ON PUBLIC FACILITIES:

New development will require administrative site plan review at which time the specific details of the the utility systems to accommodate the development will be evaluated. No concerns about the availability of utilities have been expressed by any of the reviewing agencies.

ENVIRONMENTAL IMPACT:

Given the amount of human intervention already occurring on this site, the zoning proposal will have little impact on the physical environment. Redevelopment of the site will be required to go through the City's 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. Furthermore, Michigan Avenue and Larch Street are major bus routes which allow residents of the area to be less dependent on private transportation. Reducing motorized traffic has a positive impact on the environment since less traffic results in less pollution created by the greenhouse gas emissions that motorized vehicles produce and less wear and tear on roads.

IMPACT ON FUTURE PATTERNS OF DEVELOPMENT:

The rezoning is intended to accommodate redevelopment of the site for a mixed residential/commercial building which would have a positive impact on future development patterns in the area and strengthen the linkage between the E. Michigan Avenue corridor east of the River and the core downtown. New residential units will provide convenient housing for people who work, attend

school or simply choose to live in an area that is within walking distance of the goods, services and entertainment venues already available in Lansing's core downtown. In addition, the occupants of the residential units will have convenient access to public transportation and will provide a strong customer base for the existing commercial uses in the area.

The "G-1" Business district is the appropriate zoning designation to facilitate the mixed land use development pattern being advanced in the Central Lansing and Design Lansing Comprehensive Plans. Redevelopment of the site may encourage more redevelopment projects in the area that will further the goals of the Master Plans to create a vibrant mixed use area surrounding the core downtown. The "G-1" district allows for a mix of office, commercial and residential uses to the highest density permitted under the Zoning Ordinance (up to 87 dwelling units per acre). It also has no setback or parking requirements and no limitations on building height or lot coverage which is why the overwhelming majority of the land in and around the core downtown area is currently zoned "G-1" Business.

SUMMARY

These are requests by GG Acquisitions, LLC, to facilitate a future mixed use development on the property described below, including the alley to be vacated:

Act-1-2018: Vacate the alley commencing at the southwest corner of Lot 19, thence south 16 feet, east 348.82 feet, north 16 feet, thence west to the point of beginning; and Lot 4, except the east 10 feet of the north 51.5 feet thereof, Connard's Subdivision of Lot 1, Block 242 of the Original Plat of the City of Lansing.

Z-1-2018: Rezone from "H" Light Industrial district to "G-1" Business district, the property bounded by E. Michigan Avenue to the north, Barnard Street to the south, S. Larch Street to the west and the railroad right-of-way to the east, with the following exceptions (property not included in the rezoning):

- * 628 E. Michigan Avenue
- * Vacant parcel at the southeast corner of E. Michigan Avenue & S. Larch Street
- * 629 Barnard Street & the adjoining vacant parcel to its east
- * 119 S. Larch Street, except the north 16.5 thereof
- * 2 parcels located immediately south of 119 S. Larch Street

The findings of fact as outlined in this staff report support a positive recommendation for the requested rezoning and alley vacation. The proposed rezoning will be consistent with the existing land use patterns in the area and with the future land use pattern being advanced in the City Comprehensive Plans. Additionally, the proposed rezoning will have no negative impacts on traffic patterns, the environment or future patterns of development in the area.

RECOMMENDATIONS

Pursuant to the findings described above, staff is recommending approval of the following requests:

Act-1-2018: Vacate the alley commencing at the southwest corner of Lot 19, thence south 16 feet, east 348.82 feet, north 16 feet, thence west to the point of beginning; and Lot 4, except the east 10 feet of the north 51.5 feet thereof, Connard's Subdivision of Lot 1, Block 242 of the Original Plat of the City of Lansing, contingent on the combination of parcels adjacent to the alley to eliminate land-locking any parcel.

Z-1-2018: Rezone from "H" Light Industrial district to "G-1" Business district, the property bounded by E. Michigan Avenue to the north, Barnard Street to the south, S. Larch Street to the west and the railroad right-of-way to the east, with the following exceptions (property not included in the rezoning):

- * 628 E. Michigan Avenue
- * Vacant parcel at the southeast corner of E. Michigan Avenue & S. Larch Street
- * 629 Barnard Street & the adjoining vacant parcel to its east
- * 119 S. Larch Street, except the north 16.5 thereof
- * 2 parcels located immediately south of 119 S. Larch Street

Respectfully Submitted,

Bill Rieske
Assistant Planning Manager

Susan Stachowiak
Zoning Administrator

SUPPLEMENT TO ACT 33 REVIEW APPLICATION

Submitted by GG Acquisitions, LLC

The alley sought to be vacated: This is an application to vacate an alley as depicted on the survey attached (**Exhibit A**), and legally described in the attached **Exhibit B**. The alley runs east and west between Larch Street and the former East Street. At its eastern end, it turns to the North to E. Michigan Avenue.

The Applicant: The Applicant is GG Acquisitions, LLC. Applicant is an affiliate of The Gillespie Group. The Applicant has entered into agreements to purchase the properties adjacent to the alley (as addressed further herein), with the exception of the property owned by 600 E. Michigan-Lansing, LLC.. 600 E. Michigan-Lansing, LLC is an affiliate of Applicant / The Gillespie Group and said property is to be included in the contemplated development.

The Properties Abutting the Alley:

1. The property owned by 600 E. Michigan-Lansing, LLC and described on **Exhibit C**. This property abuts the alley to the North and generally at the corner of Larch and E. Michigan. It includes the West 18 feet of Lot 13, and all of lots 14, 15, 16, 17, 18 and 19 of the Plat of Connards Subdivision of Lot 1, Block 242, of the Original Plat of the City of Lansing ("Connards Subdivision"). The contact for this property is the Applicant.
2. The property owned by James E. Brogan as described on **Exhibit D**. This property is to the East of the 600 E. Michigan-Lansing, LLC property and is located along E. Michigan Avenue (North side of the alley)—Lots 6, 7, 8, 9, 10, 12 and 13 of Connards Subdivision; and, part of Lot 24 of said subdivision which lies to the South of the alley. Mr. Brogan's address is 1270 Whittier Drive, East Lansing, MI 48823. His phone number is (517) 332-6153 and his email address is sarastanbrog@gmail.com.
3. The property owned by 621 East Michigan, LLC as described on **Exhibit E**. This property is to the East of the Brogan property along east Michigan Avenue, and is to the North and West of the alley—being Lot 5 of Connards Subdivision. The contact for 621 East Michigan, LLC is Fady Samuel Albout, 625 E. Michigan Ave., Lansing MI, 48912.

4. The property owned by Michigan Avenue Development Co., LLC as described on **Exhibit F**. This property is to the West of the Alley (Lots 1, 2, 3 and part of Lot 4 of Connards Subdivision) and to the South (Lot 24 of Connards Subdivision). The contact for Michigan Avenue Development Company, L.L.C is Lawrence A. Bass, 405 E. Maple Street, Lansing, MI, P.O. Box 14180, Lansing, MI 48901.
5. The property owned by Edward C Carpenter Family Trust dated March 28, 2002 described as Parcel on **Exhibit G**. Applicant's agreement to purchase also includes the balance of the property describe in Exhibit G, but only "Parcel 5" abuts the alley. Parcel 5, being the North 16.50 feet of Lot 20 of Connards Subdivision, is abuts the south of the alley, across from the 600 E. Michigan-Lansing, LLC property and part of the Brogan property (Lot 12 of Connards Subdivision). The contact person for this property is Edward Carpenter, 119 S. Larch St., Lansing, MI.; phone number 417-204-5856.

The Requested Action

Applicant requests that the alley be vacated to its full extent and width. It is requested that the resolution approving this vacation provide that the effective date of the vacation, and the conveyance of title be the date of site plan approval for the development of a project including properties outlined above and described in Exhibits D through G (or immediately thereafter).

Miscellaneous

Based upon conversation with the City's staff it is Applicant's understanding that (a) neither an appraisal or an environmental report will be required as part of this application or the approval being requested; and (b) the owners of the property abutting the alley need not sign the application. If this understanding is not accurate please advise at your earliest opportunity.

SUPPLEMENT TO PETITION FOR RE-ZONING

Submitted by GG Acquisitions, LLC

The property to be re-zoned: This is an application to rezone the property described below and depicted on the survey attached (**Exhibit A**), and legally described in the attached Exhibits B through E (and the alley (as addressed below and in a separate application to vacate the alley brought pursuant to Act 33)). The request is to re-zone the property from H (Light Industrial) to G-1 (Business) to allow the property to be developed for mixed commercial and residential uses. In referencing the survey, please note this application does not apply to the property owned by 600 E. Michigan-Lansing, LLC (generally at the corner of Larch and E. Michigan) being the West 18 feet of Lot 13, and all of lots 14, 15, 16, 17, 18 and 19 of the Plat of Connards Subdivision of Lot 1, Block 242, of the Original Plat of the City of Lansing ("Connards Subdivision"), as that property is currently zoned G-1. Also this application does not include the property owned by 621 East Michigan, LLC—(628 E. Michigan) being Lot 5 of Connards Subdivision as that property is zoned G-1; or Lots 2 and 3 of Block 1, of Barnard's Subdivision (even though they are depicted in the survey being provided).

The Applicant: The Applicant is GG Acquisitions, LLC. Applicant is an affiliate of The Gillespie Group. The Applicant has entered into agreements to purchase the properties sought to be re-zoned (addressed further herein), has also entered into an agreement to purchase the property owned by 621 East Michigan, LLC (common address 628 E. Michigan which is zoned G-1) and 600 E. Michigan-Lansing, LLC., the owner of the West 18 feet of Lot 13, and all of lots 14, 15, 16, 17, 18 and 19 of the Connards Subdivision (zoned G-1), is an affiliate of Applicant / The Gillespie Group.

The Properties to Be Re-Zoned:

1. The property owned by James E. Brogan as described on **Exhibit B**. This property is to the East of the 600 E. Michigan-Lansing, LLC property and is located along E. Michigan Avenue—Lots 6, 7, 8, 9, 10, 12 and 13 of Connards Subdivision; and, part of Lot 24 of said subdivision which lies to the South of the alley. This property consists of 27,075 sqft. Mr. Brogan's address is 1270 Whittier Drive, East Lansing, MI 48823. His phone number is (517) 332-6153 and his email address is sarastanbrog@gmail.com.
2. The property owned by Michigan Avenue Development Co., LLC as described on **Exhibit C**. This property is to the East of the Brogan Property (Lots 1, 2, 3 and part of Lot 4 of Connards Subdivision) and to the South (Lot 24 of Connards Subdivision). This property consists of 35,163 sqft. The contact for Michigan Avenue Development Company, L.L.C is Lawrence A. Bass, 405 E. Maple Street, P.O. Box 14180, Lansing, MI 48901.
3. The property owned by Carpenter Apartments, LLC (as to Parcels 1-4 and 8 described on **Exhibit D**), Edward C Carpenter Family Trust dated March 28, 2002 (as to the property described as Parcels 5 and 6 on **Exhibit D**), and Edward C. Carpenter, (as to Parcel 7 on **Exhibit D**). Theses parcels include Lots 6, 7 and 8 and a portions of Lots 9 and 10 of Block 1 of the Barnard's Addition to the City of Lansing ("Barnards Subdivision"), and portions of Lots 2 and 20 of Connards Subdivision, all of which are more particularly

described on the survey. Note, this request for rezoning does not include all of the property owned by Carpenter, just the land as described in **Exhibit D** and the survey. This property consists of 79,323 sqft. The contact person for these properties is Edward Carpenter, 119 S. Larch St., Lansing, MI. 48912; phone number 417-204-5856.

4. The property owned by the Ingham County Treasurer—being Lots 4 and 5, Block 1, of Barnards Subdivision, as described on **Exhibit E**. This property consists of 10,202 sqft. The contact information for the Ingham County Treasurer is Eric Schertzing, Treasurer, 313 W. Kalamazoo St. Lansing, MI 48933. (517) 483-6503
5. The Alley-- the alley runs east and west between Larch Street and the former East Street. At its eastern end, it turns to the North to E. Michigan Avenue. The alley consists of 7,481 sqft.

The Requested Action

Applicant requests the above referenced property be rezoned from H to G-1 Business so that it may be developed for a mixed commercial and residential use. Upon rezoning, all of Connards Subdivision will be zoned G-1, with the exception of the Liskey's (Carpenter) operation/property not being purchased. The size and nature of residential uses and structures and, as to commercial uses, the number of employees, parking spaces, and hours / days of operation have yet to be determined.

Miscellaneous

This Petition pertains to 159,244 sqft of property or 3.65 acres= $\pm$. An \$800.00 filing fee is therefore being provided.

Applicant is represented by John R. Fifarek, Lasky Fifarek, P.C. with respect to this Petition. Any comments, questions or concerns may be directed to him at 120 N. Washington Square, Suite 625, Lansing, MI 48933. His phone number is (517) 267-2226 and email jfifarek@laskyfifarek.com.

 First American Title™	Commitment for Title Insurance
Exhibit A	ISSUED BY First American Title Insurance Company

File No.: 174761

The Land referred to herein below is situated in the County of Ingham, State of Michigan, and is described as follows:

Parcel 1:

Lot 7, Block 1, of Barnard's Addition to the City of Lansing, Ingham County, Michigan, according to the recorded Plat thereof, as recorded in Liber 1, Page(s) 32, Ingham County Records.

Parcel 2:

The East 45 feet of Lots 9 and 10, Block 1, of Barnard's Addition to the City of Lansing, Ingham County, Michigan, according to the recorded Plat thereof, as recorded in Liber 1, Page(s) 32, Ingham County Records.

Parcel 3:

The West 90 feet of Lot 9, Block 1, of Barnard's Addition to the City of Lansing, Ingham County, Michigan, according to the recorded Plat thereof, as recorded in Liber 1, Page(s) 32, Ingham County Records.

Parcel 4:

The West 90 feet of Lot 10, Block 1, of Barnard's Addition to the City of Lansing, Ingham County, Michigan, according to the recorded Plat thereof, as recorded in Liber 1, Page(s) 32, Ingham County Records.

Parcel 5:

The North 16.50 feet of Lot 20, of Connard's Subdivision of Lot 1, Block 242 of the Original Plat of the City of Lansing, according to the recorded Plat thereof, as recorded in Liber 1 of Plats, Page(s) 31, Ingham County Records.

Parcel 6:

The South ½ of the North ½ of the West 135 feet of Lot 2, Block 242 of the Original Plat of the City of Lansing, according to the recorded Plat thereof, as recorded in Liber 1 of Plats, Page(s) 31, Ingham County Records.

Carpenter

Parcel 7:

Lot 8, Block 1, of Barnard's Addition to the City of Lansing, Ingham County, Michigan, according to the recorded Plat thereof, as recorded in Liber 1, Page(s) 32, Ingham County Records.

Parcel 8:

Lot 6, Block 1, of Barnard's Addition to the City of Lansing, Ingham County, Michigan, according to the recorded Plat thereof, as recorded in Liber 1, Page(s) 32, Ingham County Records.

	First American Title™	Commitment for Title Insurance
Exhibit A		ISSUED BY First American Title Insurance Company

File No.: 174556

The Land referred to herein below is situated in the County of Ingham, State of Michigan, and is described as follows:

Lot 4 and 5, Block 1, of Barnards Subdivision of Lots 2, 3 and 4, Block 242 of the Original Plat of the City of Lansing, Ingham County, Michigan, according to the recorded Plat thereof, as recorded in Liber 1, Page(s) 32, Ingham County Records.

Ingham County Treasurer

 First American Title™	Commitment for Title Insurance ISSUED BY First American Title Insurance Company
Exhibit A	

File No.: 174691

The Land referred to herein below is situated in the County of Ingham, State of Michigan, and is described as follows:

Lot 6, 7, 8, 9, 10, 11, 12 and 13, except the West 18 feet thereof, of Connard's Subdivision of Lot 1, Block 242 of Original Plat of the, City of Lansing, Ingham County, Michigan, according to the recorded Plat thereof, as recorded in Liber 1, Page(s) 31, Ingham County Records, ALSO that part of Lot 24, Connard's Subdivision of Lot 1, of Block 242, of the Original Plat of the City of Lansing, according to the recorded plat thereof, as recorded in Liber 1 of Plats, Page 32, Ingham County Records, being further described as commencing at the Northwest corner of Lot 24, of said Plat; thence South 90°00'00" East, 161.04 feet, along the Northerly line of Lot 24; thence South 00°24'20" East, 62.63 feet; thence South 89°49'30" West, 161.32 feet to the Westerly line of Lot 24; thence North 00°02'00" East, 63.12 feet, along said Westerly line to the point of beginning.

Brogan Property

 First American Title™	Commitment for Title Insurance ISSUED BY First American Title Insurance Company
Exhibit A	

File No.: 174555

The Land referred to herein below is situated in the County of Ingham, State of Michigan, and is described as follows:

Lots 1, 2, 3, 24, and the East 10 feet of the North 51.55 feet of Lot 4, Connard's Subdivision of Lot 1, of Block 242, of the Original Plat of the City of Lansing, according to the recorded plat thereof; ALSO beginning at the Southeast corner of said Lot 1; thence South 16 feet; thence West 77 feet; thence North 16 feet; thence East 77 feet to the point of beginning; ALSO Lot 1 of Block 1 of Barnard's Subdivision, recorded in Liber 1 of Plats, Page 32, Ingham County Records; ALSO the North 1/2 of Lot 2, Block 242, except the West 135 feet thereof and except the East 30 feet of the West 165 feet of the North 8 feet thereof, Original Plat of the City of Lansing. The said property may also be described as: Beginning at the Northeast corner of Lot 1 of Connard's Subdivision of Lot 1 of Block 242 of the Original Plat of the City of Lansing, according to the recorded plat thereof; thence South along the Eastern boundaries of Lot 1, Lot 1 extended; and Lot 24 of Connard's Subdivision, the North 1/2 of Lot 2, Block 242 and Lot 1 of Block 1 of Barnard's Subdivision, a measured distance of 521.30 feet to an "X" cut on concrete marking the Southeast corner of Lot 1 of Block 1 of Barnard's Subdivision; thence West 42 feet to a point being the Southwest corner of said Lot 1, Block 1 of Barnard's Subdivision; thence North 121.5 feet to a point, which point is a measured distance of 41.87 feet West of the Eastern boundary line of Lots 1 and 24 aforesaid, being the Northwest corner of said Lot 1, Block 1 of Barnard's Subdivision; thence West 251.21 feet to a point being the Northwest corner of Lot 7, Block 1, of Barnard's Subdivision; thence North 78.62 feet; a point 135 feet East of the East Boundary of Larch Street; thence East 30 feet to a point being 8 feet South of the North line of Lot 2, Block 242; thence North a measured distance of 195.9 feet along the West boundary line of Lot 24 of Connard's Subdivision of Block 242 to a point being the Northwest corner of said Lot 24; thence East 183.04 feet along the Northern boundary line of said Lot 24 to a point 16 feet South of the Southwest corner of Lot 3 of Connard's Subdivision; thence Northerly 16 feet to a point being the Southwest corner of Lot 3 of Connard's Subdivision; thence continuing North along the West boundary line of said Lot 3, 59.5 feet to an "X" cut therein; thence West 10 feet to an "X" cut; thence North a measured distance of 51.55 feet to a point in the North Boundary line of Lot 4 and the South boundary line of Michigan Avenue; thence East along the South boundary of Michigan Avenue and the North boundary lines of Lots 4, 3, 2, and 1 of Connard's Subdivision to place of beginning.

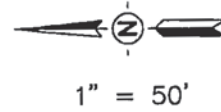
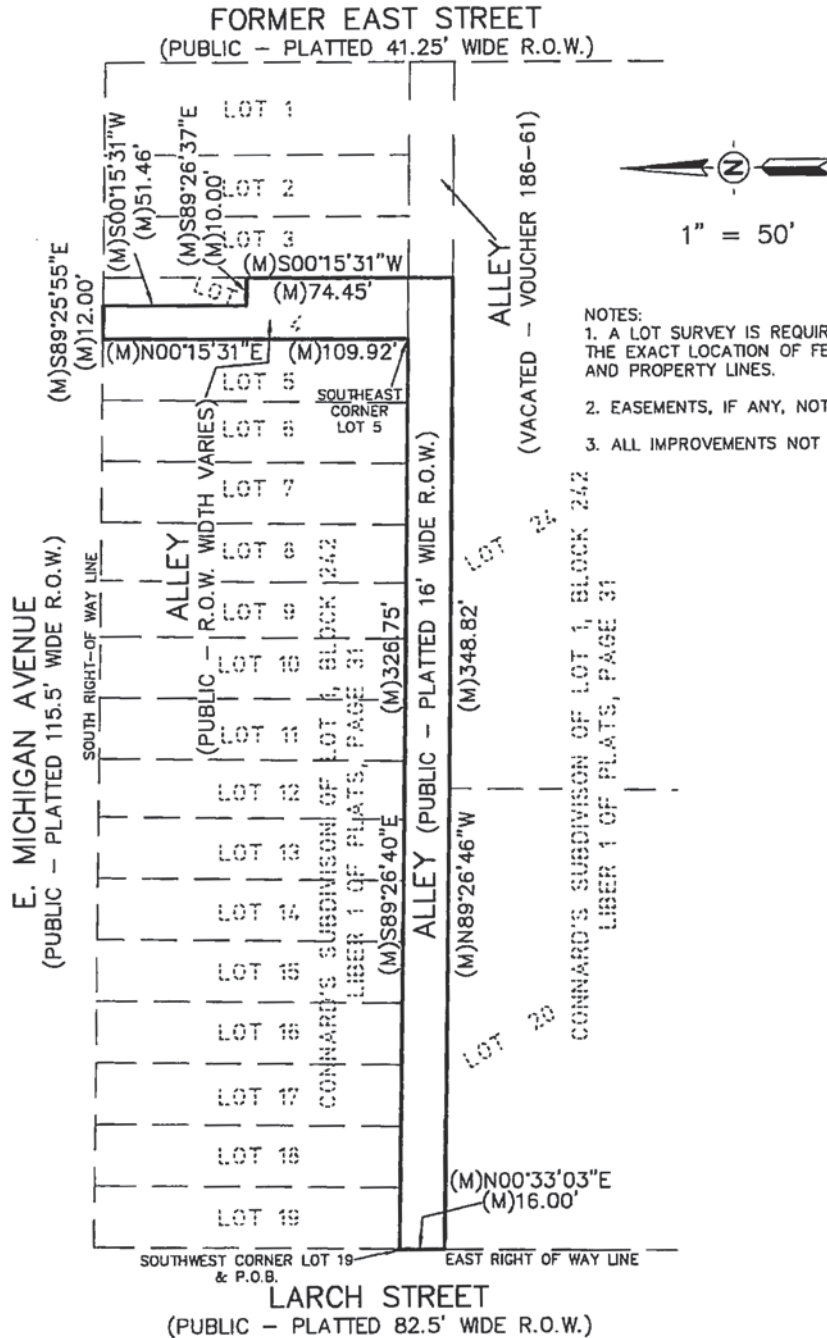
EXCEPT:

Part of Lot 24, Connard's Subdivision of Lot 1, of Block 242, of the Original Plat of the City of Lansing, according to the recorded plat thereof, as recorded in Liber 1 of Plats, Page 32, Ingham County Records, being further described as commencing at the Northwest corner of Lot 24, of said Plat; thence South 90°00'00" East, 161.04 feet, along the Northerly line of Lot 24; thence South 00°24'20" East, 62.63 feet; thence South 89°49'30" West, 161.32 feet to the Westerly line of Lot 24; thence North 00°02'00" East, 63.12 feet, along said Westerly line to the point of beginning.

Michigan Avenue Development Co., LLC

PLOT PLAN

For:
Gillespie Group
330 Marshall Street
Lansing, MI 48912



- NOTES:
1. A LOT SURVEY IS REQUIRED FOR THE EXACT LOCATION OF FENCE AND PROPERTY LINES.
 2. EASEMENTS, IF ANY, NOT SHOWN.
 3. ALL IMPROVEMENTS NOT SHOWN.

This plan was made at the direction of the parties hereon and intended solely for their immediate use and no survey has been made and no property lines were monumented, all easements recorded or unrecorded may not be shown, unless specifically noted, and no dimensions are intended for use in establishing property lines.

R = Recorded Distance
M = Measured Distance
— = Deed Line
--- = Distance Not to Scale



KEBS, INC. KYES ENGINEERING
BRYAN LAND SURVEYS

2116 HASLETT ROAD, HASLETT, MI 48840
PH. 517-339-1014 FAX. 517-339-8047

13432 PRESTON DRIVE, MARSHALL, MI 49068
PH. 269-781-9800 FAX. 269-781-9805

DRAWN BY SLH

SECTION 16, T4N, R2W

FIELD WORK BY ---

JOB NUMBER:

SHEET 1 OF 2

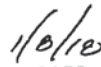
92950.PLT-ALLEY

PLOT PLAN

ALLEY DESCRIPTION:

A parcel of land being part of the Plat of Connard's Subdivision of Lot 1, Block 242 of the Original Plat of the City of Lansing, according to the recorded plat thereof, as recorded in Liber 1 of Plats, Page 31, Ingham County Records; said parcel is more particularly described as: Beginning at the Southwest corner of Lot 19, of said Plat of Connard's Subdivision; thence S89°26'40"E along the North line of an alley of said plat a distance of 326.74 feet to the Southeast corner of Lot 5 of said plat; thence N00°15'31"E along the East line of said Lot 5 a distance of 109.92 feet to the South Right of Way line of East Michigan Avenue; thence S89°25'55"E along said South line a distance of 12.00 feet; thence S00°15'31"W 51.46 feet; thence S89°26'37"E 10.00 feet to a point on the West line of Lot 3 of said plat; thence S00°15'31"W 74.45 feet to a point on the South line of said alley; thence N89°26'46"W along said South line 348.82 feet to the East Right of Way line of South Larch Street; thence N00°33'03"E along said East Right of Way line 16.00 feet to the point of beginning; said alley containing 0.17 acre, more or less; said alley subject to all easements and restrictions if any.


DANE B. PASCOE
PROFESSIONAL SURVEYOR


DATE
No. 54434



KEBS, INC. KYES ENGINEERING
BRYAN LAND SURVEYS

2116 HASLETT ROAD, HASLETT, MI 48840
PH. 517-339-1014 FAX. 517-339-8047

13432 PRESTON DRIVE, MARSHALL, MI 49068
PH. 269-781-9800 FAX. 269-781-9805

DRAWN BY SLH

SECTION 16, T4N, R2W

FIELD WORK BY ---

JOB NUMBER:

SHEET 2 OF 2

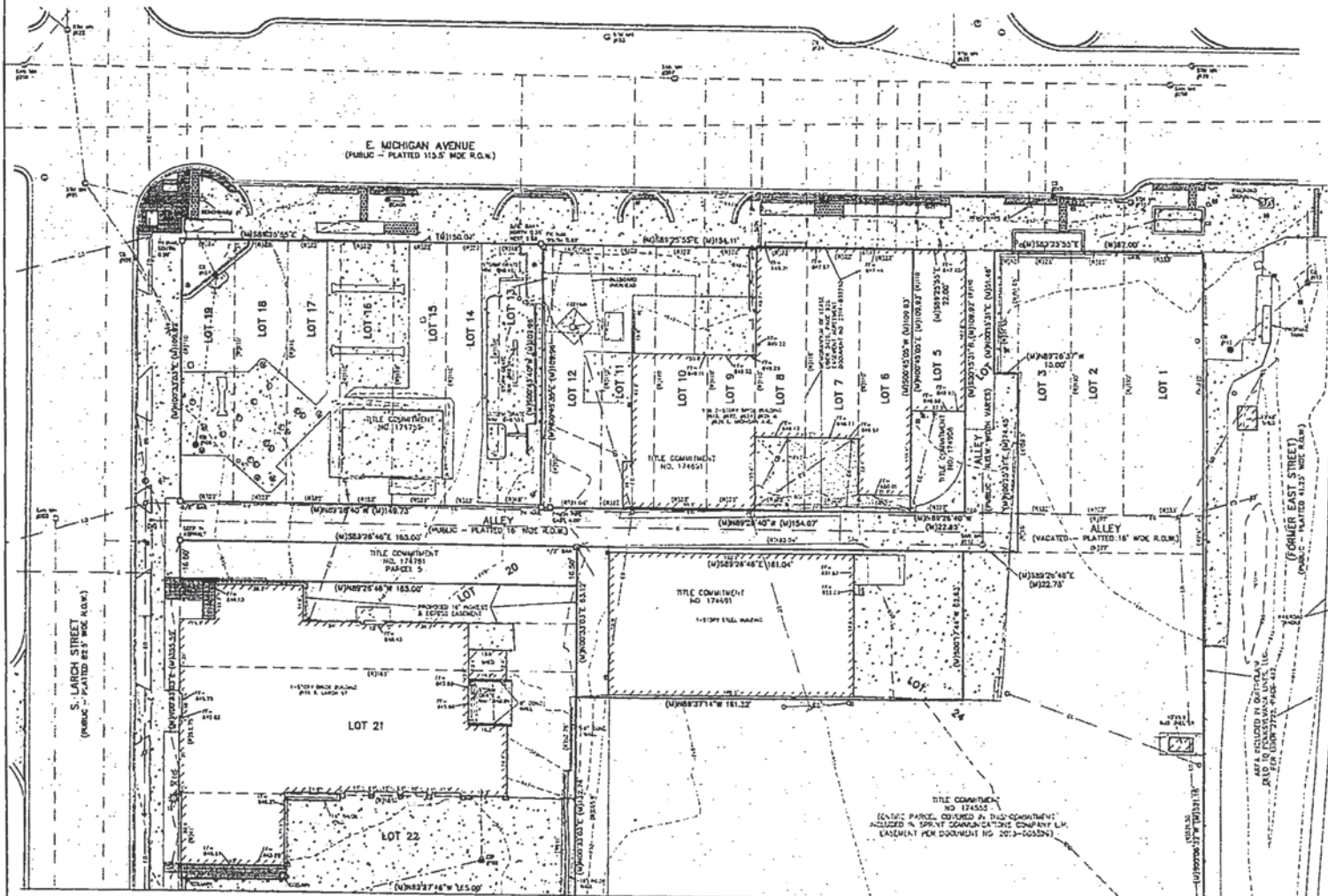
92950.PLT-ALLEY

BOUNDARY & TOPOGRAPHIC SURVEY

"600 E. MICHIGAN PROJECT"

FOR: GILLESPIE GROUP

SCALE 1" = 20'



LEGEND

- SET 1/2" BAR WITH CAP
- FOUND IRON AS NOTED
- DEED LINE
- DISTANCE NOT TO SCALE
- FENCE
- ASPHALT
- CONCRETE
- GRAVEL
- STEEL PLATE
- ADA PLATE
- FORD/ROCK/STAIRS
- BRICK
- EXISTING SPOT ELEVATION
- EXISTING CONTOUR ELEVATION
- SANITARY SEWER
- STORM SEWER
- WATER LINE
- GAS LINE
- OVERHEAD WIRES
- BUILDING OVERHANG
- DECIDUOUS TREE
- CONIFEROUS TREE
- SANITARY MANHOLE
- DRAINAGE MANHOLE
- ELECTRIC MANHOLE
- TELEPHONE MANHOLE
- STEAM MANHOLE
- FUEL MANHOLE
- MONITORING WELL
- CATCH BASIN
- CLEAINT
- FIVE HYDRANT
- VALVE
- POST INDICATOR VALVE
- UTILITY POLL
- LIGHT POLE
- LIGHT POLE (BASE ONLY)
- GUY WIRE
- UTILITY PEDestal
- TRANSFORMER
- HANDHOLE
- ELECTRIC METER
- GAS METER
- GAS VALVE
- WATER METER
- SIGN
- POST/BOLLARD
- AIR CONDITIONING UNIT
- PARKING METER



MATCH LINE SEE SHEET 2

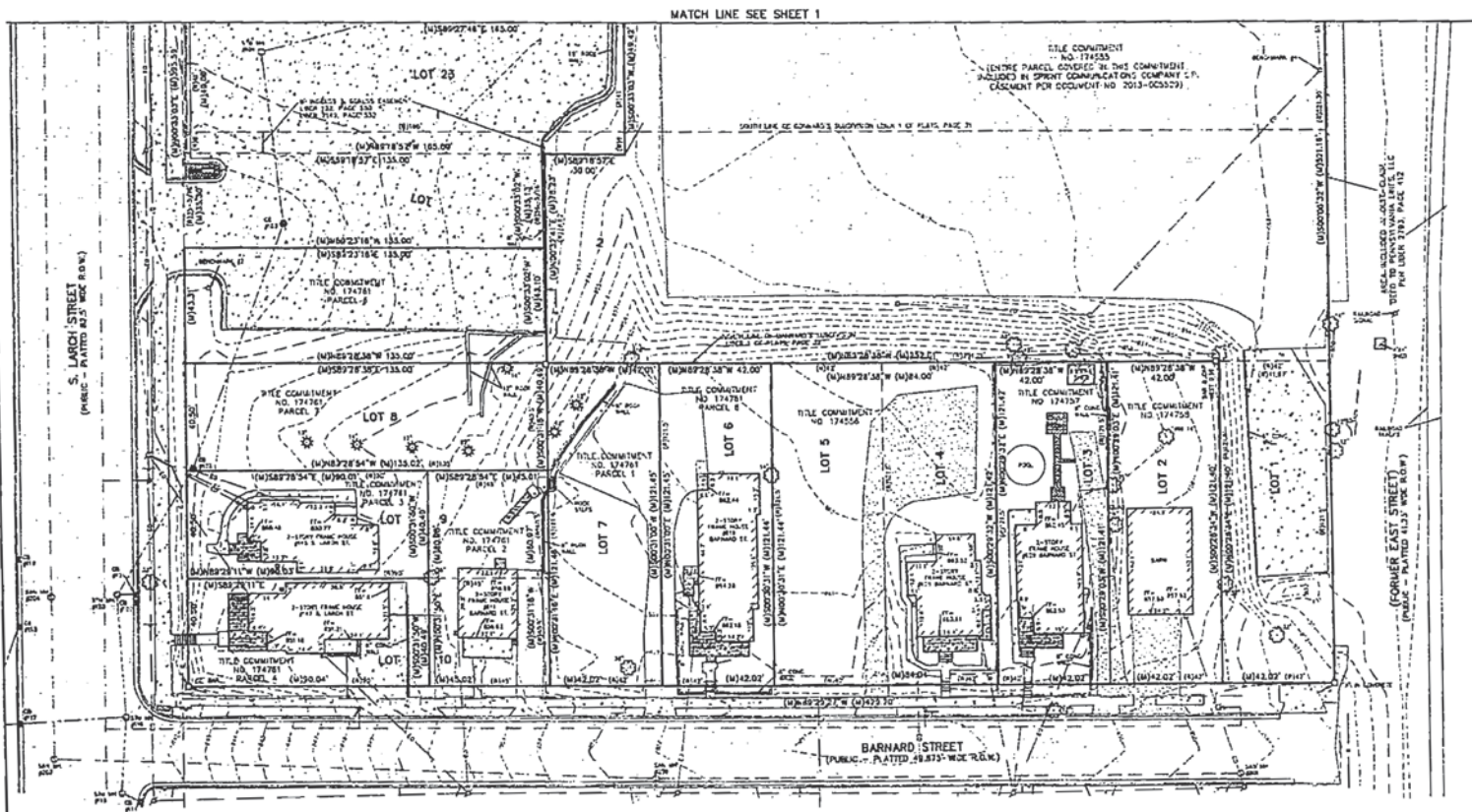
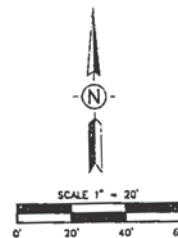
Erik R. Freestrom
ERIK R. FREESTROM
PROFESSIONAL SURVEYOR NO. 53457

REV'S	DATE	BY	CHK'D	APP'D	DESCRIPTION
1	12/13/2011	EF	EF	EF	PRELIMINARY
2	12/13/2011	EF	EF	EF	FINAL
KEBS, INC. 201 MARKET STREET, SUITE 100 ANN ARBOR, MI 48106 PHONE: 734-338-8887 FAX: 734-338-8887 WWW.KEBS.COM					
DRAWN BY: <i>EF</i> SECTION: 18, TAN. 22W FIELD WORK BY: <i>BAW</i> JOB NUMBER: 200 HANLEY SHEET: 1 OF 2 82830.000					

BOUNDARY & TOPOGRAPHIC SURVEY

FOR: GILLESPIE GROUP

"600 E. MICHIGAN PROJECT"

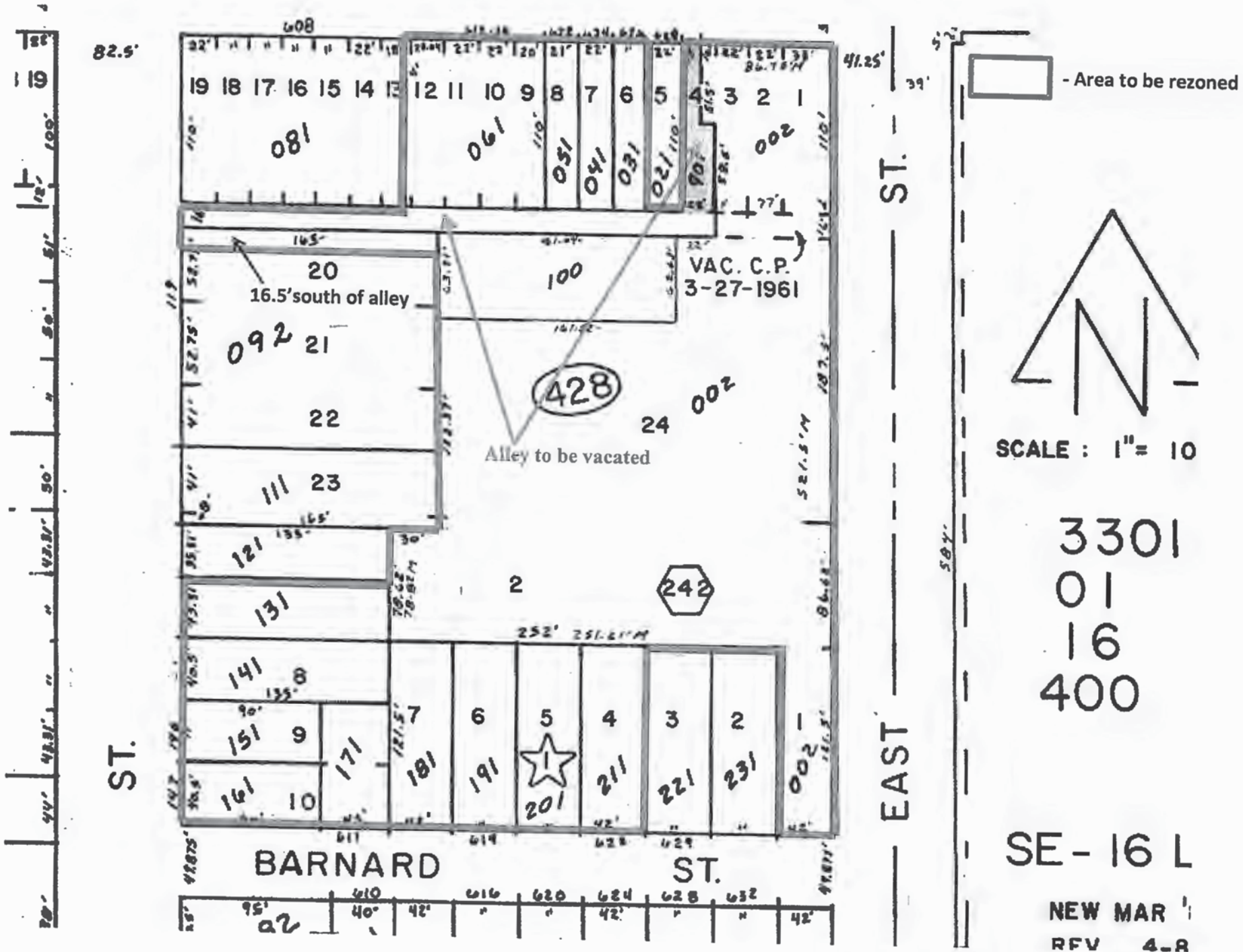


- LEGEND**
- = SET 1/2" BAR WITH CAP
 - = FOUND SIGN AS NOTED
 - = DEED LINE
 - = DISTANCE NOT TO SCALE
 - = FENCE
 - = ASPHALT
 - = CONCRETE
 - = GRASS
 - = STEEL PLATE
 - = ADA PLATE
 - = PORCH/DECK/STAIRS
 - = BRICK
 - = EXISTING SPOT ELEVATION
 - = EXISTING CONTOUR ELEVATION
 - = SANITARY SEWER
 - = STORM SEWER
 - = WATER LINE
 - = GAS LINE
 - = OVERHEAD WIRES
 - = BUILDING OVERHANG
 - = DECORATIVE TREE
 - = CONIFEROUS TREE
 - = SANITARY MANHOLE
 - = DRAINAGE MANHOLE
 - = ELECTRIC MANHOLE
 - = TELEPHONE MANHOLE
 - = STEAM MANHOLE
 - = FUEL MANHOLE
 - = MONITORING WELL
 - = CATCH BASIN
 - = CLEANOUT
 - = FIRE HYDRANT
 - = VALVE
 - = POST INDICATOR VALVE
 - = UTILITY POLE
 - = LIGHT POLE
 - = LIGHT POLE (BASE ONLY)
 - = GUY WIRE
 - = UTILITY PEDESTAL
 - = TRANSFORMER
 - = MANHOLE
 - = ELECTRIC METER
 - = GAS METER
 - = GAS VALVE
 - = WATER METER
 - = SOY
 - = POST/BOLLARD
 - = AIR CONDITIONING UNIT
 - = PARKING METER



Ed 11 12/1/21
DATE
DICK R. PRIESTRICH
PROFESSIONAL SURVEYOR NO. 53457

REV/DATE	COMMENTS	DESIGNED AND LAYOUT SURVEYOR
12/13/2011	PRELIMINARY	KEBS, INC.
12/16/2011	SOME FINAL	THE SURVEYOR'S NAME, ADDRESS, PHONE, FAX, E-MAIL, AND WEBSITE
		www.kebs.com
		Survey Office - P.O. Box 791-880
		Grand Rapids, MI 49508-1880
		TEL: 616.451.1111 FAX: 616.451.1112
		SHEET 2 OF 3





Legend

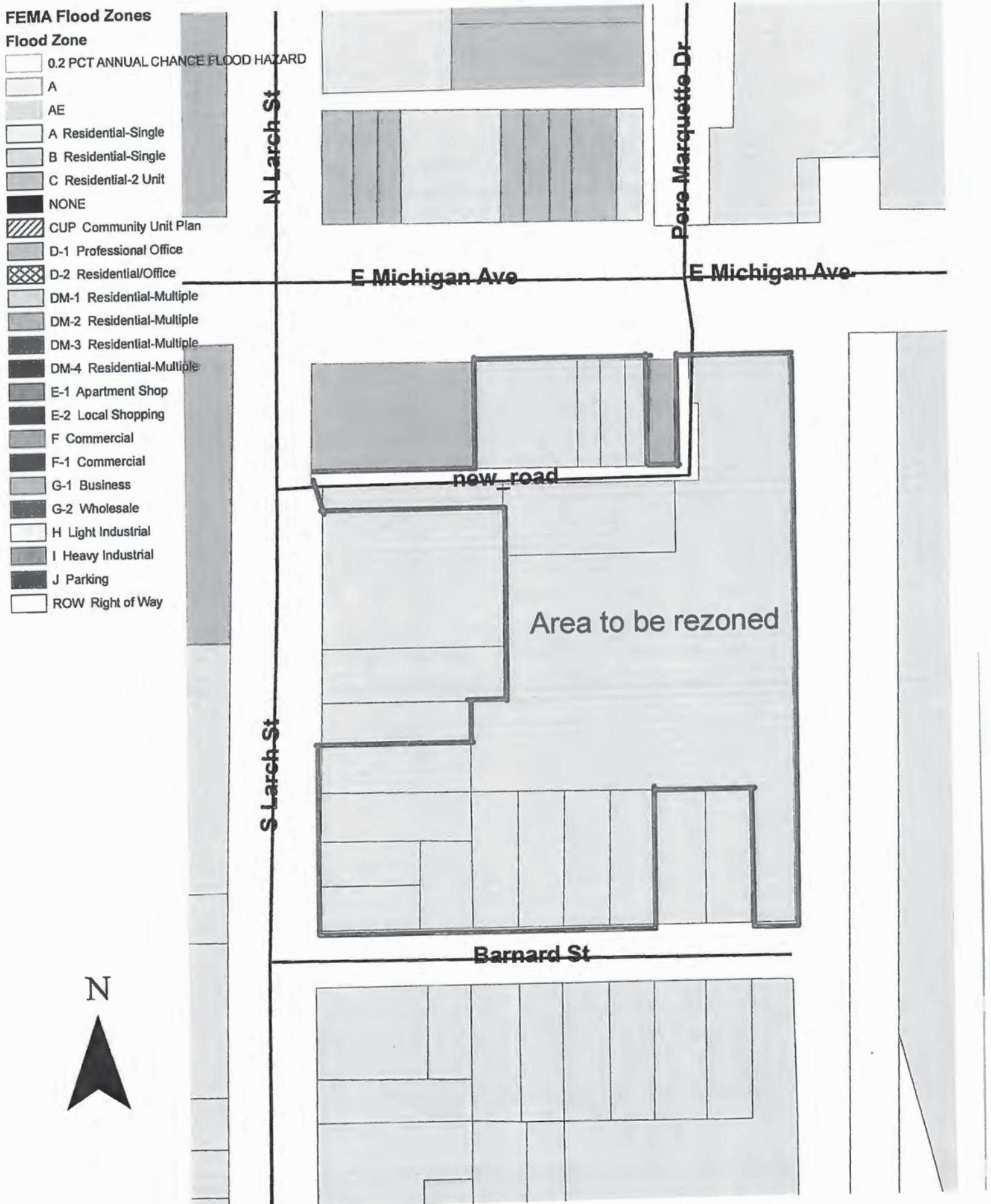
roads_final

FEMA Flood Zones

Flood Zone

-  0.2 PCT ANNUAL CHANCE FLOOD HAZARD
-  A
-  AE
-  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

Zoning



RESOLUTION

BY THE COMMITTEE _____

Upon Motion made by _____, seconded by
 _____, the following Resolution was adopted:

“RESOLVED, that the City of Lansing, Michigan, does hereby accept the terms of the Agreement as received from the Michigan Department of Natural Resources and that the City of Lansing Parks and Recreation Department does hereby specifically agree, but not by way of limitation, as follows:

1. To appropriate all funds necessary to complete the project during the project period and to provide Twenty Two Thousand Five Hundred (\$22,500.00) dollars to match the grant authorized by the DEPARTMENT.
2. To maintain satisfactory financial accounts, documents, and records to make them available to the DEPARTMENT for auditing at reasonable times in perpetuity.
3. To regulate the use of the property acquired and reserved under this Agreement to assure the use thereof by the public on equal and reasonable terms.
4. To comply with any and all terms of said Agreement included all terms not specifically set forth in the foregoing portions of this Resolution.



MICHIGAN NATURAL RESOURCES TRUST FUND
LAND ACQUISITION PROJECT AGREEMENT

Project Number: TF16-0081

Project Title: Lansing Boat Club Land Acquisition

This Agreement is between the Michigan Department of Natural Resources for and on behalf of the State of Michigan ("DEPARTMENT") and City of Lansing IN THE COUNTY OF Ingham County ("GRANTEE"). The DEPARTMENT has authority to issue grants to local units of government for the acquisition of land for resource protection and public outdoor recreation under Part 19 of the Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended. In PA **93 of 2017**, the Legislature appropriated funds from the MNRTF to the DEPARTMENT for a grant-in-aid to the GRANTEE. As a precondition to the effectiveness of this Agreement, the GRANTEE is required to sign and return it to the DEPARTMENT with the necessary attachments by **09/12/2017**.

1. The legal description of the project area (APPENDIX A); boundary map of the project area (APPENDIX B) and Recreation Grant application bearing the number **TF16-0081** (APPENDIX C) are by this reference made part of this Agreement. The Agreement together with the referenced appendices constitute the entire Agreement between the parties and may be modified only in writing and executed in the same manner as the Agreement is executed.
2. The time period allowed for project completion 07/14/2017 through **07/31/2019**, hereinafter referred to as the "project period." Requests by the GRANTEE to extend the project period shall be made in writing before the expiration of the project period. Extensions to the project period are at the discretion of the DEPARTMENT. The project period may be extended only by an amendment to this Agreement.
3. This Agreement shall be administered on behalf of the DEPARTMENT through Grants Management. All reports, documents, or actions required of the GRANTEE shall be submitted through the MiRecGrants website unless otherwise instructed by the DEPARTMENT.
4. The grant herein provided is for the acquisition by the GRANTEE of **9 acres of land in Fee Simple title** free of all liens and encumbrances, situated and being in the city/village/township of **Delta Township**, in the County of **Eaton, STATE OF MICHIGAN** as described in the attached legal description (APPENDIX A) and shown on the attached boundary map (APPENDIX B). As used in this Agreement, the words "project area" shall mean the lands acquired under this Agreement as described in this Section.
5. The project area shall be used for **general riverfront outdoor recreation, as further described in the GRANTEE'S proposal to the DEPARTMENT and approved by the MNRTF Board**. Significant changes in the use of the project area as described in this Section require the prior written authorization of the DEPARTMENT.
6. In order to preserve the financial resources of the State and to prevent an unjust enrichment of a third party interim owner, if the landowner listed in the project application grants any rights in the real property to an individual or agency other than the GRANTEE, the DEPARTMENT may inspect the terms of the

conveyance as a condition to approving the GRANTEE to close.

7. The DEPARTMENT agrees as follows:

- a. To grant to the GRANTEE a sum of money equal to **Seventy-Five (75%) percent** as reimbursement or as payment into an escrow account for escrow closing, of the total eligible cost of acquisition of fee simple title free of all liens and encumbrances to the lands in the project area, not to exceed the sum of **Sixty-Seven Thousand Five Hundred (\$67,500.00) dollars**.
- b. To include the following in the total cost of acquisition eligible for grant funding (based on grant percentage) as provided for in Section 7(a):
 - i. Purchase price of the land, up to the fair market value, in the project area acquired by the GRANTEE during the project period as provided for in this Agreement;
 - ii. Reasonable and appropriate costs incurred and paid by the GRANTEE during the project period for recording fees, title insurance, and environmental assessments; and
 - iii. Costs incurred and paid by the GRANTEE for appraisal(s) as provided for in Section 9(f) and approved by the DEPARTMENT.
- c. To grant funds to the GRANTEE for eligible costs and expenses incurred , as follows:
 - i. Payments will be made on a reimbursement basis or to an escrow account for escrow closing for **Seventy-Five (75%) percent** of the eligible expenses incurred by the GRANTEE up to 90% of the maximum amount allowable under the grant.
 - ii. Reimbursement (or payment to an escrow account for escrow closing) will be made only upon DEPARTMENT review and approval of a complete reimbursement (or escrow closing) request submitted by the GRANTEE on forms provided by the DEPARTMENT that meet all documentation requirements set forth by the DEPARTMENT. A complete reimbursement or escrow closing request must document the total cost of the acquisition and the GRANTEE's compliance with Section 8 of this Agreement and DEPARTMENT acquisition project procedures.
 - iii. The DEPARTMENT shall conduct an audit of the project's financial records upon approval of the final reimbursement request or completion of the escrow closing. The DEPARTMENT may issue an audit report with no deductions or may find some costs ineligible for final audit reimbursement.
 - iv. The final 10% of the grant amount will be released upon completion of a satisfactory audit by the DEPARTMENT and documentation that the GRANTEE has erected proper signage acknowledging MNRTF assistance in compliance with Section 9(q) of this Agreement.

8. Closing Options:

a. **FOR REIMBURSEMENT PROJECTS:**

The GRANTEE shall be eligible for reimbursement only upon GRANTEE'S completion of all of the following:

-
- i. Electing to use the grant reimbursement closing process at time of signing this project agreement (See grey box prior to signature section).
 - ii. Acquisition by GRANTEE of fee simple title free of all liens and encumbrances of all land in the project area.
 - iii. Submission of proof of acquisition of marketable record title to the DEPARTMENT in the form of a policy of title insurance insuring the GRANTEE is possessed of marketable record title in fee simple, free of all liens and encumbrances to the land in the project area. Said policy is to insure the GRANTEE against loss or damage at least equal to the purchase price of the subject land.
 - iv. Proper conveyance to the State of Michigan of all mineral interest to which the State is entitled under this Agreement as outlined in Section 9(m).
 - v. Submission of a complete request for reimbursement as set forth in this Agreement.

b. FOR ESCROW CLOSING PROJECTS:

The GRANTEE shall be eligible for grant funding through escrow closing process only upon GRANTEE'S completion of the following:

- i. Electing to use the escrow closing process at time of signing this project agreement (See grey box prior to signature section).
- ii. Securing the services of a reputable title company who will agree to serve as the escrow closing agent.
- iii. Execution of escrow closing agreement by GRANTEE, DEPARTMENT, LANDOWNER/SELLER and title company (agent).
- iv. Provide Department and title company an approximate desired timeframe for closing.
- v. Send DEPARTMENT draft closing packet (reference Land Acquisition Escrow Closing Package Checklist) at least 60 days prior to desired closing date.
- vi. Coordinate with title company to schedule exact closing date after DEPARTMENT'S approval of draft closing documents and submit to DEPARTMENT an updated closing statement from the title company at least 10 days before desired closing date.
- vii. Submit local matching funds plus 10% of the eligible grant amount to title company for deposit into escrow account and provide proof of escrowed funds to the DEPARTMENT.

9. The GRANTEE agrees as follows:

- a. To immediately make available all funds needed to pay all necessary costs required to complete the project and to provide **Twenty-Two Thousand Five Hundred (\$22,500.00) dollars** as local match to this project. This sum represents **Twenty-Five (25%) percent** of the total eligible cost of acquisition including incidental costs. Any cost overruns incurred to complete the project called for by this Agreement shall be the sole responsibility of the GRANTEE.

-
- b. To complete the acquisition in compliance with the acquisition project procedures set forth by the DEPARTMENT.
 - c. To make no written offer or commitment to purchase lands in the project area before execution of this Agreement and before written DEPARTMENT approval as provided for in Section 9. Failure to comply with this requirement shall, at the option of the DEPARTMENT, make the cost of the property an ineligible expense under this Agreement and subject this Agreement to termination by the DEPARTMENT.
 - d. To provide verification that the site is not a facility as defined by State Law , based on the results of due diligence and, if needed, an environmental assessment or if the site has been determined to be a facility, to provide documentation of due care compliance. The results of the due diligence must be accounted for in the appraisal(s).
 - e. To complete a 40-year title review on the property. The results of the title review must be accounted for in the appraisal(s).
 - f. To complete an appraisal of the project area in accordance with standards established by the DEPARTMENT to determine the fair market value thereof; two appraisals meeting these standards being required for properties valued at \$750,000 or more. Failure to complete the appraisal in this manner shall make the cost of said appraisal(s) an ineligible expense under this Agreement.
 - g. To submit the appraisal(s) to the DEPARTMENT for approval no later than 120 days after the date of execution of this Agreement. No written offer or commitment to purchase land in the project area shall be transmitted by the GRANTEE until after approval has been given in writing by the DEPARTMENT .
 - h. To perform, or to directly contract for the performance of, all appraisals, appraisal reviews, title review and closing, actual acquisition of all lands in the project area.
 - i. To eliminate all pre-existing non-recreation uses of the project area within 90 days of the date of acquisition, unless otherwise approved by the DEPARTMENT in writing.
 - j. To remove existing structures or make ready for an appropriate use in a reasonable time frame after completion of the acquisition.
 - k. To complete acquisition of the entire project area before 10/31/2019. Failure to acquire the project area by 10/31/2019 shall constitute a breach of this Agreement and subject the GRANTEE to the remedies provided by law and set forth in Section 23 of this Agreement.
 - l. To provide the DEPARTMENT all documents and information as specified in Sections 8a or 8b of this Agreement. If utilizing reimbursement process, documents must be submitted within 60 days after the transaction is closed. If utilizing escrow closing process, documents must be submitted no later than 60 days prior to desired closing.
Failure to submit the required documents and information for review shall constitute a breach of this Agreement and subject the GRANTEE to remedies provided for by law and Section 22 of this Agreement. Proof of payment to seller (such as cancelled check, wire confirmation, etc.), recorded warranty deed, recorded mineral royalty deed and recorded Declaration and Notice must be submitted to the DEPARTMENT within 60 days after closing. The final 10% of eligible grant amount will be

released upon satisfactory audit review and approval by the DEPARTMENT .

- m. For parcels over 5 acres, to execute, acknowledge and deliver to the DEPARTMENT a deed conveying to the State of Michigan a perpetual nonparticipating 1/6 interest in all of the rights acquired by the GRANTEE in coal, oil, gas, sand, gravel or any other minerals in, on or under the lands in the project area.
- n. To retain all rights acquired by the GRANTEE in coal, oil, gas, sand, gravel or any other minerals in, on or under the lands in the project area in perpetuity.
- o. To not develop any rights acquired by the GRANTEE in coal, oil, gas, sand, gravel or any other minerals in, on or under the lands in the project area in a manner that diminishes the usefulness of the project area for its intended purposes. In addition, GRANTEE agrees not to develop, or allow others to develop, any such minerals from sites adjacent to the project area in a manner that diminishes the usefulness of the project area for its intended purposes.
- p. To maintain satisfactory financial accounts, records, and documents and to make them available to the DEPARTMENT for auditing upon request. Such accounts, records, and documents shall be retained by the GRANTEE for not less than three years following submittal of the final audit reimbursement request.
- q. To erect and maintain a sign or other acknowledgement as approved by the DEPARTMENT on the property which designates this project as one having been acquired with the assistance of the MNRTF . The size, color, and design of this sign shall be in accordance with DEPARTMENT specifications .
- r. To conduct a dedication/ribbon-cutting ceremony as soon as possible after the project is completed and the MNRTF sign is erected within the project area. At least 30 days prior to the dedication/ribbon-cutting ceremony, the DEPARTMENT must be notified in writing of the date, time, and location of the dedication/ribbon-cutting ceremony. GRANTEE shall provide notice of ceremony in the local media. Use of the grant program logo and a brief description of the program are strongly encouraged in public recreation brochures produced by the GRANTEE. At the discretion of the DEPARTMENT, the requirement to conduct a dedication/ribbon-cutting ceremony may be waived.
- s. To provide the DEPARTMENT for approval, a complete tariff schedule containing all charges to be assessed against the public utilizing the project area and/or any facilities constructed thereon, and to provide the DEPARTMENT for approval, all amendments thereto before the effective date of such amendments. Any tariff schedule proposed shall provide solely for sufficient revenues to cover the costs of operating, maintaining and/or developing the premises and/or any facilities provided thereon. Preferential membership or annual permit systems are prohibited at this site. Differences in admission and other fees may be instituted on the basis of residence. Nonresident fees shall not exceed twice that charged residents. If no resident fees are charged, nonresident fees may not exceed the rate charged residents at other comparable state and local public recreation facilities.
- t. To separately account for any revenues received from the project area which exceed the demonstrated operating costs and to reserve such surplus revenues for the future maintenance and/or expansion of the GRANTEE'S park and outdoor recreation program.
- u. To furnish the DEPARTMENT, upon request, detailed statements covering the annual operation of project area and/or facilities, including income and expenses and such other information the

DEPARTMENT might reasonably require.

- v. To adopt such ordinances and/or resolutions as shall be required to effectuate the provisions of this Agreement; certified copies of all such ordinances and/or resolutions adopted for such purposes shall be forwarded to the DEPARTMENT before the effective date thereof.
 - w. To maintain the premises in such condition as to comply with all federal, State, and local laws which may be applicable and to make any and all payments required to pay any and all taxes, fees, or assessments legally imposed against the project area.
 - x. To make the project area and any facilities located thereon and the land and water access ways to them open to the public within 90 days of the date of acquisition and to keep them open to the public at all times on equal and reasonable terms. No individual shall be denied ingress or egress thereto or the use thereof on the basis of sex, race, color, religion, national origin, residence, age, height, weight, familial status, marital status or disability.
 - y. To make the project area and any future facilities provided thereon available for public outdoor recreation in perpetuity and in accordance with uses described in this Agreement and APPENDIX C , to regulate the use thereof and to provide for the maintenance thereof to the satisfaction of the DEPARTMENT, and to appropriate such moneys and/or provide such services as shall be necessary to provide such adequate maintenance.
10. The GRANTEE shall acquire fee simple title, free of all liens, encumbrances, or restrictions on future use to the lands in the project area. The fee simple title acquired shall not be subject to (1) any possibility of reverter or right of entry for condition broken or any other executory limitation which may result in defeasance of title or (2) to any reservations or prior conveyance of coal, oil, gas, sand, gravel or any other mineral interests.
11. The GRANTEE shall not allow any encumbrance, lien, security interest, mortgage or any evidence of indebtedness to attach to or be perfected against the project area.
12. The project area and any facilities located thereon shall not be wholly or partially conveyed, either in fee, easement or otherwise, or leased for a term of years, or for any other period, nor shall there be any whole or partial transfer of title, ownership, or right of ownership or control without the written approval and consent of the DEPARTMENT.
13. The assistance provided to the GRANTEE as a result of this Agreement is intended to have a lasting effect on the supply of outdoor recreation, scenic beauty sites, and recreation facilities beyond the financial contribution alone and permanently commits the project area to Michigan's outdoor recreation estate, therefore:
- a. The GRANTEE agrees that lands in the project area are being acquired with MNRTF assistance and shall be maintained in public outdoor recreation use in perpetuity. No portion of the project area shall be converted to other than public outdoor recreation use without the approval of the DEPARTMENT . The DEPARTMENT shall approve such conversion only upon such conditions as it deems necessary to assure the substitution by GRANTEE of other outdoor recreation properties of equal or greater fair market value and of reasonably equivalent usefulness and location. Such substituted land shall become part of the project area and will be subject to all the provisions of this Agreement .

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- b. Approval of a conversion shall be at the sole discretion of the DEPARTMENT .
- c. Before completion of the project, the GRANTEE and the DEPARTMENT may mutually agree to alter the project area through an amendment to this Agreement to provide the most satisfactory public outdoor recreation area.
14. Should title to the lands in the project area or any portion thereof be acquired from the GRANTEE by any other entity through exercise of the power of eminent domain, the GRANTEE agrees that the proceeds awarded to the GRANTEE shall be used to replace the lands affected with outdoor recreation properties of equal or greater fair market value, and of reasonably equivalent usefulness and location. The DEPARTMENT shall approve such replacement only upon such conditions as it deems necessary to assure the substitution with other outdoor recreation properties of equal or greater fair market value and of reasonably equivalent usefulness and location. Such replacement land shall be subject to all the provisions of this Agreement.
15. The GRANTEE acknowledges that:
- a. The GRANTEE has examined the project area and has found the property safe for public use or actions will be taken by the GRANTEE to make the property safe for public use no later than 90 days after the date of acquisition; and
- b. The GRANTEE is solely responsible for development, operation, and maintenance of the project area, and that responsibility for actions taken to develop, operate, or maintain the project area is solely that of the GRANTEE; and
- c. The DEPARTMENT'S involvement in the premises is limited solely to the making of a grant to assist the GRANTEE in acquiring same.
- d. The GRANTEE acknowledges that the DEPARTMENT is not responsible for any tax liability assessed on the property after closing by the GRANTEE. Further, the eligible amount of tax pro-rated at time of closing will be determined by the DEPARTMENT.
16. Before the DEPARTMENT will give written approval to make a written offer to purchase the property included in this project, the GRANTEE must provide documentation to the DEPARTMENT that indicates either:
- a. It is reasonable for the GRANTEE to conclude, based on the advice of an environmental consultant, as appropriate, that no portion of the project area is a facility as defined in Part 201 of the Michigan Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, as amended; or
- b. If any portion of the project area is a facility, documentation that Department of Environmental Quality-approved response actions have been or will be taken to make the site safe for its intended use within the project period, and that implementation and long-term maintenance of response actions will not hinder public outdoor recreation use and/or the resource protection values of the project area.
17. If the DEPARTMENT determines that, based on contamination, the project area will not be made safe for the planned recreation use within the project period, or another date established by the DEPARTMENT in writing, or if the DEPARTMENT determines that the presence of contamination will reduce the overall

usefulness of the property for public recreation and resource protection, the grant may be cancelled by the DEPARTMENT with no reimbursement made to the GRANTEE.

18. The GRANTEE shall acquire and maintain, or cause to be acquired or maintained, insurance which will protect the GRANTEE from claims which may arise out of or result from the GRANTEE'S operations under this Agreement, whether performed by the GRANTEE, a subcontractor or anyone directly or indirectly employed by the GRANTEE, or anyone for whose acts may hold them liable. Such insurance shall be with companies authorized to do business in the State of Michigan in such amounts and against such risks as are ordinarily carried by similar entities, including but not limited to public liability insurance, worker's compensation insurance or a program of self-insurance complying with the requirements of Michigan law. The GRANTEE shall provide evidence of such insurance to the DEPARTMENT at its request.
19. Nothing in this Agreement shall be construed to impose any obligation upon the DEPARTMENT to operate, maintain or provide funding for the operation and/or maintenance of any recreational facilities in the project area.
20. The GRANTEE hereby represents that it will defend any suit brought against either party which involves title, ownership, or any other rights, whether specific or general, including any appurtenant riparian rights, to and in the project area and any lands connected with or affected by this project .
21. The GRANTEE is responsible for the use and occupancy of the premises, the project area and the facilities thereon. The GRANTEE is responsible for the safety of all individuals who are invitees or licensees of the premises. The GRANTEE will defend all claims resulting from the use and occupancy of the premises, the project area and the facilities thereon. The DEPARTMENT is not responsible for the use and occupancy of the premises, the project area and the facilities thereon.
22. Failure by the GRANTEE to comply with any of the provisions of this Agreement shall constitute a material breach of this Agreement.
23. Upon breach of the Agreement by the GRANTEE, the DEPARTMENT, in addition to any other remedy provided by law and this Agreement, may:
 - a. Terminate this Agreement; and/or
 - b. Withhold and/or cancel future payments to the GRANTEE on any or all current recreation grant projects until the violation is resolved to the satisfaction of the DEPARTMENT; and/or
 - c. Withhold action on all pending and future grant applications submitted by the GRANTEE under the Michigan Natural Resources Trust Fund and the Land and Water Conservation Fund; and the Recreation Passport Grant Program and/or
 - d. Require repayment of grant funds already paid to GRANTEE.
 - e. Seek specific performance of the Agreement terms. The GRANTEE agrees that the benefit to be derived by the State of Michigan from the full compliance by the GRANTEE with the terms of this Agreement is the preservation, protection and the net increase in the quality of public outdoor recreation facilities and resources which are available to the people of the State and of the United States and such benefit exceeds to an immeasurable and unascertainable extent the amount of

Required - Please choose one

Acquisition Closing Option Desired:

- ☐ This project will be completed utilizing a grant reimbursement process. Grantee will purchase land and seek reimbursement after closing.
- ☐ This project will be completed utilizing an escrow closing process.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, on this date

Approved by resolution (true copy attached) of the _____,
date

_____ meeting of the _____.
(special or regular) (name of approving body)

GRANTEE

SIGNED:

By: Brett Kaschinske

Title: Director of Parks and Recreation Department

Date: January 18th, 2018

Grantee's Federal ID#

38-6004628

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

SIGNED:

By: Steve DeBrabander

Title: Manager, Grants Management

Date: _____

money furnished by the State of Michigan by way of assistance under the terms of this Agreement . The GRANTEE agrees that after final audit reimbursement has been made to the GRANTEE, repayment by the GRANTEE of grant funds received would be inadequate compensation to the State for any breach of this Agreement. The GRANTEE further agrees therefore, that the appropriate remedy in the event of a breach by the GRANTEE of this Agreement after final audit reimbursement has been made shall be the specific performance of this Agreement.

24. The GRANTEE may not assign or transfer any interest in this Agreement without prior written authorization of the DEPARTMENT.

25. The rights of the DEPARTMENT under this Agreement shall continue in perpetuity.

26. The Agreement may be executed separately by the parties. This Agreement is not effective until:

- a. The GRANTEE has signed it and returned it together with the necessary attachments within 60 days of the date the Agreement is issued by the DEPARTMENT, and
- b. The DEPARTMENT has signed it.

SAMPLE RESOLUTION
(Acquisition)

Upon motion made by _____, seconded by _____, the following Resolution was adopted:

“RESOLVED, that the _____, Michigan, does hereby accept the terms of the Agreement as received from the Michigan Department of Natural Resources and that the _____ does hereby specifically agree, but not by way of limitation, as follows:

1. To appropriate all funds necessary to complete the project during the project period and to provide _____ (\$ _____) dollars to match the grant authorized by the DEPARTMENT.
2. To maintain satisfactory financial accounts, documents, and records to make them available to the DEPARTMENT for auditing at reasonable times in perpetuity.
3. To regulate the use of the property acquired and reserved under this Agreement to assure the use thereof by the public on equal and reasonable terms.
4. To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution.

The following aye votes were recorded: _____

The following nay votes were recorded: _____

STATE OF MICHIGAN)
) ss
COUNTY OF _____)

I, _____, Clerk of the _____, Michigan, do hereby certify that the above is a true and correct copy of the Resolution relative to the Agreement with the Michigan Department of Natural Resources, which Resolution was adopted by the _____ at a meeting held _____.

Signature

Title

Dated

BY THE COMMITTEE _____

RESOLUTION #
(Acquisition)
(Resolution #2016-061)

Upon Motion made by _____, seconded by
_____, the following Resolution was adopted:

“RESOLVED, that the City of Lansing, Michigan, does hereby accept the terms of the Agreement as received from the Michigan Department of Natural Resources and that the City of Lansing Parks and Recreation Department does hereby specifically agree, but not by way of limitation, as follows:

1. To appropriate all funds necessary to complete the project during the project period and to provide Twenty Two Thousand Five Hundred (\$22,500.00) dollars to match the grant authorized by the DEPARTMENT.
2. To maintain satisfactory financial accounts, documents, and records to make them available to the DEPARTMENT for auditing at reasonable times in perpetuity.
3. To regulate the use of the property acquired and reserved under this Agreement to assure the use thereof by the public on equal and reasonable terms.
4. To comply with any and all terms of said Agreement included all terms not specifically set forth in the foregoing portions of this Resolution.

The following aye votes were recorded: _____

The following nay votes were recorded: _____

STATE OF MICHIGAN)
)ss
COUNTY OF _____)

I, Chris Swope, Clerk of the City of Lansing, Michigan, do hereby certify that the above is a true and correct copy of the Resolution relative to the Agreement with the Michigan Department of Natural Resources, which Resolution was adopted by the COMMITTEE OF _____ at a meeting held _____, 2018.

Signature

Title

Dated