

AGENDA

Committee on Development and Planning AGENDA FOR MARCH 15, 2023 AT 4:00 PM



Lansing City Hall, City Council Conference Room
124 W. Michigan Avenue, 10th Floor

To provide input or ask questions on any item that is listed on the agenda,
members of the public may contact the City Council at city.council@lansingmi.gov or (517) 483-4177 prior to the meeting.

Council Member Spitzley, Chairperson
Council Member Brown, Vice Chairperson
Council Member Garza, Member

- 1. Call to Order**
- 2. Roll Call**
- 3. Minutes**
 - A. February 15, 2023
- 4. Public Comment on Agenda Items (Up to 3 Minutes)**
- 5. Presentations:**
 - B. Downtown Lansing Update - DLI
 - C. Economic Development & Planning Update
- 6. Discussion/Action:**
 - D. RESOLUTION - Introduction and Set a Public Hearing; Ordinance to increase the number of members of the Principal Shopping District Board dba Downtown Lansing Inc.
 - E. RESOLUTION - Set a Public Hearing; IDD-01-2023; Industrial Development District; 7000 N. Canal Rd, Diamondale; Consumers Energy
 - F. RESOLUTION- Set a Public Hearing; PPE-1-2023; Personal Property Tax Exemption; 7000 N. Canal Rd. Dimondale; Consumer Energy
 - G. ORDINANCE - Rename Planning Board to Planning Commission
- 7. Other**
- 8. Adjourn**

Persons with disabilities who need an accommodation to fully participate in these meetings should contact the City Council Office at 517-483-4177 (TTY 711) 24 hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodation requests.

DRAFT



MINUTES
Committee on Development and Planning
Wednesday, February 15, 2023 @ 4:00 p.m.
City Council Conference Room

CALL TO ORDER

Council Member Spitzley called the meeting to order at 4:00 p.m.

PRESENT

Council Member Spitzley, Chair
Council Member Brown, Vice-Chair -arrived at
Council Member Garza, Member

OTHERS PRESENT

Sherrie Boak, Council Office Manager
Lisa Hagen-Lawrence, OCA
Greg Venker, OCA
Susan Stachowiak, EDP
Barb Kimmel, EDP
Zack Driver, EDP

MINUTES

MOTION BY COUNCIL MEMBER BROWN TO APPROVE THE FEBRUARY 1, 2023 MINUTES AS PRESENTED. MOTION CARRIED 3-0.

Public Comment

No public comment on this time.

Discussion/Action

RESOLUTION – SLU-2-2022 340 Edgewood

Council Member Spitzley noted the applicants were not present, and she mentioned the meeting date February 13, 2023 to them at the public hearing. The public hearing was held February 13, 2023 and at that hearing Council received 12 emails in opposition, and the applicant provided at that meeting a petition which stated 43 in support and 1 in opposition. Council Member Spitzley noted that at there were no specific issues brought up at the hearing.

Ms. Stachowiak was available for questions.

Council Member Spitzley passed the gavel to Council Member Brown.

MOTION BY COUNCIL MEMBER SPITZLEY TO APPROVE THE RESOLUTION FOR THE SLU-2-2022 FOR 340 EDGEWOOD; SELF STORAGE FACILITY.

Council Member Spitzley clarified she was not in support of the proposed use under the Special Land Use application.

MOTION CARRIED 3-0.

Council Member Brown passed the gavel back to Council Member Spitzley.

Other

Council Member Spitzley invited Ms. Kimmel to a future meeting for a discussion on the Economic Development and Planning Department and her new role as Interim Director.

Adjourn

Adjourned at 4:06 p.m.

Submitted by Sherrie Boak

Recording Secretary, Lansing City Council

Approved by the Committee on



Building Strong Business

Middle Village Micro Market welcomes 6 new businesses in a shared retail space that allows entrepreneurs to build their clientele, strengthen their brand & earn capital.

Removing the barriers to entry creates strong, viable businesses that add new local jobs, increase the tax base & improve the local economy in a significant way.

Impact to the district

The program & its participants have aided in the post-COVID recovery of Downtown Lansing.

- Encouraged other retail locations to open in Downtown Lansing
- Expanded night & weekend business hours in the district
- Created new amenity businesses to attract residential investment
- Increased diversity of our business mix, customer base & product offerings
- Expanded foot traffic in Downtown Lansing
- Developed a collaborative business culture

@mlb



100%

Graduates identify as women and/or BIPOC owned business

12

NEW TRAININGS

Adding Business Bootcamp
Prep Classes & Small Business
Learning Series

100%

Opened storefronts in the
Greater Lansing Region
80% opened in Downtown Lansing



The Educational Support Chain

2023's focus is on the educational programming of Middle Village Participants & local businesses. Our monthly Small Business Training Series monthly business educational series helps small businesses thrive. We are thrilled, along with our partners, to be at the center of the educational hub for entrepreneurs.

Sharing Success

Downtown Lansing Inc. is dedicated to helping other communities, particularly in Michigan, build similar incubator programs within their districts. We have spoken nationally & internationally on the program's success & will continue to collaborate with other districts in 2023.



Partnerships

Through amazing community partnerships, Middle Village Micro Market allows businesses to succeed! We are able to offer a variety of programming & below market rate start-up incentives due to their generosity and support



Introduction of Ordinance

The Committee on Development and Planning introduced

An ordinance of the City of Lansing, Michigan, to amend Chapter 812, Section 812.02 of the Lansing Codified Ordinances to increase the number of members of the Principal Shopping District Board from eight to nine and clarify the requirements for board composition.

The Ordinance is read a first 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, _____, 2023, at 7 p.m. in the Tony Benavides Lansing City Council Chambers, 124 W. Michigan Avenue, Lansing Michigan, for the purpose of:

Approving or opposing the amendment to Chapter 812, Section 812.02 of the Lansing Codified Ordinances to increase the number of members of the Principal Shopping District Board from eight to nine and clarify the requirements for board composition.

CITY OF LANSING
NOTICE OF PUBLIC HEARING

The Lansing City Council will hold a public hearing on Monday, _____, 2023, at 7:00 p.m. in the Tony Benavides Lansing City Council Chambers, 10th Floor, Lansing City Hall, 124 W. Michigan Avenue, Lansing, Michigan to consider an ordinance of the City of Lansing Michigan, to amend Lansing Codified Ordinances, Chapter 812, Section 812.02, to increase the number of members of the Principal Shopping District Board from eight to nine and clarify the requirements for board composition.

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., on the day of the Public Hearing 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, Lansing City Clerk
www.lansingmi.gov/Clerk
www.facebook.com/LansingClerkSwope

ORDINANCE NO.

An ordinance of the City of Lansing, Michigan, to amend Chapter 812, Section 812.02 of the Lansing Codified Ordinances to increase the number of members of the Principal Shopping District Board from eight to nine and clarify the requirements for board composition.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 812, Section 812.02 of the Code of Ordinances of the City of Lansing, Michigan be and is hereby amended to read as follows:

812.02. - Principal Shopping District Board.

(a) For the purpose of managing the activities permitted by PA 120 of 1961, being MCL 125.981 et seq., as amended, a Principal Shopping District Board is hereby established and authorized to do business as "Downtown Lansing, Inc.". The Board shall be composed of ~~the following eight~~ **nine** members appointed by the Mayor with Council confirmation, **subject to the following requirements:**

(1) **One Member is a** City Government Representative;

(2) **One Member is a** resident of the residential area adjacent to the Principal Shopping District; and

(3) **No fewer than five Members are** nominees of businesses located in the Principal Shopping District.

(b) Members of the Principal Shopping District Board shall serve overlapping four year terms.

- 1 (c) The Board shall meet at least once a month.
- 2 (d) The affirmative vote of five board members shall be necessary for the Board to take
3 action.
- 4 (e) The Board shall be responsible for the following:
- 5 (1) Developing a program for the promotion of economic activity in the Principal
6 Shopping District by conducting market research, public relations campaigns, retail
7 and institutional promotions, special events, and other similar activities;
- 8 (2) Developing a written program for the maintenance, security, and operation of the
9 public outdoor spaces within Zone A;
- 10 (3) Issuing permits required by Section 812.04;
- 11 (4) Advising the Mayor and Council on methods for financing its operations;
- 12 (5) Filing with the City Clerk, the Mayor, and Council, prior to January 30 of each year, a
13 written report detailing its activities;
- 14 (6) Filing with the City Clerk, the Mayor, and Council, prior to August 15 of each year,
15 an independent audit of all accounts, made by a certified public accountant at the
16 close of the fiscal year ending on June 30;
- 17 (7) Filing with the City Clerk, the Mayor, and Council, prior to June 30 of every year, its
18 budget for the next fiscal years commencing on July 1;
- 19 (8) Filing with the City Clerk, the Mayor, and Council, prior to June 30 of every third
20 year starting in 2011, documentation necessary for the Council to make a special
21 assessment for purposes of developing the Principal Shopping District in accordance

1 with PA 120 OF 1961, being MCL 125.981 et seq., as amended, for the succeeding
2 three years;

3 (9) Making available to the public information regarding the activities identified in this
4 subsection and copies of the written program identified in subsection (e)(2).

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

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

10 Section 4. This ordinance shall take effect on the 30th day after enactment, unless given
11 immediate effect by City Council, and shall expire December 31, 2031.

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

Resolution Setting a Public Hearing to Establish an Industrial Development District

WHEREAS, pursuant to PA 198 of 1974, as amended, the City Council of the City of Lansing seeks has received a request from Consumers Energy Company to create Lansing Industrial Development District (IDD-01-23) encompassing property commonly known as 7000 North Canal Rd., Dimondale, Michigan 48821 and legally described as:

A parcel of land in the North 1/2 of the Northwest 1/4 of Section 10, Township 3 North, Range 3 West, Windsor Township, Eaton County, Michigan described as follows: Beginning at the North 1/4 corner of said Section; thence South 00 degrees 44 minutes 21 seconds East, on the North & South 1/4 line of said Section, 1332.08 feet to the North 1/8 line of said Section; thence North 89 degrees 46 minutes 39 seconds West, on said North 1/8 line, 2646.67 feet to the West line of said Section; thence North 00 degrees 13 minutes 11 seconds West, on said West Section line, 325.28 feet; thence North 89 degrees 46 minutes 49 seconds East, perpendicular to said West Section line, 60.00 feet; thence North 00 degrees 13 minutes 11 seconds West, parallel with said West Section line, 459.79 feet to a point of curvature; thence 246.15 feet on a curve to the left, having a radius of 878.51 feet, a central angle of 16 degrees 03 minutes 13 seconds, and a long chord which bears North 08 degrees 14 minutes 47 seconds West, 245.35 feet to the beginning of an existing Limited Access Right of Way; thence North 23 degrees 05 minutes 11 seconds East, on said Limited Access Right of Way line, 127.96 feet; thence North 64 degrees 59 minutes 25 seconds East, on said Limited Access Right of Way line, 66.86 feet to the end of said Limited Access Right of Way; thence continuing North 64 degrees 59 minutes 25 seconds East, 45.87 feet to a point of curvature; thence 332.12 feet on a curve to the right, having a radius of 758.51 feet, a central angle of 25 degrees 05 minutes 15 seconds, and a long chord which bears North 77 degrees 32 minutes 03 seconds East, 329.47 feet; thence North 00 degrees 04 minutes 40 seconds East, perpendicular to the North line of said Section, 60.00 feet to said North Section line; thence South 89 degrees 55 minutes 20 seconds East, on said North Section line, 2133.55 feet to the point of beginning; and

WHEREAS, prior to acting on this request, it is necessary to hold a public hearing on the proposed creation of an Industrial Development District, to allow for all owners of real property within the proposed Industrial Development District, residents, taxpayers and other interested persons the right to appear and be heard.

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be held on **[INSERT DATE]**, at 7:00 p.m. in the Tony Benavides Lansing City Council Chambers, 10th Floor, Lansing City Hall, 124 W. Michigan Avenue, Lansing, Michigan.

BE IT FINALLY RESOLVED that the City Clerk cause to be published notice of such hearing in a publication of general circulation when all persons interested may attend and be heard and make any objection they may have to the proposed Industrial

Development District (IDD-01-23), and that the City Clerk also cause the owners of real property located within the proposed amended district to be notified of the request and the scheduled public hearing as required by PA 198 of 1974, as amended.

City of Lansing
Notice of Public Hearing

The City Council of the City of Lansing will hold a public hearing on Monday, **[INSERT DATE]**, 2023, at 7:00 p.m. in the Tony Benavides Lansing City Council Chambers, 10th Floor, Lansing City Hall, Lansing, Michigan, for the purpose stated below:

To afford an opportunity for all owners of real property within the proposed Industrial Development District, residents, taxpayers of the City of Lansing and other interested persons to appear and be heard on the creation of Lansing Industrial Development District (IDD-01-23) as requested by the applicant for the location indicated below:

Applicant: Consumers Energy Company
IDD Location: 7000 North Canal Rd., Dimondale, Michigan 48821

Legally described as:

A parcel of land in the North 1/2 of the Northwest 1/4 of Section 10, Township 3 North, Range 3 West, Windsor Township, Eaton County, Michigan described as follows: Beginning at the North 1/4 corner of said Section; thence South 00 degrees 44 minutes 21 seconds East, on the North & South 1/4 line of said Section, 1332.08 feet to the North 1/8 line of said Section; thence North 89 degrees 46 minutes 39 seconds West, on said North 1/8 line, 2646.67 feet to the West line of said Section; thence North 00 degrees 13 minutes 11 seconds West, on said West Section line, 325.28 feet; thence North 89 degrees 46 minutes 49 seconds East, perpendicular to said West Section line, 60.00 feet; thence North 00 degrees 13 minutes 11 seconds West, parallel with said West Section line, 459.79 feet to a point of curvature; thence 246.15 feet on a curve to the left, having a radius of 878.51 feet, a central angle of 16 degrees 03 minutes 13 seconds, and a long chord which bears North 08 degrees 14 minutes 47 seconds West, 245.35 feet to the beginning of an existing Limited Access Right of Way; thence North 23 degrees 05 minutes 11 seconds East, on said Limited Access Right of Way line, 127.96 feet; thence North 64 degrees 59 minutes 25 seconds East, on said Limited Access Right of Way line, 66.86 feet to the end of said Limited Access Right of Way; thence continuing North 64 degrees 59 minutes 25 seconds East, 45.87 feet to a point of curvature; thence 332.12 feet on a curve to the right, having a radius of 758.51 feet, a central angle of 25 degrees 05 minutes 15 seconds, and a long chord which bears North 77 degrees 32 minutes 03 seconds East, 329.47 feet; thence North 00 degrees 04 minutes 40 seconds East, perpendicular to the North line of said Section, 60.00 feet to said North Section line; thence South 89 degrees 55 minutes 20 seconds East, on said North Section line, 2133.55 feet to the point of beginning.

Parcel Number: 080-010-100-010-01
Commonly Known as: 7000 N. Canal Rd, Dimondale, MI 48821

Creation of IDD-01-23 as requested by Consumers Energy Company will make certain property investment (real and personal property) within the District eligible to be included

in applications for tax abatements and/or exemptions. Further information regarding this matter may be obtained from Kris Klein, Lansing Economic Development Corporation, 230 N. Washington Sq., Ste. 212, Lansing, Michigan, 48933, (517) 599-1136.

For more information, please call 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., on the day of the Public Hearing at the City Clerk's Office, Ninth Floor, City Hall, 124 West Michigan Ave., Lansing, MI 48933 or email city.clerk@lansingmi.gov.

PERSONAL PROPERTY TAX EXEMPTION AGREEMENT

Consumers Energy Company (the "Company") and the City of Lansing ("City") enter into this written agreement pursuant to Public Act 328 of 1998, compiled in the Michigan General Property Tax Act at MCL 211.9f (4) (the "Act"). The Company understands that through its expected investment of nearly Thirty Million Dollars (\$30,000,000.00), and the City, by its Council Resolution approving the Personal Property Tax Exemption ("Exemption"), are mutually investing in and benefiting from this economic development project. Furthermore, the Company and the City (collectively the "Parties") agree to the following:

1. General.

- a. Pursuant to Public Act 328 of 1998, the Company has requested the City's approval of a Personal Property Tax Exemption for "new personal property," as that term is defined in the Act, at the location of the Consumers Energy Lansing Service Center Project (the "Project"), and not for real property or income taxes. The Project is to be located in Eaton County, as well as in the City, pursuant to a Public Act 425 Agreement between the City and the Charter Township of Windsor.
- b. The Company expects the Project to support office and field crew employees to provide the delivery of safe, reliable, and affordable electric and natural gas services to the greater Lansing area. The Project is expected to be completed by October 1, 2025, and include newly constructed buildings and site improvements.
- c. The estimated total private investment in real property improvements at the Project is no less than Twenty-Eight Million Dollars (\$28,000,00.00).
- d. In the newly constructed Project the Company plans to purchase and locate over Two Million Dollars (\$2,000,000.00) worth of new personal property, during the life of the Exemption.
- e. The Company expects to create and/or retain at least two hundred (200) full-time employee jobs at the Project. For purposes of this Agreement, a "full-time employee" shall include a person: 1) who works at the Project on a salary, wage, commission, or other basis that provides compensation for at least thirty-five (35) hours per week; and 2) from whose compensation the employer is required by law to withhold City income taxes.

2. Company Status Reports.

41959241.5

For each calendar year that the Exemption is in effect, in response to a City request made in writing on or before April 1, and within ninety days of such a request, the Company shall submit to the Lansing Economic Development Corporation ("Lansing EDC") a status report ("Status Report") signed by a Company representative. The Status Report shall provide the following: 1) the average number of the full-time workers employed at the Project during the prior calendar year; and 2) the Company's available information about the amounts spent for the Project's construction, and for new personal property installed at the Project, as of the December 31st preceding the date of the Status Report. For purposes of this Agreement, the average number of full-time employees at the Project shall be computed using the average of the number of full-time employees working at the Project on the March 31, June 30, September 30, and December 31 of the calendar year preceding the Status Report's date. In Status Reports prepared pursuant to this Agreement, and for purposes of determining the Company's satisfying its commitments under this Agreement, the Company may report and include fulltime employee jobs at the Project regardless of whether the Company is the employer.

3. Covenant as to Hiring of Local Residents.

With regard to the jobs expected to be located at the Project, the Company agrees that, subject to i) the Company's collective bargaining agreements and any other existing employment contracts, if any, ii) federal and Michigan law, and iii) compliance with the provisions of Paragraph No. 4 concerning equal employment opportunity hiring practices, the Company will use its best efforts to give equal opportunity for employment to residents of the City of Lansing, and residents of the Lansing area, including the Charter Township of Windsor, provided that the prospective employees have qualified for employment after completing the Company's employment assessment process.

4. Revocation Due To Unlawful Employment Discrimination.

The Company agrees that notwithstanding any other provisions of this Agreement, the Exemption is subject to revocation if after its issuance, a federal or state court determines that the Company has engaged in conduct that establishes a pattern of employment discrimination that is unlawful under federal or Michigan law. If the Lansing City Council reasonably determines that the Exemption should be revoked based on determinations of the Michigan Civil Rights Commission, or the Equal Employment Opportunity Commission, then the City may file a declaratory judgment action seeking a judicial determination that the Company has in fact engaged in unlawful employment discrimination that violates this paragraph. Upon a final and non-appealable court

determination that the Company engaged in unlawful employment that violates this paragraph, the Company shall agree to the revocation of the Exemption.

5. Review and Audit of Company Employment Information.

The Company agrees to provide the City with sufficient information, and the City may review and audit the information provided by the Company, in order to determine compliance with this Agreement. If the Company fails to provide employment information satisfying the reasonable needs of the City, the Company will provide the City and Michigan Unemployment Insurance Agency (MUIA) written authorization, in a form acceptable to the City and MUIA, to use and develop appropriate MUIA documents, such as, but not limited to the MUIA Multiple Worksite Report BLS-3020, to verify the number of full-time employees stated in a Status Report. In the event that the Company fails to provide the City with any material information required to be provided to the City under this paragraph and the Company's noncompliance is held to be unreasonable by a court of competent jurisdiction, the Company agrees to reimburse the City for all reasonable out of pocket costs, including reasonable attorney's fees, incurred by the City to verify the information which was unreasonably withheld.

6. Revocation and Repayment Due to Other Violations.

- a. In addition to other remedies and bases for revocation at law or in this Agreement, if the Company is determined to be in violation of the provisions of this Agreement, as described herein the City may proceed with revoking the Exemption.
- b. In the event of revocation for violation of the provisions of this Agreement, the Company may be required to repay all or part of the Exemption.
- c. If the Company is determined to be in violation of the terms of the Lansing City Council Resolution granting the Exemption, the City may proceed with revoking the Exemption.
- d. If continuance of the Exemption would be contrary to any of the requirements of MCL 211.9f, including, but not limited to, the requirement that the Company be an "eligible business" or an "acquiring eligible business" under that section of the Michigan General Property Tax Act.
- e. Prior to the City considering any action to revoke the Exemption or making any final determination to revoke the Exemption, the City shall provide

notice to the Company, detailing the circumstances underlying the potential revocation of the Exemption, and granting the Company ninety (90) calendar days opportunity to cure. The City shall not revoke the Exemption until after a public show-cause hearing is conducted by Lansing City Council wherein the Company shall be offered an opportunity to demonstrate why it has not breached any of the conditions set forth above; how any such breach has been cured or any other reasons why the Exemption should not be revoked. The Company shall be given ten (10) days written notice of such hearing.

7. Scope Of The Exemption.

The scope of Company's request is specifically and intentionally limited to a tax exemption for new personal property purchased for and located in the area included in the City of Lansing Industrial Development District, established by City Council Resolution No. _____, adopted _____, 2023 and known as IDD-01-2023. In the request, the Company has intentionally not requested any exemption for real property taxes or income taxes.

8. The Project's Relocation.

The Company represents that it does not intend to move the Project's operations during the entire period for which the Exemption has been approved. If, during that period, the Company moves the operations of the Project to another location that is outside of the City of Lansing, then it is grounds for revocation of the Exemption, and the City may take steps for immediate revocation of the Exemption.

9. Limitation of Remedies.

The City and the Company agree that the provisions of this Agreement are for the sole benefit of the City and the Company and are not intended to benefit any other person or entity. It is understood and agreed that if the Company does not create or retain the level of employment set forth in Paragraph No. 1 above, the City shall have no right to require the Company by injunction to create or to maintain any specified level of employment for any period of time. The sole and exclusive remedies for noncompliance with the terms, covenants and representations contained in this Agreement are as set forth in this Agreement.

10. Force Majeure.

In the event of delay in the performance by either party of obligations under this Agreement, due to unforeseeable causes beyond its control and without its fault or negligence, including, but not restricted to, acts of God or of the public enemy, acts of terrorism, acts of the government, acts of the other party, labor strikes or lockouts, fires, floods, epidemics, or severe weather, the time for performance of such obligations shall be extended for the period of such delays; provided that the party seeking the benefit of the provisions of this section shall within thirty (30) days after the beginning of such delay, have first notified the other party in writing of the causes of the delay.

11. Notices. Notices, requests and other communications, including Status Reports and requests for Status Reports, may be sent by personal delivery, or electronic mail, in writing and addressed as provided below. Notices relating to non-performance, termination, or transfer requests, must be made in writing and sent by electronic mail and through U.S. mail, registered or certified, return receipt requested, addressed as follows:

If to the Company:
Consumers Energy Company
One Energy Plaza
Jackson, MI 49201

If to the City:
City Hall
125 W. Michigan Avenue
Lansing, MI 48933

Attn: Real Estate
E-mail: TelecomandFacilities
@cmsenergy.com

Attn: Mayor, City Attorney
E-mail: lansing.mayor@lansingmi.gov
cityatty@lansingmi.gov

The Company may advise the City Clerk and the Lansing Economic Development Corporation Director or Chief Executive Officer in writing of changes in the names and/or addresses of the people at the Company who are to receive any notices or requests relating to this Agreement.

12. Jurisdiction and Construction. The Parties agree that this Agreement is subject to and governed by the laws of the State of Michigan. Any claim or action relating to this Agreement may only be brought before an agency or commission having jurisdiction over the subject of this Agreement located in the State of Michigan, or in a court of competent jurisdiction located in the State of Michigan. If any portion of this Agreement is determined to be legally invalid or unenforceable, the remaining portions will remain valid and enforceable. It is the Parties' intent that any unenforceable provision be construed and limited by a court which considers the matter so as to render it reasonable and enforceable. This Agreement shall be deemed to be written equally

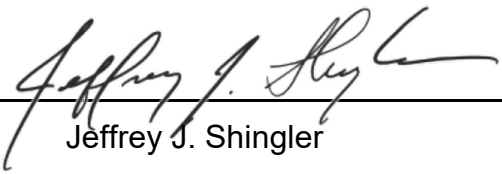
by each Party so that it shall not be construed against any Party. The headings in this Agreement are for convenience only.

13. Execution and Effective Date.

This Agreement shall become effective upon approval of the Exemption, and shall be null and void and of no force or effect whatsoever unless the Lansing City Council approves the Exemption by resolution. This Agreement shall terminate no later than (90) ninety days after the expiration of the Exemption. The Parties may execute and exchange copies of this Agreement via electronic means, including with electronic signatures sent via email. This Agreement shall be deemed to be fully executed upon the receipt by the Parties of counterpart copies executed by each Party regardless of whether transmitted via electronic mail or other means. The Parties may execute and deliver manually or electronically executed copies subsequent to the execution of the copies sent electronically, however, this Agreement shall be deemed to be fully executed upon receipt of the respective executed copies transmitted electronically, regardless of whether manually executed copies are executed and otherwise delivered.

IN WITNESS WHEREOF, the City and the Company, by and through their authorized signatories, have executed this Agreement as of the dates indicated.

CONSUMERS ENERGY COMPANY

By: 
Jeffrey J. Shingler
Its: Vice President Shared Services

Date: 03/07/23

CITY OF LANSING

By: _____
Andy Schor

Its: Mayor

Date: _____

Approved as to form:

James D. Smiertka
City Attorney

LEGAL DESCRIPTION

Parcel Number: 080-010-100-010-01

Commonly Known as: 7000 N. Canal Rd, Dimondale, MI 48821

Legal Description:

A parcel of land in the North 1/2 of the Northwest 1/4 of Section 10, Township 3 North, Range 3 West, Windsor Township, Eaton County, Michigan described as follows: Beginning at the North 1/4 corner of said Section; thence South 00 degrees 44 minutes 21 seconds East, on the North & South 1/4 line of said Section, 1332.08 feet to the North 1/8 line of said Section; thence North 89 degrees 46 minutes 39 seconds West, on said North 1/8 line, 2646.67 feet to the West line of said Section; thence North 00 degrees 13 minutes 11 seconds West, on said West Section line, 325.28 feet; thence North 89 degrees 46 minutes 49 seconds East, perpendicular to said West Section line, 60.00 feet; thence North 00 degrees 13 minutes 11 seconds West, parallel with said West Section line, 459.79 feet to a point of curvature; thence 246.15 feet on a curve to the left, having a radius of 878.51 feet, a central angle of 16 degrees 03 minutes 13 seconds, and a long chord which bears North 08 degrees 14 minutes 47 seconds West, 245.35 feet to the beginning of an existing Limited Access Right of Way; thence North 23 degrees 05 minutes 11 seconds East, on said Limited Access Right of Way line, 127.96 feet; thence North 64 degrees 59 minutes 25 seconds East, on said Limited Access Right of Way line, 66.86 feet to the end of said Limited Access Right of Way; thence continuing North 64 degrees 59 minutes 25 seconds East, 45.87 feet to a point of curvature; thence 332.12 feet on a curve to the right, having a radius of 758.51 feet, a central angle of 25 degrees 05 minutes 15 seconds, and a long chord which bears North 77 degrees 32 minutes 03 seconds East, 329.47 feet; thence North 00 degrees 04 minutes 40 seconds East, perpendicular to the North line of said Section, 60.00 feet to said North Section line; thence South 89 degrees 55 minutes 20 seconds East, on said North Section line, 2133.55 feet to the point of beginning.

SITE SPECIFIC DETAILED BUSINESS DESCRIPTION

Business: Consumers Energy Company

Project: New Utility Service Center

Site: 7000 N. Canal Rd, Dimondale, MI 48821

Description:

New utility service center in Dimondale, Michigan that will be supporting office and field crew employees to provide the delivery of safe, reliable, and affordable electric and natural gas services to the greater Lansing area. This service center will replace the Willow St, Lansing location.

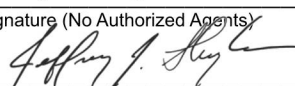
Application for Exemption of New Personal Property

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

INSTRUCTIONS: Read instructions on page 2 of this form before completing this application. File the completed application and the required attachments (a copy of the legal description, resolution, written agreement, and a detailed description of the business operations) with the clerk of the local government unit.

PART 1: APPLICANT INFORMATION			
1a. Applicant/Company Name (Applicant must be an ELIGIBLE BUSINESS) Consumers Energy Company		2. County Eaton	
1b. Company Mailing Address (No. and Street, P.O. Box, City, State, ZIP Code) One Energy Plaza, Jackson, MI 49201		3. City/Township/Village (indicate which) Windsor Township	
1c. Location of Eligible Business (No. and Street, City, State, ZIP Code) 7000 N. Canal Rd, Dimondale, MI 48821		4a. Local School District Pottersville Public Schools	4b. School Code 23090
5. Check below the type of business in which you are engaged and provide a site-specific detailed business description on a separate sheet.			
☐ Manufacturing		☐ Research & Development	
☐ Mining		☒ Office Operations	
☐ Wholesale Trade			
6a. Identify type of ELIGIBLE DISTRICT where Eligible Business and New Personal Property will be located Industrial Development District		6b. Governing Unit that Established ELIGIBLE DISTRICT City of Lansing	
6c. Date ELIGIBLE DISTRICT was Established			
7. Name of Person in the Eligible Business to Contact for Further Information Lindsey Ewig		8. E-mail Address Lindsey.Ewig@cmsenergy.com	
9. Telephone Number (989) 385-5401			
10. Mailing Address Consumers Energy, One Energy Plaza, Jackson MI 49201			

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

11. Name of Company Official Jeffrey J. Shingler		12. Title VP of Shared Services	
13. Signature (No Authorized Agents) 		14. Date 03/07/23	
15. Mailing Address (include City, State and ZIP Code) Consumers Energy, One Energy Plaza, Jackson, MI 49201			
16. E-mail Address jeffrey.shingler@cmsenergy.com		17. Telephone Number (517) 403-8911	
18. Fax Number			

PART 2: LOCAL GOVERNMENT UNIT CLERK VERIFICATION			
19. Name of Local Governmental Unit Which Passed Resolution for Exemption of New Personal Property		20. Date of Resolution (Attach Copy)	
21. Expiration Date of Exemption			
22. Name of Clerk		23. Date application received by Local Unit	
24. Date of Agreement (Attach Copy)			
25. Clerk's Signature		26. Clerk's Mailing Address	
27. Telephone Number		28. Fax Number	
29. E-mail Address			
30. LUCI Code		31. School Code	
32. Date District was Established			
STATE TAX COMMISSION USE ONLY			
Application Number		Date Received	
LUCI Code		School Code	

Instructions for Completing Form 3427, *Application for Exemption of New Personal Property*

As a supplement to the following instructions, please read the State Tax Commission's (STC) Frequently Asked Questions for the New Personal Property Exemption.

Line 1: P.A. 328 of 1998, as amended, states that, to qualify for exemption, New Personal Property must be owned or leased by an Eligible Business. Please see MCL 211.9f (11)(e) for the definition of an Eligible Business. Please note that a copy of the legal description for the property where the Eligible Business is located must be attached.

Lines 2, 3, and 4: Indicate the county; the city or township; or village; and the local school district in which the New Personal Property and the Eligible Business will be located.

Line 5: P.A. 328 of 1998, as amended, provides that an Eligible Business must be engaged in one of the following types of businesses: manufacturing, mining, research and development, wholesale trade, or office operations. Please see MCL 211.9f (11)(e) for the definition of an Eligible Business. Please note that a site-specific detailed business description must be provided on a separate sheet.

Line 6 a-c: P.A. 328 of 1998, as amended, provides that New Personal Property and the Eligible Business must be located in an Eligible District. Please see MCL 211.9f (11)(f) for a listing of the eight different types of Eligible Districts.

Line 7: If there is someone in your business, other than the person signing this application, who should be contacted if further information is needed, please name the person on line 7.

Line 13: Note that a signature from a company official is required on line 13. This application cannot be processed without a signature.

Lines 19 to 31: These lines must be completed by the Clerk of the Local Governmental Unit which has adopted the resolution required by P.A. 328 of 1998, as amended.

Note that a copy of the resolution, the written agreement between the applicant and the local governmental unit with required statements, a legal description, and a detailed description of the business operations must be sent to the State Tax Commission along with this application. Once issued, the exemption will pertain to all new personal property placed in the eligible district for the entire length of time approved by the local unit. The exemption may not be limited to specific new personal property or a lesser time than the full length of issuance. If any of the information requested on lines 19 to 31 is missing, this form will be returned to the Clerk. **For faster service, email the completed application and additional required documentation to PTE@michigan.gov.** An additional submission option is to mail the completed application and required documents to: Michigan Department of Treasury, State Tax Commission, P.O. Box 30471, Lansing, MI 48909

**CITY OF LANSING IDD DISTRICT AND PA328 APPLICATION
CONSUMERS ENERGY SERVICE CENTER PROJECT
PROPOSED APPROVAL PROCESS SCHEDULE**

DATE	BOARD/ COMMITTEE	ACTION	ATTENDANCE BY APPLICANT
March 7, 2023	LEDC/City	Full Application Packet ready for submission: 1) Incentive Agreement Signed by Developer 2) PA328 Application Completed 3) Treasurer's Signoff Received 4) LEDC Review and Admin Fee Received 5) Resolutions & Notices Prepared (IDD & PA328)	
March 13, 2023	Lansing City Council	Council Receives District Request and Exemption Application, refers to the Committee on Development and Planning.	
March 15, 2023	Committee on Development and Planning	Applicant Presents Project to the D&P Committee to review PA328 Exemption Application and Approve Resolutions to set Public Hearings for: 1) Establishing District, AND 2) Exemption Application	YES
March 27, 2023	Lansing City Council	Council passes resolution setting the Public Hearings for District and Exemption, 7:00PM on <u>April 10, 2023</u> . <i>Public Hearing Notice: >10 Days/<30 days (Mail/Paper)</i> <i>District: Certified Letters to all property owners in District</i> <i>Exemption: Certified Letters to all Taxing Units</i>	(if requested)
April 10, 2023	Lansing City Council	Public Hearings held at City Council for: 1) District, THEN 2) Exemption Application Application Packet referred back to the Committee on Development and Planning for recommendation on resolutions to Establish District and Approve Exemption	YES
April 19, 2023	Committee on Development and Planning	D&P Committee approves resolutions to: 1) Establish District, AND 2) Approve Exemption Application	(if requested)
April 24, 2023	Lansing City Council	City Council adopts resolutions: 1) Establishing District, THEN 2) Approving Exemption Application	YES
Following Council Approval	LEDC	Finalize and Submit PA328 Exemption Application Package to State Treasurer/STC	

REV-3/7/2023

City of Lansing
Notice of Public Hearing

The City Council of the City of Lansing will hold a public hearing on Monday, **[INSERT DATE]**, 2023, at 7:00 p.m. in the Tony Benavides Lansing City Council Chambers, 10th Floor, Lansing City Hall, Lansing, Michigan, for the purpose stated below:

To afford an opportunity for the assessor, all representatives of affected taxing units, and all other residents and taxpayers of the City of Lansing and other interested persons to appear and be heard on the application for a New Personal Property Exemption as requested by the applicant, pursuant to Public Act 328 of 1998, for the location indicated below:

Applicant: Consumers Energy Company

Parcel Number: 080-010-100-010-01

Commonly Known as: 7000 N. Canal Rd, Dimondale, MI 48821

A parcel of land in the North 1/2 of the Northwest 1/4 of Section 10, Township 3 North, Range 3 West, Windsor Township, Eaton County, Michigan described as follows: Beginning at the North 1/4 corner of said Section; thence South 00 degrees 44 minutes 21 seconds East, on the North & South 1/4 line of said Section, 1332.08 feet to the North 1/8 line of said Section; thence North 89 degrees 46 minutes 39 seconds West, on said North 1/8 line, 2646.67 feet to the West line of said Section; thence North 00 degrees 13 minutes 11 seconds West, on said West Section line, 325.28 feet; thence North 89 degrees 46 minutes 49 seconds East, perpendicular to said West Section line, 60.00 feet; thence North 00 degrees 13 minutes 11 seconds West, parallel with said West Section line, 459.79 feet to a point of curvature; thence 246.15 feet on a curve to the left, having a radius of 878.51 feet, a central angle of 16 degrees 03 minutes 13 seconds, and a long chord which bears North 08 degrees 14 minutes 47 seconds West, 245.35 feet to the beginning of an existing Limited Access Right of Way; thence North 23 degrees 05 minutes 11 seconds East, on said Limited Access Right of Way line, 127.96 feet; thence North 64 degrees 59 minutes 25 seconds East, on said Limited Access Right of Way line, 66.86 feet to the end of said Limited Access Right of Way; thence continuing North 64 degrees 59 minutes 25 seconds East, 45.87 feet to a point of curvature; thence 332.12 feet on a curve to the right, having a radius of 758.51 feet, a central angle of 25 degrees 05 minutes 15 seconds, and a long chord which bears North 77 degrees 32 minutes 03 seconds East, 329.47 feet; thence North 00 degrees 04 minutes 40 seconds East, perpendicular to the North line of said Section, 60.00 feet to said North Section line; thence South 89 degrees 55 minutes 20 seconds East, on said North Section line, 2133.55 feet to the point of beginning.

Further information regarding this matter may be obtained from Kris Klein, Lansing Economic Development Corporation, 230 N. Washington Sq., Ste. 212, Lansing, Michigan, 48933, (517) 599-1136.

For more information, please call 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., on the day of the Public Hearing at the City Clerk's Office, Ninth Floor, City Hall, 124 West Michigan Ave., Lansing, MI 48933 or email city.clerk@lansingmi.gov.

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

Resolution Setting a Public Hearing for a New Personal Property Exemption

WHEREAS, pursuant to Public Act 328 of 1998 (PA 328 of 1998), as amended, Consumers Energy Company, has made Application to the City of Lansing for a New Personal Property Exemption (PPE-01-23) for property located at 7000 North Canal Rd., Dimondale, Michigan 48821 which is within Lansing Industrial Development District IDD 01-23 and the jurisdiction of the City of Lansing and legally described as:

A parcel of land in the North 1/2 of the Northwest 1/4 of Section 10, Township 3 North, Range 3 West, Windsor Township, Eaton County, Michigan described as follows: Beginning at the North 1/4 corner of said Section; thence South 00 degrees 44 minutes 21 seconds East, on the North & South 1/4 line of said Section, 1332.08 feet to the North 1/8 line of said Section; thence North 89 degrees 46 minutes 39 seconds West, on said North 1/8 line, 2646.67 feet to the West line of said Section; thence North 00 degrees 13 minutes 11 seconds West, on said West Section line, 325.28 feet; thence North 89 degrees 46 minutes 49 seconds East, perpendicular to said West Section line, 60.00 feet; thence North 00 degrees 13 minutes 11 seconds West, parallel with said West Section line, 459.79 feet to a point of curvature; thence 246.15 feet on a curve to the left, having a radius of 878.51 feet, a central angle of 16 degrees 03 minutes 13 seconds, and a long chord which bears North 08 degrees 14 minutes 47 seconds West, 245.35 feet to the beginning of an existing Limited Access Right of Way; thence North 23 degrees 05 minutes 11 seconds East, on said Limited Access Right of Way line, 127.96 feet; thence North 64 degrees 59 minutes 25 seconds East, on said Limited Access Right of Way line, 66.86 feet to the end of said Limited Access Right of Way; thence continuing North 64 degrees 59 minutes 25 seconds East, 45.87 feet to a point of curvature; thence 332.12 feet on a curve to the right, having a radius of 758.51 feet, a central angle of 25 degrees 05 minutes 15 seconds, and a long chord which bears North 77 degrees 32 minutes 03 seconds East, 329.47 feet; thence North 00 degrees 04 minutes 40 seconds East, perpendicular to the North line of said Section, 60.00 feet to said North Section line; thence South 89 degrees 55 minutes 20 seconds East, on said North Section line, 2133.55 feet to the point of beginning.; and,

WHEREAS, prior to acting on this request, it is necessary to hold a public hearing on the application for a New Personal Property Exemption PPE-01-23, to allow the assessor, all representatives of affected taxing units, and all other residents and taxpayers of the City of Lansing and other interested persons the right to appear and be heard.

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be held in the Tony Benavides Lansing City Council Chambers of the City of Lansing, 10th Floor, Lansing City Hall, Lansing, Michigan, on **[INSERT DATE]**, 2023 at 7:00 p.m.

BE IT FINALLY RESOLVED that the City Clerk cause to be published notice of such hearing in a publication of general circulation when all persons interested may appear and be heard regarding the application for a New Personal Property Exemption PPE-01-23, and that the City Clerk also cause the assessor and the legislative body of each taxing unit that levies ad valorem taxes on the aforementioned property to be notified of the application and the scheduled public hearing as required by PA 328 of 1998, as amended.

ORDINANCE NO. _____

An ordinance of the City of Lansing, Michigan, to amend the Lansing Codified Ordinances by amending Chapter 1212, to add Section 1212.01 that provides for the renaming of the City Planning Board to the “Planning Commission” pursuant to Section 11 of the Michigan Planning Enabling Act, being MCL 125.3811.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 1212 of the Code of Ordinances of the City of Lansing, Michigan be and is hereby amended to add Section 1212.01, to read as follows:

CHAPTER 1212

1212.01. Pursuant to the Michigan Planning Enabling Act, 2011 PA 31, et seq. and specifically Section 11 of said act, being MCL 125.3811, the City of Lansing planning board shall now officially be named the “planning commission.” All reference to the planning board in the City charter, ordinances, resolutions, regulations and all other documents and instruments shall hereafter refer to and be synonymous with the planning commission name and the planning commission shall have and retain all the powers and duties of the planning board under all City and State laws.

Section 2. If any portion of this Ordinance is held invalid for any reason, that holding will not affect the validity of the remaining portions of this Ordinance, which will continue in full force and effect.

Section 3. Any ordinances in conflict with this Ordinance are repealed, but only to the extent necessary to give this Ordinance full force and effect.

1 Section 4. This ordinance shall take effect on the 30th day after enactment, unless given
2 immediate effect by City Council and shall expire December 31, 2031.