AGENDA

Committee on Development and Planning
AGENDA FOR APRIL 19, 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.
view on: https://www.youtube.com/@lansingcitycouncil4446/streams

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

1. **Call to Order**
2. **Roll Call**
3. **Minutes**
   A. April 5, 2023
4. **Public Comment on Agenda Items (Up to 3 Minutes)**
5. **Discussion/Action:**
   B. RESOLUTION - Appointment; David Washburn; City of Lansing member of the Local Development Finance Authority; Term to Expire 6/30/2025
   C. ORDINANCE: Increase the number of members of the Principal Shopping District Board dba Downtown Lansing Inc.
   D. RESOLUTION -IDD-01-2023; Industrial Development District for Consumers Energy Company, 7000 N. Canal Rd., Dimondale
   E. RESOLUTION - PPE-1-2023; Personal Property Tax Exemption filed by Consumers Energy Company for 7000 N. Canal Rd., Dimondale
6. **Other**
7. **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.

MINUTES
Committee on Development and Planning
Wednesday, April 5, 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
Council Member Garza, Member

OTHERS PRESENT
Sherrie Boak, Council Office Manager
Greg Venker, OCA
Susan Stachowiak, EDP
Andrew Fedewa, EDP
Eric Iversen, Engineering with Red Cedar Development
Council Member Spadafore- arrived at 4:24 p.m. left at 4:43 p.m.
Emily Linden – arrived at 4:25 p.m left at 4:43 p.m.
Harry Hepler

MINUTES
MOTION BY COUNCIL MEMBER BROWN TO APPROVE THE MARCH 15, 2023 MINUTES AS PRESENTED. MOTION CARRIED 3-0.

Public Comment
No public comment on this time.

Presentations
Tri-County Regional Planning Commission Audits and Financial Statements
Council Member Spitzley discharged this item to the Committee on Ways and Means.

Discussion/Action
RESOLUTION - Act-1-2023; East Michigan Avenue, Right of Way Easements
Mr. Fedewa stated the developer is formalizing easements as part of a multiple property license. This is for the encroachment into the City's E. Michigan Avenue right of way across multiple parcels as part of the overall Red Cedar Development. Now all the projects in the easement are complete or close to completion and building footings have been installed through previous temporary licenses. Mr. Fedewa referenced the maps in the packet and the area of

encroachments where buildings have extended into the right of way through different forms such as patios, ramps, stairs, retaining walls, building footings, and roof overhangs. Mr. Iversen was acknowledged for working with Public Service to determine the calculations and space for the easement. Council Member Spitzley asked if this is permanent. Mr. Venker stated he has not seen the easement language, but it was confirmed in the group these are permanent due to the permanent structures.

Mr. Fedewa noted for the Committee there were errors in the resolution due to at the time of the temporary license application addresses were provided and since that time units have been added. The resolution should reflect the addition of 187 Cascade, 3142 E Michigan Avenue.

Council Member Spitzley noted the changes to be amended in the resolution.

Mr. Fedewa made the Committee aware that there are additional encroachments in the development, since there were acquisitions of streets, those have not been formally finalized. At this time the Public Service Department is in talks with the developer on the other areas.

Council Member Garza referenced the staff report, which stated "the planning office does not have a copy of the temporary license agreements." Mr. Fedewa stated Public Service has them, but the Planning office does not, it was noted that way in the report because he wanted the Planning Board to be aware. Council Member Spitzley asked if those were needed to take action and Mr. Fedewa stated they are not.

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE AMENDED RESOLUTION FOR ACT-1-2023; EAST MICHIGAN AVENUE AND CASCADE RIGHT OF WAY EASEMENTS. MOTION CARRIED 3-0.

RESOLUTION - LS-4-2023; Lot Split Application for 4512 & 4524 Ingham Street

Ms. Stachowiak explained to the Committee that both lots in this proposed lot split are owned by the Ingham County Landbank, along with next application on the agenda for 4720 Ballard. They want to combine two lots and the divide them into three buildable lots. The issue is that they will exceed the depth to width ratio. These properties are all 305' deep in this area. Ms. Stachowiak referred the committee to the maps in the packet, explaining that the depth to width ration exceeds it by 2 times. Lastly, she noted that the staff and the Planning Commission support the action, and the Planning Commission held the public hearing but the Council is not required to hold one. Council Member Spitzley asked if the Landbank has a buyer and was informed they do not have a sale yet but once this is split they are setting up for a listing. Council Member Garza asked if they are proposed single family units and Ms. Stachowiak stated the property is zoned single family. Council Member Brown referenced the map noting that once split the lots will match the standard of the other lots in the neighborhood.

MOTION BY COUNCIL MEMBER BROWN TO APPROVE THE RESOLUTION FOR LS-4-2023 LOT SPLIT FOR 4512& 4524 INGHAM STREET. MOTION CARRIED 3-0.

RESOLUTION - LS-7-2023; Lot Split Application for 4720 Ballard Road

Ms. Stachowiak confirmed this is one lot and will be split into two. Council Member Spitzley asked if the Landbank had buyers for these two lots, and Ms. Stachowiak stated they do not.

MOTION BY COUNCIL MEMBER BROWN TO APPROVE THE RESOLUTION FOR LS-7-2023; LOT SPLIT FOR 4720 BALLARD ROAD. MOTION CARRIED 3-0.

RESOLUTION - Introduction and Set a Public Hearing; Z-1-2023; 4111 Aurelius Road, MX-1, Neighborhood Mixed-Use Center to R-2, Suburban Detached Residential District

Ms. Stachowiak explained that when the Form Based Code was adopted this parcel was rezoned to MX-1, however it is a single family unit. Therefore the purposed is to bring into conformity with the use, because right now it is legally non-conforming. If something happens such as fire or act of nature, to the home that makes it past the 50% pre-damage value, they cannot rebuild it as a home. Their investment is not protected, it would make it hard to sell for financing purposes and therefore staff supports this rezoning. Council Member Spitzley asked if this was the only single family home in the area, and it was confirmed. Council Member Garza asked the OCA why it was not "grandfathered" and Mr. Venker explained that "pre-existing on conformity" you can continue the use until the use stops or is abandoned for more than 12 months. If a structure is destroyed to point of routine repair or maintenance, then the new zoning designation takes over and overrides. In this case there is currently someone living in the home.

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE RESOLUTION TO INTRODUCE AND SET THE PUBLIC HEARING FOR Z-1-2023 FOR MAY 8, 2023. MOTION CARRIED 3-0.

RESOLUTION - Introduction and Set a Public Hearing; Z-3-2023; 818, 820, 908, 914, May Street, 817, 821, 823, 827, 843 & 903 E. Saginaw Street, 711, 713, 714, 0, 717, 718, 0, 721, 722, 723, 724, 725, 727, East Park Terrace, 709, 713, 714, 718, 717, 721, 722, 725, 729 Quaker Court, and 711, 715, 721, 727 & 737 N. Pennsylvania Avenue , Rezoning from "R-MX" Residential Mix to "DT-2" Urban Flex District

Ms. Stachowiak stated to the Committee that this addresses several properties that are proposed for part of development. The applicant does not own or have any interest in all the parcels in the block, so this is for the specific ones they own. The map in the packet was referenced for clarification. The Committee reviewed the packet which included renderings of a tentatively proposed development of market rate units. Mr. Hepler spoke on his other developments in the area near the Motor Wheel Development and Prudden Place. This area is 35 acres of historic site, and the housing stock would be replaced with newer housing. The current occupants have been made aware and continue to live in the homes rent free on a month to month lease. Currently the OPRA Council approved for the Prudden Place is underway and in the demolition phase. Council Member Garza asked what the neighboring zoning was, and was told DT-2 to the East towards Pennsylvania and with this rezoning the entire stretch would then all be DT-2. She stated at the next Committee meeting after the hearing she can bring a larger zoning map to depict the area in whole. Council Member Spitzley asked Mr. Hepler what has doing with the homes currently on the lots, and he acknowledged for the Committee that he is working with inspectors, addressing safety, and again all leases are month to month. He has control of all 20 homes and has one closing in May, and then the next two has under option with the Landbank, bringing the total to 23. Council Member Spitzley asked Mr. Hepler to reach out to the City Housing Ombudsman and make him aware of the housing needs for those residents. Council Member Garza asked how many new units will be added, and Mr. Hepler stated that this is tentatively planned for up to 240. Council Member Garza asked if this will increase the tax value for the surrounding home and it was confirmed. He then asked if there was any opposition, and Ms. Stachowiak acknowledged some comments by residents but those comments spoke more to the general conditions and crime in the area. No one spoke specifically to this rezoning change. Council Member Spitzley asked if there was a timeline for the project and Mr. Hepler stated they are in the planning phases. Council Member Garza asked if once tenants move out what they are doing, and Mr. Hepler stated they are immediately boarding them up and working on the demolition.

MOTION BY COUNCIL MEMBER BROWN TO APPROVE THE RESOLUTION TO INTRODUCE AND SET THE PUBLIC HEARING FOR Z-3-2023 FOR MAY 8, 2023. MOTION CARRIED 3-0.

Council Member Spitzley asked Mr. Hepler to attend the May 8, 2023 Council meeting for a special presentation on the project before the public hearing. The presentation should include details on the condition of the homes, what and when to address homes, and the proposed development.

RESOLUTION - Set a Public Hearing; SLU-1-2023; Special Land Use Permit, 109 E. Randolph Street

Ms. Stachowiak confirmed for the Committee this is a different applicant from the other two the Council saw for the property over the last year. This applicant is proposing a 12 bed small group adult foster care. This falls under a different category in the ordinance and the licensing in the State of Michigan. This use is permitted in the existing zoning, however requires this Special Land Use. Ms. Stachowiak confirmed that staff supports this SLU. Council Member Spitzley about the conditions on parking, and Ms. Stachowiak confirmed they are working with the neighboring church and have been granted a variance.

MOTION BY COUNCIL MEMBER BROWN TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR SLU-1-2023 FOR 109 E RANDOLPH. MOTION CARRIED 3-0.

Other

No other topics.

Adjourn

Adjourned at 4:46 p.m.
Submitted by Sherrie Boak
Recording Secretary, Lansing City Council
Approved by the Committee on

Application for Appointment to Board or Commission

Thank you for your interest in serving on a Lansing Board, Commission, or Committee.

Certain boards, commissions, or committees require appointees to be a registered elector in the City of Lansing (Charter Section 2-102) and be a resident of Lansing for one year prior to taking office (Charter Section 2-102).

Appointees to every board, commission, or committee must not be in default to the City at the time of taking office (Charter Section 2-103.2) and not have been convicted, within 20 years of taking office, of a violation of the election laws of the City of Lansing, State of Michigan, or the United States; a violation of public trust; or any felony (Charter Section 2-103.1).

Lansing City Charter, Section 5-104, Ineligibility For Boards, restricts certain City employee activities on some boards: "No person holding another City office or activity employed by the City shall be eligible to be a voting member on any board."

Date	01/06/2023
First Name	David
Last Name	Washburn
Date of Birth	[redacted]
Address	1038 Applegate Ln
City	East Lansing
State	MI
Zip Code	48823
Email	davewash@msufoundation.org
Gender	Male

If you don't know which ward you live in, visit the Lansing Neighborhoods Ward Map and type in your address to find out!

Ward	Regional
Precinct	n/a

Best Phone Number to Contact You	217-840-7883
In what year did you move to Lansing?	n/a
Additional Information Regarding Experience and Credentials	I have served on this board since 2014.
Occupational Background	I am Executive Director of the Michigan State University Research Foundation, the non-profit research foundation associated with Michigan State University. The Foundation manages an investment portfolio and drives programs that support the economic development initiatives of MSU. I also serves as the President and board member of all MSU Research Foundation subsidiary companies including Spartan Innovations, Red Cedar Ventures, Michigan Rise Pre-Seed III Fund and University Health Park in Lansing, home of McLaren Greater Lansing. I have served on the board of the Lansing Development Finance Authority since 2014 and was appointed by Gov. Snyder to serve on the board of MEDC from 2015-2019.
Educational Background	BA & MBA, University of Illinois at Urbana-Champaign
Previous Appointments	none
Current Appointments	none
Please attach a resume if available.	*File(s) attached:* David Washburn CV Nov 2022.docx
First Choice for Board to Serve on	Local Development Finance Authority
Please comment briefly on why you wish to serve on a particular board or commission. Please be specific as to your goals and ideas about how you wish to contribute to the work of the board or commission.	The LDFA bylaws require a member of the MSU Research Foundation sit on this board. The objectives and mission of LDFA (which includes new venture creation, job creation and driving regional economic growth initiatives) are aligned with the mission of the MSU Research Foundation. Despite many challenging conflicts of interest that exist by me being on this board, (which we are very careful about managing) I hope my contributions enable LDFA to catalyze new programs and enhance existing programs across the region that provide equal opportunities for all.

This certification is not required but may impact potential consideration of the appointment being sought. I authorize the use of the information provided above to conduct a background search, including but not limited to criminal history, residency, and indebtedness to the City of Lansing. If selected to serve, I further authorize additional background checks during the term of my service to ensure the required criteria continue to be met. I also acknowledge that I have the affirmative duty to inform the City if I become aware of any change or condition in my status that fails to meet the required criteria.

Agreement to Background Check Authorization	• I disagree

Please type your name in this box to signify that you can serve on a board or commission and the information in this application is accurate to the best of your knowledge.	David Washburn
Date & Time	12/30/2022 12:00 PM (EST)
Receive an email copy of this form.	Yes

DAVID A. WASHBURN, JR.

East Lansing, MI 48823 | 217-840-7883 | davewash@gmail.com | https://www.linkedin.com/in/davidwashburn/

Executive Summary

Personal Information
Place of Birth: Chicago, Illinois
Citizenship: USA

Current Position
Executive Director, Michigan State University Research Foundation

Education
2009 – MBA, Gies College of Business, University of Illinois at Urbana-Champaign
1988 – BA, College of Liberal Arts & Sciences, University of Illinois at Urbana-Champaign

Dates/Positions/Employer

2014 – Present	Executive Director, Michigan State University Research Foundation (East Lansing)
	President, Spartan Innovations (MSURF wholly owned subsidiary)
	Founder and President, Red Cedar Ventures (MSURF wholly owned subsidiary)
	Co-Founder and President, Michigan Rise Pre-Seed III Fund (MSURF wholly owned subsidiary)
	President, University Corporate Research Park I (MSURF wholly owned subsidiary)
	President, Foundation Park, LLC (MSURF wholly owned subsidiary)
	President, MBI International (MSURF wholly owned subsidiary)
2011 – 2014	President and Chief Executive Officer, University of Tennessee Research Foundation (Knoxville)
	Vice President, University of Tennessee Research Foundation
	Secretary, Cherokee Farm Development Corporation
2001 – 2011	Assistant Director, University of Illinois Office of Technology Management (Urbana)
2000 – 2001	Entrepreneur & Consultant (Champaign)
1999 – 2000	Business Development Director, Argus Systems Group (Champaign)
1997 – 1999	Financial Analyst, InstallShield Software Corporation (Schaumburg)
	International Channels Manager, InstallShield Software Corporation
1996 – 1997	Sales Executive, Kuck & Associates (Champaign)
1989 – 1996	Director of International Business Development, Wolfram Research, Inc. (Champaign)
	Manager, European Business Development, Wolfram Research Europe Ltd (Oxford, UK)
	Sales Associate, Wolfram Research, Inc. (Champaign)
1988 – 1989	Data Analyst, Information Resources, Inc. (Chicago)

University Committees

2020 – Present	Committee, APLU Innovation and Economic Prosperity (IEP) Designation Project
2020 – 2021	Executive Participant, MSU Planning Committee for Strategic Planning, DEI, and RVSM
2014 – 2019	Observer, Michigan State University Investment Advisory Committee
2020 – Present	Burgess Institute for Entrepreneurship and Innovation, Michigan State University
2001 – Present	Chaired or served on over 25 search committees

Subsidiary and Portfolio Company Boards

2014 – Present	Board, Michigan State University Research Foundation
2014 – Present	Board, Spartan Innovations, L3C
2015 – Present	Board, Red Cedar Ventures, LLC

2020 – Present	Board, Michigan Rise Pre-Seed III Fund, LLC.
2014 – Present	Board, University Corporate Research Park I, LLC.
2022 – Present	Board, Foundation Park I, LLC.
2015 – 2016	Board, Course Weaver, Inc. (Red Cedar Portfolio Company)
2016 – 2017	Board, Phenometrics, Inc. (Red Cedar Portfolio Company)
2011 – 2014	Director and Secretary, Cherokee Park Development Corporation
	Director, University of Tennessee Research Park (UTRF Subsidiary)
	Director, Tennera, Inc. (UTRF Subsidiary)
	Director, Asset.TN, Inc. (UTRF Subsidiary)

Honors, Awards, Nominations, Appointments
2022 – Michigan Venture Capital Association – Community Impact Award Nomination (Michigan Rise)
2021 – Association of University Research Parks – Emerging Research Park Award
2020 – US Small Business Administration – Tibbetts Award Winner
2019 – Lansing Regional Chamber – Regional Growth Award
2018 – Global Consortium of Entrepreneurship Centers – Outstanding Contributions to Venture Creation
2017 – Gubernatorial appointment, Michigan Economic Development Corporation, Board of Directors
2013 – University of Tennessee Leadership Institute

Licensure and Certifications
Certified Licensing Professional (2000-2015)

Military Service
None

Community and Regional Service
- Board, Local Development Finance Authority (Lansing) (2014-Present)
- Board, Prima Civitas (501(c)(3)) (2018-2021)
- Board Member, Life Science Tennessee (2012-2014)
- Entrepreneurship Committee, Launch Tennessee (2011-2014)
- Board, Orpheum Children's Science Museum (2005-2007)
- High Tech Committee, Economic Development Corporation of Champaign County (2009-2011)
- Champaign Rotary (2001-2007)

Professional Societies and Organizations
- Association of University Technology Managers (AUTM)
- Association of University Research Parks (AURP)
- Association of Governing Boards (AGB)
- Certified Licensing Professionals (CLP)
- Licensing Executives Society (LES)
- Michigan Venture Capital Association (MVCA)
- National Venture Capital Association (NVCA)

Grants Received
2023 – Lansing Economic Area Partnership, Conquer Accelerator Sponsorship - $20K
2023 – Lansing Economic Area Partnership, TIC Incubator Upgrades - $30K
2023 – Global Epicenter of Mobility - $400K

2022 – Michigan Economic Development Corporation InsurTech Grant - $60K
2022 – Lansing Economic Area Partnership MedTech SBIR Accelerator Grant - $300K
2021 – Grand Rapids LDFA Gateway and BAF Grant - $280K
2021 – Grand Rapids LDFA Conquer/CADE Grant - $300K
2020 – Grand Rapids LDFA - $2.5M
2020 – Michigan Economic Development Corporation - $25M
2020 – SBDC – Business Accelerator Fund - $1M
2018 – McLaren Greater Lansing (Spartan Forward Fund) - $5M

Volunteer Activity

- High School Swim & Dive – Meet Management Platform, Swim & Dive scoring (2005-2020)
- Youth Baseball Coach & Umpire

Employment Chronology with Key Contributions

Michigan State University Research Foundation

Executive Director (2014 – Present)
Chief executive responsible for leading Michigan State University Research Foundation. Responsibilities include oversight of an investment portfolio; trust services, annual grant program; venture creation and venture investing, and innovation park development. Close collaborator to 5 Michigan State Presidents, executive leadership teams, the Board of Trustees and an independent Board of Directors.

Provide leadership, guidance, and responsible for the overall execution of all Foundation functions and activities in alignment with our mission to assist Michigan State University achieve its objectives related to research commercialization and economic development. Grew team from 8 to 35 full time professionals, 16 Entrepreneurs-In-Residence, student interns and numerous service providers driving day-to-day operations in all functional areas including endowment management, finance, operations, human resources, information technology, marketing and communications and facilities.

- Investment Management – Responsible for managing the Foundation's $500M investment portfolio in close collaboration with the Foundation's investment committee and investment consultants (Cambridge Associates & BlackRock). Restructured the investment strategy in 2020, building in-house analysis, reporting and investment capabilities. Ad-hoc service to MSU Investment Advisory Subcommittee within the office of the Chief Investment Officer at Michigan State University.
- Trust Functions – Oversee select trust functions for Michigan State in close collaboration with University Advancement. Programs include stewarding non-cash gifts, contract gift annuities, gifts of life insurance, land and real estate. Hold and manage equity related to university start-up companies, hold, and manage select restricted endowments and serve as an executive participant in MSU's ***Empower Extraordinary*** campaign yielding $1.8B in gifts from over 255,000 donors.
- Grant Program – Administer $15M+ annual grant program supporting MSU technology transfer, interdisciplinary research, undergraduate entrepreneurship, endowed chairs, and institutional advancement. Established new programs in cooperation with MSU leadership including **MSU Foundation Professorships** and support for **Women in Venture Capital and Private Equity** student organization, **Women in Computing**, and scholarship in arts & humanities. Since 2014, delivered over $150M in grants from the MSU Research Foundation to Michigan State University.

- Program Investments – Develop & oversee impact investment program with projects strategic to the Foundation's and MSU's mission. Programs include the **$5M Student Investment Fund**, the **Student Venture Capital Fund**, **Burgess Institute for Entrepreneurship and Innovation**, and LP investments in select early-stage investment funds in Michigan that bridge university startup activity to capital sources.
- Economic Development – Built, fund and operate a system of resources designed to assist students, faculty, and staff to commercialize their intellectual property via a startup company. Reduced risk to Foundation corpus by establishing wholly owned subsidiaries and provide support for operations and governance. Subsidiaries include:
  - Spartan Innovations, L3C. – President of wholly owned venture development organization charged with creating new start-up companies to commercialize intellectual property. Programs include ***Conquer Accelerator***, support to submit SBIR/STTR grants and other non-dilutive funding programs (NSF i-Corp, Advance Grant, MTRAC, PFI), ***Entrepreneur-In-Residence*** and ***Mentor-In-Residence*** programs and ***Regional Diversity in Entrepreneurship program (CADE)***. Won $3.2M grant from City of Grand Rapids to provide venture development services for a period of 3 years in collaboration with the MSU College of Human Medicine and numerous grants and collaborations with the Local Development Finance Authority of Greater Lansing.
  - Red Cedar Ventures – Created an early-stage, wholly owned venture funds that provide early-stage financing to companies launched by Spartan Innovations and based on MSU intellectual property. Fund family includes:
    - **RCV Pre-Seed Fund** – Beginning in 2014, deploy an average of $700K annually as "first money" into newly launched startup companies.
    - **RCV Opportunity Fund I** – a $5M fund to perform follow on investing for select startup companies that achieve traction within the venture community by winning follow-on funding.
    - **RCV Opportunity Fund II** – board approval in June 2022 for a $5M fund to provide follow on investments for startup companies achieving traction within the venture community.
  - Michigan Rise Pre-Seed III Fund – Proposed and won competition to manage the State of Michigan's $15.3M Pre-Seed venture fund in collaboration with Michigan Economic Development Corporation (MEDC) and the Michigan Strategic Fund in August 2020. Supplemented fund with $2M from Foundation Impact Investment program. Invested $7M+ in 50 companies throughout the state of Michigan and MEDC has added $10M to the fund as of September 2022.
  - Real Estate Development – Developed and manage a $50M portfolio of strategic real estate holdings adjacent to campus that are available for entrepreneurs and corporate partners of Michigan State University.
    - Developed a real estate practice group that manages over 60 incubator tenants and corporate partners to MSU with $3.6M in gross revenue that produces Operating Income of $500,000/year.
    - Acquired and managed a $15M renovation of the *4000 Collins Building*, a 70,000 sq. ft. office building south of the *University Health Park*. Sold building to Michigan State University.
    - Transformed dormant *University Corporate Research Park* into the *University Health Park*, a 110 acre park south west of MSU's campus. Negotiated and closed 55-acre land and office building transaction with McLaren Greater Lansing leading to the development of a new $600M replacement hospital that includes a 240-bed state of the art hospital, cancer center, ambulatory surgical center, and teaching facilities to support health care delivery, medical education and research.

  - Acquired, renovated, and manage the 22,000 sq. ft. *VanCamp Incubator* facility off campus. Converted single tenant chemistry building into a multi-tenant wet lab incubator facility. Fully leased within 9 months of completion operating at 4% cash-on-cash with no debt.
  - Developed a 63,000 sq. ft. headquarters facility in MSU's Spartan Village site for TechSmith Corporation, an MSU alumni founded startup with over 300 employees. Opened in September 2022 with projected 10.3% cash-on-cash returns.
  - Co-developed *Bridge Incubator* Facility, an 18,000 sq. ft. co-working space on the 4th Floor of the Doug Meijer Medical Office Building in Grand Rapids in close collaboration with the MSU College of Human Medicine, Rockford Construction and Local Development Finance Authority of Grand Rapids. Facility opened December 2022.

- Board of Directors & Advisory Boards – Responsible for facilitating the activities of the Officers and Directors of the Foundation carrying out their responsibilities under Foundation bylaws. Personally recruit and onboard all board members which includes the 5 top executives at Michigan State University, 2 members of the Michigan State University Board of Trustees and up to 17 outside directors. Created a 24-member Advisory Board in May 2019 to cultivate the next generation of board members. Welcomed all former board members to join an *Emeritus Board* providing yearly updates on one-on-one update calls that support university advancement objectives.

The University of Tennessee Research Foundation (2011-2014)

President/CEO (2013 – 2014)

Oversee a team of technology transfer professionals to grow and promote commercialization as a part of the research mission and culture at the University of Tennessee. UTRF manages over 250 active license agreements and supports more than 45 startup companies in the state. Focus is on economic impact to the region and have been attributed to capital investments in UTRF startups, the success subsidiary spinout companies, patent investments, research agreement revenues to develop Intellectual Property, and licensing.

Technology Transfer – Reporting directly to the Board of Directors, led 18 professionals across the UT system responsible for commercializing inventions derived from $300M in research expenditures created from 4 campuses and 3 institutes across the UT System. Overall financial responsibility for entity with $65M in assets and a $3.8M operating budget. Authored 2013 and 2014 budgets and 5-year Strategic Plan. Organized Volunteer Ventures, a pre-seed investment idea (never implemented) and served as an implementation champion for UT President's Strategic Plan. Worked closely with UT Battelle, a 50/50 partnership responsible for management of the Oak Ridge National Laboratory.

Subsidiary Leadership - In collaboration with UT, oversee strategic research projects and development and management of UTRF subsidiary companies in conjunction with the Office of the Executive Vice President of the UT System including UT Research Park at Cherokee Farm, Clinical Trials startup, ASSET.TN, Tennera, Inc. and services for the West Tennessee Solar Institute.

Vice President (2011 –2013)

Technology Transfer - Provide day to day management for technology transfer activity, commercialization, innovation and entrepreneurial activity based on inventions created by faculty, staff & researchers in the Knoxville office. Oversee technology transfer activities including 13 FTE's and 2 student interns in the Knoxville office. Increased all AUTM metrics in FY 2012 including 4 new startup companies. Created student internship program; Entrepreneurial workshop series; oversee technology marketing; IP portfolio management and judge business plan competitions.

Drive Partnerships - Drive and refine strategic partnerships with key internal and external entrepreneurial service providers such as Tech2020, Launch Tennessee, Innovation Valley, Inc., the Anderson Center for Entrepreneurship & Innovation within the College of Business, Law Clinic at the UT College of Law, Oak Ridge National Laboratory via UT-Battelle and TN Investment Companies (TN Investco), a network of 9 state funded VC firms.

University of Illinois at Urbana-Champaign (2001-2011)

The Office of Technology Management is the Technology Transfer office at the Urbana-Champaign campus.

Senior Technology Manager & Assistant Director - Provided leadership, strategic direction, and license transaction activities for UIUC software commercialization practice. Managed commercialization life cycle identifying, protecting, marketing, and executing license transactions on IP owned by the University and closed 60+ major royalty bearing IP transactions that will yield $5M+ over their respective lifetimes.

Startup Company Formations - Instrumental in helping to create 25 start-up companies that raised over $100M in venture capital investment with combined valuation exceeding $450M.

Corporate Partnerships – part of a team that negotiated the IP rights in corporate sponsored research agreements between Illinois and companies such as Apple, GE, Rolls Royce, Google, Microsoft, Intel, Yahoo, Samsung, Boeing, and others.

Mobile App Center - Created and lead the “Mobile Application Center of Excellence” initiative to capitalize on community of developers targeting opportunities in the mobile sector.

Software Licensing - Co-led the creation of the UIUC/NCSA Open-Source License initiative which was approved by the OSI in May 2002.

Operations - Committee member of departmental IT group charged with selection, installation, testing and implementation of IT productivity software tools for OTM (OTM website, SalesForce CRM, SharePoint Enterprise Collaboration Suite, IPPortfolio (IP Management Software from Knowligent), and Reporting Services.)

VerticalPlains, Inc. (1999-2001)

Started or participated in a variety of entrepreneurial efforts with varied success during the dot com downturn. Select projects include:

- Argus Systems Group – Trusted Operating Systems ($17M raised, limped through dotcom crash, assets eventually acquired by General Dynamics)
- KnowledgePort Alliance (Y-combinator styled incubator; could not close significant Series A)
- Technology Transfer consulting at UIUC which eventually became full time.
- Self-taught web developer leveraging platforms such as WordPress, Drupal, Joomla, and SalesForce to assist businesses in building initial websites.

East Lansing, MI 48823 | 217-840-7883 | davewash@gmail.com | https://www.linkedin.com/in/davidwashburn/

InstallShield Software Corporation (1997-1999; acquired by Flexera)
InstallShield was the de-facto software deployment tool for the Windows platform. The company raised over $35M in venture funding from TA Associates, VenRock and Summit Partners.

Financial Analyst – Coordinated and produced company strategic plan and oversaw budget formation while collaborating with 18 separate units. Lead all financial reporting activities working closely with CEO, CFO, Investors, and the Board.

Director International Business Development - Accelerated the growth of worldwide sales pushing channels sales from $6M to $12M. Removed a distribution layer and created two European offices – one via acquisition, the other was built from the ground up. Executed all marketing campaigns and business development activities throughout Europe.

Kuck & Associates, Inc. (1996-1997; acquired by Intel)
KAI developed parallel computing software tool for the Supercomputing and HPC markets. The company was funded by Angel Investors.

Manager of Business Development - Sold KAI C++ compiler tool into commercial, federal and education sectors.

Wolfram Research (1989-1996)
Wolfram Research is the developer of Mathematica and Wolfram|Alpha search engine.

Manager of International Business Development - Created subsidiary office in Tokyo. Oversaw all sales, marketing and channel development outside the US, Europe and Japan managing a team of 6 professionals.

European Sales Manager - Established European subsidiary office during a two-year stint in Oxford, UK. Grew European revenue by 55% in two years through direct sales, channel sales and marketing efforts.

Account Executive - Closed sales with 200 top research universities in the U.S. and Canada

Information Resources, Inc. (1988-1989)
IRI is a market research firm that provides information, analytics, business intelligence and consulting services to the world's leading CPG companies.

Data Analyst – Data reporting analyst in Marketing Fact Book and BehaviorScan services group.

DAVID A. WASHBURN, JR.

East Lansing, MI 48823 | 217-840-7883 | davewash@gmail.com | https://www.linkedin.com/in/davidwashburn/

Bio

David Washburn is Executive Director of the Michigan State University Research Foundation, the non-profit research foundation associated with Michigan State University. The MSU Research Foundation manages a $500M endowment built from decades of licensing royalties. In addition to providing over $15M in grants to Michigan State University, the MSU Research Foundation is a key funder and driver in the MSU entrepreneurial ecosystem; funding, developing, and operating programs and assets that catalyze technology commercialization, new venture creation, early-stage venture investing, ongoing entrepreneurial support and placemaking through real estate development and ecosystem development. The MSU Research Foundation is governed by a board of directors which includes the top executives at Michigan State University as well as independent directors. Dave serves as President of all MSU Research Foundation subsidiary organizations including Spartan Innovations, Red Cedar Ventures, Michigan Rise Pre-Seed III Fund, University Corporate Research Park, and MBI International. He serves on the board of the Lansing Development Finance Authority and was appointed to the board of the Michigan Economic Development Corporation from 2015-2019.

Prior to the MSU Research Foundation, Dave was President and CEO of the University of Tennessee Research Foundation (UTRF) from 2011-2014 based in Knoxville. In this capacity, he led UT's technology transfer operations and was an officer of all UTRF subsidiary organizations including UT Research Park at Cherokee Farm, ASSET.TN, and Tennera, Inc. He was also a contributing member of the leadership team from UT that managed the technology commercialization relationship with Oak Ridge National Labs as part of the UT Battelle LLC management contract. He organized the Tennessee Venture Challenge business plan competition and served on the board of Life Science Tennessee and the entrepreneurship committee of Launch Tennessee - a public-private partnership focused on supporting the development of high-growth companies in Tennessee.

Prior to the University of Tennessee Research Foundation, Dave was Senior Technology Manager and Assistant Director at the Office of Technology Management at the University of Illinois at Urbana-Champaign (UIUC) from 2001 to 2011 where he led the software commercialization practice and helped form 25 startup companies that raised over $100M in venture capital at an aggregate valuation exceeding $400M.

Prior to his roles in university economic development, Dave held management positions in venture backed software companies in Illinois in the scientific software and programming tools sectors. From 2000-2001, he helped form a venture accelerator company KnowledgePort Alliance (KPA). Prior to KPA, he was part of Argus Systems Group, a software security firm that raised $17M in corporate venture funds that was acquired by General Dynamics C4 Systems.

From 1997-2000, Dave was with InstallShield Software Corporation (acquired by Macrovision) where he led the expansion of corporate operations in Europe by assisting in the acquisition of a German reseller and launching a subsidiary company InstallShield Ltd in Bristol, UK. From 1996-1997, Dave served Kuck & Associates, a programming tools and compiler company that was acquired by Intel. From 1989-1996, Dave was involved in sales, marketing and international business development for Wolfram Research, the makers of *Mathematica* and the Wolfram|Alpha computational knowledge engine, culminating in a two-year stint in Oxford from 1992-1994 to grow the company's presence in Europe.

Originally from Chicago, Dave grew up in Champaign. He holds a BA and MBA from the University of Illinois at Urbana-Champaign.

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

WHEREAS, the Mayor has made the appointment of David Washburn as a City of Lansing member of the Local Development Finance Authority for a term to expire June 30, 2025; and

WHEREAS, the nominee has been vetted by the Mayor's Office and meets the qualifications as required by the City Charter; and

WHEREAS, the Committee on Development & Planning met on April 19, 2023 and took affirmative action.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of David Washburn as a City of Lansing member of the Local Development Finance Authority for a term to expire June 30, 2025.

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.

(c) The Board shall meet at least once a month.

(d) The affirmative vote of five board members shall be necessary for the Board to take action.

(e) The Board shall be responsible for the following:

(1) Developing a program for the promotion of economic activity in the Principal Shopping District by conducting market research, public relations campaigns, retail and institutional promotions, special events, and other similar activities;

(2) Developing a written program for the maintenance, security, and operation of the public outdoor spaces within Zone A;

(3) Issuing permits required by Section 812.04;

(4) Advising the Mayor and Council on methods for financing its operations;

(5) Filing with the City Clerk, the Mayor, and Council, prior to January 30 of each year, a written report detailing its activities;

(6) Filing with the City Clerk, the Mayor, and Council, prior to August 15 of each year, an independent audit of all accounts, made by a certified public accountant at the close of the fiscal year ending on June 30;

(7) Filing with the City Clerk, the Mayor, and Council, prior to June 30 of every year, its budget for the next fiscal years commencing on July 1;

(8) Filing with the City Clerk, the Mayor, and Council, prior to June 30 of every third year starting in 2011, documentation necessary for the Council to make a special assessment for purposes of developing the Principal Shopping District in accordance

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

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

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

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

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

Approved as to form:

____
City Attorney

Dated: ______________________________

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

Resolution to Establish an Industrial Development District

WHEREAS, pursuant to PA 198 of 1974, as amended, the City Council of the City of Lansing has the authority to establish "Industrial Development Districts" within the City of Lansing; and

WHEREAS, the City of Lansing received and filed a request from Consumers Energy Company, to establish an Industrial Development District, pursuant to Public Act 198 of 1974, as amended, on property more fully described in this resolution; and

WHEREAS, construction, acquisition, alteration, or installation of a proposed facility has not commenced at the time of filing the request to establish this district; and

WHEREAS, written notice has been given by mail to all owners of real property located within the proposed Lansing Industrial Development District, and to the public by newspaper advertisement in the **[City Pulse]** and/or public posting of the hearing on the establishment of the proposed district; and

WHEREAS, a public hearing on the creation of the district was held on the April 10, 2023, at which time all owners of real property within the proposed Lansing Industrial Development District and all interested persons, residents and taxpayers of the City of Lansing were afforded an opportunity to appear and be heard thereon; and

WHEREAS, the Council of the City of Lansing deems it to be in the public interest of the City of Lansing to establish the Lansing Industrial Development District (IDD-01-23) as proposed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Lansing that the following described parcel of land situated in the City of Lansing, Eaton County, and State of Michigan is established as an Industrial Development District pursuant to the provisions of PA 198 of 1974, as amended, to be known as Lansing Industrial Development District IDD-01-23:

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

BE IT FURTHER RESOLVED, this Resolution shall not be construed as the City Council's approval of any future tax abatement or tax exemption applications from Consumers Energy Company, or any other applicant.

Reset Form

Michigan Department of Treasury
3427 (Rev. 12-20)

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 Potterville 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
- [x] Office Operations
- [ ] Mining
- [ ] 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) Jeffrey J. Shingler		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 ha 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

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.

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. <u>Scope Of The Exemption.</u>

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. <u>The Project's Relocation.</u>

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. <u>Limitation of Remedies</u>.

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. <u>Force Majeure</u>.

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.

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

Approving a New Personal Property Exemption for
Consumers Energy Located at 7000 North Canal Rd.

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

WHEREAS, the City of Lansing meets the definition of an “Eligible Local Assessing District” under of PA 328 of 1998, Section 9(h), by virtue of containing an eligible distressed area as defined by Section 7(f)(i), in accordance with PA 346 of 1966, Section 11; and

WHEREAS, the City Council of the City of Lansing established Lansing Industrial Development District IDD 01-23 on the property located at 7000 North Canal Rd., Dimondale, Michigan 48821 pursuant to PA 198 of 1974 on April 24, 2023 as required under PA 328 after a public hearing held on April 10, 2023; and

WHEREAS, a public hearing was held April 10, 2023, on the Consumers Energy Company application for a New Personal Property Exemption, at which, and with advance written notice, the assessor, all representatives of affected taxing units, and all other residents and taxpayers were afforded an opportunity to appear and be heard on the application and exemption request; and

WHEREAS, Consumers Energy Company meets the definition of an “Eligible Business” as defined by PA 328 of 1998 and is primarily engaged in Office Operations within IDD-01-23.

WHEREAS, the new personal property was not placed in the facility within the qualified district prior to approval of the exemption by the City Council of the City of Lansing; and

WHEREAS, the applicant Consumers Energy Company is not delinquent on any taxes related to the facility, including taxes owed on existing personal property; and

WHEREAS, the exemption of new personal property for Consumers Energy Company shall have the effect of increased employment and retention of employment for the City of Lansing.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby approves the application of Consumers Energy Company for a New Personal Property Exemption (PPE-01-23) pursuant to Public Act 328 of 1998, as amended, for that portion of the IDD-01-23 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

BE IT FURTHER RESOLVED that the personal property exemption PPE-01-23 under Public Act 328 shall be for the period of twenty-five (25) years effective Dec. 31, 2023 and ending Dec. 31, 2048.

BE IT FINALLY RESOLVED that the City Clerk shall cause the application for exemption of new personal property PPE-01-23 to be completed and shall cause the completed application and a copy of this Resolution to be filed with the State Tax Commission.