

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF LANSING, MICHIGAN
CITY COUNCIL CHAMBERS, 10TH FLOOR
LANSING CITY HALL
124 W. MICHIGAN AVENUE



AGENDA FOR FEBRUARY 26, 2018

TO THE HON. MAYOR AND MEMBERS OF THE CITY COUNCIL:

The following items were listed on the agenda in the City Clerk's Office in accordance with Section 3-103(2) of the City Charter and will be ready for your consideration at the regular meeting of the City Council on Monday, February 26, 2018 at 7:00 p.m. at the Council Chambers, 10th Floor, City Hall.

- I. ROLL CALL
- II. MEDITATION AND PLEDGE OF ALLEGIANCE
- III. READING AND APPROVAL OF PRINTED COUNCIL PROCEEDINGS
Approval of the Printed Council Proceedings of February 12, 2018
- IV. CONSIDERATION OF LATE ITEMS (Suspension of Council Rule #9 is needed to allow consideration of late items. Late items will be considered as part of the regular portion of the meeting to which they relate.)
- V. TABLED ITEMS
- VI. SPECIAL CEREMONIES
 1. Tribute; in recognition of Herschel J. Roper
 2. Tribute; in recognition of the National Association of Women in Construction Lansing, MI Chapter #177
 3. Mayoral Presentation; Red Cedar Development Update
- VII. COMMENTS BY COUNCIL MEMBERS AND CITY CLERK
- VIII. COMMUNITY EVENT ANNOUNCEMENTS (Time, place, purpose, or definition of event – 1 minute limit)
- IX. SPEAKER REGISTRATION FOR PUBLIC COMMENT ON LEGISLATIVE MATTERS
- X. MAYOR'S COMMENTS
- XI. SHOW CAUSE HEARINGS
- XII. PUBLIC COMMENT ON LEGISLATIVE MATTERS (Legislative matters consist of the following items on the agenda: public hearings, resolutions, ordinances for introduction, and ordinances for passage. The public may comment for up to three minutes. Speakers must sign up on white form.)

XIII. COUNCIL CONSIDERATION OF LEGISLATIVE MATTERS

A. REFERRAL OF PUBLIC HEARINGS

B. CONSENT AGENDA

1. BY COUNCIL MEMBERS DUNBAR, GARZA, HUSSAIN, JACKSON, SPADAFOR, SPITZLEY, WASHINGTON, AND WOOD
 - a. Tribute; in recognition of Herschel J. Roper
 - b. Tribute; in recognition of the National Association of Women in Construction Lansing, MI Chapter #177
2. BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
 - a. Land Acquisition Project Agreement; Michigan Department of Natural Resources; Lansing Boat Club
3. BY THE COMMITTEE ON GENERAL SERVICES
 - a. Claim Disposition; Claim #1474; Kathleen Martin for \$407.00 for trash and debris removal fees at 913 Moores River Dr.
 - b. Claim Disposition; Claim #1438; Hamid Khorrami for \$500.00 for a board up fee at 834 Gier Street
4. BY THE COMMITTEE ON WAYS AND MEANS
 - a. Adult Baseball Fee Amendment
 - b. Local Bridge Program Funding; Michigan Department of Transportation
5. BY THE COMMITTEE OF THE WHOLE
 - a. Setting a Public Hearing In Consideration of and Ordinance to provide for Payment in Lieu of Taxes (PILOT) Porter Senior Apartments; 505 Townsend Street

C. RESOLUTIONS FOR ACTION

1. BY THE COMMITTEE ON WAYS AND MEANS
 - a. Grant Acceptance; Baseball Tomorrow Fund
 - b. Grant Acceptance; Michigan Commission on Law Enforcement

D. REPORTS FROM COUNCIL COMMITTEES

E. ORDINANCES FOR INTRODUCTION and Setting of Public Hearings

1. BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

- a. Z-1-2018; 600 Block East Michigan; Rezone from “H” Light Industrial District to “G-1” Business District

2. BY THE COMMITTEE ON PUBLIC SERVICES

- a. Ordinance to Amend Chapter 656.05; Park Hours

F. ORDINANCES FOR PASSAGE

XIV. SPEAKER REGISTRATION FOR PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS

XV. REPORTS OF CITY OFFICERS, BOARDS, AND COMMISSIONS; COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS
(Motion that all items be considered as being read in full and that the proper referrals be made by the President)

A. REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS

1. Letter(s) from the City Clerk re:

- a. Minutes of Boards, Commissions, and Authorities placed on file in the Clerk’s Office
- b. The Re-adoption and Recodification of Codified Ordinances
- c. Report of Board, Authority, and Commission Term Expirations

2. Letter(s) from the Mayor re:

- a. Act-4-2017, Easement for Consumers Energy’s North Lansing Pipeline Project
- b. Act-5-2017, 1620 Sunset Ave., Consumers Energy North Lansing Pipeline Easement
- c. Assessment Roll GB-2017 for the removal of trash and grass in Glenburne Commons
- d. Payment in Lieu of Taxes (PILOT) for Camelot Hills
- e. Payment in Lieu of Taxes (PILOT) extension for Friendship Manor Apartments
- f. Community Development Block Grant (CDBG) 2018-2019 Action Plan
- g. Red Cedar Development, Amended and Restated Real Estate Purchase and Development Agreement, Ferguson/Continental Lansing, LLC.
- h. Appointment of Paul G. Connors as an At-Large Member of the Board of Review for a term to expire June 30, 2021

- i. Appointment of Kurt F. Berryman as an At-Large Member of the Board of Zoning Appeals for a term to expire June 30, 2020
- j. Appointment of Jordan Leaming as a City of Lansing Member of the Capital Regional International Airport Authority for a term to expire September 30, 2020
- k. Appointment of Frederick Schaible as a Member of the Elected Officers Compensation Commission for a term to expire October 1, 2025
- l. Appointment of Derek Melot as a Member of the Elected Officers Compensation Commission for a term to expire October 1, 2026
- m. Appointment of Gillian Dawson as a Member of the Elected Officers Compensation Commission for a term to expire October 1, 2027
- n. Appointment of Paul G. Connors as an At-Large Member of the Historic District Commission for a term to expire June 30, 2019

B. COMMUNICATIONS AND PETITIONS, AND OTHER CITY RELATED MATTERS

- 1. Claim Appeal; Claim #1509, Jose Lopez for Grass and Weeds at 1012 Ontario St.

XVI. MOTION OF EXCUSED ABSENCE

XVII. REMARKS BY COUNCIL MEMBERS

XVIII. REMARKS BY THE MAYOR OR EXECUTIVE ASSISTANT

XIX. PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS (City government related matters are issues or topics relevant to the operation or governance of the city. The public may comment for up to three minutes. Speakers must sign up on yellow form.)

XX. ADJOURNMENT

A handwritten signature in black ink that reads "Chris Swope". The signature is written in a cursive, flowing style.

CHRIS SWOPE, CITY CLERK

Persons with disabilities who need an accommodation to fully participate in this meeting should contact the City Clerk's Office at (517) 483-4131 (TDD (517) 483-4479). 24 hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodation requests.

BY COUNCIL MEMBERS DUNBAR, GARZA, HUSSAIN, JACKSON,
SPADAFOR, SPITZLEY, WASHINGTON AND WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Herschel J. Roper has been a long time member of the Lansing community; and

WHEREAS, Herschel J. Roper was a teacher in the Lansing School District bringing his level of expertise and experience to Pattengill Middle School, Sexton High School, Gardner Middle School, Eastern High School and Otto Middle School. Herschel also impacted the Lansing area and college community when he taught at Lansing Community College on the Social Services and Health Careers; and

WHEREAS, Herschel J. Roper in his role as a director and supervisor brought guidance and assistance to the Lansing Community through the Michigan Tri-County Community Mental Health Board Comprehensive Substance Abuse Treatment Program and the Tri-County Community Mental Health Board; and

WHEREAS, Herschel J. Roper served in the United States Army from December 1961 through November 1967 where he was a Special Forces Ranger and Paratrooper and went on to serve the Country through the Honor Guard and guarded the Tomb of the Unknown Soldier and participated in President John F. Kennedy's funeral.

THEREFORE BE RESOLVED THAT the Lansing City Council acknowledges and commends Herschel J. Roper on his many accomplishments for our Country and the many impacts he has had on the Lansing community.

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the National Association of Women in Construction Lansing, MI Chapter #177 has distinguished itself since February 20, 1971 as the voice of women in construction in the City of Lansing; and

WHEREAS, NAWIC is dedicated to the advancement of women in the construction industry. Integrity, professionalism, respect and courtesy are all fundamental values of NAWIC; and

WHEREAS, NAWIC is very involved and committed to community development and educational programs, and represent the Association to others within and outside of the construction industry.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council wishes to recognize the NAWIC Lansing, MI Chapter #177 for their continued service to the community. May you continue on in your journey and service for many more years to come.

BY THE COMMITTEE ON DEVELOPMENT & PLANNING

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

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

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Kathleen S. Martin, sought to eliminate a special assessment of \$407.00 for trash and debris removal fees, and all associated penalties and interest, on the property tax bill for 913 Moores River Drive (Tax ID #33-01-01-20-427-081); and

WHEREAS, upon filing a claim to the Committee on General Services, the claim in the amount of \$407.00 was denied on February 13, 2018.

THEREFORE, BE IT RESOLVED, that the City Council, hereby, denies the claim of Kathleen S. Martin in the amount of \$407.00 for trash and debris removal fees, and all associated penalties and interest on the property tax bill for 913 Moores River Drive (Tax ID #33-01-01-20-427-081).

BE IT FURTHER RESOLVED, that the City Attorney shall take the appropriate steps to process this claim.

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Hamid R Khorrami, sought to eliminate a special assessment of \$500.00 for board up fees, and all associated penalties and interest, on the property tax bill for 834 Gier Street (Tax ID #33-01-01-03-352-401); and

WHEREAS, upon filing a claim to the Committee on General Services, the claim in the amount of \$500.00 was denied on February 13, 2018.

THEREFORE, BE IT RESOLVED, that the City Council, hereby, denies the claim of Hamid R Khorrami in the amount of \$500.00 for board up fees, and all associated penalties and interest on the property tax bill for 834 Gier Street (Tax ID #33-01-01-03-352-401).

BE IT FURTHER RESOLVED, that the City Attorney shall take the appropriate steps to process this claim.

**BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING**

WHEREAS, fees for services are to be approved by Lansing City Council; and

WHEREAS, administration is submitting fees for considered and approval prior to program implementation; and

WHEREAS, the Parks and Recreation Department desires to make a program of recreation services available to residents of Lansing and non-residents of Lansing; and

WHEREAS, the Parks and Recreation Department desires to offer these services at fees that recover the costs of providing these services;

WHEREAS, the new fees proposed are to compensate the Department of Parks and Recreation and help offset the costs involved in facilitating a Men's Adult Baseball League;

ADULT BASEBALL PROPOSED FEES:

	<u>Current fee</u>	<u>Proposed fee</u>
30+ Adult Baseball	\$ 907.00	\$1,007.00
40+ Adult Baseball	\$ 907.00	\$1,007.00
Adult Baseball City League	\$1,249.00	\$1,350.00

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council approves the fee schedule as stated above in this resolution, effective on the date of passage of this resolution for Recreation Equipment and Services:

RESOLUTION #
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
RESOLUTION APPROVING APPLICATION TO MICHIGAN DEPARTMENT OF
TRANSPORTATION FOR LOCAL BRIDGE PROGRAM FUNDING

WHEREAS the Michigan Department of Transportation (MDOT) is currently soliciting applications for candidate projects for the Local Bridge Program to be funded in the 2021 fiscal year; and

WHEREAS May 1, 2018 is the anticipated deadline for submitting the applications; and

WHEREAS up to five funding applications per agency for bridge projects can be submitted in accordance with the MDOT Call for Projects; and

WHEREAS the City of Lansing, Public Service Department, intends to submit Local Bridge Program funding applications to MDOT for the following five projects listed in the order of priority and funding category:

<u>Priority</u>	<u>Project</u>	<u>Funding Category</u>
1.	Aurelius Road over Pawlowski Creek	Rehabilitation
2.	E Elm Street over Red Cedar River	Replacement
3.	S Washington Avenue over Grand River	Preventative Maintenance
4.	N Grand River Avenue over Grand River	Rehabilitation
5.	N M.L. King Jr Boulevard over Grand River	Preventative Maintenance

WHEREAS, if successful, the City would receive state or federal funding to finance 95% of construction cost, and the City would fund 5% of the construction and 100% of the engineering costs for any bridge project selected; and

WHEREAS the estimated construction cost of the above listed projects and City's share of construction and engineering costs are tabulated below; and

#	Project	Estimated Construction Cost	City's Share		
			Match 5%	Engineering 25%	TOTAL
1	Aurelius Rd over Pawlowski Creek	\$396,000	\$19,800	\$99,000	\$118,800
2	E Elm St over Red Cedar River	\$2,965,000	\$148,250	\$741,250	\$889,500
3	S Washington over Grand River	\$330,000	\$16,500	\$82,500	\$99,000
4	N Grand River Ave over Grand River	\$1,501,000	\$75,050	\$375,250	\$450,300
5	N M.L. King Jr Blvd over Grand River	\$158,000	\$7,900	\$39,500	\$47,400

WHEREAS, any one or any combination of the above five projects could be approved for 2021 funding; and

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves the submittal of the FY 2021 funding applications for the MDOT's Local Bridge Program as listed in the priority above.

BE IT FURTHER RESOLVED that upon grant award, the Mayor is authorized through the Public Service Director to administratively appropriate the necessary accounts for City costs associated with any bridge project selected, which will be budgeted with Act 51 funds.

BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a second public hearing be set for Monday, March 12, 2018 at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of supporting and/or opposing the Ordinance amending the Payment in Lieu of Taxes (PILOT) for PORTER SENIOR APPARTMENTS.

This second hearing date is due to the verification by the City Clerk's office that the required notification was not published in required time for the hearing.

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
RESOLUTION #

WHEREAS, the Baseball Tomorrow Fund has available funding for improving fields for youth baseball/softball; and

WHEREAS, the grant will be used to improve the baseball/softball fields at Quentin Park; and

WHEREAS, the grant will be carried through by Lansing Parks and Recreation; and

WHEREAS, the total for these activities is \$141,414.00; and

WHEREAS, the improvements provided will include improved drainage and the addition of fencing and dugouts to both fields at Quentin Park;

NOW, THEREFORE BE IT RESOLVED that the City Council approves the acceptance of the Grant from the Baseball Tomorrow Fund for \$60,000.00 for February 2018-June 2018; and

BE IT FINALLY RESOLVED, that, the Administration is authorized to create appropriate accounts and to make the necessary appropriations and transfers for the expenditure and control of the balance of the grant funds.

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, The Lansing Police Department (LPD) submitted a 65% Michigan Justice Training Fund Grant to the Michigan Commission on Law Enforcement Standards (MCOLES); and

WHEREAS, The Michigan Commission on Law Enforcement Standards has awarded \$24,332.40 to the City of Lansing; and

WHEREAS, the award will pay for the speaker costs of \$15,800 while conducting “Surviving Verbal Conflict: Verbal De-Escalation” training; and

WHEREAS, the award of \$24,332.40 requires a 35% local match from the City totaling \$8,532.40 split into two categories – Travel (\$4,500) and Personnel Costs (\$4,032.40/In-Kind);

NOW, THEREFORE, BE IT RESOLVED, The Lansing City Council approves acceptance Michigan Commission on Law Enforcement Standards (MCOLES) grant total amount of \$24,332.40 for the grant period beginning January 1, 2017 and ending December 31, 2017; and

BE IT FINALLY RESOLVED, The Administration is authorized to create appropriate accounts and to make the necessary operating transfers for the expenditure and control of the balance of the grant funds.

INTRODUCTION OF ORDINANCES

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

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

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

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

BY THE COMMITTEE ON DEVELOPMENT & PLANNING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, March 26, 2018, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

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

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

ORDINANCE # _____

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

The City of Lansing ordains:

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

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

Case Number: Z-1-2018

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

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

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

Section 3. This ordinance was duly adopted by the Lansing City Council on _____, 2018, and a copy is available in the office of the Lansing City Clerk, 9th Floor, City Hall, 124 W. Michigan Avenue, Lansing, MI 48933.

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

INTRODUCTION OF ORDINANCE

The Committee on Public Services introduced:

An Ordinance of the City of Lansing, Michigan, to amend Chapter 656.05 of the Lansing Codified Ordinances by providing for the times city parks are closed.

The Ordinance is read a first time and referred to the Committee on Public Services

RESOLUTION SETTING PUBLIC HEARING

By the Committee on Public Services

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, March 12 at 7:00 p.m. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering An Ordinance of the City of Lansing, Michigan, to amend Chapter 656.05 of the Lansing Codified Ordinances by providing for the times city parks are closed, and setting a Public Hearing.

Interested Persons are invited to attend this Public Hearing

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND

CHAPTER 656.05 OF THE LANSING CODIFIED ORDINANCES BY PROVIDING FOR

THE TIMES ~~CITY~~ PARKS ARE CLOSED. THE CITY OF LANSING ORDAINS:

Deleted: AND PORTIONS OF THE RIVER TRAIL

Section 1. That Chapter 656.05, Sections (a) and (b), of the Codified Ordinances of the

City of Lansing, Michigan, be and is hereby amended to read as follows:

656.05. Persons in closed park prohibited; exception.

(a) Except as otherwise provided in this section, all City parks ~~INCLUDING~~ all parking lots

Deleted: E

that serve City parks ~~WITHIN THE CITY~~ shall close ~~DUSK TO DAWN UNLESS A CITY~~

Deleted: and

~~SPONSORED OR APPROVED ACTIVITY AT A LIGHTED PARK IS OCCURRING.~~

Deleted: AND PORTIONS OF THE RIVER TRAIL THAT ARE

Deleted: at 10:00 p.m.

(b) If the closing time ~~of~~ a city park is set at a time ~~DIFFERENT THAN DUSK TO DAWN,~~

Deleted: OF

notice of the closing time of that park shall be posted at the regular entrance to the park. If no

Deleted: in

regular entrance to the park exists, the notice of the ~~EXPANDED~~ closing time of that park shall

Deleted: earlier than 10:00 p.m.

be posted at such other places which, in the sole discretion of the Director of Parks and

Recreation, are likely to inform persons coming into the park of the park's closing time.

(c) No person or vehicle shall enter or be within any park or portion thereof or any parking lot or

portion thereof which serves any City park when it is closed, except City or other public officials

or employees in the course of their duties, unless such person has written permission to do so

from the Director of Parks and Recreation or an authorized representative thereof.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules,

inconsistent with the provisions hereof are hereby repealed in their entirety and shall be void and

of no effect.

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

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

6 Approved as to form:
7
8

9 _____
10 City Attorney
11
12

Dated: _____



Chris Swope
Lansing City Clerk

February 23, 2018

Members of the Lansing City Council
10th Floor City Hall
Lansing, MI 48933

Dear Councilmembers:

The Minutes from the Meetings of the following Boards, Commissions, and Authorities of the City of Lansing were placed on file in the City Clerk's Office and are available for review in the City Clerk's Office and at the following website: <http://lansingmi.gov/AgendaCenter>

BOARD NAME

DATE OF MEETING

Board of Police Commissioners

February 20, 2018

If my staff or I can provide further assistance or information relative to the filing of these minutes, please contact us at 483-4131.

Sincerely,

Chris Swope, CMC, CMMC
Lansing City Clerk

Lansing City Clerk's Office
Ninth Floor, City Hall, 124 W. Michigan Ave., Lansing, MI 48933-1695
517-483-4131 □ 517-377-0068 FAX

www.lansingmi.gov/clerk □ clerk@lansingmi.gov



Chris Swope
Lansing City Clerk

February 21, 2018

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

Dear President Wood and Council Members:

Attached for your review and appropriate action is a draft ordinance re-adopting the codified ordinances of the City of Lansing,

Sincerely,

Chris Swope, CMMC/MMC
Lansing City Clerk

ORDINANCE No. _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, RE-ADOPTING THE
CODIFIED ORDINANCES OF THE CITY OF LANSING,

WHEREAS, THE READOPTION AND RECODIFICATION OF CODIFIED ORDINANCES,
PURSUANT TO CHARTER SECTIONS 3-307 AND 3-309, IS BEFORE THE CITY
COUNCIL; AND NOW THEREFORE

THE CITY OF LANSING ORDAINS:

SECTION 1. THAT THE CODE OF ORDINANCES OF THE CITY OF LANSING,
MICHIGAN, AS AMENDED AND REPUBLISHED BY MUNICIPAL CODE
CORPORATION THROUGH SUPPLEMENT 47, AND ALL GENERAL AND PERMANENT
LEGISLATION OF THE CITY FROM THE DATE OF ENTRY THROUGH DECEMBER 31,
2017, EXCEPT AN ORDINANCE REPEALED BY REPLACEMENT AND AS PROVIDED
BY LAW, AS REVISED, CODIFIED, ARRANGED, NUMBERED, EDITED AND
CONSOLIDATED INTO COMPONENT CODES, TITLES, CHAPTERS AND SECTIONS
ARE HEREBY APPROVED AND READOPTED AS THE CODIFIED ORDINANCES OF
LANSING, MICHIGAN 2017, COMPLETE TO DECEMBER 31, 2017.

SECTION 2. THE READOPTION OF CODIFIED ORDINANCES SHALL NOT BE
CONSTRUED TO AFFECT A RIGHT OR LIABILITY ACCRUED OR INCURRED UNDER
ANY LEGISLATIVE PROVISION PRIOR TO THE EFFECTIVE DATE OF SUCH
READOPTION, OR AN ACTION OR PROCEEDING FOR THE ENFORCEMENT OF SUCH
RIGHT OR LIABILITY. SUCH READOPTION SHALL NOT BE CONSTRUED TO
RELIEVE ANY PERSON FROM PUNISHMENT FOR AN ACT COMMITTED IN
VIOLATION OF ANY SUCH LEGISLATIVE PROVISION, NOR TO AFFECT AN
INDICTMENT OR PROSECUTION THEREFOR. FOR SUCH PURPOSES, ANY SUCH
LEGISLATIVE PROVISION SHALL CONTINUE IN FULL FORCE NOTWITHSTANDING
ITS REPEAL FOR THE PURPOSE OF REVISION AND CODIFICATION.

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 OTHER THAN THE PART SO
DECLARED TO BE INVALID.

SECTION 4. ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH
ANY OF THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED.

SECTION 5. THIS ORDINANCE SHALL AUTOMATICALLY EXPIRE TEN YEARS
FROM THE DATE OF READOPTION.

SECTION 6. THIS ORDINANCE AND READOPTION SHALL INCLUDE ALL
ORDINANCES IN EFFECT ON NOVEMBER 25, 2017.

SECTION 7. THIS ORDINANCE SHALL TAKE EFFECT ON THE 30TH DAY AFTER
ENACTMENT UNLESS GIVEN IMMEDIATE EFFECT BY CITY COUNCIL.

INTRODUCTION OF ORDINANCE

The Committee of the Whole introduced:

An Ordinance of the City of Lansing, Michigan, Re-Adopting the Codified Ordinances of The City Of Lansing,

The Ordinance is read a first time and referred to the Committee of the Whole

RESOLUTION SETTING PUBLIC HEARING

By the Committee of the Whole

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, _____ at 7:00 p.m. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering An Ordinance of the City of Lansing, Michigan, Re-Adopting the Codified Ordinances of The City Of Lansing, and setting a Public Hearing.

Interested Persons are invited to attend this Public Hearing

CITY OF LANSING
NOTICE OF PUBLIC HEARING

The Lansing City Council will hold a public hearing on Monday, _____, 2018, at 7:00 p.m. in Council Chambers, 10th Floor, Lansing City Hall, 124 W. Michigan Avenue, Lansing, Michigan to consider an Ordinance of the City of Lansing, Michigan, Re-Adopting the Codified Ordinances of The City Of Lansing.

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



Chris Swope
Lansing City Clerk

February 23, 2018

Mayor Schor, President Wood and Council Members
124 W. Michigan Ave., 10th Floor
Lansing, MI 48933

Dear Mayor Schor, President Wood and Council Members:

In accordance with Article 5, Section 5-103.4 of the Lansing City Charter, I have prepared the attached report of **Board, Authority, and Commission Term Expirations**.

Please let me know if I can provide any further information in this matter.

Sincerely,

Chris Swope
Lansing City Clerk

Board, Authority, and Commission Term Expirations

Board of Ethics

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
6/30/2018	Doyle, Connie	Mayoral - At-Large
6/30/2018	Midgley, Jack	Council - 2nd Ward

Board of Fire Commissioners

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
6/30/2018	Ferro, Frank	At-Large
6/30/2018	Keeney, Dave	2nd Ward

Board of Plumbing

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
6/30/2015	Steele, Walter	Citizen
6/30/2016	Mowry, Geoffrey	Journeyman Plumber
6/30/2016	Pond, William	Master Plumber
6/30/2016	Reck, Stephen	Citizen
6/30/2018	vacant	Journeyman Plumber

Board of Police Commissioners

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
6/30/2018	Farhat, Patty	At-Large
6/30/2018	vacant (Gazella, Linda Sanchez	2nd Ward

Board of Public Service

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
6/30/2018	Morgan, Samara	At-Large
6/30/2018	Schmidt, Alfreda	2nd Ward

Board of Review

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
6/30/2018	Spain, Tricia	At-Large

Board, Authority, and Commission Term Expirations

Board of Water & Light

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
6/30/2017	Louney, Dennis	1st Ward
6/30/2018	Graham, Beth	2nd Ward
6/30/2018	Price, David	At-Large
6/30/2018	Ross, Brian	Meridian/Delhi/DeWitt/Lan

Board of Zoning Appeals

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
6/30/2018	Hovey, Josh	Planning Board Represen
6/30/2018	Litwiller, Keri	At-Large
6/30/2018	Quick, Joe	At-Large
6/30/2018	vacant (McGrain, Brian)	At-Large

Building Board of Appeals

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
6/30/2016	Drake, James R.	
6/30/2017	Knoy, Thomas	
6/30/2018	Heck, Donald	
6/30/2018	vacant	

Cable Advisory Board

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
6/30/2010	Penniman, Matthew	At-Large
6/30/2012	McFadden, Michael	At-Large
6/30/2013	White, Ida	At-Large
6/30/2018	vacant	At-Large

Capital Area District Library

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
4/15/2018	Johnson, Vern	City of Lansing

Capital Area Transportation Authority

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
9/30/2018	Kuhnemunech, Peter	City of Lansing
9/30/2018	Lewis, Robin	City of Lansing

Board, Authority, and Commission Term Expirations

Capital Region Airport Authority

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
9/30/2017	Ward, Greg	City of Lansing
9/30/2018	Shaski, John	City of Lansing

Community Corrections Adv. Bd.

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
9/17/2017	Jahner, Monica	Joint - Community Alterna
9/17/2018	Grewal, Manvir (Mick)	Joint - Criminal Defense
9/17/2018	Straub, Jacqueline	Joint - Adult Probation

Downtown Lansing, Inc. Board

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
6/30/2015	Johns, Doug	Business Owner
6/30/2018	Richard, Tameko	Business Owner
6/30/2018	Zarkovich, Christine	Business Owner

EDC/TIFA/LBRA

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
2/28/2017	Ragan, Andrea	At-Large

Elected Officers Compensation Commission

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
10/1/2017	Alley, Cassie	At-Large
10/1/2018	vacant	At-Large

Electrical Board

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
6/30/2016	Peters, Joseph	Electric Utility

Employees Retirement Board

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
6/30/2018	Munroe, Carol	Parks

Board, Authority, and Commission Term Expirations

Historic District Commission

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
6/30/2013	Nelson, Cassandra	At-Large
6/30/2015	Sonnenberg, Curtis	At-Large
6/30/2015	Truscott, Tom	At-Large
6/30/2015	Winans, Nathalie	At-Large

Human Rel. & Comm. Serv. Board

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
6/30/2018	Rowe, Julie	At-Large
6/30/2018	vacant (Rodocker, Julee)	2nd Ward

Income Tax Board of Review

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
6/30/2014	DeMartelaere, Michael	At-Large
6/30/2014	Salzman, Kenneth	At-Large
6/30/2018	vacant	At-Large

Joint Building Authority

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
6/30/2006	Lannoye, Mary	Joint Appointee
6/30/2014	Ambrose, Jerry	Lansing Appointee

Lansing Entertainment & Pub. Facil. Auth

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
6/30/2015	Mickens, Charles	At-Large
6/30/2018	Dobernik, Price	At-Large
6/30/2018	Janssen, Charles	At-Large
6/30/2018	vacant	City Market Vendor

Lansing Housing Commission

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
6/30/2017	Baltimore, Tony	At-Large
6/30/2018	Joyce, Bobby	resident

Board, Authority, and Commission Term Expirations

Local Development Finance Authority

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
6/30/2015	Gamble, Chad	City of Lansing
6/30/2017	Bakken, Benjamin	City of Lansing

Mechanical Board

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
6/30/2013	Ryan, Patrick	Contractor
6/30/2017	Gilmore, Paul	Commercial Heat & AC
6/30/2017	Metoyer, Marcus J	Residential Heat & AC
6/30/2018	Cortright, Richard	Residential Contractor
6/30/2018	Irish, Ryan	Citizen

Medical Marihuana Commission

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
11/27/2018	Turner, Anita	3rd Ward

Memorial Review Board

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
6/30/2011	Appling, Linda	3rd Ward
6/30/2011	Enriquez, Maria	At-Large
6/30/2013	Davis, Willie	1st Ward
6/30/2018	vacant	2nd Ward
6/30/2018	VanCore, Maria Starr	At-Large

Michigan Ave. Corridor Improvement Auth.

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
6/30/2016	Lum, Jonathan	Resident
6/30/2017	Thompson, Phillip	
6/30/2018	Ruth, Joseph	
6/30/2018	Serkaian, Colleen	

Next Michigan Development Corporation

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
4/15/2015	Nicholoff, Kris	At-Large
4/15/2018	Ramos, James	At-Large

Board, Authority, and Commission Term Expirations

Park Board

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
6/30/2018	Kibbey, Rick	2nd Ward
6/30/2018	King, Clayton	At-Large

Planning Board

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
6/30/2018	Johnson, Katie	At-Large
6/30/2018	vacant	2nd Ward

Potter Park Zoo Board

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
12/31/2015	Kibbey, Rick	City of Lansing
12/31/2017	Paul, Cynthia	City of Lansing

Saginaw St. Corridor Improvement Auth.

TERM EXPIRATION	LAST NAME/FIRST NAME	POSITION
6/30/2014	Schury, Michael	
6/30/2016	Ford, Bob	
6/30/2017	Bahar-Cook, Rebecca	
6/30/2017	Marks, Jerome	At-Large
6/30/2018	Corr, Claire	

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, _____, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing:

Act-4-2017, Easement for Consumers Energy's North Lansing Pipeline Project.

Acts-4 & 5-17, Easements for Consumers Energy North Lansing Pipeline Project

Staff Report

An Act 33 Review is a planning level review of the location, character and extent of public improvements and City property transactions. The Act 33 Review is conducted by the City of Lansing pursuant to the provisions of the Michigan Planning Enabling Act (P.A. 33 of 2008) and Section 208 of the Lansing Code of Ordinances.

Background:

Act-4-2017 and Act-5-2017 pertain to the same project, but will be considered separately because the Act-4 parcels involve the Board of Water and Light, and the Act-5 parcel does not.

Consumers' Energy is proposing a new 16" gas pipeline in the City's NW quadrant. The route can be roughly described as beginning at North Grand River Ave., then southwest under the Grand River and across a City of Lansing/LBWL parcel to Melvin Court, then south along the east side of Sunset Ave., then west to run southward, west of and parallel to a Lansing Manufacturers (A.K.A. Jackson and Lansing) Railroad right-of-way to end south of I-496 (see attached "Consumers Energy North Lansing Pipeline Project 2018). In traversing this route, it passes Westside and St. Joseph Parks, but does not encroach upon them. It does cross four City/LBWL parcels (Act-4-2017), and one City of Lansing parcel at 1620 Sunset Avenue. (Act-5-2017). Consumers' Energy needs an easement from the City for each of these parcels to complete the project as planned.

Consumers' is requesting easements over five City properties for the installation of the new pipeline. Four properties (Act-4-2017) are City-owned by the Board of Water and Light. A fifth property (Act-5-2017) City-owned and is occupied by a Waste Water Treatment Plant facility.

The proposed easements are non-exclusive, and would not hinder the continuation of operations on the properties.

The Board of Water and Light is the water utility for the City of Lansing, and has a vested interest in the protection of Lansing's water supply. The LBWL Board approved the four easements requested in Act-4-2017.

Affected Properties by permanent parcel number (PPN). See attached diagrams:

PPN 33-01-01-05-351-001 is a former LBWL fly-ash dump on the north side of the City. It has been remediated, but is undergoing further monitoring. The requested easement is north and parallel to the railroad ROW, and extends from North Grand River to Melvin Court. The easement is approx. 58,420 square feet (SF) in size.

PPN 33-01-01-08-102-031 is an LBWL property on the east side of Sunset Ave. The requested easement occupies the west 15' of the property, and is 750 SF in size.

PPN 33-01-01-08-102-041, 1620 Sunset Ave. (Act-5-2017) is a City-owned property on the east side of Sunset Ave., south of and adjacent to parcel 031 above. This property is

Acts-4 & 5-17, Easements for Consumers Energy North Lansing Pipeline Project

Staff Report

occupied by the Waste Water Treatment Plant. The proposed easement would occupy the west 15' (6,340 SF).

PPN 33-01-01-08-102-101 is another LBWL property, also located on the east side of Sunset, with the proposed 15' easement (690 SF) along the west side.

PPN 33-21-01-19-230-026 is an LBWL property located in Lansing Township, west of Clare St., and south of Main St. The proposed 16,370 SF easement is located at the NE corner of the property.

Agency Responses

Board of Water & Light: The Act-4 easements were approved by the LBWL board.

Public Service Department: Comments regarding the proposed easement for 1620 Sunset Avenue (ACT-5-2017):

1620 Sunset Avenue is the address for the Screen Building at the Lansing Wastewater Treatment Plant. Utilities cross Sunset from the plant to the Screen Building, including pipes carrying wastewater, chemicals and plant effluent water; electrical ducts; a natural gas line; and a fiber optic line.

Any time we repair or replace these lines in the easement we would have to support the new gas line for the duration of the construction, and rebury it. Also, the electrical ducts and fiber optic lines may lie at or near the same depth as the new gas line, and interfere with its installation.

If granted, the following utilities would pass through the easement: 3-36" process pipes that carry wastewater from the headworks to the treatment plant, an electrical duct that powers the headworks, and a natural gas line,

Also, the following utilities would pass through the adjacent easement to the south: an electrical conduit, an electrical duct, 2 process lines carrying wastewater from a lift station and from the plant, a chemical feed line, a plant effluent water line, a fiber optics line, a 60" pipe carrying wastewater from the west side of the City, and a 60" pipe carrying wastewater from the headworks to the treatment plant.

(Note: After the consideration of alternative routes, it was determined that the west 15' is still the best location for the easement.)

Acts-4 & 5-17, Easements for Consumers Energy North Lansing Pipeline Project

Staff Report

Staff Finding and Recommendation

Finding:

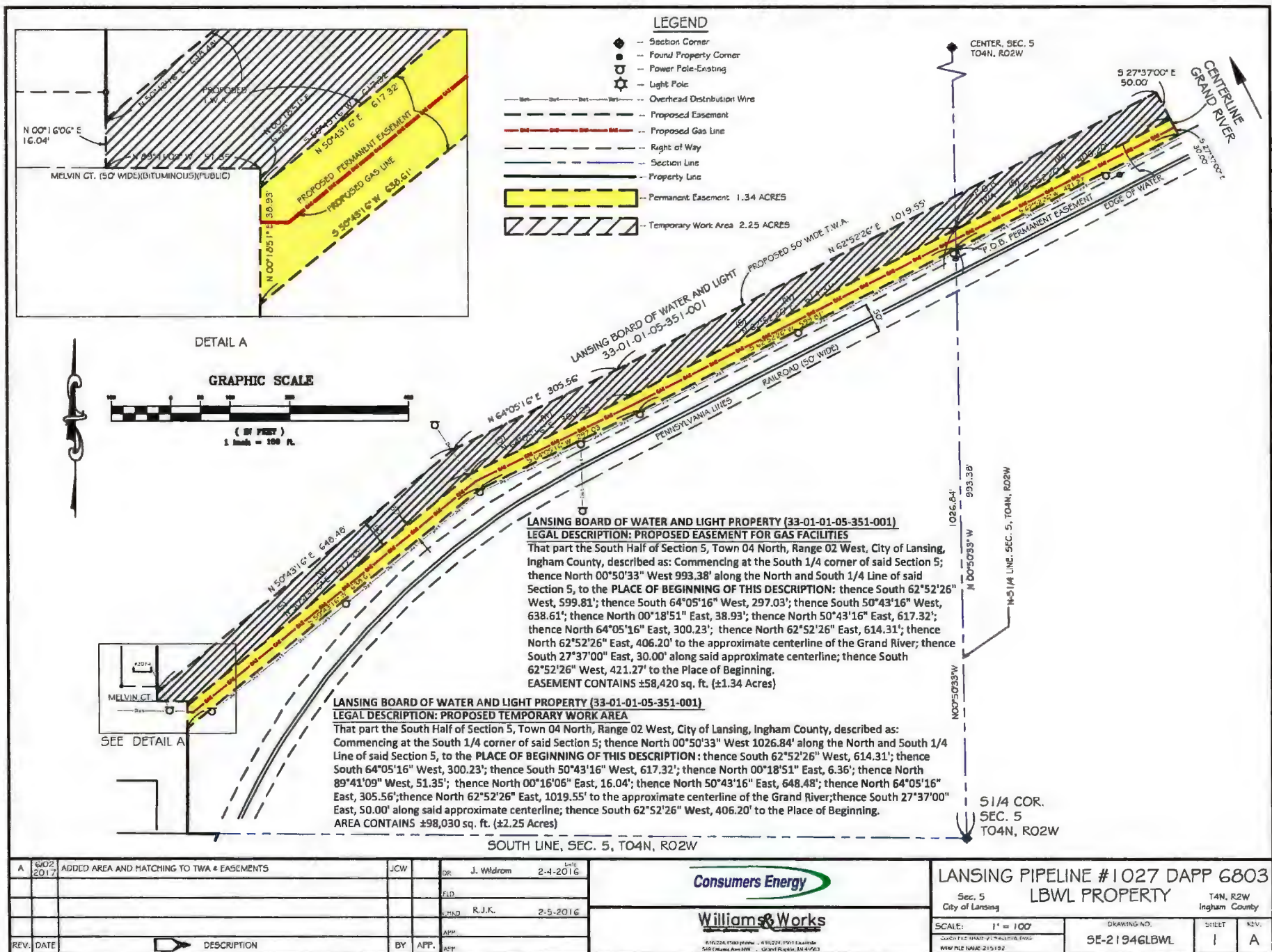
- Location: The easements are located in an industrial area, with “H” and “I” industrial zoning. The proposed gas line is separated from residential areas by the railroad ROW.
- Character: The gas pipeline will be installed underground, so the effect on the character of the surrounding area is negligible.
- Extent: The width of the proposed easements (15’ min.) is necessary and appropriate to protect the gas pipeline and surrounding facilities, and will not adversely affect City operations.
- The LBWL Board of Commissioners has approved the proposed easements for four of the properties (Act-4-2017), subject to City Council approval.

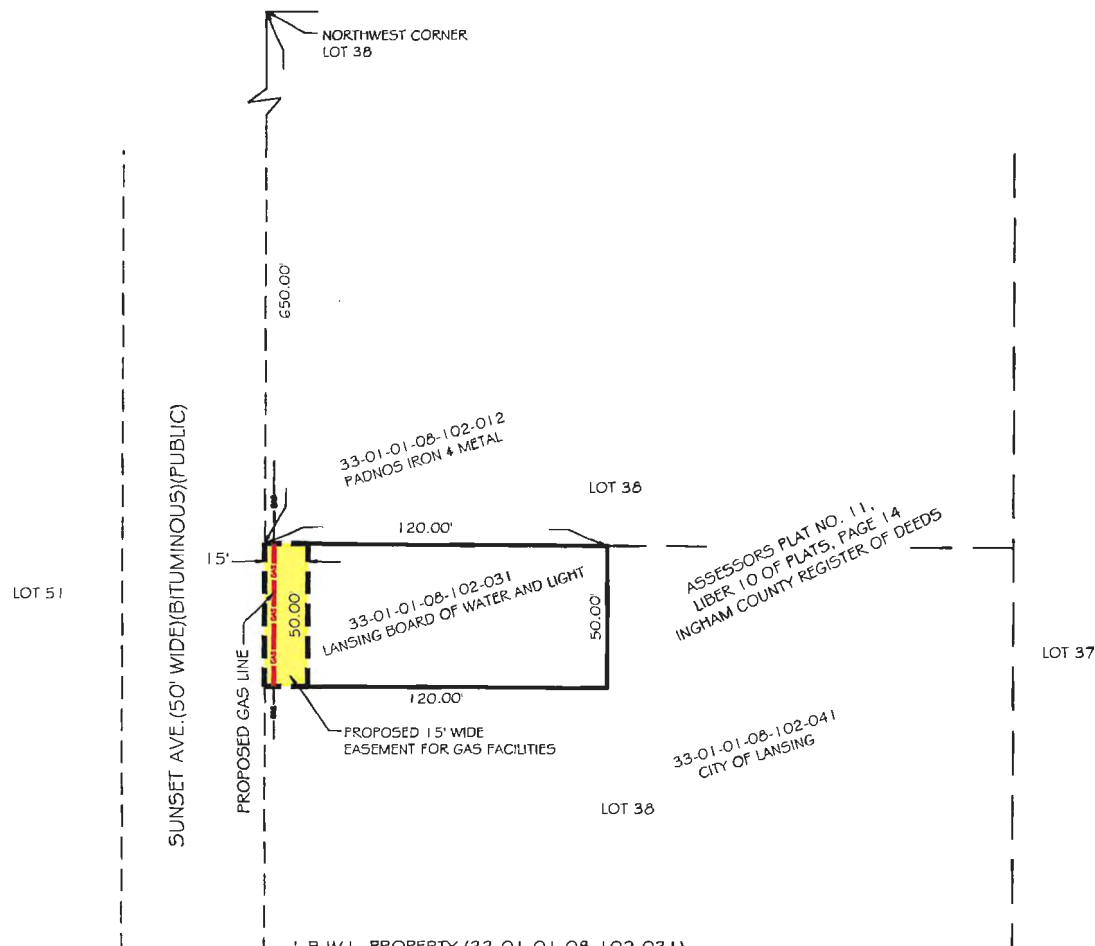
Recommendation:

Approval of the requested easements with a maximum width of 15', subject to review and approval by the City Attorney's Office.

Consumers Energy North Lansing Pipeline Project - 2018 Route







GRAPHIC SCALE



LEGEND

- Proposed Easement
- Proposed Gas Line
- Lot Line
- Right of Way
- Section Line
- Property Line
- Permanent Easement 0.02 ACRES

L.B.W.L. PROPERTY (33-01-01-08-102-031)

LEGAL DESCRIPTION: PROPOSED EASEMENT FOR GAS FACILITIES

That part of Lot 38 of Assessor's Plat No. 11, as recorded in Liber 10 of Plats, Page 14, at the Ingham County Register of Deeds described as: The West 15.00 feet of the following Parcel Description as recorded in Warranty Deed, Liber 524, Page 57, Ingham County Register of Deeds: Beginning at a point 650 feet South of the Northwest corner of Lot 38 of said Plat; thence East, 120 feet, thence South, 50 feet; thence West, 120 feet; thence North, 50 feet to the place of beginning. EASEMENT CONTAINS ±750 sq. ft. (±0.02 Acres)

A	12/04/2017	ADDED AREA AND HATCHING OF TWA AND EASEMENTS	JCW	OK	JCW	8-24-2016
				END		
				CHKD	JSL	8-24-2016
REV.	DATE	DESCRIPTION	BY	APP.	APP.	

Consumers Energy

Williams & Works

616.324.1500 (ext. 400) • 616.324.1501 (ext. 400) • 616.324.1501 (ext. 400)

LANSING PIPELINE #1027 DAPP 6803

Sec. 8 LBWL-102-031 PROPERTY T4N, R2W Ingham County

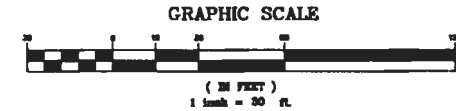
SCALE: 1" = 30' DRAWING NO. SHEET NO. REV.

SE-21946LBM-102-031

1

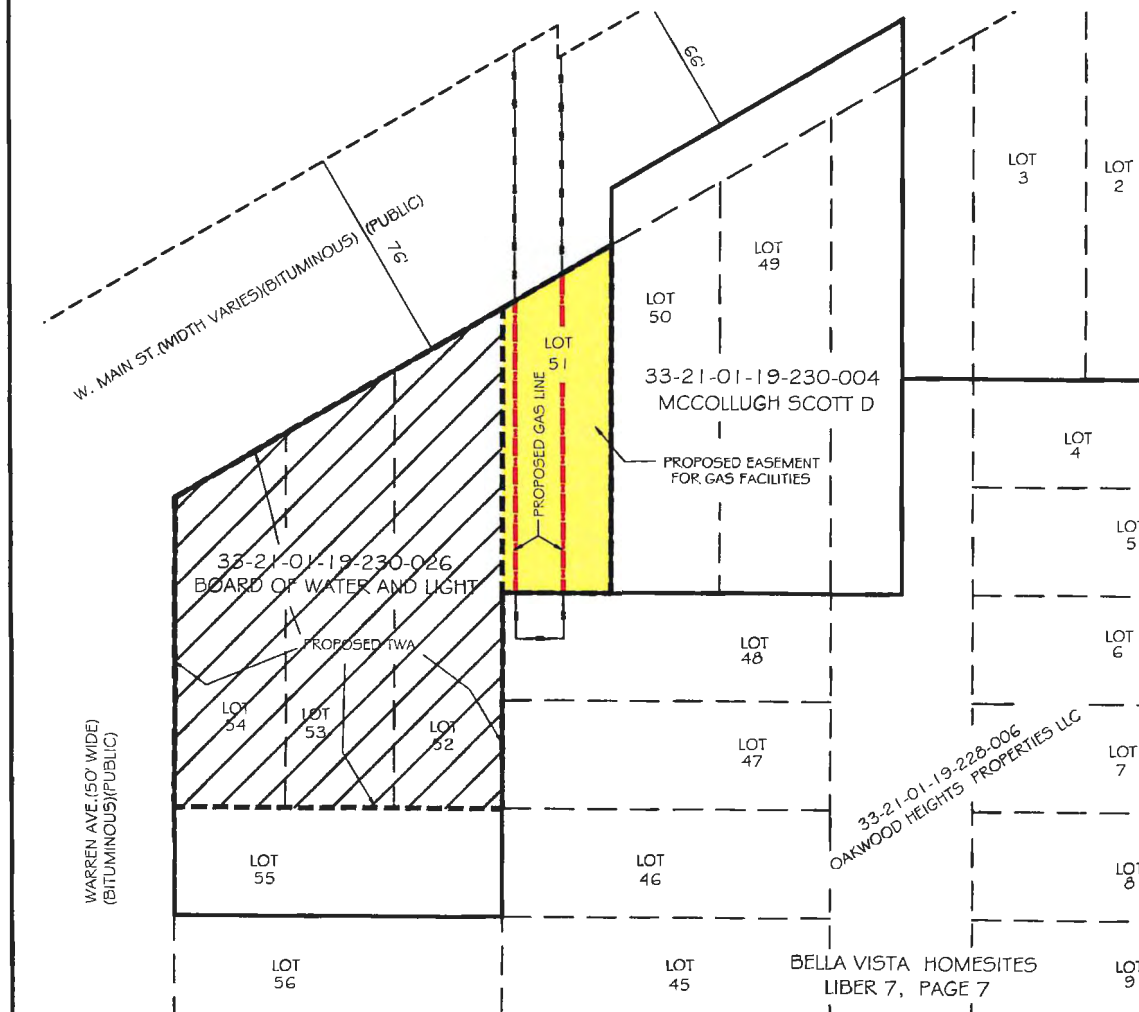
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SCALE: 1" = 30'	DRAWING NO.	SHEET	REV.
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LEGEND

- Proposed Easement
- Proposed Gas Line
- Lot Line
- Right of Way
- Section Line
- Property Line
- Permanent Easement 0.10 ACRES
- Temporary Work Area 0.36 ACRES



LBWL PROPERTY (33-21-01-19-230-026)
LEGAL DESCRIPTION: PROPOSED EASEMENT FOR GAS FACILITIES
 All of Lot 51, of Bella Vista Homesites Subdivision, as recorded in Liber 7 of Plats, Page 7, at the Ingham County Register of Deeds. Easement Contains $\pm 4,215$ sq. ft. (± 0.10 Acres)

LBWL PROPERTY (33-21-01-19-230-026)
LEGAL DESCRIPTION: PROPOSED TEMPORARY WORK AREA
 All of Lots 52, 53 and 54, of Bella Vista Homesites Subdivision, as recorded in Liber 7 of Plats, Page 7, at the Ingham County Register of Deeds. Area Contains $\pm 16,370$ sq. ft. (± 0.36 Acres)

A	3/20/2016	ADDED TEMPORARY WORK AREA	JCW	JCW	OK	JCW	9-02-2016
B	10/19/2016	REVISED THE TEMPORARY WORK AREA AND PERMANENT EASEMENT	JCW	JCW	FLD		
C	2/02/2017	REVISED THE TWA AND PERMANENT EASEMENT	JCW	SM	CHRD	JCW	9-02-2016
D	02/2017	ADDED HATCHING TO TWA AND EASEMENT	JCW		APP		
REV.	DATE	DESCRIPTION	DY	APP.	APP.		

Consumers Energy

Williams & Works

616.228.1500 (Phone) • 616.244.1501 (Fax) • 540 Ottawa Ave NW • Grand Rapids, MI 49503

LANSING PIPELINE #1027 DAPP 6803

Sec. 19 & 20 LBWL-MAINST PROPERTY T4N, R2W
City of Lansing Ingham County

SCALE: 1" = 30'	DRAWING NO.	SHEET	REV.
CITY OF LANSING, CIVIL ENGINEER APPROVED Dwg	SE-21-946LBWL-MAINST	1	D

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

Act-5-2017, 1620 Sunset Ave., Consumers Energy North Lansing Pipeline Easement

WHEREAS, Consumers Energy Company requests an easement in front of the Wastewater Treatment Plant Screen Building at 1620 Sunset for a 16" gas distribution line; and

WHEREAS, this gas line is part of the North Lansing Pipeline, a gas distribution line extending from North Grand River Ave., then southwest under the Grand River and across a City of Lansing/LBWL parcel to Melvin Court, then south along the east side of Sunset Ave., then west to run southward, west of and parallel to a Lansing Manufacturers (A.K.A. Jackson and Lansing) Railroad right-of-way to end south of I-496; and

WHEREAS, the proposed gas line passes Westside and St. Joseph Parks, but does not encroach upon them; and

WHEREAS, the proposed easement crosses four City/LBWL parcels (Act-4-2017), and the subject parcel at 1620 Sunset Avenue: and

WHEREAS, the gas distribution line within the proposed easement is to be installed at a depth of 30' to avoid conflict with current Wastewater Treatment Plant facilities; and

WHEREAS, the Planning Board, at its meeting on January 9, 2018 reviewed the location, character, and extent of the proposal in accordance with its Act 33 Review procedures and found that:

- The easements are located in an industrial area, with "H" and "I" industrial zoning, and the proposed gas line is separated from residential areas by the railroad ROW,
- The gas pipeline will be installed underground, so the effect on the character of the surrounding area is negligible,
- The width of the proposed easements (15' min.) is necessary and appropriate to protect the gas pipeline and surrounding facilities, and will not adversely affect City operations,
- The LBWL Board of Commissioners has approved the proposed easements for four of the properties (Act-4-2017), subject to City Council approval; and

WHEREAS, the Planning Board voted unanimously (6-0) to recommend approval of Act-5-2017, an non-exclusive easement to Consumers Energy to locate an underground gas main in the west 15' of the property at 1620 Sunset Avenue; and

WHEREAS, on July 27, 2017, the Carlson Appraisal Company estimated the value of the subject easement at \$7,000; and

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

NOW, THEREFORE BE IT RESOLVED, that the Lansing City Council hereby approves Act-5-2017, a non-exclusive easement to Consumers Energy, legally described as:

That part of Lot 38 of Assessor's Plat No. 11, as recorded in Liber 10 of Plats, Page 14, at the Ingham County Register of Deeds described as: The West 15.00 feet of the following Parcel Description as recorded in Warranty Deed, Liber 599, Page 589, Ingham County Register of Deeds: The South 472.65 feet of Lot 38, Assessor's Plat No. 11, except the West 120 feet of the North 50 feet of said described land,

for the purpose of installing and maintaining a gas distribution pipe across the west side of the property, for the sum of Seven Thousand Dollars (\$7,000.00).

BE IT FINALLY RESOLVED, that the Mayor, on behalf of the City, is hereby authorized to sign and execute all documents necessary to effectuate the aforementioned transaction(s), subject to their prior approval as to content and form by the City Attorney.

BY THE COMMITTEE ON PUBLIC SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
CONFIRMATION GLENBURNE GRASS & TRASH ASSESSMENT ROLL SUMMER 2018

WHEREAS, pursuant to resolution 2016-202, adopted by this Council, the City Council held a public hearing on March 13, 2017, regarding Assessment Roll GB-2017 for the removal of trash and grass in the Glenburne Commons are adjacent to certain properties; and

WHEREAS, the cost incurred between April 25, 2017 and November 6, 2017, by the City totals \$34,256.50; and

WHEREAS, the Committee on Public Services met on March 17, 2017 to review the public hearing findings and removed several properties from the assessment roll; and

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council hereby directs that special assessment roll number GB-2017 as returned by the City Assessor, be ratified and confirmed.

FURTHER BE IT RESOLVED, the Lansing City Council hereby directs the City Assessor notify the owners of properties affected by this roll in accordance with City Ordinance 1020.06.

Contiguous Boundaries of properties benefitted to include all the parcels within the following subdivisions in their entirety as follows:

Glenburne Subdivision

Glenburne Subdivision No. 2

Glenburne Subdivision No. 3

Glenburne Subdivision No. 4

Glenburne Subdivision No. 5

Part of the North $\frac{1}{2}$ and South East $\frac{1}{4}$ of Section 36, T4N, R3W

City of Lansing, Eaton County, Michigan

BE IT FURTHER RESOLVED THAT Special Assessment Roll No. GB-2017 as presented and as returned by the City Assessor, is hereby ratified and confirmed, and the Mayor is authorized to affix within ten days his warrant directing the City Treasurer to collect this special assessment tax. If payment is not received by April 1st, 2018, this special assessment tax will be placed on the July 2018 tax roll without interest or penalty.

By Councilmember _____

Carried: _____

Approved For Placement on
The City Council Agenda:

City Attorney

Adopted by the Committee

on Public Services
on

Approved for Placement on
the City Council Agenda:

James D. Smiertka
City Attorney

Date:

NON-EXCLUSIVE EASEMENT FOR PIPELINES

SAP# 23164843
Lansing Pipeline #1027 DAPP 6803
Agreement# MI00000024748

CITY OF LANSING, a Michigan municipal corporation of 124 W. Michigan Avenue, Lansing, MI 48933 (hereinafter "Owner")

for one dollar and other good and valuable consideration [exempt from real estate transfer tax pursuant to MCLA 207.505(g) and (h) and from State real estate transfer tax pursuant to MCLA 207.526(g) and (h)(i)] grants and warrants to

CONSUMERS ENERGY COMPANY, a Michigan corporation, One Energy Plaza, Jackson, Michigan 49201 (hereinafter "Consumers")

a permanent non-exclusive easement to enter certain real property owned by Owner located in the City of Lansing, County of Ingham, and State of Michigan as more particularly described in the attached Exhibit A (hereinafter "Owner's Land") to construct, operate, maintain (specifically excluding cathodic protection systems, except where approved in advance by Owner), inspect (including aerial patrol), repair, survey, replace, reconstruct, improve, remove, relocate, change the size of, enlarge only within the Easement Area as herein defined and protect in place a pipeline or pipelines in, on, under, over, across, and through a portion of Owner's Land (hereinafter "Easement Area") as more fully described in the attached Exhibit B, together with any required associated valves, fittings, location markers and signs, communication systems, utility lines, protective apparatus and all other equipment, appurtenances, and facilities, below grade or as reasonably necessary above grade, ("Facilities") and reasonably necessary except cathodic protection controls (whether below or aboveground) will be permitted only where approved in advance by Owner but in no event are such cathodic protection controls permitted within 50 feet of wells, useful or incidental for the operation or protection thereof, for the purpose of transmitting and distributing natural gas and for no other purpose. Consumers may not conduct any other activity, even as may be convenient in connection therewith as determined by Consumers for the purpose of transmitting and distributing natural gas, without the prior written consent of Owner. Owner reserves the right to use and allow others to use the Easement Area, provided such use does not interfere with Consumer's use of the Easement Area as provided herein.

Additional Work Space: In addition to the Easement rights granted herein, Owner further grants to Consumers, during initial construction and installation only, which shall in no event be more than 10 (ten) months, the right to temporarily use such additional work space reasonably required to construct said Facilities, excluding restoration. Restoration will be completed as soon as practical after construction. Said temporary work space shall abut the Easement Area, on either side, as required by construction.

Acceptance of the Property: Consumers has examined the Easement Area prior to the execution of this agreement and accepts same in the condition as it exists at the execution of this agreement and waives any and all claims Consumers may at any time have against Owner related to the condition of the Easement Area, except where provided in the Section titled Environment below or required by law. Owners shall have no obligation to make any repairs to the Easement Area.

Access: Consumers shall have the right to access said Facilities, and the right of ingress and egress on, over, and through Owner's Land for any and all purposes necessary to the exercise by Consumers of the rights granted hereunder. Consumers shall provide advance notice to Owner of any significant work on the Easement Area, except in the event of an emergency, when advance notice shall not be required.

Trees and Other Vegetation: Owner and Consumers shall not plant any trees within the Easement Area. Consumers shall have the right to trim, cut down, and otherwise remove and control any trees, brush, roots, and other vegetation within the Easement Area that interferes or threatens to interfere with Consumers' use of the Easement or the Facilities upon advance notice via regular mail to Owner whenever reasonably practical except in the event of an emergency or service restoration.

Buildings/Structures: Absent anything to the contrary herein, Owner agrees not to build, create, construct, or permit to be built, created, or constructed, any permanent obstruction, building, septic system, drain field, fuel tank, pond, swimming pool, lake, pit, well, foundation, engineering works, installation or any other type of structure over, under, or on said Easement Area that would impair Consumers' rights under this agreement or any temporary obstruction that would impair Consumers' rights under this agreement.

Unobstructed Use: Consumers' use of the Easement Area shall at all times be subject to Owner's use provided such use does not unreasonably interfere with Consumer's permitted use as provided herein. Without limiting the foregoing, Consumers' use of the Easement Area shall be at all times subject to the right of Owner to construct, operate, maintain, repair, enlarge, change, relocate, substitute for, remove, and replace electric lines, gas pipelines, towers, poles, or other structures for the transmission and distribution of water, electricity, gas, and other utilities, in, on, under, over, or across the Easement Area, and to cut, trim, remove, destroy, or otherwise control any trees, brush, and other vegetation now or hereinafter standing or growing on the Easement Area as Owner, in Owner's sole judgment, deems necessary or advisable for the protection of Owner's water, electric, gas, or other facilities. Consumers assumes the risk of damage to the Facilities, Consumers' property, or Consumers' improvements on the Easement Area resulting from Owner's use of the Easement Area, except in the event of Owner's negligent or willful misconduct, on Owner's Land, and waives all claims against Owner for any such damage. Owner shall accept no responsibility or liability in connection with the safety of the work performed by Consumers under this Easement.

Performance of Work: Construction, operation, maintenance, alterations, improvements, additions, repair, inspection, and removal of the Facilities shall comply with all of the following conditions, limitations, and requirements:

(a) At Owner's expense, Owner may have an inspector present at all times during the initial construction of said Facilities. It is expressly agreed that the making of such inspections or the failure to inspect shall not impose any liability on Owner for the adequacy of safety of the work of Consumers and shall not relieve Consumers from any responsibility, obligation, or liability assumed by Consumers under this agreement or otherwise. Consumers shall give Owner seven (7) days' notice prior to construction of said Facilities.

(b) The Facilities shall not be located within

(i) fifty (50) feet of any well head,

(ii) ten (10) feet horizontally and eighteen (18) inches vertically of any other water facilities, and

(iii) ten (10) feet from electric distribution or transmission lines, poles, or structures located in, on, under, over, or across the Easement Area, unless otherwise approved by Owner in writing. Any trench work in the vicinity of a tower or pole, will be done such that the slope of the angle formed by the floor of the trench to the base of the structure at grade shall have a slope of less than 1 foot of rise per 1 foot of distance (a slope of less than 45 degrees). Said 1 foot of rise per 1 foot of distance requirement will apply for the distance between the trench and the pole; the bottom of the trench must be an equal distance from any pole and no deeper than the butt of the pole and in the event a deeper trench is required, the pole must be supported.

(c) Consumers, by exercising the rights herein granted, agrees that during all excavation the topsoil shall be placed on one side of the trench and the subsoil on the other side. Any of Owner's pipelines or water facilities that are exposed during excavation or construction shall have 100% sand backfill to at least within one (1) foot of grade, rather than subsoil. After the trench is dug and the Facilities are placed, the site shall be restored by putting the subsoil back first and then the topsoil, except in the event sand backfill is required as provided herein. Restoration shall be completed so that the ground elevation and grade, preconstruction and post-construction, remain the same, and Consumers shall grade and reseed all disturbed areas with warm summer grasses upon the completion of construction or near thereafter as practical.

(d) Prior to commencing any excavation or digging on the Easement Area, Consumers shall contact the Utility Communications System (Miss Dig), prior to performing any excavation or similar activity in accordance with Michigan Compiled Law 460.721 et seq., as amended by Public Act 174 of 2013 and any future amendments.

Heavy Equipment Use on Property: The design of the Facilities shall incorporate the expectation that Owner, including its agents and/or contractors, will be using heavy equipment on the Easement Area and/or Owner's Land, and therefore, the Facilities shall be capable of withstanding such loading. Regardless of the foregoing, in no event shall Owner, including its agents and/or contractors, exceed 24,000 pounds per axle when crossing the Easement Area with heavy equipment. Equipment shall be operated at no more than 5 miles per hour when crossing the Easement Area to minimize impact loading. In the event Owner, including its agents and/or contractors, exceeds 24,000 pounds per axel, Owner, or its agents and/or contractors, shall submit weight to Consumers for further evaluation and Owner, or its agents and/or contractors, may be required to install protective bridging. Consumers will provide drawings showing accepted bridging practices.

Ground Elevation and Grade: Should Owner desire to change the grade within the Easement Area by more than six (6) inches, Owner shall notify Consumers to determine appropriate measures to protect the Facilities. Consumers shall not change the ground elevation or grade of the Easement Area or Owner's Land.

Alterations: Consumers shall not make any significant alterations, improvements, or additions in, on, under, over, or across the Easement Area or its Facilities located on the Easement Area except as provided herein or without first supplying Owner with such plans and details for any proposed alteration, improvement, or addition as may be reasonably required by Owner. Nor shall Consumers make any surface alterations, improvements, or additions, in, on, over, or across the Easement Area or its Facilities after the initial construction that may significantly interfere with Owner's right to and use of the Easement Area without Owner's advance written consent, which shall not be unreasonably withheld.

Removal of Facilities and Alterations: Upon the expiration or any termination of this easement, Consumers shall, at Consumers' sole cost and expense, promptly remove all aboveground Facilities and all alterations, improvements, or additions in, on, under, over, across, or to the Easement Area, made by Consumers or on Consumers' behalf, including but not limited to those contemplated herein, whether performed with or without Owner's consent as provided herein. Further, Consumers shall yield and deliver the Easement Area unless otherwise approved of Owner, in a like condition as when taken subject to normal wear and tear, provided however, Owner may designate by written notice to Consumers those alterations, improvements, or additions which Consumers shall not remove but shall remain and be stabilized in a condition that conforms with industry standards; said designated alterations, additions, or improvements that are not to be removed shall then attach to the real estate and become property of Owner and shall be transferred from Consumers to Owner by a bill of sale. If Consumers fails to do so, Owner may, at its option, have such work performed, in which event Consumers shall reimburse Owner for the cost thereof, including attorney fees, due and payable within sixty (60) days' of notice.

Property Restoration: Upon completion of any work performed or caused to be performed by Consumers permitted herein, Consumers shall be responsible to clean up and return Owner's Land, including the Easement Area, to a similar condition that existed prior to said work including to and not limited to ground elevation and grade. If Consumers fails to do so, Owner may, at its option, have such cleanup work performed, in which event Consumers shall reimburse Owner for the cost thereof, due and payable within sixty (60) days of notice. Consumers shall reimburse Owner for all damage to Easement Area, Owner's Land, or other property whether real or personal related to any work performed by Consumers, or caused to be performed on Consumers' behalf, or related in any way to this agreement. Consumers shall immediately report the occurrence of any such personal property damage to Owner.

Spoil: Notwithstanding any requirement to backfill herein, spoil generated in connection with the exercise of Consumers' use of the Easement Area or the exercise of the rights granted in this agreement shall remain on Owner's Land and shall not be transported off Owner's Land without Owner's prior written consent. No spoils shall be stockpiled within fifty (50) feet of any well head or directly under any electric transmission or distribution lines, now or in the future located in, on, under, over, or across the Easement Area unless otherwise approved by Owner. Consumers shall, as soon as reasonably practical, notify Owner of the presence of contaminated spoil upon becoming aware of it at the Easement Area or Owner's Land and transport any such spoil from the Easement Area and/or Owner's Land, in accordance with all applicable laws, rules, and regulations.

Protection of Owner's Facilities: Consumers must maintain the Facilities, Easement Area, and appurtenances in safe and good repair at all times and take reasonable precautions to prevent damage to Owner's Land. Consumers hereby agrees to protect any wells, poles, and/or other structures and facilities now or hereafter located in, on, over, under, or across the Easement Area or Owner's Land by the erection and maintenance of suitable means of protection as may reasonably be deemed to be required by the engineers of Owner, and Consumers agrees that the erection and maintenance thereof shall be at its sole cost and expense. Consumers shall ensure that its use of the Easement Area does not interfere with the operations or maintenance of, or in any way affect the continuity of service provided by Owner's utility facilities now or hereafter located in, on, under, over, or across the Easement Area or in the vicinity of the Easement Area unless otherwise approved in writing in advance by Owner.

Relocation of Facilities: If Owner finds it necessary to change or relocate its facilities located in, on, under, over, or across the Easement Area, Owner's Land, or adjoining property in order to accommodate Consumers' use of the Easement Area as herein provided, Owner shall be responsible for the actual costs and expenses for such relocation.

Drawings As-Built Survey and Markers: Upon completion of the construction of said Facilities, Consumers shall provide Owner with as-built drawings of the Facilities, indicating the surveyed location and depth of the Facilities within the Easement Area. Consumers shall mark the location of all underground Facilities with permanent markers. Said markers shall be maintained by Consumers, at Consumers' sole expense, at all times.

Compliance with Laws: Consumers, its agents, invitees, visitors, employees, contractors, and subcontractors shall comply with all laws, ordinances, and regulations of all federal, state, or local governmental authorities that are now or hereafter in any manner affecting the Easement Area and the use and occupancy thereof; provided however, that nothing herein shall be construed as a waiver by Consumers of any of its existing or future rights under state or Federal law. Consumers shall be

responsible for obtaining and following any and all environmental or other permits that may be necessary to support the Facilities' construction, operation, or maintenance activities upon the Easement Area and shall provide to Owner copies of all such permits associated with initial construction or as reasonably requested by Owner.

Environmental: Consumers acknowledges that remediation of the Owner's Land is in process and shall not interfere with any remediation efforts, whether by Owner or a third party. Without limiting any other provision of this agreement, Consumers shall comply in all material respects with all applicable constitutional provisions, laws, ordinances, orders, requirements, rules, and regulations made by any governmental entity, body, or authority relating to its property and operations under this Lease. If Consumers' use of the Easement Area results in the presence on, in, or under the Easement Area (which includes but is not limited to the groundwater underlying the Easement Area) of contaminants, hazardous waste, hazardous substances or constituents, or toxic substances, as currently or hereafter defined in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USCA 9601 et seq; the Resource Conservation and Recovery Act (RCRA), 42 USCA 6901 et seq; the Toxic Substances Control Act (TSCA), 15 USCA 2601 et seq; the Michigan Natural Resources and Environmental Protection Act, MCL 324.101 et seq; or any other similar existing or future statutes, Consumers will to the extent caused by Consumers, its employees, agents, contractors, and subcontractors or anyone authorized by or on behalf of Consumers at no cost to Owner, immediately notify Owner and promptly take: 1) all actions that are required by any federal, state, or local governmental agency or political subdivision, and 2) all actions that are necessary to restore the Easement Area to the condition existing prior to the release or introduction of such contaminants, hazardous waste, hazardous substances or constituents, or toxic substances, notwithstanding any lesser standard of remediation allowable under applicable law or governmental policies. The actions required by Consumers pursuant to this paragraph include, but are not limited to: a) the investigation of the environmental condition of the Easement Area; b) the preparation of any feasibility studies, reports, or remedial plans required by law or governmental policy, and c) the performance of cleanup, remediation, containment, operation, maintenance, monitoring, or restoration work, whether on or off the Easement Area. Consumers will proceed continuously and diligently with such investigatory and remedial actions. The parties will provide to each other free of cost to the other copies of all test results and reports generated in connection with the above activities and copies of all reports submitted to any governmental entity. No cleanup, remediation, restoration, or other work required to be performed pursuant to this paragraph will require or result in the imposition of any limitation or restriction on the use of the Easement Area without prior notification and approval, which shall not be unreasonably withheld, to the other. The provisions of this paragraph will survive the term or any termination of this agreement.

Exercise of Easement: If Consumers shall discontinue use of the Easement Area for any period of two (2) or more years, this agreement shall be terminated and Consumers, at its sole cost and expense, shall perform work necessary to stabilize the abandoned Facilities, including, but not limited to purging the pipes with nitrogen or as is standard in the industry and subsequently restore the surface of such Easement Area, subject to normal wear and tear. Except as otherwise provided in this section, Consumers' nonuse or limited use of this Easement Area shall not preclude Consumers' later use of this agreement to its full extent.

Consumers' Covenants: Consumers covenants that it will enter onto and use the Owner's Land only for the purpose set forth herein (or for other purposes for which Consumers has existing or future rights, if any) and for no other purpose without the express prior consent of Owner and that it will use all reasonable efforts not cause any debris or anything that would create a hazard or undue interference with Owner's ability to access, maintain, repair, enlarge, change, relocate, substitute for, remove, and replace electric lines, towers, poles, or other structures for the transmission and distribution of water, electricity, and other utilities, in, on, under, over, or across Owner's Land to be left on Owner's Land, except as permitted herein, and will remove any such hazard or undue interference within 24 hours' notice from Owner, and if not removed by Consumers within 24 hours or in the event of an emergency, Owner may remove the hazard or undue interference at Consumers' cost and expense. Consumers agrees that, at its own expense, it will do the following: i) repair any damage to Owner's Land caused by its acts or omission, and ii) as soon as practical following the completion of any construction or maintenance activities within the Easement Area, remove all of its and its agents' personal property from the Owner's Land, except as permitted within the Easement Area herein, and clean-up, level, and reseed the Easement Area and any portion of Owner's Land disturbed by Consumers in a good and workmanlike manner to the condition consistent with the surrounding area on Owner's Land.

Indemnification: Consumers shall at all times assume all liability for and protect, indemnify and save Owner, its successors and assigns, harmless from and against all actions, judgments, losses, orders, decrees, costs, and expenses brought or recovered against or incurred by Owner by reason of any death, bodily injury, personal injury, and loss or damage to Owner's Land but only to the extent caused by and proportionate to Consumers negligent actions or omissions on Owner's Land. To the fullest extent allowable by law, Owner shall at all times assume all liability for and protect, indemnify and save Consumers, its successors and assigns, harmless from and against all actions, judgments, losses, orders, decrees, costs, and expenses brought or recovered against or incurred by Consumers by reason of any death, bodily injury, personal injury, and loss or damage to Owner's Land but only to the extent caused solely by and proportionate to Owner's negligent actions or omissions in the Easement Area, to the fullest extent provided by law. With respect to 3rd party claims, and only with respect to 3rd party claims, nothing herein shall be construed as a waiver by Owner of available defenses as a matter of law due to its governmental status, such as governmental

tort liability. Consumers shall not permit any liens on the Owner's Land for any labor or material furnished to Consumers in connection with its use of the Easement Area.

Choice of Law: This Easement shall be governed in all respects, by the laws of the State of Michigan, including as to interpretation, enforceability, validity and construction. Venue shall be deemed proper in Ingham County, Michigan.

Disclaimer of Warranties: Owner has not and does not make any express, implied, or statutory representations or warranties of any kind to Consumers concerning the Owner's Land or Easement Area; the status of Owner's title with respect to the Owner's Land, the condition or usability of the Easement Area; or the parties' use of the Easement Area being in compliance with any statute, ordinance, or regulation, including, but not limited to those relating to the environment. The provisions of this section shall survive any termination of this agreement.

Damage: Owner shall have no liability for any loss or damage caused to Consumers' Facilities that may be occasioned by or through the acts or omissions of others.

Property Taxes: To the extent allowed or required by law, Consumers shall be responsible for all taxes or assessments levied upon the value of structures, facilities, and improvements owned, installed, and/or under the control of Consumers on the Easement Area pursuant to this agreement ("Consumers' Improvements"), except as provided herein. Owner and Consumers agree that the easement does not negate that the primary use of Owner's Land is for a public purpose. If any notice of assessment is issued to Owner's Corporate Secretary that purports to assess tax on the value of structures, facilities, and improvements owned, installed and/or under the control of Consumers on the Easement Area, Owner will strive to provide a copy to Consumers before the applicable board of review's first meeting. Owner will grant Consumers standing to challenge any assessment on Consumers' improvements, to the extent possible.

Successors: This easement shall bind and benefit Owner's and Consumers' respective heirs, successors, lessees, licensees, and assigns. Consumers' interest under this agreement shall be further subject to any and all existing leases, licenses, easements, and other interests in the Easement Area as are a matter of public record as the date of this agreement, provided in writing by Owner, or as reasonably apparent through a survey or inspection of the Easement Area. Consumers is solely responsible for complying with any and all applicable requirements, including notice, consent, and permit requirements, of such prior leases, licenses, easements, and other interests, and further Consumers shall abide by any and all terms, conditions, and provisions of said requirements, notices, consents, or permits of record or as otherwise provided to Consumers by Owner. Further, Consumers may not assign, convey, or otherwise transfer its rights under this agreement and any such assignment or conveyance is void without the advance written approval of Owner, which shall not be unreasonably withheld.

Notice: Any notices required or permitted to be given under the terms of this agreement shall be in writing and mailed by registered or certified U.S. mail, return receipt requested, postage prepaid, and in any case duly and properly addressed to the party indicated below or such other address or recipient as the party to whom such notice is to be given may specify from time to time by notice to the other party in accordance with this paragraph:

To Consumers: Consumers Energy Company
Business Services - Real Estate
One Energy Plaza
Jackson, Michigan 49201

To Owner:
City of Lansing
124 W. Michigan Ave.
Lansing, Michigan 48933

Each such notice shall be deemed to have been given and effective when mailed, as evidenced by the receipt of said mailing.

Authority: Owners and Consumers each acknowledge and represent that it is duly organized, validly existing and in good standing and has the right, power, and authority to enter into this agreement and bind itself through the party set forth as signatory for the party below.

Counterparts: This agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument. It is not necessary that all parties execute any single counterpart if each party executes at least one counterpart.

Entire Agreement: This agreement constitutes the entire agreement and understanding between the parties and supersedes any prior discussions, negotiations, agreements and understandings. This agreement may only be amended or modified except in writing signed by both parties.

Date: _____

City of Lansing, a Michigan municipal corporation

By: _____

Its: _____

By: _____

Its: _____

Acknowledgment

The foregoing instrument was acknowledged before me in Ingham County, Michigan, on _____

by _____ Its: _____ and by
_____, Its: _____, on behalf of the City of Lansing, a Michigan
municipal corporation..

Notary Public

County, Michigan

Acting in _____ County

My Commission expires: _____

Date: _____

Consumers Energy Company, a Michigan corporation

By: _____

Its: _____

Acknowledgment

The foregoing instrument was acknowledged before me in _____ County, Michigan,
on _____ by _____ Its _____
on behalf of Consumers Energy Company, a Michigan corporation.

Notary Public

County, Michigan

Acting in _____ County

My Commission expires: _____

Prepared by: Debra Dennis, 7-19-17
Consumers Energy Company
One Energy Plaza
Jackson, Michigan 49201

Return recorded instrument to:
Consumers Energy Company
Real Estate Department
Attn: Carrie Main, EP7-471
One Energy Plaza
Jackson, MI 49201

EXHIBIT A

Owner's Land

Land situated in the City of Lansing, County of Ingham, State of Michigan, described as:

The South 472.66 feet of Lot 38, Assessor's Plat No. 11, except the West 120 feet of the North 50 feet of said described land, as recorded in Liber 10 of Plats, Page 14, Ingham County Records. Being in Section 8, T4N, R2W, City of Lansing, Ingham County, Michigan.

Tax ID: #33-01-01-08-102-041

EXHIBIT B

Easement Area

That part of Lot 38 of Assessor's Plat No. 11, as recorded in Liber 10 of Plats, Page 14, at the Ingham County Register of Deeds described as: The West 15.00 feet of the following Parcel Description as recorded in Warranty Deed, Liber 599, Page 589, Ingham County Register of Deeds: The South 472.65 feet of Lot 38, Assessor's Plat No. 11, except the West 120 feet of the North 50 feet of said described land.

EASEMENT CONTAINS $\pm 6,340$ sq. ft. (± 0.15 Acres)

BY THE COMMITTEE ON PUBLIC SERVICE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

GLENBURNE ASSESSMENT ROLL GB-2017

WHEREAS, pursuant to **Chapter 1020.06**, Grass and Trash abatement, adopted by this Council, the City Assessor has completed the assessment roll for removal of grass and or trash in the Glenburne Commons area in the City of Lansing

WHEREAS, the owners of these properties were given proper notice in accordance with Chapter 1020.06(c) (1) to remove grass and trash from the commons area of the Glenburne Commons.

WHEREAS, the City incurred costs for the removal of grass and trash, which it is required to recover in accordance with Chapter 1020.06(c)(2).

WHEREAS, pursuant to Chapter 1020.06, the fees for those costs were adopted by Council.

WHEREAS, those costs incurred between April 25, 2017 and November 6, 2017, by the City total \$34,256.50.

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council will hold a public hearing on **Monday, March 13, 2017 at 7:00 PM**, in the Council Chambers, to review, prior to confirmation, said assessment roll; and

BE IT FURTHER RESOLVED, that the City Clerk is hereby requested to give due notice of this public hearing as provided by Chapter 1026, Section 1026.06(b) and (c), of the Code of Ordinances by publishing a notice of a public hearing in a daily newspaper of the City, not more than twenty days and not less than ten days before such public hearing. In addition, the Clerk shall give notice of hearings in special assessment proceedings to each owner of, or party in interest in, property to be assessed, whose name appears upon the last local tax assessment records, by first class mail addressed to such owner or party at the address shown on the tax records, at least ten days before the date of such hearing. Said notices shall include the time and place of the hearing; a description of the properties determined by the Director of Public Service to have violated Chapter 1020.06 which are contained in the special assessment roll; where the special assessment roll is on file with the City Clerk and may be examined at the City Clerk's office;

BE IT FURTHER RESOLVED, that any person aggrieved by the assessments as contained in the special assessment roll, or the necessity of the removal of grass and trash, may file a written objection thereto which must be delivered to the City Clerk prior to the close of the hearing, or the person may appear and protest the same at the public hearing in person or by his or her representative; that the appearance and protest or written protest in the manner described is required if the person desires to appeal the amount of the assessment to the Michigan Tax Tribunal;

BE IT FINALLY RESOLVED, that pursuant to the requirement of 1962 PA 162, as amended, a written appeal of the Special Assessment may be made to the Michigan Tax Tribunal, 611 West Ottawa St., P.O. Box 30232, Lansing, MI 48909; if filed within thirty days after confirmation of the special assessment roll and if the Special Assessment was protested at this hearing.

Adopted by the Committee
on Public Services
on

Approved for Placement on
the City Council Agenda:

James D. Smiertka
City Attorney

Date:

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, _____, 2017, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of supporting and/or opposing the Ordinance amending the Payment in Lieu of Taxes (PILOT) for Camelot Hills, f/k/a Hickory Woods, located at 601 Sadie Court, Lansing, Michigan.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY ADDING A NEW SECTION 888.____ FOR THE PURPOSES OF PROVIDING FOR A SERVICE CHARGE IN LIEU OF TAXES FOR ONE HUNDRED TWO (102) LOW INCOME MULTI-FAMILY DWELLING UNITS IN A PROJECT KNOWN AS CAMELOT HILLS, PURSUANT TO THE PROVISIONS OF THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966, AS AMENDED.

THE CITY OF LANSING ORDAINS:

SECTION 1. That Chapter 888 of the Code of Ordinances of the City of Lansing, Michigan be amended to add a new Section 888.____ to read as follows:

888.____ CAMELOT HILLS

(A) *PURPOSE*. IT IS ACKNOWLEDGED THAT IT IS A PROPER PUBLIC PURPOSE OF THE STATE AND ITS POLITICAL SUBDIVISIONS TO PROVIDE HOUSING FOR ITS RESIDENTS OF LOW AND MODERATE INCOME AND TO ENCOURAGE THE DEVELOPMENT OF SUCH HOUSING BY PROVIDING FOR A SERVICE CHARGE IN LIEU OF PROPERTY TAXES IN ACCORDANCE WITH THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966, BEING PUBLIC ACT 346 OF 1966, AS AMENDED [MCL 125.1401, ET SEQ.]. THE CITY IS AUTHORIZED BY SUCH ACT TO ESTABLISH OR CHANGE THE SERVICE CHARGE TO BE PAID IN LIEU OF TAXES BY ANY OR ALL CLASSES OF HOUSING EXEMPT FROM TAXATION UNDER SUCH ACT AT ANY AMOUNT IT CHOOSES, NOT TO EXCEED THE TAXES THAT WOULD BE PAID BUT FOR THIS ACT. IT IS FURTHER

1 ACKNOWLEDGED THAT SUCH HOUSING FOR PERSONS OF LOW AND
2 MODERATE INCOME IS A PUBLIC NECESSITY, AND AS THE CITY WILL BE
3 BENEFITED AND IMPROVED BY SUCH HOUSING, THE ENCOURAGEMENT OF
4 THE SAME BY PROVIDING CERTAIN REAL ESTATE TAX EXEMPTION FOR
5 SUCH HOUSING IS A VALID PUBLIC PURPOSE.

6 (B) *DEFINITIONS.*

7 (1) "*ACT*" MEANS THE STATE HOUSING DEVELOPMENT AUTHORITY ACT,
8 BEING PUBLIC ACT 346 OF 1966, AS AMENDED.

9 (2) "*ANNUAL SHELTER RENTS*" MEANS THE TOTAL COLLECTIONS DURING AN
10 AGREED ANNUAL PERIOD FROM ALL PERSONS OF LOW OR MODERATE
11 INCOME, OCCUPYING THE HOUSING DEVELOPMENT REPRESENTING
12 RENTS FOR OCCUPANCY, WHICH RENTAL AMOUNTS SHALL BE
13 EXCLUSIVE OF CHARGES FOR GAS, ELECTRICITY, HEAT OR OTHER
14 UTILITIES FURNISHED TO THE OCCUPANTS.

15 (3) "*AUTHORITY*" MEANS THE MICHIGAN STATE HOUSING DEVELOPMENT
16 AUTHORITY.

17 (4) "*HOUSING DEVELOPMENT* " OR " *DEVELOPMENT*" MEANS A DEVELOPMENT
18 WHICH CONTAINS A SIGNIFICANT ELEMENT OF HOUSING FOR PERSONS
19 OF LOW AND MODERATE INCOME AND SUCH ELEMENTS OF OTHER
20 HOUSING, COMMERCIAL, RECREATIONAL, INDUSTRIAL, COMMUNAL AND
21 EDUCATIONAL FACILITIES AS THE AUTHORITY MAY DETERMINE WILL
22 IMPROVE THE QUALITY OF THE DEVELOPMENT AS IT RELATES TO

1 HOUSING FOR PERSONS OF LOW AND MODERATE INCOME. FOR THE
2 PURPOSE OF THIS SECTION, THE NAME OF THIS DEVELOPMENT IS
3 CAMELOT HILLS, AND CONSISTS OF ONE HUNDRED TWO (102) UNITS OF
4 RENTAL HOUSING LOCATED WITHIN LANSING AT ALL OF BRISHBIN
5 PARK, EXCEPT LOTS 1, 2, AND 3, A SUBDIVISION OF A PART OF THE
6 SOUTHWEST ¼ OF SECTION 4, TOWN 4 NORTH, RANGE 2 WEST, AND THE
7 NORTHWEST ¼ OF SECTION 9, TOWN 4 NORTH, RANGE 2 WEST, CITY OF
8 LANSING, INGHAM COUNTY, MICHIGAN, ACCORDING TO THE RECORDED
9 PLAT THEREOF AS RECORDED IN LIBER 36, PAGES 19 AND 20, INGHAM
10 COUNTY RECORDS.

11 (5) "*HUD*" MEANS THE DEPARTMENT OF HOUSING AND URBAN
12 DEVELOPMENT OF THE UNITED STATES GOVERNMENT.

13 (6) "*LOW INCOME HOUSING TAX CREDIT PROGRAM*" MEANS THE PROGRAM
14 ESTABLISHED BY SECTION 42 OF THE UNITED STATES INTERNAL
15 REVENUE CODE.

16 (7) "*LOW OR MODERATE INCOME*" MEANS LOW OR MODERATE INCOME
17 ELIGIBILITY UNDER THE AUTHORITY ACT OR RULES.

18 (8) "*MORTGAGE LOAN*" MEANS A LOAN TO BE MADE BY A PRIVATE ENTITY
19 AND INSURED BY HUD, OR A LOAN FROM THE AUTHORITY FOR THE
20 FINANCING OF THE PURCHASE AND REHABILITATION OF THE HOUSING
21 DEVELOPMENT.

1 (9) "*SPONSOR*" MEANS A PERSON OR OTHER ENTITY WITH A HOUSING
2 DEVELOPMENT WHICH IS FINANCED OR ASSISTED PURSUANT TO THE
3 ACT. FOR PURPOSES OF THIS SECTION, THE SPONSOR OF CAMELOT HILLS
4 IS MHT HOUSING, INC., OR ITS SUCCESSORS OR ASSIGNS.

5 (10) "*UTILITIES*" MEANS FUEL, WATER, SANITARY SEWER AND/OR
6 ELECTRICAL SERVICE, WHICH IS PAID FOR BY THE HOUSING
7 DEVELOPMENT.

8 (C) *ESTABLISHMENT OF ANNUAL SERVICE CHARGE.*

9 (1) THE CITY ACKNOWLEDGES THAT THE SPONSOR AND THE AUTHORITY
10 HAVE ESTABLISHED THE ECONOMIC FEASIBILITY OF CAMELOT HILLS IN
11 RELIANCE UPON THE ENACTMENT AND CONTINUING EFFECT OF THIS
12 SECTION AND UPON THE QUALIFICATION OF THE ONE HUNDRED TWO
13 (102) UNITS OF HOUSING IN THE HOUSING DEVELOPMENT FOR
14 EXEMPTION FROM ALL PROPERTY TAXES AS ESTABLISHED IN THIS
15 SECTION.

16 (2) SUBJECT TO THE CONDITIONS AND REQUIREMENTS OF THIS SECTION
17 AND THE ACT, THE ONE HUNDRED TWO (102) UNITS IN THE HOUSING
18 DEVELOPMENT FOR PERSONS OF LOW AND MODERATE INCOME
19 IDENTIFIED AS CAMELOT HILLS AND THE PROPERTY ON WHICH THEY
20 ARE CONSTRUCTED SHALL BE EXEMPT FROM ALL PROPERTY TAXES FOR
21 NOT MORE THAN THIRTY-FIVE (35) YEARS, COMMENCING WITH AND
22 INCLUDING TAX YEAR 2019.

1 (3) IN LIEU OF ALL SAID PROPERTY TAXES ON THE ONE HUNDRED TWO (102)
2 UNITS IN THE HOUSING DEVELOPMENT, THE SPONSOR SHALL PAY, AND
3 THE CITY WILL ACCEPT, AN ANNUAL SERVICE CHARGE FOR PUBLIC
4 SERVICES, IN THE SUM EQUAL TO, FOUR PERCENT (4%) OF THE
5 DIFFERENCE BETWEEN THE ANNUAL SHELTER RENTS ACTUALLY
6 COLLECTED AND UTILITIES.

7 (4) THE EXEMPTION PROVIDED UNDER THIS SECTION SHALL COMMENCE
8 WHEN THE SPONSOR COMPLIES WITH SECTION 15A(1) OF 1966 PA 346, AS
9 AMENDED, CODIFIED AS MCL 125.415A(1), WHICH PROVIDES: THE OWNER
10 OF A HOUSING PROJECT ELIGIBLE FOR THE EXEMPTION SHALL FILE WITH
11 THE LOCAL ASSESSING OFFICER (THE CITY ASSESSOR) A NOTIFICATION
12 OF THE EXEMPTION, WHICH SHALL BE IN AN AFFIDAVIT FORM AS
13 PROVIDED BY THE AUTHORITY. THE COMPLETED AFFIDAVIT FORM FIRST
14 SHALL BE SUBMITTED TO THE AUTHORITY FOR CERTIFICATION BY THE
15 AUTHORITY THAT THE PROJECT IS ELIGIBLE FOR THE EXEMPTION. THE
16 OWNER THEN SHALL FILE THE CERTIFIED NOTIFICATION OF THE
17 EXEMPTION WITH THE LOCAL ASSESSING OFFICER BEFORE NOVEMBER 1
18 OF THE YEAR PRECEDING THE TAX YEAR IN WHICH THE EXEMPTION IS
19 TO BEGIN.

20 (5) IN ADDITION TO THE CERTIFICATION REQUIRED PURSUANT TO
21 SUBSECTION (C)(4), THE SPONSOR SHALL PROVIDE FOR THE HOUSING
22 DEVELOPMENT ANNUALLY IN WRITING TO THE CITY ASSESSOR FOR THE

PRECEDING YEAR IN WHICH THE PROPERTY TAX EXEMPTION WAS IN
EFFECT:

A. THE ANNUAL AUDITED ACCOUNTING REPORT FOR THE PAYMENT IN
LIEU OF TAXES; AND

B. A CERTIFIED STATEMENT IDENTIFYING ALL THE UNITS RENTED TO
PERSONS OF LOW OF MODERATE INCOME; AND

C. IF REQUESTED BY THE CITY, PROOF THAT THE HOUSING
DEVELOPMENT UNITS HAVE NOT INCREASED, DECREASED, OR BEEN
ALTERED IN ANY FORM, UNLESS THE CITY HAS OTHERWISE
AMENDED THE PROVISIONS OF THIS SECTION.

(D) *LIMITATION ON THE PAYMENT OF THE ANNUAL SERVICE CHARGE.*

NOTWITHSTANDING SUBSECTION (C), THE SERVICE CHARGE TO BE PAID
EACH YEAR IN LIEU OF TAXES FOR THE PART OF THE HOUSING
DEVELOPMENT PROJECT THAT IS TAX EXEMPT AND OCCUPIED BY OTHER
THAN LOW OR MODERATE INCOME PERSONS SHALL BE EQUAL TO THE FULL
AMOUNT OF THE TAXES THAT WOULD OTHERWISE BE DUE AND PAYABLE
ON THAT PORTION OF THE HOUSING DEVELOPMENT PROJECT IF THE
PROJECT WERE NOT TAX EXEMPT.

(E) *PAYMENT OF ANNUAL SERVICE CHARGE.* THE SERVICE CHARGE IN LIEU OF

TAXES, AS ESTABLISHED UNDER THIS SECTION, SHALL BE PAYABLE IN THE
SAME MANNER AS GENERAL PROPERTY TAXES ARE PAYABLE TO THE CITY,
EXCEPT THAT THE ANNUAL PAYMENT SHALL BE MADE ON OR BEFORE JULY

1 1 OF THE YEAR FOLLOWING THE YEAR UPON WHICH SUCH CHARGE IS
2 CALCULATED.

3 (F) *CONTRACTUAL EFFECT*. NOTWITHSTANDING THE PROVISIONS OF SECTION
4 15(A)(5) OF THE ACT TO THE CONTRARY, A CONTRACT BETWEEN THE CITY
5 AND THE SPONSOR WITH THE AUTHORITY AS THIRD-PARTY BENEFICIARY
6 UNDER THE CONTRACT, TO PROVIDE TAX EXEMPTION AND ACCEPT
7 PAYMENT IN LIEU OF TAXES AS PREVIOUSLY DESCRIBED, IS EFFECTUATED
8 BY THE ENACTMENT OF THIS SECTION.

9 (G) *DURATION*. THIS SECTION SHALL REMAIN IN EFFECT AND SHALL NOT
10 TERMINATE FOR THIRTY-FIVE (35) YEARS, COMMENCING WITH AND
11 INCLUDING TAX YEAR 2019, PROVIDED THAT THE SPONSOR COMPLIES WITH
12 THE REQUIREMENTS OF THE ACT AND THIS SECTION, AND FURTHER
13 PROVIDED THAT THE HOUSING DEVELOPMENT CONTINUES TO BE RENTED
14 TO LOW OR MODERATE INCOME PERSONS AT RENTS DETERMINED UNDER
15 THE LOW INCOME HOUSING TAX CREDIT PROGRAM, AS THE SAME MAYBE
16 FURTHER AMENDED OR SUPERSEDED, OR THERE IS AN AUTHORITY-AIDED
17 OR FEDERALLY-AIDED MORTGAGE ON THE HOUSING DEVELOPMENT AS
18 PROVIDED IN THE ACT, OR THE AUTHORITY OR HUD HAS AN INTEREST IN
19 THE PROPERTY; BUT IN NO EVENT BEYOND DECEMBER 31, 2054. IF THE
20 SPONSOR CHANGES THE SCOPE OR PURPOSE OF THE ONE HUNDRED TWO
21 (102) UNITS OF HOUSING WITHIN THE DEVELOPMENT WITHOUT THE
22 CONSENT OF THE CITY OF LANSING, BY AND THROUGH ITS
23 REPRESENTATIVES, AND IN ACCORDANCE WITH THE REQUIREMENTS OF THE

LANSING CITY CHARTER, THIS SECTION SHALL AUTOMATICALLY EXPIRE
AND BE OF NO EFFECT.

SECTION 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or
rules inconsistent with the provisions hereof are hereby repealed as they pertain to Camelot Hills.

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 valid.

SECTION 4. This Ordinance shall take effect on the 30th day after enactment unless
given immediate effect by the City Council.

Approved as to form:

James D. Smiertka, City Attorney

Dated: _____

file:///S:/Attorney_Staff/ORDINANCES/PILOT Ordinances/Camelot Hills

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, JANUARY 8, 2018, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of supporting and/or opposing the Ordinance amending the Payment in Lieu of Taxes (PILOT) for FRIENDSHIP MANOR APARTMENTS.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY ADDING A NEW SECTION 884.____ FOR THE PURPOSES OF PROVIDING FOR AN EXTENSION OF A SERVICE CHARGE IN LIEU OF TAXES FOR ONE HUNDRED SEVENTY (170) LOW INCOME ELDERLY DWELLING UNITS IN A PROJECT KNOWN AS FRIENDSHIP MANOR, PURSUANT TO THE PROVISIONS OF THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966, AS AMENDED.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 884 of the Code of Ordinances of the City of Lansing, Michigan be amended to add a new Section 884.____ to read as follows:

884.____ FRIENDSHIP MANOR

(A) *PURPOSE*. IT IS ACKNOWLEDGED THAT IT IS A PROPER PUBLIC PURPOSE OF THE STATE AND ITS POLITICAL SUBDIVISIONS TO PROVIDE HOUSING FOR ITS RESIDENTS OF LOW AND MODERATE INCOME AND TO ENCOURAGE THE DEVELOPMENT OF SUCH HOUSING BY PROVIDING FOR A SERVICE CHARGE IN LIEU OF PROPERTY TAXES IN ACCORDANCE WITH THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966, BEING PUBLIC ACT 346 OF 1966, AS AMENDED [MCL 125.1401, ET SEQ.]. THE CITY IS AUTHORIZED BY SUCH ACT TO ESTABLISH OR CHANGE THE SERVICE CHARGE TO BE PAID IN LIEU OF TAXES BY ANY OR ALL CLASSES OF HOUSING EXEMPT FROM TAXATION UNDER SUCH ACT AT ANY AMOUNT IT CHOOSES, NOT TO EXCEED THE TAXES THAT WOULD BE PAID BUT FOR THIS ACT. IT IS FURTHER

1 ACKNOWLEDGED THAT SUCH HOUSING FOR ELDERLY PERSONS OF LOW AND
2 MODERATE INCOME IS A PUBLIC NECESSITY, AND AS THE CITY WILL BE
3 BENEFITED AND IMPROVED BY SUCH HOUSING, THE ENCOURAGEMENT OF
4 THE SAME BY PROVIDING CERTAIN REAL ESTATE TAX EXEMPTION FOR
5 SUCH HOUSING IS A VALID PUBLIC PURPOSE.

6 (B) *DEFINITIONS.*

7 (1) "*ACT*" MEANS THE STATE HOUSING DEVELOPMENT AUTHORITY ACT,
8 BEING PUBLIC ACT 346 OF 1966, AS AMENDED.

9 (2) "*ANNUAL SHELTER RENTS*" MEANS THE TOTAL COLLECTIONS DURING AN
10 AGREED ANNUAL PERIOD FROM ALL ELDERLY PERSONS OF LOW OR
11 MODERATE INCOME, OCCUPYING THE HOUSING DEVELOPMENT
12 REPRESENTING RENTS FOR OCCUPANCY, WHICH RENTAL AMOUNTS
13 SHALL BE EXCLUSIVE OF CHARGES FOR GAS, ELECTRICITY, HEAT OR
14 OTHER UTILITIES FURNISHED TO THE OCCUPANTS.

15 (3) "*AUTHORITY*" MEANS THE MICHIGAN STATE HOUSING DEVELOPMENT
16 AUTHORITY.

17 (4) "*ELDERLY PERSON(S)*" MEANS (i) A SINGLE PERSON WHO IS 55 YEARS OF
18 AGE OR OLDER OR A HOUSEHOLD IN WHICH AT LEAST ONE MEMBER IS
19 55 YEARS OF AGE OR OLDER OR (ii) A PERSON WITH DISABILITIES, A
20 DISABLED FAMILY, OR DISPLACED FAMILY ALL AS DEFINED IN 24 CFR
21 5.403.

1 (5) "*HOUSING DEVELOPMENT* " OR "*DEVELOPMENT*" MEANS A DEVELOPMENT
2 WHICH CONTAINS A SIGNIFICANT ELEMENT OF HOUSING FOR ELDERLY
3 PERSONS OF LOW AND MODERATE INCOME AND SUCH ELEMENTS OF
4 OTHER HOUSING, COMMERCIAL, RECREATIONAL, INDUSTRIAL,
5 COMMUNAL AND EDUCATIONAL FACILITIES AS THE AUTHORITY MAY
6 DETERMINE WILL IMPROVE THE QUALITY OF THE DEVELOPMENT AS IT
7 RELATES TO HOUSING FOR ELDERLY PERSONS OF LOW AND MODERATE
8 INCOME. FOR THE PURPOSE OF THIS SECTION, THE NAME OF THIS
9 DEVELOPMENT IS FRIENDSHIP MANOR, AND CONSISTS OF ONE HUNDRED
10 SEVENTY (170) UNITS OF RENTAL HOUSING LOCATED WITHIN LANSING
11 AT LOT 2, EASTLAND SUBDIVISION ON THE PART OF THE NORTHWEST $\frac{1}{4}$
12 OF SECTION 13 TOWN 4 NORTH, RANGE 2 WEST, CITY OF LANSING,
13 INGHAM COUNTY, MICHIGAN, ACCORDING TO THE RECORDED PLAT
14 THEREOF, AS RECORDED IN LIBER 33 OF PLATS, PAGE 44. FORMERLY
15 DESCRIBED AS FOLLOWS: A PARCEL OF LAND LYING IN THE NORTHWEST
16 $\frac{1}{4}$ OF SECTION 13, TOWN 4 NORTH, RANGE 2 WEST, CITY OF LANSING,
17 INGHAM COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS
18 FOLLOWS: COMMENCING AT THE WEST $\frac{1}{4}$ CORNER OF SAID SECTIONS 13,
19 THENCE ALONG THE EAST-WEST $\frac{1}{4}$ LINE SOUTH $89^{\circ}01'36''$ EAST 330.73
20 FEET TO THE WEST LINE OF THE EAST $\frac{1}{2}$ OF THE WEST $\frac{1}{2}$ OF THE
21 SOUTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$, THENCE ALONG SAID WEST LINE
22 NORTH $1^{\circ}22'44''$ EAST 663.89 FEET TO THE POINT OF BEGINNING, THENCE
23 CONTINUING NORTH $1^{\circ}22'44''$ EAST 663.89 FEET TO THE NORTH LINE OF

1 THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$, THENCE ALONG SAID NORTH
2 LINE SOUTH $88^{\circ}55'33''$ EAST 111.22 FEET, THENCE SOUTH $1^{\circ}24'$ WEST 150.0
3 FEET, THENCE PARALLEL WITH SAID NORTH LINE SOUTH $88^{\circ}55'33''$ EAST
4 220.0 FEET TO THE WEST LINE OF THE REPLAT OF RUFUS A. BAILEY
5 SUBDIVISION, AS RECORDED IN LIBER 9 OF PLATS ON PAGE 43, INGHAM
6 COUNTY RECORDS, THENCE ALONG SAID WEST LINE SOUTH $1^{\circ}24'$ WEST
7 518.46 FEET, THENCE PARALLEL WITH THE EAST-WEST $\frac{1}{4}$ LINE NORTH
8 $89^{\circ}01'36''$ WEST 140.74 FEET, THENCE NORTH $1^{\circ}23'22''$ EAST 130.0 FEET TO A
9 POINT OF CURVATURE, THENCE NORTHEASTERLY 39.66 FEET ALONG THE
10 ARC OF A 25.25 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD
11 BEARS NORTH $46^{\circ}23'22''$ EAST 35.71 FEET TO A POINT OF TANGENCY,
12 THENCE SOUTH $88^{\circ}36'38''$ EAST 5.0 FEET TO A POINT OF CURVATURE,
13 THENCE NORTHWESTERLY 285.53 FEET ALONG THE ARC OF A 60 FOOT
14 RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS NORTH $44^{\circ}56'27''$
15 WEST 82.86 FEET TO A POINT OF REVERSE CURVATURE, THENCE
16 SOUTHERLY 48.58 FEET ALONG THE ARC OF A 89.25 FOOT RADIUS CURVE
17 TO THE RIGHT WHOSE CHORD BEARS SOUTH $14^{\circ}19'22''$ WEST 47.98 FEET
18 TO A POINT OF REVERSE CURVATURE, THENCE SOUTHERLY 37.22 FEET
19 ALONG THE ARC OF A 74.75 FOOT RADIUS CURVE TO THE LEFT WHOSE
20 CHORD BEARS SOUTH $15^{\circ}39'11''$ WEST 36.83 FEET TO A POINT OF
21 TANGENCY, THENCE SOUTH $1^{\circ}23'22''$ WEST 125.34 FEET, THENCE NORTH
22 $88^{\circ}58'34''$ WEST 140.74 FEET TO THE POINT OF BEGINNING.

1 (6) "*HUD*" MEANS THE DEPARTMENT OF HOUSING AND URBAN
2 DEVELOPMENT OF THE UNITED STATES GOVERNMENT.

3 (7) "*LOW INCOME HOUSING TAX CREDIT PROGRAM*" MEANS THE PROGRAM
4 ESTABLISHED BY SECTION 42 OF THE UNITED STATES INTERNAL
5 REVENUE CODE.

6 (8) "*LOW OR MODERATE INCOME*" MEANS LOW OR MODERATE INCOME
7 ELIGIBILITY UNDER THE AUTHORITY ACT OR RULES.

8 (9) "*MORTGAGE LOAN*" MEANS A LOAN TO BE MADE BY A PRIVATE ENTITY
9 AND INSURED BY HUD, OR A LOAN FROM THE AUTHORITY FOR THE
10 FINANCING OF THE PURCHASE AND REHABILITATION OF THE HOUSING
11 DEVELOPMENT.

12 (10) "*SPONSOR*" MEANS A PERSON OR OTHER ENTITY WITH A HOUSING
13 DEVELOPMENT WHICH IS FINANCED OR ASSISTED PURSUANT TO THE
14 ACT. FOR PURPOSES OF THIS SECTION, THE SPONSOR OF FRIENDSHIP
15 MANOR IS FHC TWELVE FRIENDSHIP MANOR LIMITED DIVIDEND
16 HOUSING ASSOCIATION LIMITED PARTNERSHIP, OR ITS SUCCESSORS OR
17 ASSIGNS.

18 (11) "*UTILITIES*" MEANS FUEL, WATER, HEAT, SANITARY SEWER AND/OR
19 ELECTRICAL SERVICE, WHICH IS PAID FOR BY THE HOUSING
20 DEVELOPMENT, AS DEFINED IN THE ACT.

21 (12) OTHER TERMS. ALL TERMS REFERENCING THE ACT BUT NOT DEFINED IN
22 THIS SECTION SHALL HAVE THE SAME MEANING GIVEN IN THE ACT.

1 (C) *ESTABLISHMENT OF ANNUAL SERVICE CHARGE.*

2 (1) THE CITY ACKNOWLEDGES THAT THE SPONSOR AND THE AUTHORITY
3 HAVE ESTABLISHED THE ECONOMIC FEASIBILITY OF FRIENDSHIP MANOR
4 IN RELIANCE UPON THE ENACTMENT AND CONTINUING EFFECT OF THIS
5 SECTION AND UPON THE QUALIFICATION OF THE ONE HUNDRED
6 SEVENTY (170) UNITS OF ELDERLY HOUSING IN THE HOUSING
7 DEVELOPMENT FOR EXEMPTION FROM ALL PROPERTY TAXES AS
8 ESTABLISHED IN THIS SECTION.

9 (2) SUBJECT TO THE CONDITIONS AND REQUIREMENTS OF THIS SECTION
10 AND THE ACT, THE ONE HUNDRED SEVENTY (170) UNITS IN THE ELDERLY
11 HOUSING DEVELOPMENT FOR PERSONS OF LOW AND MODERATE
12 INCOME IDENTIFIED AS FRIENDSHIP MANOR AND THE PROPERTY ON
13 WHICH THEY ARE CONSTRUCTED SHALL BE EXEMPT FROM ALL
14 PROPERTY TAXES FOR NOT MORE THAN FIFTY (50) YEARS, COMMENCING
15 WITH AND INCLUDING TAX YEAR 2019.

16 (3) IN LIEU OF ALL SAID PROPERTY TAXES ON THE ONE HUNDRED SEVENTY
17 (170) UNITS IN THE ELDERLY HOUSING DEVELOPMENT, THE SPONSOR
18 SHALL PAY, AND THE CITY WILL ACCEPT, AN ANNUAL SERVICE CHARGE
19 FOR PUBLIC SERVICES, IN THE SUM EQUAL TO, FOUR PERCENT (4%) OF
20 THE DIFFERENCE BETWEEN THE ANNUAL SHELTER RENTS ACTUALLY
21 COLLECTED AND UTILITIES.

22 (4) THE EXEMPTION PROVIDED UNDER THIS SECTION SHALL COMMENCE
23 WHEN THE SPONSOR COMPLIES WITH SECTION 15A(1) OF 1966 PA 346, AS

1 AMENDED, CODIFIED AS MCL 125.1415(a)(1), WHICH PROVIDES: THE
2 OWNER OF A HOUSING PROJECT ELIGIBLE FOR THE EXEMPTION SHALL
3 FILE WITH THE LOCAL ASSESSING OFFICER (THE CITY ASSESSOR) A
4 NOTIFICATION OF THE EXEMPTION, WHICH SHALL BE IN AN AFFIDAVIT
5 FORM AS PROVIDED BY THE AUTHORITY. THE COMPLETED AFFIDAVIT
6 FORM FIRST SHALL BE SUBMITTED TO THE AUTHORITY FOR
7 CERTIFICATION BY THE AUTHORITY THAT THE PROJECT IS ELIGIBLE FOR
8 THE EXEMPTION. THE OWNER THEN SHALL FILE, OR CAUSE TO BE FILED,
9 THE CERTIFIED NOTIFICATION OF THE EXEMPTION WITH THE LOCAL
10 ASSESSING OFFICER BEFORE NOVEMBER 1 OF THE YEAR PRECEDING THE
11 TAX YEAR IN WHICH THE EXEMPTION IS TO BEGIN.

12 (5) IN ADDITION TO THE CERTIFICATION REQUIRED PURSUANT TO
13 SUBSECTION (C)(4), THE SPONSOR SHALL PROVIDE FOR THE HOUSING
14 DEVELOPMENT ANNUALLY IN WRITING TO THE CITY ASSESSOR FOR THE
15 PRECEDING YEAR IN WHICH THE PROPERTY TAX EXEMPTION WAS IN
16 EFFECT:

17 A. THE ANNUAL AUDITED ACCOUNTING REPORT FOR THE PAYMENT IN
18 LIEU OF TAXES; AND

19 B. A CERTIFIED STATEMENT IDENTIFYING ALL THE UNITS RENTED TO
20 ELDERLY PERSONS OF LOW OF MODERATE INCOME; AND

21 C. IF REQUESTED BY THE CITY, PROOF THAT THE HOUSING
22 DEVELOPMENT UNITS HAVE NOT INCREASED, DECREASED, OR BEEN

ALTERED IN ANY FORM, UNLESS THE CITY HAS OTHERWISE
AMENDED THE PROVISIONS OF THIS SECTION.

(D) *LIMITATION ON THE PAYMENT OF THE ANNUAL SERVICE CHARGE.*

NOTWITHSTANDING SUBSECTION (C), THE SERVICE CHARGE TO BE PAID
EACH YEAR IN LIEU OF TAXES FOR THE PART OF THE HOUSING
DEVELOPMENT PROJECT THAT IS TAX EXEMPT AND OCCUPIED BY OTHER
THAN LOW OR MODERATE INCOME ELDERLY PERSONS SHALL BE EQUAL TO
THE FULL AMOUNT OF THE TAXES THAT WOULD OTHERWISE BE DUE AND
PAYABLE ON THAT PORTION OF THE HOUSING DEVELOPMENT PROJECT IF
THE PROJECT WERE NOT TAX EXEMPT.

(E) *PAYMENT OF ANNUAL SERVICE CHARGE.* THE SERVICE CHARGE IN LIEU OF
TAXES, AS ESTABLISHED UNDER THIS SECTION, SHALL BE PAYABLE IN THE
SAME MANNER AS GENERAL PROPERTY TAXES ARE PAYABLE TO THE CITY,
AND DISTRIBUTED TO THE SEVERAL UNITS LEVYING THE GENERAL
PROPERTY TAX IN THE SAME PROPORTION AS PREVAILED WITH THE
GENERAL PROPERTY TAX IN THE PREVIOUS YEAR, EXCEPT THAT THE
ANNUAL PAYMENT SHALL BE MADE ON OR BEFORE JULY 1 OF THE YEAR
FOLLOWING THE YEAR UPON WHICH SUCH CHARGE IS CALCULATED.
COLLECTION PROCEDURE SHALL BE IN ACCORDANCE WITH THE PROVISIONS
OF THE GENERAL PROPERTY TAX ACT (1893 PA 206, AS AMENDED; MCL 211.1,
ET SEQ.).

(F) *CONTRACTUAL EFFECT.* NOTWITHSTANDING THE PROVISIONS OF SECTION
15(A)(5) OF THE ACT TO THE CONTRARY, A CONTRACT BETWEEN THE CITY

1 AND THE SPONSOR WITH THE AUTHORITY AS THIRD-PARTY BENEFICIARY
2 UNDER THE CONTRACT, TO PROVIDE TAX EXEMPTION AND ACCEPT
3 PAYMENT IN LIEU OF TAXES AS PREVIOUSLY DESCRIBED, IS EFFECTUATED
4 BY THE ENACTMENT OF THIS SECTION.

5 (G) *DURATION*. THIS SECTION SHALL REMAIN IN EFFECT AND SHALL NOT
6 TERMINATE FOR FIFTY (50) YEARS, COMMENCING WITH AND INCLUDING
7 TAX YEAR 2019, PROVIDED THAT THE SPONSOR COMPLIES WITH THE
8 REQUIREMENTS OF THE ACT AND THIS SECTION, AND FURTHER PROVIDED
9 THAT THE HOUSING DEVELOPMENT CONTINUES TO BE RENTED TO LOW OR
10 MODERATE INCOME ELDERLY PERSONS AT RENTS DETERMINED UNDER THE
11 LOW INCOME HOUSING TAX CREDIT PROGRAM, AS THE SAME MAY BE
12 FURTHER AMENDED OR SUPERSEDED, OR THERE IS AN AUTHORITY-AIDED
13 OR FEDERALLY-AIDED MORTGAGE ON THE HOUSING DEVELOPMENT AS
14 PROVIDED IN THE ACT, OR THE AUTHORITY OR HUD HAS AN INTEREST IN
15 THE PROPERTY; BUT IN NO EVENT BEYOND DECEMBER 31, 2069. IF THE
16 SPONSOR CHANGES THE SCOPE OR PURPOSE OF THE ONE HUNDRED
17 SEVENTY (170) UNITS OF HOUSING WITHIN THE DEVELOPMENT WITHOUT
18 THE CONSENT OF THE CITY OF LANSING, BY AND THROUGH ITS
19 REPRESENTATIVES, AND IN ACCORDANCE WITH THE REQUIREMENTS OF THE
20 LANSING CITY CHARTER, THIS SECTION SHALL AUTOMATICALLY EXPIRE
21 AND BE OF NO EFFECT.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed as they pertain to Friendship Manor.

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 valid.

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

Approved as to form:

James D. Smiertka, City Attorney

Dated: _____

file:///S:/Attorney_Staff/ORDINANCES/PILOT Ordinances/Friendship Manor

Resolution #____

RESOLUTION TO SET PUBLIC HEARING FOR ACTION PLAN FY 2018-2019

BY THE COMMITTEE ON DEVELOPMENT AND 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, March 26, 2018 at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of receiving comments on the proposed CDBG resources for the Annual Action Plan submission to HUD for FY 2018-2019.

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

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) requires that the City of Lansing submits the Annual Action Plan in order to receive Community Development fund resources, including Community Development Block Grant (CDBG), HOME and Emergency Solutions Grant (ESG) program funds, for the upcoming fiscal year 2018-2019; and

WHEREAS, the CDBG, HOME and ESG entitlement amount allocated to Lansing for the upcoming fiscal year is \$2,641,597 which is subject to adjustment by HUD; and

WHEREAS, the City estimates the amount of program income to be 40,000; and

WHEREAS, pursuant to program requirements, the City has conducted a citizen participation and open review process which has included meetings and public hearings; and

WHEREAS, the City has further promoted participation, input and review in the process by conducting two (2) separate advertised public hearings before the Lansing Planning Board, one on December 5, 2017 regarding housing and community development needs and one on February 6, 2018 regarding proposed Annual Action Plan program objectives and projected use of Federal entitlement and formula program funds; and

WHEREAS, the City did also initiate and carry out the required thirty (30) day public comment period on the proposed 2018-19 Annual Action Plan by publishing a notice of the availability of the plan in the Lansing City Pulse on February 28, 2018; and

WHEREAS, a public hearing was held by the Lansing City Council on March 26, 2018 to again receive citizen comments and recommendations and to give final review to the Annual Action Plan; and

WHEREAS, Federal regulations require the City to make certain certifications and assurances to HUD as a part of the City's application and Annual Action Plan;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lansing adopts the Annual Action Plan for the City of Lansing that includes housing and community development goals, objectives, strategies, and budget for the use of community development fund resources for fiscal year 2018-2019 as proposed by the Committee on Development and Planning; and

BE IT FURTHER RESOLVED that the Mayor, as the City's Chief Executive Officer, is hereby authorized to sign the Annual Action Plan and application for FY 2018-2019, including all understandings, assurances and certifications contained therein, and to submit the grant application to the Department of Housing and Urban Development; and

BE IT FINALLY RESOLVED that the Mayor is authorized, as the official representative of the City of Lansing, to set-up budget line items, provide any and all information, to act in connection with the Annual Action Plan application and to execute all agreements, contracts and legal documents, including the agreement between the City and the Department of Housing and Urban Development, to secure CDBG, HOME and ESG funding and implement the Annual Action Plan programs.

**Department of Economic
Development and Planning**
Brian McGrain, Director



Andy Schor, Mayor

Development Office
316 N. Capitol Avenue, Suite D-1
Lansing, Michigan 48933
PH: 517.483.4040 – FAX: 517.483.6036
www.lansingmi.gov/development

February 21, 2018

Honorable Mayor Andy Schor
Ninth Floor City Hall
Lansing, MI 48933-1694

Dear Mayor Schor:

RE: Proposed Program Objectives and Projected Use of Federal Funds
Annual Action Plan FY 2018 (July 1, 2018- June 30, 2019)

The Lansing Planning Board, at its meeting held on February 6, 2018, voted unanimously (4-0) to recommend approval of the Statement of Proposed Program Objectives and Projected Use of Community Development Fund Resources for the Annual Action Plan FY 2018 (July 1, 2018- June 30, 2019). A copy of the statement, which identifies the activities to be undertaken by the City using Community Development Block Grant (CDBG), HOME Program and ESG (Emergency Solutions Grant) Program Funds commencing July 1, 2018, is attached for your review,

Several public hearings were conducted as part of the Citizen Participation Plan. The first public hearing was held on December 5, 2017 before the Planning Board to receive public comments regarding housing and community development needs. The minutes of the public hearing are attached to this letter. One person spoke in support of funding for rehabilitation/new construction of single family homes and one other person spoke about the continued need for funding of rehabilitation activities in a particular neighborhood.

The second of three public hearings regarding the federal funding allocations was held on February 6, 2018. Three individuals spoke at this hearing in regards to CDBG and HOME programs, two of whom specifically addressed a need to fund a program offering computer technology for the low and moderate income individuals including senior citizens.

The last hearing will be held before the City Council on March 26, 2018. In addition to the hearings, a public notice will be published in the Lansing City Pulse providing a final opportunity for public comments on the *draft* Annual Action Plan for a period of thirty (30) days (February 28, 2018 – March 30, 2018).

The Annual Action Plan, which is the City's planning document and application for CDBG, HOME & ESG programs, must be submitted to the Department of Housing and Urban Development by May 14, 2018.

The proposed use of funds is based on goals and objectives established for each of the three (3) programs, and reflects the needs identified and commitments made relative to housing, homeless services, economic development, weatherization, public improvements and other community development activities. The allocation for public services is limited to 15% of the estimated Community Development Block Grant. The allocations for administration, planning and urban design and project operations are staff and operating costs related to delivery of not only the CDBG, HOME and Emergency Solutions Grant Programs, but other State and Federal Programs as well.

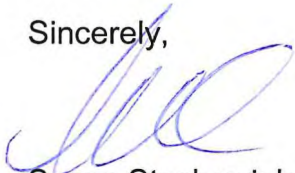
The federal resources for this year include Community Development Block Grant, HOME (plus program income estimate), and Emergency Solutions Grant in the total amount of \$2,641,597, which will be budgeted as proposed in the attached Summary of Funding Allocation for the next fiscal year

At its February 6, 2018 meeting, the Planning Board voted unanimously to recommend that the Mayor and City Council adopt the Proposed Program Objectives, Goals and Projected Use of Community Development Fund Resources as part of the budget for Fiscal Year 2018--2019 for the City of Lansing. The recommendation was made with the understanding that adjustments will be made to the budget amounts proposed for each activity once the actual grant amounts from HUD have been awarded.

Attached are copies of the minutes from the public hearings on December 5, 2017 and February 6, 2018.

Please forward this information to the members of the City Council.

Sincerely,



Susan Stachowiak, Secretary
Lansing Planning Board



**Regular Meeting
LANSING PLANNING BOARD
December 5, 2017
6:30 p.m., Conference Room A
Neighborhood Empowerment Center
600 W. Maple Street**

MINUTES

1. OPENING SESSION

Mr. Ruge called the meeting to order at 6:30 p.m.

- a. Present: John Ruge, Farhan Bhatti, Marta Cerna, Tony Cox, Josh Hovey, and Katie Johnson
- b. Absent: Lynne Martinez (excused)
- c. Staff: Bill Rieske, Asst. Planning Manager; Doris Witherspoon, Senior Planner; Bob Johnson, Planning and Neighborhood Development Director; Gregory Venker, Asst. City Attorney

- 2. APPROVAL OF AGENDA – The agenda was approved by unanimous consent.** It was moved by Mr. Hovey, seconded by Ms. Johnson, and CARRIED unanimously, to grant an excused absence to Ms. Martinez.

- 3. COMMUNICATIONS –** The 2018 Meeting Schedule was enclosed.

4. HEARINGS

A. Community Needs Public Hearing

Ms. Witherspoon reported that the City is requesting comments regarding priorities for the City's investment of federal Community Development Block Grant, HOME, and Emergency Solutions Grant program funds for fiscal year 2018-2019. She briefly described each program and the eligible activities. Participants were asked to speak on specific community development and housing needs.

Sage Hales-Ho, Capitol Area Housing Partnership (CAHP), spoke of the importance as well as supported the Community Development Block Grant and HOME funds for housing rehabilitation activities. CAHP has worked with the Development Office as well as the Ingham County Land Bank on the redevelopment of single family housing. She expressed the importance of quality affordable housing options.

LaSandra Jones, of the Eastside Community Action Center, 1001 Dakin Street, had questions about the funding process for housing rehabilitation. She expressed concerns with the number of vacant properties on the Eastside. She briefly talked about some of the rehabilitation activities of the Eastside Community Action Center and inquired about CHDO (Community Housing Development Organization), part of HOME funding for housing rehabilitation activities.

- 5. COMMENTS FROM THE AUDIENCE –** None.

- 6. RECESS –** None.

7. BUSINESS**A. Consent Items****1. Minutes for approval: November 8, 2017**

Without objection, the November 8, 2017 meeting minutes were approved as written.

B. New Business**1. Act-9-2017 – 120 E. Lenawee Street, Purchase for City Hall**

Mr. Rieske reported that this case is essentially part 2 of the proposal to relocate City Hall operations, and sell the current City Hall for redevelopment.

Dr. Bhatti made a motion, seconded by Ms. Cerna, to recommend approval of Act-9-2017, of the proposal to relocate City Hall to the site of the old Lansing State Journal headquarters at 120 E. Lenawee, and to purchase the subject properties after the rehab of the building is completed.

On a voice vote, the motion carried unanimously (6-0).

8. REPORT FROM PLANNING MANAGER – None.**9. COMMENTS FROM THE CHAIRPERSON – None.****10. COMMENTS FROM BOARD MEMBERS – None.****11. ADJOURNMENT – The meeting was adjourned at 7:00.**



**Regular Meeting
LANSING PLANNING BOARD
February 6, 2018
6:30 p.m., Conference Room A
Neighborhood Empowerment Center
600 W. Maple Street**

MINUTES

1. OPENING SESSION

Mr. Ruge called the meeting to order at 6:38 p.m.

- a. Present: John Ruge, Marta Cerna, Tony Cox, Josh Hovey, and Katie Alexander
- b. Absent: Lynne Martinez, Farhan Bhatti, Tony Cox
- c. Staff: Bill Rieske, Susan Stachowiak & Doris Witherspoon

Mr. Hovey made a motion, seconded by Ms. Alexander to grant excused absences to Ms. Martinez, Dr. Bhatti and Mr. Cox. On a voice vote, the motion carried (5-0).

2. APPROVAL OF AGENDA – The agenda was approved by unanimous consent.

3. COMMUNICATIONS – None

4. HEARINGS

A. CDBG Resources - FY 2018 Proposed Funding Allocations

Ms. Witherspoon said that this is an opportunity for citizens to examine and comment on the proposed objectives, goals and projected use of Community Development Fund Resources, including the Community Development Block Grant, HOME and Emergency Solutions Grant Programs, to be included in the City's annual action plan submission for FY 2018 (7/1/2018 – 6/30/2019). She said that entitlement grant awards for FY 2018 (July 1, 2018-June 30, 2019) have not been announced by HUD as of the date of this date. Ms. Witherspoon said that the amounts proposed for FY 2018 CDBG, HOME and ESG activities are based on prior entitlement awards. If the grant amounts HUD actually awards to the City of Lansing for CDBG, HOME and ESG are different from the amounts shown above, adjustments will be made to the budget amounts proposed for each activity. She said that the City has received a slight increase in CDBG funds (less than 1%) and a slight decrease in HOME and ESG funds for the past 2 years.

Ms. Witherspoon said that the primary objective of Lansing's Housing and Community Development Program is the development of a viable community which will provide standard housing in a suitable living environment, principally to benefit low and moderate income persons, preserve and expand existing businesses and industries,

and create an atmosphere conducive to stability in neighborhoods. She said that the CDBG funds are used to provide programs for low to moderate income households through activities such as housing rehabilitation in eligible areas of the City. CDBG funds are used for activities such as: housing rehabilitation, weatherization, and promoting economic development/opportunities. HOME funds are used for activities such as: promoting home ownership through downpayment assistance and new construction. ESG funds provide activities such as homeless prevention assistance and to support emergency shelter facilities.

Mr. Ruge opened the public hearing.

Angela Pruitt, Closing the Digital Gap, P.O. Box 21, East Lansing, stated that funding for technology has not been included in the Action Plan for the last 3 years and she is asking that it be considered for inclusion in the Plan for the upcoming fiscal year. She said that Closing the Digital Gap provides training and access to computers for low to moderate income individuals. Ms. Pruitt said that computer skills are essential for purposes of obtaining employment and without access to computers/internet, low to moderate income individuals are at a significant disadvantage in this regard.

Terrion Maxwell, Executive Director of Closing the Digital Gap, 806 Center Street, Suite 8B, Lansing, said that there is a digital divide in Lansing and the intent of the services that they provide is essential closing the divide/gap. She said that when individuals do not have equal access to technology, it create a divide in the community. Ms. Maxwell stated that the library provides very limited access to computers and the internet and a lot of things cannot be done with a cell phone. She said that those individuals receiving public assistance area required to seek employment and many cannot do so with computer skills or access to the internet to find jobs and communicate with potential employers via email. Ms. Maxwell said that access to technology is also necessary for students that have little or no access to computers to complete their work, senior citizens who may need to pay bills on-line and for prisoners who are reentering society. She asked that the City consider providing funding through the CDBG program to support the services that Closing the Digital Gap provides to the community.

Sage Hales-Ho, Capital Area Housing Partnership (CAHP), 1290 Deerpath, East Lansing, stated that CAHP is a non-profit organization that works with the City to develop strong, diverse neighborhoods with a focus on affordable housing, homeownership and financial security. She said that their strategies for achieving these goals include building a foundation of financial and home buyer knowledge, providing down payment assistance programs and/or creating exceptional, affordable housing stock for their clients. MS. Hales-Ho said that their programs are designed to keep people in their current homes by providing foreclosure intervention and homeowner renovation programs. She said that they are certified by the Department of Housing and Urban Development (HUD), Michigan State Housing Development Authority (MSHDA) and the National Industry Standards for Homeownership Education and Counseling (NISHEC) for housing counseling, credit counseling, financial literacy training and foreclosure prevention. Ms. Hales-Ho said that improving housing stock

not only provides affordable housing but improves neighborhoods. She asked for the City's continued support of CAHP.

Mr. Hovey pointed out that technology is addressed in the Action Plan. He said that there is \$129,060 designated for economic development activities in the proposed allocations which includes providing technical assistance and training for low to moderate income owners of and persons developing micro-enterprises.

Seeing no one else wishing to speak, Mr. Ruge closed the public hearing.

B. Z-1-2018 & Act-1-2018, Rezoning of property in the 600 block of E. Michigan Avenue & Alley Vacation

Ms. Stachowiak stated that these are requests by GG Acquisitions, LLC to rezone from "H" Light Industrial district to "G-1" Business district, the property bounded by E. Michigan Avenue to the north, Barnard Street to the south, S. Larch Street to the west and the railroad right-of-way to the east, with the following exceptions (property not included in the rezoning):

- * 628 E. Michigan Avenue
- * Vacant parcel at the southeast corner of E. Michigan Avenue & S. Larch Street
- * 629 Barnard Street & the adjoining vacant parcel to its east

Ms. Stachowiak said that this is also a request to vacate the east/west alley that runs south of the parcels of land that front along the south side of the 600 block of E. Michigan Avenue and the north/south alley directly east of 628 E. Michigan Avenue that connects the east/west alley to E. Michigan Avenue.

Ms. Stachowiak said that staff is recommending approval of the request. She said that the intent of the rezoning and alley vacation is to allow for a future mixed use building with associated parking. Ms. Stachowiak said that a mixed use development on the site would provide a renewed sense of vitality to the area and is a strategic location for the realization of the overall mixed land use pattern being advanced in the Master Plan. She said that the land involved in the rezoning is currently zoned "H" Light Industrial which is an inappropriate zoning designation for property located in such close proximity to the downtown. Ms. Stachowiak said that while the existing industrial/quasi-industrial uses on the site are valuable businesses to the City, they would be more appropriately located elsewhere. She said that the proposed "G-1" Business zoning is specially designed for the downtown in that it has no setback, height or lot coverage limitations and no parking requirements. Ms. Stachowiak said that from a practical standpoint, the developer will have to provide parking for customers, employees and occupants. She said that the Stadium District to the west was rezoned from "H" Light Industrial to "G-1" Business to accommodate that mixed use development and the developer provided adequate parking behind the building to support the uses.

Ms. Stachowiak said that the vacation of the alley is essential in providing adequate land for redevelopment. She said that the lots north of the alley are not deep enough to accommodate development. Ms. Stachowiak said that all of the utility companies and

relevant City departments have reviewed the request and none have expressed any concerns that would prevent vacation of the alley.

Mr. Ruge asked if the City would want to allow unlimited height of a building at this location.

Ms. Stachowiak said that if a building exceeds a certain height which she believes is 55 feet, it has to be of steel rather than wood construction which drives the cost up astronomically. She said that is why new buildings are usually 5 stories or less or well exceed 5 stories because if a developer is incurring the cost of steel construction, they would want to get enough stories/height to make it worth the cost.

Mr. Ruge asked if the site is likely contaminated as a result of existing and former uses. He asked if there would be any liability on the part of the City relative to contamination in the alley to be vacated.

Ms. Stachowiak said that the City Attorney's Office would ensure that the City is held harmless from any issues involving the vacated alley as part of transferring the ownership.

Mr. Ruge opened the public hearing.

John Fifarek, Lasky Fifarek P.C., 120 North Washington Square, Suite 625 stated that he is Counsel for and will be speaking on behalf of the applicant. Mr. Fifarek said that the alley vacation is essential to being able to develop the property. He said that the City would have had nothing to do with creating any contamination that may exist in the alley. He said that there is likely to be a significant degree of contamination on the entire site that is involved in this request, including the alley. Mr. Fifarek said that there has been some contamination clean-up and they will be working with the City to obtain Brownfield funds to have the site cleaned-up to developable standards.

Ms. Johnson asked if the applicant has purchase agreements for all of the parcels involved that are included in the rezoning request.

Mr. Fifarek said that the applicant does have purchased agreements for all of the parcels included in the rezoning request. He said that they also have a purchase agreement on the parcel at 628 E. Michigan which is already zoned "G-1". He also said that the applicant has ownership interest in the parcel at the southeast corner of Michigan and Larch which is also currently zoned "G-1". Mr. Fifarek stated that there are 2 parcels along Barnard Street that are not included in the rezoning and if the applicant were to acquire those properties, they would only be used for parking which is allowed under their current "H" Light Industrial zoning.

Steve Owen, Foster Swift, Collins & Smith, 313 S. Washington Square, stated that he represents the property owners that have entered into purchase agreements with the applicant. He said that they are supportive of the proposal to redevelop the site but if the developer does not end up purchasing the properties, the owners do not want to be stuck with "G-1" zoning. They would want to continue being zoned "H"

Light Industrial. He said that they also would not want the alley to be vacated. Mr. Owen said that he does not know if the rezoning can be conditioned upon the applicant purchasing the properties that are included in the rezoning and if he does not, the zoning would revert to the current industrial zoning. He said that they are supportive of the rezoning and alley vacation but do not want to waive their rights to their property, should the developer not end up purchasing the properties involved.

Ms. Stachowiak said that the City cannot condition a rezoning on ownership of the land. She said a rezoning can only include conditions restricting the uses of the property or regulating the physical development of the property. She said that the City will not get involved in the purchase agreements but if a property owner informs the City that they do not want their property to be rezoned, the City will not rezone it.

Mr. Rieske said that the alley vacation would be contingent on the parcels that are accessed solely via the alley being assembled into one parcel with frontage on a public street in order to eliminate any land-locked parcels of land.

Ed Carpenter, owner of Liskey's at 119/124 S. Larch Street, stated that only the north 16.5 feet of his property at 119 S. Larch Street should be included in the rezoning. He said that the remainder of 119 S. Larch and the 2 parcels that he owns to the south are not part of the rezoning. Mr. Carpenter said that he is supportive of the project but the area included in the rezoning needs to be corrected on the maps and in the staff report.

Ms. Stachowiak stated that she would make the necessary changes to the map and the staff report. She also said that the actual property to be rezoned can be stated in the motion for approval so that the rezoning can move forward.

Seeing no one else within to speak, Mr. Ruge closed the public hearing.

5. COMMENTS FROM THE AUDIENCE

Wendell Parsons, 154 S. Larch Street, stated that his business involves manufacturing and he heard Ms. Stachowiak say that the area is not appropriate for industrial businesses. He said that he would like to meet with someone in the City to discuss this matter and find out what the City's long term plans are for the area.

Mr. Rieske provided Mr. Parsons with his contact information so that they can set up a meeting.

6. RECESS – None.

7. BUSINESS

A. Consent Items

- 1. Minutes for approval: January 9, 2018**

Without objection, the January 9, 2018 meeting minutes were approved as written.

2. CDBG Resources - FY 2018 Proposed Funding Allocations

Without objection, the FY 2018 CDBG Resource Proposed Funding Allocations were approved subject to adjustments being made to the budget amounts based on actual grant award funds from HUD.

3. Act-1-2018, Alley Vacation

Without objection, Act-1-2018 was approved to vacate the alley commencing at the southwest corner of Lot 19, thence south 16 feet, east 348.82 feet, north 16 feet, thence west to the point of beginning; and Lot 4, except the east 10 feet of the north 51.5 feet thereof, Connard's Subdivision of Lot 1, Block 242 of the Original Plat of the City of Lansing.

4. Z-1-2018, Rezoning from "H" Light Industrial District to "G-1" Business District

Without objection, Z-1-2018 was approved to the rezone the property bounded by E. Michigan Avenue to the north, Barnard Street to the south, S. Larch Street to the west and the railroad right-of-way to the east, including the vacated alley, with the following exceptions (property not included in the rezoning):

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

B. New Business – None

8. REPORT FROM PLANNING MANAGER - None

9. COMMENTS FROM THE CHAIRPERSON – None.

10. COMMENTS FROM BOARD MEMBERS – None.

11. ADJOURNMENT – The meeting was adjourned at 7:24 p.m.

THIS ITEM NOT AVAILABLE AT TIME OF PRINT

BY THE _____
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Paul G. Connors of 1727 Canterbury Place in Lansing, MI, 48910, as an At-Large Member of the Board of Review for a term to expire June 30, 2021 ; and

WHEREAS, The nominee has been vetted and meets the qualifications as required by the City Charter; and

WHEREAS, the _____ Committee met on _____ and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Paul G. Connors of 1727 Canterbury Place in Lansing, MI, 48910, as an At-Large Member of the Board of Review for a term to expire June 30, 2021

BY THE _____
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Kurt F. Berryman of 804 W. Ottawa Street in Lansing, MI, 48915, as an At-Large Member of the Board of Zoning Appeals for a term to expire June 30, 2020 ; and

WHEREAS, The nominee has been vetted and meets the qualifications as required by the City Charter; and

WHEREAS, the _____ Committee met on _____ and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Kurt F. Berryman of 804 W. Ottawa Street in Lansing, MI, 48915, as an At-Large Member of the Board of Zoning Appeals for a term to expire June 30, 2020

BY THE _____
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Jordan Leaming of 1650 Nottingham Road in Lansing, MI, 48911, as a City of Lansing Member of the Capital Region Airport Authority for a term to expire September 30, 2020; and

WHEREAS, The nominee has been vetted and meets the qualifications as required by the City Charter; and

WHEREAS, the _____ Committee met on _____ and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Jordan Leaming of 1650 Nottingham Road in Lansing, MI, 48911, as a City of Lansing Member of the Capital Region Airport Authority for a term to expire September 30, 2020.

BY THE _____
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Frederick Schaible of 1322 Cooper Avenue in Lansing, MI, 48910, as an At-Large Member of the Elected Officers Compensation Commission for a term to expire October 1, 2025; and

WHEREAS, The nominee has been vetted and meets the qualifications as required by the City Charter; and

WHEREAS, the _____ Committee met on _____ and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Frederick Schaible of 1322 Cooper Avenue in Lansing, MI, 48910, as an At-Large Member of the Elected Officers Compensation Commission for a term to expire October 1, 2025.

BY THE _____
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Derek Melot of 1406 Wellington Road, Lansing, MI, 48910, as an At-Large Member of the Elected Officers Compensation Commission for a term to expire October 1, 2026; and

WHEREAS, The nominee has been vetted and meets the qualifications as required by the City Charter; and

WHEREAS, the _____ Committee met on _____ and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Derek Melot of 1406 Wellington Road in Lansing, MI, 48910, as an At-Large Member of the Elected Officers Compensation Commission for a term to expire October 1, 2026.

BY THE _____
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Gillian Dawson of 401 W. Grand River Avenue, Lansing, MI, 48906, as an At-Large Member of the Elected Officers Compensation Commission for a term to expire October 1, 2027; and

WHEREAS, The nominee has been vetted and meets the qualifications as required by the City Charter; and

WHEREAS, the _____ Committee met on _____ and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Gillian Dawson of 401 W. Grand River Avenue, Lansing, MI, 48906, as an At-Large Member of the Elected Officers Compensation Commission for a term to expire October 1, 2027.

BY THE _____
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Paul G. Connors of 1727 Canterbury Place, Lansing, MI, 48910, as an At-Large Member of the Historic District Commission for a term to expire June 30, 2019; and

WHEREAS, The nominee has been vetted and meets the qualifications as required by the City Charter; and

WHEREAS, the _____ Committee met on _____ and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Paul G. Connors of 1727 Canterbury Place in Lansing, MI, 48910, as an At-Large Member of the Historic District Commission for a term to expire June 30, 2019.

February 15, 2018

Jose Lopez

3105 S. MLK #232

Lansing, MI 48915

517-862-9737

jose_lopez7@hotmail.com

Lansing City Clerk

9th Floor, City Hall

Lansing, MI 48933

Re: Claim-1012 Ontario

To whom it may concern:

I am writing this letter to appeal the charges for \$330 on the Grass & Weeds violation with a compliance due date 9/21/2017. After attending the Claims Review Committee's meeting on Thursday, January 18, 2108, I would like to add additional facts to the alleged violation of the City of Lansing Housing Code Section 302 EXTERIOR PROPERTY AREA that describes the Grass & Weeds must be below the 8 inches maximum allowed length.

Moreover, I am including the property's pictures that I personally took on 2/15/17. Furthermore, I am including the pictures taken on 10/10/2017 prior to the contractor's mowing for the sloped areas of the property. Finally, please compare the pictures and review the alleged 8 inch violation on the Grass & Weeds.

Sincerely,


Jose Lopez

Attached: Picture (1012 ONTARIO ST-1) -- 10/10/201

Picture 1 -- 2/15/2018

Picture 2 -- 2/15/2018

Picture (1012 ONTARIO ST-3) -- 10/10/201

Picture 3 -- 2/15/2018

Picture 4 -- 2/15/2018



City of Lansing

OFFICE OF THE CITY ATTORNEY

James D. Smiertka, City Attorney

January 18, 2018

Jose Lopez
3105 S. MLK Jr. Blvd., #148
Lansing, MI 48910

Re: Claim -1012 Ontario St.

Dear Mr. Lopez:

Please be advised that the Claims Review Committee reviewed the claim you submitted in the amount of \$330.00 for property located at 1012 Ontario St., Lansing, Michigan, and denied the claim you filed with the City of Lansing.

You have the right to appeal the decision of the Claims Review Committee to the Lansing City Council. If you desire to do so, please submit your appeal in writing, within thirty (30) days of the date of this letter, to the Lansing City Clerk, 9th Floor, City Hall, Lansing, MI 48933, for placement on the Council's agenda.

If you have any questions concerning this matter, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Venus Kumar".

Venus Kumar
Paralegal



1012 ONTARIO ST-1





The helpful

ACE

helpful place

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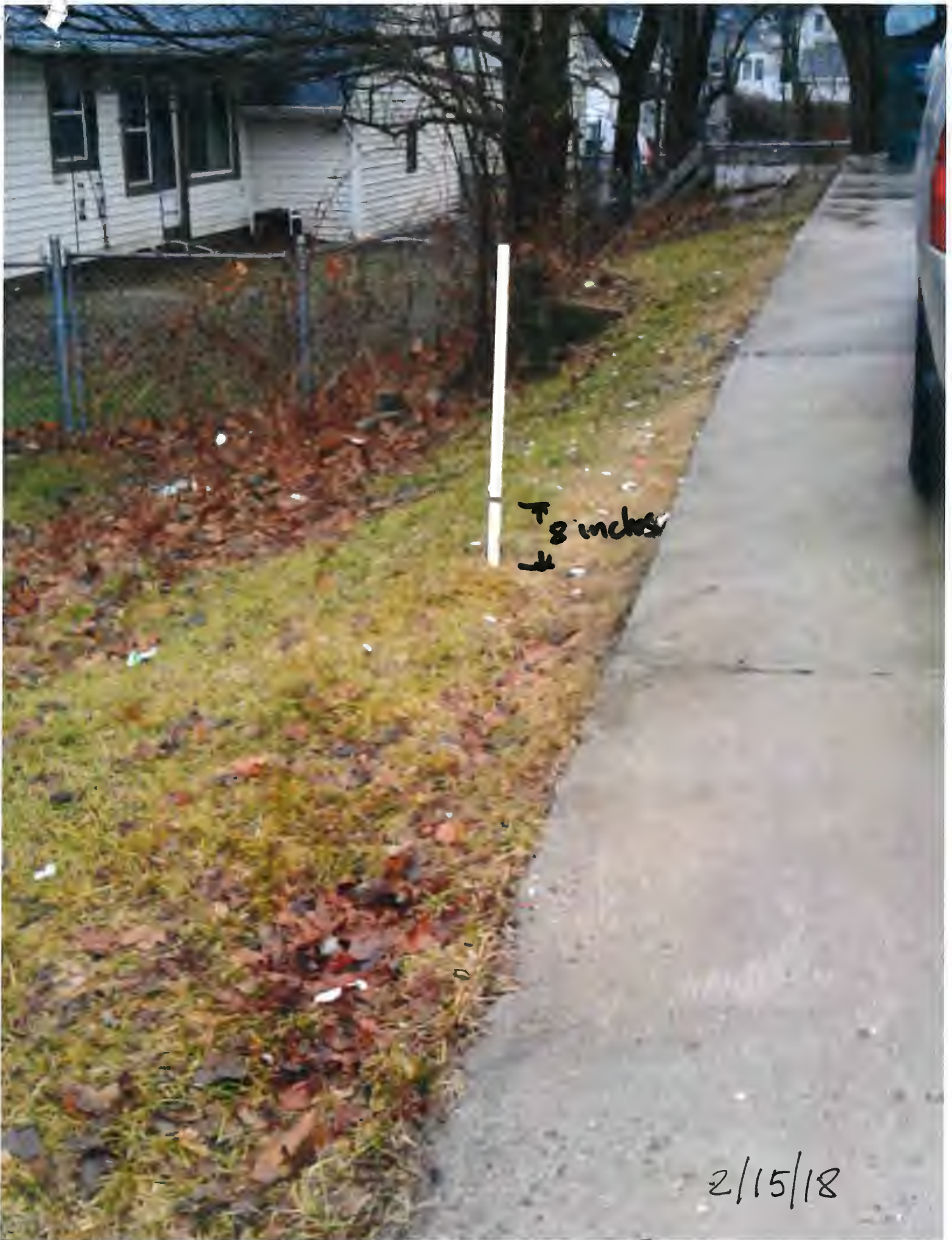
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2/15/18



pic 1. 2/12/10



City of Lansing

OFFICE OF THE CITY ATTORNEY

Claim Form – Special Assessments

1509

Please provide the following information so we can contact you regarding your claim.

NAME: JOSE LOPEZ DATE: 11/11/17
 MAILING ADDRESS: 3105 S. MLK #232
 CITY: LANSING STATE: MI ZIP CODE: 48910
 TELEPHONE: Home () 517 862 9737 Work () _____

Please provide the following information on the incident(s) for which you are filing a claim. IF YOU DO NOT PROVIDE ALL OF THE INFORMATION BELOW, WE MAY NOT BE ABLE TO PROCESS YOUR CLAIM.

ADDRESS: <u>1012 ONTARIO ST</u>	LANSING MI 48915 PARCEL NO. <u>33-01-01-08-277-081</u>
DATE OF INCIDENT: <u>10/12/17</u>	AMOUNT YOU WERE BILLED: <u>\$330</u>
TOTAL AMOUNT YOU ARE CONTESTING: <u>\$330</u>	
TYPE OF ASSESMENT: <u>NUISSANCE FEE</u>	
Please give a detailed description of the circumstances surrounding the incident, including why you feel the City should not have charged you this fee. You may attach additional pages or documentation to this form as needed. <u>There were 2 exterior property violations with a compliance due date of August 16, 2017. The first one was a Grass & Weed for the entire yard and also the back yard. The Second one was for Brush and tree limb debris. Both of these violations were taken care of prior to the August 16. All of the sudden, I received an invoice dated 10/12/17 for \$330 on charges of Grass & Weeds admin and Contractor fees. These charges are not legitimate</u>	

A description of the claims review process is available on our website at: http://www.lansingmi.gov/attorney/Claims_review_process.jsp



CITY OF LANSING

316 N. CAPITOL SUITE C2

Lansing, MI 48933

Ph: (517) 483-4361

Fax: (517) 377-0100

DUE DATE 11/11/2017

INVOICE

10/16/2017

TOTAL AMOUNT DUE

\$ 330.00



LOPEZ JOSE A

3105 S ML KING JR BLVD #148

LANSING, MI 48910

Invoice Number	Record No	Address	Amount Due
00102262	E17-09796	1012 ONTARIO ST	\$330.00

10/12/2017

Grass and Weeds - Admin Fee

Grass and Weeds - Contractor C

Amount Due \$330.00

Questions regarding this invoice: Contact **CODE COMPLIANCE** at 517.483.4361

Payment Information:

- Make checks payable to: City of Lansing
- Mail payments or pay in person at:
City of Lansing Treasurers Office
124 W Michigan Ave 1st Fl
Lansing MI 48933
- In order to assure proper credit, please send the top portion of this bill along with your payment.
- Payment in full is due within 30 days from the billing date
- Any unpaid balance remains as a lien against this property and will be added to the next property tax bill.

Appeals Process:

If you intend to appeal this nuisance fee, you or your agent must file a written protest with the Claims Review Committee within 30 days after the nuisance fee is placed on the July or December Tax Roll. Claims forms are available in the City Attorney's Office and the City of Lansing's web address: www.lansingmi.gov. Return completed claim to: Lansing City Attorney's Office, 124 West Michigan Ave 5th Fl, Lansing, MI 48933

Other Information:

- July property taxes are due and payable on or before August 31st. December property taxes are due and payable on or before February 14th.
- For Red Tag Monitoring Fees Only – invoices not paid within 30 days are subject to a 5% penalty which will be applied on the 31st day.

By Authority of the Lansing City Council - Ordinance Numbers 655, 676, 1060.08 and 1460.04

Payments may be made online or in person Monday thru Thursday 8:00 a.m. - 4:30 p.m., at the above address or by mail



**Lansing Fire Department
Fire Marshal's Office
Code Enforcement Section**
316 N. Capitol, Ste G-1, Lansing, MI 48933-1238
(517) 483-4361 FAX (517) 377-0100

TRASH AND DEBRIS CORRECTION NOTICE

**LOPEZ JOSE A or Current Occupant
3105 S ML KING JR BLVD #148
LANSING, MI 48910**

**Violation Date: 08/09/2017
Violation Location: 1012 ONTARIO ST
Parcel No: 33-01-01-08-277-081
Compliance Due Date: August 16, 2017**

You are hereby notified that this Office has found a violation of the City of Lansing Housing Code Section 302 EXTERIOR PROPERTY at the above referenced location.

**AREA: Entire Exterior
Violation: Brush & Tree Limb debris**

Failure to correct this violation by the Compliance Due Date shall cause this office to immediately hire a contractor to complete the cleanup. **If any other additional trash and/or debris (as defined in Section 302) is found on the premises by the contractor it will also be removed without additional notice.** The contractor's expenses plus a \$265.00 administrative services fee will be billed to you. If this bill is not paid within 30 days of the billing date, the amount will be assessed as a lien against your property. **Please be advised that, in an effort to discourage repeat offenses of this nature, the City will assess you an extra \$75.00 fee for each time there is an additional premise violation at the violation address above during this calendar year.** If you have any questions or concerns about complying within the time indicated, you may contact me Monday through Friday between the hours of 8-9 AM or 12-1 PM.

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Code Officer: Zachary Driver (517) 702 4750 Zachary.Driver@lansingmi.gov

"Equal Opportunity Employer"

Taxpayer's Copy



Mayor Virg Bernero

**Lansing Fire Department
Fire Marshal's Office
Code Enforcement Section**

316 N. Capitol, Ste C-1, Lansing, MI 48933-1238
(517) 483-4361 FAX (517) 377-0100

GRASS AND WEEDS CORRECTION NOTICE

LOPEZ JOSE A or Current Occupant
3105 S ML KING JR BLVD #148
LANSING, MI 48910

Violation date: 08/09/2017

Violation Location: 1012 ONTARIO ST
Parcel No: 33-01-01-08-277-081
Compliance Due Date: 08/16/2017

You are hereby notified that this Office has found a violation of the City of Lansing Housing Code Section 302 EXTERIOR PROPERTY AREA at the above referenced location.

Description

Grass & Weeds: Entire Yard Grass must be below the 8" maximum allowed length.

Grass & Weeds: Back Yard Grass must be below the 8" maximum allowed length.

Any Premises or portion thereof on which there exists growth of grass and/or weeds exceeding eight inches in height located anywhere on the premises - which includes but not limited to front, side, rear, back yard, driveway, next to fences, between curb and sidewalk or next to vehicles - shall be deemed, and hereby declared to be a substandard premises and is subject to abatement pursuant to Section 302.4 of the Lansing Housing Code.

Failure to comply by the compliance due date will leave no alternative but to have the work completed by our contractor. All costs incurred, which consist of the contractors fees plus \$265.00 City service charge, shall be charged to you as an assessment against your property. **Please be advised that, in an effort to discourage repeat offenses of this nature, the City will assess you an extra \$75.00 fee for each time there is an additional premise violation at the violation address above during this calendar year.**

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Officer: Zachary Driver (517) 702 4750 Zachary.Driver@lansingmi.gov



City of Lansing

OFFICE OF THE CITY ATTORNEY

James D. Smiertka, City Attorney

December 15, 2017

Jose Lopez
3105 S. MLK Jr. Blvd., #148
Lansing, MI 48910

Re: Claims Review Committee
Claim for: 1012 Ontario St.

Dear Mr. Lopez:

Please be advised that your claim is scheduled to be heard by the Claims Review Committee. The Committee is scheduled to begin hearings at **9:15 a.m. on Thursday, January 18, 2018**. A copy of the appropriate Department's recommendation has already been sent to you for your review.

You are encouraged to attend the hearing and present your claim to the committee. The committee will meet in the **City Attorney Conference Room, 5th Floor, City Hall, 124 W. Michigan Avenue**, Lansing, Michigan. If you plan to attend, please come to the City Attorney's Office on the date of the hearing and sign in at the Receptionist counter.

Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Venus Kumar".

Venus Kumar
Paralegal

Enclosure

Claim No: 1509

DATE: 12/12/2017

PPN: 33-01-01-08-277-081
 DATE SUBMITTED: 11/27/2017
 ADDRESS OF VIOLATION: 1012 Ontario Street
 LISTED TAXPAYER OF RECORD: Lopez, Jose A
 OTHER TAXPAYER OF RECORD:
 CLAIMANT: Lopez, Jose
 CLAIMANT'S ADDRESS: 3105 S MLK Jr. BLVD #148
 Lansing, MI 48910

1509

TYPE OF ACTIONS CONTESTED: Grass Mowing
 VIOLATION DATE: 9/14/2017
 NOTIFICATION DATE: 9/14/2017
 2ND NOTICE ASSESSMENT DATE:
 AMOUNT OF ASSESSMENT: \$330.00
 CONTRACTOR NAME - INVOICE NO. - DATE: Tomlinson 17-G0025
 10/10/2017
 AMOUNT OF CLAIM:

ADDITIONAL ACTIONS CONTESTED:
 VIOLATION DATE:
 NOTIFICATION DATE:
 2ND NOTICE ASSESSMENT DATE:
 AMOUNT OF ASSESSMENT:
 CONTRACTOR NAME - INVOICE NO. - DATE:
 AMOUNT OF CLAIM:
 MEMO DATE - INVOICE NO.:

HISTORY:	Trash Violation 8/09/2017	Grass Violation 8/09/2017	Grass Violation 9/14/2017
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CITATIONS IN PREVIOUS YEAR:	Trash Violation 3/10/2016
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CLAIMANT'S CIRCUMSTANCES:	See Attached
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CODE OFFICER'S NOTES: This property was cited on 8/09/2017 and 9/14/2017 for grass violations the letter the claimant included was for the first violation which did not result in a grass mowing. The second violation dated 9/14/2017 with a compliance due date of 9/21/2017 is the violation that resulted in the grass mowing for the sloped areas of the property. Proper notice was sent to both the tenant and the claimant this office recommends denial of the claim.



City of Lansing

OFFICE OF THE CITY ATTORNEY

Claim Form – Special Assessments

1509

Please provide the following information so we can contact you regarding your claim.

NAME: JOSE LOPEZ DATE: 11/11/17
 MAILING ADDRESS: 3105 S. MCK #232
 CITY: LANSING STATE: MI ZIP CODE: 48910
 TELEPHONE: Home () 517-862-9737 Work () _____

Please provide the following information on the incident(s) for which you are filing a claim. IF YOU DO NOT PROVIDE ALL OF THE INFORMATION BELOW, WE MAY NOT BE ABLE TO PROCESS YOUR CLAIM.

ADDRESS: 1012 ONTARIO ST LANSING MI 48915 PARCEL NO. 33-01-01-08-277-081
 DATE OF INCIDENT: 10/12/17 AMOUNT YOU WERE BILLED: \$330
 TOTAL AMOUNT YOU ARE CONTESTING: \$330
 TYPE OF ASSESMENT: NUISSANCE FEE

Please give a detailed description of the circumstances surrounding the incident, including why you feel the City should not have charged you this fee. You may attach additional pages or documentation to this form as needed.

There were 2 exterior property violations with a compliance due date of August 16, 2017. The first one was a Grass & Weed for the entire yard and also the back yard. The Second one was for Brush and tree limb debris. Both of these violations were taken care of prior to the August 16. All of the sudden, I received an invoice dated 10/12/17 for \$330 on charges of Grass & Weeds admin and Contractor fees. These charges are not legitimate.

A description of the claims review process is available on our website at: http://www.lansingmi.gov/attorney/Claims_review_process.jsp



Nuisance Fees
 City of Lansing Treasurers Office
 124 W Michigan Ave 1st Floor
 Lansing, MI 48933
 Ph: (517) 483-4361 Fx: (517) 377-0169

Nuisance Fee Billing Statement

Date Created: 10/12/2017
 Due Date: 11/11/2017
 Pay Invoice In Full



LOPEZ JOSE A
 3105 S ML KING JR BLVD #148
 LANSING MI 48910

Inv Number: 00102262
 Parcel: 33-01-01-08-277-081
 Address: 1012 ONTARIO ST



Parcel: 33-01-01-08-277-081

Bill Detail

Invoice Number	Date of Service	Enforcement Num	Address	Amount Due
00102262		E17-09796	1012 ONTARIO ST	\$330.00
Fee Details				Balance
	Quantity	Description		
	1.000	Grass and Weeds - Admin Fee		\$ 265.00
	1.000	Grass and Weeds - Contractor Cha		\$ 65.00
Total Amount Due				\$ 330.00

Questions regarding this invoice: Contact **CODE COMPLIANCE** at 517.483.4361

Payment Information:

- Make checks payable to: City of Lansing
- Mail payments or pay in person at:
 City of Lansing Treasurers Office
 124 W Michigan Ave 1st Fl
 Lansing MI 48933
- In order to assure proper credit, please send the top portion of this bill along with your payment.
- Payment in full is due within 30 days from the billing date
- Any unpaid balance remains as a lien against this property and will be added to the next property tax bill.

Appeals Process:

If you intend to appeal this nuisance fee and it is attached to your tax bill, you or your agent must file a written protest with the Claims Review Committee within 30 days after the nuisance fee is placed on the July or December Tax Roll. Claims forms are available in the City Attorney's Office and the City of Lansing's web address: www.lansingmi.gov. Return completed claim to: Lansing City Attorney's Office, 124 West Michigan Ave 5th Fl, Lansing, MI 48933

Other Information:

- July property taxes are due and payable on or before August 31st. December property taxes are due and payable on or before February 14th.
- For Red Tag Monitoring Fees Only – invoices not paid within 30 days are subject to a 5% penalty which will be applied on the 31st day.

By Authority of the Lansing City Council - Ordinance Numbers 655, 676, 1060.08 and 1460.04

Payments may be made online or in person Monday thru Friday 8:00 a.m. - 4:30 p.m., at the above address or by mail

Date work completed: 10-10-17

From:
David Tomlinson
2500 Pinch Hwy.
Charlotte, MI 48813

Bill To:
City Of Lansing
Office of Code Compliance
316 North Capitol Avenue
Lansing, MI 48933-1238

Vendor Number: V001476

Purchase Order No: 85084

Violation Type:	Grass and Weeds
Invoice Number:	17-G0025
Work Authorized:	Entire Lot
Location:	1044 ONTARIO ST
Location Description:	
Parcel Number:	33-01-01-08-276-081

Mowing Done by Tomlinson

TOTAL INVOICE \$65.00



CITY OF LANSING

316 N. CAPITOL SUITE C2

Lansing, MI 48933

Ph: (517) 483-4361

Fax: (517) 377-0100

DUE DATE 11/11/2017

INVOICE

10/16/2017

TOTAL AMOUNT DUE

\$ 330.00



LOPEZ JOSE A

3105 S ML KING JR BLVD #148

LANSING, MI 48910

Invoice Number	Record No	Address	Amount Due
00102262	517-09796	1012 ONTARIO ST	\$330.00

10/12/2017

Grass and Weeds - Admin Fee

Grass and Weeds - Contractor C

Amount Due \$330.00

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Mayor Virg Bernero

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Fire Marshal's Office
Code Enforcement Section**

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TRASH AND DEBRIS CORRECTION NOTICE

**LOPEZ JOSE A or Current Occupant
3105 S ML KING JR BLVD #148
LANSING, MI 48910**

**Violation Date: 08/09/2017
Violation Location: 1012 ONTARIO ST
Parcel No: 33-01-01-08-277-081
Compliance Due Date: August 16, 2017**

You are hereby notified that this Office has found a violation of the City of Lansing Housing Code Section 302 EXTERIOR PROPERTY at the above referenced location.

**AREA: Entire Exterior
Violation: Brush & Tree Limb debris**

Failure to correct this violation by the Compliance Due Date shall cause this office to immediately hire a contractor to complete the cleanup. **If any other additional trash and/or debris (as defined in Section 302) is found on the premises by the contractor it will also be removed without additional notice.** The contractor's expenses plus a \$265.00 administrative services fee will be billed to you. If this bill is not paid within 30 days of the billing date, the amount will be assessed as a lien against your property. **Please be advised that, in an effort to discourage repeat offenses of this nature, the City will assess you an extra \$75.00 fee for each time there is an additional premise violation at the violation address above during this calendar year.** If you have any questions or concerns about complying within the time indicated, you may contact me Monday through Friday between the hours of 8-9 AM or 12-1 PM.

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"Equal Opportunity Employer"

Taxpayer's Copy



Mayor Virg Bernero

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GRASS AND WEEDS CORRECTION NOTICE

**LOPEZ JOSE A or Current Occupant
3105 S ML KING JR BLVD #148
LANSING, MI 48910**

Violation date: 08/09/2017

**Violation Location: 1012 ONTARIO ST
Parcel No: 33-01-01-08-277-081
Compliance Due Date: 08/16/2017**

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Officer: Zachary Driver (517) 702 4750 Zachary.Driver@lansingmi.gov



Mayor Virg Bernero

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GRASS AND WEEDS CORRECTION NOTICE

LOPEZ JOSE A or Current Occupant
3105 S ML KING JR BLVD #148
LANSING, MI 48910

Violation date: 09/14/2017

Violation Location: 1012 ONTARIO ST
Parcel No: 33-01-01-08-277-081
Compliance Due Date: 09/21/2017

You are hereby notified that this Office has found a violation of the City of Lansing Housing Code Section 302 EXTERIOR PROPERTY AREA at the above referenced location.

Description

Grass & Weeds: *Entire Yard Grass and weeds must be below the 8" maximum allowed length.*

Grass & Weeds: *Other Grass and weeds must be below the 8" maximum allowed length.*

INSPECTOR COMMENTS: *Mow sloped sides of the property.*

Any Premises or portion thereof on which there exists growth of grass and/or weeds exceeding eight inches in height located anywhere on the premises - which includes but not limited to front, side, rear, back yard, driveway, next to fences, between curb and sidewalk or next to vehicles - shall be deemed , and hereby declared to be a substandard premises and is subject to abatement pursuant to Section 302.4 of the Lansing Housing Code.

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GRASS AND WEEDS CORRECTION NOTICE

Occupant or Current Occupant
1012 ONTARIO ST
LANSING, MI 48915

Violation date: 09/14/2017

Violation Location: 1012 ONTARIO ST
Parcel No: 33-01-01-08-277-081
Compliance Due Date: 09/21/2017

You are hereby notified that this Office has found a violation of the City of Lansing Housing Code Section 302 EXTERIOR PROPERTY AREA at the above referenced location.

Description

Grass & Weeds: Entire Yard *Grass and weeds must be below the 8" maximum allowed length.*

Grass & Weeds: Other *Grass and weeds must be below the 8" maximum allowed length.*

INSPECTOR COMMENTS: *Mow sloped sides of the property.*

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Fire Marshal's Office
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Weeds Authorization Form

Submitted to: David B Tomlinson on 09/26/2017

TAXPAYER: LOPEZ JOSE A, 3105 S ML KING JR BLVD #148 LANSING, MI 48910

Location of Work:

Enf Num: E17-09796

Address: 1012 ONTARIO ST

Lot No:

Description:

Parcel No: 33-01-01-08-277-081

Violation:

Grass & Weeds: Entire Yard *Grass and weeds must be below the 8" maximum allowed length.*

Grass & Weeds: Other *Grass and weeds must be below the 8" maximum allowed length.*

INSPECTOR COMMENTS: *Mow sloped sides of the property.*

Estimated Time required to complete work: <NONE>

Warning Comment:

<NONE>

Submitted By: Zachary Driver (517) 702 4750

This action is authorized by the Manager of Code Compliance





