

**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 AUGUST 27, 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, August 27, 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 August 13, 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

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.)

A. SCHEDULED PUBLIC HEARINGS

1. In consideration of Post-Construction Storm Water Management Ordinance
2. In consideration of Brownfield Plan #73; Waypoint Residential LLC, 3600 Dunckel Road

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, WOOD
 - a. Tribute; in memory of Scherece Joy Roberts-Crenshaw
2. BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
 - a. Confirmation of Appointment; Angie Bennett as the Lansing Appointee to the Joint Building Authority for a term to expire June 30, 2022
 - b. Confirmation of Appointment; James R. Bell as an At-Large Member of the Historic District Commission for a term to expire June 30, 2020
 - c. Release of Deed Restriction, 1416 New York Ave
3. BY THE COMMITTEE ON GENERAL SERVICES
 - a. Micro Brewer and Small Wine Maker License; Sleepwalker Spirits and Ale, 1101 S Washington Avenue
4. BY THE COMMITTEE ON WAYS AND MEANS
 - a. Authorize submission of a Community Corrections Grant Application
5. BY THE COMMITTEE OF THE WHOLE
 - a. Council Rule Revisions; Amend Rule 4, Appointment of Committee Members; Creation of Ad-Hoc Committees (per Council Rule #41, motion is eligible for adoption)
 - b. Reappointments; two individuals to various Boards and Commissions
 - c. Reappointments; three individuals to various Boards and Commissions

- d. Addition of AML Group PLC to the City Attorney's approved law firms list
- e. Tri-County Office on Aging Fiscal Year 2019 Annual Implementation Plan
- f. Adado Riverfront Park Outdoor Recreation Legacy Partnership (ORLP) Grant
- g. Lansing Board of Water and Light Return on Equity/Payment in Lieu of Taxes; Amendment No. 4 to Agreement between the City of Lansing and the Lansing Board of Water & Light

C. RESOLUTIONS FOR ACTION

- 1. BY THE COMMITTEE ON WAYS AND MEANS
 - a. Grant Acceptance; 2017 Justice Assistance Grant
- 2. BY THE COMMITTEE OF THE WHOLE
 - a. FY19 Budget Adjustments; Parking Fees

D. REPORTS FROM COUNCIL COMMITTEES

E. ORDINANCES FOR INTRODUCTION and Setting of Public Hearings

- 1. BY THE COMMITTEE ON PUBLIC SERVICES
 - a. An Ordinance to provide for creation of residential street parking zones; hours of use for residential street parking zones; and application, permitting, and payment rates for residential street parking zones

F. ORDINANCES FOR PASSAGE

- 1. BY THE COMMITTEE OF THE WHOLE
 - a. Consideration of Immediate Effect for Ordinance #1232; An Ordinance to eliminate the Memorial Review Board, its duties and functions, and to cancel the process and procedure for naming or renaming public memorials

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
2. Letter(s) from the Mayor re:
 - a. Withdrawal of Ballot Proposal for potential sale of the City Market property
 - b. Withdrawal of Reappointment; Dennis Louney, 1st Ward Member to the Board of Water & Light Commissioners for a term to expire June 30, 2021
 - c. Affidavit of Disclosure; Mayor Andy Schor, Trade Mission Trip to China paid by the Michigan Business Network
 - d. Grant Acceptance; Bear Lake Pathway Project
 - e. PRD-1-2018; Planned Residential Development; South 9.6 acres of 3600 Dunckel Road & Adjoining Vacant Parcel, requested by Waypoint Residential Services
 - f. Public Improvement IV; Stabler Street Reconstruction Project
 - g. Public Improvement V; Jolly Road Rehabilitation
 - h. Appointment; Waylon Sanford as an At-Large Member of the Board of Zoning Appeals for a term to expire June 30, 2021
 - i. Lansing Board of Water and Light Return on Equity/Payment in Lieu of Taxes; Amendment No. 4 to Agreement between the City of Lansing and the Lansing Board of Water & Light

B. COMMUNICATIONS AND PETITIONS, AND OTHER CITY RELATED MATTERS

1. Communication from the Michigan Municipal League, Annual Meeting Notice for September 21

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.

**CITY OF LANSING
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a Public Hearing will be held on Monday, August 27 2018 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 amending the City of Lansing, Michigan Codified Ordinances by adding a new Chapter 1219 to be entitled Post-Construction Stormwater Management Ordinance; to state the findings and purpose; to define terms; to establish procedures for submission and criteria for approval of plans and projects; to designate those responsible for plan review, processing and approvals; to require performance and maintenance guarantees and agreements; to provide for civil fines, equitable remedies and criminal sanctions and costs for violation of this ordinance, nuisance abatement, cost reimbursement to the city and establishment of liens; and to establish an effective date.

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

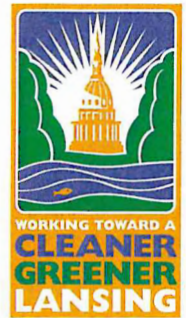
Chris Swope, Lansing City Clerk, MMC/CMMC
www.lansingmi.gov/Clerk
www.facebook.com/LansingClerkSwope



Andy Schor, Mayor

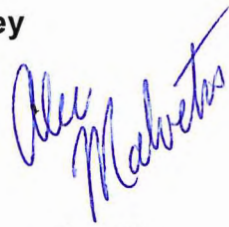
PUBLIC SERVICE DEPARTMENT

7th Floor City Hall
124 West Michigan Avenue
Lansing, Michigan 48933
(517) 483-4455
FAX: (517) 483-6082
www.lansingmi.gov/pubserv



MEMORANDUM

TO: Joseph Abood, Deputy City Attorney

FROM: Alec Malvetis, Asst. City Engineer 

DATE: June 5, 2018

SUBJECT: New City Ordinance for Post-Construction Stormwater Management

We are hereby formally transmitting the attached, proposed ordinance that establishes requirements for management of stormwater runoff from sites of development and/or redevelopment. This proposed ordinance will constitute a new chapter (i.e., Chapter 1219) under the Part 12 – Planning and Zoning Code.

As discussed with you previously, establishment of this ordinance is required by the Michigan Department of Environmental Quality via the conditions of National Pollutant Discharge Elimination System Permit No. MI0059769, which was issued to the City of Lansing on September 11, 2015. Similarly, other municipalities in the Greater Lansing-area have been required to establish consistent ordinances, including the Cities of East Lansing and Grand Ledge.

You have previously reviewed and tentatively approved the form of this ordinance. However, we are now seeking formal "approved as to form" status from the Office of the City Attorney. Following receipt of this approval, we will work with Zoning Administrator, Susan Stachowiak, to continue the process to its next step with the Planning Commission.

If you have any questions, please contact me at #483-4459. Thank you

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF LANSING, MICHIGAN CODIFIED ORDINANCES BY ADDING A NEW CHAPTER 1219 TO BE ENTITLED POST-CONSTRUCTION STORMWATER MANAGEMENT ORDINANCE; TO STATE THE FINDINGS AND PURPOSE; TO DEFINE TERMS; TO ESTABLISH PROCEDURES FOR SUBMISSION AND CRITERIA FOR APPROVAL OF PLANS AND PROJECTS; TO DESIGNATE THOSE RESPONSIBLE FOR PLAN REVIEW, PROCESSING AND APPROVALS; TO REQUIRE PERFORMANCE AND MAINTENANCE GUARANTEES AND AGREEMENTS; TO PROVIDE FOR CIVIL FINES, EQUITABLE REMEDIES AND CRIMINAL SANCTIONS AND COSTS FOR VIOLATION OF THIS ORDINANCE, NUISANCE ABATEMENT, COST REIMBURSEMENT TO THE CITY AND ESTABLISHMENT OF LIENS; AND TO ESTABLISH AN EFFECTIVE DATE.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 1219 of the codified ordinances of the City of Lansing, Michigan, is added and reads follows:

TITLE: CHAPTER 1219. – POST-CONSTRUCTION STORMWATER MANAGEMENT

1219.01. – PURPOSE

(A) THE PURPOSE OF THIS ORDINANCE IS TO ESTABLISH MINIMUM STORMWATER MANAGEMENT REQUIREMENTS AND CONTROLS TO PROTECT AND SAFEGUARD THE GENERAL HEALTH, SAFETY, AND WELFARE OF THE PUBLIC RESIDING IN THE CITY OF LANSING AND THE WATERSHEDS TO WHICH IT DRAINS AND TO COMPLY

1 WITH THE CITY'S NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM
2 (NPDES) PERMIT AND OTHER APPLICABLE FEDERAL AND STATE REGULATIONS.

3 (B) THIS ORDINANCE SEEKS TO MEET THAT PURPOSE BY MINIMIZING THE
4 NEGATIVE IMPACTS OF INCREASED STORMWATER DISCHARGES FROM NEW LAND
5 DEVELOPMENT AND REDEVELOPMENT THROUGH THE FOLLOWING OBJECTIVES:

6 (1) TO MINIMIZE INCREASED STORMWATER RUNOFF RATES AND VOLUMES FROM
7 IDENTIFIED LAND DEVELOPMENT AND REDEVELOPMENT.

8 (2) TO MINIMIZE NONPOINT SOURCE POLLUTION.

9 (3) TO MINIMIZE THE DETERIORATION OF EXISTING WATERCOURSES, CULVERTS
10 AND BRIDGES, AND OTHER STRUCTURES.

11 (4) TO ENCOURAGE WATER RECHARGE WHERE GEOLOGICALLY FAVORABLE
12 CONDITIONS EXISTS.

13 (5) TO MAINTAIN THE ECOLOGICAL INTEGRITY OF STREAM CHANNELS.

14 (6) TO MINIMIZE THE NEGATIVE IMPACTS OF DEVELOPMENT ON DOWNSTREAM
15 CHANNEL STABILITY.

16 (7) TO PRESERVE AND PROTECT WATER SUPPLY FACILITIES AND WATER
17 RESOURCES BY CONTROLLING INCREASED FLOOD DISCHARGES, STREAM
18 EROSION, AND RUNOFF POLLUTION.

19 (8) TO REDUCE THE ADVERSE IMPACT OF CHANGING LAND USE ON WATER
20 BODIES AND, TO THAT END, THIS ORDINANCE ESTABLISHES MINIMUM
21 STANDARDS TO PROTECT WATER BODIES FROM DEGRADATION RESULTING FROM
22 CHANGING LAND USE WHERE STORMWATER MANAGEMENT CONTROLS ARE
23 INSUFFICIENT TO MEET WATER QUANTITY AND QUALITY GOALS.

1 (9) TO ENSURE THAT STORM DRAINS AND STORMWATER BMPS ARE ADEQUATE
2 TO ADDRESS STORMWATER MANAGEMENT NEEDS WITHIN A PROPOSED
3 DEVELOPMENT, AND FOR PROTECTING DOWNSTREAM LANDOWNERS FROM
4 FLOODING AND DEGRADATION OF WATER QUALITY. THE PROCEDURES,
5 STANDARDS, AND RECOMMENDATIONS SET FORTH IN THIS ORDINANCE AND THE
6 CITY OF LANSING'S STORMWATER MANAGEMENT POLICIES AND PROCEDURES
7 MANUAL (POLICIES MANUAL) ARE DESIGNED FOR THESE PURPOSES.

8 (10) TO ENSURE THAT ALL STORMWATER FACILITIES NECESSARY FOR A
9 PROPOSED DEVELOPMENT WILL HAVE AN APPROPRIATE GOVERNMENTAL UNIT
10 RESPONSIBLE IN PERPETUITY FOR PERFORMING MAINTENANCE OR; FOR
11 OVERSEEING THE PERFORMANCE OF MAINTENANCE BY A PRIVATE ENTITY.

12 (11) TO FACILITATE THE INTEGRATION OF STORMWATER MANAGEMENT AND
13 POLLUTION CONTROL WITH OTHER ORDINANCES, PROGRAMS, POLICIES, AND THE
14 COMPREHENSIVE PLANS OF THE CITY OF LANSING.

15 (12) TO ESTABLISH LEGAL AUTHORITY TO CARRY OUT ALL OF THE INSPECTION
16 AND MONITORING PROCEDURES NECESSARY TO ENSURE COMPLIANCE WITH
17 THIS ORDINANCE.

18
19 1219.02. – DEFINITIONS.

20 AS USED IN THIS CHAPTER:

21 *APPLICANT* MEANS ANY PERSON PROPOSING OR IMPLEMENTING THE
22 DEVELOPMENT OR REDEVELOPMENT OF LAND.

23 *BMP OR BEST MANAGEMENT PRACTICE* MEANS ANY PRACTICE, OR COMBINATION

1 OF PRACTICES AND DESIGN CRITERIA THAT COMPLY WITH THE CITY OF LANSING
2 STORMWATER MANAGEMENT DESIGN MANUAL OR EQUIVALENT PRACTICES AND
3 DESIGN CRITERIA THAT ACCOMPLISH THE PURPOSES OF THIS ORDINANCE
4 (INCLUDING, BUT NOT LIMITED TO MINIMIZING STORMWATER RUNOFF AND
5 PREVENTING THE DISCHARGE OF POLLUTANTS INTO STORMWATER) AS
6 DETERMINED BY THE CITY ENGINEER AND/OR, WHERE APPROPRIATE, THE
7 STANDARDS OF THE COUNTY DRAIN COMMISSIONER.

8 *CHANNEL* MEANS A NATURAL OR ARTIFICIAL WATERCOURSE WITH A DEFINITE
9 BED AND BANKS THAT CONDUCTS CONTINUOUSLY OR PERIODICALLY FLOWING
10 WATER.

11 *CONVEYANCE FACILITY* MEANS A STORM DRAIN, PIPE, SWALE, OR CHANNEL.

12 *DESIGN ENGINEER* MEANS THE REGISTERED PROFESSIONAL ENGINEER
13 RESPONSIBLE FOR THE DESIGN OF THE STORMWATER MANAGEMENT PLAN.

14 *DETENTION* MEANS A SYSTEM WHICH IS DESIGNED TO CAPTURE STORMWATER
15 AND RELEASE IT OVER A GIVEN PERIOD OF TIME THROUGH AN OUTLET
16 STRUCTURE AT A CONTROLLED RATE. THE GOALS OF THIS BMP ARE TO
17 CONTROL PEAK DISCHARGE RATES AND PROVIDE GRAVITY SETTLING OF
18 POLLUTANTS.

19 *DEVELOPED OR DEVELOPMENT* MEANS THE INSTALLATION OR CONSTRUCTION OF
20 IMPERVIOUS SURFACES ON A DEVELOPMENT SITE THAT REQUIRE, PURSUANT TO
21 STATE LAW OR LOCAL ORDINANCE, CITY OF LANSING APPROVAL OF A SITE PLAN,
22 SITE CONDOMINIUM, SPECIAL LAND USE, PLANNED UNIT DEVELOPMENT, LAND
23 DIVISION APPROVAL, PRIVATE ROAD APPROVAL, OR OTHER APPROVALS

1 REQUIRED FOR THE DEVELOPMENT OF LAND OR THE ERECTION OF BUILDINGS OR
2 STRUCTURES; PROVIDED, HOWEVER, THAT FOR THE PURPOSES OF THIS ARTICLE
3 ONLY, DEVELOPED OR DEVELOPMENT SHALL NOT INCLUDE THE ACTUAL
4 CONSTRUCTION OF, OR AN ADDITION, EXTENSION, OR MODIFICATION TO, AN
5 INDIVIDUAL SINGLE-FAMILY OR A TWO-FAMILY DETACHED DWELLING THAT
6 DISTURBS LESS THAN ONE ACRE.

7 *ENGINEERED SITE GRADING PLAN* MEANS A SEALED DRAWING OR PLAN AND
8 ACCOMPANYING TEXT PREPARED BY A REGISTERED ENGINEER OR LANDSCAPE
9 ARCHITECT WHICH SHOWS ALTERATIONS OF TOPOGRAPHY, ALTERATIONS OF
10 WATERCOURSES, FLOW DIRECTIONS OF STORMWATER RUNOFF, AND PROPOSED
11 STORMWATER MANAGEMENT AND MEASURES, HAVING AS ITS PURPOSE TO
12 ENSURE THAT THE OBJECTIVES OF THIS ORDINANCE ARE MET.

13 *EROSION AND SEDIMENT CONTROL PLAN* MEANS A PLAN THAT IS DESIGNED TO
14 MINIMIZE THE ACCELERATED EROSION AND SEDIMENTATION RUNOFF AT A SITE
15 DURING CONSTRUCTION.

16 *FEE IN LIEU CONTRIBUTION* MEANS A PAYMENT OF MONEY IN PLACE OF MEETING
17 ALL OR PART OF THE STORMWATER PERFORMANCE STANDARDS REQUIRED BY
18 THIS ORDINANCE.

19 *GRADING* MEANS ANY STRIPPING, EXCAVATING, FILLING, OR STOCKPILING OF
20 SOIL OR ANY COMBINATION THEREOF AND THE LAND IN ITS EXCAVATED OR
21 FILLED CONDITION.

22 *IMPERVIOUS SURFACE* MEANS SURFACE THAT DOES NOT ALLOW STORMWATER
23 RUNOFF TO SLOWLY PERCOLATE INTO THE SOIL.

1 *INFILTRATION* MEANS THE PERCOLATION OF WATER INTO THE GROUND,
2 EXPRESSED IN INCHES PER HOUR.

3 *LAND DISTURBING ACTIVITY* MEANS ANY ACTIVITY THAT CHANGES THE VOLUME
4 OR PEAK FLOW DISCHARGE OF RAINFALL RUNOFF FROM THE LAND SURFACE.
5 THIS MAY INCLUDE THE GRADING, DIGGING, CUTTING, SCRAPING, OR
6 EXCAVATING OF SOIL, PLACEMENT OF FILL MATERIALS, PAVING,
7 CONSTRUCTION, SUBSTANTIAL REMOVAL OF VEGETATION, OR ANY ACTIVITY
8 THAT BARES SOIL OR ROCK OR INVOLVES THE DIVERSION OR PIPING OF ANY
9 NATURAL OR MAN-MADE WATERCOURSE.

10 *MAINTENANCE AGREEMENT* MEANS A BINDING AGREEMENT THAT ESTABLISHES
11 THE TERMS, MEASURES, AND CONDITIONS FOR THE MAINTENANCE OF
12 STORMWATER SYSTEMS AND FACILITIES.

13 *NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER*
14 *DISCHARGE PERMIT* MEANS THE PERMIT ISSUED TO THE CITY OF LANSING BY THE
15 MICHIGAN DEPARTMENT OF ENVIRONMENT QUALITY FOR POINT SOURCE
16 DISCHARGES OF STORMWATER FROM MUNICIPAL SEPARATE STORM SEWER
17 SYSTEMS.

18 *NON-STRUCTURAL MEASURE* MEANS A STORMWATER CONTROL AND TREATMENT
19 TECHNIQUE THAT USES NATURAL PROCESSES, RESTORATION OR ENHANCEMENT
20 OF NATURAL SYSTEMS, OR DESIGN APPROACHES TO CONTROL RUNOFF AND/OR
21 REDUCE POLLUTANT LEVELS. SUCH MEASURES ARE USED IN LIEU OF OR TO
22 SUPPLEMENT STRUCTURAL PRACTICES ON A LAND DEVELOPMENT SITE.

23 *OFFSITE FACILITY* MEANS ALL OR PART OF A DRAINAGE SYSTEM THAT IS

1 LOCATED PARTIALLY OR COMPLETELY OFF THE DEVELOPMENT SITE WHICH IT
2 SERVES.

3 *PEAK RATE OF DISCHARGE* MEANS THE MAXIMUM RATE OF STORMWATER FLOW
4 AT A PARTICULAR LOCATION FOLLOWING A STORM EVENT, AS MEASURED AT A
5 GIVEN POINT AND TIME IN CUBIC FEET PER SECOND (CFS).

6 *PERMANENT STORMWATER BMP* MEANS A STORMWATER BEST MANAGEMENT
7 PRACTICE (BMP) THAT WILL BE OPERATIONAL AFTER THE CONSTRUCTION
8 PHASE OF A PROJECT AND THAT IS DESIGNED TO BECOME A PERMANENT PART
9 OF THE SITE FOR THE PURPOSES OF MANAGING STORMWATER RUNOFF.

10 *PLAN* MEANS WRITTEN NARRATIVES, SPECIFICATIONS, DRAWINGS, SKETCHES,
11 WRITTEN STANDARDS, OPERATING PROCEDURES, OR ANY COMBINATION OF
12 THESE WHICH CONTAIN INFORMATION PURSUANT TO THIS ORDINANCE.

13 *POST-CONSTRUCTION STORMWATER MANAGEMENT PLAN (STORMWATER PLAN)*
14 MEANS DRAWINGS AND WRITTEN INFORMATION PREPARED BY A REGISTERED
15 ENGINEER, REGISTERED LANDSCAPE ARCHITECT, OR REGISTERED SURVEYOR
16 WHICH DESCRIBE THE WAY IN WHICH ACCELERATED SOIL EROSION AND/OR
17 STORMWATER FLOWS FROM A PARTICULAR SITE ARE PROPOSED TO BE
18 CONTROLLED, BOTH DURING AND AFTER CONSTRUCTION, HAVING AS ITS
19 PURPOSE TO ENSURE THAT THE OBJECTIVES OF THIS ORDINANCE ARE MET.

20 *RECEIVING STREAM OR CHANNEL* MEANS THE BODY OF WATER OR CONVEYANCE
21 INTO WHICH STORMWATER RUNOFF IS DISCHARGED

22 *RECHARGE* MEANS THE REPLENISHMENT OF UNDERGROUND WATER RESERVES
23 THROUGH PERCOLATION.

1 *REDEVELOPMENT* MEANS A CHANGE TO A PREVIOUSLY EXISTING, IMPROVED
2 PROPERTY, INCLUDING BUT NOT LIMITED TO THE DEMOLITION OR BUILDING OF
3 STRUCTURES, FILLING, GRADING, PAVING, OR EXCAVATING, BUT EXCLUDING
4 ORDINARY MAINTENANCE ACTIVITIES, REMODELING OF BUILDINGS ON THE
5 EXISTING FOOTPRINT, RESURFACING OF PAVED AREAS, AND EXTERIOR CHANGES
6 OR IMPROVEMENTS THAT DO NOT MATERIALLY INCREASE OR CONCENTRATE
7 STORMWATER RUNOFF OR CAUSE ADDITIONAL NONPOINT SOURCE POLLUTION.

8 *RESPONSIBLE PARTY* MEANS ANY INDIVIDUAL, PARTNERSHIP, CO-PARTNERSHIP,
9 FIRM, COMPANY, CORPORATION, ASSOCIATION, JOINT STOCK, COMPANY, TRUST,
10 ESTATE, GOVERNMENTAL ENTITY, OR ANY OTHER LEGAL ENTITY; OR THEIR
11 REPRESENTATIVES, AGENTS, OR ASSIGNS THAT IS NAMED ON A STORMWATER
12 MAINTENANCE AGREEMENT AS RESPONSIBLE FOR LONG-TERM OPERATION AND
13 MAINTENANCE OF ONE OR MORE STORMWATER BMPS.

14 *RETENTION* MEANS A HOLDING SYSTEM FOR STORMWATER, EITHER NATURAL OR
15 MAN-MADE, WHICH DOES NOT HAVE A DIRECT OUTLET TO ADJOINING
16 WATERCOURSES OR WETLANDS.

17 *RUNOFF* MEANS THAT PART OF PRECIPITATION, WHICH FLOWS OVER THE LAND.

18 *SEDIMENT* MEANS MINERAL OR ORGANIC PARTICULATE MATTER THAT HAS
19 BEEN REMOVED FROM ITS SITE OF ORIGIN BY THE PROCESSES OF SOIL EROSION,
20 IS IN SUSPENSION IN WATER, OR IS BEING TRANSPORTED.

21 *STORMWATER BMP* MEANS ANY FACILITY, STRUCTURE, CHANNEL, AREA,
22 PROCESS OR MEASURE WHICH SERVES TO CONTROL STORMWATER RUNOFF IN
23 ACCORDANCE WITH THE PURPOSES AND STANDARDS OF THIS ORDINANCE.

1 *STORMWATER MANAGEMENT DESIGN MANUAL* MEANS THE DOCUMENT THAT
2 PROVIDES A DETAILED EXPLANATION OF THE DESIGN CRITERIA AND SPECIFIC
3 CONSTRUCTED APPROACHES FOR ACHIEVING COMPLIANCE WITH THE CITY’S
4 POST-CONSTRUCTION STORMWATER MANAGEMENT ORDINANCE.

5 *STORMWATER MANAGEMENT POLICIES AND PROCEDURES MANUAL* MEANS THE
6 DOCUMENT THAT PROVIDES A DETAILED EXPLANATION OF THE POLICIES AND
7 PROCEDURES FOR ACHIEVING COMPLIANCE WITH THE CITY’S POST-
8 CONSTRUCTION STORMWATER MANAGEMENT ORDINANCE.

9 *STREAM BUFFER* MEANS AN AREA OF LAND AT OR NEAR A STREAMBANK,
10 WETLAND, OR WATERBODY THAT HAS INTRINSIC WATER QUALITY VALUE DUE
11 TO THE ECOLOGICAL AND BIOLOGICAL PROCESSES IT PERFORMS OR IS
12 OTHERWISE SENSITIVE TO CHANGES WHICH MAY OTHERWISE RESULT IN
13 SIGNIFICANT DEGRADATION TO WATER QUALITY.

14 *WATERCOURSE* MEANS ANY NATURAL OR MANMADE WATERWAY OR OTHER
15 BODY OF WATER HAVING REASONABLY WELL DEFINED BANKS. RIVERS,
16 STREAMS, CREEKS, BROOKS, AND CHANNELS, WHETHER CONTINUALLY OR
17 INTERMITTENTLY FLOWING, AS WELL AS LAKES AND PONDS ARE
18 WATERCOURSES FOR PURPOSES OF STORMWATER MANAGEMENT.

19 *WATERSHED* MEANS AN AREA OF LAND DRAINING TO A COMMON OUTLET
20 OTHERWISE KNOWN AS A DRAINAGE OR CATCHMENT AREA.

21 *WETLANDS* MEANS AS DEFINED BY MICHIGAN’S WETLAND STATUTE, PART 303,
22 WETLANDS PROTECTION, OF THE NATURAL RESOURCES AND ENVIRONMENTAL
23 PROTECTION ACT, 1994 PA 451, AS AMENDED.

1219.03. - APPLICABILITY

(A) THIS ORDINANCE SHALL BE APPLICABLE TO ALL LAND DEVELOPMENT (NEW DEVELOPMENT AND REDEVELOPMENT), INCLUDING BUT NOT LIMITED TO, SITE PLAN, PLOT PLAN AND PLAT APPLICATIONS AS WELL AS ANY GRADING APPLICATIONS. IN ADDITION, THIS ORDINANCE SHALL BE APPLICABLE TO PUBLIC IMPROVEMENT PROJECTS THAT DISTURB ONE (1) ACRE OR MORE.

THE CITY ENGINEER MAY WAIVE THE CHANNEL PROTECTION REQUIREMENTS, WATER QUALITY REQUIREMENTS AND/OR FLOOD CONTROL REQUIREMENTS OF SECTION 1219.08(D) OF THIS ORDINANCE FOR:

- PROJECTS THAT ARE WITHIN AREAS OF THE CITY OF LANSING'S SEWER COLLECTION SYSTEM THAT ARE SERVED BY COMBINED SEWERS; OR
- PROJECTS THAT DISTURB LESS THAN ONE (1) ACRE AND ARE NOT PART OF A LARGER COMMON PLAN OF DEVELOPMENT OR SALE THAT WOULD DISTURB ONE (1) ACRE OR MORE.

(B) THE PROCEDURES AND STANDARDS SET FORTH IN THIS POST-CONSTRUCTION STORMWATER MANAGEMENT ORDINANCE, AND THE POLICIES, PROCEDURES, AND DESIGN DATA SPECIFIED IN THE CITY OF LANSING STORMWATER MANAGEMENT POLICIES AND PROCEDURES MANUAL (POLICIES MANUAL) AND THE CITY OF LANSING STORMWATER MANAGEMENT DESIGN MANUAL (DESIGN MANUAL) PROVIDE THE MINIMUM STANDARDS TO BE ADHERED TO BY DEVELOPERS AND IN NO WAY LIMITS THE AUTHORITY OF THE CITY OF LANSING TO ADOPT OR PUBLISH AND/OR ENFORCE HIGHER STANDARDS

1 AS A CONDITION OF APPROVAL OF DEVELOPMENTS.

2 (C) NO SITE PLAN, PLOT PLAN, OR PLAT SHALL BE APPROVED UNDER PART 12 OF
3 THE CITY CODE UNTIL APPROVAL BY THE CITY ENGINEER THAT SAID
4 DEVELOPMENT OR REDEVELOPMENT MEETS ALL:

- 5 • SOIL EROSION AND SEDIMENTATION CONTROL MEASURES CONSISTENT
6 WITH THE REQUIREMENTS OF CHAPTER 1218 OF THE CITY CODE;
- 7 • REQUIREMENTS FOR AN APPROVED POST-CONSTRUCTION STORMWATER
8 MANAGEMENT PLAN (STORMWATER PLAN) AS OUTLINED IN SECTION
9 1219.07 OF THIS ORDINANCE; AND
- 10 • RELATED LAND DEVELOPMENT REGULATIONS.

11 (D) IN ORDER TO ENSURE COMPLETION OF CONSTRUCTION OF THE PERMANENT
12 STORMWATER BMPS SPECIFIED IN THE APPLICANT'S STORMWATER PLAN AS
13 OUTLINED IN SECTION 1219.07 AND 1219.08 OF THIS ORDINANCE, A COMPLETION
14 BOND MUST BE PROVIDED TO THE CITY OF LANSING IN CONJUNCTION WITH THE
15 SITE PLAN OR PLOT PLAN SUBMITTED CONSISTENT WITH PART 12 OF THE CITY
16 CODE. THE VALUE OF THE COMPLETION BOND MUST BE IN AN AMOUNT
17 EQUIVALENT TO THE VALUE OF THE PERMANENT STORMWATER BMPS SPECIFIED
18 IN THE APPROVED STORMWATER PLAN. CONSISTENT WITH SECTION 1219.10(G)
19 OF THIS ORDINANCE, THE COMPLETION BOND WILL BE RELEASED BY THE CITY
20 OF LANSING FOLLOWING FINAL VERIFICATION OF THE CONSTRUCTION BY A
21 REGISTERED PROFESSIONAL ENGINEER.

22 (E) FOR AN EXISTING STORMWATER BASIN CONSTRUCTED PRIOR TO THE
23 EFFECTIVE DATE OF THIS ORDINANCE, AN APPROVED STORMWATER PLAN MUST

1 BE SECURED PRIOR TO ANY SIGNIFICANT EXPANSION, REPAIR, OR MAINTENANCE
2 OF SAID STORMWATER BASIN.

3
4 1219.04. - EXEMPTIONS

5 (A) NOTWITHSTANDING THE REQUIREMENTS OF SECTION 1219.03, A
6 STORMWATER PLAN SHALL NOT BE REQUIRED FOR ACTIVITIES PROTECTED BY
7 THE RIGHT TO FARM ACT 93 OF 1981.

8 (B) THE INSTALLATION OR REMOVAL OF INDIVIDUAL MANUFACTURED
9 HOMES WITHIN A MANUFACTURED HOME PARK IS EXEMPTED FROM THE
10 REQUIREMENTS OF THIS ORDINANCE. THIS EXEMPTION SHALL NOT BE
11 CONSTRUED TO APPLY TO THE CONSTRUCTION, EXPANSION, OR MODIFICATION
12 OF A MANUFACTURED HOME PARK.

13 (C) PLATS THAT HAVE RECEIVED PRELIMINARY PLAT APPROVAL AND
14 OTHER DEVELOPMENTS WITH FINAL LAND USE APPROVAL PRIOR TO THE
15 EFFECTIVE DATE OF THIS ORDINANCE ARE EXEMPTED FROM THE
16 REQUIREMENTS OF THIS ORDINANCE, WHERE SUCH APPROVALS REMAIN IN
17 EFFECT.

18 (D) ANY EMERGENCY PROJECTS THAT ARE IMMEDIATELY NECESSARY FOR
19 THE PROTECTION OF LIFE, PROPERTY, OR NATURAL RESOURCES, ARE EXEMPTED
20 FROM THE REQUIREMENTS OF THIS ORDINANCE.

21 (E) LINEAR CONSTRUCTION PROJECTS, SUCH AS PIPELINE OR UTILITY LINE
22 INSTALLATION, THAT DO NOT RESULT IN THE INSTALLATION OF ANY
23 IMPERVIOUS COVER, AS DETERMINED BY THE CITY ENGINEER, ARE EXEMPTED

1 FROM THE REQUIREMENTS OF THIS ORDINANCE.

2
3 1219.05. - LIABILITY

4 ANY PERSON WHO UNDERTAKES OR CAUSES TO BE UNDERTAKEN ANY LAND
5 DEVELOPMENT SHALL ENSURE THAT SOIL EROSION, SEDIMENTATION,
6 INCREASED POLLUTANT LOADS AND CHANGED WATER FLOW CHARACTERISTICS
7 RESULTING FROM THE ACTIVITY ARE CONTROLLED SO AS TO MINIMIZE
8 POLLUTION OF RECEIVING WATERS. THE REQUIREMENTS OF THIS ORDINANCE
9 AND OTHER APPLICABLE CITY OF LANSING ORDINANCES ARE MINIMUM
10 STANDARDS AND A PERSON'S COMPLIANCE WITH THE SAME SHALL NOT RELIEVE
11 SUCH PERSON FROM THE DUTY OF ENACTING ALL MEASURES NECESSARY TO
12 MINIMIZE POLLUTION OF RECEIVING WATERS TO THE MAXIMUM EXTENT
13 PRACTICABLE.

14
15 1219.06. - DESIGNATION OF STORMWATER AUTHORITY; POWERS AND DUTIES

16 (A) THE CITY ENGINEER SHALL ADMINISTER AND ENFORCE THIS
17 ORDINANCE, AND MAY FURNISH ADDITIONAL POLICY, CRITERIA AND
18 INFORMATION INCLUDING SPECIFICATIONS AND STANDARDS AND/OR
19 ESTABLISHMENT OF A PERMITTING PROGRAM, FOR THE PROPER
20 IMPLEMENTATION OF THE REQUIREMENTS OF THIS ORDINANCE AND MAY
21 PROVIDE SUCH INFORMATION IN THE FORM OF A STORMWATER MANAGEMENT
22 POLICIES AND PROCEDURES MANUAL AND/OR STORMWATER MANAGEMENT
23 DESIGN MANUAL.

1 (B) THE CITY OF LANSING'S STORMWATER MANAGEMENT POLICIES AND
2 PROCEDURES MANUAL AND/OR STORMWATER MANAGEMENT DESIGN MANUAL
3 MAY BE UPDATED AND EXPANDED FROM TIME TO TIME, AT THE DISCRETION OF
4 THE CITY ENGINEER BASED ON REGULATORY REVISIONS AND/OR
5 IMPROVEMENTS IN ENGINEERING, SCIENCE, MONITORING AND LOCAL
6 MAINTENANCE EXPERIENCE.

7 (C) REPRESENTATIVES OF THE CITY ENGINEER SHALL HAVE THE RIGHT TO
8 ENTER UPON ANY LAND FOR THE PURPOSES OF MAKING AN INSPECTION OR
9 ACQUIRING INFORMATION TO DETERMINE WHETHER OR NOT THE PROPERTY
10 CONFORMS TO THE REQUIREMENTS OF THIS ORDINANCE.

11
12 1219.07. - CONTENTS OF POST-CONSTRUCTION STORMWATER MANAGEMENT
13 PLAN

14 (A) THE STORMWATER MANAGEMENT PLAN (STORMWATER PLAN) SHALL
15 UTILIZE TO THE MAXIMUM EXTENT PRACTICABLE SITE PLANNING AND DESIGN
16 TECHNIQUES THAT REDUCE RUNOFF RATES, VOLUMES, AND POLLUTANT LOADS.
17 SUCH TECHNIQUES INCLUDE, BUT ARE NOT LIMITED TO, MINIMIZATION AND/OR
18 DISCONNECTION OF IMPERVIOUS SURFACES; DEVELOPMENT DESIGN THAT
19 REDUCES THE RATE AND VOLUME OF RUNOFF; RESTORATION OR ENHANCEMENT
20 OF NATURAL AREAS SUCH AS RIPARIAN AREAS, WETLANDS, AND FORESTS; AND
21 DISTRIBUTED PRACTICES THAT INTERCEPT AND TREAT RUNOFF FROM
22 DEVELOPED AREAS.

23 (B) THE STORMWATER PLAN SHALL BE PRESENTED AS FOLLOWS:

1 (1) THROUGH PLANS, ILLUSTRATIONS, REPORTS, AND CALCULATIONS, THE
2 STORMWATER PLAN SHALL DISPLAY THE REQUIRED INFORMATION SPECIFIED IN
3 THE CITY OF LANSING STORMWATER MANAGEMENT DESIGN MANUAL (DESIGN
4 MANUAL).

5 (2) THE STORMWATER PLAN MUST BE SUFFICIENTLY DETAILED TO SPECIFY THE
6 TYPE, LOCATION, AND SIZE OF STORMWATER MANAGEMENT FACILITIES.

7 (3) IF IT IS PROPOSED TO DEVELOP A PARCEL IN TWO OR MORE PHASES, THE
8 STORMWATER PLAN SHALL BE PREPARED AND SUBMITTED FOR THE TOTAL
9 PROJECT.

10 (C) THE STORMWATER PLAN SHALL BE PREPARED BY A REGISTERED CIVIL
11 ENGINEER IN ACCORDANCE WITH THE REQUIREMENTS OUTLINED IN THE DESIGN
12 MANUAL. OTHER PERSONS AND PROFESSIONALS MAY ASSIST IN THE
13 PREPARATION OF THE PLAN. ALL PLANS SHALL BE PROPERLY SEALED.

14
15 1219.08. - STANDARDS FOR POST CONSTRUCTION STORMWATER MANAGEMENT
16 PLAN (STORMWATER PLAN) APPROVAL

17 (A) ALL DEVELOPMENTS REQUIRING A STORMWATER PLAN SHALL BE
18 DESIGNED, CONSTRUCTED, AND MAINTAINED TO PREVENT FLOODING, MINIMIZE
19 STREAM CHANNEL IMPACTS, PROTECT WATER QUALITY, AND ACHIEVE THE
20 PURPOSES OF THIS ORDINANCE, AS STATED ABOVE. THE CITY OF LANSING HAS
21 ADOPTED PERFORMANCE STANDARDS TO MEET THE OBJECTIVES OF MANAGING
22 THE QUANTITY AND QUALITY OF STORMWATER RUNOFF FROM A SITE AS
23 DESCRIBED BELOW AND IN THE CITY OF LANSING STORMWATER MANAGEMENT

DESIGN MANUAL (DESIGN MANUAL).

(B) DESIGNERS MAY SELECT ANY COMBINATION OF STORMWATER BMPS WHICH MEET THE PERFORMANCE STANDARDS PROVIDED THE SELECTIONS:

(1) COMPLY WITH THE REQUIREMENTS IDENTIFIED IN THIS ORDINANCE AND THE ASSOCIATED CITY OF LANSING STORMWATER MANAGEMENT POLICIES AND

PROCEDURES MANUAL (POLICIES MANUAL) AND DESIGN MANUAL;

(2) COMPLY WITH ALL OTHER LOCAL, COUNTY, STATE, OR FEDERAL REQUIREMENTS; AND

(3) DO NOT CONFLICT WITH THE EXISTING LOCAL STORMWATER MANAGEMENT AND WATERSHED PLANS.

(C) THE PARTICULAR FACILITIES AND MEASURES REQUIRED ON-SITE SHALL TAKE INTO CONSIDERATION THE NATURAL FEATURES, UPLAND AREAS, WETLANDS, AND WATERCOURSES ON THE SITE; THE POTENTIAL FOR ON-SITE AND OFFSITE ADVERSE STORMWATER IMPACTS, WATER POLLUTION, AND EROSION; AND THE SIZE OF THE SITE.

(D) THE FOLLOWING ON-SITE STORMWATER MANAGEMENT CONCEPTS MUST BE FOLLOWED:

(1) NATURAL TOPOGRAPHY AND SITE DRAINAGE SHALL BE PRESERVED AND SITE GRADING SHALL BE MINIMIZED TO THE MAXIMUM EXTENT REASONABLY ACHIEVABLE CONSIDERING THE NATURE OF THE DEVELOPMENT.

(2) THE PREFERRED CONVEYANCE STRATEGY IS TO TRANSPORT, WHEREVER POSSIBLE, UNTREATED AND TREATED RUNOFF IN CONVEYANCE FACILITIES OPEN TO THE ATMOSPHERE (E.G. SWALES, VEGETATED BUFFER STRIPS, ENERGY-

DISSIPATING STRUCTURES, ETC.), RATHER THAN THROUGH ENCLOSED PIPES, SO AS TO DECREASE RUNOFF VELOCITY, ALLOW FOR NATURAL INFILTRATION, ALLOW SUSPENDED SEDIMENT PARTICLES TO SETTLE, AND TO REMOVE POLLUTANTS.

(3) WATERCOURSES SHALL NOT BE DEEPEMED, WIDENED, DREDGED, CLEARED OF VEGETATION, STRAIGHTENED, STABILIZED, OR OTHERWISE ALTERED WITHOUT APPLICABLE PERMITS OR APPROVALS FROM THE CITY ENGINEER, RELEVANT COUNTY AGENCIES AND THE APPLICABLE STATE OF MICHIGAN DEPARTMENT(S).

(4) THE STORMWATER PLAN AND ASSOCIATED BMPS MUST DEMONSTRATE COMPLIANCE WITH REQUIRED CHANNEL PROTECTION/VOLUME CRITERIA BY PROVIDING RETENTION AS NECESSARY TO MEET VOLUME AND PEAK FLOW LIMITS CONSISTENT WITH THE REQUIREMENTS OF THE DESIGN MANUAL. SPECIFIC DETAILS FOR ACHIEVING COMPLIANCE WITH THE VOLUME/CHANNEL PROTECTION CRITERIA ARE OUTLINED IN THE DESIGN MANUAL.

(5) THE STORMWATER PLAN AND ASSOCIATED BMPS MUST DEMONSTRATE COMPLIANCE WITH REQUIRED WATER QUALITY CRITERIA BY PROVIDING TREATMENT OF TOTAL SUSPENDED SOLIDS (TSS) OR BY PROVIDING RETENTION TO ACHIEVE THE SAME CRITERIA FOR MAXIMUM TSS CONCENTRATIONS IN THE STORMWATER DISCHARGE FROM THE SITE WITH EITHER APPROACH BEING CONSISTENT WITH THE REQUIREMENTS OF THE DESIGN MANUAL. SPECIFIC DETAILS FOR ACHIEVING COMPLIANCE WITH THE WATER QUALITY CRITERIA ARE OUTLINED IN THE DESIGN MANUAL.

1 (6) THE STORMWATER PLAN AND ASSOCIATED BMPS MUST DEMONSTRATE
2 COMPLIANCE WITH REQUIRED PEAK FLOWRATE AND FLOOD CONTROL CRITERIA
3 BY PROVIDING STORMWATER DETENTION AND/OR RETENTION CONSISTENT
4 WITH THE REQUIREMENTS OF THE DESIGN MANUAL. SPECIFIC DETAILS FOR
5 ACHIEVING COMPLIANCE WITH THE PEAK FLOWRATE AND FLOOD CONTROL
6 CRITERIA ARE OUTLINED IN THE DESIGN MANUAL.

7 (7) UNDER CERTAIN CONDITIONS, THE CITY OF LANSING, UPON
8 RECOMMENDATION BY THE CITY ENGINEER, MAY IMPOSE THE FOLLOWING
9 ADDITIONAL RESTRICTIONS ON STORMWATER DISCHARGES.

- 10 • PEAK DISCHARGE MAY BE FURTHER RESTRICTED WHEN IT CAN
11 BE SHOWN THAT A PROBABLE RISK TO DOWNSTREAM
12 STRUCTURES OR UNIQUE NATURAL AREAS EXISTS OR THAT
13 EXISTING SEVERE FLOODING PROBLEMS COULD BE FURTHER
14 AGGRAVATED.
- 15 • MEASURES SHALL BE IMPOSED TO PROTECT AGAINST GROUND
16 OR SURFACE WATER POLLUTION WHERE THE NATURE OF THE
17 SOILS OR BEDROCK UNDERLYING A STORMWATER
18 MANAGEMENT STRUCTURE CONSTITUTES SUBSTANTIAL RISK
19 OF CONTAMINATION, SUCH AS MIGHT BE THE CASE IN
20 LIMESTONE FORMATIONS. SPECIAL PROVISIONS TO BE
21 FOLLOWED IN THESE CASES WILL BE PROVIDED BY THE CITY
22 ENGINEER.

23 (E) STORMWATER “CREDITS” FOR ONSITE STORMWATER MANAGEMENT

1 MAY BE CONSIDERED IN ACCORDANCE WITH THE PROVISIONS PROVIDED IN THE
2 POLICIES MANUAL.

3 (F) STORMWATER “OFFSETS” MAY BE CONSIDERED WHERE WATER
4 QUANTITY OR WATER QUALITY BMPS REQUIRED BY THIS ORDINANCE CAN NOT
5 BE FULLY ACCOMMODATED ON-SITE IN ACCORDANCE WITH THE PROVISIONS
6 PROVIDED IN THE POLICIES MANUAL.

7
8 1219.09. - STORMWATER MANAGEMENT PLAN AND BMP CONSTRUCTION PLANS
9 SUBMISSION

10 (A) THE STORMWATER MANAGEMENT PLAN (STORMWATER PLAN) AND THE
11 ASSOCIATED, PROPOSED BMP CONSTRUCTION PLANS AND SPECIFICATIONS
12 SHALL BE SUBMITTED FOR REVIEW IN ACCORDANCE WITH THE SITE PLAN
13 SUBMITTAL REQUIREMENTS OF PART 12 OF THE CITY CODE.

14 (B) THE BMP CONSTRUCTION PLANS AND SPECIFICATIONS SHALL BE
15 PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ORDINANCE AND
16 THE CITY OF LANSING STORMWATER MANAGEMENT DESIGN MANUAL (DESIGN
17 MANUAL).

18 (C) THE BMP CONSTRUCTION PLANS AND SPECIFICATIONS SHALL BE
19 PREPARED BY A LICENSED LANDSCAPE ARCHITECT, CERTIFIED PROFESSIONAL
20 SURVEYOR, OR PROFESSIONAL ENGINEER AND MUST BE SIGNED BY THE
21 PROFESSIONAL PREPARING THE PLAN, WHO SHALL CERTIFY THAT THE DESIGN
22 OF ALL STORMWATER BMPS MEET THE REQUIREMENTS OF THIS ORDINANCE.

23 (D) NO SUBSTANTIVE CHANGES SHALL BE MADE TO AN APPROVED

1 STORMWATER PLAN WITHOUT REVIEW AND WRITTEN APPROVAL BY THE CITY
2 OF LANSING. THE ENGINEERING DIVISION MAY REQUEST ADDITIONAL DATA
3 WITH A PLAN AMENDMENT AS MAY BE NECESSARY FOR A COMPLETE REVIEW OF
4 THE STORMWATER PLAN AND BMP CONSTRUCTION PLANS AND SPECIFICATIONS
5 TO ENSURE THAT CHANGES TO THE PLAN WILL COMPLY WITH THE
6 REQUIREMENTS OF THIS ORDINANCE.

7 (E) COMPLIANCE WITH THE REQUIREMENTS OF THIS ORDINANCE DOES NOT
8 ELIMINATE THE NEED FOR THE PROPRIETOR TO OBTAIN REQUIRED PERMITS AND
9 APPROVALS FROM COUNTY AND STATE AGENCIES.

10 (F) FOR SITE CONDOMINIUMS, COMPLETE MASTER DEED DOCUMENTS
11 (INCLUDING "EXHIBITS" DRAWINGS) MUST BE SUBMITTED FOR THE CITY'S
12 REVIEW AND APPROVAL PRIOR TO RECORDING.

13
14 1219.10. - REVIEW PROCEDURES

15 (A) ALL STORMWATER MANAGEMENT PLANS AND BMP CONSTRUCTION
16 PLANS AND SPECIFICATIONS SHALL BE SUBJECT TO REVIEW AND APPROVAL BY
17 THE CITY ENGINEERING DIVISION IN ORDER TO ENSURE CONFORMANCE WITH
18 THE REQUIREMENTS OF THIS ORDINANCE AND THE ASSOCIATED CITY OF
19 LANSING STORMWATER MANAGEMENT POLICIES AND PROCEDURES MANUAL
20 AND THE CITY OF LANSING STORMWATER MANAGEMENT DESIGN MANUAL.

21 (B) UPON SUBMISSION OF A STORMWATER MANAGEMENT PLAN
22 (STORMWATER PLAN) AND BMP CONSTRUCTION PLANS AND SPECIFICATIONS, AS
23 PROVIDED HEREIN, SUCH PLAN SHALL BE REVIEWED BY THE ENGINEERING

1 DIVISION AND A WRITTEN RESPONSE PREPARED AND SUBMITTED TO THE CITY
2 OF LANSING PLANNING OFFICE. IF THE PROPOSED PLAN IS NOT SUFFICIENT AS
3 ORIGINALLY SUBMITTED, THE ENGINEERING DIVISION WILL NOTIFY THE
4 APPLICANT IN WRITING, SETTING FORTH THE REASONS FOR WITHHOLDING A
5 RECOMMENDATION FOR APPROVAL, AND WILL STATE THE CHANGES
6 NECESSARY TO OBTAIN APPROVAL. FAILURE OF THE OWNER TO ULTIMATELY
7 DEMONSTRATE THAT THE PROJECT MEETS REQUIREMENTS, AS DETERMINED BY
8 THE CITY OF LANSING, SHALL BE REASON TO DENY APPROVAL OF THE
9 STORMWATER PLAN AND BMP CONSTRUCTION PLANS AND SPECIFICATIONS.

10 (C) BEFORE APPROVAL OF THE FINAL STORMWATER BMP CONSTRUCTION
11 PLANS, COPIES OF ALL NECESSARY WETLAND, FLOODPLAIN, INLAND LAKES AND
12 STREAMS, EROSION CONTROL OR OTHER NEEDED STATE, FEDERAL, OR LOCAL
13 PERMITS RELATING TO STORMWATER MANAGEMENT HAVE BEEN PROVIDED BY
14 THE APPLICANT FOR THE CITY OF LANSING'S FILES.

15 (D) A SATISFACTORY MAINTENANCE AGREEMENT IN ACCORDANCE WITH
16 SECTION 1219.18 OF THIS ORDINANCE THAT ASSURES LONG-TERM MAINTENANCE
17 OF ALL DRAINAGE IMPROVEMENTS WILL BE IN PLACE BEFORE APPROVAL OF
18 THE STORMWATER PLAN AND BMP CONSTRUCTION PLANS AND SPECIFICATIONS.
19 DOCUMENTATION OF THE MAINTENANCE AGREEMENT WILL BE SUPPLIED TO
20 THE ENGINEERING DIVISION AND APPROVED BY THE CITY ENGINEER.

21 (E) A SOIL EROSION AND SEDIMENTATION CONTROL PERMIT SHALL NOT BE
22 ISSUED UNDER CHAPTER 1218 OF THE CITY CODE UNLESS THE DETAILED
23 STORMWATER PLAN AND BMP CONSTRUCTION PLANS AND SPECIFICATIONS

1 MEET THE STANDARDS OF THIS ORDINANCE AND THE ASSOCIATED CITY OF
2 LANSING STORMWATER MANAGEMENT POLICIES AND PROCEDURES MANUAL
3 AND THE CITY OF LANSING STORMWATER MANAGEMENT DESIGN MANUAL.

4 (F) FOR DEVELOPMENTS THAT WILL RESULT IN DISTURBANCE OF FIVE OR
5 MORE ACRES OF LAND, A COMPLETE NOTICE OF COVERAGE FOR
6 CONSTRUCTION-PHASE STORMWATER MUST BE SUBMITTED TO THE MICHIGAN
7 DEPARTMENT OF ENVIRONMENTAL QUALITY, WATER RESOURCES DIVISION, TO
8 HAVE THE DISCHARGE AUTHORIZED UNDER A NATIONAL POLLUTANT
9 DISCHARGE ELIMINATION SYSTEM PERMIT.

10 (G) THE APPLICANT WILL MAKE ARRANGEMENTS ACCEPTABLE TO THE
11 ENGINEERING DIVISION FOR INSPECTION DURING CONSTRUCTION AND FOR
12 FINAL VERIFICATION OF THE CONSTRUCTION OF ALL PERMANENT STORMWATER
13 BMPS BY A REGISTERED PROFESSIONAL ENGINEER. FOLLOWING FINAL
14 VERIFICATION OF THE CONSTRUCTION BY A REGISTERED PROFESSIONAL
15 ENGINEER, THE COMPLETION BOND REQUIRED CONSISTENT WITH SECTION
16 1219.03(D) OF THIS ORDINANCE WILL BE RELEASED BY THE CITY OF LANSING.

17 (H) ELECTRONIC FILES OF THE AS-BUILT STORM DRAINS AND STORMWATER
18 BMPS WILL BE SUBMITTED BY THE APPLICANT OR HIS/HER ENGINEER TO THE
19 ENGINEERING DIVISION ALONG WITH THE FINAL PLAN FOR EXISTING SYSTEMS,
20 OR UPON COMPLETION OF SYSTEM CONSTRUCTION FOR NEW SYSTEMS.

21 (I) COMPLETE DEVELOPMENT AGREEMENTS (INCLUDING DEED
22 RESTRICTIONS) MUST BE SUBMITTED FOR THE CITY OF LANSING REVIEW AND
23 APPROVAL PRIOR TO RECORDING.

1
2 1219.11. - REVIEW FEES

3 THE CITY OF LANSING CITY COUNCIL SHALL ESTABLISH APPLICATION FEES
4 AND ESCROW REQUIREMENTS BY RESOLUTION. FEES AND ESCROW ACCOUNT
5 PAYMENTS SHALL BE SUFFICIENT TO COVER ADMINISTRATIVE AND TECHNICAL
6 REVIEW COSTS ANTICIPATED TO BE INCURRED BY THE CITY INCLUDING THE
7 COSTS OF ON-SITE INSPECTIONS.
8

9 1219.12. - OFF-SITE STORMWATER MANAGEMENT

10 REQUIREMENTS FOR OFF-SITE STORMWATER MANAGEMENT MAY BE
11 CONSIDERED IN ACCORDANCE WITH THE OFFSET PROVISIONS PROVIDED IN THE
12 CITY OF LANSING STORMWATER MANAGEMENT POLICIES AND PROCEDURES
13 MANUAL.
14

15 1219.13. - REVISION OF PLAN

16 IF IT BECOMES NECESSARY TO ALTER A DEVELOPMENT OR EARTH CHANGE
17 PROPOSAL AFTER THE STORMWATER PLAN HAS BEEN APPROVED, A REVISED
18 STORMWATER PLAN MUST BE SUBMITTED, REVIEWED, AND APPROVED IN
19 ACCORDANCE WITH THE PROCEDURE SET FORTH ABOVE. ALL REQUIREMENTS
20 AND STANDARDS FOR STORMWATER PLANS SHALL APPLY.
21

22 1219.14. - DRAINS UNDER THE JURISDICTION OF THE DRAIN COMMISSIONER

23 (A) DRAINAGE DISTRICTS WILL NOT BE ALTERED WHEN DESIGNING

1 DEVELOPMENT DRAINAGE, EXCEPT AS PROVIDED UNDER SECTION 433 OF ACT 40,
2 PUBLIC ACT 1956, AS AMENDED.

3 (B) EXISTING COUNTY DRAIN EASEMENTS WILL BE INDICATED ON THE
4 STORMWATER PLAN AS WELL AS THE FINAL STORMWATER BMP CONSTRUCTION
5 PLANS AND WILL BE DESIGNATED AS “INGHAM COUNTY DRAIN”, “EATON
6 COUNTY DRAIN”, OR THE APPROPRIATE INTER-COUNTY DRAIN AS APPLICABLE.
7 COUNTY DRAIN EASEMENTS PRIOR TO 1956 WERE NOT REQUIRED BY STATUTE
8 TO BE RECORDED IMMEDIATELY; THEREFORE, IT MAY BE NECESSARY TO CHECK
9 THE PERMANENT RECORDS OF THE DRAIN OFFICE TO SEE IF A DRAIN EASEMENT
10 IS IN EXISTENCE ON THE SUBJECT PROPERTY.

11 (C) A PERMIT WILL BE OBTAINED FROM THE APPROPRIATE DRAIN
12 COMMISSIONER’S OFFICE PRIOR TO DISCHARGING INTO, TAPPING OR CROSSING
13 ANY COUNTY OR INTER-COUNTY DRAIN. THE PERMIT MUST BE OBTAINED PRIOR
14 TO FINAL PLAN APPROVAL.

15 (D) PROPOSED RELOCATIONS OF COUNTY DRAINS WILL BE PROCESSED
16 THROUGH THE OFFICE OF THE APPROPRIATE DRAIN COMMISSIONER.

17
18 1219.15. - AS-BUILT CERTIFICATION

19 AN AS-BUILT CERTIFICATION FOR STORMWATER BMPS MUST BE PROVIDED
20 TO THE ENGINEERING DIVISION PRIOR TO FINAL APPROVAL OF THE
21 DEVELOPMENT. THE CERTIFICATION SHOULD INCLUDE ALL OF THE
22 REQUIREMENTS NOTED IN THE DESIGN MANUAL.
23

1219.16. - NOTICE OF CONSTRUCTION COMMENCEMENT

THE APPLICANT MUST NOTIFY THE CITY OF LANSING ENGINEERING DIVISION BEFORE THE COMMENCEMENT OF CONSTRUCTION. IN ADDITION, THE APPLICANT MUST NOTIFY THE CITY OF LANSING ENGINEERING DIVISION IN ADVANCE OF CONSTRUCTION OF CRITICAL COMPONENTS OF THE STORMWATER PRACTICES SHOWN ON THE APPROVED STORMWATER BMP CONSTRUCTION PLANS AND SPECIFICATIONS. THE CITY MAY, AT ITS DISCRETION, ISSUE VERBAL OR WRITTEN AUTHORIZATION TO PROCEED WITH CRITICAL CONSTRUCTION STEPS, SUCH AS INSTALLATION OF PERMANENT STORMWATER BMPS BASED ON STABILIZATION OF THE DRAINAGE AREA AND OTHER FACTORS.

1219.17. - CONSTRUCTION INSPECTIONS BY CITY OF LANSING OR ITS REPRESENTATIVES

THE CITY OF LANSING ENGINEERING DIVISION OR ITS REPRESENTATIVES MAY CONDUCT PERIODIC INSPECTIONS OF THE STORMWATER PRACTICES SHOWN ON THE APPROVED STORMWATER BMP CONSTRUCTION PLANS AND SPECIFICATIONS, AND ESPECIALLY DURING CRITICAL INSTALLATION AND STABILIZATION STEPS. ALL INSPECTIONS SHALL BE DOCUMENTED IN WRITING. THE INSPECTION SHALL DOCUMENT ANY VARIATIONS OR DISCREPANCIES FROM THE APPROVED PLAN, AND THE RESOLUTION OF SUCH ISSUES.

1219.18. - MAINTENANCE AGREEMENT

(A) PURPOSE OF MAINTENANCE AGREEMENT - THE PURPOSE OF THE

1 MAINTENANCE AGREEMENT IS TO PROVIDE THE MEANS AND ASSURANCE THAT
2 PERPETUAL, LONG-TERM MAINTENANCE OF STORMWATER BMPS SHALL BE
3 PROVIDED FOR AND UNDERTAKEN. A MAINTENANCE AGREEMENT SHALL BE
4 SUBMITTED TO THE CITY OF LANSING, FOR REVIEW BY THE CITY ENGINEER AND
5 HIS/HER DESIGNEE, AND SHALL BE SUBJECT TO APPROVAL IN CONSISTENT WITH
6 THE APPROVED STORMWATER MANAGEMENT PLAN AND BMP CONSTRUCTION
7 PLANS AND SPECIFICATIONS.

8 (B) RESPONSIBLE PARTY

9 (1) THE RESPONSIBLE PARTY NAMED IN THE RECORDED STORMWATER
10 MAINTENANCE AGREEMENT SHALL MAINTAIN IN GOOD CONDITION AND
11 PROMPTLY REPAIR AND RESTORE ALL STRUCTURAL AND NON-STRUCTURAL
12 STORMWATER BMPS AND ALL NECESSARY ACCESS ROUTES AND
13 APPURTENANCES. SUCH REPAIRS OR RESTORATION AND MAINTENANCE SHALL
14 BE IN ACCORDANCE WITH THE APPROVED STORMWATER BMP CONSTRUCTION
15 PLANS AND SPECIFICATIONS AND THE STORMWATER MAINTENANCE
16 AGREEMENT.

17 (2) THE RESPONSIBLE PARTY SHALL MAKE RECORDS OF INSTALLATION AND OF
18 ALL MAINTENANCE AND REPAIRS, AND SHALL RETAIN THE RECORDS FOR AT
19 LEAST FIVE (5) YEARS. THESE RECORDS SHALL BE MADE AVAILABLE TO THE
20 CITY OF LANSING DURING INSPECTION OF THE PRACTICE AND AT OTHER
21 REASONABLE TIMES UPON REQUEST.

22 (C) MAINTENANCE AGREEMENT PROVISIONS

23 (1) THE MAINTENANCE AGREEMENT SHALL PROVIDE FOR ROUTINE,

1 EMERGENCY, AND LONG-TERM MAINTENANCE OF ALL STORMWATER BMPS.

2 (2) THE MAINTENANCE AGREEMENT SHALL BE BINDING ON ALL SUBSEQUENT
3 OWNERS OF LAND SERVED BY THE STORMWATER BMPS AND SHALL BE
4 RECORDED IN THE OFFICE OF THE APPROPRIATE COUNTY REGISTER OF DEEDS
5 PRIOR TO THE EFFECTIVENESS OF THE APPROVAL OF THE CITY OF LANSING.

6 (3) IF IT HAS BEEN FOUND BY THE CITY OF LANSING, FOLLOWING NOTICE AND
7 AN OPPORTUNITY TO BE HEARD BY THE PROPERTY OWNER, THAT THERE HAS
8 BEEN A MATERIAL FAILURE OR REFUSAL TO UNDERTAKE MAINTENANCE AS
9 REQUIRED UNDER THIS ORDINANCE AND/OR AS REQUIRED IN THE APPROVED
10 MAINTENANCE AGREEMENT AS REQUIRED HEREUNDER, THE CITY ENGINEER
11 SHALL THEN BE AUTHORIZED, BUT NOT REQUIRED, TO HIRE AN ENTITY WITH
12 QUALIFICATIONS AND EXPERIENCE IN THE SUBJECT MATTER TO UNDERTAKE
13 THE MONITORING AND MAINTENANCE AS SO REQUIRED, IN WHICH EVENT THE
14 PROPERTY OWNER SHALL BE OBLIGATED TO ADVANCE OR REIMBURSE
15 PAYMENT (AS DETERMINED BY THE CITY OF LANSING) FOR ALL COSTS AND
16 EXPENSES ASSOCIATED WITH SUCH MONITORING AND MAINTENANCE,
17 TOGETHER WITH A REASONABLE ADMINISTRATIVE FEE. THE MAINTENANCE
18 AGREEMENT REQUIRED UNDER THIS ORDINANCE SHALL CONTAIN A PROVISION
19 SPELLING OUT THIS REQUIREMENT AND, IF THE APPLICANT OBJECTS IN ANY
20 RESPECT TO SUCH PROVISION OR THE UNDERLYING RIGHTS AND OBLIGATIONS,
21 SUCH OBJECTION SHALL BE RESOLVED PRIOR TO THE COMMENCEMENT OF
22 CONSTRUCTION OF THE PROPOSED DEVELOPMENT ON THE PROPERTY.

1 1219.19. - MAINTENANCE INSPECTIONS

2 THE CITY OF LANSING ENGINEERING DIVISION OR ITS REPRESENTATIVES
3 MAY CONDUCT PERIODIC INSPECTIONS FOR ALL STORMWATER PRACTICES
4 CONSTRUCTED AS PART OF THE APPROVED BMP CONSTRUCTION PLANS AND
5 SPECIFICATIONS. ALL INSPECTIONS WILL BE DOCUMENTED IN WRITING. THE
6 INSPECTION SHALL DOCUMENT ANY MAINTENANCE AND REPAIR NEEDS AND
7 ANY DISCREPANCIES FROM THE STORMWATER MAINTENANCE AGREEMENT.
8

9 1219.20. - STORMWATER MANAGEMENT EASEMENTS

10 (A) NECESSITY OF EASEMENTS FOR ON-SITE STORMWATER BMPS -
11 STORMWATER MANAGEMENT EASEMENTS SHALL BE PROVIDED IN A FORM
12 REQUIRED BY THE CITY OF LANSING ENGINEERING DIVISION, AND RECORDED AS
13 DIRECTED AS PART OF THE APPROVAL OF THE CITY OF LANSING TO ASSURE:

- 14 • ACCESS FOR INSPECTIONS;
 - 15 • ACCESS TO STORMWATER BMPS FOR MAINTENANCE PURPOSES; AND
 - 16 • PRESERVATION OF PRIMARY AND SECONDARY DRAINAGEWAYS
- 17 WHICH ARE NEEDED TO SERVE STORMWATER MANAGEMENT NEEDS
18 OF OTHER PROPERTIES.

19 (B) EASEMENTS FOR OFF-SITE STORMWATER BMPS - THE OWNER SHALL
20 OBTAIN EASEMENTS ASSURING ACCESS TO ALL AREAS USED FOR OFF-SITE
21 STORMWATER MANAGEMENT, INCLUDING UNDEVELOPED OR UNDISTURBED
22 LANDS.

23 (C) RECORDING OF EASEMENTS - EASEMENTS SHALL BE RECORDED WITH

1 THE APPROPRIATE COUNTY REGISTER OF DEEDS BASED ON JURISDICTION AND
2 ACCORDING TO COUNTY REQUIREMENTS.

3 (D) RECORDING PRIOR TO BUILDING PERMIT ISSUANCE - THE APPLICANT
4 MUST PROVIDE THE CITY ENGINEERING DIVISION WITH EVIDENCE OF THE
5 RECORDING OF THE EASEMENT PRIOR TO FINAL SUBDIVISION PLAT OR
6 CONDOMINIUM APPROVAL OR OTHER APPLICABLE FINAL CONSTRUCTION
7 APPROVAL.

8 (E) RIGHT-OF-ENTRY - THE EASEMENTS MUST CONTAIN A PROVISION
9 GRANTING THE CITY OF LANSING AND ITS REPRESENTATIVES THE RIGHT OF
10 ENTRY FOR THE PURPOSES OF INSPECTING ALL STORMWATER BMPS AT
11 REASONABLE TIMES AND IN A REASONABLE MANNER. THIS INCLUDES THE
12 RIGHT TO ENTER A PROPERTY WHEN THE CITY OF LANSING HAS A REASONABLE
13 BASIS TO BELIEVE THAT A VIOLATION OF THIS ORDINANCE IS OCCURRING OR
14 HAS OCCURRED AND TO ENTER WHEN NECESSARY FOR ABATEMENT OF A
15 PUBLIC NUISANCE OR CORRECTION OF A VIOLATION OF THIS ORDINANCE.

16
17 1219.21. - SEVERABILITY

18 IF ANY SECTION, CLAUSE, PROVISION OR PORTION OF THIS ORDINANCE IS
19 ADJUDGED UNCONSTITUTIONAL OR INVALID BY A COURT OF COMPETENT
20 JURISDICTION, THE REMAINDER OF THIS ORDINANCE SHALL REMAIN IN FORCE
21 AND EFFECT.

22
23 1219.22. - STOP WORK ORDER

1 WHERE THERE IS WORK IN PROGRESS THAT CAUSES OR CONSTITUTES IN
2 WHOLE OR IN PART, A VIOLATION OF ANY PROVISION OF THIS ORDINANCE, THE
3 CITY OF LANSING IS AUTHORIZED TO ISSUE A STOP WORK ORDER SO AS TO
4 PREVENT FURTHER OR CONTINUING VIOLATIONS OR ADVERSE EFFECTS. ALL
5 PERSONS TO WHOM THE STOP WORK ORDER IS DIRECTED, OR WHO ARE
6 INVOLVED IN ANY WAY WITH THE WORK OR MATTER DESCRIBED IN THE STOP
7 WORK ORDER SHALL FULLY AND PROMPTLY COMPLY THEREWITH. THE CITY OF
8 LANSING MAY ALSO UNDERTAKE OR CAUSE TO BE UNDERTAKEN, ANY
9 NECESSARY OR ADVISABLE PROTECTIVE MEASURES SO AS TO PREVENT
10 VIOLATIONS OF THIS ORDINANCE OR TO AVOID OR REDUCE THE EFFECTS OF
11 NONCOMPLIANCE HEREWITH. THE COST OF ANY SUCH PROTECTIVE MEASURES
12 SHALL BE THE RESPONSIBILITY OF THE OWNER OF THE PROPERTY UPON WHICH
13 THE WORK IS BEING DONE AND THE RESPONSIBILITY OF ANY PERSON CARRYING
14 OUT OR PARTICIPATING IN THE WORK, AND SUCH COST SHALL BE A LIEN UPON
15 THE PROPERTY.

16
17 1219.23. - SANCTIONS FOR VIOLATIONS

18 (A) ANY PERSON VIOLATING ANY PROVISION OF THIS ORDINANCE SHALL BE
19 RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION, PLUS COSTS, DAMAGES,
20 EXPENSES, AND OTHER SANCTIONS AS AUTHORIZED UNDER CHAPTER 87 OF THE
21 REVISED JUDICATURE ACT OF 1961 AND OTHER APPLICABLE LAWS, INCLUDING,
22 WITHOUT LIMITATION, EQUITABLE RELIEF; PROVIDED, HOWEVER, THAT THE
23 VIOLATION STATED IN THIS ORDINANCE SHALL BE A MISDEMEANOR. THE CITY

1 OF LANSING IS AUTHORIZED TO ISSUE MUNICIPAL CIVIL INFRACTION CITATIONS
2 TO ANY PERSON ALLEGED TO BE VIOLATING ANY PROVISION OF THIS
3 ORDINANCE. EACH DAY SUCH VIOLATION OCCURS OR CONTINUES SHALL BE
4 DEEMED A SEPARATE OFFENSE AND SHALL MAKE THE VIOLATOR LIABLE FOR
5 THE IMPOSITION OF A FINE FOR EACH DAY. THE RIGHTS AND REMEDIES
6 PROVIDED FOR IN THIS SECTION ARE CUMULATIVE AND IN ADDITION TO ANY
7 OTHER REMEDIES PROVIDED BY LAW. AN ADMISSION OR DETERMINATION OF
8 RESPONSIBILITY SHALL NOT EXEMPT THE OFFENDER FROM COMPLIANCE WITH
9 THE REQUIREMENTS OF THIS ORDINANCE.

10 (B) ANY PERSON WHO NEGLECTS OR FAILS TO COMPLY WITH A STOP WORK
11 ORDER ISSUED UNDER THIS ORDINANCE SHALL, UPON CONVICTION, BE GUILTY
12 OF A MISDEMEANOR, PUNISHABLE BY A FINE OF NOT MORE THAN \$500 OR
13 IMPRISONMENT IN THE COUNTY JAIL FOR NOT MORE THAN 90 DAYS, OR BOTH,
14 SUCH FINE AND IMPRISONMENT, AND SUCH PERSON SHALL ALSO PAY SUCH
15 COSTS AS MAY BE IMPOSED IN THE DISCRETION OF THE COURT.

16 (C) ANY PERSON WHO AIDS OR ABETS A PERSON IN A VIOLATION OF THIS
17 ORDINANCE SHALL BE SUBJECT TO THE SANCTIONS PROVIDED IN THIS SECTION.
18

19 1219.24. - FAILURE TO COMPLY; COMPLETION

20 IN ADDITION TO ANY OTHER REMEDIES, SHOULD ANY OWNER FAIL TO
21 COMPLY WITH THE PROVISIONS OF THIS ORDINANCE, THE CITY OF LANSING
22 MAY, AFTER THE GIVING OF REASONABLE NOTICE AND OPPORTUNITY FOR
23 COMPLIANCE, HAVE THE NECESSARY WORK DONE, AND THE OWNER SHALL BE

1 OBLIGATED TO PROMPTLY REIMBURSE THE CITY FOR ALL COSTS OF SUCH
2 WORK.

3
4 1219.25. - EMERGENCY MEASURES

5 WHEN EMERGENCY MEASURES ARE NECESSARY TO MODERATE A
6 NUISANCE, TO PROTECT PUBLIC SAFETY, HEALTH AND WELFARE, AND/OR TO
7 PREVENT LOSS OF LIFE, INJURY OR DAMAGE TO PROPERTY, THE CITY OF
8 LANSING IS AUTHORIZED TO CARRY OUT OR ARRANGE FOR ALL SUCH
9 EMERGENCY MEASURES. PROPERTY OWNERS SHALL BE RESPONSIBLE FOR THE
10 COST OF SUCH MEASURES MADE NECESSARY AS A RESULT OF A VIOLATION OF
11 THIS ORDINANCE, AND SHALL PROMPTLY REIMBURSE THE CITY FOR ALL SUCH
12 COSTS.

13
14 1219.26. - COST RECOVERY FOR DAMAGE TO STORM DRAIN SYSTEM

15 A DISCHARGER SHALL BE LIABLE FOR ALL COSTS INCURRED BY THE CITY OF
16 LANSING AS THE RESULT OF CAUSING A DISCHARGE THAT PRODUCES A DEPOSIT
17 OR OBSTRUCTION, OR CAUSES DAMAGE TO, OR IMPAIRS A STORM DRAIN OR
18 RECEIVING WATERS, OR VIOLATES ANY OF THE PROVISIONS OF THIS
19 ORDINANCE. COSTS INCLUDE, BUT ARE NOT LIMITED TO, THOSE PENALTIES
20 LEVIED BY THE ENVIRONMENTAL PROTECTION AGENCY OR MICHIGAN
21 DEPARTMENT OF ENVIRONMENTAL QUALITY FOR VIOLATION OF AN NPDES
22 PERMIT, ATTORNEY FEES, AND OTHER COSTS AND EXPENSES.

1 1219.27. - COLLECTION OF COSTS; LIEN

2 COSTS INCURRED BY THE CITY OF LANSING AND EITHER OF THE DRAIN
3 COMMISSIONERS PURSUANT TO THIS ORDINANCE SHALL BE A LIEN ON THE
4 PREMISES WHICH SHALL BE ENFORCEABLE IN ACCORDANCE WITH ACT NO. 94 OF
5 THE PUBLIC ACTS OF 1933, AS AMENDED FROM TIME TO TIME. ANY SUCH
6 CHARGES WHICH ARE DELINQUENT FOR SIX (6) MONTHS OR MORE MAY BE
7 CERTIFIED ANNUALLY TO THE CITY OF LANSING TREASURER WHO SHALL ENTER
8 THE LIEN ON THE NEXT TAX ROLL AGAINST THE PREMISES AND THE COSTS
9 SHALL BE COLLECTED AND THE LIEN SHALL BE ENFORCED IN THE SAME
10 MANNER AS PROVIDED FOR IN THE COLLECTION OF TAXES ASSESSED UPON THE
11 ROLL AND THE ENFORCEMENT OF A LIEN FOR TAXES. IN ADDITION TO ANY
12 OTHER LAWFUL ENFORCEMENT METHODS, THE CITY OR THE APPROPRIATE
13 DRAIN COMMISSIONER SHALL HAVE ALL REMEDIES AUTHORIZED BY ACT NO. 94
14 OF THE PUBLIC ACTS OF 1933, AS AMENDED.

15
16 1219.28. - EFFECT OF APPROVAL ON REMEDIES

17 THE APPROVAL OR DISAPPROVAL OF ANY POST-CONSTRUCTION
18 STORMWATER MANAGEMENT PLAN SHALL NOT HAVE ANY EFFECT ON ANY
19 REMEDY OF ANY PERSON AT LAW OR IN EQUITY.

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

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

1 than the part so declared to be invalid.

2 Section 4. This ordinance shall take effect on the 30th day after enactment, unless
3 given immediate effect by city council.

4

5

Approved as to form:

6

7

City Attorney

8

Dated: _____

City of Lansing
Notice of Public Hearing

The Lansing City Council will hold a public hearing on August 27, 2018 at 7:00 p.m. in the City Council Chambers, 10th Floor, Lansing City Hall, Lansing, MI, for the purpose stated below:

To afford an opportunity for all residents, taxpayers of the City of Lansing, other interested persons and ad valorem taxing units to appear and be heard on the approval of Brownfield Plan #73 - 3600 Dunckel Road Redevelopment Project pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, Public Act 381 of 1996, as amended, for property commonly referred to as 3600 Dunckel Road located in the City of Lansing, but more particularly described as:

(As provided in Chicago Title Insurance Company, Commitment No. 331049134NTS, Revision No. 1, dated February 2, 2018): A parcel of land being part of Lots 1 and 2, Hospitality Motor Inns, a Subdivision being part of the Southwest $\frac{1}{4}$ of Section 36, T4N, R2W, City of Lansing, Ingham County, Michigan, as recorded in Liber 29 of Plats, Pages 9-11, Ingham County Records, being described as: Commencing at the Northwest corner of said plat, also being the Northwest corner of said Lot 1; thence S86°09'45"E along the North line of said Lot 1 a distance of 794.19 feet to the Northeasterly line of said Lot 1; thence S44°58'35"E along said Northeasterly line 256.85 feet to the point of beginning of this description; thence continuing S44°58'35"E along said Northeasterly line 4.34 feet to the East line of said Lot 1; thence S01°32'07"E along said East line and along the East line of said Lot 2 a distance of 403.52 feet; thence N86°09'54"W parallel with the South line of said Lot 1 a distance of 314.67 feet to the East line of said Lot 1; thence S01°33'04"E along the East line of said Lot 1 a distance of 124.96 feet to the Southeast corner of said Lot 1; thence N86°07'51"W along the South line of said Lot 1 a distance of 602.03 feet; thence N01°32'07"W parallel with said East line of Lot 2 a distance of 466.52 feet; thence N88°27'53"E perpendicular to said East line of Lot 2 a distance of 542.31 feet; thence S01°32'07"E parallel with said East line of Lot 2 a distance of 21.04 feet; thence N88°27'53"E perpendicular to said East line of Lot 2 a distance of 367.31 feet to the point of beginning.

Approval of this Brownfield Plan will enable the Lansing Brownfield Redevelopment Authority to capture incremental tax increases which result from the redevelopment of the property to pay for costs associated therewith. Further information regarding this issue, including maps, plats, and a description of the brownfield plan will be available for public inspection and may be obtained from Karl Dorshimer – Director of Business Development, Lansing Economic Area Partnership, 1000 South Washington, Suite 201, Lansing, MI 48912, (517) 702-3387.

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, MMC/CMMC
www.lansingmi.gov/Clerk
www.facebook.com/LansingClerkSwope

Lansing Brownfield Redevelopment Authority



Lansing Brownfield Redevelopment Authority

Brownfield Plan 73

3600 Dunckel Road
Lansing, Michigan 48910

PREPARED BY:

Triterra
1375 S. Washington Avenue, Suite 300
Lansing, Michigan 48910
Contact Person: Dave Van Haaren
dave.vanhaaren@tritterra.us
Phone: 517-702-0470

REVIEWED BY:

Lansing Brownfield Redevelopment Authority
1000 S. Washington Avenue, Suite 201
Lansing, Michigan 48910
Contact Person: Karl Dorshimer
karl@purelansing.com
Phone: 517-999-9039

July 6, 2018

Approved by the LBRA on _____

Adopted by the Lansing City Council on _____

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Figure 1: Property Location Map

Figure 2: Eligible Property Map

TABLES

Table 1: Brownfield Eligible Activities

Table 2: Tax Increment Revenue Capture Estimates

Table 3: Tax Increment Revenue Reimbursement Allocation Table

ATTACHMENTS

Attachment A: Legal Description of the Property/ALTA Survey

Attachment B: Letter of Functional Obsolescence

Attachment C: Summary of Known Environmental Conditions

1. Project Summary Sheet

The purpose of this Brownfield Plan (the “Plan”) is to identify eligible activities and cost estimates for redevelopment of the property commonly known as 3600 Dunckel Road in Lansing, Michigan. Brownfield tax increment financing is necessary to support redevelopment of the property.

Project Name: Waypoint Dunckel (the “Project”)

Developer: WP Lansing-MI Owner, LLC
Chris Harness
13355 Noel Road, Suite 1310
Dallas, TX 75240

Property Location: 3600 Dunckel Road, Lansing, Michigan 48910 (the “Property”)

Parcel Information: Parcel ID 33-01-01-36-252-001 (a portion of the parcel)
Parcel ID 33-01-01-36-352-032

Type of Eligible Property: “Functionally Obsolete” and “Facility”

Project Description: The Project includes demolishing the existing functionally obsolete 102,000 square foot hotel that has been vacant for 10 years, remediating soil contamination and developing a 286-unit market rate multifamily community comprised of four 4-story buildings. The development will include tuck under garage parking, an outdoor landscaped pool, outdoor courtyards, grilling stations, enclosed outdoor dog run and park, clubhouse, 4th floor resident amenity Skydeck and fully staffed leasing center. Exterior construction is contemplated to include hard siding, stucco and/or stone.

Brownfield Eligible activities include environmental assessment, due care activities, asbestos survey and abatement, demolition, site preparation, infrastructure improvements (including the “public improvement feature” privately funded by the Developer), preparation and implementation of the Brownfield Plan.

Total Capital Investment: Property and Building Improvements: Estimated at \$52,183,585 of which \$6,650,727 is estimated as eligible for Brownfield Reimbursement.

Estimated Job

Creation/Retention: The redevelopment is anticipated to generate 5-8 new full-time equivalent (FTE) jobs. In addition, this redevelopment will result in the creation/retention of approximately 200 temporary construction related jobs.

Duration of Plan: 20 years

Total New Taxes Generated:

Uses	
Portion Captured to Reimburse Developer	\$6,150,726
Portion Captured for Public Infrastructure Improvement Feature	\$500,000
Portion Captured for Lansing BRA (Plan Administration and LBRF)	\$738,970
Total Captured	\$7,389,696
Remainder Passed-Through to Taxing Units	\$6,310,987
TOTAL NEW TAXES GENERATED	\$13,700,683

Use of Captured Taxes / Tax Increment Revenue (TIR):

Uses	
To Reimburse Developer for Eligible Activity Costs	\$4,546,490
To Reimburse LBRA/Lansing Regional Brownfield Coalition (LRBC) for Eligible Activity Costs under EPA Brownfield Assessment Grant	\$0
To Reimburse LBRA for Eligible Activity Costs under Local Brownfield Revolving Fund (LBRF)	\$0
To Reimburse Developer for Contingency (15%) on Eligible Activity Costs	\$674,789
To Reimburse Developer for Interest on Eligible Activity Costs	\$1,429,448
Total Reimbursement to Developer	\$6,650,727
To LBRA Plan Administration	\$369,485
To LBRA Local Brownfield Revolving Fund (LSBRF)	\$369,485

**3600 Dunckel Road Redevelopment
Brownfield Plan 73
July 6, 2018**

To State Revolving Fund (SRF)	\$0
TOTAL CAPTURED TAXES	\$7,389,696

New Taxes Generated that Pass-Through to Taxing Units:

Uses	
Lansing Operating	\$368,776
Ingham County	\$62,222
Ingham County Sum	\$121,108
Airport Authority	\$13,260
CATA	\$57,043
Capital Area District Library	\$29,593
Potter Park Zoo	\$7,778
Lansing Community College	\$72,222
Ingham Inter. School District	\$89,075
Lansing School District Operating	\$3,414,595
State Education Tax (6 mills)	\$1,138,198
City Debt	\$49,322
School Debt	\$887,795
TOTAL NEW TAXES	\$6,310,987

2. Purpose of Brownfield Plan and Past Use of the Property

The City of Lansing Brownfield Redevelopment Authority (Authority or “LBRA”), duly established by resolution of the City Council of the City of Lansing, pursuant to the Brownfield Redevelopment Financing Act, Michigan Public Act 381 of 1996, MCLA 125.2651 et. seq., as amended (Act 381), is authorized to exercise its powers within the City of Lansing, Michigan. The purpose of this Plan, to be implemented by the LBRA, is to satisfy the requirements for a Brownfield Plan as specified in Act 381

The Plan will allow the LBRA to use tax increment financing to reimburse **WP Lansing-MI Owner, LLC** (the “Developer”) for the costs of eligible activities required to redevelop the eligible property located at 3600 Dunckel Road in the City of Lansing, Michigan, (the “Property”). Any proposed redevelopment of the Property will only be economically viable with the support and approval of the brownfield redevelopment incentives described herein. The location of the Property is depicted on Figure 1.

The Property is fully defined in the following table and in Attachment A.

Eligible Property		
Address	Tax ID	Basis of Eligibility
3600 Dunckel Road (a portion of the parcel)	33-01-01-36-252-001	Functionally Obsolete and Facility
Collins Road Parcel	33-01-01-36-352-032	Facility

The Property is located within the boundaries of the City of Lansing and is surrounded by commercial and agricultural property. Property layout and boundaries are depicted on Figure 2. The legal description of the Property is included in Attachment A.

The Property consists of a 9.6-acre parcel of land developed with a former hotel building consisting of a central commons area with a basement and three two-story wings. The remainder of the property is currently undeveloped with paved parking lots, landscaped areas, and grass-covered land. The property was developed for agricultural use by 1938. By 1970, the Property was developed with the current buildings and operated as a hotel. An outdoor pool and a tennis court were added by 1976. The outdoor pool was removed by 2015. The current utility shed was constructed in the early 1980’s. The Property has been vacant for over 10 years.

The Property is considered an “eligible property” as defined by Act 381, Section 2 because: (a) the Property was previously utilized as a commercial property; (b) it is located within the City of Lansing, a qualified local governmental unit under MCL 125.2782(k); (c) the Property has been determined to be “functionally obsolete” as defined in Section 2(s) of Act 381; and (d) the Property is a “facility” as defined by Part 201 of Michigan’s Natural Resources and Environmental Protection Act (P.A. 451, as amended).

On October 6, 2016, the City of Lansing, Assessors Office formally determined the Property is “functionally obsolete” as the term is defined in Section 2(s), of Act 381. The Assessing Office conducted a site inspection and determined the building suffers greater than 50% functional obsolescence. Refer to Attachment B, Letter of Functional Obsolescence.

The presences of contaminants at levels greater than generic residential use criteria is demonstrated by the results of a site assessment presented in the following document: Baseline Environmental Assessment (BEA) dated March 27, 2018, completed for Waypoint Residential Services, LLC, prepared by SME. A summary of known environmental conditions and a map depicting environmental impact at the Property is included in Attachment C.

3. Brownfield Project Description

The Project includes razing the existing 10-year vacant, functionally obsolete 102,000 square foot hotel, remediating soil contamination and developing a 286-unit market rate multifamily community comprised of four 4-story building structures. The development will include tuck under garage parking, an outdoor landscaped pool, outdoor courtyards, grilling stations, enclosed outdoor dog run and park, clubhouse, 4th floor resident amenity Skydeck and fully staffed leasing center. Exterior construction is contemplated to include hard siding, stucco and/or stone.

Total capital investment is estimated at \$52,183,585. Redevelopment activities include environmental assessment, due care activities, demolition, site preparation, infrastructure improvements, preparation and implementation of the Brownfield Plan.

The Project will result in the revitalization and reuse of a vacant, functionally obsolete property in the City of Lansing, located immediately east of the I-496/US 127 entrance/exit ramps for Jolly Road, just west of Collins Road. This Project will result in the creation of 5-8 new, full time equivalent jobs. The Project is also projected to create/leverage 200 temporary construction related jobs.

4. Developer Eligible Activities

The Developer will be reimbursed with the new local property taxes levied by the Project for the costs of eligible activities necessary to support redevelopment of the Property. The activities that are intended to be carried out at the Property are considered “eligible activities” as defined by Sec 2 of Act 381 and include demolition, site preparation, infrastructure improvements and preparation of the Brownfield Plan.

The costs of eligible activities included in, and authorized by, this Plan will be reimbursed with the new local increment tax revenues generated by the Property redevelopment and captured by the LBRA, subject to any limitations and conditions described in this Plan and the terms of a Reimbursement Agreement between the Developer and the Authority (the “Reimbursement Agreement”). Eligible activities funded by the Developer include \$500,000 for public infrastructure improvements at or near the intersection of Dunckel and Collins Roads. The terms of this activity are outlined in the Reimbursement Agreement between the Developer and the Authority. The total cost of activities eligible for reimbursement from tax increment revenues is projected to be \$6,650,727 (including contingencies and interest).

ELIGIBLE ACTIVITIES

Environmental Activities

Environmental Assessment and Due Care Activities.....	\$255,842.00
Total Environmental Activities.....	\$255,842.00

Non-Environmental Activities

Asbestos Activities.....	\$159,000.00
Demolition.....	\$523,674.00
Site Preparation Activities.....	\$2,278,070.00
Infrastructure Improvements	
Integrated Parking Structures & Public Right of Way Improvements.....	\$794,905.00
Public Improvement Feature.....	\$500,000
Total MSF Eligible Activities.....	\$4,255,648.00
Contingency (15%).....	\$674,789.00
Brownfield Plan Preparation	\$20,000.00
Brownfield Plan Implementation	\$15,000.00
Interest (3.0%, simple)	\$1,429,448.00
Total Anticipate TIR Available for Reimbursement	\$6,650,727.00

LBRA Plan Administration.....	\$369,485.00
LBRA Local Brownfield Revolving Fund	\$369,485.00
Total Local TIR Capture.....	\$7,389,696.00

Costs for Phase I ESA, Phase II ESA, Baseline Environmental Assessment, Asbestos Survey, Brownfield Plan and Act 381 Work Plan are excluded from contingency calculation. The costs listed above are estimated and may increase or decrease depending on the nature and extent of unknown conditions encountered on the Property. The actual cost of those eligible activities encompassed by this Plan that will qualify for reimbursement from tax increment revenues captured by the LBRA shall be governed by the terms of a Reimbursement Agreement. No costs of eligible activities will be qualified for reimbursement except to the extent permitted in accordance with the terms and conditions of the Reimbursement Agreement and Section 2 of Act 381 of 1996, as amended (MCL 125.2652). The Reimbursement Agreement and this Plan will dictate the total cost of eligible activities subject to payment. As long as the total cost limit of eligible activities described in this Plan is not exceeded, line item costs of eligible activities may be adjusted after the date this Plan is approved by the City of Lansing City Council.

5. Captured Taxable Value and Tax Increment Revenues

The costs of eligible activities included in, and authorized by, this Plan will be reimbursed with incremental property tax revenues outlined in Table 2 that are generated by the Property redevelopment and captured by the LBRA. The LBRA will not be obligated to reimburse the Developer for Eligible Activities completed after December 31, 2021. Reimbursement of Eligible Activities completed after December 31, 2021 will be evaluated by the LBRA on a case-by-case basis.

The taxable value of the Property is \$1,127,460 which is the initial taxable value for this Plan. The new projected taxable value for 2021 was estimated at \$10,725,000 upon completion of the Project. Estimated taxable values were based on an estimate provided by the City's Assessor. The actual taxable value will be determined by the City's Assessor after the Project is completed.

It is estimated that the LBRA will capture tax increment revenues from 2019 through 2040 to reimburse the Developer and the LBRA for the cost of eligible activities, pay for the LBRA's administration of the Plan and make deposits into the LBRA's Local Brownfield Revolving Fund (LBRF). Ten percent of the local taxes generated by the increase in taxable value will be returned to the taxing units.

The captured incremental taxable value and associated tax increment revenue will be determined by the City Assessor. The actual increased taxable value of the land and all future

taxable improvements on the Property may vary. Furthermore, the amount of tax increment revenue available under this Plan will be based on the actual millage levied annually by each local taxing jurisdiction on the increase in tax value resulting from the redevelopment project that is eligible and approved for capture.

6. Method of Brownfield Plan Financing

The Developer is ultimately responsible for providing their own financing for the costs of eligible activities included in this Plan.

The inclusion of eligible activities and estimates of cost to be reimbursed in this Plan are intended to authorize the LBRA to fund such reimbursements. Reimbursements under the Reimbursement Agreement shall not exceed the cost of eligible activities and reimbursement limits described in this Plan.

The LBRA will be reimbursed for its costs to administer the Plan by utilizing 5% of the new local taxes captured per year for the duration of the Plan. The LBRA will also deposit 5% of the new local taxes captured per year for the duration of the Plan for deposit into its LBRF. Total deposits into the LBRF will not exceed the sum total equivalent to 5 years of local tax increment revenue.

7. Amount of Note or Bonded Indebtedness Incurred

None.

8. Duration of the Brownfield Plan

Unless amended by the Lansing City Council, the Plan is anticipated to remain in effect until all approved activities in this plan are covered or until the end of the year 2040 whichever occurs first.

9. Estimated Impact on Taxing Jurisdictions

The following table presents a summary of the new tax revenues generated by the Developer's private investment into the Project.

Projected Impact to Taxing Jurisdictions			
Taxing Unit	New Taxes to Taxing Units*	New Taxes for BRA Administration, LBRF Deposits and Developer Reimbursement	Total New Taxes
Lansing Operating	\$ 368,776	\$ 3,318,986	\$ 3,687,762
Ingham County	\$ 62,222	\$ 559,994	\$ 622,215
Ingham County Sum	\$ 121,108	\$ 1,089,973	\$ 1,211,081
Airport Authority	\$ 13,260	\$ 119,340	\$ 132,600
CATA	\$ 57,043	\$ 513,384	\$ 570,427
Capital Area District Library	\$ 29,593	\$ 266,338	\$ 295,932
Potter Park Zoo	\$ 7,778	\$ 69,999	\$ 77,777
Lansing Community College	\$ 72,222	\$ 650,002	\$ 722,225
Ingham Inter. School District	\$ 89,075	\$ 801,679	\$ 890,754
Lansing School District Operating	\$ 3,414,595	\$ 0	\$ 3,414,595
State Education Tax (6 mills)	\$ 1,138,198	\$ 0	\$ 1,138,198
State Education Tax to SBRF**	\$ 0	\$ 0	\$ 0
City Debt	\$ 49,322	\$ 0	\$ 49,322
School Debt	\$ 887,795	\$ 0	\$ 887,795
Total	\$ 6,310,987	\$ 7,389,696	\$ 13,700,683

* Increased by investment, but not captured for TIF reimbursement

** State Brownfield Revolving Fund

Additional information related to the impact of tax increment financing on the various taxing jurisdictions is presented in Table 2.

10. Legal Description & Site Map

The Property location and boundaries are shown on Figures 1 and 2. The legal description of the Property is provided in Attachment A.

11. Personal Property

This Brownfield Plan will capture incremental tax revenues resulting from personal property to the extent they are available.

12. Displacement of Persons

No persons will be displaced as a result of this project.

13. LBRA Local Brownfield Revolving Fund

No Local Site Remediation Revolving Funds will be used on this Brownfield Plan. Additionally, the LBRA will capture 5% of the new local taxes per year until the Developer's costs have been fully reimbursed for deposit into the LBRF. The LBRA will then capture all available tax increment revenues as permitted by Act 381. Total deposits into the LBRF will not exceed the sum total equivalent to 5 years of local tax increment revenue.

14. Other Information

The LBRA and the Lansing City Council, in accordance with the Act, may amend this Plan in the future in order to fund additional eligible activities associated with the Project described herein.

FIGURES

Figure 1: Property Location Map

Figure 2: Property Boundary Map

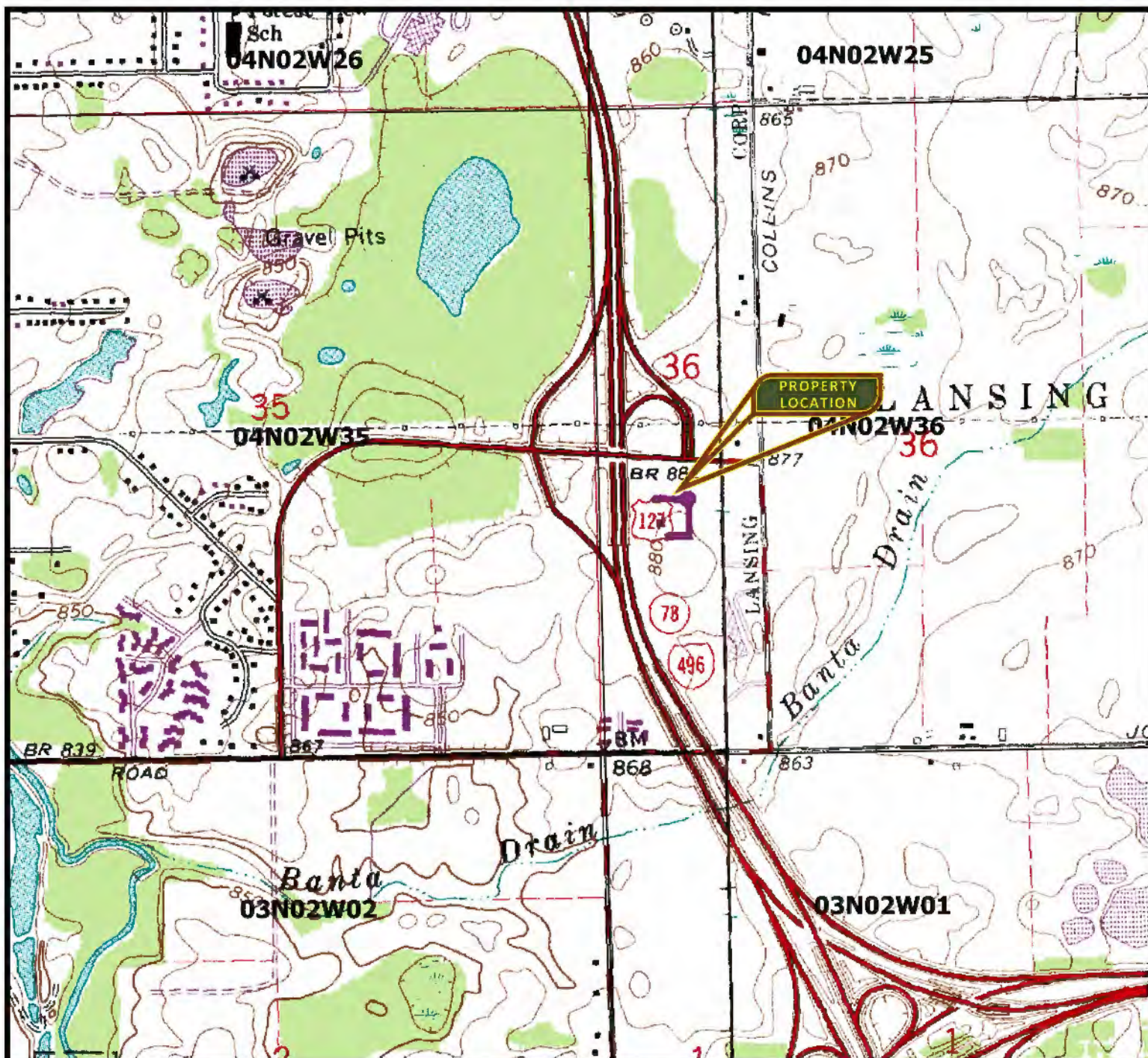


FIGURE 1 PROPERTY LOCATION

3600 DUNCKEL ROAD
LANSING, MICHIGAN 48910

INGHAM COUNTY
T. 04 N., R 02 W., SECTION 36

PROJECT NUMBER: 18-1891

ADAPTED FROM MI GEOGRAPHIC DATA LIBRARY DRG

TRI TERRA



1000 0 1000 2000 ft



1:14,000





TRI TERRA

FIGURE 2

PROPERTY ORIENTATION DIAGRAM

PROJECT NUMBER: 18-1891

**3600 DUNCKEL ROAD
LANSING, MICHIGAN 48910**

DIAGRAM CREATED BY: GAR

DATE: 5/24/2018

TABLES

Table 1: Brownfield Eligible Activities

Table 2: Tax Increment Revenue Capture Estimates

Table 3: Tax Increment Revenue Reimbursement Allocation Table

Table 1
Brownfield Eligible Activities
3600 Dunckel Road
Lansing, MI
July 6, 2018

					REIMBURSEMENT PROGRAM ALLOCATION		
ELIGIBLE ACTIVITIES	NO. OF UNITS	UNIT TYPE	UNIT RATE	ESTIMATED TOTAL COST	DEQ ACTIVITIES	MSF ACTIVITIES	LOCAL-ONLY ACTIVITIES
ENVIROMENTAL ELIGIBLE ACTIVITIES							
Environmental Assessment and Due Care Activities							
Phase I Environmental Site Assessment	1	LS	\$ 2,900	\$ 2,900			\$ 2,900
Phase II Site Investigation	1	LS	\$ 10,500	\$ 10,500			\$ 10,500
Baseline Environmental Assessments	1	LS	\$ 3,500	\$ 3,500			\$ 3,500
Due Care Planning to meet Compliance with Section 2017a	1	LS	\$ 3,300	\$ 3,300			\$ 3,300
Documentation of Due Care Compliance (DDCC)	1	LS	\$ 2,800	\$ 2,800			\$ 2,800
Soil Management - Transportation	5,000	TNS	\$ 8	\$ 40,000			\$ 40,000
Soil Management - Disposal	5,000	TNS	\$ 35	\$ 175,000			\$ 175,000
Environmental Project Management and Oversight	1	LS	\$ 6,500	\$ 6,500			\$ 6,500
Due Care - Soft Costs including Bidding, Contractor Procurement, Oversight	1	LS	\$ 11,342	\$ 11,342			\$ 11,342
ENVIRONMENTAL ELIGIBLE ACTIVITIES SUB-TOTAL				\$ 255,842	\$ -	\$ -	\$ 255,842
NON-ENVIRONMENTAL ELIGIBLE ACTIVITIES							
Asbestos and Lead Activities							
Asbestos - Survey	1	LS	\$ 11,000	\$ 11,000			\$ 11,000
Asbestos - Abatement	1	LS	\$ 148,000	\$ 148,000			\$ 148,000
Subtotal Asbestos and Lead Activities				\$ 159,000		\$ -	\$ 159,000
Demolition							
Demolition - Building #1 (2-Story Hotel)	56,630	SF	\$ 7	\$ 396,410			\$ 396,410
Demolition - Building #2	9,400	SF	\$ 5	\$ 47,000			\$ 47,000
Demolition - Site	1	LS	\$ 50,000	\$ 50,000			\$ 50,000
Demolition - Soft Costs including Permits / Disconnect Fees	1	LS	\$ 30,264	\$ 30,264			\$ 30,264
Subtotal Demolition Activities				\$ 523,674		\$ -	\$ 523,674
Site Preparation							
Geotechnical Survey	1	LS	\$ 7,700	\$ 7,700			\$ 7,700
Geotechnical Engineering, Design and Oversight	1	LS	\$ 25,000	\$ 25,000			\$ 25,000
Soil Management - Excavation of Impacted/Urban Soils for Removal	5,000	TNS	\$ 11	\$ 55,000			\$ 55,000
Clearing & Grubbing, Land Balancing, and Grading	13	ACRES	\$ 55,000	\$ 698,500			\$ 698,500
Fill - Voids and Backfill for Foundations due to Unstable Soils	10,000	CY	\$ 13	\$ 130,000			\$ 130,000
Specialized Foundations due to Unstable Soils (Delta cost above traditional foundation)	1	LS	\$ 100,000	\$ 100,000			\$ 100,000
Compaction & Sub-base Preparation due to Unstable Soils	121,130	SF	\$ 4	\$ 423,955			\$ 423,955
Relocation of Existing/Active Utilities - OH Electric	1	LS	\$ 150,000	\$ 150,000			\$ 150,000
Relocation of Existing/Active Utilities - Water Main	3,530	LF	\$ 65	\$ 229,450			\$ 229,450
Relocation of Existing/Active Utilities - Storm Sewer	2,835	LF	\$ 60	\$ 170,100			\$ 170,100
Relocation of Existing/Active Utilities - Sanitary Sewer	1,105	LF	\$ 75	\$ 82,875			\$ 82,875
Surveying and Staking for Site Preparation Activities	1	LS	\$ 7,500	\$ 7,500			\$ 7,500
Temporary Construction Access	1	LS	\$ 25,000	\$ 25,000			\$ 25,000
Temp. Erosion Control - Mud Mat, Silt Fencing, Sed. Bags	3,300	LF	\$ 15	\$ 49,500			\$ 49,500
Temporary Fencing / Site Control - During Site Preparation Activities	1	LS	\$ 7,500	\$ 7,500			\$ 7,500
Temporary Traffic Control	1	LS	\$ 15,000	\$ 15,000			\$ 15,000
Site Preparation - Soft Costs	1	LS	\$ 100,990	\$ 100,990			\$ 100,990
Subtotal Site Preparation Activities				\$ 2,278,070		\$ -	\$ 2,278,070
Infrastructure Improvements							
Integrated Parking Structure	17,000	SF	\$ 43	\$ 725,000			\$ 725,000
Entrance Improvements-Curbs, Gutters, Pavement/Approaches in Right of Way	1	LS	\$ 2,500	\$ 2,500			\$ 2,500
Sidewalks, Pavers and Landscaping in Right of Way	1	LS	\$ 10,000	\$ 10,000			\$ 10,000
Public Improvement Feature	1	LS	\$ 500,000	\$ 500,000			\$ 500,000
Infrastructure Improvements - Soft Costs	1	LS	\$ 57,405	\$ 57,405			\$ 57,405
Subtotal Infrastructure Improvement Activities				\$ 1,294,905		\$ -	\$ 1,294,905
NON-ENVIRONMENTAL ELIGIBLE ACTIVITIES SUB-TOTAL				\$ 4,255,648	\$ -	\$ -	\$ 4,255,648
ENVIRONMENTAL AND NON-ENVIRONMENTAL ELIGIBLE ACTIVITIES SUB-TOTAL				\$ 4,511,490	\$ -	\$ -	\$ 4,511,490
Contingency (15%)				\$ 674,789			\$ 674,789
Brownfield Plan & Act 381 Work Plan Preparation				\$ 20,000			\$ 20,000
Brownfield Plan & Act 381 Work Plan Implementation				\$ 15,000			\$ 15,000
Interest (3.00%, simple)				\$ 1,429,448			\$ 1,429,448
TOTAL ELIGIBLE COST FOR REIMBURSEMENT:				\$ 6,650,727	\$ -	\$ -	\$ 6,650,727
State Brownfield Revolving Fund							
BRA Administrative Fees				\$ 369,485			
Local Brownfield Revolving Fund (LBRF)				\$ 369,485			
GRAND TOTAL				\$ 7,389,696			
					0.00%	0.00%	100.00%

NOTES:
These costs and revenue projections should be considered approximate estimates based on expected conditions and available information. It cannot be guaranteed that the costs and revenue projections will not vary from these estimates.
Costs for Phase I ESA, Phase II ESA, Baseline Environmental Assessment, Asbestos Survey, Brownfield Plan and Act 381 Work Plan are excluded from contingency calculation.

Table 2
Tax Increment Revenue Capture Estimates
3600 Dunckel Road
Lansing, MI
July 6, 2018

Estimated Taxable Value (TV) Increase Rate:				1% per year									
Plan Year	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	
	1	2	3	4	5	6	7	8	9	10	11		
Base TV	\$ 1,127,460	\$ 1,127,460	\$ 1,127,460	\$ 1,127,460	\$ 1,127,460	\$ 1,127,460	\$ 1,127,460	\$ 1,127,460	\$ 1,127,460	\$ 1,127,460	\$ 1,127,460	\$ 1,127,460	
Estimated New TV	\$ 1,127,460	\$ 3,458,429	\$ 7,364,867	\$ 10,725,000	\$ 10,832,250	\$ 10,940,573	\$ 11,049,978	\$ 11,160,478	\$ 11,272,083	\$ 11,384,804	\$ 11,498,652	\$ 11,613,638	
Incremental Difference (New TV - Base TV)	\$ -	\$ 2,330,969	\$ 6,237,407	\$ 9,597,540	\$ 9,704,790	\$ 9,813,113	\$ 9,922,518	\$ 10,033,018	\$ 10,144,623	\$ 10,257,344	\$ 10,371,192	\$ 10,486,178	
School Capture		Millage Rate											
School Operating	0.0000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
State Education Tax (SET)	0.0000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
School Total:	0.0000	0.00%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Local Capture		Millage Rate											
Lansing Operating	19.4400	\$ -	\$ 45,314	\$ 121,255	\$ 186,576	\$ 188,661	\$ 190,767	\$ 192,894	\$ 195,042	\$ 197,211	\$ 199,403	\$ 201,616	
Ingham County	3.2800	\$ -	\$ 7,646	\$ 20,459	\$ 31,480	\$ 31,832	\$ 32,187	\$ 32,546	\$ 32,908	\$ 33,274	\$ 33,644	\$ 34,018	
Ingham County Sum	6.3842	\$ -	\$ 14,881	\$ 39,821	\$ 61,273	\$ 61,957	\$ 62,649	\$ 63,347	\$ 64,053	\$ 64,765	\$ 65,485	\$ 66,212	
Airport Authority	0.6990	\$ -	\$ 1,629	\$ 4,360	\$ 6,709	\$ 6,784	\$ 6,859	\$ 6,936	\$ 7,013	\$ 7,091	\$ 7,170	\$ 7,249	
CATA	3.0070	\$ -	\$ 7,009	\$ 18,756	\$ 28,860	\$ 29,182	\$ 29,508	\$ 29,837	\$ 30,169	\$ 30,505	\$ 30,844	\$ 31,186	
Capital Area District Library	1.5600	\$ -	\$ 3,636	\$ 9,730	\$ 14,972	\$ 15,139	\$ 15,308	\$ 15,479	\$ 15,652	\$ 15,826	\$ 16,001	\$ 16,179	
Potter Park Zoo	0.4100	\$ -	\$ 956	\$ 2,557	\$ 3,935	\$ 3,979	\$ 4,023	\$ 4,068	\$ 4,114	\$ 4,159	\$ 4,206	\$ 4,252	
Lansing Community College	3.8072	\$ -	\$ 8,874	\$ 23,747	\$ 36,540	\$ 36,948	\$ 37,360	\$ 37,777	\$ 38,198	\$ 38,623	\$ 39,052	\$ 39,485	
Ingham Intermediate School District	4.6956	\$ -	\$ 10,945	\$ 29,288	\$ 45,066	\$ 45,570	\$ 46,078	\$ 46,592	\$ 47,111	\$ 47,635	\$ 48,164	\$ 48,699	
Local Total:	43.2830	100.00%	\$ -	\$ 100,891	\$ 269,974	\$ 415,410	\$ 420,052	\$ 424,741	\$ 429,476	\$ 434,259	\$ 439,090	\$ 443,969	
Total Capturable Taxes:	43.2830	100.00%	\$ -	\$ 100,891	\$ 269,974	\$ 415,410	\$ 420,052	\$ 424,741	\$ 429,476	\$ 434,259	\$ 439,090	\$ 443,969	
Non-Capturable Millages - New Tax Revenue		Millage Rate											
Lansing Debt	0.2600	\$ -	\$ 606	\$ 1,622	\$ 2,495	\$ 2,523	\$ 2,551	\$ 2,580	\$ 2,609	\$ 2,638	\$ 2,667	\$ 2,697	
Lansing School Debt	4.6800	\$ -	\$ 10,909	\$ 29,191	\$ 44,916	\$ 45,418	\$ 45,925	\$ 46,437	\$ 46,955	\$ 47,477	\$ 48,004	\$ 48,537	
Total Non-Capturable Taxes:	4.9400												

Notes:

Table 2
Tax Increment Revenue Capture Estimates
3600 Dunckel Road
Lansing, MI
July 6, 2018

Estimated Taxable Value (TV) Increase Rate:																			
Plan Year		2030 12	2031 13	2032 14	2033 15	2034 16	2035 17	2036 18	2037 19	2038 20									
Base TV	\$	1,127,460	\$	1,127,460	\$	1,127,460	\$	1,127,460	\$	1,127,460	\$	1,127,460	\$	1,127,460	\$	1,127,460	\$	1,127,460	
Estimated New TV	\$	11,729,775	\$	11,847,072	\$	11,965,543	\$	12,085,198	\$	12,206,050	\$	12,328,111	\$	12,451,392	\$	12,575,906	\$	12,701,665	
Incremental Difference (New TV - Base TV)	\$	10,602,315	\$	10,719,612	\$	10,838,083	\$	10,957,738	\$	11,078,590	\$	11,200,651	\$	11,323,932	\$	11,448,446	\$	2,631,650	
School Capture		Millage Rate																	
School Operating	0.0000	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
State Education Tax (SET)	0.0000	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
School Total:	0.0000	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Local Capture		Millage Rate																	
Lansing Operating	19.4400	\$	206,109	\$	208,389	\$	210,692	\$	213,018	\$	215,368	\$	217,741	\$	220,137	\$	222,558	\$	51,159
Ingham County	3.2800	\$	34,776	\$	35,160	\$	35,549	\$	35,941	\$	36,338	\$	36,738	\$	37,142	\$	37,551	\$	8,632
Ingham County Sum	6.3842	\$	67,687	\$	68,436	\$	69,192	\$	69,956	\$	70,728	\$	71,507	\$	72,294	\$	73,089	\$	16,801
Airport Authority	0.6990	\$	7,411	\$	7,493	\$	7,576	\$	7,659	\$	7,744	\$	7,829	\$	7,915	\$	8,002	\$	1,840
CATA	3.0070	\$	31,881	\$	32,234	\$	32,590	\$	32,950	\$	33,313	\$	33,680	\$	34,051	\$	34,425	\$	7,913
Capital Area District Library	1.5600	\$	16,540	\$	16,723	\$	16,907	\$	17,094	\$	17,283	\$	17,473	\$	17,665	\$	17,860	\$	4,105
Potter Park Zoo	0.4100	\$	4,347	\$	4,395	\$	4,444	\$	4,493	\$	4,542	\$	4,592	\$	4,643	\$	4,694	\$	1,079
Lansing Community College	3.8072	\$	40,365	\$	40,812	\$	41,263	\$	41,718	\$	42,178	\$	42,643	\$	43,112	\$	43,587	\$	10,019
Ingham Intermediate School District	4.6956	\$	49,784	\$	50,335	\$	50,891	\$	51,453	\$	52,021	\$	52,594	\$	53,173	\$	53,757	\$	12,357
Local Total:	43.2830	\$	458,900	\$	463,977	\$	469,105	\$	474,284	\$	479,515	\$	484,798	\$	490,134	\$	495,523	\$	113,906
Total Capturable Taxes:	43.2830	\$	458,900	\$	463,977	\$	469,105	\$	474,284	\$	479,515	\$	484,798	\$	490,134	\$	495,523	\$	113,906
Non-Capturable Millages - New Tax Revenue		Millage Rate																	
Lansing Debt	0.2600	\$	2,757	\$	2,787	\$	2,818	\$	2,849	\$	2,880	\$	2,912	\$	2,944	\$	2,977	\$	684
Lansing School Debt	4.6800	\$	49,619	\$	50,168	\$	50,722	\$	51,282	\$	51,848	\$	52,419	\$	52,996	\$	53,579	\$	12,316
Total Non-Capturable Taxes:	4.9400																		

Table 3
Tax Increment Revenue Reimbursement Allocation Table
3600 Dunckel Road
Lansing, MI
July 6, 2018

Developer/LBRA Projected Reimbursement	Proportionality	School & Local Taxes	Local-Only Taxes	Total
State	0.0%	\$ -		\$ -
Local	100.0%	\$ -	\$ 6,650,727	\$ -
TOTAL		\$ -	\$ 6,650,727	\$ -
DEQ	0.00%	\$ -		
MSF	0.00%	\$ -		

Estimated Total
Years of Plan: 20

Administrative Fees & Loan Funds*	
State Brownfield Revolving Fund	\$ -
BRA Administrative Fees	\$ 369,485
Local Brownfield Revolving Fund	\$ 369,485

* During the life of the Plan

	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
		1	2	3	4	5	6	7	8	9	10	11	12	13
Available Tax Increment Revenue (TIR)														
Total State Tax Capture Available	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Capture for State Brownfield Revolving Fund (3 mills of SET) (25-Yrs)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
State Tax Increment to Taxing Unit (10%) ("Pass-Through")	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
State TIR Available for Reimbursement to Developer	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Local Tax Capture Available	\$ -	\$ 100,891	\$ 269,974	\$ 415,410	\$ 420,052	\$ 424,741	\$ 429,476	\$ 434,259	\$ 439,090	\$ 443,969	\$ 448,896	\$ 453,873	\$ 458,900	\$ 463,977
Local Tax Increment to Taxing Unit (10%) ("Pass-Through")	\$ -	\$ 10,089	\$ 26,997	\$ 41,541	\$ 42,005	\$ 42,474	\$ 42,948	\$ 43,426	\$ 43,909	\$ 44,397	\$ 44,890	\$ 45,387	\$ 45,890	\$ 46,398
Capture for BRA Administrative Fees (5% of available Local TIR after Pass-Through)	\$ -	\$ 4,540	\$ 12,149	\$ 18,693	\$ 18,902	\$ 19,113	\$ 19,326	\$ 19,542	\$ 19,759	\$ 19,979	\$ 20,200	\$ 20,424	\$ 20,650	\$ 20,879
Capture for Local Brownfield Revolving Fund (LBRF) (5% of available Local TIR after Pass-Through)	\$ -	\$ 4,540	\$ 12,149	\$ 18,693	\$ 18,902	\$ 19,113	\$ 19,326	\$ 19,542	\$ 19,759	\$ 19,979	\$ 20,200	\$ 20,424	\$ 20,650	\$ 20,879
Local TIR Available for Reimbursement to Developer	\$ -	\$ 81,722	\$ 218,679	\$ 336,482	\$ 340,242	\$ 344,040	\$ 347,876	\$ 351,750	\$ 355,663	\$ 359,615	\$ 363,606	\$ 367,637	\$ 371,709	\$ 375,821
Total State & Local TIR Available for Reimbursement to Developer	\$ -	\$ 81,722	\$ 218,679	\$ 336,482	\$ 340,242	\$ 344,040	\$ 347,876	\$ 351,750	\$ 355,663	\$ 359,615	\$ 363,606	\$ 367,637	\$ 371,709	\$ 375,821

DEVELOPER	Beginning Balance																	
	\$ 6,650,727	\$ 6,650,727	\$ 6,569,005	\$ 6,350,326	\$ 6,013,843	\$ 5,673,601	\$ 5,329,561	\$ 4,981,685	\$ 4,629,935	\$ 4,274,272	\$ 3,914,658	\$ 3,551,052	\$ 3,183,415	\$ 2,811,706	\$ 2,435,884			
MSF Eligible Activities	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
State Tax Reimbursement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
Local Tax Reimbursement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
DEQ Eligible Activities	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
State Tax Reimbursement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
Local Tax Reimbursement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
LOCAL-ONLY Activities	\$ 6,650,727	\$ 6,650,727	\$ 6,569,005	\$ 6,350,326	\$ 6,013,843	\$ 5,673,601	\$ 5,329,561	\$ 4,981,685	\$ 4,629,935	\$ 4,274,272	\$ 3,914,658	\$ 3,551,052	\$ 3,183,415	\$ 2,811,706	\$ 2,435,884			
Local-Only Tax Reimbursement	\$ 6,650,726	\$ -	\$ 81,722	\$ 218,679	\$ 336,482	\$ 340,242	\$ 344,040	\$ 347,876	\$ 351,750	\$ 355,663	\$ 359,615	\$ 363,606	\$ 367,637	\$ 371,709	\$ 375,821			
TOTAL ANNUAL DEVELOPER/LBRA REIMBURSEMENT		\$ -	\$ 81,722	\$ 218,679	\$ 336,482	\$ 340,242	\$ 344,040	\$ 347,876	\$ 351,750	\$ 355,663	\$ 359,615	\$ 363,606	\$ 367,637	\$ 371,709	\$ 375,821			

Table 3
Tax Increment Revenue Reimbursement Allocation Table
3600 Dunckel Road
Lansing, MI
July 6, 2018

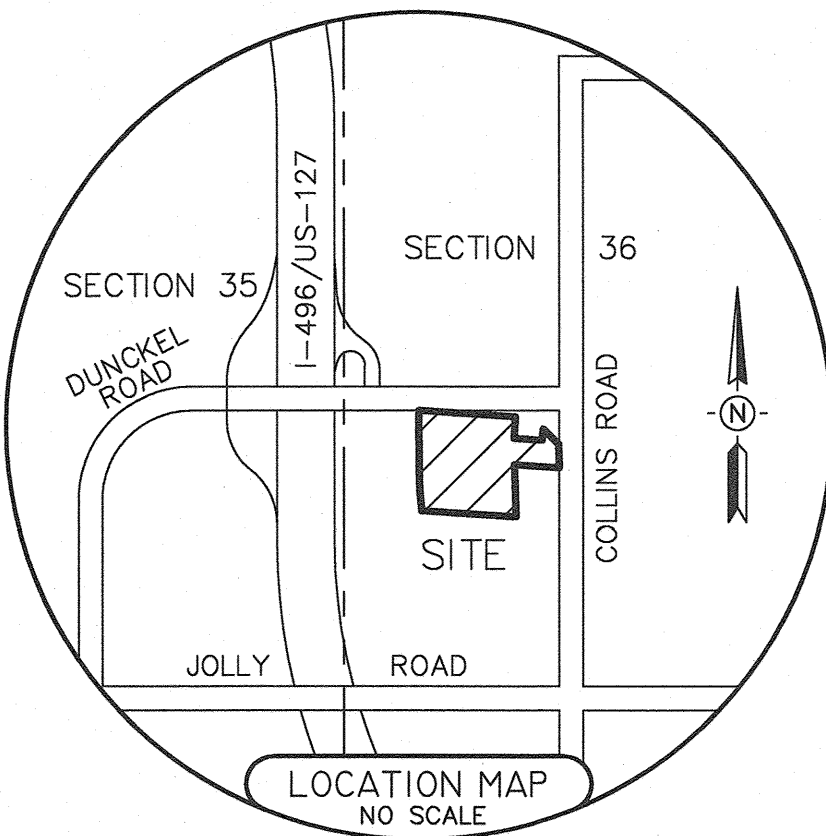
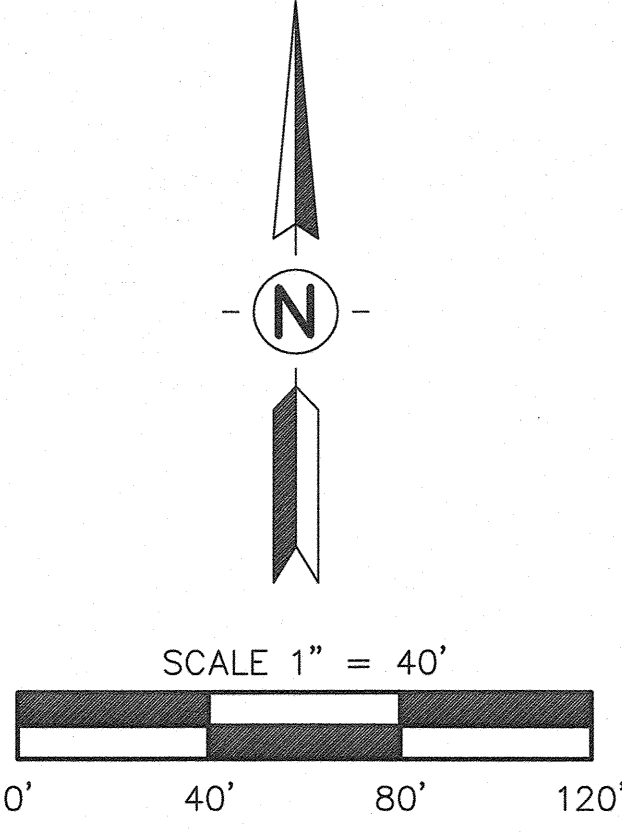
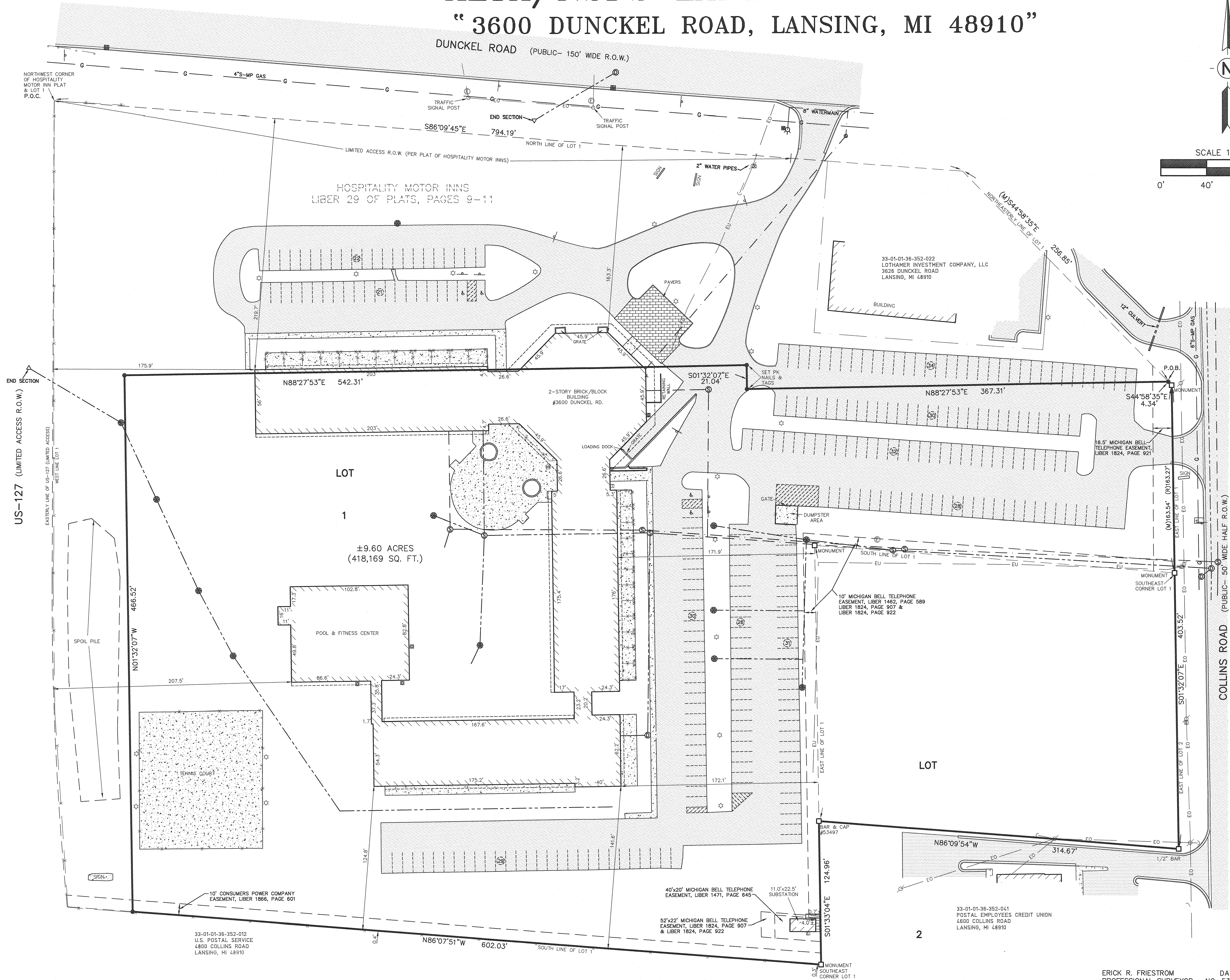
	2032		2033		2034		2035		2036		2037		2038		TOTALS
	14		15		16		17		18		19		20		
Available Tax Increment Revenue (TIR)															
Total State Tax Capture Available	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	
Capture for State Brownfield Revolving Fund (3 mills of SET) (25-Yrs)	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$ -
State Tax Increment to Taxing Unit (10%) ("Pass-Through")	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$ -
State TIR Available for Reimbursement to Developer	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	
Total Local Tax Capture Available	\$	469,105	\$	474,284	\$	479,515	\$	484,798	\$	490,134	\$	495,523	\$	113,906	
Local Tax Increment to Taxing Unit (10%) ("Pass-Through")	\$	46,910	\$	47,428	\$	47,951	\$	48,480	\$	49,013	\$	49,552	\$	11,391	\$ 821,077
Capture for BRA Administrative Fees (5% of available Local TIR after Pass-Through)	\$	21,110	\$	21,343	\$	21,578	\$	21,816	\$	22,056	\$	22,299	\$	5,126	\$ 369,485
Capture for Local Brownfield Revolving Fund (LBRF) (5% of available Local TIR after Pass-Throug	\$	21,110	\$	21,343	\$	21,578	\$	21,816	\$	22,056	\$	22,299	\$	5,126	\$ 369,485
Local TIR Available for Reimbursement to Developer	\$	379,975	\$	384,170	\$	388,407	\$	392,686	\$	397,008	\$	401,374	\$	92,264	
Total State & Local TIR Available for Reimbursement to Developer	\$	379,975	\$	384,170	\$	388,407	\$	392,686	\$	397,008	\$	401,374	\$	92,264	
DEVELOPER															
	\$	2,055,909	\$	1,671,739	\$	1,283,333	\$	890,646	\$	493,638	\$	92,264	\$	0	
MSF Eligible Activities	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	
State Tax Reimbursement	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$ -
Local Tax Reimbursement	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$ -
DEQ Eligible Activities	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	
State Tax Reimbursement	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$ -
Local Tax Reimbursement	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$ -
LOCAL-ONLY Activities	\$	2,055,909	\$	1,671,739	\$	1,283,333	\$	890,646	\$	493,638	\$	92,264	\$	0	
Local-Only Tax Reimbursement	\$	379,975	\$	384,170	\$	388,407	\$	392,686	\$	397,008	\$	401,374	\$	92,264	\$ 6,650,726
TOTAL ANNUAL DEVELOPER/LBRA REIMBURSEMENT	\$	379,975	\$	384,170	\$	388,407	\$	392,686	\$	397,008	\$	401,374	\$	92,264	

**3600 Dunckel Road Redevelopment
Brownfield Plan 73
July 6, 2018**

Attachment A

Legal Description of the Property/ALTA Survey

ALTA/NSPS LAND TITLE SURVEY
"3600 DUNCKEL ROAD, LANSING, MI 48910"



- LEGEND**
- = SET 1/2" BAR WITH CAP UNLESS NOTED
 - = FOUND IRON AS NOTED
 - = DEED LINE
 - = DISTANCE NOT TO SCALE
 - = FENCE
 - = ASPHALT
 - = CONCRETE
 - = BRICK
 - = WOOD DECK
 - = BUILDING OVERHANG
 - = SANITARY SEWER
 - = STORM SEWER
 - = WATER LINE
 - = GAS LINE
 - = UNDERGROUND TELEPHONE
 - = UNDERGROUND TELEVISION
 - = UNDERGROUND ELECTRIC
 - = OVERHEAD WIRES
 - ⊙ = SANITARY MANHOLE
 - ⊙ = DRAINAGE MANHOLE
 - ⊙ = ELECTRIC MANHOLE
 - ⊙ = TELEPHONE MANHOLE
 - ⊙ = CATCHBASIN
 - ⊙ = SANITARY CLEANOUT
 - ⊙ = FIRE HYDRANT
 - ⊙ = VALVE
 - ⊙ = UTILITY POLE
 - ⊙ = LIGHT POLE
 - ⊙ = GUY POLE
 - ⊙ = GUY WIRE
 - ⊙ = UTILITY PEDESTAL
 - ⊙ = TRANSFORMER
 - ⊙ = HANDHOLE
 - ⊙ = ELECTRIC METER
 - ⊙ = GAS METER
 - ⊙ = WATER METER
 - ⊙ = SIGN
 - ⊙ = POST
 - ⊙ = AIR CONDITIONING UNIT

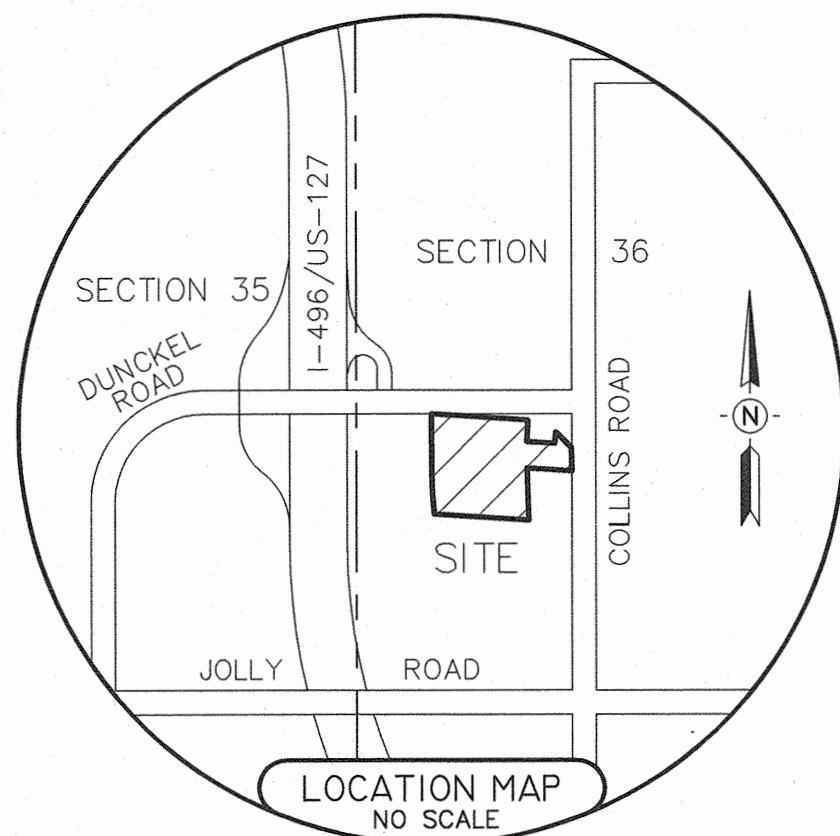
REVISIONS	COMMENTS	DATE
02/28/2018	PRELIMINARY	
03/13/2018	NEW TITLE COMMITMENT	

KEBS, INC. ENGINEERING AND LAND SURVEYING	
2116 HASLETT ROAD, HASLETT, MI 48840	
PH. 517-339-1014 FAX 517-339-8047	
WWW.KEBS.COM	
Marshall Office - Ph. 269-781-9800	
DRAWN BY	SLH
SECTION	36, T4N, R2W
FIELD WORK BY	NAW
JOB NUMBER:	93191.ALT
SHEET	1 OF 2

ERICK R. FRIESTROM
PROFESSIONAL SURVEYOR
DATE NO. 53497

ALTA/NSPS LAND TITLE SURVEY

“ 3600 DUNCKEL ROAD, LANSING, MI 48910 ”



SURVEYOR'S NOTES:

1. This plan was made at the direction of the parties named hereon and is intended solely for their immediate use. Survey prepared from fieldwork performed in February 2018.
2. All bearings and distances on the survey are record and measured unless otherwise noted. Bearings are based on the North line of Lot 1 bearing S86°09'45E as recorded on the plat of Hospitality Motor Inns in Liber 29 of Plats, Pages 9–11.
3. All dimensions are in feet and decimals thereof.
4. No building tie dimensions are to be used for establishing the property lines.
5. There are no observable potential encroachments onto the subject property from adjoining lands, or from the subject property onto adjoining lands, except as shown hereon.
6. Parcel has direct access to public Collins Road.
7. Locations of underground utilities shown are per record asbuilt plans provided and from previous work completed by KEBS, Inc. at the site. Verification of underground utility locations should be completed before use of shown locations for design and before any excavation on property. All above-ground utility locations shown have been verified in the current field survey.

ALTA/NSPS LAND TITLE SURVEY – TABLE "A" REQUIREMENTS:

- Item 1: Shown on the survey map.
- Item 2: Address of the surveyed property: 3600 Dunckel Road, Lansing, MI 48910
- Item 3: By scaled map location and graphic plotting only, this property lies entirely within Flood Zone "X", areas outside the 0.2% annual chance floodplain, according to the National Flood Insurance Program, Flood Insurance Rate Map for the City of Lansing, Ingham County, Michigan, Community Panel No. 260090 0134 D, dated August 16, 2011 & 260090 0153 D which is an unprinted panel.
- Item 4: Parcel contains ±9.60 Acres (418,169 sq. ft.)
- Item 7a: Shown on the survey map.
- Item 8: Shown on the survey map.
- Item 9: Parking:
Regular Parking Spaces: 204
Disabled Parking Spaces: 2
Total on-site Parking Spaces: 206
- Item 13: Shown on the survey map.
- Item 16: There is no observable evidence of earth moving work, building construction, or building additions within recent months.
- Item 17: There is no observable evidence of proposed changes in street right-of-way lines, or recent street or sidewalk construction or repairs.
- Item 18: There were no wetlands delineated on site at the time of this survey.

SCHEDULE B, SECTION II, EXCEPTIONS:

- (As provided in Chicago Title Insurance Company, Commitment No. 331049134NTS, Revision No. 1, dated February 2, 2018):
- Item 6: Michigan Bell Telephone Easement recorded in Liber 1462, Page 589, crosses parcel, is plottable and shown hereon.
- Item 7: Michigan Bell Telephone Easement recorded in Liber 1471, Page 645, crosses parcel, is plottable and shown hereon.
- Item 8: Michigan Bell Telephone Easement recorded in Liber 1824, Page 907, crosses parcel, is plottable and shown hereon.
- Item 9: Michigan Bell Telephone Easement recorded in Liber 1824, Page 921, crosses parcel, is plottable and shown hereon.
- Item 10: Michigan Bell Telephone Easement recorded in Liber 1824, Page 922, crosses parcel, is plottable and shown hereon.
- Item 11: Consumers Power Company Easement recorded in Liber 1866, Page 601, crosses parcel, is plottable and shown hereon.
- Item 12: Matters shown on Hospitality Motor Inns recorded plat as recorded in Liber 29 of Plats, Pages 9–11, limited access right-of-way per plat is plottable and shown hereon. Parcel does not currently have direct access to Dunckel Road as configured where said limited access right-of-way exists.

LEGAL DESCRIPTION:

(As provided in Chicago Title Insurance Company, Commitment No. 331049134NTS, Revision No. 1, dated February 2, 2018):

A parcel of land being part of Lots 1 and 2, Hospitality Motor Inns, a Subdivision being part of the Southwest 1/4 of Section 36, T4N, R2W, City of Lansing, Ingham County, Michigan, as recorded in Liber 29 of Plats, Pages 9–11, Ingham County Records, being described as: Commencing at the Northwest corner of said plat, also being the Northwest corner of said Lot 1; thence S86°09'45"E along the North line of said Lot 1 a distance of 794.19 feet to the Northeasterly line of said Lot 1; thence S44°58'35"E along said Northeasterly line 256.85 feet to the point of beginning of this description; thence continuing S44°58'35"E along said Northeasterly line 4.34 feet to the East line of said Lot 1; thence S01°32'07"E along said East line and along the East line of said Lot 2 a distance of 403.52 feet; thence N86°09'54"W parallel with the South line of said Lot 1 a distance of 314.67 feet to the East line of said Lot 1; thence S01°33'04"E along the East line of said Lot 1 a distance of 124.96 feet to the Southeast corner of said Lot 1; thence N86°07'51"W along the South line of said Lot 1 a distance of 602.03 feet; thence N01°32'07"W parallel with said East line of Lot 2 a distance of 466.52 feet; thence N88°27'53"E perpendicular to said East line of Lot 2 a distance of 542.31 feet; thence S01°32'07"E parallel with said East line of Lot 2 a distance of 21.04 feet; thence N88°27'53"E perpendicular to said East line of Lot 2 a distance of 367.31 feet to the point of beginning.

CERTIFICATION:

To: Waypoint Residential Services, LLC; and Chicago Title Insurance Agency;

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 "Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys," jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 7a, 8, 9, 13, 16, 17, 18, and 20 of Table A thereof. The fieldwork was completed on February 18, 2018.

PRELIMINARY

Erick R. Friestrom Date of Plat or Map:
Professional Surveyor No. 53497
efriestrom@kebs.com

REVISIONS	COMMENTS	 KEBS, INC. ENGINEERING AND LAND SURVEYING	
02/28/2018	PRELIMINARY	2116 HASLETT ROAD, HASLETT, MI 48840 PH. 517-339-1014 FAX 517-339-8047 WWW.KEBS.COM	
03/13/2018	NEW TITLE COMMITMENT	Marshall Office - Ph. 269-781-9800	
		DRAWN BY SLH	SECTION 36, T4N, R2W
		FIELD WORK BY NAW	JOB NUMBER:
		SHEET 2 OF 2	93191.ALT

**3600 Dunckel Road Redevelopment
Brownfield Plan 73
July 6, 2018**

Attachment B

Letter of Functional Obsolescence



Virg Bernero, Mayor

CITY ASSESSORS OFFICE
Sharon L. Frischman, Assessor

3rd Floor City Hall
124 West Michigan Avenue
Lansing, Michigan 48933
(517) 483-4020
FAX: (517) 483-4101
www.lansingmi.gov/pubserv



Address: 3600 Dunckel Rd.

Parcel No.: 33-01-01-36-252-001

RE: Statement of Obsolescence

This property has been reviewed and inspected by the City of Lansing Assessing Department. The building at this location is a two-story building constructed in 1968 as a full service hotel. The building has been vacant for many years and is in poor physical condition. There are many water leaks in the roof and basement area. The hotel was constructed with an octagon –shaped lobby area with very long corridors off of that. There are no elevators to the lower level. The building design is now obsolete; construction is more efficient for hotels in a vertical rather than horizontal manner. The current design of the building does not utilize the site to its most profitable use. It is my opinion that this property suffers more than 50% functional obsolescence.

Sharon L Frischman, MMAO (4), MCPPE, MCGA

Date: 10/6/16

Attachment C

Summary of Known Environmental Conditions

ATTACHMENT C
Summary of Known Environmental Conditions
3600 Dunckel Road
Lansing, Michigan

The Property consists of a 9.6-acre parcel of land developed with a former hotel building consisting of a central commons area with a basement and three two-story wings. The remainder of the property is currently undeveloped with paved parking lots, landscaped areas, and grass-covered land. The property was developed for agricultural use by 1938. By 1970, the Property was developed with the current buildings and was operated as a hotel. An outdoor pool and a tennis court were added by 1976. The outdoor pool was removed by 2015. The current utility shed was constructed in the early 1980's. Currently, the Property is vacant and has been for over 10 years.

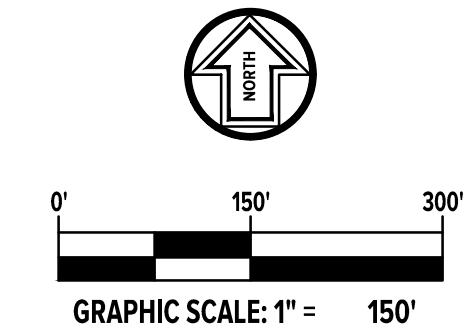
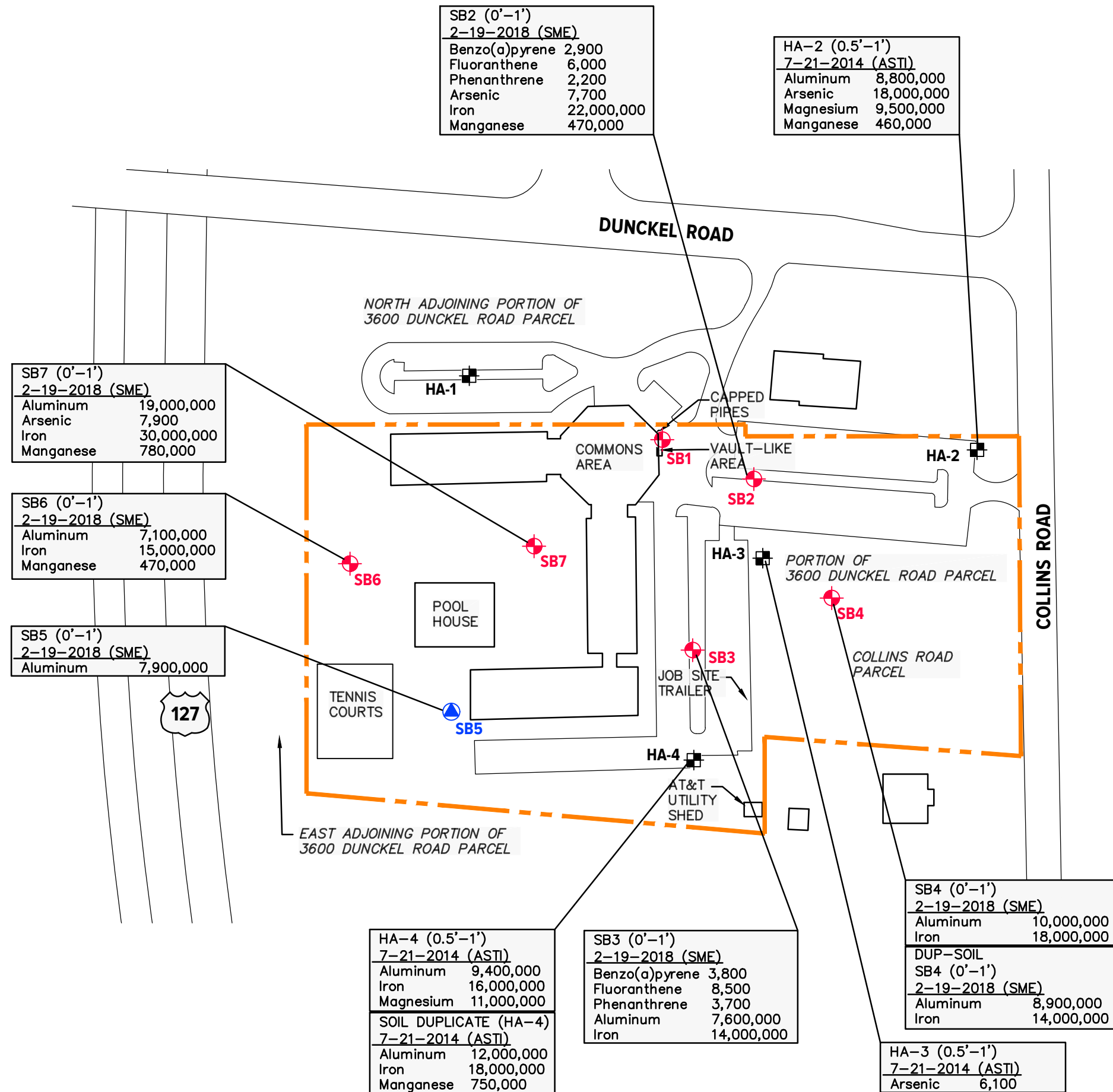
The following environmental assessments and hazardous material surveys were conducted to evaluate current conditions of the Property:

- Phase II Environmental Site Assessment, 3600 Dunckel Road, Lansing, MI, completed by ASTI Environmental, dated August 5, 2014
- Baseline Environmental Assessment (BEA), 3600 Dunckel Road, Lansing, MI, completed by ASTI Environmental, dated August 14, 2014
- Geotechnical Evaluation Report, Lansing Waypoint Multi-Family Development, Lansing, MI, completed by SME, dated March 5, 2018
- Pre-Demolition Hazardous Materials Assessment Report, 3600 Dunckel Road, Lansing, MI, completed by SME, dated March 13, 2018
- Baseline Environmental Assessment (BEA) (including a Phase I ESA and Phase II investigation), 3600 Dunckel Road and Collins Road, Lansing, MI, completed by SME, dated March 27, 2018

The aforementioned hazardous materials assessment identified asbestos containing building materials within the structures located on the Property. ACM documented at the Property included joint compound, TSI mudded fittings (insulation), plaster, HVAC vibration dampener, roofing shingles, and caulk that will require abatement prior to demolition.

The aforementioned ESAs identified concentrations of benzo(a)pyrene, fluoranthene, phenanthrene, aluminum, arsenic, iron, magnesium, and manganese in the soil at the Property that exceeded the Part 201 criteria in the samples collected at the Property. Therefore, the Property meets the definition of a "facility" as the term is defined by Part 201 of Michigan's Natural Resources and Environmental Protection Act (P.A. 451, as amended). The areas of impact are shown on the following SME Property and Assessment Summary Diagram - Soil.

FILE LOCATION: \\Sme-inc\p\21\WIP\078281.00\CAD\078281.00.003\rev\078281.00-AN.dwg
PLOT DATE: Mar 21, 2018 - 2:14pm - jblake



LEGEND

- APPROXIMATE PROPERTY BOUNDARY
- ASTI'S 2014 SOIL BORING LOCATION
- SOIL BORING LOCATION
- SOIL BORING LOCATION WITH TEMPORARY MONITORING WELL

- NOTES:
- DRAWING INFORMATION TAKEN FROM GOOGLE EARTH PRO WITH IMAGE DATE 10-13-2016 AND SITE RECONNAISSANCE.
 - CONCENTRATIONS ARE SHOWN IN MICROGRAMS PER KILOGRAM ($\mu\text{g}/\text{kg}$) AND EXCEED ONE OR MORE PART 201 GENERIC RESIDENTIAL CLEANUP CRITERIA.



www.sme-usa.com

Project

LANSING WAYPOINT MULTI-FAMILY DEVELOPMENT

Project Location

COLLINS ROAD PARCEL AND 3600 DUNCKEL ROAD CITY OF LANSING, MICHIGAN

Sheet Name

PROPERTY AND ASSESSMENT SUMMARY DIAGRAM - SOIL

No.	Revision Date

Date **3-9-18**

CADD **JAB**

Designer **AHR**

Scale **1" = 150'**

Project **078281.00.003**

Figure No. **3**

DRAWING NOTE: SCALE DEPICTED IS MEANT FOR 11" X 17" AND WILL SCALE INCORRECTLY IF PRINTED ON ANY OTHER SIZE MEDIA
NO REPRODUCTION SHALL BE MADE WITHOUT THE PRIOR CONSENT OF SME
© 2018

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
RESOLUTION APPROVING BROWNFIELD PLAN #73
3600 DUNCKEL ROAD REDEVELOPMENT PROJECT

WHEREAS, the Brownfield Redevelopment Authority (the 'Authority') of the City of Lansing, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, Public Act, Public Act 381 of 1996, as amended, (the 'Act') has prepared a Brownfield Plan, submitted to Council and placed on file in the office of City Clerk, LBRA Brownfield Plan #73 – 3600 Dunckel Road Redevelopment Project (the 'Plan'); and

WHEREAS, a public hearing was held by the Lansing City Council on Monday _____ and at least 10 days before the public hearing the taxing jurisdictions were provided notice to be fully informed about the fiscal and economic implications of the proposed Plan and given a reasonable opportunity to express their views and recommendations regarding the Plan in accordance with Section 13 (10) and 14(1) of the Act; and

WHEREAS, the Lansing City Council, before and during its public hearing on Monday _____ reviewed testimony and evidence regarding the Plan, and found that:

1. the Plan provides for the reimbursement of costs attributable to eligible activities to the developer and the Authority,
2. the Project includes, in addition to the eligible activities identified in the Plan, the redevelopment of the property,
3. the Project may result in new private investment of approximately \$52,000,000,
4. the Plan provides for the capture of property tax increment revenues due to the private investment on the site, and devotes them to repaying the Authority for its costs associated with eligible activities it performs, and to repaying the developer for their costs associated with eligible activities they perform, in accordance with the Plan,

WHEREAS, the Authority Board of Directors, at its meeting on July 13, 2018, unanimously recommended approval of the Plan, for this Project;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, after having duly considered the Plan, finds it is in compliance with the provisions of the Act and further finds:

- The Plan constitutes a public purpose under the Act;

- The Plan meets all of the requirements for a Brownfield Plan set forth in Section 13 of the Act;
- The proposed method of financing the costs of the eligible activities, as described in the Plan, is feasible and the Authority has the ability to arrange the financing;
- The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act; and
- The amount of the captured taxable value estimated to result from the adoption of the Plan is reasonable.

IT IS FINALLY RESOLVED that the Lansing City Council hereby approves the LBRA 'Brownfield Plan #73 – 3600 Dunckel Road Redevelopment Project'.

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

WHEREAS, Scherece Joy Roberts-Crenshaw was born on July 15, 1992 in Lansing, Michigan to William F. Crenshaw Jr and Veronica Crenshaw. Her daughter London Bradford, sister Mariah Crenshaw, and brothers William Crenshaw III, Christian Crenshaw, and Elisha Crenshaw hold tightly to their cherished memories of her; and

WHEREAS, at an early age, Scherece was introduced to Christ when she attended Tabernacle of David Church in Lansing and Mount Olive Full Gospel Baptist Church in Lansing. After moving to Detroit, MI she joined Perfecting Church and faithfully attended Children's Church and went on to graduate into the Perfecting Youth Chorale; and

WHEREAS, Scherece was employed with Magna Seating-Shelby Foam Systems where she was a hardworking and dedicated employee. Scherece loved everything that made you feel beautiful and was in the process of taking the first steps of making a dream of hers come true by launching her new online hair ordering business, Joy Styles; and

WHEREAS, Scherece enjoyed singing, cooking and spending time with her daughter London. She will be remembered for her infectious smile that would light up any room, and her beautiful spirit that touched the lives of everyone she met.

THEREFORE BE RESOLVED THAT the Lansing City Council extends its condolences and sympathy to Scherece's family and friends during this time of sorrow.

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

WHEREAS, the Mayor made the appointment of Angela M. Bennett of 12405 Madonna Dr. Lansing, MI 48917 as a Lansing Appointee Member of the Joint Building Authority for a term to expire June 30, 2022; and

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

WHEREAS, the Committee on Development and Planning met on August 20, 2018 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Angela M. Bennett 12405 Madonna Dr. Lansing, MI 48917 as a Lansing Appointee Member of the Joint Building Authority for a term to expire June 30, 2022.

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

WHEREAS, the Mayor made the appointment of James R. Bell of 511 Fulton Place, Lansing, MI 48915 as an At-Large Member of the Historic District Commission for a term to expire June 30, 2020; and

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

WHEREAS, the Committee on Development and Planning met on August 20, 2018 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of James R. Bell of 511 Fulton Place, Lansing, MI 48915 as an At-Large Member of the Historic District Commission for a term to expire June 30, 2020.

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

WHEREAS, in 1979 the City of Lansing conveyed to Larry L. and Carole C. Parker Lot No. 145 of Highland Park Addition in the City of Lansing, by quitclaim deed dated November 8, 1979 and recorded by the Ingham County Register of Deeds on December 17, 1979, in Liber 1317, Page 569; and

WHEREAS, Larry and Carole Parker were already in possession of the adjacent Lot No. 146, and the lots were subsequently combined into a single parcel, commonly known as 1416 New York Ave., Lansing, MI 48906; and

WHEREAS, paragraph three of the quitclaim deed for Lot No. 145 contained language that "in the event the land is not permanently and properly maintained and kept free of trash, debris and noxious weeds by [Larry L. and Carole C. Parker], their heirs and assigns, that failure to do so shall result in the title to said property reverting to the City of Lansing."; and

WHEREAS, Larry and Carole Parker subsequently improved Lot No. 145 by construction of a driveway and garage and complied with the terms of the quitclaim deed for nearly 40 years; and

WHEREAS, Larry and Carole Parker have both died, and their estate is trying to sell the combined parcel to their son, but the son's lender will not approve the sale with the possibility of reverter on one half of the parcel; and

WHEREAS, the purposes of the restriction have been substantially accomplished to the satisfaction of the City of Lansing such that it no longer desires to encumber the property by the right of reverter contained in paragraph three of the quitclaim deed;

NOW THEREFORE BE IT RESOLVED, the Lansing City Council hereby approves the release of the reverter contained at paragraph three of the quit claim deed to Larry L. and Carole C. Parker, dated November 8, 1979 and recorded by the Ingham County Register of Deeds on December 17, 1979, in Liber 1317, Page 569, concerning real property located on the 1400 block of New York Ave., legally described as:

Lot No. 145 of Highland Park Addition to the City of Lansing, Ingham County,
Michigan,

for consideration of \$1.00.

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 release, subject to prior approval as to form and content by the City Attorney.

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

WHEREAS, the City of Lansing received a request from Sleepwalker Spirits and Ale for a New Micro Brewer/Small Wine Maker License for 1101 South Washington Ave., Lansing, MI 48912, Ingham County; and

WHEREAS, the Committee on General Services met on August 27, 2018 to review the request with affirmative action taken;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves the request from Sleepwalker Spirits and Ale for a New Micro Brewer/Small Wine Maker License for 1101 South Washington Ave., Lansing, MI 48912, Ingham County

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

WHEREAS, the State Community Corrections Advisory Board, the Ingham County Board of Commissioners, and the City of Lansing approved the original Ingham County/City of Lansing Community Corrections Comprehensive Plan in 1991; and

WHEREAS, the State Community Corrections Advisory Board approved the Funding Application and Plan for FY 2018-2019; and

WHEREAS, the FY 2018-2019 Application provides for the following CCAB Plans and Services programming: Relapse Prevention and Recovery (\$67,898) to be provided by C-E-I CMH; Gatekeeper services (\$4,069) to be provided by the CCAB Staff Consultant; MRT Cognitive Change Groups (\$26,082) to be provided by Prevention and Training Services; Domestic Violence Intervention Groups (\$12,000) to be provided by Prevention and Training Services; Opioid Specific Program services (\$55,000) to be provided by Tri County Community Adjudication Program; Day Reporting services (\$53,700) to be provided by Northwest Initiative – ARRO; and, Electronic Monitoring Services for Pretrial defendants (\$10,134) to be provided by Sentinel, Inc., for a subcontracted program total of \$254,566 for the time period of October 1, 2018 through September 30, 2019; and

WHEREAS, the FY 2018-2019 Application also provides funding for a special part-time Pretrial Services Investigator (\$25,683) to enhance the community supervision capacity of 30th Circuit Court Pretrial Services and for CCAB Administration in the amount of \$50,422 for a Plans and Services total of \$304,988 for the time period of October 1, 2018 through September 30, 2019; and

WHEREAS, the FY 2018-2019 Application also provides for 1.23 beds per day funded with Drunk Driver Jail Reduction – Community Treatment Program (DDJR-CTP) grant funds in the amount of \$21,169; and

WHEREAS, Ingham County is also provided with availability of a projected average daily population of 30 residential beds with M.D.O.C. contracting directly, with residential providers rather than with local jurisdictions, for a projected value of \$531,075; and

WHEREAS, pursuant to the FY 2018-2019 Application, the County may enter into subcontracts for the purpose of implementing Plans and Services programs and services identified in the Community Corrections Plan and Application; and

WHEREAS, the Subcontractors for Plans and Services programming are willing and able to provide the services that the County requires; and

WHEREAS, the Ingham County Board of Commissioners approved the submission of the Funding Application and Plan for FY 2018-2019 and a Contract with the Michigan

Department of Corrections to implement the Plan, by Resolution # 18-264 on June 12, 2018.

THEREFORE BE IT RESOLVED, that the Lansing City Council approves and authorizes the submission of the Funding Application and Plan for FY 2018-2019, pursuant to Michigan Act 511 of 1988.

BE IT FINALLY RESOLVED, that the Lansing City Council approves Ingham County to administrate the Agreement with the with the Michigan Department of Corrections as set forth herein.

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, pursuant to Rule 41 of the Lansing City Council Rules, a proposed rule revision shall be placed on the Council Agenda for Council receipt and review, but “shall not be considered for adoption sooner than the next council meeting”.

THEREFORE BE IT RESOLVED, that the City Council hereby moves to amend the City Council Rule 4 as fully set forth below.

LANSING CITY COUNCIL RULE

Rule 4. Appointment of Committee Members; Creation of Ad-Hoc Committees.

The President shall appoint all Council Members to the standing committees, any Council Ad-Hoc Advisory Committee and SUBJECT TO CHARTER SECTION 5-103, to any outside agency. (see Section 3-102.6 of the City Charter). The President shall appoint the Chairperson and Vice-Chairperson of each standing committee and any ad-hoc advisory committee. Each standing and ad-hoc committee of City Council shall consist of ~~not more than four~~ THREE Council Members. ~~Should any such standing committee issue result in a tie vote, said issue should automatically be referred to the Committee of the Whole, and the standing committee shall be discharged of the issue.~~ The President may, at his or her discretion, create or discharge any ad-hoc advisory committees.

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointments to various Boards as stated below:

Historical District Commission:

Cassandra Nelson as an At-Large Member for a term to expire June 30, 2019; and

Board of Zoning Appeals:

Joseph Quick, as an At-Large Member for a term to expire June 30, 2021; and

WHEREAS, the Mayor's office has verified that the nominees has been vetted and meet the qualifications as required by the City Charter; and

WHEREAS, the Committee of the Whole met on August 6, 2018 and took affirmative action.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointments to various Boards as stated below:

Historical District Commission:

Cassandra Nelson as an At-Large Member for a term to expire June 30, 2019.

Board of Zoning Appeals:

Joseph Quick, as an At-Large Member for a term to expire June 30, 2021.

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointments to various Boards as stated below:

Board of Fire Commissioners:

Frank J. Ferro as an At-Large Member for a term to expire June 30, 2022; and
David Keeney as a 2ND Ward Member for a term to expire June 30, 2022; and

Lansing Entertainment & Public Facilities Authority:

Price Dobernack as an At-Large Member for a term to expire June 30, 2021; and

WHEREAS, the Mayor's office has verified that the nominees has been vetted and meets the qualifications as required by the City Charter; and

WHEREAS, the Committee of the Whole met on August 20, 2018 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointments to various Boards as stated below:

Board of Fire Commissioners:

Frank J. Ferro as an At-Large Member for a term to expire June 30, 2022; and
David Keeney as a 2ND Ward Member for a term to expire June 30, 2022; and

Lansing Entertainment & Public Facilities Authority:

Price Dobernack as an At-Large Member for a term to expire June 30, 2021.

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, commencing in 2007, the law firm of Clark Hill, PLC has assisted the City Attorney in providing legal assistance to the City's two retirement boards of trustees and on related pension matters; and

WHEREAS, since October 2008, Clark Hill's representative to the retirement boards' trustees has been Kenneth P. Lane; and

WHEREAS, in 2011, the Board of Trustees of the Police and Fire Retirement System passed a resolution of tribute in acknowledgement of Mr. Lane's services to the board; and

WHEREAS, Kenneth P. Lane has recently left Clark Hill, PLC to open his own firm, AML Group PLC; and

WHEREAS, Kenneth P. Lane has expressed willingness to continue to provide legal assistance to the City's Retirement Boards on behalf of the City Attorney's Office; and

WHEREAS, the City Attorney recommends and requests City Council approval of the law firm of AML Group PLC to assist the Office of the City Attorney as outside legal counsel;

NOW, THEREFORE, BE IT RESOLVED that pursuant to Charter Sec. 4-304.6, the City Council hereby approves the addition of AML Group PLC to the City Attorney's list of approved law firms.

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Tri-County Aging Consortium, known as Tri-County Office on Aging, produced the Fiscal Year 2019 Annual Implementation Plan as required by the Older Americans Act and the Older Michiganians Act; and

WHEREAS, the Committee of the Whole met and reviewed the document at its meeting on Monday, August 27, 2018; and

WHEREAS, Lansing City Council has reviewed the Tri-County Office on Aging's Fiscal Year 2019 Annual Implementation Plan.

BE IT RESOLVED, that the Lansing City Council hereby approves said document.

DRAFT**BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING**

WHEREAS, the City of Lansing partnered with the Arts Council of Greater Lansing and other stakeholders to create a new community-based vision and Master Plan for the future redevelopment of Adado Riverfront Park, which included a robust community engagement process led by the Arts Council and funded by a grant from the National Endowment for the Arts; and

WHEREAS, Adado Riverfront Park is a major destination park in the heart of downtown Lansing on the banks of the Grand River that hosts numerous community events each year, enriching the city's arts, cultural and outdoor recreation offerings to its residents, as well as strengthening the economic foundation of the city by attracting thousands of visitors to the city and park; and

WHEREAS, Adado Park is also underutilized and underdeveloped and has enormous potential to become a much greater asset to the city and region by adding amenities like community gathering spaces, walking and biking trails with connections to the Lansing River Trail, shoreline improvements to enhance the natural environment, and a permanent outdoor stage capable of hosting a wide range of events, including music festivals and concerts, cultural events, community theater and symphony performances, and many more; and

WHEREAS; the redevelopment activities envisioned in the Master Plan will build on existing park investments and transform Adado Park into a central, accessible multi-purpose outdoor events and recreational hub for downtown Lansing and the Greater Lansing area, providing outdoor recreation and multi-use trails and transforming current grass facilities and paved areas into a series of connected pavilions, event lawns, and outdoor performing arts venues; and

WHEREAS, the new community-based Master Plan for Adado Park envisions several distinct phases of redevelopment, which have been scoped, detailed and costed by project consultant, SmithGroupJJR; and

WHEREAS, the proposed application is supported by Lansing's 5-Year Approved Parks and Recreation Plan; and,

WHEREAS, the City now has the opportunity to pursue a federal grant through the National Park Service's Outdoor Recreation Legacy Partnership (ORLP) program to support the first phase of renovations to Adado Riverfront Park, including construction of

a new West Plaza and the smaller of two event lawns envisioned in the new Master Plan for the park at a projected cost of \$1.74 million; and

WHEREAS, the Administration has submitted an ORLP grant application to the Michigan Department of Natural Resources (MDNR) requesting the maximum allowed amount of \$750,000 in NPS ORLP funds for the first phase of the Adado Park Transformation project, which includes a commitment to provide local matching funds in the amount of \$993,200, provided that City Council appropriates funds for this purpose in the city's next fiscal year; and

WHEREAS, the MDNR will select up to three (3) meritorious ORLP grant applications from across Michigan and work with the selected applicants to submit a final grant application to the NPS ORLP program by the September 14, 2018 deadline; and

WHEREAS, if Lansing's Adado Park Transformation grant proposal is selected by the MDNR for submission to NPS, the City must provide a City Council resolution approving the grant application and affirming the City's commitment to provide local matching funds in the amount specified; and

WHEREAS, the Administration will continue to diligently pursue additional sources of local matching funds from public and private sector partners;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council supports the community-based vision and Master Plan for revitalizing Adado Riverfront Park and supports the ORLP Adado Park Transformation grant application to secure federal funds to help finance the first phase of planned renovations at the park; and

BE IT FINALLY RESOLVED that the Lansing City Council commits in principle to making available its financial obligation amount of \$993,200 (57%) of a total \$1.74 million project cost, with the understanding that the Council will consider a specific appropriation for this purpose in the context of the City's Fiscal Year 2019-2020 budget.

DRAFT

BY THE COMMITTEE OF THE WHOLE RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING.

WHEREAS, a certain “Amendment No. 4 to Agreement Between The City Of Lansing And The Board Of Water and Light” related to return on equity, (“Amendment 4”), has been submitted by the Mayor to the Lansing City Council for approval; and

WHEREAS, Amendment 4 extends an existing agreement originally executed in 1992 for a period of two years through June 30, 2020; and

WHEREAS, Amendment 4 has been approved by the Board of Commissioners of the Board of Water and Light; and

WHEREAS, the City Attorney has reviewed and approved the amendment.

NOW, THEREFORE, BE IT RESOLVED, that Amendment 4 is hereby approved and Council staff shall forward it to the Mayor for signature on behalf of the City of Lansing.

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 100% Federally-funded multi-jurisdiction grant application (#2017-H2637-MI-DJ) to the Office of Justice Programs, U.S. Bureau of Justice Assistance for a four-year Justice Assistance Grant (JAG); and

WHEREAS, the LPD JAG application was endorsed by Ingham County, and was accepted by the Bureau of Justice Assistance (award # 2017-DJ-BX-0950); and

WHEREAS, the JAG grant is a cooperative plan with Ingham County; and

WHEREAS, the Bureau of Justice Assistance will award \$111,513.00 to be split \$101,260.00 to the City of Lansing and \$10,253.00 to the County of Ingham; and

WHEREAS, the federal award of \$111,513.00 requires no local match from any of the local agencies; and

WHEREAS, the JAG grant will fund items necessary to increase the law enforcement efficiencies and capabilities of the applicants. The JAG grant will introduce new technology and equipment, which is needed to advance the state of technology at the Lansing Police Department (\$101,260.00) and technology / equipment for the Ingham County Sheriff's Office (\$10,253.00);

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council approves acceptance of the multi-agency 2017 Justice Assistance Grant in the total amount of \$111,513.00 (requiring no local match) for the grant period beginning October 1, 2017 and ending September 30, 2020; 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.

THIS ITEM NOT AVAILABLE AT TIME OF PRINT

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INTRODUCTION OF ORDINANCE

Council Member Spadafore introduced:

An ordinance of the City of Lansing, Michigan, to amend Chapter 404 of the Lansing Codified Ordinances by creating Section 404.11 to provide for creation of residential street parking zones; to provide for hours of use for residential street parking zones; to provide for application, permitting, and payment rates for residential street parking zones.

The Ordinance is referred to the Committee on Public Service

**RESOLUTION SETTING PUBLIC HEARING
BY CITY COUNCIL**

RESOLVED by the City Council, City of Lansing, that a public hearing be set for Monday September 10, 2018 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 404 of the Lansing Codified Ordinances by creating Section 404.11 to provide for creation of residential street parking zones; to provide for hours of use for residential street parking zones; to provide for application, permitting, and payment rates for residential street parking zones.

Interested Persons are invited to attend this Public Hearing

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND CHAPTER 404 OF THE LANSING CODIFIED ORDINANCES BY CREATING SECTION 404.11 TO PROVIDE FOR CREATION OF RESIDENTIAL STREET PARKING ZONES; TO PROVIDE FOR HOURS OF USE FOR RESIDENTIAL STREET PARKING ZONES; TO PROVIDE FOR APPLICATION, PERMITTING, AND PAYMENT RATES FOR RESIDENTIAL STREET PARKING ZONES.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 404 of the Lansing Code of Ordinances of the City of Lansing is hereby amended to add Section 404.11 as follows:

404.11 – RESIDENTIAL PERMIT FOR STREET PARKING

RESIDENTIAL PERMIT PARKING ZONE REGULATIONS AND RESTRICTIONS, INCLUDING LOCATION, TIME PERIODS, AND OFFICIAL SIGNAGE, SHALL BE ESTABLISHED BY ISSUANCE OF TRAFFIC CONTROL ORDERS IN COMPLIANCE WITH UTC R28.1153 (RULE 153). THE CITY ISSUANCE OF PERMITS FOR RESIDENTIAL PARKING ON STREETS SHALL BE IN ACCORDANCE WITH THIS SECTION. A PERSON ISSUED A PERMIT UNDER THIS SECTION SHALL COMPLY WITH ALL THE TERMS, CONDITIONS AND RESTRICTIONS OF THE PERMIT AS PROVIDED IN THIS SECTION.

(A) ADMINISTRATION

THE RESIDENTIAL PERMIT FOR STREET PARKING PROGRAM SHALL BE UNDER THE SUPERVISION AND ADMINISTRATIVE CONTROL OF THE OFFICE OF THE PARKING

1 MANAGER, INCLUDING PREPARATION OF FORMS, RECEIPT OF APPLICATIONS,
2 ISSUANCE OF PERMITS, AND COLLECTION OF FEES.

3 (B) APPLICATION

4 A PERSON REQUESTING A RESIDENTIAL STREET PARKING PERMIT FOR THEIR
5 MOTOR VEHICLE SHALL FIRST FULLY AND ACCURATELY PROVIDE A COMPLETED
6 CITY APPLICATION FORM AND UPON REQUEST SUPPLY THE CITY WITH
7 SUPPORTING SUPPLEMENTAL DOCUMENTATION. THE APPLICATION FORM SHALL
8 REQUEST AT A MINIMUM THE FOLLOWING INFORMATION:

- 9 1. THE NAME OF THE OWNER OR OPERATOR OF THE MOTOR VEHICLE;
- 10 2. THE PRIMARY RESIDENTIAL ADDRESS OF THE OWNER OR OPERATOR
11 OF THE MOTOR VEHICLE;
- 12 3. THE EMAIL ADDRESS AND CELL PHONE NUMBER OF THE OWNER OR
13 OPERATOR OF THE MOTOR VEHICLE TO BE USED FOR CONTACT IN
14 CASE OF TEMPORARY SUSPENSION FOR SNOW REMOVAL,
15 EMERGENCY OR CONSTRUCTION PURPOSES;
- 16 4. THE MOTOR VEHICLE'S MAKE, MODEL, VEHICLE IDENTIFICATION
17 NUMBER, AND LICENSE PLATE NUMBER.

18 SUPPORTING SUPPLEMENTAL DOCUMENTATION INCLUDES, BUT IS NOT LIMITED
19 TO:

- 20 5. AN EXECUTED LEASE OR OTHER REASONABLE PROOF SHOWING
21 RESIDENCE FOR THE DWELLING UNIT WITHIN THE ZONE FOR WHICH
22 THE PERMIT IS SOUGHT.

1 6. THE CURRENT, VALID REGISTRATION FOR THE MOTOR VEHICLE FOR
2 WHICH THE PERMIT IS BEING APPLIED;

3 a. IF THE APPLICANT FOR A RESIDENTIAL STREET PARKING
4 PERMIT IS THE OWNER OF THE VEHICLE SOUGHT TO BE
5 REGISTERED AND HIS/HER PERMANENT RESIDENCE IS AT THE
6 ADDRESS FOR WHICH THE PERMIT IS SOUGHT, THEN SAID
7 VEHICLE SHALL BE REGISTERED AT THE PERMANENT
8 ADDRESS AND SHALL HAVE VALID STATE OF MICHIGAN
9 MOTOR VEHICLE PLATES; OR

10 b. IF THE APPLICANT FOR A RESIDENTIAL STREET PARKING
11 PERMIT HAS HIS/HER PERMANENT RESIDENCE AT THE
12 ADDRESS FOR WHICH THE PERMIT IS SOUGHT BUT THE
13 VEHICLE UNDER HIS/HER CONTROL INDICATES ANOTHER
14 ADDRESS OF RESIDENCE FOR THE OWNER OF SAID VEHICLE,
15 THE APPLICANT SHALL BE REQUIRED TO CERTIFY THAT SAID
16 VEHICLE IS KEPT BY THE APPLICANT AND ONLY AT THE
17 ADDRESS FOR WHICH THE PERMIT IS REQUESTED AND THAT IT
18 WILL NOT BE KEPT AT ANY OTHER LOCATION FOR THE
19 DURATION OF THE PERMIT'S VALIDITY.

20 THE PARKING MANAGER IS NOT REQUIRED TO GRANT A PERMIT TO ANY
21 APPLICANT.

22 (C) PERMIT

1 THE PARKING MANAGER MAY ISSUE A PERMIT UPON APPLICATION AND
2 PAYMENT OF THE APPLICABLE FEE, TO THE OWNER OR THE OPERATOR OF A
3 MOTOR VEHICLE WHO RESIDES WITHIN HIS/HER RESIDENTIAL STREET PARKING
4 ZONE. PERMITS ARE SUBJECT TO THE FOLLOWING REQUIREMENTS:

- 5 1. THE PERMIT IS VALID ONLY FOR THE MOTOR VEHICLE THAT IT WAS
6 APPLIED FOR;
- 7 2. THE PERMIT SHALL DISPLAY THE MOTOR VEHICLE'S LICENSE PLATE
8 NUMBER AND EXPIRATION DATE, AND THE ZONE WHERE THE PERMIT
9 IS VALID;
- 10 3. THE PERMIT SHALL BE A STICKER THAT IS NOT EASILY REMOVED,
11 AND MUST BE PLACED IN A VISIBLE PLACE ON THE WINDSHIELD OF
12 THE PERMITTED MOTOR VEHICLE;
- 13 4. THE PERMIT IS VALID ONLY WHEN VISIBLY AND PROPERLY
14 DISPLAYED ON THE VEHICLE, WHEN PARKED IN THE DESIGNATED
15 ZONE WHERE THE RESIDENT LIVES;
- 16 5. THE ANNUAL FEE FOR ANY RESIDENTIAL STREET PARKING ZONE
17 PERMITS SHALL BE SET BY RESOLUTION OF COUNCIL;
- 18 6. A PERMIT THAT IS GRANTED IS ONLY VALID FOR THE TIME THAT THE
19 OWNER OF THE MOTOR VEHICLE CONTINUES TO RESIDE WITHIN OR
20 ADJACENT TO THE RESIDENTIAL STREET PERMIT PARKING ZONE;
- 21 7. THE FEE SHALL BE PAID ANNUALLY, BUT MAY BE PRO-RATED BY
22 MONTH IF THE APPLICANT CAN ONLY SHOW CONTINUED RESIDENCE

1 IN OR ADJACENT TO THE RESIDENTIAL STREET PERMIT PARKING
2 ZONE FOR LESS THAN A YEAR;

3 8. A REPLACEMENT PERMIT MAY BE ISSUED ONLY IF ALL OR PART OF
4 THE ORIGINAL PERMIT IS PRODUCED AT THE TIME THAT A
5 REPLACEMENT PERMIT IS APPLIED FOR, OR IF PROOF OF THEFT OF
6 THE VEHICLE IS DEMONSTRATED TO THE SATISFACTION OF THE
7 PARKING MANAGER;

8 9. THE FEE FOR ANY REPLACEMENT PERMIT SHALL BE SET BY
9 RESOLUTION OF CITY COUNCIL.

10 (D) CONDITIONS ON THE PERMIT AND PERMIT HOLDER

11 AN OTHERWISE VALID PERMIT IS SUBJECT TO THE FOLLOWING CONDITIONS,
12 WHICH THE PERMIT HOLDER MUST HONOR AND OBEY:

13 1. USE OF A PERMIT SHALL BE RESTRICTED TO STREETS DESIGNATED
14 FOR RESIDENTIAL PERMIT PARKING WITHIN THE DESIGNATED ZONE,
15 AS SET PURSUANT TO THIS SECTION.

16 2. A RESIDENTIAL STREET PARKING PERMIT SHALL NOT GUARANTEE
17 OR RESERVE TO THE HOLDER A PARKING SPACE ON STREETS
18 DESIGNATED FOR RESIDENTIAL PERMIT PARKING.

19 3. A RESIDENTIAL STREET PARKING PERMIT SHALL NOT EXEMPT THE
20 HOLDER FROM THE OBSERVANCE OF ANY TRAFFIC REGULATION
21 OTHER THAN THE SPECIFIED OVERNIGHT PARKING LIMIT.

- 1 4. RESIDENTIAL STREET PARKING PERMITS MAY BE TEMPORARILY
2 SUSPENDED BY THE CITY FOR SNOW REMOVAL, EMERGENCY OR
3 CONSTRUCTION PURPOSES.
- 4 5. THE OWNER OR OPERATOR OF A VEHICLE DISPLAYING A
5 RESIDENTIAL STREET PARKING PERMIT SHALL COMPLETELY
6 REMOVE SAID PERMIT IMMEDIATELY UPON ITS EXPIRATION OR
7 TERMINATION.
- 8 6. RESIDENTIAL STREET PARKING PERMITS ARE NOT TRANSFERRABLE
9 TO OTHER PERSONS.
- 10 7. IN THE EVENT A VALID PERMIT HOLDER SELLS, TRANSFERS, OR
11 OTHERWISE DISPOSES OF THE MOTOR VEHICLE FOR WHICH A PERMIT
12 IS GRANTED, THE PERMIT SHALL TERMINATE AUTOMATICALLY.
- 13 8. IF A PERMIT HOLDER DESIRES TO TRANSFER THEIR VALID PERMIT TO
14 A DIFFERENT VEHICLE, THEY MUST MAKE A SUPPLEMENTAL
15 APPLICATION TO THE PARKING MANAGER INDICATING THE CHANGE
16 IN VEHICLE, AND THEY MUST PROVIDE THE ORIGINAL PERMIT AS
17 PROOF THAT IT HAS BEEN REMOVED FROM THE MOTOR VEHICLE FOR
18 WHICH THE PERMIT WAS PREVIOUSLY GRANTED;
- 19 9. ANY PARKING VIOLATION COMMITTED BY A PERMIT HOLDER WILL
20 BE ENFORCED AS SET FORTH IN THIS CHAPTER;
- 21 10. IF A PERMIT HOLDER COMMITS THREE PARKING VIOLATIONS IN THE
22 PARKING ZONE FOR WHICH THEY ARE PERMITTED, THEIR PERMIT
23 MAY BE REVIEWED AND REVOKED BY THE PARKING MANAGER;

1 11. IF A PERMIT HOLDER TRANSFERS THEIR PERMIT TO ANOTHER
2 VEHICLE WITHOUT FOLLOWING THE PROCEDURES IN THIS SECTION,
3 THE PERMIT WILL BE TERMINATED AND REVOKED.

4
5 Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules
6 inconsistent with the provisions hereof are hereby repealed in their entirety and shall be null and
7 void and of no effect.

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

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

ORDINANCE #1232

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO REPEAL CHAPTER 1034, SECTION 1034.01 THROUGH 1034.09, TO ELIMINATE THE MEMORIAL REVIEW BOARD, ITS DUTIES AND FUNCTIONS, AND TO CANCEL THE PROCESS AND PROCEDURE FOR NAMING OR RENAMING PUBLIC MEMORIALS CONTAINED IN THE EXISTING CHAPTER AND TO PROVIDE A NEW REPLACEMENT CHAPTER 1034 TO DEFINE RESPONSIBILITIES UNDER THE CHARTER AND LAW FOR THE NAMING OR RENAMING OF STREETS AND PUBLIC AMENITIES.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 1034, Section 1034.01-1034.09, of the Codified Ordinances of the City of Lansing, Michigan, be and are hereby repealed in their entirety and shall be null and void and of no effect AND SHALL BE REPLACED WITH A NEW CHAPTER 1034 AS SET FORTH BELOW:

1034.01. – PURPOSE

THE PURPOSE OF THIS CHAPTER 1034 IS TO DEFINE THE RESPONSIBILITIES FOR THE NAMING OR RENAMING OF STREETS AND PUBLIC AMENITIES.

1034.02. – DEFINITIONS

(A) AS USED IN THIS CHAPTER, PUBLIC AMENITY(IES) MEANS A PUBLIC BUILDING, PARK, GARDEN, SCULPTURE, BRIDGE, BUILDING, ROOM, BALLFIELD, AND OTHER RELATED AMENITY, ACCESSORY, OR FACILITY WITHIN PARKS, PUBLIC SPACES, AND PUBLIC FACILITIES, SUCH AS A BENCH, DUGOUT, MARKER, OR EQUIPMENT.

1034.03. – RESPONSIBILITIES

(A) STREETS AND ESTABLISHED PUBLIC RIGHTS OF WAY ARE HELD FOR THE PUBLIC IN TRUST. THE LANSING CITY COUNCIL IS DESIGNATED WITH THE RESPONSIBILITY FOR THE NAMING OR RENAMING OF PUBLIC STREETS AND PUBLIC RIGHTS OF WAY.

(B) THE MAYOR OF THE CITY OF LANSING IS NAMED AS MANAGER OF REAL PROPERTY OF THE CITY BY THE CHARTER AND IS THEREBY DESIGNATED WITH THE RESPONSIBILITY FOR THE NAMING OR RENAMING OF PUBLIC AMENITIES. THIS DESIGNATION INCLUDES, BY IMPLICATION, SOLICITING PRIVATE OR PUBLIC DONATIONS DIRECTED TOWARD THE CONSTRUCTION OF, ENHANCEMENT TO, OR MAINTENANCE OF, PUBLIC AMENITIES.

(C) PRIOR TO THE NAMING OR RENAMING OF A PUBLIC STREET OR PUBLIC RIGHT\OF WAY, THE PUBLIC SERVICE BOARD SHALL REVIEW THE PROPOSAL AND SHALL MAKE ITS RECOMMENDATION TO THE LANSING CITY COUNCIL. PRIOR TO THE NAMING OR RENAMING OF ANY PUBLIC AMENITY, THE PARK BOARD SHALL REVIEW THE PROPOSAL AND SUBMIT ITS RECOMMENDATION TO THE MAYOR.

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 null and void and of no effect.

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

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



Chris Swope
Lansing City Clerk

August 24, 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 Public Service

April 3, 2018
May 1, 2018
June 5, 2018
July 10, 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



OFFICE OF MAYOR ANDY SCHOR
124 W. Michigan Avenue – Ninth Floor
Lansing, MI 48933

August 13, 2018

Dear Council President Wood:

After the public meeting last week discussing the City Market, I sent out a public statement that I've reconsidered the ballot language to sell the Market Property. This is prime property on our waterfront, and after much consideration and input my determination is that the property would be best served to remain City property. Therefore I am withdrawing the ballot language. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Schor". The signature is fluid and cursive, with the first letter of the last name being a large, stylized "S".

Andy Schor
Mayor

Cc: other council members

Andy Schor
Mayor



City Hall - 9th Floor
124 W. Michigan Avenue
Lansing, MI 48933-1694
PH: 517483.4141 – FAX: 517483.6066
Lansing.Mayor@lansingmi.gov

OFFICE OF THE MAYOR
CITY OF LANSING, MICHIGAN

August 16, 2018

Carol Wood, President
& Lansing City Council Members
10th Floor – Lansing City Hall

RECEIVED
2018 AUG 17 AM 9:28
LANSING CITY CLERK

Dear President Wood and Council Members,

I am withdrawing the Resolution submitted to reappoint Dennis Louney as a 1ST Ward Member of the Lansing Board of Water and Light for a term to expire June 30, 2021 be withdrawn from Council consideration. I will submit a new appointee shortly.

Sincerely,

A handwritten signature in blue ink, appearing to read "AS", is written over the printed name of Andy Schor.

Andy Schor
Mayor
City of Lansing

Andy Schor
Mayor



City Hall - 9th Floor
24 W. Michigan Avenue
Lansing, MI 48933-1694
PH: 517.483.4141 - FAX: 517.483.6066
Lansing Mayor@lansingmi.gov
2016 AUG 10 10:05 AM
RECEIVED
LANSING CITY CLERK

OFFICE OF THE MAYOR
CITY OF LANSING, MICHIGAN

DISCLOSURE

This will advise that I have been invited by the Michigan Business Network organization to be a part of a 2018 trade mission to China. The trade mission is for the purpose of encouraging economic development and investment in Lansing and its environs.

As part of the invitation, the Michigan Business Network has graciously offered to pay the travel, lodging and meal expenses for myself and my wife. All other incidental costs and expenses of the trip will be my responsibility and none of those would be charged to the City.

The offer of the Michigan Business Network has been made without any promise, agreement or expectation, expressed or implied, that I would initiate, support or endorse any proposed program or incentive to benefit the trips sponsor. The only commitment I am making is to endeavor to further the interests of the City of Lansing and our region through exploration and encouragement of local economic development, investment or growth. I fully understand that I may not commit the City of Lansing to any incentive that is conditioned on State of Michigan or City of Lansing Legislative approval, and I will not make any such representation to anyone as part of this mission.

In the interest of transparency to which I am committed, I am making the disclosure of this invitation to the Lansing Board of Ethics with my request for the Board's review of my prospective receipt of the travel expenses from the Michigan Business Network. I have carefully and conscientiously reviewed City's Ethics Ordinance and do not believe that my acceptance of the offered expenses payment, in any way, violate the ordinance. I have also reviewed my conclusion with the City Attorney. He indicates that he agrees that the proposed payment does not violate the Ethics Ordinance. Nonetheless, I make this affidavit and disclosure for the purpose of permitted the timely review of the proposed offer by the Board.

If the Board has any questions concerning this matter, I will make myself available or will gladly respond in writing.

I look forward to the Board's opinion that acceptance of the invitation and payment of expenses will not violate the Ethics Ordinance.

Thank you,

A handwritten signature in black ink, appearing to read "AS", is written over a horizontal line.

Andy Schor
Mayor



CITY OF LANSING
AFFIDAVIT OF DISCLOSURE

TO: CITY CLERK,
CITY ATTORNEY or
BOARD OF ETHICS

DATE: 8-10-18

I Andy Schor make the following disclosure under oath:
(Name)

PLEASE CHECK THE BOX AND FILL IN THE APPROPRIATE BLANKS FOR EACH OF THE FOLLOWING ITEMS

Yes No

1. ☒ ☐ I am an ☒ elected or ☐ appointed ☐ officer or ☐ employee of the City of Lansing holding the position of Mayor in the _____ Department
- ☐ ☒ I am an immediate family member related to an elected or appointed officer or employee of the City of Lansing named _____, holding the position of _____ in the _____ Department
- ☐ ☒ I am a Business Associate of an elected or appointed officer or employee of the City of Lansing named _____ holding the position of _____ in the _____ Department.
2. ☐ ☒ I may derive income or benefit directly or indirectly from the bidding of, negotiation of, solicitation of or entry into a contract with the City or from and City action detailed below. (Charter 5-505.1)
- ☐ ☒ I may have a conflict between a personal interest and the public interest, the nature of which is disclosed below. (Charter 5-505.2) [Chapter 290.04(I) of the Code of Ordinances]
- ☐ ☒ I may have a financial interest in a matter proposed to be acted upon by the City of Lansing as described below. [Chapter 290.04(I) of the Code of Ordinances]
- ☒ ☐ I make this disclosure because of a possible appearance that I may be in violation of or in conflict with the City of Lansing Ethics Ordinance as provided for in the Code of Ordinances and in the City Charter.

3. My City of Lansing position is:
☒ Full-time ☐ Part-time (less than 25 hours/wk) ☐ Unpaid

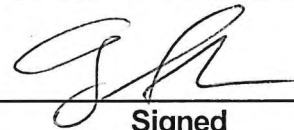
4. PLEASE DESCRIBE IN DETAIL YOUR REASON(S) FOR SUBMITTING THIS DISCLOSURE
AND EXPLAIN WHY YOU THINK A CONFLICT MAY/MAY NOT EXIST.

See attached

I hereby certify that this disclosure is complete and accurate to the best of my knowledge,
information and belief.

The foregoing Affidavit of Disclosure was executed on this 9 day of August,
2018.

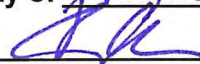




Signed

State of Michigan, County of Ingham

Subscribed and sworn to before me this 10 day of August, 2018



Notary Public/or Deputy Clerk

Ingham

County, Michigan

MONICA ZUCHOWSKI
NOTARY PUBLIC - STATE OF MICHIGAN
INGHAM COUNTY
My Commission Expires November 7, 2018
Acting in the County of INGHAM

My Commission Expires: 11/7/2018

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

WHEREAS, the Public Service Department of the City of Lansing received a Conditional Commitment letter from the Michigan Department of Transportation of our selection to receive a Federal Transportation Alternatives Program (TAP) grant totaling up to \$259,800 in federal funds for the Bear Lake Pathway project; and

WHEREAS, the local match is 20% up to \$64,950 of the total estimated project cost of \$967,639; and

WHEREAS, a maximum of \$516,323 in Federal Congestion Mitigation and Air Quality funds and additional local funds will be used for the remaining total estimated project cost; and

WHEREAS, the total estimated local funds required for construction is \$191,515.80; and

WHEREAS, the local match will use Ingham County Trails and Parks Millage funding; and

WHEREAS, the project involves construction of a 10 foot wide HMA pathway with 2 foot shoulders from Cavanaugh Road and Forest Road and installation of a Rapid Rectangular Flashing Beacon at Forest Road; and

WHEREAS, the Public Service Department is requesting acceptance of the TAP grant; and

WHEREAS, the proposed enhancements are identified in the Non-Motorized Transportation Plan; and

WHEREAS, the proposed enhancements are identified in the Tri-County Regional Planning Commission's Transportation Improvement Program; and

WHEREAS, the City of Lansing recognizes the importance of the continued maintenance of these and other enhancements and has committed to implementing a maintenance plan/program over the design life of the facility constructed with TAP funding and has budgeted sufficient monies to ensure the continued maintenance of the enhancements; and

WHEREAS, Mitch Whisler, a staff engineer for the Public Service Department, will act as the agent on behalf of the Bear Lake project; and

WHEREAS, Andy Kilpatrick, P.E., Director of Public Service is authorized to sign a project agreement upon receipt of a funding award; and

WHEREAS, the Administration and the City Council recognize the importance and need for safe, alternate modes of transportation for all users;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves acceptance of the Transportation Alternatives Program grant for the purposes of funding of non-motorized improvements to the Bear lake Pathway Project;

BE IT FINALLY RESOLVED, the Administration is authorized to receive the funds, create the necessary accounts, and make necessary transfers for administration in accordance with the requirements of the grantor.

Grant Summary

Date: 08/09/2018

Page: 1 of 2

Grant Type: Transportation Alternatives Program

Grant Number: 2016011

Section	Applicant	Description (rpt)	Current Grant Amount	Total Match	Total Amount	Grant %	Status	Grant Year
01	Lansing	TCRPC - Bear Lake Pathway	\$259,800.00	\$64,950.00	\$324,750.00	80.00%	Approved	2019
Total:			\$259,800.00	\$64,950.00	\$324,750.00	80.00%		

Section Grant Section Description

01 FY 2019 TAP GRANT AWARDED BY THE TRI-COUNTY REGIONAL PLANNING COMMISSION

The City of Lansing will construct the Bear Lake Pathway from Cavanaugh Road to Forest Road. The 10-foot wide asphalt path will begin where the South Lansing Pathway currently ends at Cavanaugh Road and extend north for approximately 1.5 miles to Forest Road. The project is part of the city's goal to provide a nonmotorized connection from the South Lansing Pathway to destinations east of US-127.

The total project cost is \$962,500, including \$259,800 in federal Transportation Alternative Program funds awarded by the Tri-County Regional Planning Commission, \$516,323 in federal Congestion Mitigation and Air Quality (CMAQ) Program funds, and \$186,377 in matching funds from the City of Lansing.

Nonmotorized Funding Condition

This project must be designed and constructed in accordance with the standards in the American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities, 2012 edition. The standards for off-road trails include a minimum 10' width with a minimum of 2' clear zone on each side. The standards for bridges or boardwalks include a minimum 14' width between rub rails. In addition, bridges and boardwalks should meet a minimum H-10 design load rating. For roadways with no curb and gutter, the standards for on-road paved shoulders include a minimum 4' width facility on each side of the road. If parking is permitted, the standards for bike lanes include a minimum width of 5'. The project must also be designed and constructed in accordance with the Michigan Manual on Uniform Traffic Control Devices (MMUTCD).

Funding Condition

Transportation Alternatives Program (TAP) funding is conditional upon the items mentioned in the correspondence from the MDOT Office of Economic Development conveying the conditional commitment, supporting documentation, as well as fund availability. Federal transportation funding could be subject to congressional approval of a rescission, reducing or eliminating the remaining unobligated funds. The amount of TAP funding that Congress has authorized for expenditure is provided on a first come, first served basis to the projects that have completed the steps necessary to request federal fund authorization from the Federal Highway Administration. These steps typically include submitting completed plans, a cost estimate, specifications, and obtaining all necessary permits, clearances, an executed agreement, and matching funds.

Important Note on TAP Funding for Local Agencies

Federal TAP funds shall be applied to the eligible items of the total participating project cost up to the lesser of: (1) the TAP grant amount, or (2) an amount such that 80 - 81.85 percent, the maximum federal participation ratio for such funds, is not exceeded at the time of the award of the construction contract. The balance of the participating project cost, after deduction of TAP Funds, shall be the responsibility of the grant applicant. All of the non-participating cost shall be the responsibility of the grant applicant. In addition to the limits mentioned above, TAP funds are capped at the applicable low bid amount and shall not be applied to any extra construction costs or construction over-runs; these costs shall be the responsibility of the grant applicant.

RESOLUTION _____

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

PRD-1-2018

Planned Residential Development

South 9.6 acres of 3600 Dunckel Road & Adjoining Vacant Parcel

WHEREAS, Waypoint Residential Services, LLC is requesting approval of a Planned Residential Development plan to permit a 286 unit apartment complex on the south 9.6 acres of the property at 3600 Dunckel Road and the adjoining vacant parcel located north of 4600 Collins Road, as depicted on the plan dated June 6, 2018 and last revised on July 4, 2018; and

WHEREAS, the Planning Board held a public hearing for the Planned Residential Development permit on August 7, 2018, at which the applicant's representative spoke in favor of the request and no other comments were received; and

WHEREAS, the Planning Board reviewed the petition at its meeting held on August 7, 2018 and found that the Planned Residential Development meets the criteria set forth in Section 1280.02(e) and Section 1282.02(f) of the *Zoning Code*; based on testimony, evidence, and the staff report; and

WHEREAS, on August 7, 2018, the Planning Board voted unanimously (6-0) to recommend approval of PRD-1-2018, a request by Waypoint Residential Services, LLC for a 286 unit, planned residential development on the south 9.6 acres of the property at 3600 Dunckel Road and the adjacent vacant parcel located north of 4600 Collins Road, consisting of 4 multiple family residential buildings with related site improvements, as depicted on the plan dated June 6, 2018 and last revised on July 4, 2018; and

WHEREAS, the City Council Committee on Development & Planning has reviewed the request in accordance with the criteria described in Section 1282.02(f) and the report of the Planning Board and concurs therewith;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves PRD-1-2018, a request by Waypoint Residential Services, LLC for a 286 unit, planned residential development on the south 9.6 acres of the property at 3600 Dunckel Road and the adjacent vacant parcel located north of 4600 Collins Road, consisting of 4 multiple family residential buildings with related site improvements, as depicted on the plan dated June 6, 2018 and last revised on July 4, 2018

BE IT FURTHER RESOLVED that this PRD approval shall remain in effect only so long as the applicant fully complies with the approved site plan.

GENERAL INFORMATION

APPLICANT/OWNER:	WP Lansing-MI Owner, LLC 13355 Noel Road, Suite 1310 Dallas, TX 75240
REQUESTED ACTION:	Approval of a Planned Residential Development plan consisting of 4 multiple family residential buildings that would contain a total of 286 apartment units on 9.6 acres of the property at 3600 Dunckel Road and the vacant lot north of 4600 Collins Road
EXISTING LAND USE:	Vacant Hotel
EXISTING ZONING:	“E-1” Apartment Shop District
PROPERTY SIZE:	9.6 acres
SURROUNDING LAND USE:	N: Motel/Office/Educational S: Post Office/Credit Union E: Agricultural W: I-496/Multiple Family Residential
SURROUNDING ZONING:	N: “E-1” Apartment Shop & “A” Residential Districts S: “D-1” Professional Office & “F” Commercial Districts E: Township Zoning W: “CUP” Community Unit Plan District
MASTER PLAN:	The Design Lansing Master Plan designates the subject property for “Research & Development” use. Dunckel Road is designated as a minor arterial and Collins Road is designated as a collector road.

DESCRIPTION:

The subject property contains a hotel building that has been vacant for many years. On January 9, 2017, the City Council approved a request (Z-7-2016) to rezone the properties at 3600 & 3626 Dunckel Road and the vacant parcel north of 4600 Collins Road from “DM-2” Residential and “F” Commercial Districts to “E-1” Apartment Shop District. On May 3, 2018, an application was approved to split off the north 4.21 acres of the overall site, which is the area that has frontage along Dunckel Road, from the remainder of the property. The applicant intends to develop the north 4.21 acres for commercial uses, including a hotel. The proposal that is the subject of this request for approval of a planned residential development plan includes 4 multiple family residential buildings that would have a total of 286 apartment units on the south 9.6 acres of the site. This plan is currently being reviewed through the City’s administrative site plan review process.

AGENCY RESPONSES

Assessing:	Assessing does not have any comments or objections.
BWL:	See attached.
Building Safety:	The BSO has no objections. Project will be subject to site and building plan reviews.
Development Office:	
Fire Marshal:	
Parks & Recreation:	No comments.
Public Service:	
Traffic Engineer:	No comments regarding traffic impacts/operations regarding the PRD request. Site access and other issues will be addressed during the site plan review process. Applicant should check to make sure there is adequate utility service (gas, water, sewer) to the site.

ANALYSIS**INTENT OF PLANNED RESIDENTIAL DEVELOPMENT:**

Section 1280.01 of the Zoning Code states that the intent of the Planned Residential Development Chapter of the Code is "to permit flexibility in the regulation of land development; to encourage innovation in land use, design and type of structures constructed; to achieve economy and efficiency in public services and utilities; to encourage useful open space; and to provide better housing developments which are particularly suited to the needs of the residents of the City."

The PRD regulations allow a developer to construct a variety of housing units at a dwelling unit density greater than the density allowed in the zoning district if specific design standards are met. These requirements address design issues ranging from building heights and setbacks to open space and energy conservation techniques. The types of housing permitted in a PRD, according to Section 1280.04 include:

- * A one-family dwelling;
- * A two-family dwelling
- * A townhouse
- * *A multiple dwelling*
- * An accessory building;
- * A public park or playground and recreational facility; and off-street parking.

The proposed PRD is for a multiple family residential development which complies with the intent of such developments as described above. Furthermore, the applicant is not requesting bonus density for this development.

“E-1” APARTMENT SHOP DISTRICT:

Section 1264.04(e) of the Zoning Ordinance lists the following as a use permitted by special land use permit in the “E-1” district:

“A planned residential development may be permitted in an E-1 Apartment Shop District, if all the conditions described in Chapter 1280 are met.”

EVALUATION CRITERIA:

The criteria to be used in the evaluation of Planned Residential Developments is detailed in Section 1280.02(d) of the Zoning Ordinance. These criteria and their relationship to this request are as follows:

1. IS THE PROPOSED PLANNED RESIDENTIAL DEVELOPMENT DESIGNED, CONSTRUCTED, OPERATED AND MAINTAINED IN A MANNER HARMONIOUS WITH THE CHARACTER OF ADJACENT PROPERTY AND SURROUNDING USE?

The proposed use of the site for an apartment complex will be compatible with the existing land uses in the surrounding area. The building on the site, which was originally constructed as a hotel with an associated restaurant, was converted at some point to condominiums for transient residential occupancy. Redevelopment of the site for an apartment complex, therefore, is not a significant change from how the site has historically been utilized. In its current state, the property detracts rather than contributes to the surrounding area. The building at this location has been vacant for a very long time and is in a significant state of deterioration. The proposed development will provide a renewed sense of vitality to the site and to the area in general.

2. DOES THE PROPOSED PLANNED RESIDENTIAL DEVELOPMENT CHANGE THE ESSENTIAL CHARACTER OF THE SURROUNDING AREA?

The proposed development will not change the essential character of the area which includes a mix of commercial, office and agricultural land uses. There is a large apartment complex to the west that is separated from the subject property by the freeway. The subject property is an ideal location for a high density multiple family residential development, given the surrounding land uses and its proximity to the freeway. The site is surrounded by uses that

will not be impacted by introducing 286 residential units and the transportation system in the area is designed to accommodate a high volume of traffic.

3. DOES THE PROPOSED PLANNED RESIDENTIAL DEVELOPMENT INTERFERE WITH THE GENERAL ENJOYMENT OF ADJACENT PROPERTY?

The proposed development is not anticipated to have any negative impacts on future patterns of development in the area. The site adjoins a freeway to the west, farmland to the east, the Red Roof Inn and office buildings to the north and a post office to the south, none of which are the types of uses that will be negatively impacted by the activity generated by the proposed development.

The overall plan for development of the former hotel property is to utilize the south 9.6 acres for the residential development that is the subject of this request, leaving the north 4.2 acres for future commercial development. This plan represents an appropriate land use pattern wherein the commercial development is concentrated along the primary thoroughfare with the residential development to its south, serving as a buffer between the commercial uses and the lower impact use of the property to the south (post office).

4. WILL THE PROPOSED PLANNED RESIDENTIAL DEVELOPMENT REPRESENT AN IMPROVEMENT TO THE USE OR CHARACTER OF THE SUBJECT PROPERTY AND THE SURROUNDING AREA IN GENERAL, AND WILL THE USE BE IN KEEPING WITH THE NATURAL ENVIRONMENT OF THE LOT?

Given the amount of human intervention already occurring on this site, the zoning proposal will have little impact on the physical environment.

5. WILL THE PROPOSED PLANNED RESIDENTIAL DEVELOPMENT BE HAZARDOUS TO ADJACENT PROPERTIES, OR INVOLVE USES, ACTIVITIES, MATERIALS OR EQUIPMENT WHICH ARE DETRIMENTAL TO THE HEALTH, SAFETY AND WELFARE OF PERSONS OR PROPERTY THROUGH THE EXCESSIVE PRODUCTION OF TRAFFIC, NOISE, SMOKE, ODOR, FUMES OR GLARE?

The proposed development will not generate any conditions that will be detrimental to the health, safety and welfare of the community. The development will also have no negative impacts on the transportation systems in the area. Dunckel Road is designated as a minor arterial and Collins Road is designated as a collector road, both of which are designed to accommodate a relatively high volume of traffic. Furthermore, the site is located in very close proximity to the US-127 expressway entrance on Dunckel Road which makes it a good location for a large multiple family residential apartment complex from a traffic standpoint.

6. **CAN THE PROPOSED PLANNED RESIDENTIAL DEVELOPMENT BE ADEQUATELY SERVED BY ESSENTIAL PUBLIC SERVICES AND FACILITIES OR IS IT DEMONSTRATED THAT THE PERSON RESPONSIBLE FOR THE PROPOSED PLANNED RESIDENTIAL DEVELOPMENT IS ABLE TO CONTINUALLY PROVIDE ADEQUATELY FOR THE SERVICES AND FACILITIES DEEMED ESSENTIAL TO THE PLANNED RESIDENTIAL DEVELOPMENT UNDER CONSIDERATION?**

The site is currently served by all necessary utilities.

7. **WILL THE PROPOSED PLANNED RESIDENTIAL DEVELOPMENT PLACE DEMANDS ON PUBLIC SERVICES AND FACILITIES IN EXCESS OF CURRENT CAPACITY?**

The proposed development is in the process of being reviewed through the City's administrative site plan approval process. The drainage system as well as all other physical aspects of the development are being reviewed for compliance with all applicable City codes.

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

8. **IS THE PROPOSED PLANNED RESIDENTIAL DEVELOPMENT CONSISTENT WITH THE INTENT AND PURPOSE OF THE ZONING CODE AND THE OBJECTIVES OF THE CURRENT COMPREHENSIVE PLAN?**

The proposal is consistent with the intent and purpose of the Zoning Code and with the objectives of the Design Lansing Master Plan which designates the subject property for "research and development" land use. While the proposed apartment complex will not comply with the specific Master Plan designation for the subject property, it is consistent with one of its goals which is to concentrate apartment complexes on the outskirts of the City with easy access to the expressways, where the streets are designed to carry a very high volume of traffic and there are no nearby single family residential neighborhoods that would be negatively impacted by the additional traffic. In fact, despite the Master Plan designation, multiple family residential development seems to be a far more appropriate use of the property than a "research and development" operation, given its convenient access to the expressway. Research and development uses are destination type uses that do not need to be located on major thoroughfares in close proximity to expressways. Development of the subject property for a research and development facility would be an underutilization of the site and would result in the loss of a parcel of land that is ideal for the type of development being proposed.

9. WILL THE PROPOSED PLANNED RESIDENTIAL DEVELOPMENT MEET THE DIMENSIONAL REQUIREMENTS OF THE DISTRICT IN WHICH THE PROPERTY IS LOCATED?

The proposal exceeds all applicable dimensional requirements of the Zoning Ordinance:

	Required/Permitted	Provided
Parking	494 spaces	548 spaces
Density	239,650 sq. ft. of lot area required for the proposed units	418,169 sq. ft. of lot area
Building Height	100 feet	4 stories – less than 75 feet
Lot Coverage	75%	71.31%
Setbacks	Front: 35 feet Rear: 25 feet Sides: 25 feet	Front: 37.5 feet Rear: 85+ feet Sides: North - 65+ feet South – 115+ feet

SUMMARY

This is a request by Waypoint Residential Services for approval of a 286 unit residential development at 3600 Dunckel Road and the adjacent parcel located north of 4600 Collins Road. The proposed development consists of 4 multiple family residential buildings with related site improvements.

The findings of fact as outlined in the staff report support a positive recommendation for the Planned Residential Development request. The proposed PRD is an appropriate land use for the subject property, given its location and surrounding land uses, and is consistent with the goals of the Design Lansing Comprehensive Plan. In addition, the proposed plan demonstrates compliance with all applicable requirements of the zoning ordinance.

RECOMMENDATION

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

Staff recommends approval of PRD-1-2018, a request by Waypoint Residential Services, LLC for a 286 unit, planned residential development at 3600 Dunckel Road and the adjacent vacant parcel located north of 4600 Collins Road, consisting of 4 multiple family residential buildings with related site improvements, as depicted on the plan dated June 6, 2018 and last revised on July 4, 2018, based on the findings of fact as outlined in this staff report.

Respectfully Submitted,

**Susan Stachowiak
Zoning Administrator**

BOARD OF WATER AND LIGHT MEMO

August 13, 2018

TO: City of Lansing- Planning Department, Susan Stachowiak
FROM: Andy Baumgartner, Real Property Analyst, Legal Services, 517-702-6795
RE: PRD-1-2018_3600 Dunckel Rd. Comments

BWL Electric: Approved

The Board of Water and Light electric utility will provide service to the new development per our Rules and Regulations for Electric Service.

BWL Street Lighting: Approved

- There are no apparent conflicts with the proposed development and the existing BWL Street Light Service. For BWL Street Light Design contact Karen Carter 517-702-7080 karen.carter@lbwl.com

BWL Water & Steam Distribution: Approved With Conditions

- Recommend tapping domestic services off of fire services rather than tapping both services off of the water main for each building. Modifications to the drawings will be required to accommodate this change.
- Plans will need to call out 18" minimum separation at the following stations: STA 27+80 between water main and proposed 8" storm, STA 31+65 between water main and storm, STA 32+06 between water main and storm and STA 32+11 between water and sanitary.
- Additional valving will be required. Coordinate with BWL Water Distribution Engineer.
- Available fire flows are below the BWL design criteria of 2,500gpm @ 20psi residual for commercial properties. Minimum available flows for the proposed development are approximately 1,500gpm @ 20psi residual. A variance may be required from the local Fire Marshal.
- It is the applicant's responsibility to determine the estimated water demand (including fire flow requirements) of this project, and sizing services accordingly. The BWL will not take responsibility for inadequately sized services specified by the applicant.
- The customer is responsible for verifying the precise location and depths of the existing water mains or services prior to construction. The BWL will not be responsible for unanticipated conflicts caused by inaccuracies in the customer's design documents or MISS-DIG staking in the field.
- Services, mains, and meter settings to conform to BWL Rules & Regulations. <http://www.lbwl.com/Commercial/Rules-Regulations-for-Service/>
- The applicant is responsible for providing meter locations and plumbing plans for the interior of the building, once they become available. The BWL has jurisdiction over the entire water distribution system up to and including domestic metering and fire service risers. The BWL requires that meter settings be placed at an outside wall; services run to an interior meter location will not be acceptable.
- Service risers to the building will only be constructed by BWL forces or a BWL approved contractor. The plumbing contractor is not to stub services out of the building. Water services stubbed out of the building by a non-approved contractor, and without inspection by the BWL, will not be acceptable.
- The applicant is responsible for all costs of water service installation and removals, including connection fees, installation, metering, and engineering and administration costs for the work. A BWL Service Agreement shall be established with payment prior to performing work.

Note: Any site plan approval does not constitute an agreement for service. All customers must meet BWL requirements and enter a service agreement prior to receiving service.

- Any questions about specific water service requirements may be directed to the BWL Water Distribution Department Engineer; Joseph Eastman, P.E. @ (517) 702-6281, or via e-mail at joe.eastman@lbwl.com.

BWL Water Operations: Approved

I have no comments or concerns with regards to the raw water system or water planning issues. R. Roost

BWL Environmental Wellhead Protection: Angie Goodman, Water Quality

This project lies within the Board of Water & Light Wellhead Protection Area. Care must be exercised during construction to minimize the exposure of contaminated soils to weather and subsequent loss to the groundwater. Construction machinery should be parked on paved areas when not in use, and leakage of petroleum products and other potential contaminants must be immediately cleaned up and properly disposed of. Newly exposed soil could offer a route for contaminants into local groundwater.

Note: Any site plan approval does not constitute an agreement for service. All customers must meet BWL requirements and enter a service agreement prior to receiving service.

EX. SEWER INVENTORIES:

SANITARY MANHOLE #200 TOC 877.89 10" EAST 867.79 10" WEST 867.84 (7) CLOSED PIPE 868.69	SANITARY MANHOLE #201 TOC 878.89 8" WEST 873.47 8" SOUTH 873.37	SANITARY MANHOLE #202 TOC 878.49 8" WEST 869.66 10" EAST 869.65	SANITARY MANHOLE #203 TOC 877.72 8" NORTH 871.69 8" EAST 871.68 6" SW 873.76	SANITARY MANHOLE #204 TOC 877.98 10" NORTH 864.51 10" WEST 864.49 10" SOUTH 864.33	STORM MANHOLE #100 TOC 878.16 12" WEST 873.50 12" NORTH 873.45	SANITARY MANHOLE #103 (COMBINED) TOC 878.18 12" WEST 870.63 12" WEST 869.54 12" EAST 869.54	SANITARY MANHOLE #104 (COMBINED) TOC 878.35 10" WEST 871.02 (7) CLOSED PIPE 871.83 12" SOUTH 872.38 12" EAST 870.61	SANITARY MANHOLE #110 (COMBINED) TOC 877.81 6" NW 872.83 6" SOUTH 873.16 10" NORTH 872.26 10" EAST 872.02	STORM MANHOLE #111 TOC 878.10 12" NE 872.61	STORM MANHOLE #112 TOC 877.68 12" WEST 866.92 24" NORTH 867.09 12" SW 871.26 36" SOUTH 866.32	CATCH BASIN #111 INLET EL. 874.50 6" NW 872.46 6" SE 872.79	CATCH BASIN #113 INLET EL. 876.86 6" NW 875.14 6" SE 875.14	CATCH BASIN #112 INLET EL. 876.21 6" NW 874.49 6" SE 874.69	CATCH BASIN #101 INLET EL. 876.05 6" WEST 871.10 10" SOUTH 871.05 12" EAST 871.05	CATCH BASIN #102 TOC 877.37 6" NORTH 874.56 6" SW 874.64	CATCH BASIN #105 INLET EL. 875.91 6" EAST 872.11	CATCH BASIN #106 INLET EL. 875.87 10" NORTH 872.90	CATCH BASIN #107 INLET EL. 877.06 6" EAST 874.63	CATCH BASIN #108 INLET EL. 876.78 6" EAST 874.37	CATCH BASIN #109 INLET EL. 876.81 6" EAST 874.26	CATCH BASIN #110 INLET EL. 872.84 6" NW 870.63 6" SE 870.54
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EX. LEGEND

- SET 1/2" BAR & CAP
- FOUND IRON AS NOTED
- DEED LINE
- DISTANCE NOT TO SCALE
- FENCE
- ASPHALT
- CONCRETE
- SANITARY SEWER
- STORM SEWER
- WATER LINE
- GAS LINE
- UNDERGROUND ELECTRIC
- OVERHEAD WIRES
- EDGE OF WOODS
- DECIDUOUS TREE
- CONIFEROUS TREE
- BUSH
- GENERAL COMMON ELEMENTS
- LIMITED COMMON ELEMENTS
- BUILDING OVERHANG
- SANITARY MANHOLE
- DRAINAGE MANHOLE
- ELECTRIC MANHOLE
- TELEPHONE MANHOLE
- CATCHBASIN
- SANITARY CLEANOUT
- STORM DRAIN
- FIRE HYDRANT
- VALVE
- UTILITY POLE
- LIGHT POLE
- GUY WIRE
- UTILITY PEDESTAL
- TRANSFORMER
- ELECTRIC METER
- GAS METER
- WATER METER
- SIGN
- POST
- HAND HOLE
- AIR CONDITIONER

LAWL NOTES:

1. MAINTAIN A MINIMUM OF 10 FT HORIZONTAL AND 18 INCHES OF VERTICAL SEPARATION BETWEEN WATER AND SEWERS, AND A MINIMUM OF 5 FT HORIZONTAL AND 12 INCHES OF VERTICAL SEPARATION BETWEEN WATER AND OTHER UTILITIES.
2. ALL WATER MAIN AND SERVICES TO BE INSTALLED IN ACCORDANCE TO BML STANDARDS AND SPECIFICATIONS.
3. CONTRACTOR TO CONTACT THE BML AT LEAST 72 HOURS PRIOR TO SCHEDULED SHUT OFFS TO COORDINATE SHUT DOWN AND TURN ON ACTIVITIES.
4. LAWL IS NOT RESPONSIBLE FOR REPLACEMENT, REPAIR, OR MAINTENANCE OF SIDEWALKS THAT HAVE BEEN DAMAGED OR REMOVED DURING REPAIR, MAINTENANCE, REPLACEMENT OR INSPECTION OF WATERMAINS AND RELATED UTILITIES.
5. ALL PUBLIC WATER OUTSIDE OF R.O.W. SHALL BE WITHIN A 20' PUBLIC EASEMENT.
6. ALL DUCTILE IRON WATER MAIN SHALL BE PRESSURE CLASS 350, ALL COPPER PIPE SHALL BE TYPE 'K'.
7. ALL WORK ON LAWL WATER DISTRIBUTION SYSTEM SHALL BE PERFORMED BY THE LAWL OR BY A LAWL APPROVED CONTRACTOR WITH A LAWL INSPECTOR ON-SITE.
8. A LAWL WATER SERVICE AGREEMENT SHALL BE PUT IN PLACE PRIOR TO CONSTRUCTION OF ANY WATER RELATED ITEMS.

LEGEND

- PROPOSED WATER MAIN
- PROPOSED SANITARY SEWER
- PROPOSED STORM SEWER
- PROPOSED HYDRANT
- PROPOSED GATE VALVE
- PROPOSED SAN. M.H.
- PROPOSED STORM M.H.
- PROPOSED C.B.
- PROPOSED GRADES
- PROPOSED FIRST FLOOR ELEV.
- PROPOSED TOP OF CURB ELEV.
- PROPOSED TOP OF GROUND ELEV.
- PROPOSED TOP OF PAVT ELEV.
- PROPOSED TOP OF WALK ELEV.
- PROPOSED S.E.C. KEYING SYSTEM

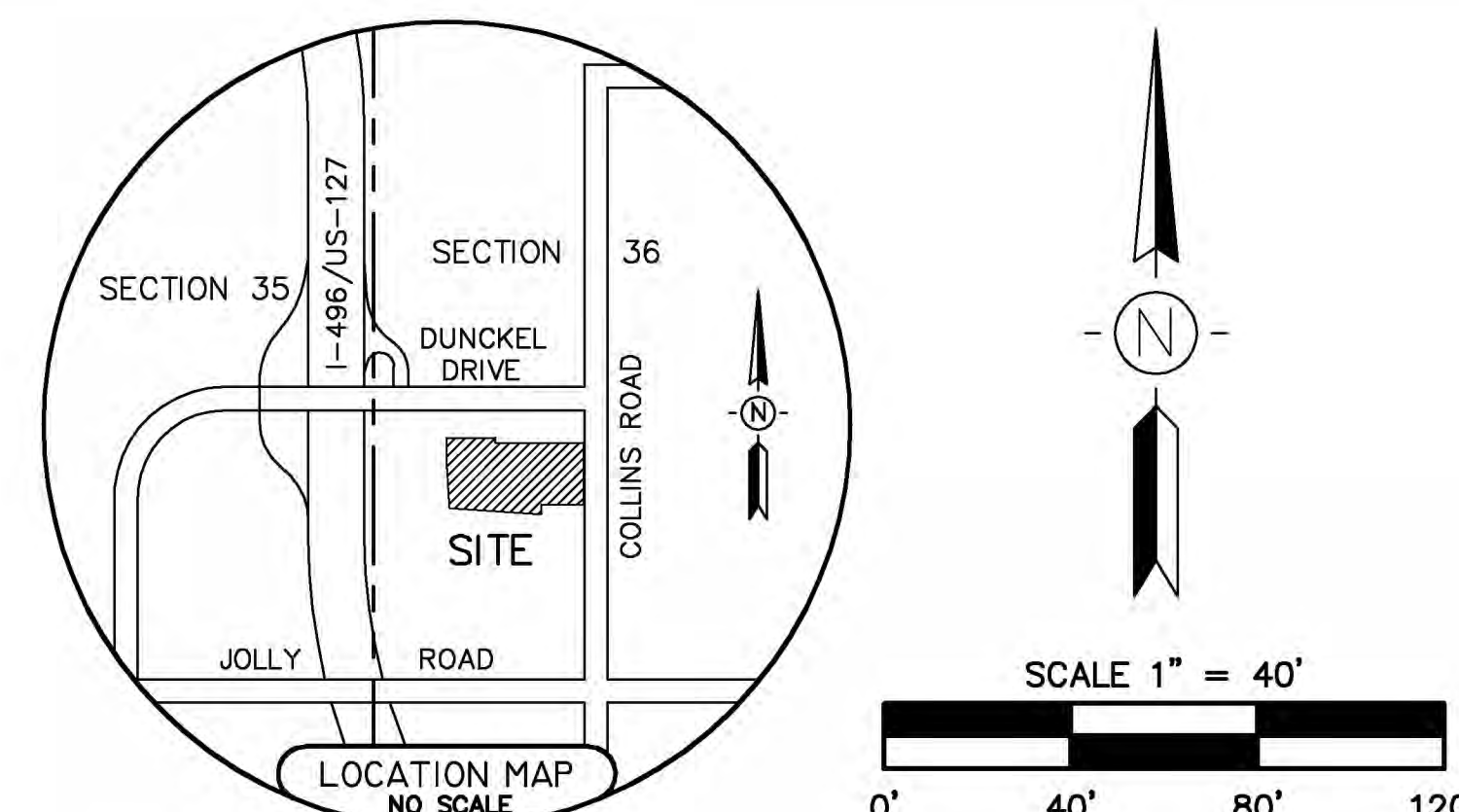


BENCHMARKS:

BM#1 - BIG ARM OF FIRE HYDRANT ON EAST SIDE OF COLLINS ROAD ACROSS FROM ENTRANCE TO SITE
ELEVATION 878.67 N.A.V.D. 1988

Lansing Waypoint Development

CITY OF LANSING, INGHAM COUNTY, MICHIGAN



LEGAL DESCRIPTION:

(As provided in Transaction Title Agency of Michigan Commitment No. 1460801ANS dated January 15, 2015): Lot 1, Hospitality Motor Inns, a Subdivision on part of the Southwest 1/4 of Section 36, Town 4 North, Range 2 West, City of Lansing, Ingham County, Michigan, as recorded in Liber 29 of Plats, Pages 9-11, Ingham County Records. EXCEPT commencing at the Northwest corner of said plot and the Northwest corner of said Lot 1; thence South 86°09'45" East along the North line of said Lot 1 a distance of 676.19 feet to the point of beginning; thence South 86°09'45" East continuing along said North line 118.00 feet to the Northeastly line of said Lot 1; thence South 44°58'15" East along said Northeastly line 109.12 feet; thence South 03°50'15" West perpendicular to said North line 78.14 feet; thence North 86°09'45" West parallel with said North line 200.12 feet; thence North 03°50'15" East perpendicular to said North line 150.00 feet to the point of beginning.

ALSO: Commencing at the Northeast corner of Lot 2, Thence N86°09'45"W 314.78 feet; thence S01°31'45"E 240 feet; thence S86°09'45"E 314.78 feet; thence N01°31'45"W 240 feet to the beginning, Part of Lot 2, Hospitality Motor Inns, as recorded in Liber 29 of Plats, Pages 9-11, Ingham County Records.

SITE DATA

PROPOSED MULTI-FAMILY
TOTAL SITE AREA = 418,169 SF = 9.6 ACRES
ZONED: E-1 (APARTMENT SHOP DISTRICT)

BUILDING SETBACKS

FRONT - 35 FEET (FOR 45' TO 75' BLDG.)
SIDES - 0 - 25 FEET
REAR - 25 FEET

BUILDING DATA

PROP. BLDG. 100 = 12,385 S.F. (1ST FLOOR)
PROP. BLDG. 200 = 19,550 S.F. (1ST FLOOR)
PROP. BLDG. 300 = 31,537 S.F. (1ST FLOOR)
PROP. BLDG. 400 = 31,136 S.F. (1ST FLOOR)
(EACH BUILDING HAS 4 FLOORS, SO THE TOTAL GROSS BUILDING AREA = 378,432 SF)

UNIT CALCULATION:

1 BR UNITS = 157 UNITS = 157 BEDS
2 BR UNITS = 113 UNITS = 226 BEDS
3 BR UNITS = 16 UNITS = 48 BEDS
TOTAL UNITS = 286, TOTAL BEDS = 431
DENSITY = 286 UNITS/9.6 ACRES = 29.8% UNIT/AC.

BUILDING HEIGHT = 4-STORY

LOT COVERAGE (BUILDINGS) = 94,608 SF/418,169 SF = 22.62%

LOT COVERAGE (DRIVES/PARKING/SW) = 203,613/418,169 SF = 48.69%

OPEN SPACE = 298,221 SF/418,169 SF = 71.32%
OPEN SPACE = 100% - 71.32% = 28.68%

PARKING

RESIDENTIAL REQUIREMENTS:
2+ BR UNITS = 2 SPACES/UNIT
1 BR UNITS = 1.5 SPACES/UNIT
129 UNITS X 2 SPACES = 258
157 UNITS X 1.5 SPACES = 236

TOTAL = 494 SPACES REQUIRED

TOTAL REQUIRED = 494 SPACES (INCL. 12 B/F)
PARKING (9'x18.5') = 355 SPACES
PARKING (9'x16') = 83 SPACES
PARKING (10'x22') = 17 SPACES
PARKING (GARAGE) = 80 SPACES
PARKING (B/F) = 13 SPACES
TOTAL PARKING PROVIDED = 548 SPACES

UTILITIES

WATER: PUBLIC WATER MAIN
SANITARY: CITY PUBLIC SANITARY
STORM: ON-SITE DETENTION BASIN

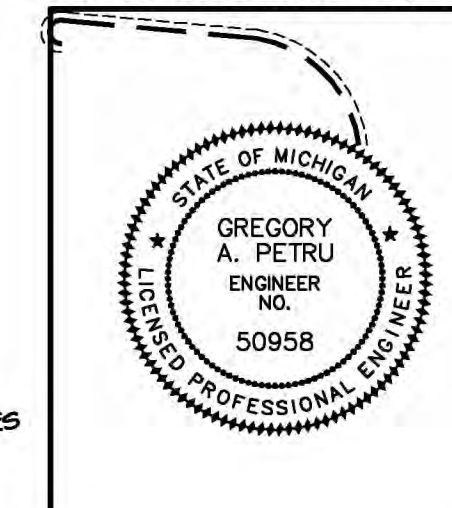
NOTES

- LOCATE UTILITIES PRIOR TO INSTALLATION (COORDINATE W/ ENGINEER)
- AS-BUILT UTILITY LOCATIONS & ELEVATIONS MUST BE DELIVERED TO THE CITY ENGINEER UPON COMPLETION OF THE PROJECT

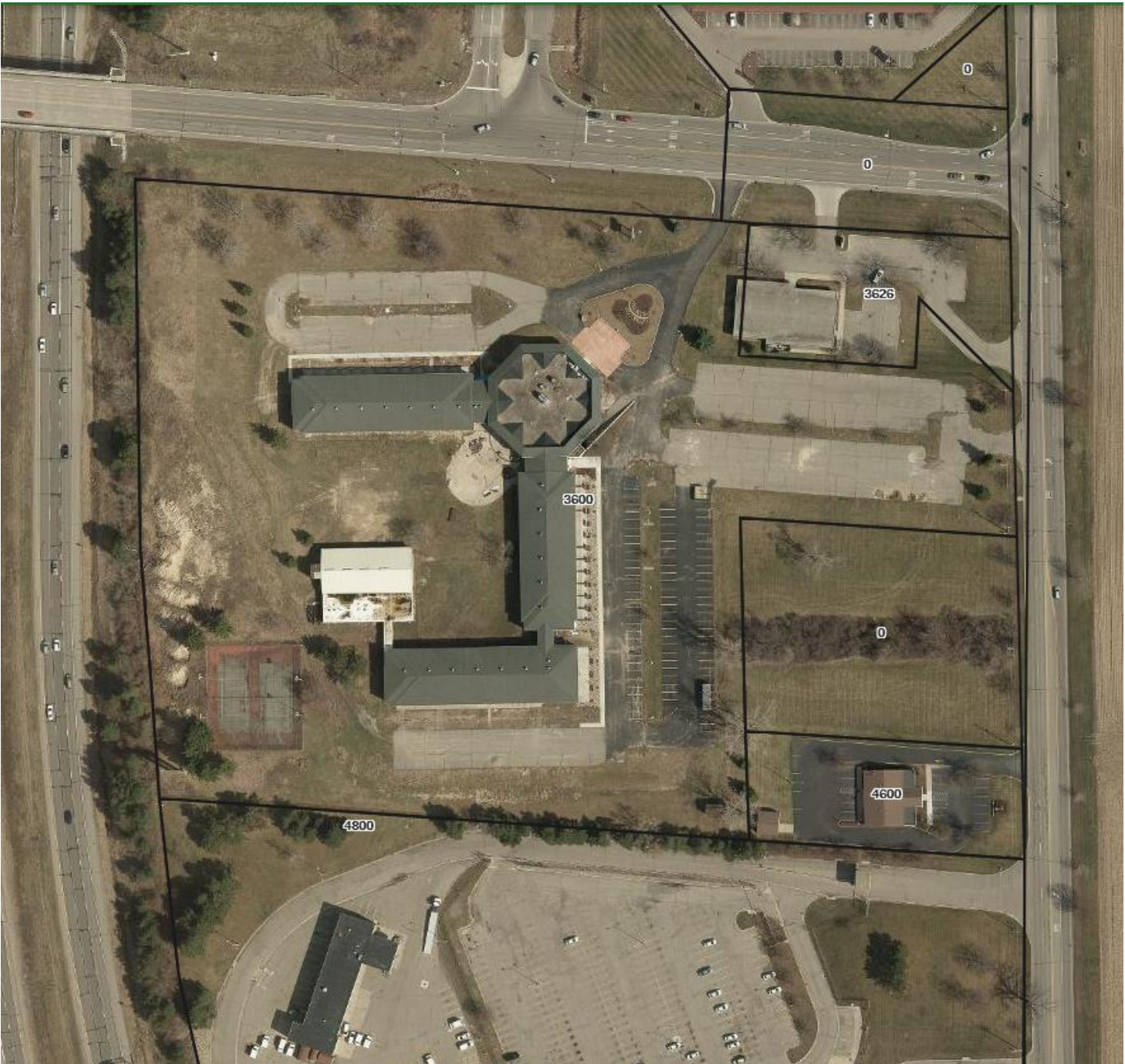
TAX ID# 33-01-01-36-362-777

ADDRESS: 3600 DUNCKEL RD., LANSING, MICHIGAN 48910

SURVEY#8744.TOP/END



REVISIONS	DATE	BY	DESCRIPTION
7-5-18 SUBMITTAL			
KEBS, INC. KYES ENGINEERING 2116 HASLETT ROAD, HASLETT, MI 48840 PH. 517-339-1014 FAX. 517-339-8047 Marshall Office Ph. 269-781-9800			
Lansing Waypoint Development SITE AND DIMENSION PLAN			
SCALE: 1" = 40'	DESIGNER: GAP	APPROVED BY: GAP	
DATE: 6-7-18	PROJECT MGR. GAP	SHEET 2 OF 12	
AUTHORIZED BY: WAYPOINT RESIDENTIAL, SERVICES, LLC	JOB # 93756		



Legend

roads_final

FEMA Flood Zones

Flood Zone

0.2 PCT ANNUAL CHANCE FLOOD HAZARD

A

AE

Tax Parcels

A Residential-Single

B Residential-Single

C Residential-2 Unit

NONE

CUP Community Unit Plan

D-1 Professional Office

D-2 Residential/Office

DM-1 Residential-Multiple

DM-2 Residential-Multiple

DM-3 Residential-Multiple

DM-4 Residential-Multiple

E-1 Apartment Shop

E-2 Local Shopping

F Commercial

F-1 Commercial

G-1 Business

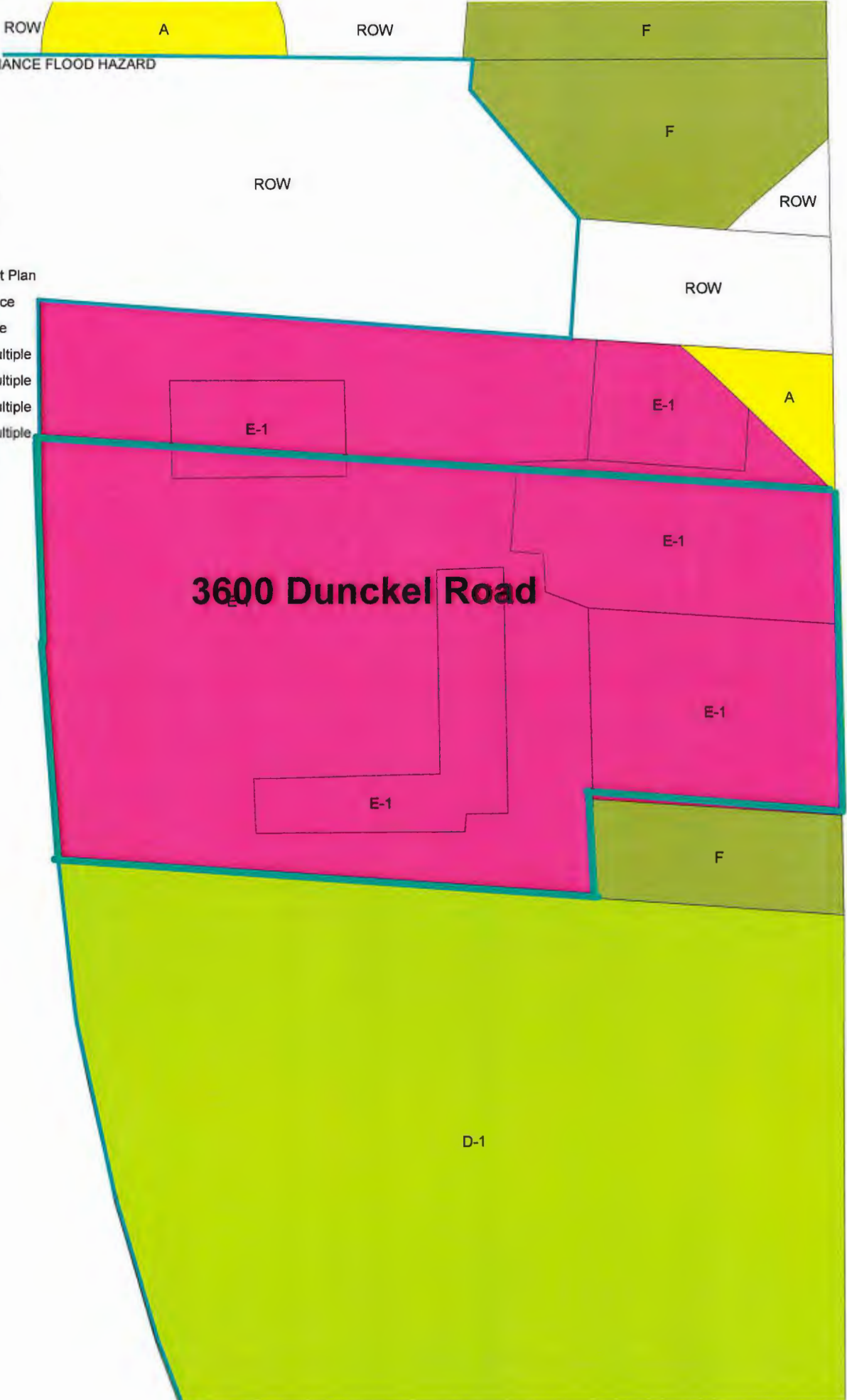
G-2 Wholesale

H Light Industrial

I Heavy Industrial

J Parking

ROW Right of Way



N



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

PUBLIC IMPROVEMENT IV

WHEREAS, pursuant to the Public Improvement III resolution adopted by this council, a public hearing was held on August 13, 2018 for Assessment Roll # B-097 for sidewalk repairs as part of the Stabler Street Reconstruction Project; and

WHEREAS, the City Assessor has completed the assessment roll for sidewalk repairs, and furnished the following information:

PROPERTY BENEFITTED:

All lands fronting Stabler Street between Holmes Road and Willard Avenue, excepting all public streets and alleys and other land deemed not benefited

ESTIMATED COST OF IMPROVEMENTS:

Assessment Roll Number B-097	Federal And City Contribution	Assessable to Property Owner
Sidewalk and Drive Approaches	\$1,963.50	\$2,590.50
Other Costs	\$756,907.94	0.00
Total	\$758,871.44	\$2,590.50

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby directs that special assessment roll B-097 as returned by the City Assessor, be ratified and confirmed, and the Mayor is authorized to affix within ten days his warrant directing the City Treasurer to collect said tax within 90 days after the approval of the assessment roll.

17042.00 - City of Lansing / BWL, Stabler Street
Sidewalk Assessment

SIDEWALK REPAIR COSTS (Bid Price TCI)		
PAY ITEM	UNIT	UNIT PRICE
SIDEWALK, CONC, 4 INCH	SFT	\$4.18
SIDEWALK, CONC, 6 INCH	SFT	\$4.84

Parcel Number	Number	Street	50/50 SHARED 4"		50/50 SHARED 6"		100% OWNER 4"		100% OWNER 6"	
			SFT	COST	SFT	COST	SFT	COST	SFT	COST
01-28-379-101	100	W Holmes	400	\$836.00	100	\$242.00		\$0.00		\$0.00
01-28-453-061	101	E Holmes		\$0.00		\$0.00	25	\$104.50		\$0.00
01-28-379-121	3320	Stabler		\$0.00		\$0.00		\$0.00		\$0.00
01-28-377-191	3218	Stabler	50	\$104.50	50	\$121.00		\$0.00		\$0.00
01-28-332-101	101	E Hodge	50	\$104.50		\$0.00		\$0.00		\$0.00
01-28-332-011	2921	Stabler		\$0.00		\$0.00	200	\$836.00		\$0.00
01-28-328-192	2901	Stabler		\$0.00	100	\$242.00		\$0.00		\$0.00

et

TOTAL OWNER	100% CITY 4"		100% CITY 6"		TOTAL CITY	TOTAL PARCEL	
COST	SFT	COST	SFT	COST	COST	SFT	COST
\$1,078.00		\$0.00		\$0.00	\$1,078.00	500	\$2,156.00
\$104.50	25	\$104.50		\$0.00	\$104.50	50	\$209.00
\$0.00	50	\$209.00		\$0.00	\$209.00	50	\$209.00
\$225.50		\$0.00		\$0.00	\$225.50	100	\$451.00
\$104.50		\$0.00		\$0.00	\$104.50	50	\$209.00
\$836.00		\$0.00		\$0.00	\$0.00	200	\$836.00
\$242.00		\$0.00		\$0.00	\$242.00	100	\$484.00
\$2,590.50					\$1,963.50		\$4,554.00

50% Shared	X
100% City	O
100% Owner	A

Address	SFT	Thickness	Eng. Comments	CODE
100 W Holmes Rd.	400	4"	Deteriorated / Spalling	X
	100	6"	Deteriorated / Spalling	X
101 E Holmes Rd.	25	4"	Elec. Manhole	O
	25	4"	Owner Tree	A
3320 Stabler St.	50	4"	City Tree	O
3218 Stabler St.	50	4"	Grade	X
	50	6"	Grade	X
101 E Hodge Ave.	50	4"	Grade	X
2921 Stabler St.	100	4"	Owner Tree	A
	100	4"	Owner Tree	A
2901 Stabler St.	100	6"	Cracked / Deteriorated	X

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RESOLUTION #2018-196
BY THE COMMITTEE ON PUBLIC SERVICE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

PUBLIC IMPROVEMENT III

WHEREAS, pursuant to the Public Improvement I/II resolution adopted by this council on March 26, 2018, the City Assessor has completed the assessment roll for sidewalk repair and construction, and furnished the following information:

PROJECT TITLE: Stabler Street Reconstruction Project

PROPERTY BENEFITED:

All lands fronting Stabler Street between Holmes Road and Willard Avenue
excepting all public streets and alleys and other land deemed not benefited; and

ENGINEER'S ESTIMATE, COST OF IMPROVEMENTS:

ASSESSMENT ROLL NO. _____	<u>CITY CONTRIBUTION</u>	<u>ASSESSABLE TO PROPERTY OWNER</u>
SIDEWALK	\$1,963.50	\$2,590.50
<u>OTHER COSTS</u>	<u>\$756,907.94</u>	<u>\$0.00</u>
TOTAL COSTS	\$758,871.44	\$2,590.50

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council will hold a public hearing on Monday, August 13, 2018 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 and the Public Service Director are hereby requested to give due notice of this public hearing as provided by Chapter 1020, Section 1026.06(c)(1), 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. Said notice shall include the time and place of the hearing; a description of the section or area of the City determined by Council to be within the assessment district as contained in the special assessment roll; where the special assessment roll is on file and may be examined; that any person aggrieved by the assessments as contained in the special assessment roll, or the necessity of the improvement, 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; and that any appeal to the Michigan Tax Tribunal must be taken within thirty days of the confirmation of the special

assessment roll, provided a protest was timely made.

BE IT FINALLY RESOLVED, that pursuant to the requirement of 1962 PA 162, as amended, MCL 211.741, et seq.; MSA 5.3534(1), et seq., appearance and protest at the hearing in the special assessment proceedings is required in order to appeal the amount of the special assessment to the State Tax Tribunal. An owner or party in interest, or his or her agent may appear in person at the hearing to protest the special assessment, or shall be permitted to file his or her appearance or protest by letter and his or her personal appearance shall not be required.

Funds are available for the City of Lansing's share of the project in accounts as follows:

		<u>Account Number</u>
Assessment Roll _____	\$2,590.50	Acct to be established
Local Streets – Major Maintenance	\$329,062.25	202.453601.974100.50013
LBWL Portion Unbilled	\$429,809.19	101.0.117102.0



Chris Swope, CMMC/MMC
Lansing City Clerk

I hereby certify that the foregoing is true
and is a complete copy of the action
adopted by the Lansing City Council.

RESOLUTION # _____
BY THE COMMITTEE ON PUBLIC SERVICE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

PUBLIC IMPROVEMENT V

WHEREAS, it was deemed to be a public necessity to repair Sidewalk in the area described below, and

WHEREAS, sidewalk repairs were completed as part of the 2017 Jolly Road Rehabilitation Project, PS #64123 (MDOT JN 133093A); and

WHEREAS, there have been no changes in the Assessment Roll #B-096 as ratified by City Council, and

WHEREAS, the benefitted properties are as follows:

PROPERTY BENEFITTED:

All lands fronting Jolly Road between Wise Road and Pleasant Grove Road, excepting all public streets and alleys and other land deemed not benefitted

ROLL B-096	ESTIMATED COST	ACTUAL COST	DIFFERENCE
Jolly Road Rehabilitation	\$9,527.62	\$9,527.62	\$0.00

RESOLVED, by the City Council of the City of Lansing, that the Special Assessment Roll B-096, known as the 2017 Jolly Road Rehabilitation Project, as returned by the City Assessor be and the same is hereby ratified and confirmed, and that the Mayor be and hereby is directed to affix within ten days, his warrant directing the City Treasurer to adjust the assessments of all persons who have paid said tax as originally assessed to pro rata amount of difference as shown in said supplementary roll, and collect all unpaid tax as shown on said roll 90 days after approval.



Andy Schor, Mayor

PUBLIC SERVICE DEPARTMENT

7th Floor City Hall
124 West Michigan Avenue
Lansing, Michigan 48933
(517) 483-4455
FAX: (517) 483-6082
www.lansingmi.gov/pubserv



To: Sharon Frischman, City Assessor
From: 
Dean Johnson, City Engineer
Date: August 8, 2018
Subject: Public Improvement V,
Assessment Roll #B-096
2017 Jolly Road Rehabilitation, PS #64123

The final costs for Assessment Roll #B-096 associated with the 2017 Jolly Road Rehabilitation Project have been determined. There was no change to the assessment roll.

A Public Improvement V Resolution based on the following is being submitted for Council approval:

ROLL B-096	ESTIMATED COST	ACTUAL COST	DIFFERENCE
Jolly Road Rehabilitation	\$9,527.62	\$9,527.62	\$0.00

Final Accounting will be submitted to the Finance Department in a separate memo.

RESOLUTION #2017-202

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

PUBLIC IMPROVEMENT IV

WHEREAS, pursuant to the Public Improvement III resolution adopted by this council, a public hearing was held on July 24, 2017, for Assessment Roll # B-096 for sidewalk repairs as part of the Jolly Road Rehabilitation Project (MDOT JN 133093A); and

WHEREAS, the City Assessor has completed the assessment roll for sidewalk repairs, and furnished the following information:

PROPERTY BENEFITTED:

All lands fronting Jolly Road between Wise Road and Pleasant Grove Road, excepting all public streets and alleys and other land deemed not benefited

ESTIMATED COST OF IMPROVEMENTS:

Assessment Roll Number B-096	Federal And City Contribution	Assessable to Property Owner
Sidewalk and Drive Approaches	\$10,760.87	\$9,527.62
Other Costs	\$1,002,043.50	0.00
Total	\$1,012,804.37	\$9,527.62

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby directs that special assessment roll B-096 as returned by the City Assessor, be ratified and confirmed, and the Mayor is authorized to affix within ten days his warrant directing the City Treasurer to collect said tax within 90 days after the approval of the assessment roll.

Chris Swope

08/15/2017

SIGNED BY
CHRIS SWOPE
LANSING CITY CLERK

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

WHEREAS, the Mayor made the appointment of Waylon Sanford, 1633 Park Avenue Lansing, MI 48910 as an At-Large Member of the Board of Zoning Appeals 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 _____ took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment Waylon Sanford, 1633 Park Avenue Lansing, MI 48910 as an At-Large Member of the Board of Zoning Appeals for a term to expire June 30, 2021.

DRAFT

BY THE COMMITTEE OF THE WHOLE RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING.

WHEREAS, a certain “Amendment No. 4 to Agreement Between The City Of Lansing And The Board Of Water and Light” related to return on equity, (“Amendment 4”), has been submitted by the Mayor to the Lansing City Council for approval; and

WHEREAS, Amendment 4 extends an existing agreement originally executed in 1992 for a period of two years through June 30, 2020; and

WHEREAS, Amendment 4 has been approved by the Board of Commissioners of the Board of Water and Light; and

WHEREAS, the City Attorney has reviewed and approved the amendment.

NOW, THEREFORE, BE IT RESOLVED, that Amendment 4 is hereby approved and Council staff shall forward it to the Mayor for signature on behalf of the City of Lansing.

**AMENDMENT NO. 4 TO AGREEMENT
BETWEEN THE CITY OF LANSING AND
THE BOARD OF WATER AND LIGHT**

This Amendment No. 4 ("Amendment No. 4") is entered into as of this _____day of _____, 2018 by and between the City of Lansing, 124 W. Michigan Ave., Lansing, MI 48933, hereinafter referred to as "City", and the Board of Water and Light, 1232 Haco Drive, Lansing, Michigan 48912, hereinafter referred to as "Board".

STATEMENT OF PURPOSE

- A. The Parties entered into an original agreement, dated June 30, 1992, a copy of which is attached as **Exhibit A**.
- B. The Parties extended the original agreement by Amendment No. 1, dated December 17th, 2002, which expired June 30, 2012; by Amendment No. 2, dated June 30, 2012, which expired June 30, 2017; and by Amendment No. 3, dated December 23, 2013, which is set to expire June 30, 2018. A copy of Amendment No. 3 is attached as **Exhibit B**.
- C. As modified by this Amendment No. 4, the Parties desire to extend the terms and provisions of the original agreement, as extended and modified by Amendments No. 1, No. 2, and No. 3, by this Amendment No. 4 (collectively "this Agreement") through June 30, 2020 to and continue the annual 6.1% Payment to the City for the remainder of this term.
- D. The Parties acknowledge that ownership of a utility entitles the City to receive

certain benefits associated with that ownership, and that it is generally acceptable practice in the municipal utility industry for municipal utilities, being exempt from taxes, to make payments to the state or local government.

AGREEMENT

The Parties, therefore, in acknowledgement and reliance on the Statement of Purpose and in consideration of the mutual covenants herein contained, agree as follows:

- 1) The term of Amendment No. 3, which is currently set to expire June 30, 2018, is extended to June 30, 2020.
- 2) The Board shall extend its payments to the City, under this Agreement, commencing on July 1, 2018 through June 30, 2020, in the continued amount equal to six point one (6.1%) percent of its revenue from retail and wholesale sales of chilled water, electric, steam heat, and water utilities for the proceeding 12 month period ending May 31st of each year (the "Payment").
- 3) Subject to the provisions of Act 94 Public Acts of 1933, as amended, and the Board's various bond covenants, the Payment shall be payable to the City in semi-annual installments due no later than thirty (30) days following each one/half (1/2) year that this Agreement is in effect as follows:

First ½ year - June 1 to December 1 of each Payment year - to be an estimated payment;

Second ½ year - December 2 to May 31 of each Payment year - to include

reconciliation payment for entire fiscal year.

The May 31 payment date calculation shall constitute the difference between the estimated payment for the first one-half (1/2) year and the actual calculated amount for the entire fiscal year.

4) This Agreement shall automatically terminate on June 30, 2020, unless extended in writing by the Commissioners of the Board and the City Council of the City of Lansing.

5) This Agreement contains the entire agreement and any terms, conditions or provisions not contained in this Agreement are not binding on either party.

6) This Agreement shall inure the benefit of the Parties. This Agreement, or any of its terms or provisions, shall not be waived, modified or otherwise altered unless in writing and executed by both parties to this Agreement.

7) Except as modified in this Amendment No. 4, the original agreement and Amendments No. 1, No. 2 and No. 3 shall remain in full force and effect.

Nothing herein releases the Board from any payments it is obligated to make pursuant to the previously entered original agreement and Amendments No. 1, No. 2 and No.3.

IN WITNESS WHEREOF the parties have signed this Agreement on the date first above written.

CITY OF LANSING

By: _____
Andy Schor, Mayor

By: _____
Chris Swope, City Clerk

Approved as to form only:

I hereby certify that funds are available

Acct. No. _____

James D. Smiertka, Lansing City Attorney

Randy Endsley, Accounting Manager

BOARD OF WATER AND LIGHT

By: _____
Richard R. Peffley, General Manager

By: _____
M. Denise Griffin, Board Secretary

Approved as to form only:

Brandie F. Ekren
Board of Water and Light Legal Counsel

RESOLUTION #2018-07-01
Return on Equity/Payment in Lieu of Taxes

WHEREAS, the City of Lansing has expressed a desire to continue the Agreement dated June 30, 1992, which has been subsequently extended thereafter for payment in lieu of taxes arrangement;

WHEREAS, the Board of Commissioners Committee of the Whole (COW) considered the City of Lansing's request on July 10, 2018;

WHEREAS, the General Manger recommended the Agreement be extended by two (2) years at a rate of six-point one percent (6.1%), which would be memorialized as Amendment No. 4;

WHEREAS, the COW agreed with the General Manager's recommendation and approved the same to be forwarded to the Board of Commissioners' July meeting for approval; and

WHEREAS, the COW further directed the General Manager to finalize Amendment No. 4 in light of his July 10, 2018's recommendation and execute on behalf of the Board of Commissioners.

RESOLVED, That the Board of Commissioners hereby approve Amendment No. 4 as recommended by the General Manager.

FURTHER RESOLVED, the General Manager and Corporate Secretary shall execute Amendment No. 4 on behalf of the Board of Commissioners.

Motion by Commissioner Ross, Seconded by Commissioner Thomas, to amend and approve the resolution for the Return on Equity Agreement with Amendment #4.

Action: Motion Carried.

**AMENDMENT NO. 4 TO AGREEMENT
BETWEEN THE CITY OF LANSING AND
THE BOARD OF WATER AND LIGHT**

This Amendment No. 4 (“Amendment No. 4”) is entered into as of this ____ day of _____, 2018 by and between the City of Lansing, 124 W. Michigan Ave., Lansing, MI 48933, hereinafter referred to as “City”, and the Board of Water and Light, 1232 Haco Drive, Lansing, Michigan 48912, hereinafter referred to as “Board”.

STATEMENT OF PURPOSE

- A. The Parties entered into an original agreement, dated June 30, 1992, a copy of which is attached as **Exhibit A**.
- B. The Parties extended the original agreement by Amendment No. 1, dated December 17th, 2002, which expired June 30, 2012; by Amendment No. 2, dated June 30, 2012, which expired June 30, 2017; and by Amendment No. 3, dated December 23, 2013, which is set to expire June 30, 2018. A copy of Amendment No. 3 is attached as **Exhibit B**.
- C. As modified by this Amendment No. 4, the Parties desire to extend the terms and provisions of the original agreement, as extended and modified by Amendments No. 1, No. 2, and No. 3, by this Amendment No. 4 (collectively “this Agreement”) through June 30, 2020 to and continue the annual 6.1% Payment to the City for the remainder of this term.
- D. The Parties acknowledge that ownership of a utility entitles the City to receive certain benefits associated with that ownership, and that it is generally acceptable practice in

the municipal utility industry for municipal utilities, being exempt from taxes, to make payments to the state or local government.

AGREEMENT

The Parties, therefore, in acknowledgement and reliance on the Statement of Purpose and in consideration of the mutual covenants herein contained, agree as follows:

- 1) The term of Amendment No. 3, which is currently set to expire June 30, 2018, is extended to June 30, 2020.
- 2) The Board shall extend its payments to the City, under this Agreement, commencing on July 1, 2018 through June 30, 2020, in the continued amount equal to six point one (6.1%) percent of its revenue from retail and wholesale sales of chilled water, electric, steam heat, and water utilities for the proceeding 12 month period ending May 31st of each year (the "Payment").
- 3) Subject to the provisions of Act 94 Public Acts of 1933, as amended, and the Board's various bond covenants, the Payment shall be payable to the City in semi-annual installments due no later than thirty (30) days following each one/half (1/2) year that this Agreement is in effect as follows:

First ½ year – June 1 to December 1 of each Payment year – to be an estimated payment;

Second ½ year – December 2 to May 31 of each Payment year – to include reconciliation payment for entire fiscal year.

The May 31 payment date calculation shall constitute the difference between the estimated payment for the first one-half (1/2) year and the actual calculated amount for the entire fiscal year.

- 4) This Agreement shall automatically terminate on June 30, 2020, unless extended in writing by the Commissioners of the Board and the City Council of the City of Lansing.
- 5) This Agreement contains the entire agreement and any terms, conditions or provisions not contained in this Agreement are not binding on either party.
- 6) This Agreement shall inure the benefit of the Parties. This Agreement, or any of its terms or provisions, shall not be waived, modified or otherwise altered unless in writing and executed by both parties to this Agreement.
- 7) Except as modified in this Amendment No. 4, the original agreement and Amendments No. 1, No. 2 and No. 3 shall remain in full force and effect. Nothing herein releases the Board from any payments it is obligated to make pursuant to the previously entered original agreement and Amendments No. 1, No. 2 and No. 3.

IN WITNESS WHEREOF the parties have signed this Agreement on the date first above written.

CITY OF LANSING

By: _____
Andy Schor, Mayor

By: _____
Chris Swope, City Clerk

Approved as to form only:

James D. Smiertka, City Attorney

I hereby certify that funds are available
Acct. No. _____

Randy Endsley, Accounting Manager

BOARD OF WATER AND LIGHT

By: _____
Richard R. Peffley, General Manager

By: _____
M. Denise Griffin, Board Secretary

Approved as to form only:

Brandie F. Ekren
Board of Water and Light Legal Counsel

EXHIBIT A

AGREEMENT
BETWEEN THE CITY OF LANSING AND
THE BOARD OF WATER & LIGHT

AGREEMENT dated the 30th day of June, 1992, by and between the City of Lansing, hereinafter referred to as "City", and the Board of Water & Light, 123 West Ottawa, Lansing, Michigan 48933, hereinafter referred to as "Board".

WITNESSETH:

WHEREAS, pursuant to the 1978 City Charter, the Board and the City are encouraged to cooperate with each other; and

WHEREAS, Michigan law, specifically, Act 94, Public Acts of 1933, as amended, and various revenue bond covenants contained in revenue bonds issued by the Board provide that the Board shall not offer or furnish free utility service to any entity including the City; and

WHEREAS, pursuant to the 1978 City Charter the City provides to the Board, among other things, use of its streets, alleys, bridges and other public places of the City without compensation and the Board, as an agency of the City, is exempt from property taxation; and

WHEREAS, since 1972 the Board has contributed to the City an annual amount as a return on equity and City Council has now requested the Board to increase the amount it contributes to the City; and

WHEREAS, the Commissioners of the Board of Water & Light have agreed that the payment of a return on equity to the City is in the best interest of its ratepayers; and

WHEREAS, the Commissioners of the Board of Water & Light have offered to the City a proposal to modify the percentage used to calculate the Board's return on equity to the City and has requested the City to deed to the Board the parcel located at 123 W. Ottawa Street in a manner consistent with the City Charter; and

WHEREAS, the Mayor and his staff have reviewed the Board's proposal and recommend that the City Council approve of the Board's proposal;

NOW, THEREFORE, IT IS AGREED:

1. The Board's annual payment of a return on equity to the City for the next ten (10) years commencing on July 1, 1992 shall be 4.0 percent of net billed retail sales from its water, steam heat, and electric utilities for the preceding 12 month period ending May 31 of each year. Subject to the provisions of Act 94 Public Acts of 1933, as amended, and the Board's various bond covenants this amount shall be payable to the City no later than June 30th of each year.
2. In addition to any sums mentioned in paragraphs 1 and 2 of this Agreement the Board shall pay to the City the total sum of \$1,850,000.00 as consideration for a quitclaim deed from the City for the parcel at 123 West Ottawa Street. The quitclaim deed shall be in a form consistent with the 1978 City Charter and the parcel shall be held by the Board for its purposes. The sum of \$1,850,000.00 shall be payable as follows:
 - a. \$1,600,000 shall be paid to the City by the Board no later than June 30, 1992; and
 - b. \$250,000 shall be payable to the City by the Board no later than July 15, 1992.

3. The initial payment of 4.0 percent of the net billed retail sales from the Board's water, steam heat and electric utilities shall be made to the City no later than June 30, 1993, and this initial payment shall be in addition to the sum of \$250,000 which shall be paid to the City no later than July 15, 1992.
4. The City shall convey to the Board by quitclaim deed the parcel at 123 West Ottawa Street no later than June 30, 1992 in a manner consistent with the 1978 City Charter and the parcel shall be held by the Board for its purposes.
5. This Agreement shall automatically terminate on June 30, 2002, unless extended in writing by the Commissioners of the Board and the City Council of the City of Lansing.
6. This Agreement contains the entire Agreement and any terms, conditions or provisions not contained in this Agreement are not binding on either party.
7. This Agreement, or any of its terms or provisions, shall not be waived, modified or otherwise altered unless in writing and executed by both parties to this Agreement.

IN WITNESS WHEREOF the parties have signed this Agreement on the date first above written.

WITNESS:

Thomasie Kozicki
Candyn Lott

CITY OF LANSING

By: Terry J. McKane
Terry J. McKane, Mayor

By: Malcolm Slade
for James D. Blair, City Clerk

WITNESS:

Reverend A. Bishop
Rosemary Sullivan

Approved as to form only:

Alvan P. Knot
Alvan P. Knot
City Attorney

BOARD OF WATER & LIGHT

By: Joseph Pandey, Jr.
Joseph Pandey, Jr.,
Director & General Manager

By: Mary E. Sova
Mary E. Sova,
Corporate Secretary

I hereby certify as to the availability of funds in Account
none required.

Stephen W. Duarte
for STEPHEN W. DUARTE
City Controller

APPROVED AS TO FORM
Lawrence H. Wilhite
BOARD OF WATER & LIGHT
LEGAL COUNSEL

Resolution No. 92-8-2

ADMINISTRATIVE

WHEREAS, at the regular meeting of June 16, 1992, the Board adopted a resolution authorizing the General Manager and Corporate Secretary to enter into a Return on Equity Agreement with the City of Lansing subject to confirmation by a majority vote of the Board of Commissioners at the next regularly scheduled Board meeting, be it

RESOLVED, That the Agreement between the City of Lansing and the Board of Water and Light, dated June 30, 1992, governing the transfer of a parcel located at 123 W. Ottawa Street and a Return on Equity payment is hereby ratified, confirmed, and approved.

Recommended by Mary E. Sova 8/6/92
Mary E. Sova, Secretary Date

Approved by: Joe Pandey 8/6/92
Joseph Pandey, Jr., General Manager Date

Date Resolved by Board Action: August 25, 1992

EXHIBIT B

AMENDMENT NO. 3 TO AGREEMENT BETWEEN THE CITY OF LANSING AND THE BOARD OF WATER AND LIGHT

This Amendment No. 3 ("Amendment #3") is entered into as of this 23rd day of December, 2013, by and between the City of Lansing, 124 W. Michigan Ave., Lansing, MI 48933, hereinafter referred to as "City", and the Board of Water and Light, 1232 Haco Drive, Lansing, Michigan 48912, hereinafter referred to as "Board".

STATEMENT OF PURPOSE

The Parties have entered into an agreement dated June 30, 1992, a copy of which is attached as **Exhibit A**; and

The Parties entered into Amendment No. 1 to the original agreement on December 17th, 2002, which was set to expire June 30, 2012, a copy of which is attached as **Exhibit B** ("Amendment #1"); and

The Parties entered into Amendment No. 2 to the original agreement on June 30, 2012, which was set to expire June 30, 2017, a copy of which is attached as **Exhibit C** ("Amendment #2"); and

Except as modified by this Amendment No. 3, the parties desire to extend the terms and provisions of the Agreement (this Amendment No. 3, Amendment No. 2, Amendment No. 1 and the original agreement are hereinafter referred to collectively as the "Agreement") by an additional year and increase the annual payment to the City for the remainder of the term; and

The parties acknowledge that ownership of a utility entitles the City to receive certain benefits associated with that ownership; and

The Parties acknowledge that it is generally accepted practice in the municipal utility industry for municipal utilities, being exempt from taxes, to make payments to the state or local government.

AGREEMENT

The Parties therefore agree as follows:

- 1) The term of Amendment No. 2, which is currently set to expire June 30, 2017, is extended to June 30, 2018.
- 2) The Board shall make payments to the City for the remaining five (5) years commencing on July 1, 2013, in the amount of six point one (6.1%) percent of its revenue from retail and wholesale sales of chilled water, electric, steam heat, and water utilities for the preceding 12 month period ending May 31st of each year (the "Payment").
- 3) Subject to the provisions of Act 94 Public Acts of 1933, as amended, and the Board's various bond covenants, the Payment shall be payable to the City in semi-annual installments due no later than thirty (30) days following each one-half (1/2) year this Agreement is in effect:

December 1 (estimated)
June 30 – to include reconciliation for entire fiscal year

The June 1 payment shall constitute the difference between the estimated payment for the first one-half (1/2) year and the actual calculated amount for the entire fiscal year.
- 4) This Agreement shall automatically terminate on June 30, 2018, unless extended in writing by the Commissioners of the Board and the City Council of the City of Lansing.

- 5) This Agreement contains the entire Agreement and any terms, conditions or provisions not contained in this Agreement are not binding on either party.
- 6) This Agreement shall inure to the benefit of the Parties.

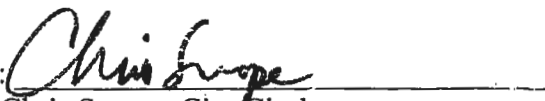
This Agreement, or any of its terms or provisions, shall not be waived, modified or otherwise altered unless in writing and executed by both parties to this agreement.

- 7) Except as modified in this Amendment No. 3, the original agreement and amendments shall remain in full force and effect. Nothing herein releases the Board from any payments it is obligated to make pursuant to the previously entered agreement and amendments.

IN WITNESS WHEREOF the parties have signed this Agreement on the date first above written.

CITY OF LANSING

By: 
Virg Bernero, Mayor

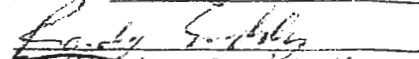
By: 
Chris Swope, City Clerk

Approved as to form only:

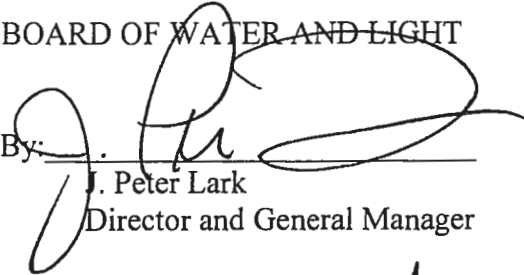

City Attorney

I hereby certify that funds are available

Acct. No. 101 674100


~~Tom Kirkhope~~ Accounting Manager

BOARD OF WATER AND LIGHT

By: 

J. Peter Lark

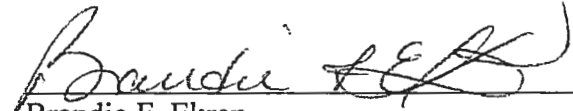
Director and General Manager

By: 

M. Denise Griffin

Board Secretary

Approved as to form only:



Brandie F. Ekren

Board of Water and Light Legal Counsel



August 6, 2018

Honorable Andy Schor
City of Lansing
124 W. Michigan Avenue
Lansing, MI 48933

RE: City of Lansing/Board of Water & Light Return on Equity Agreement, Amendment No. 4

Dear Mayor Schor,

As you are aware, the Lansing Board of Water & Light's (BWL) General Manager, Richard Peffley advised the Board of Commissioners of the City of Lansing's interest in extending the current Return on Equity Agreement for another 2 years, as expressed informally through yourself.

Mr. Peffley further recommended the extension, which resulted in the Commission's approval on July 24, 2018. The enclosed documents memorialize the extension and have been executed by BWL accordingly.

Once the required City of Lansing approval and all signatures have been obtained, please return a fully executed copy to my office for the BWL's corporate records.

Please contact me if you have any questions.

Thank you,

M. Denise Griffin
BWL Corporate Secretary

Email Attachments

cc: President Lansing City Council, Carol Wood
Lansing City Attorney Jim Smiertka
David Price, BWL Chairperson
General Manager, BWL Peffley
Brandie Ekren, BWL Legal Counsel

**Lansing Board of Water and Light
P.O. Box 13007
1201 S. Washington Ave.
Lansing, MI 48910**

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1675 Green Road
Ann Arbor, MI 48105-2530

T 734.662.3246
800.653.2483
F 734.662.8083
mml.org

July 18, 2018

Michigan Municipal League Annual Meeting Notice

(Please present at the next Council, Commission or Board Meeting)

Dear Official:

The Michigan Municipal League Annual Convention will be held in Grand Rapids, September 20-22, 2018. The League's "Annual Meeting" is scheduled for 3:45 pm on Friday, September 21 in Ambassador Ballroom West at the Amway Grand Plaza Hotel. The meeting will be held for the following purposes:

1. Election of Trustees. To elect six members of the Board of Trustees for terms of three years each (see #1 on page 2).
2. Policy. A) To vote on the Core Legislative Principles document.

In regard to the proposed League Core Legislative Principles, the document is available on the League website at <http://www.mml.org/delegate>. If you would like to receive a copy of the proposed principles by fax, please call Monica Drukis at the League at 800-653-2483.

B) If the League Board of Trustees has presented any resolutions to the membership, they also will be voted on. (See #2 on page 2.)

In regard to resolutions, member municipalities planning on submitting resolutions for consideration by the League Trustees are reminded that under the Bylaws, they must be submitted to the Trustees for their review by August 21, 2018.

3. Other Business. To transact such other business as may properly come before the meeting.

Designation of Voting Delegates

Pursuant to the provisions of the League Bylaws, you are requested to designate by action of your governing body one of your officials who will be in attendance at the Convention as your official representative to cast the vote of the municipality at the Annual Meeting, and, if possible, to designate one other official to serve as alternate. Please submit this information through the League website by visiting <http://www.mml.org/delegate> no later than August 21, 2018.

We love where you live.



Regarding the designation of an official representative of the member to the annual meeting, please note the following section of the League Bylaws:

“Section 4.4 - Votes of Members. Each member shall be equally privileged with all other members in its voice and vote in the election of officers and upon any proposition presented for discussion or decision at any meeting of the members. Honorary members shall be entitled to participate in the discussion of any question, but such members shall not be entitled to vote. The vote of each member shall be cast by its official representative attending the meeting at which an election of officers or a decision on any proposition shall take place. Each member shall, by action of its governing body prior to the annual meeting or any special meeting, appoint one official of such member as its principal official representative to cast the vote of the member at such meeting, and may appoint one official as its alternate official representative to serve in the absence or inability to act of the principal representative.”

1. Election of Trustees

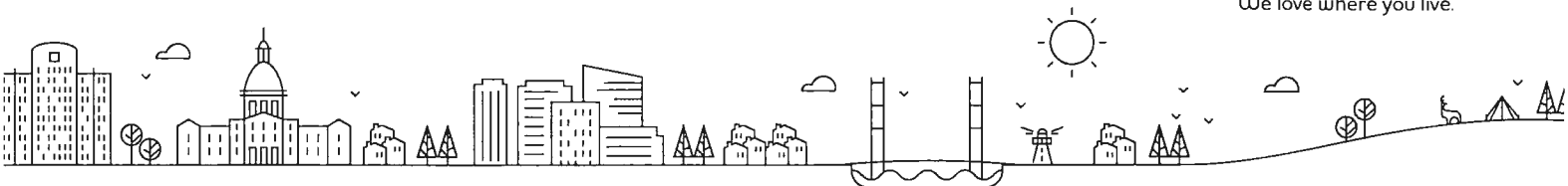
Regarding election of Trustees, under Section 5.3 of the League Bylaws, six members of the Board of Trustees will be elected at the annual meeting for a term of three years. The regulations of the Board of Trustees require the Nominations Committee to complete its recommendations and post the names of the nominees for the Board of Trustees on a board at the registration desk at least four hours before the hour of the business meeting.

2. Statements of Policy and Resolutions

Regarding consideration of resolutions and statements of policy, under Section 4.5 of the League Bylaws, the Board of Trustees acts as the Resolutions Committee, and “no resolution or motion, except procedural and incidental matters having to do with business properly before the annual meeting or pertaining to the conduct of the meeting, shall be considered at the annual meeting unless it is either (1) submitted to the meeting by the Board of Trustees, or (2) submitted in writing to the Board of Trustees by resolution of the governing body of a member at least thirty (30) days preceding the date of the annual meeting.” Thus the deadline this year for the League to receive resolutions is **August 21, 2018**. Please submit resolutions to the attention of Daniel P. Gilmartin, Executive Director/CEO at 1675 Green Rd., Ann Arbor, MI 48105. Any resolution submitted by a member municipality will go to the League Board of Trustees, serving as the resolutions committee under the Bylaws, which may present it to the membership at the Annual Meeting or refer it to the appropriate policy committee for additional action.

Further, “Every proposed resolution submitted by a member shall be stated in clear and concise language and shall be accompanied by a statement setting forth the reasons for recommending the proposed resolution. The Board shall consider the proposal at a Board meeting prior to the next annual meeting and, after consideration, shall make a recommendation as to the advisability of adopting each such resolution or modification thereof.”

We love where you live.



3. Posting of Proposed Resolutions and Core Legislative Principles

The proposed Michigan Municipal League Core Legislative Principles and any new proposed Resolutions recommended by the Board of Trustees for adoption by the membership will be available on the League website, or at the League registration desk to permit governing bodies of member communities to have an opportunity to review such proposals and delegate to their voting representative the responsibility for expressing the official point of view of the member at the Annual Meeting.

The Board of Trustees will meet on Thursday, September 20 at Amway Grand Plaza Hotel for the purpose of considering such other matters as may be requested by the membership, in addition to other agenda items.

Sincerely,



Catherin Bostick-Tullius

President

Commissioner, City of Lapeer



Daniel P. Gilmartin

Executive Director & CEO

