

**REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF LANSING, MICHIGAN**

**TONY BENAVIDES LANSING CITY COUNCIL CHAMBERS
LANSING CITY HALL, 10th FLOOR
124 W. MICHIGAN AVENUE**



AGENDA FOR JANUARY 22, 2024 AT 7:00 PM

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 at the Tony Benavides Lansing City Council Chambers, 10th Floor, City Hall.

Roll Call

Meditation And Pledge Of Allegiance

Approval Of Printed Council Proceedings

1. January 3, 2024

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.)

Tabled Items

Special Ceremonies And Presentations

Comments By Council Members And City Clerk

Community Event Announcements (Time, place, purpose, or definition of event – 1 minute limit)

Speaker Registration For Public Comment On Legislative Matters

Mayor's Comments

Show Cause Hearings

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 BLUE form.)

Scheduled Public Hearings

Council Consideration Of Legislative Matters

Referral Of Public Hearings

Consent Agenda

2. Elected Officers Compensation Commission; setting the first meeting for the 2024 session (PEND-3545)

3. City Council Meeting Schedule for 2024; Amend Resolution #2023-270 (PEND-3572)

Resolutions For Action

Reports From Council Committees

Ordinances For Introduction And Setting Of Public Hearings

Ordinances For Passage

Speaker Registration For Public Comment On City Government Related Matters

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)

Item(s) from the City Clerk re:

4. Minutes of Boards and Commissions placed on file in the Clerk's Office
5. Charter Commission; meeting location and per diem rate (PEND-3571)

Item(s) from the Mayor re:

6. Orders to Make Safe or Demolish to the owners of 1326 N. Jension Ave. (PEND-3547)
7. Setting a Show Cause Hearing on Orders to Make Safe or Demolish to the owners of 1326 N. Jension Ave. (PEND-3549)
8. Brownfield Plan #77 Amendment No. 1; 500 Block Redevelopment Project for 501 S. Capitol Ave., 110 W Hillsdale St., and 520 S. Washington Ave. (PEND-3568)
9. Setting a Public Hearing on Brownfield Plan #77 Amendment No. 1; 500 Block Redevelopment Project for 501 S. Capitol Ave., 110 W Hillsdale St., and 520 S. Washington Ave. (PEND-3567)
10. Grant Acceptance; Revitalization and Placemaking (RAP) Grant Amendment 1 (PEND-3566)
11. Workers Compensation Settlement; Claim #WC 2062876-01143 (PEND-3564)
12. Workers Compensation Settlement; Claim #WC 2876-21-0002849 (PEND-3569)
13. [City of Lansing 2023 Annual Report](#)
14. Sole Source Purchase; Public Service Department requests Kennedy Industries Inc as the vendor for Flygt Vertical Dry Pit Sewage Pump
15. Sole Source Purchase; Finance Department requests Plante and Moran as the vendor for Federal E-Filing and Print/Mail Services

Communications and Petitions

16. Notice from the Michigan Liquor Control Commission; Vice Convenience LLC request for Transfer Ownership 2023 SDD & SDM License with Sunday Sales Permit (AM/PM), SDD and Sunday Sales Permit (PM), SDM- Mixed

Spirit Drink; new Beer & Wine Tasting Permit at 1826 S Cedar St. (RID # 2401-00033)

17. Claim Appeal; Claim 2018, Heather and Jeff Wilde/ Sand Solutions LLC for \$1,375 in trash fees at 1213 W. Ottawa St (PEND-3570)

Motion Of Excused Absence

Remarks By Council Members

Remarks By The Mayor Or Executive Assistant

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.)

Adjournment



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 (TTY 711). 24 hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodation request.



**Official Proceedings of the City Council
City of Lansing
January 3, 2024**

Tony Benavides Lansing City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by City Clerk Swope.

PRESENT: Council Members Brown, Carter, Garza, Hussain, Jackson, Kost, Pehlivanoglu, Spadafore

ABSENT: None

A quorum was present.

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by City Clerk Swope.

Resolution #2024-001

By the Committee of the Whole
Resolved by the City Council of the City of Lansing

WHEREAS, a nomination for President and Vice President for the Lansing City Council in 2024 was made on January 3, 2024; and

WHEREAS, Councilmember Kost nominated Councilmember Garza as President and Councilmember Hussain as Vice President.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council elects Councilmember Garza as President and Councilmember Hussain as Vice President for the Lansing City Council year of 2024.

By Council Member Brown

Motion Carried

President Garza proceeded to chair the meeting.

Approval of Printed Council Proceedings

By Vice President Hussain

To approve the printed Council Proceedings of November 13, November 27, December 11, 2023

Motion Carried

Comments by Council Members and the City Clerk

Council Member Kost congratulated Councilmember Garza as elected President and Councilmember Hussain as elected Vice President, and the new Council Members on their first night.

Council Member Hussain shared that he is looking forward to working with Council President Garza and spoke about the Southwest Lansing Action Group and the Rejuvenate South Lansing community meetings.

Council Member Brown congratulated the new Council Members on their election and he introduced two people from South Africa who were in attendance.

Council President Garza had questions on the status of the Ovation construction and the Human Relations and Community Services audits for the Mayor.

City Clerk Swope spoke about the upcoming Presidential Primary and City Charter Commission.

Speaker Registration for Public Comment on Legislative Matters

City Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

Public Comment on Legislative Matters

No one signed up to speak.

Speaker Registration for Public Comment on City Government Related Matters

City Clerk Swope announced that the public comment registration form(s) for those intending to address Council on City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

Reports From City Officers, Boards, and Commissions; Communications and Petitions; and Other City Related Matters

By Vice President Hussain that all items be considered as being read in full and that President Garza make the appropriate referrals

Motion Carried

- Reports from City Officers, Boards and Commissions:

Items from the City Clerk re:

Minutes of Boards and Commissions placed on file in the Clerk's Office

PLACED ON FILE

Elected Officers Compensation Commission; setting the first meeting for the 2024 session (PEND-3545)

Referred to the Committee of the Whole

Item(s) from the Mayor re:

Grant Acceptance; Michigan Natural Resources Trust Fund (MNRTF) Funds for the Sycamore Creek Cavanaugh Road and Waverly Road acquisitions

Referred to the Committee of the Whole

Collective Bargaining Agreement; Teamsters 243 Clerical, Technical, Professional Unit for the period covering February 1, 2022, to January 31, 2025

Referred to the Committee of the Whole

Collective Bargaining Agreement; Teamsters 243 Supervisory Unit for the period covering February 1, 2022, to January 31, 2025

Referred to the Committee of the Whole

Participation in the Ingham County Treasurer Payment Reduction Program

Referred to the Committee of the Whole

- Communications and Petitions, and Other City Related Matters:

Notice from the Michigan Liquor Control Commission; Forever Friendship Inc. request for transfer Ownership escrowed 2023 Class C & SDM license with Sunday Sales (AM & PM), Catering Permit, Specific Purpose Permit (food) and Dance-Entertainment Permit at 727 E Miller Rd. (RID # 2311-16128)

Referred to the Committee on City Operations

Notice from the Michigan Liquor Control Commission; Avelo Airlines, Inc. request for New Aircraft License at 4100 Capital City Blvd (RID # RQ-2309-12425)

Referred to the Committee on City Operations

Notice from the Michigan Liquor Control Commission; Alexis Brown for a New SDM license issued under MCL 436.1533(5) at 5525 S Cedar St. Suite 1(RID #RQ-2311-15850)

Referred to the Committee on City Operations

Public Comment on City Government Related Matters

Nick Zande spoke about the Charter Commission.

Adjourned Time 7:14 P.M.

Chris Swope, City Clerk

Resolution #2024-012

By the Committee of the Whole
Resolved by the City Council of the City of Lansing

WHEREAS, pursuant to the Lansing City Charter and Chapter 280 of the Lansing Code of Ordinances, the Council shall designate in advance the first meeting of the Elected Officers Compensation Commission in even-numbered years; and

WHEREAS, Chapter 280 of the Lansing Code of Ordinances requires the first meeting of the Elected Officers Compensation Commission to be prior to February 21, 2024 and that the commission meet on no more than 15 session days; and

WHEREAS, Chapter 280 of the Lansing Code of Ordinances requires the Elected Officers Compensation Commission to make its determination within forty-five days after its first meeting.

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby calls upon the Elected Officers Compensation Commission to meet and conduct its business in 2024 and designates their first meeting as Tuesday, February 6, 2024 at noon in the City Council Conference Room on the 10th floor of City Hall as the first meeting of the Commission.

BE IT FURTHER RESOLVED the City Council Office Manager shall serve as the recording secretary to the Commission unless the Commission determines otherwise.

BE IT FINALLY RESOLVED the City Clerk shall notify the members of the Commission in writing concerning the designated date, time, and place of the first meeting at least seven calendar days in advance thereof.

Resolution #2024-013

By the Committee of the Whole
Resolved by the City Council of the City of Lansing

WHEREAS, on November 30, 2023, City Council adopted Resolution 2023-270 to establish the Lansing City Council meeting dates for 2024; and

WHEREAS, March 25, 2024, is a scheduled City Council and Committee of the Whole meeting on Resolution 2023-270; and

WHEREAS, Council President Garza is proposing to move the March 25, 2024, meetings to Monday, March 18, 2024.

THEREFORE BE IT RESOLVED, the Lansing City Council amends Resolution 2023-270, moving the previously scheduled March 25, 2024, City Council and Committee of the Whole meetings to March 18, 2024.



Chris Swope

Lansing City Clerk

January 19, 2024

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: [Agendas & Minutes | Lansing, MI - Official Website \(lansingmi.gov\)](https://www.lansingmi.gov/agendas-minutes)

BOARD NAME

DATE OF MEETING

Board of Ethics	December 12, 2023
Board of Public Service	December 14, 2023
Downtown Lansing Inc Board	November 9, 2023
Park Board	December 13, 2023
Diversity, Equity and Inclusion Board	October 3, 2023 December 5, 2023
Planning Commission	November 8, 2023
Employees' Retirement System	December 19, 2023
Police and Fire Retirement System	December 19, 2023
Tax Increment Financial Authority	December 15, 2023
Brownfield Redevelopment Authority	December 15, 2023
Economic Development Authority	December 15, 2023
Board of Police Commissioners	December 19, 2023

Lansing City Clerk's Office
Ninth Floor, City Hall, 124 W. Michigan Ave., Lansing, MI 48933-1695
517-483-4131 □ 517-377-0068 FAX
www.lansingmi.gov/clerk □ city.clerk@lansingmi.gov

Lansing Gateway North Corridor Improvement Authority

October 17, 2023
December 19, 2023

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,

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

Chris Swope, MMC/MiPMC
Lansing City Clerk

Resolution #2024-###

By the Committee of the Whole
Resolved by the City Council of the City of Lansing

WHEREAS, on December 12, 2022, the City Council resolved to place the question of the charter revision on the November 7, 2023 ballot; and

WHEREAS, the City Clerk determined that pursuant to State law, at the May 7, 2024 election the electorate should select nine Charter Commissioners; and

WHEREAS, State law requires that prior to the election of said commissioners the Council shall establish the first meeting place, the compensation of its members, and the money for the expenses of the Commission; and

WHEREAS, money for the expenses of the Commission is being budgeted through a Fiscal Year Ending 2024, Second Quarter Budget Amendment Resolution; and

WHEREAS, pursuant to State law, the first meeting of the Charter Commission shall be the second Tuesday after the election, May 21, 2024;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby calls upon the Charter Commission to meet and conduct its business in the Tony Benavides City Council Chambers on the 10th floor of the David Hollister City Hall.

BE IT FURTHER RESOLVED that Charter Commissioners received \$200 per diem to be paid for each regular Charter Commission meeting attended, but not to exceed ninety (90) such meetings;

BE IT FINALLY RESOLVED the City Clerk shall notify the members of the Commission in writing concerning the designated date, time, and place of the first meeting.

be ratified, and approved by City Council of the City of Lansing, as follows:

Account Name	Budget*	Actual*
9201 Mileage	\$ 72.00	\$ 73.00
9305 Renovations	-0-	34.00
9307 Utilities	90.00	160.00
9401 Office Supplies	48.00	63.00
9411 Food	630.00	659.00
9057 Fringe Benefits	689.00	540.00
TOTAL	\$1,529.00	\$1,529.00

*These figures represent 5% of the total combined budget provided with C.D.A. funds; the remaining 95% were provided by State of Michigan Office of Criminal Justice programs, L.E.A.A. Grant No. 10231-2A73.

Now, Therefore, Be It Resolved, that the City of Lansing hereby authorizes and ratifies the expenditures and transfers of New Way In, Incorporated, as delineated above.

Adopted by the following vote:

Yeas: Councilmen Anas, Belen, Brenke, Ferguson, Gunther, McKane—6.

Nays: Councilman Blair—1.

By Committee of the Whole—

Resolved by the City Council of the City of Lansing:

Whereas, on August 11, 1975 the City Council unanimously resolved to place the question of charter revision on the November 4th ballot; and

Whereas, the City Council further resolved that at said election the electorate should select nine charter commissioners; and

Whereas, State law requires that prior to the election of said commissioners the Council shall establish the first meeting place, the compensation of its members and the money for the expenses of the commission; now, therefore, be it

Resolved, that said commissioners receive \$25.00 per diem to be paid for each regular charter commission meeting attended, but not to exceed ninety (90) such meetings; and be it further

Resolved, that a budget for expenses be established in the following amounts:

Stenographic Services	\$5,000.00
Consultation and Drafting	15,000.00
Committee Expenses, postage and Stationery	2,000.00

Publication of Proposed Charter 4,000.00

Compensation as provided 20,250.00

TOTAL \$46,250.00

and be it further

Resolved, that the total budget, in the amount of \$46,250.00, be transferred from the emergency fund to an account to be established for the Charter Revision Commission; and be it further

Resolved, that additional clerical secretarial help will be made available to the Commission by city departments upon their request, and that if requested all department heads will provide such information, expertise, and research as is requested by the Commission.

Adopted by the following vote:

Unanimously.

By Committee on Finance—

Resolved by the City Council of the City of Lansing:

That transfers be made as follows:

\$68,100.00 from Capital Improvement Bldg. Fund
A/C 101-936-491-975

\$68,100.00 to Tennis—Ice Complex—
City Share
A/C 101-936-536-974

\$ 500.00 from Reserve for Emergencies
A/C 101-941-000-963

\$ 500.00 to Grand River Frontage—
St. Joe
A/C 101-936-646-971

\$ 3,500.00 from Potter Park River Improvement
A/C 249-936-442-974

\$ 3,500.00 to G.B.D. Docking Facility
—River Street River Improvement
A/C 249-936-444-974

\$ 2,000.00 from Estimated Revenue—Service Garage Fund (640-676.08—
Traffic Equipment Rental)
A/C 640-000-000-160

\$ 1,000.00 to Operating Supplies
A/C 640-969-000-740

1,000.00 to Equipment Maintenance—Service Garage
Fund—Traffic Dept.
A/C 640-969-000-943

I hereby certify that funds are available.

JAMES W. DOWSETT,
Director of Finance.

THE HOME RULE CITY ACT Act 279 of 1909

AN ACT to provide for the incorporation of cities and for revising and amending their charters; to provide for certain powers and duties; to provide for the levy and collection of taxes by cities, borrowing of money, and issuance of bonds or other evidences of indebtedness; to validate actions taken, bonds issued, and obligations heretofore incurred; to prescribe penalties and provide remedies; and to repeal acts and parts of acts on specific dates.

History: 1909, Act 279, Eff. Sept. 1, 1909;—Am. 1911, Act 203, Eff. Aug. 1, 1911;—Am. 1913, Act 5, Imd. Eff. Mar. 11, 1913;—Am. 1973, Act 81, Imd. Eff. July 31, 1973;—Am. 1981, Act 175, Imd. Eff. Dec. 14, 1981;—Am. 1986, Act 64, Imd. Eff. Mar. 31, 1986;—Am. 1998, Act 150, Eff. Mar. 23, 1999.

The People of the State of Michigan enact:

117.1 Body corporate.

Sec. 1. Each organized city shall be a body corporate.

History: 1909, Act 279, Eff. Sept. 1, 1909;—CL 1915, 3304;—CL 1929, 2228;—CL 1948, 117.1.

Constitutionality: 1911 PA 203, which amended the title of this act and MCL 117.2, 117.4, 117.5, 117.18, 117.19, 117.20, 117.21, 117.25, and 117.28, and which added MCL 117.37, was held unconstitutional in its entirety in *Gallup v Saginaw*, 170 Mich 195; 135 NW 1060 (1912). See also *Attorney General v Detroit*, 168 Mich 249; 133 NW 1090 (1912); *Common Council of Detroit v Engel*, 187 Mich 88; 153 NW 537 (1915).

117.1a Short title.

Sec. 1a. This act shall be known and may be cited as "the home rule city act".

History: Add. 1945, Act 15, Eff. Sept. 6, 1945;—CL 1948, 117.1a;—Am. 1994, Act 89, Eff. Oct. 1, 1994.

117.1b Emergency financial manager; authority and responsibilities.

Sec. 1b. Notwithstanding any provision of this act, if an emergency financial manager has been appointed under the local government fiscal responsibility act, Act No. 101 of the Public Acts of 1988, being sections 141.1101 to 141.1118 of the Michigan Compiled Laws, with respect to a city governed by this act, then that emergency financial manager may exercise the authority and responsibilities provided in this act to the extent authorized by Act No. 101 of the Public Acts of 1988.

History: Add. 1988, Act 190, Imd. Eff. June 27, 1988.

117.2 Saving clause.

Sec. 2. Each city now existing shall continue with all its present rights and powers until otherwise provided by law.

History: 1909, Act 279, Eff. Sept. 1, 1909;—Am. 1911, Act 203, Eff. Aug. 1, 1911;—CL 1915, 3305;—CL 1929, 2229;—CL 1948, 117.2.

Compiler's note: Act 203 of 1911, which amended this section, was held unconstitutional and void. See note to MCL 117.1.

The 1911 amendment reads as follows: "Sec. 2. Each city now existing shall continue with all its present rights and powers except as herein otherwise provided."

117.3 Mandatory charter provisions.

Sec. 3. Each city charter shall provide for all of the following:

(a) The election of a mayor, who shall be the chief executive officer of the city, and of a body vested with legislative power, and for the election or appointment of a clerk, a treasurer, an assessor or board of assessors, a board of review, and other officers considered necessary. The city charter may provide for the selection of the mayor by the legislative body. Elections may be by a partisan, nonpartisan, or preferential ballot, or by any other legal method of voting. Notwithstanding another law or charter provision to the contrary, a city having a 1970 official population of more than 150,000, whose charter provides for terms of office of less than 4 years, and in which the term of office for the mayor and the governing body are of the same length, may provide by ordinance for a term of office of up to 4 years for mayor and other elected city officials. The ordinance shall provide that the ordinance shall take effect 60 days after it is enacted unless within the 60 days a petition is submitted to the city clerk signed by not less than 10% of the registered electors of the city requesting that the question of approval of the ordinance be submitted to the electors at the next regular election or a special election called for the purpose of approving or disapproving the ordinance.

(b) The nomination of elective officers by partisan or nonpartisan primary, by petition, or by convention.

(c) The time, manner, and means of holding elections and the registration of electors, subject to section 26

and other applicable requirements of law.

(d) The qualifications, duties, and compensation of the city's officers. If the city has an appointed chief administrative officer, the legislative body of the city may enter into an employment contract with the chief administrative officer extending beyond the terms of the members of the legislative body unless the employment contract is prohibited by the city charter. An employment contract with a chief administrative officer shall be in writing and shall specify the compensation to be paid to the chief administrative officer, any procedure for changing the compensation, any fringe benefits, and other conditions of employment. The contract shall state if the chief administrative officer serves at the pleasure of the legislative body, and the contract may provide for severance pay or other benefits in the event the chief administrative officer's employment is terminated at the pleasure of the legislative body.

(e) The establishment of 1 or more wards, and if the members of the city's legislative body are chosen by wards, for equal representation for each ward in the legislative body.

(f) That the subjects of taxation for municipal purposes are the same as for state, county, and school purposes under the general law.

(g) The annual laying and collecting taxes in a sum, except as otherwise provided by law, not to exceed 2% of the taxable value of the real and personal property in the city. Unless the charter provides for a different tax rate limitation, the governing body of a city may levy and collect taxes for municipal purposes in a sum not to exceed 1% of the taxable value of the real and personal property in the city. As used in this subdivision, "taxable value" is that value determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

(h) An annual appropriation of money for municipal purposes.

(i) The levy, collection, and return of state, county, and school taxes in conformance with the general laws of this state, except that the preparation of the assessment roll, the meeting of the board of review, and the confirmation of the assessment roll may be at the times provided in the city charter.

(j) The public peace and health and for the safety of persons and property. In providing for the public peace, health, and safety, a city may expend funds or enter into contracts with a private organization, the federal or state government, a county, village, or township, or another city for services considered necessary by the legislative body. Public peace, health, and safety services may include the operation of child guidance and community mental health clinics, the prevention, counseling, and treatment of developmental disabilities, the prevention of drug abuse, and the counseling and treatment of drug abusers.

(k) Adopting, continuing, amending, and repealing the city ordinances and for the publication of each ordinance before it becomes operative. Whether or not provided in its charter, instead of publishing a true copy of an ordinance before it becomes operative, the city may publish a summary of the ordinance. If the city publishes a summary of the ordinance, the city shall include in the publication the designation of a location in the city where a true copy of the ordinance can be inspected or obtained. A charter provision to the contrary notwithstanding, a city may adopt an ordinance punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both, if the violation substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days. Whether or not provided in its charter, a city may adopt a provision of a state statute for which the maximum period of imprisonment is 93 days or the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923. Except as otherwise provided under the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531, a city may adopt a law, code, or rule that has been promulgated and adopted by an authorized agency of this state pertaining to fire, fire hazards, fire prevention, or fire waste, and a fire prevention code, plumbing code, heating code, electrical code, building code, refrigeration machinery code, piping code, boiler code, boiler operation code, elevator machinery code, an international property maintenance code, or a code pertaining to flammable liquids and gases or hazardous chemicals, that has been promulgated or adopted by this state, by a department, board, or other agency of this state, or by an organization or association that is organized and conducted for the purpose of developing the code, by reference to the law, code, or rule in an adopting ordinance and without publishing the law, code, or rule in full. The law, code, or rule shall be clearly identified in the ordinance and its purpose shall be published with the adopting ordinance. Printed copies of the law, code, or rule shall be kept in the office of the city clerk, available for inspection by, and distribution to, the public at all times. The publication shall contain a notice stating that a complete copy of the law, code, or rule is made available to the public at the office of the city clerk in compliance with state law requiring that records of public bodies be made available to the general public. Except as otherwise provided in this subdivision, a city shall not enforce a provision adopted by reference for which the maximum period of imprisonment is greater than 93 days. A city may adopt section 625(1)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, by reference in an adopting ordinance and shall provide that a violation of that ordinance is punishable by 1 or more of the following:

- (i) Community service for not more than 360 hours.
- (ii) Imprisonment for not more than 180 days.
- (iii) A fine of not less than \$200.00 or more than \$700.00.

(l) That the business of the legislative body shall be conducted at a public meeting held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. All records of the municipality shall be made available to the general public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

- (m) Keeping in the English language a written or printed journal of each session of the legislative body.
- (n) A system of accounts that conforms to a uniform system of accounts as required by law.

History: 1909, Act 279, Eff. Sept. 1, 1909;—CL 1915, 3006;—Am. 1929, Act 126, Eff. Aug. 28, 1929;—CL 1929, 2230;—Am. 1947, Act 344, Eff. Oct. 11, 1947;—Am. 1948, 1st Ex. Sess., Act 44, Eff. Aug. 20, 1948;—CL 1948, 117.3;—Am. 1949, Act 43, Eff. Sept. 23, 1949;—Am. 1960, Act 14, Imd. Eff. Apr. 13, 1960;—Am. 1967, Act 43, Eff. Nov. 2, 1967;—Am. 1973, Act 81, Imd. Eff. July 31, 1973;—Am. 1977, Act 204, Imd. Eff. Nov. 17, 1977;—Am. 1978, Act 241, Imd. Eff. June 15, 1978;—Am. 1979, Act 59, Imd. Eff. July 18, 1979;—Am. 1991, Act 182, Imd. Eff. Dec. 27, 1991;—Am. 1993, Act 207, Imd. Eff. Oct. 19, 1993;—Am. 1999, Act 256, Imd. Eff. Dec. 28, 1999;—Am. 1999, Act 260, Eff. Dec. 29, 1999;—Am. 2002, Act 201, Imd. Eff. Apr. 29, 2002;—Am. 2003, Act 303, Eff. Jan. 1, 2005;—Am. 2004, Act 541, Imd. Eff. Jan. 3, 2005;—Am. 2012, Act 7, Imd. Eff. Feb. 15, 2012.

117.3a Abolishment of at-large city council; election of members from single-member election districts; ballot question; approval; determination of city council president; adoption of apportionment plan by commission; qualifications of candidates; rules and procedures; amendment of charter.

Sec. 3a. (1) A city that has a population of not less than 750,000 as determined by the most recent federal decennial census and that has a city council composed of 9 at-large council members shall place a question in substantially the following form on the ballot at the general primary election held on Tuesday, August 6, 2002:

"Shall the existing 9-member at-large city council be abolished, shall the city be reapportioned into 9 single-member election districts, and shall district residency requirements be imposed on candidates for the city council?

Yes (_____)

No (_____).".

(2) The result of the vote shall be canvassed by the local board of canvassers under the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(3) If the question presented pursuant to subsection (1) is approved, the 9-member at-large city council is abolished on January 1, 2006 and shall be replaced by a city council of 9 members elected from single-member election districts at regular municipal elections beginning with the municipal primary election in 2005. Any charter provision to the contrary notwithstanding, the president of the city council shall be determined by a majority vote of the city council members elected and serving from single-member election districts.

(4) Within 30 days after the question presented pursuant to subsection (1) is approved, the city redistricting commission shall meet as the apportionment commission and adopt an apportionment plan. The city redistricting commission shall consist of 3 members, 2 of whom are appointed by the mayor and 1 of whom is appointed by the city council. The city redistricting commission shall thereafter meet within 30 days after the publication of the latest official figures of the federal decennial census to reapportion the city. To the extent consistent with this act, the procedural aspects of the apportionment process shall be governed by the same statutory procedures as those provided for a county charter commission apportionment pursuant to section 5(4), (5), (6), and (7) of 1966 PA 293, MCL 45.505. One of the 2 members appointed by the mayor under this subsection shall convene the city redistricting commission, sitting as the apportionment commission. As the apportionment commission, the city redistricting commission shall adopt its own rules of procedure. Two members shall constitute a quorum and all actions shall be by a majority vote.

(5) The city redistricting commission shall provide for equal representation for each single-member election district, and each single-member election district shall be as nearly equal in population and compact as is practicable based on the latest federal decennial census. In developing an apportionment plan, the city redistricting commission shall follow the lines used for planning sectors and subcommittees as provided by the city master plan and charter. In subsequent reapportionments, the city redistricting commission apportionment plan shall make only incremental changes to the single-member election district boundaries that are necessary to accommodate population change requirements. Each single-member election district shall be designated by number.

(6) Each candidate for city council shall be a resident of the single-member election district he or she seeks to represent. A city council member's office is vacated if the member moves his or her residence outside of the single-member election district that the member represents.

(7) To comply with and implement this section, the city clerk shall promulgate necessary election rules and procedures consistent with other provisions of the city charter. The city council may amend the charter to comply with the intent and findings of this section in the same manner provided by law and charter for the adoption of an ordinance. However, any charter amendment to comply with the intent and findings of this section shall take effect immediately upon adoption by the council. The city clerk shall file a copy of any charter amendment with the secretary of state and the county clerk of the county in which the city is located. Sections 21 to 25 do not apply to the charter amendment required under this section.

History: Add. 2002, Act 432, Imd. Eff. June 6, 2002.

Compiler's note: 2002 PA 432 (HB 6114), which added MCL 117.3a, does not validly direct placement of the proposition on the ballot--to change from the current at-large system of electing the city council to a single-member district plan--because it was not passed by a 2/3 vote in each house of the legislature, as required by Const 1963, art 4, sec 29. Michigan v Wayne Co Clerk, 466 Mich 640, 649 NW2d 73 (2002).

***** 117.3b SUBSECTION (1) DOES NOT APPLY AFTER DECEMBER 31, 2006: See subsection (2)

117.3b Terms of office; staggered terms; resolution; initial terms; applicability of subsection (1).

Sec. 3b. (1) Notwithstanding any charter provision, the city may provide by resolution for the terms of office of its elected officials and for staggered terms.

(2) The initial terms established under subsection (1) may be longer than allowed under the charter in order to facilitate the staggering of terms. This subsection does not apply after December 31, 2006.

(3) Notwithstanding any charter provision, the city may provide by resolution for any election provision that is consistent with the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

History: Add. 2005, Act 64, Imd. Eff. July 7, 2005.

117.4 Conduct of racing event under MCL 257.1701 et seq.; powers and duties.

Sec. 4. A city may permit the conducting of a racing event under the "city motor vehicle racing act of 1981" and shall have the powers and duties provided for in that act.

History: Add. 1981, Act 175, Imd. Eff. Dec. 14, 1981.

117.4a Borrowing money and issuing bonds; net indebtedness; limitation; computation; borrowing in case of fire, flood, or other calamity; incurring obligation for construction, renovation, or modernization of hospital; bonds as obligation of special assessment district and city; validation of bonds issued and obligations incurred before July 31, 1973.

Sec. 4a. (1) Each city in its charter may provide for the borrowing of money on the credit of the city and issuing bonds for the borrowing of money, for any purpose within the scope of the powers of the city.

(2) Notwithstanding a charter provision to the contrary, the net indebtedness incurred for all public purposes must not exceed the greater of the following:

(a) Ten percent of the assessed value of all the real and personal property in the city.

(b) Fifteen percent of the assessed value of all the real and personal property in the city if that portion of the total amount of indebtedness incurred that exceeds 10% is or has been used solely for the construction or renovation of hospital facilities.

(3) In case of fire, flood, or other calamity, the legislative body may borrow for the relief of the inhabitants of the city and for the preservation of municipal property, a sum not to exceed 3/8 of 1% of the assessed value of all the real and personal property in the city, due in not more than 5 years, even if the loan would cause the indebtedness of the city to exceed the limit established by this section.

(4) In computing the net indebtedness, all of the following must be excluded:

(a) Bonds issued in anticipation of the payment of special assessments, even though they are also a general obligation of the city.

(b) Mortgage bonds that are secured only by a mortgage on the property or franchise of a public utility.

(c) Bonds issued to refund money advanced or paid on special assessments for water main extensions.

(d) Motor vehicle highway fund bonds, even though they are also a general obligation of the city.

(e) Revenue bonds.

(f) Bonds issued or contract or assessment obligations incurred to comply with an order of the water resources commission or a court of competent jurisdiction.

(g) Obligations incurred before January 9, 1973 for water supply, sewage, drainage, or refuse disposal, or resource recovery projects, or incurred after January 8, 1973 for projects necessary to protect the public health by abating pollution. A certification by the county, district, or state health department is sufficient proof that the project is necessary to protect the public health by abating pollution.

(h) Bonds issued to acquire housing for which rent subsidies will be received by the city or an agency of the city under a contract with the United States government and used by the city to operate and maintain the housing and pay principal and interest on the bonds.

(i) Obligations entered into under an intergovernmental self-insurance contract under section 5 of 1951 PA 35, MCL 124.5, or issued to pay premiums or to establish funds to self-insure for losses under the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

(j) Bonds issued or assessments or contract obligations incurred for the construction, improvement, or replacement of a combined sewer overflow abatement facility. As used in this subdivision:

(i) "Combined sewer overflow" means a discharge from a combined sewer system that occurs when the flow capacity of the combined sewer system is exceeded.

(ii) "Combined sewer overflow abatement facility" means any works, instrumentalities, or equipment necessary or appropriate to abate combined sewer overflows.

(iii) "Combined sewer system" means a sewer designed and used to convey both storm water runoff and sanitary sewage, and that contains lawfully installed regulators and control devices that allow for delivery of sanitary flow to treatment during dry weather periods and divert storm water and sanitary sewage to surface waters during storm flow periods.

(iv) "Construction" means any action taken in the designing or building of a combined sewer overflow abatement facility. This term includes, but is not limited to, all of the following:

(A) Engineering services.

(B) Legal services.

(C) Financial services.

(D) Design of plans and specifications.

(E) Acquisition of land or structural components, or both.

(F) Building, erection, alteration, remodeling, or extension of a combined sewer overflow abatement facility.

(G) City supervision of the project activities described in sub-subparagraphs (A) to (F).

(v) "Improvement" means any action taken to expand, rehabilitate, or restore a combined sewer overflow abatement facility.

(vi) "Replacement" means any action taken to obtain and install equipment, accessories, or appurtenances during the useful life of a combined sewer overflow abatement facility necessary to maintain the capacity and performance for which the equipment, accessories, or appurtenances are designed and constructed.

(5) The resources of the sinking fund pledged for the retirement of any outstanding bonds must also be deducted from the amount of the indebtedness.

(6) An obligation for the construction, renovation, or modernization of a hospital under subsection (2)(b) must not be incurred after July 1, 1978 unless the construction, renovation, or modernization has been approved in accordance with any applicable act or unless the obligation is to refinance a previous obligation.

(7) Each city may provide in its charter for the borrowing of money and issuing bonds for the borrowing of money in anticipation of the payment of special assessments, which bonds may be an obligation of the special assessment district or may be both an obligation of the special assessment district and a general obligation of the city.

(8) Bonds issued and obligations incurred before July 31, 1973 are validated.

(9) In computing the net indebtedness for the purposes of subsection (2), there may be added to the assessed value of real and personal property in a city for a fiscal year an amount equal to the assessed value equivalent of certain city revenues as determined under this subsection. The assessed value equivalent must be calculated by dividing the sum of the following amounts by the city's millage rate for the fiscal year:

(a) The amount paid or the estimated amount required to be paid by the state to the city during the city's fiscal year for the city's use under the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.901 to 141.921, and the amount of any eligible reimbursement to the city under the local community stabilization authority act, 2014 PA 86, MCL 123.1341 to 123.1362, except any amount distributed under section 17(4)(c) of the local community stabilization authority act, 2014 PA 86, MCL 123.1357, in excess of the city's qualified loss. The department of treasury shall certify these amounts upon request. As used in this subdivision, "qualified loss" means that term as defined in section 5 of the local community stabilization authority act, 2014 PA 86, MCL 123.1345.

(b) The amount levied by the city for its own use during the city's fiscal year from the specific tax levied

under 1974 PA 198, MCL 207.551 to 207.572.

(c) The amount levied by the city for its own use during the city's fiscal year from the specific tax levied under the commercial redevelopment act, 1978 PA 255, MCL 207.651 to 207.668.

History: Add. 1921, Act 353, Eff. Aug. 18, 1921;—Am. 1927, Act 351, Eff. Sept. 5, 1927;—Am. 1929, Act 126, Eff. Aug. 28, 1929;—CL 1929, 2231;—Am. 1932, 1st Ex. Sess., Act 14, Imd. Eff. Apr. 29, 1932;—CL 1948, 117.4a;—Am. 1972, Act 374, Imd. Eff. Jan. 9, 1973;—Am. 1973, Act 81, Imd. Eff. July 31, 1973;—Am. 1977, Act 263, Imd. Eff. Dec. 8, 1977;—Am. 1978, Act 634, Imd. Eff. Jan. 8, 1979;—Am. 1988, Act 268, Imd. Eff. July 15, 1988;—Am. 1992, Act 256, Imd. Eff. Dec. 7, 1992;—Am. 1994, Act 324, Imd. Eff. Oct. 12, 1994;—Am. 2002, Act 201, Imd. Eff. Apr. 29, 2002;—Am. 2018, Act 89, Eff. June 24, 2018.

117.4b Refunds; bonds; sewers; waterworks; lighting; permissible charter provisions.

Sec. 4-b. Each city may in its charter provide:

(1) For refunding money advanced or paid on special assessments imposed, for water main extensions; for borrowing money through its legislative body on the faith and credit of the city, to provide for such refunding from time to time as buildings shall be connected with such water main extensions; and for the issuance of bonds therefor due in not more than 30 years in an amount and at the rate of interest limited by the charter of such city;

(2) For the installation and connection of sewers and waterworks on and to property within the city; for assessing the cost thereof to the several properties and making the same a lien thereon; and for the borrowing of money and issuing bonds in anticipation of the collection of such special assessments;

(3) For the installation and connection of conduits for the service of municipally owned and operated electric lighting plants; and for the borrowing of money and issuing the bonds of the city therefor, for the purpose of providing the first cost of such installation and connection.

History: Add. 1927, Act 209, Imd. Eff. May 20, 1927;—Am. 1929, Act 126, Eff. Aug. 28, 1929;—CL 1929, 2232;—CL 1948, 117.4b.

117.4c Permissible charter provisions.

Sec. 4-c. Each city which is authorized to acquire, own, purchase, construct or operate any public utility, may provide in its charter for the issuance of mortgage bonds therefor beyond the general limit of the bonded indebtedness prescribed by law, provided that such mortgage bonds issued beyond the general limit of bonded indebtedness prescribed by law shall not impose any liability upon such city but shall be secured only upon the property and revenues of such public utility, including a franchise, stating the terms upon which, in case of foreclosure, the purchaser may operate the same, which franchise shall in no case extend for a longer period than 20 years from the date of the sale of such utility and franchise on foreclosure. Such mortgage bonds shall be sold to yield not to exceed 6 per centum per annum. The charter shall also provide for the creation of a sinking fund in the event of the issuance of such bonds, by setting aside such percentage of the gross or net earnings of the public utility as may be deemed sufficient for the payment of the mortgage bonds at maturity.

History: Add. 1927, Act 287, Imd. Eff. May 31, 1927;—Am. 1929, Act 126, Eff. Aug. 28, 1929;—CL 1929, 2233;—CL 1948, 117.4c.

117.4d Permissible charter provisions; assessing costs of public improvement and boulevard lighting system; definitions.

Sec. 4d. (1) Each city may in its charter provide:

(a) For assessing and reassessing the costs, or a portion of the costs, of a public improvement to a special district.

(b) For assessing the cost, or a portion of the costs, of installing a boulevard lighting system on a street upon the lands abutting the street. A city shall not establish a special assessment district for a boulevard lighting system if the district includes the entire city, unless the special assessments against the real property within the district are levied on other than an ad valorem basis.

(2) As used in this section:

(a) "Boulevard lighting system" means any design or method of providing light to a street.

(b) "Cost" includes necessary condemnation cost and necessary expenses incurred for engineering, financial, legal, or administrative services; operation and maintenance of a boulevard lighting system, whether that service is provided directly by the city or is provided by an investor-owned utility; and other services of a similar kind involved in the making and financing of the improvement and in the levying and collecting of the special assessments for the improvement. If the service is rendered by city employees, the city may include the fair and reasonable cost of rendering the service. The inclusion of a cost specified in this subdivision as part of the cost of an improvement for which special assessments have been levied before the effective date of the 1987 amendatory act amending this section is validated.

(c) "Street" means a public avenue, street, highway, road, path, boulevard, or alley or other access used for travel by the public.

History: Add. 1929, Act 126, Eff. Aug. 28, 1929;—CL 1929, 2234;—CL 1948, 117.4d;—Am. 1961, Act 124, Eff. Sept. 8, 1961;—Am. 1964, Act 27, Imd. Eff. Apr. 29, 1964;—Am. 1988, Act 201, Imd. Eff. June 29, 1988.

117.4e Public property; condemnation of private property; permissible charter provisions.

Sec. 4e. Each city may in its charter provide:

(1) For the acquisition by purchase, gift, condemnation, lease, construction or otherwise, either within or without its corporate limits and either within or without the corporate limits of the county in which it is located, of the following improvements including the necessary lands therefor, viz.: City hall, police stations, fire stations, boulevards, streets, alleys, public parks, recreation grounds, municipal camps, public grounds, zoological gardens, museums, libraries, airports, cemeteries, public wharves and landings upon navigable waters, levees and embankments, watch-houses, city prisons and work houses, penal farms, institutions, hospitals, quarantine grounds, electric light and power plants and systems, gas plants and systems, waterworks plants and systems, sewage disposal plants and systems, market houses and market places, office buildings for city officers and employees, public works, and public buildings of all kinds; and for the costs and expenses thereof;

(2) For the acquisition by purchase, gift, condemnation, lease or otherwise of private property, either within or without its corporate limits and either within or without the corporate limits of the county in which it is located, for any public use or purpose within the scope of its powers, whether herein specifically mentioned or not. If condemnation proceedings are resorted to for the acquisition of private property outside the corporate limits of such city, such condemnation proceedings may be brought under the provisions of Act No. 149 of the Public Acts of 1911, as amended or as may be amended, entitled "An act to provide for the condemnation by state agencies and public corporations of private property for the use or benefit of the public and to define the terms 'public corporations', 'state agencies' and 'private property' as used herein," being sections 353 to 373 inclusive of the Compiled Laws of 1915, or such other appropriate provisions therefor as exist or shall be made by law;

(3) For the maintenance, development, operation, of its property and upon the discontinuance thereof to lease, sell or dispose of the same subject to any restrictions placed thereupon by law: Provided, That on the sale of any capital asset of a municipally owned utility the money received shall be used in procuring a similar capital asset, or placed in the sinking fund to retire bonds issued for said utility.

History: Add. 1929, Act 126, Eff. Aug. 28, 1929;—CL 1929, 2235;—CL 1948, 117.4e;—Am. 1949, Act 207, Eff. Sept. 23, 1949.

Compiler's note: For provisions of Act 149 of 1911, referred to in subdivision (2), see MCL 213.21 et seq.

117.4f Permissible city charter provisions.

Sec. 4f. Each city may in its charter provide for any of the following:

(a) For the purchase or condemnation of franchises, if any exist, and of the property used in the operation of companies or individuals engaged in the road, cemetery, hospital, almshouse, electric light, gas, heat, water, and power business, and in cities having more than 25,000 inhabitants, for the purchase of the franchise, if any exist, and the property of street railway and tram railway companies. A city may in its charter allow for a contract, upon the terms, including terms of present or deferred payment, and upon the conditions and in the manner as the city considers proper, to purchase, operate, and maintain any existing public utility property for supplying water, heat, light, power, or transportation to the city and the city's inhabitants. The contract does not bind the city unless the proposition for the contract receives the affirmative vote of 3/5 of the electors voting at a regular or special election. For the purchase of a transportation utility, the charter amendment and the contract to purchase may provide for a sinking fund, into which must be paid, from the earnings of the utility, sums sufficient to purchase the utility and perform the obligations of the contract. Within a reasonable time after the acquisition of a public transportation utility, a system of civil service for the selection and retention of its employees must be established. If a vote is taken to amend a city charter to allow an acquisition under this subdivision, a vote may also be taken at the same election to approve a particular contract. The vote upon the charter amendment and upon the purchase contract must be by separate ballots. If a transportation utility is acquired under this subdivision, state taxes and local taxes on any portion of the property lying outside of the city limits must be paid as if privately owned. The powers under this subdivision are in addition to any other powers provided for under this section.

(b) For owning, constructing, and operating transportation facilities within the city limits, and its adjacent and adjoining suburbs within a distance of 10 miles from any portion of the city limits.

(c) For the purchase and condemnation of private property for any public use or purpose within the scope of its powers; for the acquirement, ownership, establishment, construction, and operation, either within or

outside its corporate limits, of public utilities for supplying water, light, heat, power, and transportation to the city and the city's inhabitants, for domestic, commercial, and municipal purposes; for the sale of heat, power, and light outside its corporate limits in an amount as determined by the governing body of the utility supplying the heat, power, or light except that electric delivery service is limited to the area of any village or township that was contiguous to the city as of June 20, 1974, and to the area of any other village or township being served as of June 20, 1974 and retail sales of electric generation service are limited to the area of any city, village, or township that was contiguous to the city, village, or township as of June 20, 1974, and to the area of any other city, village, or township being served as of June 20, 1974; for the sale and delivery of water outside of its corporate limits in the amount as may be determined by the legislative body of the city; and for the operation of transportation lines outside the city and within 10 miles from its corporate limits. A city shall not render electric delivery service for heat, power, or light outside its corporate limits to a customer that is currently receiving or within the previous 3 years has received that service from another utility unless that utility consents in writing. The acquirement of a utility together with all properties, franchises, and rights necessary for its establishment, ownership, construction, operation, improvement, extension, and maintenance, whether the properties, franchises, and rights are situated within or outside the corporate limits of the city, may be either by purchase or condemnation. If the acquirement is by condemnation, 1911 PA 149, MCL 213.21 to 213.25, may be used for instituting and prosecuting the condemnation proceedings. A public utility is not acquired unless the proposition to do so first receives the affirmative vote of 3/5 of the electors of the city voting at a regular or special municipal election. As used in this subdivision:

(i) "Customer" means only the building or facilities served rather than the individual, association, partnership, corporation, governmental body, or any other entity taking service.

(ii) "Electric delivery service" has the same meaning as "delivery service" under section 10y of 1939 PA 3, MCL 460.10y.

(iii) "Electric generation service" means the sale of electric power and related ancillary services.

(d) For the acquiring, establishment, operation, extension, and maintenance of sewage disposal systems, sewers, and plants, either within or outside the corporate limits of the city, as a utility, including the right to acquire necessary property by purchase, gift, or condemnation, and including the fixing and collecting of charges exclusively for service covering the cost of the service. This subdivision allows a return on the fair value of the property devoted to the service, excluding the valuations of the portions of the system that were paid for by special assessment, which may be made as a lien upon the property served and if not paid when due, collected in the same manner as other city taxes.

History: Add. 1927, Act 367, Eff. Sept. 5, 1927;—Am. 1929, Act 126, Eff. Aug. 28, 1929;—CL 1929, 2236;—CL 1948, 117.4f;—Am. 1955, Act 26, Eff. Oct. 14, 1955;—Am. 1965, Act 116, Imd. Eff. July 2, 1965;—Am. 1974, Act 18, Imd. Eff. Feb. 15, 1974;—Am. 1975, Act 296, Imd. Eff. Dec. 11, 1975;—Am. 2000, Act 156, Imd. Eff. June 14, 2000;—Am. 2018, Act 517, Imd. Eff. Dec. 28, 2018.

117.4g Rapid transit system; permissible charter provisions.

Sec. 4-g. Each city may in its charter provide:

(1) For the acquisition by construction, condemnation or purchase and for the ownership, equipment, possession, leasing, operation and maintenance of a rapid transit system consisting of a tunnel, subway, surface or elevated system or any combination and qualification of these, in and through said city, and for a distance of not more than 10 miles beyond its limits, for the purpose of furnishing transportation facilities to the municipality and to the people thereof; for the preparation and publication of plans for such construction, equipment and maintenance in accordance with charter provisions adopted hereunder; for the operation of such facilities independently or in connection with other transportation facilities, or transportation system, owned, operated or controlled by such city or existing therein, or in the territory in which any such rapid transit system is established; for the appropriate designation of such facilities; for the taking of the fee of or easement or right of way on, under, above and through any property for the purposes thereof, by gift, grant and purchase, and by condemnation proceedings in accordance with any law of the state of Michigan providing therefor; and for the management of such facilities, for the purposes for which the same are or may be acquired or constructed. Provision may also be made for the execution of contracts incidental to the carrying out of the purposes hereby contemplated. In the event that property is taken by condemnation under any statute pertaining thereto, the actual benefits accruing to or received by a remainder of any such parcel on account of the construction of the improvement shall be taken into account in determining the damages to be awarded by way of compensation to the owner or owners of such property. The charter shall also provide for the proper financing of the acquisition and construction of any such system and facilities by direct taxation, special assessments on the basis of benefits actually and exclusively received by property affected by any such improvement, or by borrowing money and issuing bonds or other evidence of indebtedness therefor, or by a combination of such methods; and for the defraying of the cost of maintenance, operation and

management of such facilities and for payment of interest on and a sinking fund to retire any bonds issued under this subsection, from the revenues received as a result of the operation thereof by the city. Bonds executed and sold for the purpose of raising money to cover the cost of such acquisition and construction may be issued on the faith and credit of the city or same may be secured by mortgage on the property and revenues of the utility established pursuant hereto. The aggregate amount of bonds issued on the faith and credit of the city under this subsection shall not exceed 2 per cent of the assessed valuation of the taxable property within said city for the preceding fiscal year; and in computing the total indebtedness of the city for the purpose of determining whether any other limitation prescribed by law has been exceeded, such bonds shall not be included. Except as is in this subsection otherwise specifically provided, all bonds issued by a city for the purposes hereby contemplated shall be subject to the restrictions and conditions prescribed in section 4-a of this act. In case provision is made in the charter for raising money by direct taxation for the purposes hereof, the amount of such tax levied and assessed in any year shall not exceed 1/6 of 1 per cent of the assessed valuation of the city for such year; and the amount of any such tax shall not be subject to any other limitations prescribed by law, or considered in determining whether any such limitation has been exceeded. In no case shall more than 60 per cent of the total estimated cost of acquiring or constructing any such rapid transit system or portion of extension thereof, be raised by direct taxation, and by the issuance of bonds on the faith and credit of the city. As incidental to the authority hereby granted, provision may be made in any city charter for the exercise of powers incidental to the accomplishment of the purposes hereof, and reasonably calculated and designed to facilitate the furnishing of adequate transportation facilities by the means aforesaid to the municipality and the people thereof. No charter amendment or amendments, contemplating and providing for the exercise of the powers referred to in this subsection, shall be submitted to a vote of the electors unless and until the same shall have been published pursuant to the direction of the legislative body of the city, in at least 1 newspaper having a general circulation in such city at least once each week for 3 weeks in succession during the 30 day period immediately preceding the date of the election; and no plan for construction and operation of any rapid transit system shall be put into effect unless the same shall first have been submitted to the qualified electors of the city and approved thereby. Such submission of plan shall be made subsequent to the enactment of said charter amendments either at a general election or a special election called for that purpose by the legislative body of the city. Such contemplated plan shall, before its submission, and as a condition prerequisite thereto, be published once each week for 6 weeks in succession in some daily newspaper having a general circulation within the city, during the 60-day period immediately preceding the date of submission to the electors; and the contemplated plan as so published shall specify the route or routes of the proposed rapid transit system, the type of construction proposed for the various sections or parts thereof, the method or methods for financing the improvement, the order in which the various sections or parts are to be constructed or acquired, the system of management to be adopted, the estimated cost of the various sections or parts of the system, and such other matters as the legislative body of the city shall require: Provided, however, That the financial plan so submitted shall not permit special assessments against any property in excess of actual benefits, meaning increased value, accruing exclusively as a result of said improvement; and the payment of such special assessments made under this subsection, shall be prorated over a period of not less than 10 years.

(2) For negotiating, executing and performing contracts with any other municipality or municipalities, duly authorized and empowered to that end, with reference to the construction, equipment, operation, maintenance and management of a rapid transit system and facilities, and for the financing of any obligations, assumed under or imposed by any such contract. The grants, limitations and restrictions set forth in the preceding subsection of this section shall be deemed applicable to, and shall be observed in the adoption of, charter provisions and amendments hereunder and in the exercise of the authority hereby granted.

History: Add. 1929, Act 126, Eff. Aug. 28, 1929;—CL 1929, 2237;—CL 1948, 117.4g.

117.4h Public ways; permissible charter provisions.

Sec. 4-h. Each city may in its charter provide:

(1) For the use, regulation, improvement and control of the surface of its streets, alleys and public ways, and of the space above and beneath them;

(2) For the use, by others than the owner, of property located in streets, alleys and public places, in the operation of a public utility, upon the payment of a reasonable compensation to the owners thereof;

(3) For a plan of streets and alleys within and for a distance of not more than 3 miles beyond its limits;

(4) For the use, control and regulation of streams, waters and water courses within its boundaries, but not so as to conflict with the law or action thereunder where a navigable stream is bridged or dammed; or with riparian or littoral rights without their corporate limits;

(5) For securing by condemnation, by agreement or purchase, or by any other means, an easement in

property abutting or adjacent to any navigable stream, for the purpose of securing the privilege and right to construct, own and maintain along or adjacent to any navigable stream an elevated structure of 1 or more levels for use as vehicular or pedestrian passageway, or for any other municipal purpose;

(6) For the acquiring, establishment, operation, extension and maintenance of facilities for the storage and parking of vehicles within its corporate limits, including the fixing and collection of charges for services and use thereof on a public utility basis, and for such purpose to acquire by gift, purchase, condemnation or otherwise the land necessary therefor;

(7) For the acquiring, constructing, establishment, operation, extension and maintenance of facilities for the docking of pleasure water crafts and/or hydroplanes within its corporate limits, including the fixing and collection of charges for use thereof, and for such purpose or purposes to acquire by gift, purchase, condemnation or otherwise, the land necessary therefor.

History: Add. 1929, Act 126, Eff. Aug. 28, 1929;—CL 1929, 2238;—Am. 1931, Act 295, Imd. Eff. June 8, 1931;—CL 1948, 117.4h

117.4i Permissible charter provisions.

Sec. 4i. Each city may provide in its charter for 1 or more of the following:

(a) Laying and collecting rents, tolls, and excises.

(b) Regulating and restricting the locations of oil and gasoline stations.

(c) The establishment of districts or zones within which the use of land and structures, the height, area, size, and location of buildings, the required open spaces for light and ventilation of buildings, and the density of population may be regulated by ordinance. The zoning ordinance provisions applicable to 1 or more districts may differ from those applicable to other districts. If a city is incorporated, or if territory is annexed to a city incorporated under this act, the zoning ordinance provisions applicable to the territory within the newly incorporated city or the annexed territory must remain in effect for 2 years after the incorporation or annexation unless the legislative body of the city lawfully adopts other zoning ordinance provisions.

(d) Except as otherwise provided in this subdivision, the regulation of trades, occupations, and amusements within city boundaries, if the regulations are not inconsistent with state or federal law, and the prohibition of trades, occupations, and amusements that are detrimental to the health, morals, or welfare of the inhabitants of that city. This subdivision is subject to the local government occupational licensing act.

(e) The regulation or prohibition of public nudity within city boundaries. As used in this subdivision, "public nudity" means knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

(i) A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.

(ii) Material as that term is defined in section 2 of 1984 PA 343, MCL 752.362.

(iii) Sexually explicit visual material as that term is defined in section 3 of 1978 PA 33, MCL 722.673.

(f) Licensing, regulating, restricting, and limiting the number and locations of billboards within the city.

(g) The initiative and referendum on all matters within the scope of the powers of that city and the recall of city officials.

(h) A system of civil service for city employees, including employees of that city's board of health, and employees of any jail operated or maintained by the city. Charter provisions providing for a system of civil service for employees of a local health board are valid and effective.

(i) Subject to sections 4p and 4u, a system of compensation for city employees and for the dependents of city employees in the case of disability, injury, or death of city employees.

(j) The enforcement of police, sanitary, and other ordinances that are not in conflict with the general laws.

(k) The punishment of persons who violate city ordinances other than ordinances described in section 4l. The penalty for a violation of such a city ordinance must not exceed a fine of \$500.00 or imprisonment for 90 days, or both. However, unless otherwise provided by law, the ordinance may provide that a violation of the ordinance is punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both, if the violation substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days. In addition, a city may adopt section 625(1)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, by reference in an adopting ordinance and shall provide that a violation of that ordinance is punishable by 1 or more of the following:

(i) Community service for not more than 360 hours.

(ii) Imprisonment for not more than 180 days.

(iii) A fine of not less than \$200.00 or more than \$700.00.

History: Add. 1929, Act 126, Eff. Aug. 28, 1929;—CL 1929, 2239;—Am. 1937, Act 309, Eff. Oct. 29, 1937;—Am. 1939, Act 175, Eff. Sept. 29, 1939;—Am. 1941, Act 10, Imd. Eff. Mar. 5, 1941;—Am. 1941, Act 283, Imd. Eff. June 17, 1941;—CL 1948, 117.4i;—Am. 1957, Act 131, Imd. Eff. May 25, 1957;—Am. 1963, Act 166, Eff. Sept. 6, 1963;—Am. 1991, Act 175, Eff. Mar. 30, 1992;—Am. 1994, Act 17, Eff. May 1, 1994;—Am. 1994, Act 313, Imd. Eff. July 21, 1994;—Am. 1996, Act 179, Imd. Eff. Apr. 19, 1996;—Am. 1999, Act 55, Eff. Oct. 1, 1999;—Am. 2012, Act 7, Imd. Eff. Feb. 15, 2012;—Am. 2014, Act 183, Imd. Eff. June 20, 2014;—Am. 2017, Act 214, Imd. Eff. Dec. 20, 2017;—Am. 2018, Act 498, Imd. Eff. Dec. 27, 2018.

Compiler's note: Enacting section 1 of Act 498 of 2018 provides:

"Enacting section 1. This amendatory act is retroactive and takes effect January 1, 2018."

117.4j City departments; special acts; municipal powers; permissible charter provisions.

Sec. 4-j. Each city may in its charter provide:

(1) For the establishment of any department that it may deem necessary for the general welfare of the city, and for the separate incorporation thereof: Provided, however, That these provisions shall not be construed to extend to and include public schools;

(2) For altering, amending or repealing any special act affecting any municipal concerns or existing municipal department, but the department in control of the public schools shall not be construed to be a municipal department;

(3) For the exercise of all municipal powers in the management and control of municipal property and in the administration of the municipal government, whether such powers be expressly enumerated or not; for any act to advance the interests of the city, the good government and prosperity of the municipality and its inhabitants and through its regularly constituted authority to pass all laws and ordinances relating to its municipal concerns subject to the constitution and general laws of this state.

History: Add. 1929, Act 126, Eff. Aug. 28, 1929;—CL 1929, 2240;—CL 1948, 117.4j.

117.4k Civic, artistic, and cultural activities; public funds.

Sec. 4k. Each city in its charter may provide for the appropriation and allocation of public funds to a public or private nonprofit institution engaged within the city in the provision of civic, artistic, and cultural activities, including but not limited to music, theater, dance, visual arts, literature and letters, architecture, architectural landscaping, and allied arts and crafts, to the general public.

History: Add. 1978, Act 499, Imd. Eff. Dec. 11, 1978.

117.4l Ordinance; designation as civil infraction or blight violation; civil fine; act or omission constituting crime.

Sec. 4l. (1) Consistent with any of the following statutes and whether or not authorized by the city charter, the legislative body of a city may adopt an ordinance that designates a violation of the ordinance as a civil infraction and provides a civil fine for that violation:

(a) The Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

(b) 1969 PA 235, MCL 257.941 to 257.943.

(c) 1956 PA 62, MCL 257.951 to 257.955.

(2) Whether or not authorized by the city charter, the legislative body of a city may adopt an ordinance that designates a violation of the ordinance as a municipal civil infraction and provides a civil fine for that violation. An ordinance shall not designate a violation as a municipal civil infraction if that violation may be designated as a civil infraction under subsection (1). A statute may provide that a violation of a specific type of ordinance is a municipal civil infraction whether or not the ordinance designates the violation as a municipal civil infraction.

(3) An ordinance shall not make an act or omission a municipal civil infraction or a blight violation if that act or omission constitutes a crime under any of the following:

(a) Article 7 of the public health code, 1978 PA 368, MCL 333.7101 to 333.7545.

(b) The Michigan penal code, 1931 PA 328, MCL 750.1 to 750.568.

(c) The Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

(d) The Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303.

(e) Part 801 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80101 to 324.80199.

(f) The aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.1 to 259.208.

(g) Part 821 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82101 to 324.82160.

(h) Part 811 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81101 to 324.81150.

(i) Sections 351 to 365 of the railroad code of 1993, 1993 PA 354, MCL 462.351 to 462.365.

(j) Any law of this state under which the act or omission is punishable by imprisonment for more than 90 days.

(4) Whether or not authorized by the city charter, the legislative body of a city may adopt an ordinance that designates a violation of the ordinance as a blight violation and provides a civil fine and other sanctions for that violation consistent with section 4q. An ordinance shall not designate a violation as a blight violation if that violation may be designated a civil infraction under subsection (1). An ordinance shall not designate a violation as both a municipal civil infraction and a blight violation.

History: Add. 1994, Act 17, Eff. May 1, 1994;—Am. 1996, Act 44, Imd. Eff. Feb. 26, 1996;—Am. 2003, Act 316, Imd. Eff. Jan. 12, 2004.

117.4m Ordinance regulating recreational trailway; posting; violation as municipal civil infraction; penalty.

Sec. 4m. (1) An ordinance regulating a recreational trailway is not effective unless it is posted and maintained near each gate or principal entrance to the trailway.

(2) The operation of a vehicle on a recreational trailway at a time, in a place, or in a manner prohibited by an ordinance is a municipal civil infraction, whether or not so designated by the ordinance. A civil fine ordered for a municipal civil infraction described in this subsection shall not exceed the maximum amount of a fine provided by the ordinance or \$500.00, whichever is less. An act or omission described in this subsection is not a municipal civil infraction if that act or omission constitutes a violation or crime that section 4 l prohibits an ordinance from designating as a municipal civil infraction.

History: Add. 1994, Act 89, Eff. Oct. 1, 1994.

117.4n Medical facility for public purpose; establishment, operation, or maintenance by private nonprofit corporation.

Sec. 4n. Each city may in its charter provide for the city or 1 or more of its public corporations to become a member or joint owner in an enterprise with a private nonprofit corporation to create a separate private nonprofit corporation that will establish, operate, or maintain a medical facility for a public purpose.

History: Add. 1998, Act 445, Imd. Eff. Dec. 30, 1998.

117.4o Formation of nonprofit corporation by city.

Sec. 4o. (1) The legislative body of a city may by ordinance or resolution authorize the formation of a nonprofit corporation under the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192. A nonprofit corporation formed under this section may be organized only for purposes that are valid public purposes for cities in this state.

(2) Except as otherwise provided in this subsection, a nonprofit corporation formed under subsection (1) is subject to all local, state, and federal laws or ordinances that apply to the city that authorized its formation. A nonprofit corporation formed under subsection (1) is not subject to the municipal finance act, 1943 PA 202, MCL 131.1 to 139.3, or its successor act.

(3) A nonprofit corporation formed under subsection (1) is a public body for the purposes of the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282.

History: Add. 2001, Act 37, Imd. Eff. July 11, 2001.

117.4p City with population more than 600,000 or discharge of \$1,000,000,000.00 in pension liabilities; defined benefit plan; retirement benefits for employees hired after July 1, 2023; health care insurance benefits; certification of compliance; definitions.

Sec. 4p. (1) Subject to section 4u, for a city with a population of more than 600,000 or that has discharged \$1,000,000,000.00 of pension liabilities in bankruptcy, or both, that provides a defined benefit plan as part of a system of compensation under section 4i, all of the following apply:

(a) Except as otherwise provided in a plan for adjustment, the calculation of a pension benefit under the defined benefit plan must only include base pay. This subdivision does not apply to years of service accrued before January 1, 2015.

(b) Except as otherwise provided in a plan for adjustment, the annual pension benefit must not include an additional payment based solely on the rate of investment return earned on the retirement system's assets. This subdivision does not prohibit the fulfillment of rights and benefits earned under a retirement system agreed to in a plan for adjustment. As used in this subdivision, a "retirement system" means a public employee retirement system established by a city described in this subsection.

(2) Subject to section 4u and except as otherwise provided in a plan for adjustment, for a city with a population of more than 600,000 or that has discharged \$1,000,000,000.00 of pension liabilities in

bankruptcy, or both, that provides retirement benefits for employees first hired after July 1, 2023 as part of a system of compensation under section 4i, either of the following applies for the employees first hired after July 1, 2023:

(a) The city may offer retirement plans so long as the city does not contribute more than 7% of the employee's base pay to an appropriate retirement account.

(b) The city may offer the same retirement plan as provided in a plan for adjustment.

(3) Subject to section 4u, for a city with a population of more than 600,000 or that has discharged \$1,000,000,000.00 of pension liabilities in bankruptcy, or both, that provides retirement health care insurance benefits for new employees after July 1, 2023 as part of a system of compensation under section 4i, the city shall not contribute more than 2% of the employee's base pay or the percentage a qualified participant's employer contributes on behalf of a qualified participant under section 68b(1) of the state employees' retirement act, 1943 PA 240, MCL 38.68b, whichever percentage is greater, to an appropriate tax-deferred account.

(4) Not later than January 1, 2024, and each January 1 after 2024, for a city with a population of more than 600,000 or that has discharged \$1,000,000,000.00 of pension liabilities in bankruptcy, or both, that provides retirement benefits as part of a system of compensation under section 4i, the city or a retirement system established by the city, as applicable, shall submit a certification of its compliance with this section to the financial review commission created under the Michigan financial review commission act, 2014 PA 181, 141.1631 to 141.1643.

(5) As used in this section:

(a) "Base pay" means the remuneration paid an employee on account of the employee's services rendered to a city described in this section. Base pay does not include any of the following:

(i) Payment for overtime services.

(ii) Remuneration paid in lieu of accumulated sick leave.

(iii) Remuneration received as a bonus.

(iv) Payment for accrued vacation pay.

(v) One-time lump-sum payments.

(vi) The cost of fringe benefits, including, but not limited to, a medical benefit plan.

(b) "Medical benefit plan" means that term as defined in section 2 of the publicly funded health insurance contribution act, 2011 PA 152, MCL 15.562.

(c) "Member" means a member of a defined benefit plan established by a city described in subsection (1).

(d) "Plan for adjustment" means a plan for the adjustment of debts entered and approved by a federal bankruptcy court.

(e) "Retirement health care insurance benefit" means hospitalization and medical insurance, dental coverage, vision coverage, and any other health care insurance provided for a retirant or dependent of a retirant under a system of compensation that includes retirement benefits established under section 4i.

History: Add. 2014, Act 183, Imd. Eff. June 20, 2014;—Am. 2017, Act 214, Imd. Eff. Dec. 20, 2017.

117.4q Administrative hearings bureau; establishment; administrative hearings; procedures; appeal; effect of nonpayment of civil fine or costs; "person" defined.

Sec. 4q. (1) A city that has a population of 7,500 or more and is located in any county, or a city that has a population of 3,300 or more and is located in a county that has a population of 1,500,000 or more, may establish an administrative hearings bureau to adjudicate and impose sanctions for violations of the charter or ordinances designated in the charter or ordinance as a blight violation. The bureau may accept admissions of responsibility for blight violations. Pursuant to a schedule of civil fines and costs, the bureau may collect civil fines and costs for blight violations.

(2) The expense of the operation of an administrative hearings bureau shall be borne by the city establishing the bureau.

(3) An administrative hearings bureau shall not have jurisdiction over criminal offenses, traffic civil infractions, municipal civil infractions, or state civil infractions. The bureau and its hearing officers shall not have the authority to impose a penalty of incarceration and may not impose a civil fine in excess of \$10,000.00. This section does not authorize a proceeding against a foreclosing governmental unit as defined under section 78 of the general property tax act, 1893 PA 206, MCL 211.78, or an authority created under the land bank fast track act, 2003 PA 258, MCL 124.751 to 124.774. The city may waive a fine for a blight violation at an owner-occupied dwelling for a first time offender of a blight ordinance, if the offender has corrected the circumstances for the violation.

(4) A city that establishes an administrative hearings bureau under this section shall establish by ordinance the jurisdiction of the bureau for adjudicating alleged blight violations, making determinations of

responsibility, and imposing sanctions upon those found responsible for a violation. The city may designate only a violation of any of the following types of ordinances as a blight violation:

- (a) Zoning.
- (b) Building or property maintenance.
- (c) Solid waste and illegal dumping.
- (d) Disease and sanitation.
- (e) Noxious weeds.
- (f) Vehicle abandonment, inoperative vehicles, vehicle impoundment, and municipal vehicle licensing.
- (g) Right-of-way signage. For purposes of this subdivision, right-of-way signage violation means the placement of signage in a right-of-way without a proper permit from the city.
- (h) An ordinance that is substantially the same as sections 138 to 142 of the housing law of Michigan, 1917 PA 167, MCL 125.538 to 125.542.

(5) To initiate a proceeding for a blight violation, the city shall issue and serve upon an alleged violator a written violation notice on which an authorized local official records the occurrence or existence of 1 or more blight violations by the person cited and which directs the named person to pay a civil fine for the violation or appear at the administrative hearings bureau as provided in this section. A violation notice to appear at an administrative hearings bureau shall be treated as made under oath if the violation alleged in the notice occurred in the presence of the authorized local official signing the violation notice and if the notice contains the following statement immediately above the date and signature of the official: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.". An authorized local official may issue a violation notice to appear if, based upon investigation, the official has reasonable cause to believe that the person is responsible for a blight violation and if the city attorney or an assistant city attorney approves in writing the issuance of the violation notice.

(6) If a city has a rental inspection program with which a landlord must register in order to rent premises for residential purposes and if a landlord of premises rented in the city for residential purposes is registered with the city's rental inspection program, the city shall not issue a blight violation notice during an inspection of the premises unless either of the following occurs:

(a) The landlord is given a written correction notice of the violation and a reasonable opportunity to correct the circumstances before a reinspection of the premises or a date specified in the notice.

(b) The violation is a direct result of the landlord's action or inaction and creates an emergency that presents an immediate risk of harm to people or damage to property including, but not limited to, a flooded basement or premises without heat.

(7) A city that does not have a rental inspection program, or does not require a landlord to register as part of a rental inspection program, shall not issue a blight violation notice to a landlord of premises rented in the city for residential purposes during an inspection of the premises unless either of the following occurs:

(a) The landlord is given a written correction notice of the violation and a reasonable opportunity to correct the circumstances before a reinspection of the premises or a date specified in the notice.

(b) The violation is a direct result of the landlord's action or inaction and creates an emergency that presents an immediate risk of harm to people or damage to property, including, but not limited to, a flooded basement or premises without heat.

(8) The person named in the violation notice shall appear on or before the time specified in the violation notice and may respond to the allegations in the notice, as follows:

(a) If the alleged violator wishes to admit responsibility for the blight violation, the person may do so by appearing in person, by representation, or by mail. If appearance is made by representation or mail, the administrative hearings bureau may accept the admission as though the person personally appeared. Upon acceptance of the admission, a hearing officer may order any of the sanctions permitted under this section.

(b) If the alleged violator wishes to deny responsibility for the blight violation, or admit responsibility with an explanation, the person may do so by appearing in person on the date scheduled for the administrative hearing for the purpose of adjudicating the alleged violation.

(c) If the alleged violator fails to appear, a decision and order of default may be entered.

(9) If an admission of responsibility is not made and the civil fine and costs, if any, prescribed by charter or ordinance for the violation are not paid at the administrative hearings bureau, and the alleged violator fails to appear at a hearing scheduled in accordance with this section, a final decision and order of responsibility in the amount of the prescribed civil fine and costs may be issued by the administrative hearings bureau.

(10) The city establishing an administrative hearings bureau shall establish rules and procedures for an alleged violator to set aside the entry of a decision and order of default.

(11) The ordinance establishing the bureau shall provide for adjudicatory hearings by hearing officers. Each hearing officer shall be an attorney licensed to practice law in this state for at least 5 years. Hearing

officers shall be appointed in a manner consistent with the charter of the city for the appointment of other municipal officers or employees and shall only be removed for reasonable cause. Before conducting administrative adjudication proceedings, administrative hearing officers shall successfully complete a formal training program which includes all of the following:

- (a) Instruction on the rules of procedure of the administrative hearings that they will conduct.
- (b) Orientation to each subject area of the ordinance violations that they will adjudicate.
- (c) Observation of administrative hearings.
- (d) Participation in hypothetical cases, including ruling on evidence and issuing final orders.
- (e) The importance of impartiality in the conduct of the administrative hearing and adjudication of the violation.

(f) Instructions on the preparation of a record that is adequate for judicial review.

(12) The authority and duties of a hearing officer shall include all of the following:

- (a) Hearing testimony and accepting evidence that is relevant to the existence of the blight violation.
- (b) Issuing subpoenas directing witnesses to appear and give relevant testimony at the hearing, upon request of a party or a party's attorney.
- (c) Preserving and authenticating the record of the hearing and all exhibits and evidence introduced at the hearing.

(d) Issuing a determination, based upon the evidence presented at the hearing, whether a blight violation exists. The determination shall be in writing and shall include written findings of fact, a decision, and an order. The city shall have the burden of establishing the responsibility of the alleged violator by a preponderance of the evidence. Unless the burden is met, the matter shall be dismissed. A decision and an order shall not be made except upon consideration of the record as a whole or a portion of the record as may be cited by any party to the proceeding and as supported by and in accordance with the competent, material, and substantial evidence. A decision and order finding the alleged violator responsible for the violation shall include the civil fine, if any, or any action with which the violator must comply, or both.

(e) Imposing reasonable and proportionate sanctions consistent with applicable ordinance provisions and assessing costs upon a finding that the alleged violator is responsible for the alleged violation. The maximum monetary civil fine allowed under this section excludes costs of enforcement or costs imposed to secure compliance with the city's ordinances and is not applicable to enforce the collection of any tax imposed and collected by the city.

(13) In addition to fines and costs imposed under subsection (12), the hearing officer shall impose a justice system assessment of \$10.00 for each blight violation determination. Upon payment of the assessment, the city shall transmit the assessment collected to the state treasury to be deposited into the justice system fund created in section 181 of the revised judicature act of 1961, 1961 PA 236, MCL 600.181.

(14) A party shall be provided with the opportunity for a hearing during which they may be represented by counsel, present witnesses, and cross-examine witnesses. A party may request the hearing officer to issue subpoenas to direct the attendance and testimony of relevant witnesses and the production of relevant documents. Hearings shall be scheduled with reasonable promptness, except that for hearings scheduled in all nonemergency situations the alleged violator if he or she requests shall have at least 14 days after service of process to prepare for the hearing. For purposes of this subsection, "nonemergency situation" means any situation that does not reasonably constitute a threat to the public interest, safety, or welfare. If service is provided by first-class mail, the 14-day period begins to run on the day that the notice is deposited in the mail.

(15) In an administrative hearing under this section, the rules of evidence as applied in a nonjury civil case in circuit court shall be followed as far as practicable, but the hearing officer may admit and give probative effect to evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Irrelevant, immaterial, or unduly repetitious evidence may be excluded. Effect shall be given to the rules of privilege recognized by law. Objections to offers of evidence may be made and shall be noted in the record. Subject to these requirements, the hearing officer, for the purpose of expediting hearings and when the interests of the parties will not be substantially prejudiced thereby, may provide in an administrative hearing or by rule for submission of all or part of the evidence in written form.

(16) Any final decision by a hearing officer that a blight violation does or does not exist constitutes a final decision and order for purposes of judicial review and may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

(17) A party may file an appeal within 28 days after entry of the decision and order by the hearing officer. An appeal of a final decision and order of an administrative hearing officer is to the circuit court.

(18) An alleged violator who appeals a final decision and order to circuit court shall post with the administrative hearings bureau, at the time the appeal is taken, a bond equal to the fine and costs imposed. A party who has paid the fine and costs is not required to post a bond. If a party who has posted a bond fails to

comply with the requirements of supreme court rules for an appeal to the circuit court, the appeal may be considered abandoned, and the bureau may dismiss the appeal on 7 days' notice to the parties. The administrative hearings bureau must promptly notify the circuit court of a dismissal, and the circuit court shall dismiss the claim of appeal. If the appeal is dismissed or the decision and order are affirmed, the administrative hearings bureau may apply the bond to the fine and costs. An appeal by the city must be asserted by the city's attorney and a bond is not required.

(19) An appeal to circuit court shall be a review by the court of the certified record provided by the administrative hearings bureau. Pending appeal, and subject to the bond requirement under subsection (18), the hearing officer may stay the order and any sanctions or costs imposed. Once an appeal is filed, and subject to the bond requirement under subsection (18), the court may stay the order and any sanctions or costs imposed. The court, as appropriate, may affirm, reverse, or modify the decision or order, or remand the matter for further proceedings. The court shall hold unlawful and set aside a decision or order of the hearing officer if substantial rights of an alleged violator have been prejudiced because the decision or order is any of the following:

- (a) In violation of the constitution or a statute, charter, or ordinance.
- (b) In excess of the authority or jurisdiction of the agency as conferred by statute, charter, or ordinance.
- (c) Made upon unlawful procedure resulting in material prejudice to a party.
- (d) Not supported by competent, material, and substantial evidence on the whole record.
- (e) Arbitrary, capricious, or clearly an abuse or unwarranted exercise of discretion.
- (f) Affected by other substantial and material error of law.

(20) Except as otherwise provided in subsection (21) or (22), if the civil fine and costs imposed against a person under this section are \$1,000.00 or more and the person does not pay the civil fine and costs imposed within 30 days after a final decision and order of the hearing officer or of the circuit court under this section, the person is subject to the following:

(a) For a first violation, the person is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

(b) For a second violation, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(c) For a third or subsequent violation, the person is guilty of a misdemeanor and may be imprisoned for not more than 1 year and shall be fined \$500.00.

(21) Subsection (20) does not apply to any of the following that becomes the owner of a property after foreclosure or after taking a deed in lieu of foreclosure:

(a) A government-sponsored enterprise. As used in this subdivision, "government-sponsored enterprise" means that term as defined in 2 USC 622(8), or the Michigan state housing development authority created under the state housing development authority act of 1966, 1966 PA 346, MCL 125.1401 to 125.1499c.

(b) A financial institution. As used in this subdivision, "financial institution" means that term as defined in section 4(c) of the Michigan strategic fund act, 1984 PA 270, MCL 125.2004.

(c) A mortgage servicer, as that term is defined in section 1a of the mortgage brokers, lenders, and servicers licensing act, 1987 PA 173, MCL 445.1651a, that is subject to the mortgage brokers, lenders, and servicers licensing act, 1987 PA 173, MCL 445.1651 to 445.1684.

(d) A credit union service organization that is organized under the laws of this state or the United States.

(22) Subsection (20) does not apply to the owner of a property if, at the time the civil fine and costs are imposed against the owner, the owner had filed a principal residence exemption affidavit as provided under section 7cc of the general property tax act, 1893 PA 206, MCL 211.7cc, certifying that the property is owned and occupied as a principal residence by that owner.

(23) An entity described in subsection (21) that becomes the owner of a property after foreclosure or after taking a deed in lieu of foreclosure shall adhere to all ordinances relating to vacant property or blight violations adopted by the city that established an administrative hearings bureau under this section.

(24) As used in subsection (20), "person" means an individual, partnership, corporation, limited liability company, association, or other legal entity. Person includes the partners or members of a firm, a partnership, or an association and the officers of a corporation.

History: Add. 2003, Act 316, Imd. Eff. Jan. 12, 2004;—Am. 2008, Act 51, Imd. Eff. Mar. 28, 2008;—Am. 2013, Act 188, Eff. Mar. 14, 2014.

117.4r Nonpayment of civil fine or costs or installment payment by defendant; lien; recording; enforcement; priority; collection of judgment; duration of lien; default; limitation on commencement of enforcement action.

Sec. 4r. (1) If a defendant does not pay a civil fine or costs or an installment payment ordered by a hearing

officer under section 4q within 30 days after the date on which payment is due for a blight violation involving the use or occupation of land or a building or other structure, the city may obtain a lien against the land, building, or structure involved in the violation by recording a copy of the final decision and order requiring payment of the fines or costs with the register of deeds for the county in which the land, building, or structure is located. The order shall not be recorded unless a legal description of the property is incorporated in or attached to the order. The lien is effective immediately upon recording of the order with the register of deeds.

(2) An order recorded with a register of deeds under subsection (1) constitutes notice of the pendency of the lien. In addition, the city shall send a written notice of the lien by first-class mail to the owner of record of the land, building, or structure at the owner's last known address.

(3) A lien under this section may be enforced and discharged by the city in the manner prescribed by its charter, in the same manner as are liens for delinquent taxes under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155, or by an ordinance duly passed by the governing body of the city. However, property that is exempt as a principal residence under section 7cc of the general property tax act, 1893 PA 206, MCL 211.7cc, is not subject to forfeiture, foreclosure, and sale under sections 78 to 79a of the general property tax act, 1893 PA 206, MCL 211.78 to 211.79a, for nonpayment of a civil fine or costs or an installment ordered under section 4q unless the property is also subject to forfeiture, foreclosure, and sale under sections 78 to 79a of the general property tax act, 1893 PA 206, MCL 211.78 to 211.79a, for delinquent property taxes.

(4) A lien created under this section has priority over any other lien unless 1 or more of the following apply:

(a) The other lien is a lien for taxes or special assessments.

(b) The other lien is created before May 1, 1994.

(c) Federal law provides that the other lien has priority.

(d) The other lien is recorded before the lien under this section is recorded.

(5) A city may institute an action in circuit court for the collection of a judgment imposed by an order under section 4q for a blight violation. However, an attempt by the city to collect the judgment by any process does not invalidate or waive the lien upon the land, building, or structure.

(6) A lien under this section expires 10 years after a copy of the order imposing a fine or costs, or both, is recorded, unless within that time an action to enforce the lien is commenced.

(7) A default in the payment of a civil fine or costs under section 4q or an installment of the fine or costs may be collected by a means authorized for the enforcement of a court judgment under chapter 40 or 60 of the revised judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, and MCL 600.6001 to 600.6098.

(8) A city shall not commence an action to enforce a lien under this section if the city has commenced an action for a writ of garnishment with respect to the unpaid fine, costs, or payment under section 4027 of the revised judicature act of 1961, 1961 PA 236, MCL 600.4027.

History: Add. 2003, Act 317, Imd. Eff. Jan. 12, 2004;—Am. 2008, Act 51, Imd. Eff. Mar. 28, 2008;—Am. 2013, Act 192, Eff. Mar. 14, 2014.

117.4s Population more than 600,000; chief financial officer.

Sec. 4s. (1) Notwithstanding a charter provision or ordinance to the contrary, a city with a population of more than 600,000 shall establish the position of chief financial officer. The mayor of the city shall appoint the chief financial officer subject to the approval of the governing body of the city, and, if applicable, the financial review commission created in the Michigan financial review commission act. The chief financial officer shall have substantial experience with sophisticated municipal financial transactions, complex multidimensional governmental restructurings, governmental labor relations, health care benefits or pension matters, and local government management with governmental units having aggregate revenues of \$250,000,000.00 or more. Nothing in this section shall be construed to prevent a city with a population of more than 600,000 from adopting a charter provision or ordinance providing the responsibilities for a chief financial officer that are not inconsistent with this section.

(2) The chief financial officer appointed under subsection (1) shall report to the mayor and do all of the following:

(a) Supervise all financial and budget activities of the city.

(b) Coordinate the city's activities relating to budgets, financial plans, financial management, financial reporting, financial analysis, and compliance with the budget and financial plan of the city. If applicable, the functions and responsibilities of the chief financial officer shall be subject to approval by the financial review commission created in the Michigan financial review commission act.

(c) Certify that the city's annual budget complies with the uniform budgeting and accounting act, 1968 PA 2, MCL 141.421 to 141.440a, and, if applicable, submit that certification to the financial review commission created in the Michigan financial review commission act.

(d) Submit in writing to the mayor and the governing body of the city his or her opinion on the effect that policy or budgetary decisions made by the mayor or the governing body of the city will have on the city's annual budget and its 4-year financial plan described in section 4t.

(3) The local elected and appointed officials and employees of the city shall promptly and fully provide financial information requested by the chief financial officer.

History: Add. 2014, Act 182, Imd. Eff. June 20, 2014.

117.4t Population more than 600,000; requirements; appropriations.

Sec. 4t. (1) Notwithstanding a charter provision or ordinance to the contrary, for a city with a population of more than 600,000, all of the following apply:

(a) The city and its officers, employees, agents, and contractors shall comply with the Michigan financial review commission act, if applicable.

(b) For each fiscal year beginning after the effective date of the amendatory act that added this section, the city shall adopt a financial plan covering that fiscal year and the next 3 fiscal years. If a 2-year budget is in effect for the city under section 21 of the local financial stability and choice act, 2012 PA 436, MCL 141.1561, the financial plan must be consistent with the 2-year budget. The financial plan shall be proposed by the mayor and approved by the governing body of the city. If applicable, a financial plan must be approved by the financial review commission created in the Michigan financial review commission act before it takes effect. A financial plan shall include, but not be limited to, all of the following information for each of the 4 fiscal years covered by the financial plan:

(i) A projection of all revenues and expenditures of the city for each fiscal year, including debt service.

(ii) A projection of cash flow for each fiscal year.

(iii) A schedule of projected capital commitments for each fiscal year.

(iv) Measures to assure that projected employment levels, collective bargaining agreements, and other employee costs are consistent with projected expenditures and available revenue.

(v) Measures to assure compliance with mandates under state and federal law consistent with projected expenditures and available revenue.

(vi) Measures to assure adequate reserves for mandated and other essential programs and activities in the event of an overestimation of revenue, an underestimation of expenditures, or both.

(vii) A statement of significant assumptions and methods of estimation used for projections included in the financial plan.

(viii) Any other information the mayor, governing body, or chief financial officer of the city considers appropriate.

(c) A financial plan adopted under subdivision (b) shall comply with all of the following requirements:

(i) Projected revenues and expenditures for each fiscal year covered by the financial plan shall result in a balanced budget according to generally accepted accounting principles, including compliance with the uniform budgeting and accounting act, 1968 PA 2, MCL 141.421 to 141.440a.

(ii) Include contributions necessary to assure that pension systems for employees and retirees of the city are adequately funded.

(iii) Provide for the issuance of or incurring of debt by the city only in compliance with the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, and the Michigan financial review commission act, if applicable.

(iv) Provide for the payment in full of debt service on all debt issued or incurred by or on behalf of the city.

(v) Provide for operations of the city to be conducted with projected cash resources based upon projected cash flow for each fiscal year.

(vi) Include a general reserve fund for each fiscal year to cover potential reductions in projected revenues or increases in projected expenditures equal to not less than 5% of the projected expenditures for the fiscal year.

(vii) For each fiscal year, provide for the elimination of any deficit incurred in the prior fiscal year according to generally accepted accounting principles.

(viii) Rely upon revenue and expenditure projections based upon reasonable and appropriate assumptions and methods of estimation.

(ix) Rely upon cash flow projections based upon reasonable and appropriate assumptions as to sources and uses of cash, including timing.

(d) The city shall hold a revenue estimating conference in the second week of September and in the third week of February of each year. A revenue estimating conference shall be subject to all of the following:

(i) The principals of a conference shall be the chief financial officer of the city, the state treasurer or his or her designee from within the department of treasury, and a person affiliated with another public entity,

including a state institution of higher education, with experience in economic forecasting and revenue projection selected by the chief financial officer of the city and the state treasurer.

(ii) A conference shall establish an official economic forecast of major variables of the national, state, and local economies. A conference also shall establish a forecast of anticipated revenues of the city as the conference determines.

(iii) The official forecast of economic and revenue variables of the conference shall be determined by consensus among the conference principals and shall be for the fiscal year in which the conference is being held and the succeeding 2 fiscal years. The conference also shall forecast general fund revenue trendline projections for the city for an additional 2 fiscal years. Conference forecasts of revenues and expenditures shall be based upon the assumption that current law and administrative procedures will remain in effect for the forecast period.

(iv) The conference may request and shall receive from officers, departments, agencies, and authorities of the city the assistance and data needed to enable the conference to fulfill its duties.

(v) The principals of the conference shall determine procedures to be used by the conference including procedures for conference sessions and presentations by persons, except that any final action establishing an official forecast shall require the unanimous support of all principals. A conference shall complete its work within a period of not more than 5 days unless extended by consensus of the principals.

(vi) Meetings of a conference are subject to the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(vii) A principal shall preside over conference sessions, convene conference sessions, and specify topics to be included on the conference agenda. The responsibility of presiding over sessions of the conference shall be rotated annually among the principals, with the initial chairperson being elected by the principals. The chairperson presiding over a conference is responsible for setting the conference date and preparing and distributing the necessary documents before the conference, including comparisons between alternative information where a comparison is warranted. Upon the written request of a principal, a conference shall be convened by the chairperson.

(viii) A writing prepared, owned, used, in the possession of, or retained by the conference in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(ix) A conference shall distribute its economic and revenue forecasts to the mayor of the city, the governing body of the city, and, if subject to the Michigan financial review commission act, the financial review commission. The city shall publish the forecasts on its website.

(x) If the city is subject to the Michigan financial review commission act, the city may be required to amend its revenue estimates pursuant to an order or directive of the financial review commission created in the Michigan financial review commission act.

(e) The mayor of the city may veto a line item appropriating money in an appropriations ordinance. The portion of the appropriation approved is effective. The item disapproved is void unless reauthorized according to the procedures prescribed in charter or law for the adoption of ordinances over a veto.

(f) If, during a fiscal year, expenditures for the city exceed revenues, the mayor may, subject to the approval of the governing body of the city, authorize by executive order the reduction of line-item expenditures during that fiscal year.

(g) Beginning on the effective date of the amendatory act that added this subdivision, the city shall post on its website copies of both of the following:

(i) Within 30 days of the contract award, each contract entered into by the city during each fiscal year.

(ii) All contracts in which the city is a party that are in effect during each fiscal year.

(2) For the fiscal year ending September 30, 2015, \$100,000.00 is appropriated from the general fund/general purpose to the department of treasury to administer the provisions of this section and section 4s.

History: Add. 2014, Act 182, Imd. Eff. June 20, 2014.

117.4u Retirement benefits subject to protecting local government retirement and benefits act; "retirement benefit" defined.

Sec. 4u. If a city provides retirement benefits as part of a system of compensation under section 4i, the retirement benefits are subject to the protecting local government retirement and benefits act. As used in this section, "retirement benefit" means that term as defined in section 3 of the protecting local government retirement and benefits act.

History: Add. 2017, Act 214, Imd. Eff. Dec. 20, 2017.

117.5 Prohibited powers.

Sec. 5. (1) A city does not have power to do any of the following:

(a) To increase the rate of taxation now fixed by law, unless the authority to do so is given by a majority of the electors of the city voting at the election at which the proposition is submitted, but the increase in any case shall not be in an amount as to cause the rate to exceed 2%, except as provided by law, of the assessed value of the real and personal property in the city.

(b) To submit to the electors a charter more often than once in every 2 years, nor unless the charter is filed with the city clerk 60 days before the election, but this provision shall not apply to the submission and resubmission of charters of cities that may be incorporated under this act until they shall have first adopted a charter. Where a city submits to the electors a charter and the charter is adopted by the electors, and the city has operated under the charter, which charter has not, at the time it is adopted, been on file with the city clerk 60 days, then the legislative body of the city, upon its giving the notice of election as provided in the charter, may resubmit to the electors, at a special or general election, the charter, which, if adopted by the electors, shall be considered operative and effective as of the date of the first submission and adoption. The charter shall not be resubmitted unless 60 days have elapsed between the date of the filing of the charter and the date of the election at which the charter is resubmitted.

(c) To call more than 2 special elections within 1 year. This prohibition does not apply to elections that may be held in the submission and resubmission of charters of cities that may be incorporated under this act until they have first adopted a charter, and does not apply to elections that may be held in the resubmission of a charter once adopted as provided in subdivision (b).

(d) To decrease the salary of a municipal judge after his or her election or appointment, or during the judge's term of office, notwithstanding any charter provision to the contrary. The term of a public official shall not be shortened or extended beyond the period for which the official is elected or appointed, unless he or she resigns or is removed for cause, if the office is held for a fixed term.

(e) To adopt a charter or an amendment to the charter unless approved by a majority of the electors voting on the question; to sell a park, cemetery, or any part of a park or cemetery, except where the park is not required under an official master plan of the city; to engage in a business enterprise requiring an investment of money in excess of 10 cents per capita; or to authorize an issue of bonds except bonds issued in anticipation of the collection of taxes actually levied and uncollected or for which an appropriation has been made; bonds that the city is authorized by its charter to issue as part of its budget system, to an amount that in any year, together with the taxes levied for the same year, will not exceed the limit of taxation authorized by law; special assessment bonds; bonds for the city's portion of local improvements; refunding bonds; emergency bonds as defined by this act; and bonds that the legislative body is authorized by specific statute to issue without vote of the electors, unless approved by a majority of the electors voting on the question at a general or special election. In addition, a city that now has, or may subsequently have, a population of 750,000 persons or more may issue bonds, upon resolution of its governing body, without prior approval of the electors, which the city is authorized by its charter to issue as part of its budget system, to an amount that in any year, together with the ad valorem taxes levied for the same year, exclusive of debt service taxes or taxes levied pursuant to other laws, will not exceed 2-1/2% of the assessed value of the real and personal property in the city, this limitation to supersede and take the place of any contrary language in any existing city charter. For the purposes of this subdivision only, the assessed value of real and personal property in any city shall include the assessed value equivalent of money received during the city's fiscal year under the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.901 to 141.921. The assessed value equivalent shall be calculated by dividing the money received by the city's millage rate for the fiscal year. Notwithstanding the former provisions of this subdivision requiring approval by 3/5 of the electors voting on the question as a prerequisite to the exercise of certain powers, these powers may be exercised if approved by a majority of the electors voting on the question at a general or special election held on or after April 1, 1966.

(f) To make a contract with, or give an official position to, one who is in default to the city.

(g) To issue bonds without providing a sinking fund to pay them at maturity, except as provided in section 4g(1), but sinking funds shall not be required in the case of serial bonds that fall due annually. Bonds, whether authorized under this act or any other act, except refunding bonds, revenue bonds, motor vehicle highway fund bonds, rehabilitation bonds, judgment bonds, bonds or other obligations issued to fund an operating deficit of a city, bonds or other obligations to pay premiums or to establish funds to self-insure for losses as authorized by the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, bonds the issuance of which has been approved by the voters, and bonds issued to comply with an order of a court of competent jurisdiction shall not be issued by a city unless notice of the issuance of the bonds is published once in a newspaper of general circulation in the city at least 45 days before the issuance of the bonds, within which period a petition may be filed with the legislative body signed by not less than 10% or 15,000 of the registered electors in the city, whichever is less, in which event the legislative body shall submit the question of the issuance of the bonds to the electors of the city, at a regular or special election in the city. The bonds shall not

be issued unless a majority vote of the electors voting on the issuance vote in favor of issuing the bonds. The notice of intent to issue bonds shall state the maximum amount of the bond issue, the purpose of the bond issuance, source of payment, right of referendum on the issuance of the bonds, and other information as the legislative body determines to be necessary to adequately inform the electors and all other interested persons of the nature of the issue and of their rights with respect to the issue.

(h) To repudiate a debt by a change in its charter or by consolidation with any other municipality.

(i) To submit a franchise to the electors at a special election, unless the expense of holding the election, as determined by the legislative body, is paid in advance to the city treasurer by the grantee in the franchise.

(2) Beginning on the effective date of the amendatory act that added this subsection, a city shall not adopt a city charter or ordinance that includes any minimum staffing requirement for city employees. Except as otherwise provided in this subsection, any provision in a city charter or ordinance adopted on or after the effective date of the amendatory act that added this subsection that contains a minimum staffing requirement for city employees is void and unenforceable.

History: 1909, Act 279, Eff. Sept. 1, 1909;—Am. 1911, Act 203, Eff. Aug. 1, 1911;—CL 1915, 3308;—Am. 1917, Act 6, Imd. Eff. Mar. 9, 1917;—Am. 1919, Act 240, Eff. Aug. 14, 1919;—Am. 1923, Act 119, Imd. Eff. May 2, 1923;—Am. 1929, Act 126, Eff. Aug. 28, 1929;—CL 1929, 2241;—Am. 1935, Act 239, Imd. Eff. June 8, 1935;—Am. 1941, Act 60, Eff. Jan. 10, 1942;—Am. 1948, 1st Ex. Sess., Act 44, Eff. Aug. 20, 1948;—CL 1948, 117.5;—Am. 1949, Act 207, Eff. Sept. 23, 1949;—Am. 1965, Act 65, Eff. Mar. 31, 1966;—Am. 1966, Act 32, Imd. Eff. May 17, 1966;—Am. 1966, Act 350, Imd. Eff. Dec. 21, 1966;—Am. 1969, Act 41, Imd. Eff. July 17, 1969;—Am. 1972, Act 8, Imd. Eff. Feb. 17, 1972;—Am. 1973, Act 81, Imd. Eff. July 31, 1973;—Am. 1976, Act 178, Imd. Eff. June 30, 1976;—Am. 1981, Act 81, Imd. Eff. July 1, 1981;—Am. 1988, Act 268, Imd. Eff. July 15, 1988;—Am. 2002, Act 201, Imd. Eff. Apr. 29, 2002;—Am. 2011, Act 133, Imd. Eff. Sept. 13, 2011.

Compiler's note: Act 203 of 1911, which amended this section, was held unconstitutional and void. See note to MCL 117.1.

The 1911 amendment reads as follows:

“Sec. 5. No city shall have power:

“(a) To lay and collect taxes in a sum in excess of two per centum per annum of the assessed value of the real and personal property in such city;

“(b) To submit to the electors a charter or to resubmit any amendment thereto oftener than once in every two years, nor unless it shall be filed with the city or village clerk ninety days before the election: Provided, however, That this provision shall not apply to the submission and resubmission of charters of cities which may be incorporated under this act until they shall have first adopted a charter;

“(c) To call more than two special elections within one year: Provided, however, That this prohibition shall not apply to elections which may be held in the submission and resubmission of charters of cities which may be incorporated under this act until they shall have first adopted a charter;

“(d) To change the salary or emoluments of any public official after his election or appointment or during his term of office;

“(e) To adopt a charter or any amendment thereto, unless approved by a majority of the electors voting thereon; to sell any property of a value in excess of ten cents per capita according to the last preceding United States census, or any park, cemetery, or any real estate used in carrying on a public utility, or any part thereof, or any property bordering on a water front, or vacate any street or public place leading to a water front, or engage in any business enterprise requiring an investment of money in excess of ten cents per capita, or authorize any issue of bonds except special assessment bonds, refunding bonds, and emergency bonds as defined by this act and bonds that it is annually authorized to issue, unless approved by three-fifths of the electors voting thereon at any general or special election;

“(f) To make any contract with, or give any official position to one who is in default to the city;

“(g) To issue any bonds without providing a sinking fund, to pay them at maturity, but no sinking fund shall be required in the case of serial bonds which fall due annually;

“(h) To repudiate any debt by any change in its charter or by consolidation with any other municipality;

“(i) To submit a franchise to the electors at a special election, unless the expense of holding the election, as determined by the legislative body, shall be paid in advance by the grantee in said franchise to the city treasurer.”

117.5a Membership in certain societies not to affect employment.

Sec. 5a. No city shall have power to deny employment to any person for the reason that he is a member of any society which is incorporated under the laws of this state, the membership of which is composed solely of law enforcement officers, unless same is contrary to his oath of office.

History: Add. 1952, Act 225, Eff. Sept. 18, 1952;—Am. 1965, Act 260, Eff. Mar. 31, 1966.

117.5b Code of municipal ordinances; publication.

Sec. 5b. Each city shall have power, whether provided in its charter or not, to codify, recodify and continue in code its municipal ordinances, in whole or in part, without the necessity of publishing the entire code in full. The ordinance adopting the code, as well as subsequent ordinances repealing, amending, continuing or adding to the code, shall be published as required by law. The ordinance adopting the code may amend, repeal, revise or rearrange ordinances or parts of ordinances by reference by title only.

History: Add. 1960, Act 46, Imd. Eff. Apr. 19, 1960.

117.5c Local officers compensation commission; creation; purpose; appointment, qualifications, and terms of members; vacancies; determination of salaries; expenses; meetings; quorum; concurrence of majority required; election of chairperson;

compensation of members; conducting business at public meeting; notice of meeting; availability of certain writings to public; resolution; changing procedure; petition for referendum.

Sec. 5c. In place of a charter provision existing on December 31, 1972 establishing the salaries or the procedure for determining salaries of elected officials, the governing body may establish, by ordinance, the procedure described in this section, in which case the restriction contained in a charter provision with respect to changing salaries during term shall be inapplicable. The ordinance shall provide the following:

(a) A local officers compensation commission is created which shall determine the salaries of each local elected official. The commission shall consist of 5 members in a city of 20,000 population or less and 7 members in a city of over 20,000 population. The members shall be registered electors of the city, appointed by the mayor subject to confirmation by a majority of the members elected and serving in the legislative body. In the case of a 5-member commission, the terms of office shall be 5 years, except that of the members first appointed, 1 each shall be appointed for terms of 1, 2, 3, 4, and 5 years. In the case of a 7-member commission, the terms of office shall be 7 years, except that of the members first appointed, 1 each shall be appointed for terms of 1, 2, 3, 4, 5, 6, and 7 years. The first members shall be appointed within 30 days after the effective date of the ordinance. Members other than the first members shall be appointed before October 1 of the year of appointment. Vacancies shall be filled for the remainder of the unexpired term. A member or employee of the legislative, judicial, or executive branch of government or a member of the immediate family of a member or employee of the legislative, judicial, or executive branch of government shall not be a member of the commission.

(b) The commission shall determine the salary of each local elected official. The determination shall be the salary unless the legislative body, by resolution adopted by 2/3 of the members elected to and serving on the legislative body, rejects it. The determination of the commission shall be effective 30 days following its filing with the city clerk unless rejected by the legislative body. If the determination is rejected, the existing salary shall prevail. The expense allowance or reimbursement paid to elected officials in addition to salary shall be for expenses incurred in the course of city business and accounted for to the city.

(c) The commission shall meet for not more than 15 session days in each odd numbered year and shall make its determination within 45 calendar days after its first meeting. A majority of the members of the commission constitutes a quorum for conducting the business of the commission. The commission shall not take action or make a determination without a concurrence of a majority of the members appointed and serving on the commission. The commission shall elect a chairperson from among its members. As used in this section, "session day" means a calendar day on which the commission meets and a quorum is present. The members of the commission shall not receive compensation, but shall be entitled to actual and necessary expenses incurred in the performance of official duties.

(d) The business which the commission may perform shall be conducted at a public meeting of the commission held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting of the commission shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

(e) A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(f) The governing body shall implement this section by resolution. After 1 year following the date the ordinance goes into effect the procedure for establishing the compensation of elected officials may be changed by charter amendment or revision.

(g) Not more than 60 days after the effective date of the ordinance, a petition for a referendum on the ordinance may be filed pursuant to the procedure provided in the charter or otherwise by filing a petition with the city clerk containing the signatures of at least 5% of the registered electors of the city on the effective date of the ordinance. The election shall be conducted in the same manner as an election on a charter amendment. If a petition for referendum is filed, a determination of the commission shall not be effective until the ordinance has been approved by the electors.

History: Add. 1972, Act 8, Imd. Eff. Feb. 17, 1972;—Am. 1977, Act 204, Imd. Eff. Nov. 17, 1977;—Am. 1978, Act 106, Imd. Eff. Apr. 6, 1978.

117.5d Locomotives; enforceability of ordinance prescribing maximum speed limit.

Sec. 5d. Notwithstanding any other provision of this act, on and after the effective date of a passenger railroad maximum speed limit specified in a final order of the director of the state transportation department, an ordinance of a city prescribing the maximum speed limit of locomotives used in passenger train operations or of passenger railroad trains shall not be enforceable as to a speed limit other than the limit set forth in the

order. However, a city may prescribe the length of the time for which a passenger locomotive or passenger railroad train may obstruct vehicular traffic.

History: Add. 1984, Act 11, Imd. Eff. Feb. 16, 1984.

117.5e Municipal water or sewage system; annual audit; public hearing before proposed rate increase.

Sec. 5e. A municipal water or sewage system established by a city incorporated under this act which serves more than 40% of the population of the state shall:

(a) Be audited annually by an independent auditor designated by the legislative auditor general. No charter provision shall require an annual local audit for the same period. The auditor shall be paid by the system. The results of the annual audit shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws. The annual audit shall be submitted to the governing body of each city, village, or township served by the system and to the legislature before December 1 of each year. Each city, village or township served by the system shall be audited annually by an independent auditor. The auditor shall be paid by that city, village, or township served by the system. The results shall be made available to the public.

(b) Hold at least 1 public hearing at least 120 days before a proposed rate increase is scheduled to take effect. Each hearing shall be conducted in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Notice of the time, date, and place of each hearing shall be given in the manner required by Act No. 267 of the Public Acts of 1976, shall be prominently printed in a daily newspaper of general circulation within the area, and shall be mailed to each city, village, or township served by the system not less than 30 days before each hearing. A final vote by the governing body of the city to implement a proposed rate increase shall not be taken until the hearings provided for in this subdivision are concluded and the results of those hearings are considered by the city's governing body. This section shall not be construed to impair the obligations of a contract. A city shall not be required to hold a public hearing before the establishment of a water or sewer rate which is necessary for debt retirement under outstanding bond obligations.

History: Add. 1978, Act 383, Imd. Eff. July 27, 1978.

117.5f Energy conservation improvements; acquisition or financing; resolution; payment; scope of improvements; acquisition of improvements by contract, lease-purchase agreement, or notes; reports; forms; terms of lease-purchase agreement.

Sec. 5f. (1) The legislative body of a city may provide by resolution for the acquisition or financing of energy conservation improvements to be made to city facilities or infrastructure and may pay for the improvements or the financing or refunding of the improvements from the general fund of the city or from the savings that result from the energy conservation improvements. Energy conservation improvements may include, but are not limited to, heating, ventilating, or air-conditioning system improvements, fenestration improvements, roof improvements, the installation of any insulation, the installation or repair of heating, ventilating, or air-conditioning controls, entrance or exit way closures, information technology improvements associated with an energy conservation improvement, and municipal utility improvements associated with an energy conservation improvement.

(2) The legislative body of a city may acquire, finance, or refund 1 or more of the energy conservation improvements described in subsection (1) by installment contract, which may include a lease-purchase agreement described in subsection (5), or may borrow money and issue notes for the purpose of securing funds for the improvements or may enter into contracts in which the cost of the energy conservation improvements is paid from a portion of the savings that result from the energy conservation improvements. These contractual agreements may provide that the cost of the energy conservation improvements are paid only if the energy savings are sufficient to cover their cost. An installment contract, a lease-purchase agreement described in subsection (5), or notes issued pursuant to this subsection shall extend for a period of time not to exceed 20 years from the date of the final completion of the energy conservation improvements or the useful life of the aggregate energy conservation improvements, whichever is less. Notes issued pursuant to this subsection shall be full faith and credit, tax limited obligations of the city, payable from tax levies and the general fund as pledged by the legislative body of the city. The notes shall be subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821. A lease-purchase agreement issued pursuant to this subsection shall not be subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, and shall not be a municipal security or a debt as those terms are defined in that act. This subsection does not limit in any manner the borrowing or bonding authority of a city as provided by law.

(3) Prior to entering into a contract for energy conservation improvements under this section, the

legislative body of a city shall determine the following information and, within 60 days of the completion of the improvements, shall report the following information to the Michigan public service commission:

(a) Name of each facility to which an improvement is made and a description of the energy conservation improvement.

(b) Actual energy consumption during the 12-month period before commencement of the improvement.

(c) Project costs and expenditures, including the total of all lease payments over the duration of the lease-purchase agreement.

(d) Estimated annual energy savings, including projected savings over the duration of the installment contract.

(4) If energy conservation improvements are made as provided in this section, the legislative body of a city shall report to the Michigan public service commission, by July 1 of each of the 5 years after the improvements are completed, only the actual annual energy consumption of each facility to which improvements are made. The forms for the reports required by this section shall be furnished by the Michigan public service commission.

(5) An installment contract described in this section may include a lease-purchase agreement, which may be a multiyear contractual obligation that provides for automatic renewal unless positive action is taken by the legislative body to terminate that contract. Payments under a lease-purchase agreement shall be a current operating expense subject to annual appropriations of funds by the legislative body and shall obligate the legislative body only for those sums payable during the fiscal year of contract execution or any renewal year thereafter. The legislative body may make payments under a lease-purchase agreement from any legally available funds or from a combination of energy or operational savings, capital contributions, future replacement costs avoided, or billable revenue enhancements that result from energy conservation improvements, provided that the legislative body has determined that those funds are sufficient to cover, in aggregate over the full term of the contractual agreement, the cost of the energy conservation improvements. The lease-purchase agreement will terminate immediately and absolutely and without further obligation on the part of the legislative body at the close of the fiscal year in which it was executed or renewed or at such time as appropriated and otherwise unobligated funds are no longer available to satisfy the obligations of the legislative body under the lease-purchase agreement. During the term of the lease-purchase agreement, the legislative body shall be the vested owner of the energy conservation improvements and may grant a security interest in the energy conservation improvements to the provider of the lease-purchase agreement. Upon the termination of the lease-purchase agreement and the satisfaction of the obligations of the legislative body, the provider of the lease-purchase agreement shall release its security interest in the energy conservation improvements.

History: Add. 1984, Act 401, Imd. Eff. Dec. 28, 1984;—Am. 1990, Act 231, Imd. Eff. Oct. 8, 1990;—Am. 2002, Act 201, Imd. Eff. Apr. 29, 2002;—Am. 2016, Act 119, Eff. Aug. 17, 2016.

Compiler's note: For transfer of functions relating to energy policy from the Energy Administration, Department of Commerce, to the Public Service Commission, Department of Commerce, see E.R.O. No. 1986-4, compiled at MCL 460.901 of the Michigan Compiled Laws.

For transfer of powers and duties of the public service commission pertaining to energy conservation improvement reports from the public service commission to the state treasurer, see E.R.O. No. 1996-2, compiled at MCL 445.2001 of the Michigan Compiled Laws.

117.5g Flood control project.

Sec. 5g. The legislative body of a city may provide by resolution for a flood control project financed in any manner that is authorized by statute or charter.

History: Add. 1986, Act 64, Imd. Eff. Mar. 31, 1986.

117.5h Regulation or prohibition of public nudity; "public nudity" defined.

Sec. 5h. (1) Whether or not so provided in its charter, a city may, by ordinance, regulate or prohibit public nudity within city boundaries.

(2) As used in this section, "public nudity" means knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. A mother's breastfeeding of her baby does not under any circumstances constitute nudity irrespective of whether or not the nipple is covered during or incidental to the feeding.

History: Add. 1991, Act 175, Eff. Mar. 30, 1992;—Am. 1994, Act 313, Imd. Eff. July 21, 1994.

117.5i Snow removal from streets, mosquito abatement, and security services provided by private contractors; special assessment.

Sec. 5i. (1) Whether or not authorized by its charter, a city with a population of more than 600,000 may provide by ordinance a procedure to finance by special assessments the provision by private contractors of snow removal from streets, mosquito abatement, and security services. The ordinance shall authorize the use of petitions to initiate the establishment of a special assessment district. The record owners of not less than 51% of the land comprising the actual special assessment district must have signed the petitions.

(2) A service instituted under this section may be discontinued upon petition by the record owners of 51% of the land comprising the special assessment district.

History: Add. 1994, Act 431, Imd. Eff. Jan. 6, 1995;—Am. 2001, Act 173, Imd. Eff. Dec. 11, 2001;—Am. 2011, Act 287, Imd. Eff. Dec. 21, 2011.

117.5j Sewer separation; authorization; ordinance; special assessment.

Sec. 5j. A city, in order to protect the public health, may adopt an ordinance to provide for the separation of storm water drainage and footing drains from sanitary sewers on privately owned property. The legislative body of a city may determine that the sewer separation authorized by this section is for a public purpose and is a public improvement and may also determine that the whole or any part of the expense of these public improvements may be defrayed by special assessment upon lands benefited by the public improvement or by any other lawful charge. A special assessment authorized by this section shall be considered to benefit only lands where the separation of storm water drainage and footing drains from sanitary sewers occurs.

History: Add. 2002, Act 315, Imd. Eff. May 14, 2002.

117.5k Public-private agreement for public bridge facility; requirements; user fee; scope of section; hearing; definitions.

Sec. 5k. (1) A city may enter into a public-private agreement for a public bridge facility as provided in this section. A public-private agreement must protect the public interest and ensure accountability of the concessionaire to the city.

(2) A city may determine or negotiate the terms and conditions of the public-private agreement to facilitate the research, planning, study, design, development, financing, acquisition, construction, renovation, operation, or maintenance of, or charging of a user fee for, a public bridge facility. A public bridge facility described in this section must be publicly owned and dedicated to public use.

(3) A public-private agreement must include all of the following:

(a) The terms of use and operation of the public bridge facility by a concessionaire for a period of time that the city determines is reasonable and necessary for developing and financing the public bridge facility.

(b) A clause that vests ownership of the public bridge facility with the city or a public entity created by the city under the laws of this state, and provides that title to and ownership of the public bridge facility must not be encumbered by a lien, mortgage, or security interest.

(c) The terms for terminating the public-private agreement.

(d) If the concessionaire will operate the public bridge facility, a reversion clause that states that operation of the public bridge facility will revert to the city when the public-private agreement is terminated.

(e) The restrictions imposed on the concessionaire's ability to sell or transfer its interest in the public bridge facility without the consent of the city.

(4) The public-private agreement may provide for any of the following:

(a) A lease, license, right of entry, or other instrument for the benefit of the concessionaire, as determined by the city to be in the public interest, that may be encumbered by a lien, mortgage, or security interest.

(b) An initial operating term not to exceed 75 years from the date of the completion of construction or commencement of the collection of a user fee, if a user fee is collected, whichever is later.

(c) The terms for renewing the public-private agreement.

(d) The charging and collecting of user fees for the use of the public bridge facility, including the charging and collecting of user fees for different classifications of users.

(e) The use, application, or sharing of all or a portion of collected user fees with the concessionaire.

(f) A schedule, formula, or mechanism for the adjustment of a user fee.

(g) An arbitration, mediation, or other alternative dispute resolution clause.

(5) For the duration of the term of a public-private agreement, all of the following apply:

(a) A right-of-way acquired through condemnation or private acquisition that is used for a public bridge facility must be contributed and remain publicly owned.

(b) Property developed under and subject to the public-private agreement is exempt from all state and local ad valorem and other property taxes that are applicable.

(c) The concessionaire's interest in property developed under and subject to the public-private agreement is exempt from taxation under 1953 PA 189, MCL 211.181 to 211.182.

(6) A user fee may be imposed on the use of a public bridge facility only if the user fee is imposed for the use of a public bridge facility that is constructed or renovated after the effective date of the amendatory act that added this section. If a user fails to pay a user fee, a reasonable late fee may be charged to the user. If a user fails to pay a user fee and a separate billing is required for the payment, a reasonable administrative fee may be charged to the user in addition to any late fee. A user fee, late fee, or administrative fee charged under this subsection is not subject to regulation by any other governmental agency. A city may enforce and collect or authorize a concessionaire or another person to enforce and collect the payment of a user fee, late fee, or administrative fee under this subsection. A user fee may be imposed, charged, and collected by manual, digital, or electronic means, including, but not limited to, video, transponder, tag, camera, or any other similar technology.

(7) If a person fails to pay a user fee as required under subsection (6) within 180 days, the city or a person authorized by the city may bring a civil action against the person to collect the user fee. If the civil action results in a judgment against the person owing the user fee, the person owing the user fee must reimburse the city for all costs of enforcement and collection, including filing and attorney fees.

(8) This section does not affect or otherwise impair either of the following:

(a) A public-private agreement or any other agreement that a city enters into before the effective date of the amendatory act that added this section.

(b) A public-private agreement or any other agreement that the city enters into for the development of a public bridge facility that is outside the scope of this section.

(9) Before a city enters into a public-private agreement that provides for the charging and collecting of user fees for the use of a public bridge facility, the city shall hold a public hearing on the public-private agreement. Before modifying the terms of a public-private agreement that provide for the charging and collecting of user fees for the use of a public bridge facility, a city shall hold a public hearing on the proposed modifications to the public-private agreement. A public hearing held under this subsection must be conducted in accordance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. The public hearing must be conducted so as to provide a reasonable opportunity for public comment, including both oral and written comment. A city that holds a public hearing under this subsection shall make reasonable accommodations to allow for public participation through electronic formats, including the opportunity to view the public hearing through an internet broadcast and to submit comments by digital means.

(10) As used in this section:

(a) "Concessionaire" means a private entity that has entered into a public-private agreement.

(b) "Governmental entity" means an entity created under a state statute and operated for a public purpose.

(c) "Private entity" means an individual, corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity, or any other nongovernmental business entity.

(d) "Public bridge facility" means a bascule bridge, a roadway or ramp that supports the bascule bridge, and any other equipment, building, structure, parking area, appurtenance, or other real or personal property necessary or desirable for and any future new construction to replace a bascule bridge, a roadway or ramp that supports the bascule bridge, and any other equipment, building, structure, parking area, appurtenance, or other real or personal property necessary or desirable for the bascule bridge that is in existence on the effective date of the amendatory act that added this section. A public bridge facility does not include a bridge or infrastructure directly associated with an international bridge crossing.

(e) "Public-private agreement" means an agreement between a city and a private entity or between a city, a private entity, and 1 or more governmental entities that relates to researching, planning, studying, designing, developing, financing, acquiring, constructing, renovating, operating, or maintaining, or charging a user fee for, a public bridge facility.

(f) "User fee" means a toll, consumption charge, rent, license fee, or another similar or ancillary charge that is related to the use of a public bridge facility. User fee includes, but is not limited to, a fee or charge for creating, maintaining, administering, billing, and collecting an account.

History: Add. 2020, Act 353, Eff. Mar. 24, 2021.

117.6 Incorporation, consolidation, or alteration of boundaries; petition; signatures; deposit; enumeration.

Sec. 6. Cities may be incorporated or territory detached therefrom or added thereto, or consolidation made of 2 or more cities or villages into 1 city, or of a city and 1 or more villages into 1 city, or of 1 or more cities or villages together with additional territory not included within any incorporated city or village into 1 city, by proceedings originating by petition therefor signed by qualified electors who are freeholders residing within the cities, villages, or townships to be affected thereby, to a number not less than 1% of the population of the

territory affected thereby according to the last preceding United States census, or according to a census to be taken as hereinafter provided, which number shall be in no case less than 100, and not less than 10 of the signatures to such petition shall be obtained from each city, village, or township to be affected by the proposed change: Provided, That in the incorporation of a city from an existing village without change of boundaries the requisite number of signatures may be obtained from throughout the village without regard to the townships in which the signers are residents: Provided further, That as an alternate method in the case of an annexation proceeding in which there are less than 10 persons qualified to sign the petition living in that unincorporated territory of any township or townships proposed to be annexed to a city, that the signatures on the petition of persons, firms, corporations, the United States government, or the state or any of its subdivisions who collectively hold equitable title as vendees under a recorded land contract or memorandum of land contract, or record legal title to more than 1/2 of the area of the land exclusive of streets, in the territory to be annexed at the time of filing the petition, will suffice in lieu of obtaining 10 signatures from the township in which such area to be annexed lies: And provided further, That on such petition each signature shall be followed by a description of the land and the area represented thereby and a sworn statement shall also accompany such petition giving the total area of the land, exclusive of streets, lying within the area proposed to be annexed: Provided further, That before any signatures are obtained on a petition as hereinbefore provided, such petition shall have attached to it a map or drawing showing clearly the territory proposed to be incorporated, detached, or added, and each prospective signer shall be shown such map or drawing before signing the petition. Such petition shall be verified by the oath of 1 or more petitioners. The county clerk upon the presentment of a petition for incorporation of a new city for filing shall forthwith estimate all necessary expense that may be incurred by the county in the incorporation proceedings, and the clerk thereupon shall require that the sum so estimated, which in no case shall exceed \$500.00, be deposited with the clerk and shall refuse to accept the petition for filing until the sum is so deposited: Provided, That in proceedings for the incorporation of a new city or the consolidation of 2 or more cities or villages into 1 city, or of a city and 1 or more villages into 1 city or of 1 or more cities or villages together with additional territory not included within any incorporated city or village into 1 city, a petition signed by not less than 100 qualified electors who are freeholders residing within the territory so proposed to be incorporated or consolidated, praying for the taking of a census of the inhabitants of the territory affected thereby, may be filed with the county clerk of the county within which said territory is located. The county clerk shall, within 5 days after the filing of such petition, certify to the mayor of each city, president of each village, and supervisor of each township affected thereby, and to the secretary of state that such petition has so been filed. Within 5 days after the service of such certificate, the secretary of state shall appoint an enumerator or enumerators to enumerate the inhabitants of each such city, village, and the portion of each township proposed to be so incorporated, or a consolidation made thereof. Before entering upon the duties of said office, each such enumerator shall take and subscribe to the constitutional oath of office before some officer authorized to administer oaths and file the same with the secretary of state and with the county clerk of the county in which such territory is located. It shall be the duty of each enumerator so appointed to enumerate all of the bona fide inhabitants of such city, village, or township, territory or portion thereof assigned to the enumerator by the secretary of state and to visit each house or dwelling and to obtain the names of each known resident thereof. The city, village, or township within which the services of the enumerator are rendered shall pay for such services together with any actual and necessary expenses incurred by the enumerator. The rate of pay and actual and necessary expenses of the enumerator shall be set by the governing body of the city, village, or township in which the census takes place. Upon completing such enumeration it shall be the duty of the persons so appointed to make a return in duplicate of such enumeration showing the names of the inhabitants of each such city, village, or township, territory or district to the county clerk and to the secretary of state. No such enumeration or census shall be conducted in any city, village or township, or portion thereof, within 2 years of the date of the last enumeration in such territory. Every such enumeration shall be conducted under the general supervision and control of the secretary of state who is hereby empowered to make rules and regulations for the purpose of carrying out the provisions of this act.

History: 1909, Act 279, Eff. Sept. 1, 1909;—CL 1915, 3309;—Am. 1919, Act 84, Eff. Aug. 14, 1919;—CL 1929, 2242;—Am. 1931, Act 314, Imd. Eff. June 16, 1931;—Am. 1939, Act 231, Eff. Sept. 29, 1939;—Am. 1947, Act 334, Eff. Oct. 11, 1947;—CL 1948, 117.6;—Am. 1956, Act 77, Eff. Aug. 11, 1956;—Am. 1957, Act 210, Eff. Sept. 27, 1957;—Am. 1984, Act 352, Eff. Mar. 29, 1985.

117.7 Incorporation, consolidation or alteration of boundaries; fifth class cities; population requisites; representation on board of supervisors.

Sec. 7. Said petition shall accurately describe the proposed boundaries of the city, or of the territory to be annexed thereto or detached therefrom, and if the purpose is to incorporate a new city, it shall represent that the territory described contains not less than 2,000 inhabitants and an average of not less than 500 inhabitants

per square mile: Provided, That all incorporated villages in which a county seat is located are hereby authorized to incorporate under the provisions of this act as cities of the fifth class, without respect to the population of the territory included therein: Provided further, That any incorporated village having a population of more than 750 and less than 2,000 inhabitants, or any incorporated village lying within more than 1 township in the same county having a population of more than 600 and less than 2,000 inhabitants, or any territory containing a population of more than 750 and less than 2,000 inhabitants and an average of not less than 500 inhabitants per square mile may incorporate under the provisions of this act as cities of the fifth class. Such cities shall constitute but 1 voting precinct except in cities lying within more than 1 county and the mayor thereof, or whenever provided by resolution of the legislative body of any such city, the city attorney, city manager, or city superintendent shall be among the representatives of the city on the board of supervisors of the county or counties: Provided further, Whenever in the process of incorporating a city of the fifth class and adopting a charter therefor, it shall be disclosed by an official census that the population exceeds 2,000 inhabitants, then all proceedings theretofore taken shall be deemed to be for a non fifth class city under this act.

History: 1909, Act 279, Eff. Sept. 1, 1909;—CL 1915, 3310;—Am. 1917, Act 286, Eff. Aug. 10, 1917;—Am. 1923, Act 196, Eff. Aug. 30, 1923;—Am. 1927, Act 303, Imd. Eff. June 1, 1927;—CL 1929, 2243;—Am. 1947, Act 91, Eff. Oct. 11, 1947;—CL 1948, 117.7;—Am. 1951, Act 40, Eff. Sept. 28, 1951;—Am. 1953, Act 175, Eff. Oct. 2, 1953;—Am. 1955, Act 33, Eff. Oct. 14, 1955.

117.8 Incorporation, consolidation, or alteration of boundaries; petition; filing; resolution; adoption.

Sec. 8. (1) Subject to subsections (2) and (3), a petition filed under section 6 shall be addressed to the county board of commissioners of the county in which the territory to be affected by the proposed incorporation, consolidation, or change of boundaries is located, and shall be filed with the clerk of the county board of commissioners not less than 30 days before the convening of the board in regular session, or in any special session called for the purpose of considering the petition. The county board of commissioners shall by resolution determine whether the petition complies with the requirements of this act and whether the statements contained in the petition are correct. If a majority of the board determines that the petition does not comply with the requirements of this act or that the statements contained in the petition are not correct, the board shall not conduct further proceedings on the petition. Subject to subsection (4), if the board determines that the petition complies with the requirements of this act and that the statements contained in the petition are correct, the board shall, by resolution, provide that the question of making the proposed incorporation, consolidation, or change of boundaries be submitted to the qualified electors of the district to be affected at the next general election or at a special election before the next general election. The question shall not be submitted at an election to be held less than 60 days after the adoption of the resolution.

(2) If it is proposed to incorporate an incorporated village as a city without change of boundaries, both of the following apply:

(a) The initiatory petition provided for under section 6 shall be addressed to the village council or other legislative body of the village and shall be filed with the village clerk at least 30 days before final action is taken on the petition.

(b) The powers and duties of the county board of commissioners and county clerk under subsection (1) are assigned to the village council and village clerk, respectively.

(3) A petition covering the same territory, or part of the same territory, shall not be considered by the county board of commissioners more often than once in every 2 years, unless the petition is signed by not less than 35% of taxpayers whose names appear on the latest assessment rolls under the requirements of the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, as being assessed for real property taxes within the area proposed to be annexed. The assessing officers who are charged with the duty of assessing real property within the area proposed to be annexed shall report as of the date on which the petition is filed the total number of names on the rolls, within that area, to the clerk of the county board of commissioners not more than 14 days after the filing date.

(4) A vote is not required if the city owns the land sought to be annexed.

(5) After the adoption of a resolution under subsection (1) submitting a question to a vote of the electors, neither the sufficiency nor legality of the petition under section 6 may be questioned in any proceeding.

History: 1909, Act 279, Eff. Sept. 1, 1909;—CL 1915, 3311;—Am. 1917, Act 225, Eff. Aug. 10, 1917;—CL 1929, 2244;—CL 1948, 117.8;—Am. 1953, Act 169, Eff. Oct. 2, 1953;—Am. 1955, Act 147, Imd. Eff. June 7, 1955;—Am. 2003, Act 303, Eff. Jan. 1, 2005.

117.8a Incorporation, consolidation or alteration of boundaries; filing substitute petition; action by supervisors.

Sec. 8a. In case a petition has been filed with the clerk pursuant to section 8, and subsequently another

petition is filed by other petitioners proposing to affect the same territory in whole or part, then the subsequently filed petition shall not be submitted to the electors while in conflict with the prior petition: Provided, however, That if such prior petition on file is one on which the board of supervisors has not finally set the date for an election, and such subsequent petition has been filed as a substitute therefor encompassing all of the same territory and having among its signers at least 4/5 of the qualified petitioners shown on such prior petition, then the board shall act on such subsequent petition in the place and stead of said prior one. If the board finds that said substitute petition complies with the provisions of this act, an election shall be called thereon; otherwise the election shall be held on such prior petition if it complies with this act.

History: Add. 1951, Act 158, Imd. Eff. June 6, 1951.

117.9 Incorporation, consolidation, or change of boundaries; governing law; affected district; petition or resolution for annexation; voting; duties of commission.

Sec. 9. (1) In the event of a conflict between the provisions of this act and 1968 PA 191, MCL 123.1001 to 123.1020, regarding an incorporation or consolidation, the provisions of 1968 PA 191, MCL 123.1001 to 123.1020, shall govern. The district to be affected by the proposed incorporation, consolidation, or change of boundaries is considered to include the whole of each city, village, or township from which territory is to be taken or to which territory is to be annexed. When a territory is proposed to be incorporated as a city only the residents of the territory to be incorporated shall vote on the question of incorporation. When a petition signed by the appropriate agency designated by the state administrative board which holds legal title to the entire area of the land in the territory adjacent to the city to be annexed, is filed with the governing body of the city and township in which the territory is situated, the annexation may be accomplished by the affirmative majority vote of the governing body of the city and the approval of the township board of the township.

(2) Except as provided in subsections (1) and (8), a petition or resolution for annexation of territory shall be filed with the state boundary commission created under 1968 PA 191, MCL 123.1001 to 123.1020. The commission, after determining the validity of the petition or resolution, shall hold a public hearing in or reasonably near the area proposed for annexation. The commission in processing and approving, denying, or revising a petition or resolution for annexation shall have the same powers and duties as provided under 1968 PA 191, MCL 123.1001 to 123.1020, relating to petitions which propose incorporations. In addition to providing notice to property owners located in the area proposed for annexation, the commission shall also give notice of each public hearing held under this subsection to property owners located within 300 feet of the area proposed for annexation by certified mail not less than 30 days before the date of the public hearing. Not less than 45 days before the date of the public hearing, the local unit of government capable of producing the information required under this section shall provide the state boundary commission with a list of the names and addresses of all persons the commission is required to provide notice to under this subsection. The commission is required to provide notice only to the property owners included on the list provided by the local unit of government as required under this section.

(3) If an annexation is denied by the commission, the commission shall send a certified copy of its order to the clerk of each county, city, village, and township affected.

(4) If an annexation is approved, and if on the date the petition or resolution was filed 100 persons or less resided in the area approved for annexation, the commission's order shall not be subject to a referendum. The commission shall send a certified copy of its order to the clerk of each county, city, village, and township affected and to the secretary of state. The annexation shall be effective on a date set forth in the commission's order.

(5) If an annexation is approved, and if on the date the petition or resolution was filed more than 100 persons resided in the area approved for annexation, the commission shall send a certified copy of its order to the clerk of each county, city, village, and township affected and to the secretary of state. The commission's order shall become final 30 days after the date of the order unless within that 30 days a petition is filed with the commission which contains the signatures of at least 25% of the registered electors residing in the portion of the territory approved for annexation, in the annexing city or in the balance of the township. The commission after verifying the validity of any referendum petition shall order that a referendum on the question of annexation be held in each area from which a valid petition was filed. If a valid petition is not filed within the 30 days or if the majority of the electorate voting on the question in each area in which a referendum was held, voting separately, approve the annexation, the annexation shall be effective on a date set by order of the commission, otherwise the annexation shall not take effect.

(6) The commission shall reject a petition or resolution for annexation of territory that includes all or any part of the territory which was described in any petition or resolution for annexation filed within the preceding 2 years and which was denied by the commission or was defeated in an election under subsection (5).

(7) In addition to the methods for initiating annexation as provided in this act, a petition or resolution as

follows may be submitted to the state boundary commission in a form and manner prescribed by the commission:

(a) By resolution of the legislative body of the city to which the area is proposed to be annexed.

(b) By petition by the persons, firms, corporations, the United States government, or the state or any of its subdivisions who collectively hold equitable title as a vendee under a recorded land contract or memorandum of land contract, or record title to 75% or more of the area of the land exclusive of streets in the territory proposed for annexation at the time of filing the petition.

(c) By petition by 20% of the registered electors who reside in the area proposed for annexation.

(8) Where the territory proposed to be annexed to any city is adjacent to the city and consists of a park or vacant property located in a township and owned by the city annexing the territory, and there is no one residing in the territory, the territory may be annexed to the city solely by resolution of the city council of the city. In any case where the territory proposed to be annexed is adjacent to the city and consists of property owned by the city or consists of fractional parts of platted subdivision lots, located in an adjoining city, village, or township, the annexation may also be accomplished by the majority vote of the legislative body of the city and the approval of the legislative body of the adjoining city, village, or township. As an alternate method, where there are no qualified electors residing in the territory proposed to be annexed to the city, other than the person or persons petitioning, a petition signed by a person or persons, firms, corporations, the United States government, or the state or any of its subdivisions who collectively hold the equitable title as a vendee under a recorded land contract or memorandum of land contract, or record legal title to more than 1/2 of the area of the land in the territory to be annexed is filed with the city council of the city and with the township board of the township in which the territory is situated, the annexation may be accomplished by the affirmative majority vote of the city council of the city and the approval of the township board of the township. At least 10 days prior to the approval by the township board, the township treasurer shall notify, personally or by registered mail with return receipt demanded, the owners of all real property in the territory to be annexed as shown on the assessment rolls of the township at the last known address on file with the township treasurer. Except as otherwise provided, this section shall not be construed to give any city the authority to attach territory from any other city unless the question relative to the territory has been voted upon by the voters of the entire cities affected where the territory proposed to be annexed is adjacent to a city and consists of property owned by the city or consists of fractional parts of platted subdivision lots, located in an adjoining city.

(9) The provisions of section 14 shall not be applicable to an annexation approved by the commission of part of a township or village to a city except in the event of outstanding bonds or other evidences of indebtedness of the township or village. In such event, the commission shall determine and order an equitable division of assets and liabilities which relate to the bonds or other indebtedness.

(10) The provisions of sections 8 and 8a shall not be applicable to petitions or resolutions filed with the state boundary commission.

(11) After March 31, 1971, and so long as 1968 PA 191, MCL 123.1001 to 123.1020, is in effect, annexation of territory from a township or village to a home rule city shall be as provided in this section and no other means of annexation shall be effective.

(12) The state boundary commission shall mail a copy of any final order issued under this section to each property owner the commission is required to provide notice to under subsection (2).

History: 1909, Act 279, Eff. Sept. 1, 1909;—CL 1915, 3312;—Am. 1917, Act 225, Eff. Aug. 10, 1917;—Am. 1925, Act 337, Eff. Aug. 27, 1925;—CL 1929, 2245;—Am. 1931, Act 314, Imd. Eff. June 16, 1931;—Am. 1935, Act 48, Imd. Eff. May 6, 1935;—Am. 1947, Act 36, Eff. Oct. 11, 1947;—Am. 1947, Act 334, Eff. Oct. 11, 1947;—CL 1948, 117.9;—Am. 1951, Act 58, Eff. Sept. 28, 1951;—Am. 1956, Act 68, Eff. Aug. 11, 1956;—Am. 1970, Act 219, Eff. Apr. 1, 1971;—Am. 1984, Act 352, Eff. Mar. 29, 1985;—Am. 2004, Act 137, Imd. Eff. June 10, 2004.

Constitutionality: This section, the enabling legislation which grants the state boundary commission authority over annexation petitions or resolutions, is constitutional. *Midland Township v State Boundary Commission*, 401 Mich 641; 259 NW2d 326 (1977).

117.9a Annexation of township remnant territory to home rule city; procedure.

Sec. 9a. Whenever the process of incorporation, consolidation, or annexation leaves a portion of a township with no qualified electors residing in that portion and without the constitutional and statutory officers to perform their functions as prescribed by law, as part of the alternate method of annexation provided for by section 9, a petition signed by the owner or owners of record or the holder or holders of equitable title under a recorded land contract or memorandum of land contract of all the real property of such portion of the township may be filed with the clerk of the city to which annexation is sought and with the county clerk of the county in which the territory is situated, seeking the annexation of such territory to such city. The annexation may be accomplished by the affirmative majority vote of the members-elect of the

governing body of the city and approval of the majority vote of all of the members of the county board of commissioners.

History: Add. 1959, Act 92, Eff. Mar. 19, 1960;—Am. 1984, Act 352, Eff. Mar. 29, 1985.

117.9b Detachment of territory from city; conditions; intergovernmental agreement imposing conditions on detachment; reannexation to detaching city; detached territory not subject to annexation.

Sec. 9b. (1) In addition to the detachment procedures otherwise authorized by this act, territory may be detached from a city if all of the following conditions are met:

(a) The territory to be detached was annexed to the city after the city was incorporated.

(b) The territory to be detached is to be reattached to the municipality from which that territory was annexed.

(c) The city does not provide water or sewer service in the territory to be detached.

(d) The council of the city from which the territory is being detached approves a resolution authorizing the detachment of the territory and confirming an agreement relating to the detachment.

(e) The legislative body of the municipality from which the territory to be detached was annexed approves a resolution authorizing detachment of the territory and confirming an agreement related to the detachment.

(2) The city and municipality involved in a detachment under this section may enter into an intergovernmental agreement which imposes conditions on the detachment. The conditions may include, but need not be limited to, building restrictions and zoning within the territory to be detached.

(3) Territory detached under this section is immediately reannexed to the detaching city if any of the following occurs:

(a) The city can and agrees to provide water and sewer services, the city certifies these facts to the state boundary commission, and the state boundary commission finds that the city can provide water and sewer services to this territory.

(b) The municipality to which the territory was reattached fails to comply with the intergovernmental agreement, the city certifies that fact to the state boundary commission, and the state boundary commission finds that the municipality is not in compliance.

(4) Reannexation pursuant to subsection (3) shall not be subject to the annexation requirements and restrictions of this act; Act No. 191 of the Public Acts of 1968, being sections 123.1001 to 123.1020 of the Michigan Compiled Laws; or Act No. 359 of the Public Acts of 1947, being sections 42.1 to 42.34 of the Michigan Compiled Laws.

(5) All or part of territory detached under this section shall not be subject to annexation.

History: Add. 1982, Act 465, Eff. Mar. 30, 1983.

117.9c Repealed. 1986, Act 64, Eff. July 1, 1986.

Compiler's note: The repealed section pertained to an alternate method of annexation.

117.10 Certified copies of petition and resolution; transmittal; election notices.

Sec. 10. The county clerk shall, within 3 days after the passage of the resolution provided for in section 8 of this act, transmit a certified copy of said petition and of such resolution to the clerk of each city, village or township in the district to be affected by the proposed incorporation, consolidation or change, and it shall be the duty of each of said city, village and township clerks to give notice of the date and purpose of the election provided for by said resolution by publication in 1 or more newspapers published within said district at least once in each week for 4 weeks preceding said election, and by posting a like notice in at least 10 public places in said district not less than 10 days prior to such election.

History: 1909, Act 279, Eff. Sept. 1, 1909;—CL 1915, 3313;—CL 1929, 2246;—CL 1948, 117.10.

117.11 Petition for incorporation, consolidation, or change of boundaries; affidavit; filing with secretary of state; certification; notice; election.

Sec. 11. (1) If the territory to be affected by a proposed incorporation, consolidation, or change of boundaries is situated in more than 1 county, the petition under section 6 shall be addressed and presented to the secretary of state. The petition shall be accompanied by 1 or more affidavits by 1 or more of the signers of the petition showing all of the following:

(a) That the statements contained in the petition are true.

(b) That each signature affixed to the petition is the actual signature of a qualified elector residing in a city, village, or township to be affected by the carrying out of the purposes of the petition.

(c) That not less than 25 of the petition signers reside in each city, village, or township to be affected.

(2) The secretary of state shall examine the petition and the accompanying affidavit or affidavits. If the secretary of state finds that the petition and accompanying affidavit or affidavits comply with the requirements of this act, he or she shall so certify and shall transmit the certificate and a certified copy of the petition and the accompanying affidavit or affidavits to the clerk of each city, village, or township to be affected by the proposal, together with a notice directing that the question of making the incorporation, consolidation, or change of boundaries petitioned for shall be submitted to the electors of the district to be affected. The notice shall provide that the question shall be submitted at the next general election or at an election before the next general election. However, the question shall not be submitted at an election to be held less than 60 days after the date of transmittal of the certificate.

(3) If the secretary of state finds that the petition and the accompanying affidavit or affidavits do not comply with the requirements of this act, he or she shall certify to that fact and shall return the petition and affidavits to the person from whom they were received, along with the certificate.

(4) The city, village, and township clerks who receive from the secretary of state the copies and certificates provided for in subsection (2) shall give notice of the election to be held on the question of making the proposed incorporation, consolidation, or change of boundaries as provided for in section 10.

History: 1909, Act 279, Eff. Sept. 1, 1909;—CL 1915, 3314;—CL 1929, 2247;—CL 1948, 117.11;—Am. 1956, Act 41, Imd. Eff. Mar. 28, 1956;—Am. 2003, Act 303, Eff. Jan. 1, 2005.

117.12 Election returns; canvass; village clerk, duties.

Sec. 12. The returns by the several boards of election inspectors shall be made to the clerk of the county in which the city or proposed city, or the greater part thereof, if in more than 1 county, is located, and shall be canvassed on the first Thursday following said election in the manner provided by law for a county canvass: Provided, That if the purpose is to incorporate 1 village as a city the returns shall be made to the village clerk, and the vote canvassed the same as in other village elections, and in such case all duties which it is provided in this act shall be performed by the county clerk shall devolve upon the village clerk, and all petitions, certificates or other papers or documents provided in this act to be filed with the county clerk shall be filed with the village clerk, and all expenses to be borne by the county according to the provisions of said section shall be borne by the village.

History: 1909, Act 279, Eff. Sept. 1, 1909;—CL 1915, 3315;—Am. 1917, Act 225, Eff. Aug. 10, 1917;—CL 1929, 2248;—CL 1948, 117.12.

117.13 Effective date of incorporation, consolidation, attachment or detachment; certificate of board of county canvassers; representation, transfer of property, governmental function.

Sec. 13. On the filing in the office of the secretary of state and the clerk of the county or counties within which the city or proposed city is located, of a copy of the petition, and of every resolution, affidavit or certificate necessarily following such petition, with the certificate of the board of county canvassers attached, showing that the purposes of such petition have been approved by a majority of the electors voting thereon, as provided in this act, which shall also give the number of votes cast on such proposition and the number cast for and against the same, the territory described in said petition shall be duly and legally consolidated as 1 city, or attached to or detached from the city named in such petition, as the case may be, and such petition and the subsequent proceedings thereunder shall be duly recorded in each of said offices in a book to be kept for that purpose, and either of such records or certified copies thereof shall be prima facie evidence of the consolidation or change of boundaries prayed for in such petition. Territory detached from any city shall thereupon become a part of the township or village from which it was originally taken: Provided, however, That when an incorporated city or village is annexed to and incorporated with a city, such annexed territory shall constitute 1 or more separate wards of the city to which it is annexed and have representation in the legislative body of such city to which it is annexed: Provided, The territory so annexed shall have a population equivalent to the approximate population of 1 or more wards of the city to which it is annexed: Provided, however, That in the case of annexation of part of a township to a city, the effective date of such annexation shall be 60 days after the date of the election unless the board of supervisors of the county shall by resolution fix another date not less than 30 days after the election, and in the case of annexation of an entire township to a city the effective date of the annexation shall be 90 days after the date of the election unless the board of supervisors of the county shall by resolution fix another date not less than 45 days after the date of the election: Provided further, That in case of a vote on the incorporation of a new city, such proposed city shall not be deemed incorporated until a charter has been adopted and filed as hereinafter provided: Provided further, That no property, real or otherwise, owned by any such governmental unit or portion thereof shall be disposed of, nor shall any transfer of governmental function be made prior to such effective date, except by

joint agreement of the legislative bodies of the units of government, nor shall any funds be expended except in payment of the costs of operation of normal business of said township.

History: 1909, Act 279, Eff. Sept. 1, 1909;—Am. 1911, Act 81, Eff. Aug. 1, 1911;—CL 1915, 3316;—Am. 1917, Act 233, Eff. Aug. 14, 1917;—CL 1929, 2249;—CL 1948, 117.13;—Am. 1952, Act 35, Eff. Sept. 18, 1952;—Am. 1956, Act 77, Eff. Aug. 11, 1956.

117.14 Incorporation or annexation.

Sec. 14. Whenever an incorporated village is incorporated as a city, without change of boundaries, such city shall succeed to the ownership of all the property of such village and shall assume all of its debts and liabilities. Whenever a city, village or township is annexed to a city, the city to which it is annexed shall succeed to the ownership of all the property of the city, village or township annexed, and shall assume all of its debts and liabilities. Whenever a part of a city, village or township is annexed to a city, the real property in the territory annexed which belongs to the city, village or township from which it is taken shall be sold by the authorities of the city, village or township in which said land was located before such annexation, and that portion of the proceeds of such sale shall be paid to the city acquiring such territory which shall be in the same ratio to the whole amount received as the assessed valuation of the taxable property in the territory annexed bears to the assessed valuation of the taxable property in the entire city, village or township from which said territory is taken. Whenever a part of a city, village or township is annexed to a city, all of the personal property belonging to any such city, village or township from which territory is detached shall be divided between the township, city or village from which said territory is detached and the city to which the territory is annexed, in the same ratio as the assessed valuation of the taxable property in the territory annexed bears to the assessed valuation of the taxable property in the entire city, village or township from which said territory is taken. Whenever a new city shall be incorporated, the personal property of the township from which it is taken shall be divided and its liabilities assumed between such city and the portion of the township remaining after such incorporation, which incorporation shall be effective as of the date of filing the certified copy of the charter as hereinafter provided, in the same ratio as herein provided in case of the annexation of a part of a township to a city, and any real property of a township located in such new city shall be held jointly by such city and the remaining portion of the township in the ratio above mentioned. Such real estate shall be subject to sale by agreement of the governmental units or may be partitioned in the manner provided by law for partitioning of lands held by persons as tenants in common: Provided, That no cemetery within such territory shall be sold; but to the extent it is owned by the city, village or township within which it is located, it shall become the property of the city to which it is annexed.

Whenever a new city is incorporated from part of a township or townships, such city shall be entitled to its pro rata share of the amount thereafter due such township or townships or due any county agency in respect of population in such township or townships from any future distribution of gasoline and motor vehicle weight tax revenues, intangibles tax revenues, state alcoholic liquor tax revenues, or any other state funds, moneys or grants which, by law, now or hereafter, are required to be distributed among cities, villages, townships and/or counties of the state, which pro rata distribution shall be determined as follows, to-wit:

(1) According to the latest federal census prior to date of distribution but since such annexation, if there be such census, showing the respective population of the township or townships and the municipalities affected;

(2) In the absence of such federal census, an official special census shall be taken of the areas detached from each township to form the newly incorporated city and of the entire township or townships from which such area was detached. Such census shall be taken by enumerators appointed by the secretary of state upon application by any one of the municipalities affected by such incorporation, which census shall be taken, as near as may be, in accordance with the provisions of section 6 of this act; the ratio of population between the areas incorporated from each township to form the newly incorporated city and the remainder of the respective township or townships from which the city was incorporated, shall be the basis for determination of the pro rata share of the state funds, moneys or grants to be distributed.

The township or townships from which such incorporated city is incorporated or the county agency receiving the funds, moneys or grants in respect of population in such township or townships shall be liable to the incorporated city for its proper pro rata share of any state funds, moneys or grants received by such township or townships or such county agency, respectively, after the date of incorporation;

(3) In the absence of such federal census and in lieu of an official special census determining the respective populations of the municipalities affected by such incorporation, the newly incorporated city and each township from which the same was incorporated, may agree, by joint resolution, as to the prorating between them and between the city and any county agency receiving state funds, moneys or grants in respect of population in such township or townships of any funds, moneys or grants distributable by the state, a certified copy of which joint resolution shall be filed with the secretary of state and shall thereafter be binding upon all parties affected by said incorporation.

Whenever a part of a city, village or township is annexed to a city, the city to which such territory is annexed shall be entitled to its proper pro rata share of any of the said state funds, moneys or grants thereafter distributable under the law to the city, village or township from which said territory was detached or to any county agency receiving state funds, moneys or grants in respect to population in such township or townships, determined as follows:

(1) According to ratio of population between the area annexed and the remainder of the township, city or village from which said area was detached, as determined by the latest official federal or state census showing such populations;

(2) If there be no official census by which said respective populations can be determined, then a census shall be taken of the territory detached and the remainder of the territory in the township, city or village from which it was detached as provided above in the case of a newly incorporated city;

(3) In the absence of such federal census and in lieu of taking an official special census, the city to which said territory was annexed and the cities, townships, or villages from which said territory was detached, may agree by joint resolution of their governing bodies as to the prorating of any such state funds, moneys, or grants between them and between the city and any county agency receiving said funds, moneys, or grants in respect to population in such township or townships as provided above in the case of a newly incorporated city, a certified copy of which joint resolution shall be filed with the secretary of state and shall thereafter be binding upon all parties to said incorporation.

The foregoing provisions shall be used hereafter in determining the pro rata distributions of any state funds, moneys or grants between townships or county agencies and any city which has become newly incorporated or annexed territory since the latest decennial federal census, either before or after the passing of this law; but in no event shall the sharing of any distribution of state funds, moneys or grants made previous to the effective date of this act be altered.

The indebtedness and liabilities of every city, village and township, a part of which shall be annexed to a city shall be assumed by the city to which the same is annexed in the same proportion which the assessed valuation of the taxable property in the territory annexed bears to the assessed valuation of the taxable property in the entire city, village or township from which such territory is taken. Assessed valuation shall be determined in every division pursuant to this section from the last assessment roll of the city, village or township which has been confirmed by the board of review.

History: 1909, Act 279, Eff. Sept. 1, 1909;—CL 1915, 3317;—Am. 1917, Act 225, Eff. Aug. 10, 1917;—CL 1929, 2250;—Am. 1931, Act 233, Eff. Sept. 18, 1931;—Am. 1947, Act 53, Imd. Eff. Apr. 18, 1947;—CL 1948, 117.14;—Am. 1951, Act 158, Imd. Eff. June 6, 1951;—Am. 1956, Act 77, Eff. Aug. 11, 1956.

117.14a Petition for vacating incorporation; initiation; election; certification; assets, disbursement; debts and obligations.

Sec. 14a. Whenever the qualified electors of any city incorporated under the provisions of this act shall file a petition with the city clerk, which petition shall be addressed to the board of supervisors of the county in which the city is located, and signed by not less than 1/4 of the registered electors of such city as shown by the registration lists of the city on the date of such filing, praying that the incorporation of such city be vacated, the city clerk shall, after checking the signatures to such petition to determine their genuineness and sufficiency, refer the same to the county clerk of the county in which such city is located not less than 30 days before the convening of the board of supervisors in regular session: Provided, however, That no such petition may be initiated within 2 years of the effective date of incorporation of said city. Upon receipt of any such petition by any county clerk, the board of supervisors of such county, the county clerk, and the clerks of the city and township or townships affected shall be governed by and do and perform all acts required to be performed by them by sections 8, 9, 10 and 12 of this act with respect to calling and holding an election upon the question petitioned for, the same as though the question were upon the annexation of a part of a city to a township, except that the electors of the city and of the township to be affected shall each vote separately, unless 2 or more townships are to be affected, in which case the votes cast in all such townships shall be cumulated and the result of the election on such question in such townships determined by the total vote therein which is cast for and against such question. In case a 2/3 majority of the qualified electors of such city shall vote in favor of the vacation of the incorporation of the same and a majority of the qualified electors of the township or townships to be affected shall vote in favor of the annexation of the territory of such city to such township or townships, the county clerk shall, within 30 days after the canvass of such votes, make and certify 4 transcripts of all the proceedings in the matter and shall file 2 of such transcripts in the office of the secretary of state and the other 2 copies in his own office, and, upon such filing, the incorporation of such city shall be vacated and the territory thereof annexed to the township or townships from which such territory was detached at the time of the incorporation thereof and by subsequent annexations. Upon the vacation of the

incorporation of any city, it shall be the duty of the officers of such city forthwith to deposit all books, papers, records and files relating to the organization of, or belonging or pertaining to such city, which are in their custody as such officers with the county clerk of the county in which such city is located, for safekeeping and reference. The assets of any city, the incorporation of which has been vacated, which have not been set aside or encumbered by the city for the payment of the funded debt or other outstanding obligations of the city, shall become the property of the township to which the territory of the city is annexed, or, if annexed to 2 or more townships, of said townships pro rata according to the assessed value of the portions of the city annexed to each of the townships as shown on the last assessment rolls of the city which were approved by the board of review of the city prior to the vacation of incorporation. The city clerk of such city shall certify to the board of supervisors of the county in which such city is located a statement of all outstanding debt and other obligations at the time the incorporation of such city was vacated, together with an accounting of all moneys on hand for the payment of such debt and other obligations. Said board of supervisors shall proceed to examine the same and shall pass a resolution authorizing the disbursement of such moneys and the assessment and collection of taxes within the area which had comprised the city for the purpose of paying such debt and other obligations in accordance with the conditions set forth in any bond or other instrument by which such debt or other obligations were incurred or secured. Assets of the city which had been set aside at the time of dissolution of incorporation for the payment of the debt or other obligations of the city shall be transferred to the township treasurer of the township to which the territory of such city is annexed or to which the largest portion of such city is annexed and shall be applied by him to the payment of such debt and other obligations in accordance with the conditions in any bond or other instrument by which such funds were set aside or encumbered. Upon the vacation or discontinuance of any city incorporation, under the preceding sections, the indebtedness of such city, whether bonded or otherwise, if any there be, shall be assessed, levied and collected upon the territory embraced within the boundaries of such city immediately prior to such vacation. It shall be the duty of the supervisor or supervisors of the township or townships in which the territory formerly embraced within the limits of any vacated city within 1 year from the date of the vacation of such city, except when such indebtedness falls due at some specified time, in which case such assessment shall be made so as to meet such indebtedness when the same falls due, to levy upon the assessment roll or rolls of his township upon the property formerly embraced within the limits of such city, the indebtedness of such city, or such portion of the same as shall be apportioned to the part of the territory formerly constituting such city as lies within his township as hereinafter provided. The taxes so assessed and levied shall be collected the same as other taxes, and shall be placed in a separate fund and applied to the payment of such indebtedness and the manner of the payment of such indebtedness shall be fixed by the board of supervisors in the resolution to be passed by said board for such purpose. For the purpose of paying the debt and other obligations of the city, as herein provided, the area comprising the city, the incorporation of which is sought to be vacated, shall constitute a de facto city for the purpose of assessing, levying, and collecting the taxes required therefor as a city tax, subject to the tax limitation provisions of the charter of such city and of the general law applicable thereto, and not as a township tax, notwithstanding the fact that the same are levied and spread upon the assessment rolls of any township.

History: Add. 1949, Act 220, Eff. Sept. 23, 1949.

117.14b Relocation of common boundaries.

Sec. 14b. Whenever the boundaries between cities lying within the same county and subject to this act divide platted lots, or are affected by the relocation of a river or of a natural drain or a street or highway, the boundaries may be relocated along adjacent lot lines or to the center of a common street or a common natural boundary upon resolution of the governing body of each city and upon agreement of the individual property owners affected. Boundaries shall be relocated so that the city in which the major part of the land is located shall gain the entire lot in case of following lot lines. A copy of each resolution shall be recorded with the register of deeds of the county where the land is situated.

History: Add. 1959, Act 192, Imd. Eff. July 22, 1959;—Am. 1962, Act 147, Imd. Eff. May 7, 1962.

117.15 Election on question of intent to incorporate or consolidate; electors as members of charter commission; notice; preparation, form, and contents of ballot; expenses; procedure; canvass; certification of election; oath; vacancies; quorum; convening of charter commission; framing charter; conducting business at public meeting; notice of meeting; officers; rules; journal; roll call; nomination of candidates; holding election; publication of proposed charter; publishing and posting notice of election; polling places; canvassing results.

Sec. 15. (1) At an election on the question of the intent to incorporate a new city, or to make a consolidation permitted by this act, each elector residing within its proposed territorial limits shall be entitled to vote for 9 electors, residing in the territory which it is proposed to incorporate or consolidate, as members of a charter commission, and the notices required by section 10 shall include notice of the election of those electors. The ballot shall be prepared by the clerk of the county in which the territory is located or if located in more than 1 county, then by the clerk of the county in which the greater portion of the territory is located. The expense of the ballot preparation is to be borne by that county. If the proposed city is incorporated as provided in this act, the county shall be reimbursed by the city at the time the charter is filed. The county clerk shall prepare the ballot to be used at the election pursuant to the general election laws of the state as follows:

For city incorporation. Yes()

For city incorporation. No ()

Or, if the proposition be to consolidate, the ballot shall be as follows:

For consolidating (naming entities) into 1 city. Yes()

For consolidating (naming entities) into 1 city. No ()

(2) The county clerk shall also prepare a separate ballot and place on the ballot, without party designation, under the heading, candidates for members of the charter commission, the names of the electors having the qualifications required by this act for a member of the charter commission, who file a petition signed by 20 qualified electors residing in the territory proposed to be incorporated, asking that their names be placed on the ballot. For a consolidation, the electors of each city, village, township, or part of a township, proposed to be consolidated shall vote for and elect the number of the 9 members of the charter commission as shall be substantially in proportion to the number of registered electors of the city, village, township, or part of a township, according to the registration rolls of the last regular state, city, or village election held in the city, village, township, or part of a township, but the number to be elected in a city, village, or township shall not be less than 1. The county board of commissioners or the secretary of state shall determine and prescribe the number of members of the charter commission to be elected from each city, village, township, or part of a township in the case of a consolidation, pursuant to this subsection. The position of the names of the candidates upon the ballots shall be interchanged as provided in the general primary election law of this state. The ballot shall also bear instructions directing that not more than 9 candidates shall be voted for or, if the proposition is to consolidate, the ballot for members of the charter commission in each city, village, township, or part of a township, proposed to be consolidated shall bear instructions directing that not more than the number of candidates determined by the county board of commissioners or the secretary of state to be elected in the city, village, township, or part of a township shall be voted for. On the vote being canvassed on the question of the intent to incorporate or consolidate, if the result is determined to be in favor of the intent to incorporate or consolidate, the board of canvassers shall canvass the votes cast for members of the commission, and certify the election of the 9 persons receiving the highest number of votes cast. The elected members of the commission shall take the constitutional oath of office, and may fill vacancies in their membership. Five members shall constitute a quorum.

(3) The charter commission shall convene within 10 days after election and frame a charter for the proposed city within 90 days after the meeting. The business which the charter commission may perform shall be conducted at a public meeting of the commission held in compliance with Act No. 267 of the Public Acts of 1976. Notice of the time, place, and date of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976. The charter commission shall choose its own officers, determine the rules of its proceedings and keep a journal. A roll call of its members on a question shall be entered on the journal at the request of any member. The commission shall provide the manner of nominating the candidates for the first elective officers provided in the proposed charter. The commission shall fix the date of the first city election, and do and provide other things necessary for making the nominations and holding the election. The election may be held at a special election or on the same date as a general election. The commission shall publish the proposed charter in 1 or more newspapers published in the proposed city, at least once, not less than 2 weeks and not more than 4 weeks preceding the election, together with a notice of the election, and that on the date fixed for the election the question of adopting the proposed charter will be voted on, and that the elective officers provided for in the charter will be elected on the same date. Notice of the election shall also be posted in at least 10 public places within the proposed city not less than 10 days before the election. The commission shall provide for 1 or more polling places for the election, and give similar notice of their location as is given of the election, and shall appoint the inspectors of the election. The results of the election shall be canvassed by the county board of canvassers.

History: 1909, Act 279, Eff. Sept. 1, 1909;—CL 1915, 3318;—CL 1929, 2251;—CL 1948, 117.15;—Am. 1956, Act 77, Eff. Aug. 11, 1956;—Am. 1965, Act 378, Imd. Eff. July 23, 1965;—Am. 1966, Act 246, Eff. July 11, 1966;—Am. 1977, Act 204, Imd. Eff. Nov. 17, 1977.

117.15a Incorporation; expenses of charter commission; payment.

Sec. 15a. When the residents of a township have voted to incorporate the entire township or fractional part thereof as a city, the township or townships may pay the expenses of a charter commission before an affirmative vote is taken on the charter.

History: Add. 1972, Act 58, Imd. Eff. Feb. 21, 1972.

117.16 Incorporation; rejection of charter; de facto mayor; duties; resubmission of charter, procedure; effect of nonadoption within 3 years of election to incorporate.

Sec. 16. (1) If the proposed charter is rejected at an election, the election of officers is void, except that the elector who receives the highest number of votes cast for the office of mayor shall be a de facto officer of the proposed city until a mayor for the proposed city is elected and qualified pursuant to a charter which the electors have approved. The mayor elected shall, after the lapse of 10 days within which petitions for the selection of a new charter commission may be filed, if the petition has not been filed with him or her, by notice, require the charter commission to reconvene and within 90 days after the notice provide any revision, amendment, or amendments to the original draft of the charter previously prepared by them as they consider necessary.

(2) The proposed charter, with amendment or amendments, shall be resubmitted to the qualified electors of the proposed city in the same manner and with the same notice and proceedings as required in the first instance, which proceedings shall continue until the qualified electors of the proposed city have, by a majority vote, approved a charter for the proposed city.

(3) Any proposed charter, as originally submitted or resubmitted with any amendment or amendments, shall not be submitted more than 3 times to the qualified electors of the proposed city, and if rejected 3 times, or in the event that a charter is not adopted by the electors of the proposed city during a period of 3 years following the election on the question of the incorporation of the proposed city, the township clerk of the township in which the proposed city is located, or of that township having the largest portion of the population thereof, shall certify that fact to the secretary of state and to the county clerk, register of deeds, and circuit court of the county in which the proposed city is located. The territory of the proposed city shall thereupon revert to the status existing prior to the filing of the petition required by section 6, and the office of each charter commissioner and de facto officer of the proposed city shall terminate and cease to exist. Any sum of money deposited with the county clerk according to section 6 shall be paid by the county clerk into the general fund of the county.

History: 1909, Act 279, Eff. Sept. 1, 1909;—CL 1915, 3319;—CL 1929, 2252;—Am. 1947, Act 201, Eff. Oct. 11, 1947;—CL 1948, 117.16;—Am. 1956, Act 77, Eff. Aug. 11, 1956;—Am. 2008, Act 420, Imd. Eff. Jan. 6, 2009.

117.17 Incorporation; new charter commission, petition, procedure, eligibility, duties, expenses; control of territory pending adoption; date of incorporation; voting franchise.

Sec. 17. In cases where the qualified electors of a proposed city shall reject a proposed charter, any 300 electors of said proposed city may petition the de facto mayor for the selection of a new charter commission, and if said petition shall be filed with the de facto mayor of said proposed city on or before the expiration of 10 days from the canvass and determination of the vote on said charter, the de facto mayor of said proposed city shall, if said petition is signed by the requisite number of electors, certify such fact upon said petition and forthwith file the same with the county clerk or secretary of state, depending upon the office in which the original petition was filed, and such county clerk or secretary of state as the case may be, shall give notice of the filing of such petition in the same manner as upon the filing of the original petition and an election shall be called and held and a new charter commission shall be elected in the same manner as in the first instance. The duties of the new charter commission shall be the same as those of the former commission, and as many such successive commissions as necessary may be held in like manner until a charter for such proposed city is framed and approved by the electors thereof. All persons who have served on previous charter commissions within 1 year shall be ineligible as members of every such commission. The first legislative body assembled pursuant to a charter adopted by the electors of such city, shall provide for the payment of the necessary expenses incurred by the county and by the members of such commission or commissions, but the members of the commission shall receive no compensation for their services. The county clerk shall return any unexpended sum of money deposited under section 6 of this act to the depositor. The territory constituting the city shall remain under the control and management of the respective cities, villages and townships from which it was taken and the authority of the officers of such city, villages and townships shall continue until the charter of the new city has been adopted and the officers have been elected and qualified as herein provided. No new city shall be deemed to be incorporated until a charter has been adopted and duplicate

printed copies certified by the clerk filed in the office of the county clerk. The county clerk shall forthwith forward 1 copy to the secretary of state, and the date it is received shall be the date of incorporation of the new city. The general voting franchise of no qualified elector shall be lost because of the incorporation, annexation or consolidation processes and his voting rights where last eligible shall be unimpaired by the incorporation, annexation or consolidation processes.

History: 1909, Act 279, Eff. Sept. 1, 1909;—CL 1915, 3320;—CL 1929, 2253;—CL 1948, 117.17;—Am. 1956, Act 77, Eff. Aug. 11, 1956.

117.18 Incorporation; revision of charter, procedure, commission, advisory vote; incorporation of provision in original charter granted by legislature.

Sec. 18. Any city desiring to revise its charter shall do so in the following manner, unless otherwise provided by charter; when its legislative body shall by a 3/5 vote of the members elect declare for a general revision of the charter, or when an initiatory petition shall be presented therefor as provided in section 25, the question of having a general charter revision shall be submitted to the electors for adoption or rejection at the next general or municipal election, or at a special election. In case the electors shall, by a majority vote, declare in favor of such revision, a charter commission shall be elected within 60 days consisting of 9 electors of such city having a residence of at least 3 years in the municipality, or the legislative body by a 3/5 vote of the members elect or the initiatory petition may provide that the charter commission be selected at the same election at which the proposition to revise is submitted; the selection shall be void if the proposition to revise is not adopted. No city officer or employee, whether elected or appointed, shall be eligible to a place on the commission.

In the cities where provision is made by the city charter for the nonpartisan elections of city officers, the method prescribed for such elections shall apply in the election of charter commissioners. Where no such provision is made by the charter of such city, candidates shall be nominated by petition without reference to or designation of party affiliation, signed by a number of qualified electors of such city equal to not less than 2% and not more than 4% of the total vote cast for the chief executive office, or the highest vote cast for any commissioner in cities having the commission form of government, of such city at the last preceding election, asking that the name of the candidate designated be placed upon the ballot. The names of all candidates so nominated shall be placed upon a separate ballot at the election designated to be held for the election of a charter commission and without their party affiliations designated; the 9 candidates having the greatest number of votes shall be declared elected; the election of the members of such commission, except as herein specified, shall be conducted as near as may be as now provided by law for the election of city officers in the respective cities of this state unless special methods shall be otherwise provided in the charter of such city.

If the proposed revised charter is rejected by the electors of the city, the charter revision commission shall immediately reconvene and determine whether to take no further action, in which case it shall terminate and cease to exist, or whether to provide a revision of, or amendments to, the revised charter previously prepared by the commission. The proposed revised charter with amendments shall be resubmitted to the qualified electors of the city in the same manner and with like notice and proceedings as required in the first instance. A proposed revised charter, as originally submitted or resubmitted with amendments, shall be submitted not to exceed 3 times to the qualified electors of the city. If the charter is rejected 3 times, or if no revised charter is adopted during 3 years following the adoption of the proposition to revise, then the charter revision commission shall terminate and cease to exist. A new proposal to revise may be adopted at any time after termination of a charter revision commission.

When the question of having a general revision of the charter shall be submitted to the electors of any city, the legislative body of such city or the initiative petitions may provide for the submission with such question for an advisory vote of the question of a change in the form of government of such city, or the question of continuing any power, limitation or provision granted to such city in a charter granted or passed by the legislature for the government thereof. When such advisory vote is requested in an initiatory petition, such question shall be submitted as hereinbefore provided. In the revision of the charter of any city, any power, limitation or provision granted to such city in any charter granted or passed by the legislature for the government of such city and contained in the charter to be revised may be included in such revised charter, and when so included, such power, limitation, or the effect of any such provision shall continue with the same force and effect as when granted or passed by the legislature in the first instance.

History: 1909, Act 279, Eff. Sept. 1, 1909;—Am. 1911, Act 203, Eff. Aug. 1, 1911;—Am. 1913, Act 5, Imd. Eff. Mar. 11, 1913;—CL 1915, 3321;—Am. 1917, Act 6, Imd. Eff. Mar. 9, 1917;—CL 1929, 2254;—Am. 1941, Act 86, Eff. Jan. 10, 1942;—CL 1948, 117.18;—Am. 1966, Act 246, Imd. Eff. July 11, 1966.

Compiler's note: Act 203 of 1911, which amended this section, was held unconstitutional and void. See note to MCL 117.1.

The 1911 amendment reads as follows: "Sec. 18. Any city desiring to revise its charter shall do so in the following manner, unless

otherwise provided by charter: When its legislative body shall by a two-thirds vote of the members-elect declare for a general revision of the charter, or when an initiatory petition shall be presented therefor, as provided in section twenty-five of this act, the question of having a general charter revision shall be submitted to the electors for adoption or rejection at the next general or municipal election, or at a special election in case the electors shall, by a majority vote, declare in favor of such a revision, a charter commission shall be selected within sixty days consisting of one elector from each ward and three electors at large, having a residence of at least three years in the municipality, or the legislative body by a two-thirds vote of the members-elect or the initiatory petition may provide that the charter commission be selected at the same election at which the proposition to revise is submitted; the selection shall be void if the proposition to revise is not adopted; no city officer or employee, whether elected or appointed, shall be eligible to a place on said commission. The names of all candidates who have been duly nominated as hereinafter provided shall be placed upon a separate ballot at the election designated to be held for the election of a charter commission and without their party affiliations designated; the candidate having the greatest number of votes in each ward shall be declared elected and the three candidates at large having the greatest number of votes cast in the city shall be declared elected; the nomination and election of the members of such commission, except as herein specified, shall be conducted as near as may be as now provided by law for the nomination and election of city and ward officers in the respective cities of this State."

117.19 Charter; duty of legislative body.

Sec. 19. The legislative body of the municipality unless it is otherwise provided, shall fix in advance of the election of a charter commission the place of its meeting, the compensation of its members, the money for the expense thereof, and if need be provide the ballots for election.

History: 1909, Act 279, Eff. Sept. 1, 1909;—Am. 1911, Act 203, Eff. Aug. 1, 1911;—CL 1915, 3322;—CL 1929, 2255;—CL 1948, 117.19.

Compiler's note: Act 203 of 1911, which amended this section, was held unconstitutional and void. See note to MCL 117.1.

The 1911 amendment reads as follows: "Sec. 19. The legislative body of the municipality (shall provide for the election of said charter commission at the next general or municipal election to be held in said municipality, if there shall be a general or municipal election within sixty days after such legislative body or the electors of said municipality shall have declared for such general revision in the manner provided in the preceding section, and if there shall be no such general election within said sixty days, then said legislative body shall within ten days after such declaration, call a special election for the selection of such charter commission to be held within sixty days and) shall fix in advance of the election of such charter commission the place of its meeting, the compensation of its members, and provide the money for the expense thereof and if need be, provide the ballots for election."

117.20 Charter commission; first meeting; duties of city clerk; powers and duties of commission; roll call; vacancy; compensation; quorum; public sessions.

Sec. 20. The charter commission shall convene on the second Tuesday after the election at the place designated pursuant to section 19. The city clerk shall preside at the first meeting, shall administer the oath of office to the members-elect, and shall act as clerk of the commission. The charter commission shall be the sole judge of the qualifications, elections, and returns of its members, shall choose its officers except clerk, shall determine the rules of its proceedings, and shall keep a journal. A roll call of the members on a question shall be entered on the journal at the request of 1/5 of the members or less if the commission shall so determine. The commission may fill a vacancy in its membership, and shall fix the time for the submission of the charter to the electors. A member shall not receive compensation for more than 90 meetings of the commission, and only for actual attendance. A member of the commission shall not be paid for more than 1 meeting per day. A majority of the members shall constitute a quorum, and the sessions of the commission shall be public.

History: 1909, Act 279, Eff. Sept. 1, 1909;—Am. 1911, Act 203, Eff. Aug. 1, 1911;—CL 1915, 3323;—CL 1929, 2256;—CL 1948, 117.20;—Am. 1977, Act 27, Imd. Eff. June 8, 1977.

Compiler's note: Act 203 of 1911, which amended this section, was held unconstitutional and void. See note to MCL 117.1.

The 1911 amendment reads as follows: "Sec. 20. The charter commission shall convene on the second Tuesday after the election at the place designated therefor. The city clerk shall preside at the first meeting, shall administer the oath of office to the members-elect, and shall act as clerk of the commission. It shall be the sole judge of the qualifications, elections and returns of its own members, choose its own officers, except clerk, determine the rules of its proceedings and keep a journal. A roll call of its members on any question shall be entered on the journal at the request of one-fifth of its members or less if it shall so determine. It may fill any vacancy in its membership, and it shall fix the time for the submission of the charter to the electors. No members shall receive compensation for more than ninety days and only for actual attendance. A majority of all the members shall constitute a quorum and its sessions shall be public. The commission may submit with the charter, independent sections or propositions, and such of them as shall receive the approval of a majority of the electors voting thereon shall become a part of the charter if the charter is adopted by the electors."

Former law: See Act 279 of 1909.

117.21 Charter amendment; procedure.

Sec. 21. (1) An amendment to an existing city charter, whether the charter was adopted under this act or formerly granted or passed by the legislature for the government of a city, may be proposed by the legislative body of a city on a 3/5 vote of the members-elect or by an initiatory petition. If the amendment is proposed by the legislative body of the city, the amendment shall be submitted to the electors of the city at the next regular municipal or general state election, or at a special election, held not less than 60 days after the proposal of the amendment. If the amendment is proposed by an initiatory petition, the amendment shall be submitted to the

electors of the city at the next regular municipal or general state election held in the city not less than 90 days after the filing of the petition.

(2) Proposed charter amendments and other questions to be submitted to the electors shall be published in full with existing charter provisions that would be altered or abrogated by the proposed charter amendment or other question. The purpose of the proposed charter amendment or question shall be designated on the ballot in not more than 100 words, exclusive of caption, that shall consist of a true and impartial statement of the purpose of the amendment or question in language that does not create prejudice for or against the amendment or question. The text of the statement shall be submitted to the attorney general for approval as to compliance with this requirement before being printed. In addition, the proposed charter amendment in full shall be posted in a conspicuous place in each polling place. The form in which a proposed charter amendment or question shall appear on the ballot, unless provided for in the initiatory petition, shall be determined by resolution of the legislative body, and if provided for by the initiatory petition, the legislative body may add an explanatory caption.

(3) A proposed charter amendment shall be confined to 1 subject. If the subject of a charter amendment includes more than 1 related proposition, each proposition shall be separately stated to afford an opportunity for an elector to vote for or against each proposition. If a proposed charter amendment is rejected at an election, the amendment shall not be resubmitted for a period of 2 years.

(4) A city charter formerly granted by a different act of the state legislature, including the charter of a city of the fourth class, that adopts or comes under any part of this act by amendment under this section, and not by general revision, adoption, or incorporation under this act, may again be amended under this section, as to the part or parts that are amended, by re-enacting under this section that part or parts of the original act of incorporation that existed before any amendment was made under this act. The part or parts of the original act of incorporation that are re-enacted shall not be construed as operating or coming under the provisions of this act in any manner, it being the intention to permit a city described in this subsection, to adopt by amendment any part of the provisions of this act permissible or to withdraw from the provisions of this act.

(5) Propositions and questions shall be proposed, initiated, submitted and canvassed in a manner similar to that provided for charter amendments.

History: 1909, Act 279, Eff. Sept. 1, 1909;—Am. 1911, Act 203, Eff. Aug. 1, 1911;—Am. 1913, Act 5, Imd. Eff. Mar. 11, 1913;—CL 1915, 3324;—Am. 1917, Act 6, Imd. Eff. Mar. 9, 1917;—Am. 1917, Act 40, Eff. Aug. 10, 1917;—Am. 1917, Act 232, Imd. Eff. May 10, 1917;—Am. 1919, Act 403, Eff. Aug. 14, 1919;—Am. 1929, Act 279, Eff. Aug. 28, 1929;—CL 1929, 2257;—Am. 1939, Act 279, Eff. Sept. 29, 1939;—Am. 1947, Act 1, Imd. Eff. Jan. 23, 1947;—Am. 1947, Act 87, Imd. Eff. May 12, 1947;—CL 1948, 117.21;—Am. 1955, Act 117, Eff. Oct. 14, 1955;—Am. 2003, Act 303, Eff. Jan. 1, 2005.

Compiler's note: Act 203 of 1911, which amended this section, was held unconstitutional and void. See note to MCL 117.1.

The 1911 amendment reads as follows: "Sec. 21. Any existing charter, whether passed pursuant to the provisions of this act or by the State legislature, may from time to time be amended as follows: An amendment may be proposed by the legislative body on a two-thirds vote of the members-elect or by an initiatory petition as herein provided, and shall be submitted to the electors as herein provided at the next general or special election. When it originates in the legislative body it shall be published and remain on the table for thirty days before action is taken thereon. The form in which any proposed amendment shall be submitted on the ballot, unless provided for in the initiatory petition, shall be determined by the legislative body."

117.22 Charter amendment; submission to governor, approval; re-consideration.

Sec. 22. Every amendment to a city charter whether passed pursuant to the provisions of this act or heretofore granted or passed by the state legislature for the government of such city, before its submission to the electors, and every charter before the final adjournment of the commission, shall be transmitted to the governor of the state. If he shall approve it, he shall sign it; if not, he shall return the charter to the commission and the amendment to the legislative body of the city, with his objections thereto, which shall be spread at large on the journal of the body receiving them, and if it be an amendment proposed by the legislative body, such body shall re-consider it, and if 2/3 of the members-elect agree to pass it, it shall be submitted to the electors. If it be an amendment proposed by initiatory petition, it shall be submitted to the electors notwithstanding such objections.

History: 1909, Act 279, Eff. Sept. 1, 1909;—Am. 1913, Act 5, Imd. Eff. Mar. 11, 1913;—CL 1915, 3325;—CL 1929, 2258;—CL 1948, 117.22.

117.23 Publication of proposed charter and amendments; submission of charter and separate propositions to electors; adoption; ballot.

Sec. 23. (1) A proposed city charter and each amendment to an existing city charter before submission to the electors, shall be published as the charter commission or the legislative body may prescribe. A proposed charter may be submitted to the qualified electors as an entirety in a single proposition substantially as follows: "Shall the city charter proposed by the city charter commission be adopted?" Adoption of a proposed

charter shall require a simple majority of those voting on the question.

(2) When submitting a proposed charter, separate propositions, on specific charter provisions may also be submitted to the qualified electors. In such case, all propositions shall be in such form as are approved by the attorney general as to clarity and impartiality. If the proposed charter and any of the separate propositions are adopted, the new charter shall take effect with the alternatives or additions contemplated by such separate propositions as are adopted. Adoption of a separate proposition which is an alternative to a provision contained in the proposed charter shall require approval by a majority of those voting on the separate proposition and also a majority of those voting on the proposed charter; otherwise the adoption of a separate proposition shall require a simple majority. The ballot shall contain voting instructions and a brief explanation of the effect of each of the propositions.

History: 1909, Act 279, Eff. Sept. 1, 1909;—Am. 1913, Act 5, Imd. Eff. Mar. 11, 1913;—CL 1915, 3326;—CL 1929, 2259;—CL 1948, 117.23;—Am. 1971, Act 223, Imd. Eff. Dec. 30, 1971.

117.24 Charters or amendments; filing; effective date.

Sec. 24. If the charter, or any amendment thereto, whether of cities incorporated under the provisions of this act, or under an existing charter of the city heretofore granted or passed by the legislature for the government of the city, be approved, then 2 printed copies thereof, with the vote for and against duly certified by the city clerk shall, within 30 days after the vote is taken, be filed with the secretary of state, and a like number with the county clerk of the county in which such city is located and shall thereupon become law, unless a different date for the taking effect of such charter or charter amendment, or any part thereof, is specifically set forth therein.

History: 1909, Act 279, Eff. Sept. 1, 1909;—Am. 1913, Act 5, Imd. Eff. Mar. 11, 1913;—CL 1915, 3327;—CL 1929, 2260;—Am. 1941, Act 175, Eff. Jan. 10, 1942;—CL 1948, 117.24.

117.25 Initiatory petition; filing with city clerk; contents; verification; signatures and inscriptions; perjury and other felonies; punishment; canvass; certifying sufficiency or insufficiency of petition; causing proposed amendment to be submitted to electors; calling special election; submitting proposal at primary, regular, or special election called for other purposes; initiative proposal receiving majority of votes; proposal contemplating increased expenditure of funds; proposal increasing ad valorem property tax limitation; effective date; tax levy; action against city clerk.

Sec. 25. (1) An initiatory petition authorized by this act shall be addressed to and filed with the city clerk. The petition shall state what body, organization, or person is primarily interested in and responsible for the circulation of the petition and the securing of the amendment. Each sheet of the petition shall be verified by the affidavit of the person who obtained the signatures to the petition. The petition shall be signed by at least 5% of the qualified and registered electors of the municipality. Each signer of the petition shall also write, immediately after his or her signature, the date of signing and his or her street address. A signature obtained more than 1 year before the filing of the petition with the city clerk shall not be counted. The petition is subject to the requirements of section 25a.

(2) A person who willfully affixes another's signature, or subscribes and swears to a verification that is false in any material particular, is guilty of perjury. A person who takes the oath of another to the petition not knowing him or her to be the same person he or she represents himself or herself to be or knowing that the petition or any part of it is false or fraudulent in any material particular, or who falsely represents that the proposed amendment is proposed by persons other than the true sponsors, is guilty of a felony and is liable for the same punishment as provided for perjury.

(3) Upon receipt of the petition, the city clerk shall canvass it to ascertain if it is signed by the requisite number of registered electors. For the purpose of determining the validity of the petition, the city clerk may check any doubtful signatures against the registration records of the city. Within 45 days from the date of the filing of the petition, the city clerk shall certify the sufficiency or insufficiency of the petition. If the petition contains the requisite number of signatures of registered electors, the clerk shall submit the proposed amendment to the electors of the city at the next regular municipal or general state election held in the city which shall occur not less than 90 days following the filing of the petition.

(4) If the petition contains the signatures of 20% or more of the persons residing in and registered to vote in the city as of the date when they signed it, and the petition requests submission of the proposal at a special election, the city clerk, within 90 days after the date of the filing of the petition, shall call a special election to be held on the next regular election date that is not less than 120 days after the petition was filed. Other proposals, whether initiated by a 5% petition or proposed by the legislative body within the times within this act provided, may be submitted at that election. A proposal submitted to the electors by the initiative and

receiving an affirmative majority of the votes cast on the proposal shall not be held unconstitutional, invalid, or void on account of the insufficiency of the petition by which the proposal was submitted.

(5) Except as provided by subsection (6), any proposal adopted by the electors that contemplates increased expenditure of funds by the municipality shall become effective only at the beginning of that fiscal year of the municipality commencing not earlier than 60 days following the election at which the proposal was approved by the electors.

(6) If a proposal that increases the city's ad valorem property tax limitation applies, by its terms, for a specific year or period commencing before the date the proposal would otherwise take effect under subsection (5), the proposal shall be effective both from the date it is approved by the electors and retroactively for the year or period specified in the proposal. Notwithstanding a charter provision to the contrary, if a proposal is approved by the electors and given effect under this subsection after the city has levied its ad valorem property tax levy for the fiscal year and if the adopted proposal authorizes the levy of a millage rate for the fiscal year during which the proposal was approved in excess of the rate the city was authorized to levy before adoption of the proposal, the city may levy an additional tax. The additional tax shall be collected either by a supplementary billing by the city or at the same time and in the same manner the county's ad valorem property tax levy is collected.

(7) A person aggrieved by an action, or failure of action, of the city clerk may bring an action against the clerk in the circuit court for writ of mandamus or for other appropriate relief.

History: 1909, Act 279, Eff. Sept. 1, 1909;—Am. 1911, Act 203, Eff. Aug. 1, 1911;—Am. 1913, Act 5, Imd. Eff. Mar. 11, 1913;—CL 1915, 3328;—Am. 1917, Act 6, Imd. Eff. Mar. 9, 1917;—Am. 1919, Act 403, Eff. Aug. 14, 1919;—Am. 1927, Act 187, Eff. Sept. 5, 1927;—CL 1929, 2261;—Am. 1939, Act 279, Eff. Sept. 29, 1939;—Am. 1947, Act 87, Imd. Eff. May 12, 1947;—CL 1948, 117.25;—Am. 1969, Act 114, Imd. Eff. July 29, 1969;—Am. 1982, Act 200, Imd. Eff. July 1, 1982;—Am. 2003, Act 303, Eff. Jan. 1, 2005.

Compiler's note: Act 203 of 1911, which amended this section, was held unconstitutional and void. See note to MCL 117.1.

The 1911 amendment reads as follows: "Sec. 25. The initiatory petitions herein referred to shall be signed at the regular registration or election places at a regular registration or election under the supervision of the officials thereof, who shall verify the genuineness of the signatures and certify the fact that the signers are registered electors of the city and shall be filed with the city clerk. No person shall be deemed to be an elector under the provisions of this section except male electors whose names shall appear upon the registration books in such city. No such initiatory petition shall be effective unless signed by twenty-five per cent of the registered voters entitled to vote for municipal officers."

117.25a Violation of MCL 168.1 to 168.992 applicable to petitions; penalties.

Sec. 25a. Except as otherwise provided in this section, a petition under section 3, 5, 5c, 6, 7, 8, 8a, 9(5), 11, 14a, 15, 16, 17, 18, 21, 22, or 25, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A petition under section 6 that is signed by landowners because there are not enough qualified electors residing in the territory or portion of the territory to be annexed is not subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

History: Add. 1998, Act 150, Eff. Mar. 23, 1999.

117.26 Elections; general provisions; applicability of MCL 168.641.

Sec. 26. (1) All elections held under this act shall be paid for by the locality where held. Except as otherwise provided by law or ordinance, the legislative body of the city shall determine the publication and notice of the election.

(2) Notwithstanding another provision of this act or a charter provision, an election under this act is subject to section 641 of the Michigan election law, 1954 PA 116, MCL 168.641.

History: 1909, Act 279, Eff. Sept. 1, 1909;—CL 1915, 3329;—CL 1929, 2262;—CL 1948, 117.26;—Am. 2003, Act 303, Eff. Jan. 1, 2005.

117.27 Repealed. 1966, Act 261, Eff. Mar. 10, 1967.

Compiler's note: The repealed section pertained to determination of representation by cities on county board of supervisors.

117.27a Apportionment of wards; definitions.

Sec. 27a. (1) For the purposes of this section:

(a) "Local legislative body" means the council, common council or commission of a city.

(b) "Ward" means a district comprising less than all of the area of a city which constitutes the political unit from which 1 or more members of the local legislative body is nominated, elected or nominated and elected.

(2) The population of each city subject to the provisions of this section shall, in the first instance, be determined from the most recent official United States decennial census. Other governmental census figures

of total city population may be used if taken subsequent to the latest decennial United States census and the last decennial United States census figures are inadequate for the purposes of this section. Each city shall have the power to conduct its own census for this purpose.

(3) This section shall be applicable to all cities that do not elect all the members of their local legislative body at large. This section shall not repeal any charter provisions meeting the standards established herein but shall be applicable to all charters that fail in whole or in part, to meet the standards herein, or the constitutional requirements of this state or United States constitution.

(4) In each such city subject to the provisions of this section the local legislative body, not later than December 1, 1967, shall apportion the wards of the city in accord with this section. In subsequent years, the local legislative body, prior to the next general municipal election occurring not earlier than 4 months following the date of the official release of the census figures of each United States decennial census, shall apportion the wards of the city in accord with this section.

(5) The local legislative body shall file the apportionment plan with the city clerk and make copies available at cost to any registered voter of the city. Such plan shall provide for wards which are as nearly of equal population as is practicable and contiguous and compact. Residents of state institutions who cannot by law register in the city as electors shall be excluded from population computations where the number of such persons is identifiable in the census figures available.

(6) Any registered voter of the city within 30 days after the filing of the apportionment plan for his city, or within 30 days after such apportionment plan shall be submitted, may petition the circuit court to determine if the plan meets the requirements of the laws and constitution of this state and the United States.

History: Add. 1966, Act 182, Eff. July 1, 1966.

117.27b Board of review; appointment of members, functions.

Sec. 27b. When the charter of any city heretofore adopted provides that the city representatives on the board of supervisors of the county shall be members of the city's board of review or act in any other official capacity or perform any other official function, such city may provide by ordinance for the appointment of the members of the board of review of the city from the citizens of the city and for the filling of such other offices and the performance of such official functions heretofore filled or carried out by such city representatives in such manner as the legislative body of such city shall prescribe.

In the years 1969 and 1970 the legislative body of any city whose charter provides for a board of review consisting of appointed members of the county board of supervisors may appoint a board of review consisting of the same number as those now serving as appointed members consisting of electors resident in the city, to review the assessment roll according to law, notwithstanding the provision of any charter or law to the contrary.

History: Add. 1969, Act 2, Imd. Eff. Mar. 25, 1969.

117.28 Charter change; laws in force; justice and police courts, justices, charter provisions, ordinances.

Sec. 28. In all cities now organized, which may hereafter amend or revise their charters under the provisions of this act, all of the provisions of the present law, whether general or special, applying to any such city relating to the qualifications, term of office, powers, jurisdiction, duties and compensation of justices of the peace and constables therein, and the conduct of all proceedings, suits and prosecutions before such justices of the peace and appeals therefrom, and all laws creating municipal courts and the proceedings thereof in any such city, shall remain in full force and effect, except as to the time and manner of nomination and elections of judges, justices and court officers: Provided, That any city having a justice court and a police court or a justice court may, in or by amendment to its charter provide for the abolishment of said courts and the consolidation of the powers, jurisdictions and duties of said courts into 1 court to be presided over by 1 judge or justice, who is a qualified resident elector of the city in which election is sought, and who shall be an attorney admitted to practice law in the supreme court of this state immediately preceding the date of his appointment or election, and who shall be paid a salary by said city, in lieu of all fees, both in civil and criminal cases, to which said judge or justice might be entitled but for the provisions of this act, which fees in civil cases shall be collected by said judge or justice and turned over by him to the city treasurer of said city on the first and fifteenth of each month, and which fees in criminal cases shall be charged and presented to and audited by the board of supervisors of the county in which said court is situated, in the same manner and amounts as provided by law in the case of justices of the peace in townships, and upon allowance by said board of supervisors, shall be paid monthly, by said county to the treasurer of said city for the use and benefit of said city, and who shall turn over to the county treasurer of such county all costs and fines in state criminal cases, and who shall turn over to the city treasurer of such city all costs and fines in city ordinance or charter

cases, and who shall give bonds to such city and the county in which such city is located, in amounts to be fixed by such charter, and who, in the first instance, shall be appointed by the city commission or common council of such city to hold such office from the date when said courts, first above mentioned in this proviso, shall be abolished until his successor shall have been elected and qualified, as hereinafter set forth, and who shall be nominated and elected, as nearly as may be, in the manner the mayor of such city is nominated and elected, at the first general municipal primary and the first general municipal election following the adoption of such amendment of such charter, and at each such primary and election every 6 years thereafter, and whose term of office shall be 6 years, and shall commence on the first day of January following his election, and who shall be empowered to receive and take from said offices, so abolished, all files, records and dockets kept therein, appertaining to said offices, and who shall be empowered to issue executions according to law, upon any judgment appearing upon said dockets with the same effect as if said judgment had been rendered by him, and who shall have transferred to him any and all actions or proceedings pending in either of said offices so abolished, and who shall have full jurisdiction to proceed with such actions or proceedings in the same manner as if they had been brought before him originally, and who shall have the same powers, jurisdiction and duties, except as it shall be hereafter otherwise lawfully provided by charter, as are now conferred upon the justice and/or judge of the courts, first above mentioned in this proviso, and except as it is hereafter otherwise lawfully provided by charter, all of the provisions of the present law, whether general or special, applying to any such city and relating to appeals and to the conduct of all proceedings, suits and prosecutions, before either or both of the courts first above mentioned in this proviso, shall remain in full force and effect and shall be followed by such court and the judge or justice thereof into which they shall be so consolidated; and that any such city may also in its charter provide that the civil jurisdiction of such judge or justice ex contractu and ex delicto shall be increased to \$500.00 with such exceptions and restrictions as are provided by law; and that such city may also in its charter provide that such judge or justice shall have the same power and authority to set aside a verdict or judgment and grant a new trial therein, upon legal cause, therefor, as the circuit courts of the state possess: Provided, however, That a motion in writing be made and filed with the judge or justice before whom such cause was tried, within 5 days after the rendition of the verdict or judgment in said case, which said motion shall briefly and plainly set forth the reasons and grounds upon which it is made and shall be supported by affidavits setting forth the facts relied upon to be filed at the time of filing the said motion, and notice of hearing of such motion, with copy of the motion and affidavits, filed as aforesaid, shall be served upon the adverse party or his attorney at least 2 days before the hearing thereof, and such motion shall be determined within 2 days after the same shall have been heard and submitted and such motion shall be submitted and heard within 1 week after the same shall have been filed, and the time for taking an appeal from judgment, in case such motion be not granted, shall begin to run from the time when such motion shall be overruled and in no case shall the pendency of such motion stay the issuing and levy of an execution in such case, but in case of a levy under execution pending such motion, no sale of the property so levied on shall be advertised or made until the final determination of such motion; and that such city may also in its charter provide that the city commission or common council shall fix the salary of such judge or justice; and such city may also in its charter provide that the city commission or the common council may provide for a clerk and 1 or more deputy clerks for such judge or justice to be paid such salary, give such bond and perform such duties as shall by ordinance be prescribed and such clerk and deputy clerks shall also, by virtue of their office, be empowered to administer oaths to persons making affidavits for writs in civil causes and to issue all processes and test the same in the name of such judge or justice and shall be required to collect all fees in civil causes and all costs and fines in criminal causes and all moneys paid into court for security for costs, bail or otherwise and to enter a record of the same in books kept by him for that purpose and to pay over the same to the authorities of the city or county or other persons entitled to the same, as directed by the proper authorities or by law, and the legislative body of such city shall cause the books of such clerks to be audited at least once each year to ascertain that such books are correctly kept and all moneys received have been properly accounted for; and that such city may also in its charter provide that any cause pending before any such judge or justice may, whenever such judge or justice is unable to act in such cause at the time the matter comes before him, be transferred upon his order or, in case of his absence, by the clerk to 1 of the justices of the peace of the county in which such city is located without any notice to the parties in such cause, but a note of such transfer shall be entered upon the docket of the case, and when 2 or more judges or justices shall have acted in any 1 cause or proceeding, the docket shall be signed in the manner and within the time provided by law by the judge or justice who shall have given the final judgment in such cause; and such city may also in its charter provide for a court officer for such court who shall have all of the duties and powers of court officer in the circuit courts of this state; and such city may also in its charter provide that jury cases may be set for trial upon 1 or more certain days of each month, or as soon thereafter as such trial can be reached, and may establish terms for the trial of jury cases, and may provide that a panel of jurors shall be drawn and certified to

the clerk of such court in the manner provided by law for the drawing of circuit jurors in the county in which such city is located, and may determine the number of jurors to be drawn for each panel to serve at each term of such court. The selection of jurors to serve in each case shall be made as nearly as may be, in the same manner as provided in circuit courts, but the trial of such cause by jury shall be otherwise conducted as provided by law for trials by jury before justices of peace in townships, and further that as soon as all jury cases set for any term, and ready for trial, shall have been disposed of, the panel of jurors called for said term shall be discharged: Provided, however, That when there is no jury in attendance in said court, the judge or justice thereof, in order to avoid hardship from delay, may, in his discretion, order a jury impaneled in accordance with the method provided by law to secure a jury in trials before justices of the peace in townships; and such city may also in its charter provide that it shall be the duty of said judge or justice to instruct the jury as to the law applicable to the case, which instructions shall be received by the jury as the law of the case; and such city may also in its charter provide that such court shall be known as a municipal court and that said judge or justice shall be designated as municipal judge: Provided also, That any city may in its charter provide for and limit to 1 or more the number of justices of the peace for said city and may provide that the civil jurisdiction of such justice or justices ex contractu and ex delicto shall be increased to \$500.00 with such exceptions and restrictions as are provided by law; and may also provide that such justice or justices shall have the same power and authority to set aside the verdict or judgment and grant a new trial therein, upon legal cause shown, therefor, as the circuit courts of the state possess: Provided, however, That a motion in writing be made and filed with the justice, before whom such cause was tried, within 5 days after the rendition of the verdict or judgment in said case, which said motion shall briefly and plainly set forth the reasons and grounds upon which it is made and shall be supported by affidavits setting forth the facts relied upon to be filed at the time of filing the said motion, and notice of hearing of such motion, with copy of the motion and affidavits, filed as aforesaid, shall be served upon the adverse party or his attorney at least 2 days before the hearing thereof, and such motion shall be determined within 2 days after the same shall have been heard and submitted and such motion shall be submitted and heard within 1 week after the same shall have been filed, and the time for taking an appeal from judgment, in case such motion be not granted, shall begin to run from the time when such motion shall be overruled and in no case shall the pendency of such motion stay the issuing and levy of an execution in such case, but in case of a levy under execution pending such motion, no sale of the property so levied on shall be advertised or made until the final determination of such motion; and may also in its charter, or by ordinance, provide that any such justice or justices of the peace shall be paid a salary in lieu of fees, and the amount of said salary to be fixed by said charter or ordinance, in which case all fees chargeable by such justice of the peace shall be collected and paid over to such city; and that any city may also, in cases where its justice or justices of the peace have been placed on salary, provide in its charter or by ordinance for a clerk and 1 or more deputy clerks for such justice or justices of the peace to be paid such salary, give such bond and perform such duties as shall by charter or ordinance be prescribed and such clerk and deputy clerks shall also, by virtue of their office, be empowered to administer oaths to persons making affidavits for writs in civil causes and to issue all processes and test the same in the name of either or any of the justices of the peace of the city and shall be required to collect all fees in civil causes and all costs and fines in criminal causes and all moneys paid into court for security for costs, bail or otherwise, and to enter a record of the same in a book kept by him for that purpose and be paid over by him to the authorities of the city or county or other persons entitled to the same, as directed by the proper authorities or by law and the legislative body of such city shall cause the books of such clerks to be audited at least once each year to ascertain that such books are correctly kept and that all money received has been properly accounted for; and may also provide that any cause pending before any justice of the peace of said city may, whenever such justice is unable to act in such cause at the time the matter comes before him, be transferred upon his order or, in case of his absence, by the clerk to 1 of the other justices of the peace of such city without any notice to the parties in the cause, but a note of such transfer shall be entered upon the docket of the case and when 2 or more justices shall have acted in any 1 cause or proceeding the docket shall be signed in the manner and within the time provided by law by the justice who shall have given the final judgment in such cause; and, in cases where such justices have been placed on salary and a clerk or clerks have been provided, such city may, by charter or ordinance, provide that jury cases may be set for trial upon 1 or more certain days of each month, or as soon thereafter as such trial can be reached, and to establish terms for the trial of jury cases and may provide that a panel of jurors shall be drawn and certified to the clerk of such justice court in the manner provided by law for the drawing of circuit court jurors in the county where such city is located, and shall determine the number of jurors to be drawn for each panel to serve at each term of such justice court. The selection of jurors to serve in each case shall be made, as nearly as may be, in the same manner as provided in circuit courts, but the trial of such cause by jury shall be otherwise conducted as provided by law for trials by jury before justices of the peace in townships, and further that as soon as all jury cases set for any term, and

ready for trial, shall have been disposed of, the panel of jurors called for said term shall be discharged: Provided, however, That when there is no jury in attendance in said court the justice thereof, in order to avoid hardship from delay, may, in his discretion, order a jury impaneled in accordance with the method provided by law to secure a jury in trials before justices of the peace in townships.

History: 1909, Act 279, Eff. Sept. 1, 1909;—Am. 1911, Act 203, Eff. Aug. 1, 1911;—Am. 1915, Act 82, Eff. Aug. 24, 1915;—CL 1915, 3331;—Am. 1917, Act 275, Eff. Aug. 10, 1917;—Am. 1919, Act 118, Eff. Aug. 14, 1919;—Am. 1927, Act 32, Imd. Eff. Apr. 12, 1927;—CL 1929, 2264;—CL 1948, 117.28;—Am. 1954, Act 75, Eff. Aug. 13, 1954;—Am. 1965, Act 359, Eff. Mar. 31, 1966.

Compiler's note: Act 203 of 1911, which amended this section, was held unconstitutional and void. See note to MCL 117.1.

The 1911 amendment reads as follows:

“Sec. 28. In all cities now organized, which may hereafter amend or revise their charters under the provisions of this act, all of the provisions of the present law, whether general or special, applying to any such city relating to the qualifications, term of office, powers, jurisdiction, duties and compensation of justices of the peace and constables therein, and the conduct of all proceedings, suits and prosecutions before such justices of the peace, and appeals therefrom, and all laws creating municipal courts and the proceedings thereof in any such city, shall remain in full force and effect, except as to the time and manner of nomination and elections of judges, justices and court officers.”

117.28a Municipal courts in cities in certain counties; civil jurisdiction.

Sec. 28-a. In counties having a population of less than 100,000 in which municipal courts are now or may be established, said courts shall have such jurisdiction in civil causes in all townships throughout the county up to the amount of the jurisdiction of said court.

History: Add. 1933, Act 241, Eff. Oct. 17, 1933;—CL 1948, 117.28a.

117.28b Municipal courts in cities in certain counties; attorney fees based on amount of judgment.

Sec. 28b. In all cases, in any municipal court now or hereafter established under the provisions of this act, where a contested trial takes place, and in all cases where an appearance has been entered by an attorney at law in behalf of the opposite party, if the plaintiff was the prevailing party and was represented by a legally licensed attorney and counsel, shall be entitled to tax, as an attorney fee, the sum of \$10.00 in case of rendition of a judgment of \$300.00 or less, and \$15.00 in case of rendition of a judgment of over \$300.00; and, if the defendant is the prevailing party and was represented by a legally licensed attorney and counsel, he shall be entitled to tax, as an attorney fee, the sum of \$10.00 in case the plaintiff sought in his pleadings to recover a judgment of \$300.00 or less, and \$15.00 in case the plaintiff sought in his pleadings to recover a judgment of over \$300.00.

History: Add. 1949, Act 241, Eff. Sept. 23, 1949.

117.29 Recovery and enforcement of fines, penalties, and forfeitures; violations; administrative hearings.

Sec. 29. (1) Except as provided in subsection (2), the district court, a municipal court, or the circuit court, as provided by law, may hear, try, and determine actions and prosecutions for the recovery and enforcing of fines, penalties, and forfeitures imposed by the charter and ordinances of the city, and sanction offenders for the violation of the charter and ordinances, as is prescribed and directed in the charter or ordinances.

(2) Pursuant to section 4q, a city may provide for an administrative hearings bureau to adjudicate alleged violations of ordinances and impose sanctions consistent with this act.

History: 1909, Act 279, Eff. Sept. 1, 1909;—CL 1915, 3332;—CL 1929, 2265;—CL 1948, 117.29;—Am. 1978, Act 191, Imd. Eff. June 4, 1978;—Am. 1994, Act 17, Eff. May 1, 1994;—Am. 2003, Act 318, Imd. Eff. Jan. 12, 2004.

117.30 Appeal to circuit court; recognizance or bond.

Sec. 30. In all actions and prosecutions arising under the charter and ordinances of the city the right of appeal to the circuit court of the county, or to a court having jurisdiction, shall be allowed to a party, and the same recognizance or bond shall be given as is or may be required by law in analogous cases on appeal from the court that tried the city charter or ordinance violation.

History: 1909, Act 279, Eff. Sept. 1, 1909;—CL 1915, 3333;—CL 1929, 2266;—CL 1948, 117.30;—Am. 1978, Act 191, Imd. Eff. June 4, 1978.

117.31 Disposition of fines.

Sec. 31. All fines collected or received by the district court for or on account of violations of the charter or ordinances of the city, shall be distributed by the district court pursuant to section 8379 of Act No. 236 of the Public Acts of 1961, as amended, being section 600.8379 of the Michigan Compiled Laws. All fines collected or received by a municipal court or the traffic and ordinance division of the recorder's court of the city of Detroit, for or on account of violations of the charter or ordinances of the city, shall be paid over to the city

treasurer.

History: 1909, Act 279, Eff. Sept. 1, 1909;—CL 1915, 3334;—CL 1929, 2267;—CL 1948, 117.31;—Am. 1978, Act 191, Imd. Eff. June 4, 1978.

117.32 Constables; election or appointment; powers and duties; salary; fees; provisions inapplicable to certain cities; compliance with minimum employment standards.

Sec. 32. (1) Except as provided in subsection (3), there may be elected or appointed in each city 1 or more constables who shall have the same powers and authorities in civil and criminal matters, and in relation to the service of process, civil and criminal, as are conferred by law on constables in townships. A city, by ordinance, may abolish, restrict, and limit the authority conferred upon a constable by law, except that a city constable may be appointed by a district court as a district court officer and may perform duties permitted pursuant to chapter 83 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, as amended, being sections 600.8301 to 600.8395 of the Michigan Compiled Laws. Except as otherwise provided in section 8707 of Act No. 236 of the Public Acts of 1961, being section 600.8707 of the Michigan Compiled Laws, and section 742 of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.742 of the Michigan Compiled Laws, a constable shall serve all process issued for breaches of ordinances of the city. A city may by ordinance provide for the appointment of additional constables except that the maximum number of persons who may be appointed as constables shall not exceed the number of elected constables provided for in the charter of the city on September 23, 1949. An appointed or elected constable may be paid a salary in addition to fees.

(2) This section does not apply to a city that has a population of 500,000 or more.

(3) A constable shall serve all warrants, notices, and process lawfully directed to the constable by the city and shall perform other duties required of a constable by law. A city, by ordinance, may restrict or limit the duties of a city constable prescribed by law. If the city requires the constable to perform both statutory criminal and civil duties, a person elected or appointed to the office of city constable shall fulfill the minimum employment standards established by the law enforcement council pursuant to section 9 of the Michigan law enforcement officers training council act of 1965, Act No. 203 of the Public Acts of 1965, as amended, being section 28.609 of the Michigan Compiled Laws. The cost of complying with these standards shall be borne by the city.

History: 1909, Act 279, Eff. Sept. 1, 1909;—CL 1915, 3335;—CL 1929, 2268;—CL 1948, 117.32;—Am. 1949, Act 71, Eff. Sept. 23, 1949;—Am. 1971, Act 26, Imd. Eff. May 13, 1971;—Am. 1976, Act 408, Imd. Eff. Jan. 9, 1977;—Am. 1994, Act 17, Eff. May 1, 1994.

117.33 Constables; election, qualification, and compensation.

Sec. 33. The provisions of the general law applying to the election, qualification, and compensation of constables in townships shall apply to the constables provided for in section 32 except that in the first instance they shall be elected at the first election at which other city officers are chosen and the first incumbents shall hold office only until the next regular election for the officers as fixed by the state law.

History: 1909, Act 279, Eff. Sept. 1, 1909;—CL 1915, 3336;—CL 1929, 2269;—CL 1948, 117.33;—Am. 1978, Act 191, Imd. Eff. June 4, 1978.

117.34 Police officers; powers.

Sec. 34. When any person has committed or is suspected of having committed any crime or misdemeanor within a city, or has escaped from any city prison, the police officers of the city shall have the same right to pursue, arrest and detain such person without the city limits as the sheriff of the county.

History: 1909, Act 279, Eff. Sept. 1, 1909;—CL 1915, 3337;—CL 1929, 2270;—CL 1948, 117.34.

117.34a Police officer or constable; authority to execute bench warrant.

Sec. 34a. A police officer of a city or, if authorized by the legislative body, a constable of a city has the same authority within the city as a deputy sheriff to execute a bench warrant for arrest issued by a court of record or a municipal court.

History: Add. 1992, Act 48, Imd. Eff. May 12, 1992.

117.35 Acquisition of property; condemnation or purchase proceedings.

Sec. 35. Any city may acquire by purchase or condemnation proceedings any lands within or without its corporate limits necessary for disposing of sewage or for obtaining or protecting a water supply for the city and the inhabitants thereof, and may acquire by purchase or condemnation proceedings when authorized by the electors of such city any public utility and any water power and water rights for the use of such city within the corporate limits of said city. The jury in condemnation proceedings shall consist of 12 freeholders drawn

from the body of the county and if they find the necessity for such use exists and, in case of sewage that the use proposed will not materially injure the health or safety of persons living adjacent to the land, they shall award the compensation to be paid therefor. Other proceedings in such cases shall conform to the general law authorizing cities and villages to take or hold land or property outside of their corporate limit as contained in chapter 90 of the Compiled Laws of 1897, or any other appropriate act now or hereafter existing.

History: 1909, Act 279, Eff. Sept. 1, 1909;—Am. 1913, Act 5, Imd. Eff. Mar. 11, 1913;—CL 1915, 3338;—CL 1929, 2271;—CL 1948, 117.35.

Compiler's note: Chapter 90, referred to in the last sentence, was repealed by Act 120 of 1967. See now MCL 213.21 et seq.

117.35a General obligation bonds; issuance; conditions.

Sec. 35a. Any municipality with a population of 750,000 or more may issue general obligation bonds and other evidences of debt for all lawful purposes in accordance with state law, but subject to the overall debt limitations provided by state law or the charter of the municipality. No charter shall allocate the debt limitation or any part of the debt limitation to specific purposes.

History: Add. 1966, Act 30, Imd. Eff. May 3, 1966;—Am. 2001, Act 173, Imd. Eff. Dec. 11, 2001.

117.36 Charter provisions; conflict.

Sec. 36. No provision of any city charter shall conflict with or contravene the provisions of any general law of the state.

History: 1909, Act 279, Eff. Sept. 1, 1909;—CL 1915, 3339;—CL 1929, 2272;—CL 1948, 117.36.

117.36a Financial recovery bonds; amounts; terms and conditions; net indebtedness of city; limitations; city with population less than 10,000; "third-party tax collector" defined; refund; deposit of revenues into separate account for paying principal and interest; creation of lien and trust; ability of state treasurer to withhold distributable aid from city; city with population more than 600,000; bonds not subject to MCL 141.2101 to 141.2821.

Sec. 36a. (1) Except as otherwise provided under this section, if a financial emergency exists under the local financial stability and choice act, 2012 PA 436, MCL 141.1541 to 141.1575, a city may issue financial recovery bonds in amounts greater than the limitations established by the city charter or this act.

(2) Any financial recovery bonds issued under this section are subject to the terms and conditions approved by the local emergency financial assistance loan board created under the emergency municipal loan act, 1980 PA 243, MCL 141.931 to 141.942.

(3) Any financial recovery bonds issued under this section are not subject to section 5(g).

(4) Notwithstanding subsection (1), the net indebtedness of a city, reduced by any amounts excluded under section 4a(4), shall not exceed 20% of the assessed value of the city.

(5) Notwithstanding subsection (4), the net indebtedness of a city that issues financial recovery bonds under subsection (6), reduced by any amounts excluded under section 4a(4), shall not exceed 12% of the assessed value of the city, adjusted for additions as provided under section 4a(9).

(6) If financial recovery bonds are issued under this subsection by a city with a population of less than 10,000 that is located in a county organized under 1966 PA 293, MCL 45.501 to 45.521, the city may provide in the order authorizing the issuance of the bonds for the deposit of revenues generated from taxes levied by the city, including a tax levied by the city to pay a judgment or comply with a court order, into an escrow account to be used for the purpose of paying principal of and interest on the bonds and the administrative costs associated with issuing the bonds, and the tax revenues may be pledged by the city for the payment of the bonds issued under this section. Bonds issued under this subsection shall be limited in amount to that necessary to pay court-ordered judgments against the city existing on May 25, 2011 and administrative costs associated with issuing the bonds. If the city enters into an agreement with a third-party tax collector pursuant to which the third-party tax collector has the duty to collect taxes that otherwise would be collected by the city treasurer, the agreement shall also provide for the direct payment of all tax revenues pledged for payment of bonds issued pursuant to this section collected by the third-party tax collector to a trustee to be deposited into an escrow account and used for the sole purpose of paying principal of and interest on the bonds. If the city and a third-party tax collector enter into an agreement providing for the direct payment of taxes to a trustee, a statutory lien and trust is created applicable to those tax revenues received or to be received from the third-party tax collector by the trustee. The tax revenues paid or to be paid to a trustee for the purpose of paying the principal of and interest on the bonds issued pursuant to this section shall be subject to a lien and trust, which is a statutory lien and trust paramount and superior to all other liens and interests of any kind, for the sole purpose of paying the principal of and interest on bonds issued pursuant to this section and any other bonds subsequently issued by the city sharing a parity or subordinate pledge of those tax revenues. The lien

and trust created under this subsection for the benefit of bondholders or others is perfected without delivery, recording, or notice. The tax revenues held or to be held by a trustee shall be held in trust for the sole benefit of the holders of the bonds issued pursuant to this section and are exempt from being levied upon, taken, sequestered, or applied toward paying the debts or liabilities of the city other than for payment of debt service on the bonds to which the lien applies. As used in this subsection, "third-party tax collector" means a party that is not the city treasurer or other elected or appointed city official with whom the city has entered into a contractual agreement pursuant to which the third-party tax collector agrees to collect taxes that otherwise would be collected by the city treasurer.

(7) A city that issues financial recovery bonds under this section subsequently may refund all or a portion of those bonds subject to the terms and conditions approved by the local emergency financial assistance loan board. However, the local emergency financial assistance loan board shall not approve any term or condition under this subsection that materially alters any existing term, condition, lien, or priority that applied to the bonds before the refunding if the approval would constitute an impermissible contract impairment. If financial recovery bonds are or have been issued by a city under this section, the city may provide additional security for the prior bonds pursuant to this subsection and may issue financial recovery bonds pursuant to this subsection to be sold to the Michigan finance authority for the purpose of refunding all or a portion of the prior bonds, or other obligations of the city, and for such other purposes as approved by the local emergency financial assistance loan board. A city may by resolution or order provide for the deposit of revenues pledged for the payment of prior bonds or bonds issued pursuant to this subsection into a separate account for the purpose of paying principal and interest on those obligations, the administrative costs associated with those obligations, and any other obligations issued by the city that are secured by those revenues. For purposes of this subsection, principal and interest may include termination fees and credit enhancement fees, if any. If the city enters into an agreement with a third party that has a duty or obligation under the agreement or under state law to collect for, pay, remit, disburse, or distribute to the city all or a portion of the revenues pledged by the city for the payment of principal and interest on prior bonds or bonds issued pursuant to this subsection, the agreement shall also provide for the direct payment of the revenues that the third party has a duty or obligation to collect for, pay, remit, disburse, or distribute to the city, and that the city has pledged for payment of the prior bonds or bonds issued pursuant to this subsection, to a trustee to be deposited into a trust account and used for the sole purpose of paying principal of and interest on the prior bonds or bonds issued pursuant to this subsection and related administrative costs and any other obligations issued by the city that are secured by those revenues. The agreement shall be authorized by resolution or order of the city and approved by the local emergency financial assistance loan board. If the city and a third party enter into an agreement providing for the direct payment of the revenues pledged by the city for the payment of prior bonds or bonds issued pursuant to this subsection to a trustee, a statutory lien and trust is created applicable to those revenues received from the third party by the trustee, and the revenues paid to a trustee for the purpose of paying the principal and interest on prior bonds or bonds issued pursuant to this subsection shall be subject to a lien and trust that is a statutory lien and trust paramount and superior to all other liens and interests of any kind, for the sole purpose of paying the principal and interest on the prior bonds of the city or bonds of the city issued pursuant to this subsection and related administrative costs and any other obligations issued by the city that are secured by those revenues. The lien and trust created under this subsection is perfected without delivery, recording, or notice. The revenues held by a trustee pursuant to an agreement shall be held in trust pursuant to this subsection and are exempt from being levied upon, taken, sequestered, or applied toward paying the debts or liabilities of the city other than for payment of debt service on the obligations and related administrative costs to which the lien applies. A statutory lien and trust created by this subsection applicable to distributable aid received from the state treasurer by a paying agent, escrow agent, or trustee, shall apply only to the distributable aid, as that term is defined in section 9 of the fiscal stabilization act, 1981 PA 80, MCL 141.1009, after it has been appropriated and shall be subject to any subsequent reduction of that appropriation by operation of law or executive order. Nothing in this subsection shall abridge or reduce the ability of the state treasurer to withhold distributable aid from a city as provided by the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.901 to 141.921. Financial recovery bonds issued pursuant to this subsection are not subject to subsection (4). This subsection shall not be construed to do any of the following:

(a) Create or constitute state indebtedness.

(b) Require the state to continue to impose and collect taxes from which distributable aid is paid or to make payments of distributable aid.

(c) Limit or prohibit the state from repealing or amending a law enacted for the distributable aid, or for the manner, time, or amount of distributable aid.

(8) If a city with a population of more than 600,000 that is located in a county organized under 1966 PA

293, MCL 45.501 to 45.521, issues or has issued financial recovery bonds pursuant to subsection (7), and the city, as a specified condition of the issuance, has entered into an agreement with a trustee for the deposit of revenues pledged by the city into a trust account as provided in subsection (7) that is established for the sole purpose of paying principal of and interest on those bonds and related administrative expenses, and the city has received the approval of the state treasurer, then, at all times after the issuance of the bonds and before the deposit of the revenues of the city into that trust account, the revenues of the city to be deposited are held in trust for the benefit of the trustee and the bonds by any party that comes into possession of the revenues. The revenues are held in trust for the benefit of the trustee and the bonds regardless of whether the city directly collects the revenues, a third party collects the revenues on the city's behalf, or any other person comes into possession of the revenues, and the revenues remain subject to the trust regardless of subsequent transfer or transfers of the revenues until such time as the revenues are deposited into that trust account. To the extent that the city or any other person holds a residual or other interest in the revenues held in trust and to be deposited with the trustee in the trust account, the interest is subordinate to a lien in the revenues in favor of the trustee for the purpose of ensuring delivery of the revenues to the trust account. This lien arises by operation of law and without further act or notice of any kind at the earliest time that the city has or acquires any rights in the revenues pledged pursuant to the agreement, is and will remain paramount and superior to all other liens and interests of any kind, and is perfected without delivery, recording, or notice. The revenues held in trust and to be deposited into the trust account pursuant to this subsection are exempt from being levied upon, taken, sequestered, or applied toward paying the debts or liabilities of the city other than those expressly specified in the agreement described in this subsection and subsection (7).

(9) Financial recovery bonds issued under this section are not subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

History: Add. 2003, Act 210, Imd. Eff. Nov. 26, 2003;—Am. 2011, Act 7, Imd. Eff. Mar. 16, 2011;—Am. 2011, Act 36, Imd. Eff. May 25, 2011;—Am. 2011, Act 143, Imd. Eff. Sept. 21, 2011;—Am. 2015, Act 17, Imd. Eff. Apr. 22, 2015.

117.37 Saving clause.

Sec. 37. All charters heretofore formulated and all proceedings of charter commissions heretofore had under this act are hereby validated and made effectual so far as the same shall conform to and be within the provisions of this act as amended.

History: Add. 1911, Act 203, Eff. Aug. 1, 1911;—CL 1915, 3340;—CL 1929, 2273;—CL 1948, 117.37.

Compiler's note: Act 203 of 1911, which added this section, was held unconstitutional and void. See note to MCL 117.1.

117.38 Construction of act.

Sec. 38. It is intended by this act to re-enact sections 21, 22, 23 and 24, as above amended pursuant to the adoption of the amendment to section 21 of article 8 of the state constitution by vote of the electors on November 5, 1912, so that cities under existing charters heretofore granted by the legislature shall have the same right and power to amend such charters under the act hereby amended as cities that have adopted complete charter revisions.

History: Add. 1913, Act 5, Imd. Eff. Mar. 11, 1913;—CL 1915, 3341;—CL 1929, 2274;—CL 1948, 117.38.

Compiler's note: In this section, "section 21 of article 8 of the state constitution" refers to the Constitution of 1908. See now Const. 1963, Art. VII, § 22.

Resolution #2024-###

By the Committee on Public Safety
Resolved by the City Council of the City of Lansing

WHEREAS, the Code Compliance Officer has determined that the building located at 1326 N. JENISON AVE., 33-01-01-08-251-151 N 40 FT LOT 27 BLOCK 2 ASSESSORS PLAT NO 10, City of Lansing, is an unsafe or dangerous building as defined in Section 108.1 of the International Property Maintenance Code as adopted by Lansing Codified Ordinance 1460.01, and the Housing Law of Michigan, and the building was red tagged on 7/25/2022; and

WHEREAS, a hearing was held by the Lansing Demolition Board on 8/24/2023, at which the Hearing Officer determined that said building was an unsafe and dangerous building and ordered the building demolished or made safe by 10/26/2023; and

WHEREAS, said Hearing Officer filed a report of their findings and order with the City Council and requested the City Council to take appropriate action under the Lansing Codified Ordinances and the Housing Law of Michigan; and

WHEREAS, the Housing Law of Michigan and Lansing Codified Ordinances require a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe; and

WHEREAS, the City Council held a public show cause hearing on _____ 2024, to review the findings and the order of the Hearing Officers, and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board Officer has not occurred.

NOW, THEREFORE, BE IT RESOLVED that the owner(s) of 1326 N. JENISON AVE., as legally described above, are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within 60 days from the date of this resolution, _____ 2024.

BE IT FURTHER RESOLVED that the property owner(s) is hereby notified that this order must be appealed within twenty days pursuant to MCL 125.542 and should the owners fail to comply with the Hearing Officers' order for demolition or make safe, the Code Compliance Officer is hereby directed to proceed with demolition of said building.

BE IT FURTHER RESOLVED, whether demolition is accomplished by said property owner or the City, that appropriate seeding and restoration of property take place to avoid run-off to adjacent properties.

BE IT FURTHER RESOLVED that if the demolition is accomplished by the City, the cost

of such demolition shall be a lien against the real property and shall be reported to the City Assessor.

BE IT FINALLY RESOLVED that the owners in whose name the property appears upon the last local tax assessment record shall be notified by the City Assessor of the amount of such cost by first class mail at the address shown on the records. Upon the owner's failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the amount of said costs shall be a lien and shall be filed and recovered as provided by law and the lien shall be collected and treated in the same manner as provided for property tax liens under the general property tax act.

**CITY OF LANSING - DEMOLITION BOARD
REPORT FOR CITY COUNCIL
CASE OVERVIEW SHEET**

ADDRESS:	1326 N JENISON AVE.
PARCEL NUMBER:	33-01-01-08-251-151

SHOW CAUSE HEARING DATE:	
DEMOLITION CASE FILE #:	D2023-025

LISTED TAXPAYER:	ACKER JAMES R
INTERESTED PARTIES:	ACKER JAMES R
SEV INFORMATION:	\$19,500.00
LAND VALUE:	\$6,956.00
BUILDING VALUE:	\$32,138.00
LOT SIZE:	40 X 140

HOUSING CODE VIOLATION LTR:	7/25/2022
ORIGINAL RED TAG DATE:	7/25/2022
ZONING:	"A"
ESTIMATE OF REPAIRS:	\$34,065.36
PICTURES:	YES
OTHER:	

LEGAL DESCRIPTION:	N 40 FT LOT 27 BLOCK 2 ASSESSORS PLAT NO 10
---------------------------	--

ORDER OF DEMOLITION BOARD

DEMOLITION BOARD MEETING DATE:	AUGUST 24, 2023
ORDER:	60 DAYS MAKE SAFE OR DEMOLISH
REASON/CONDITIONS:	UNSAFE
HEARING OFFICER:	JOSEPH VITALE

CURRENT CITY COUNCIL ACTIVITY

REQUEST FOR SHOW CAUSE SENT:	
SHOW CAUSE HEARING DATE:	
PUBLIC SAFETY COMMITTEE WILL REVIEW:	

CURRENT PERMIT ACTIVITY

BUILDING:	Y
ELECTRICAL:	
MECHANICAL:	
PLUMBING:	
DEMOLITION:	na

Resolution #2024-###

By the Committee on Public Safety
Resolved by the City Council of the City of Lansing

WHEREAS, the Lansing Code Compliance Officer has declared a certain structure at 1326 N JENISON AVE., Parcel # 33-01-01-08-251-151 N 40 FT LOT 27 BLOCK 2 ASSESSORS PLAT NO 10., to be an unsafe and dangerous building and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, the Code Compliance Officer red tagged the said structure on JULY 25, 2022 and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, on AUGUST 24, 2023, the Lansing Demolition Board held a meeting to consider and make a recommendation on whether to declare the structure a dangerous building, as defined in the Housing Law of Michigan (MCLA 125.539) and the Lansing Housing and Property Maintenance Code (Ord. 1460.01, et seq.), and ordered the property owner to make safe or demolish the structure by October 26, 2023: and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board officer has not occurred; and

WHEREAS, the Housing Law of Michigan and the Lansing Codified Ordinances require that a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that a show cause hearing for Monday, _____, 2024 at 7:00 p.m. in Tony Benavides Lansing City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan in consideration of the finding and order of the Lansing Demolition Hearing Board Officer regarding the structure at 1326 N JENISON AVE., as legally described above, to give the owner, or the owner's agent, the opportunity to appear and show cause why the building should not be demolished or otherwise made safe; and to approve, disapprove, or modify the order of the hearing officer to demolish or make safe the subject structure.

BE IT FINALLY RESOLVED that the Lansing City Council requests that the Code Compliance Officer notify the owner(s) of said property of the opportunity to appear and present testimony at the hearing, as required by law.

**CITY OF LANSING - DEMOLITION BOARD
REPORT FOR CITY COUNCIL
CASE OVERVIEW SHEET**

ADDRESS:	1326 N JENISON AVE.
PARCEL NUMBER:	33-01-01-08-251-151

SHOW CAUSE HEARING DATE:	
DEMOLITION CASE FILE #:	D2023-025

LISTED TAXPAYER:	ACKER JAMES R
INTERESTED PARTIES:	ACKER JAMES R
SEV INFORMATION:	\$19,500.00
LAND VALUE:	\$6,956.00
BUILDING VALUE:	\$32,138.00
LOT SIZE:	40 X 140

HOUSING CODE VIOLATION LTR:	7/25/2022
ORIGINAL RED TAG DATE:	7/25/2022
ZONING:	"A"
ESTIMATE OF REPAIRS:	\$34,065.36
PICTURES:	YES
OTHER:	

LEGAL DESCRIPTION:	N 40 FT LOT 27 BLOCK 2 ASSESSORS PLAT NO 10
---------------------------	--

ORDER OF DEMOLITION BOARD

DEMOLITION BOARD MEETING DATE:	AUGUST 24,2023
ORDER:	60 DAYS MAKE SAFE OR DEMOLISH
REASON/CONDITIONS:	UNSAFE
HEARING OFFICER:	JOSEPH VITALE

CURRENT CITY COUNCIL ACTIVITY

REQUEST FOR SHOW CAUSE SENT:	
SHOW CAUSE HEARING DATE:	
PUBLIC SAFETY COMMITTEE WILL REVIEW:	

CURRENT PERMIT ACTIVITY

BUILDING:	Y
ELECTRICAL:	
MECHANICAL:	
PLUMBING:	
DEMOLITION:	na

Resolution #2024-###

By the Committee on Development and Planning
Resolved by the City Council of the City of Lansing

**RESOLUTION APPROVING BROWNFIELD PLAN #77 AMENDMENT NO. 1
500 BLOCK BROWNFIELD 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, Brownfield Plan #77 Amendment No. 1 – 500 Block Brownfield Redevelopment Project (the 'Plan'); and

WHEREAS, a public hearing was held by the Lansing City Council on **[INSERT DATE]** 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 **[INSERT DATE]** 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 total new private and public investment of approximately \$62.3 million,
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 January 12, 2024, unanimously recommended approval of the Plan, for this Project, as amended;

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 Brownfield Plan #77 Amendment No. 1 – 500 Block Redevelopment Project.

*Lansing Brownfield
Redevelopment Authority*



500 BLOCK

REDEVELOPMENT PROJECT

501 S. Capitol Avenue, Lansing MI
110 W. Hillsdale Street, Lansing MI
520 S. Washington Avenue, Lansing MI

Tax Parcel Nos.

33-01-01-16-381-005

33-01-01-16-381-006

33-01-01-16-381-007

***Brownfield Plan #77
Amendment No.1***

Revised January 4, 2024

Prepared with assistance from:
ADVANCED REDEVELOPMENT SOLUTIONS

PO Box 204

Eagle, Michigan 48822

Contact: Eric P. Helzer, EDFP

Phone: (517) 648-2434

TRITERRA ENVIRONMENTAL

1375 S. Washington Avenue

Lansing, Michigan 48910

Contact: David Van Haaren

Phone: (517) 702-0470

Reviewed by:

LANSING BROWNFIELD REDEVELOPMENT AUTHORITY (LBRA)

401 S. Washington Avenue, Suite 101

Lansing, Michigan 48910

Contact: Karl Dorshimer

Phone: (517) 243-3512

Approved by the LBRA –

01 / 12 / 2024

Approved by the Lansing City Council –

____/____/2024

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Exhibits

- A. Eligible Property – Legal Descriptions and Eligible Property Boundary Maps
 - Exhibit A-1: 501 S. Capitol, LLC Lot Survey
 - Exhibit A-2: 503 S. Capitol, LLC Lot Survey
 - Exhibit A-3: City of Lansing Lot Survey
- B. Basis of Eligibility –
 - EGLE Acknowledgement of Receipt of a Baseline Environmental Assessment Letters
 - Exhibit B-1: 501 S. Capitol, LLC Letter
 - Exhibit B-2: 503 S. Capitol, LLC Letter
 - Exhibit B-3: City of Lansing Letter
 - Functional Obsolescence Determination letter dated August 14, 2019
 - Exhibit B-4: 501 S. Capitol, LLC (formerly 501 Block LLC) Letter
- C. Table 4 – Tax Increment Financing Estimates
- D. Estimated Breakdown of Developer Eligible Activity Costs by Entity

**PROJECT SUMMARY SHEET: BROWNFIELD PLAN #77 AMENDMENT NO.1 –
500 Block Redevelopment Project**

The purpose of this Brownfield Plan Amendment No.1 (the “Plan Amendment”) is to identify eligible activities and cost estimates for redevelopment of the property located at 501 S. Capitol Avenue, 110 W. Hillsdale Street and 520 S. Washington Avenue, Lansing, Michigan. Brownfield tax increment financing is necessary to support redevelopment of these properties.

Project Name: 500 Block Redevelopment Project

Applicants/Developers: Private Developers -

Entity Name: 501 S. Capitol, LLC (formerly 501 Block, LLC) and
503 S. Capitol, LLC (formerly 502 Block, LLC)
(referred to as “Owner(s)” or “Developer(s)”)
Contact: Patrick N. Smith
Mailing Address: 505 Bath Street
Santa Barbara, California 93101
Phone: (805) 965-2100
Email: psmith@westpacinv.com

Public Developer -

Entity Name: City of Lansing
(referred to as “Owner(s)” or “Developer(s)”)
Contact: Gregory Venker
Mailing Address: 124 West Michigan Avenue, 5th Floor
Lansing, Michigan 48933
Phone: 517-483-4321
Email: gregory.venker@lansingmi.gov

Eligible Property Location: The Eligible Property (“Property”) consists of three parcels located at:

- 501 S. Capitol Avenue, Lansing MI
- 110 W. Hillsdale Street, Lansing MI
- 520 S. Washington Avenue, Lansing MI

Parcel Information:

Tax Parcel Nos.:

- 33-01-01-16-381-005
- 33-01-01-16-381-006
- 33-01-01-16-381-007

NOTE: At the time of the Plan Amendment preparation, current tax parcel numbers, ownership information, acreage, and legal descriptions on the City of Lansing Parcel Viewer, BS&A website and Ingham County Equalization website are incorrect and as such the above information under this Plan Amendment are subject to change. Exhibit A, Eligible Property – Legal Descriptions and Eligible Property Boundary Maps for this Plan Amendment are correct and shall govern.

Property Size: Approximately 2.98-acres

Type of Eligible Property: Facility (Contaminated) and Functionally Obsolete

Project Description:

This is an amendment to the Lansing Brownfield Redevelopment Authority's (LBRA) Brownfield Plan #77, originally adopted by City Council on December 2, 2019. Additionally, a Brownfield Plan Budget Line Item Adjustment Administrative Amendment Request was approved by LBRA August 6, 2021. This is the first amendment to the Brownfield Plan. The purpose of the amendment is to: 1) document reconfiguration of the two original parcels which now contains three parcels as identified herein, outline the proposed development and add in associated eligible activities at 520 S. Washington Avenue (33-01-01-16-381-007), 2) update/realign proposed eligible activity costs based on current redevelopment plans at all three parcels within the property, and 3) adjust the proposed tax increment revenue (TIR) capture schedule based on the current project timeline.

501 S. Capitol, LLC (formerly 501 Block, LLC) and 503 S. Capitol, LLC (formerly 502 Block, LLC) are single-purpose company's formed to develop, construct, finance, and own Phase I of the 500 Block Redevelopment Project, a mixed-use multi-phase multi-building redevelopment, including office, commercial business spaces containing retail/service providers, and multifamily residential apartments. The City of Lansing is proposing to develop, construct, finance, and own Phase II of the 500 Block Redevelopment Project, a new two-story performing arts building. Collectively the two phases comprised of three buildings are herein referred to as the "Project".

The proposed renovation and new construction Project will redevelop the substantially vacant, contaminated and functionally obsolete parcels into a mixed-use redevelopment project bringing new residents and employment into the City of Lansing's core downtown. The proposed Project phasing for the buildings is as follows:

- Phase I –
 - Building 1 – 501 S. Capitol office building renovation into a mixed-use building with approximately 18,101 square feet of finished office/commercial/commercial self storage space and five (5) floors of residential with an estimated 55 multifamily residential apartments. Start of construction beginning with asbestos abatement and demolition began in June 2021 with completion of full renovation in March 2024.
 - Building 2 – 110 W. Hillsdale Street newly constructed mixed-use building along South Capitol Avenue and West Hillsdale Street with an estimated 117 multifamily residential apartments and approximately 3,459 square feet commercial. Start of construction beginning with site demolition began in July 2021 and new construction completion was July 21, 2023.
- Phase II – A third building (Building 3) on the property will be developed to include the construction of a new two-story

performing arts building, totaling 50,852 gross square feet, including a green room, performance stage, first story bar, rooftop bar, patio seating, recording studio in the basement, and new office space for the Lansing Public Media Center on the second floor. “For decades Michigan’s citizens have come downtown to visit our Capitol during business hours. Still, when it comes to attracting people after five o’clock, whether it’s weekend visitors or prospective residents, Downtown Lansing lacks a cultural pull. An amenity to build up our external reputation, draw in visitors from neighboring cities and other corners of the state year-round, and inspire prospective residents to consider putting down roots here. While there are countless gems across our region, we need a major, day-to-night and year-round attraction that everyone can come to associate with Downtown Lansing. A space that will illuminate on a statewide scale what Lansing residents already know to be true: that we are a city of doers committed to cultivating arts, culture, and economic growth.” (The City of Lansing Ovation Packet 2023). Building 3 includes the renovation of an existing 8,035 gross square feet building as a part of Phase II. Start of construction beginning with asbestos abatement and demolition is anticipated to begin in April 2024 with new construction completion in October 2025.

Total Capital Investment and Deployment/Completion

Dates:

This Plan Amendment anticipates approximately \$62.3 million in Total Capital Investments including projected costs of developer eligible activities costs but not including acquisition and cost of financing for this Project or its eligible activities.

The proposed Project Capital Investment breakdown with deployment and completion milestones for Phase I are as follows:

- Building 1 – Investment made by the Private Developer is estimated at \$9 million for 501 S. Capitol building renovation into a mixed-use building:
 - Deployment Start – June 1, 2021
 - Completion – March 1, 2024
- Building 2 – Investment made by the Private Developer is estimated at \$23 million for 110 W. Hillsdale Street newly constructed mixed-use building:
 - Deployment Start – July 1, 2021
 - Completion – July 21, 2023
- Building 3 – Investment made by the Public Developer is estimated at \$30,323,972 for 520 S. Washington Avenue newly constructed multi-use performing arts building:
 - Deployment Start – April 1, 2024
 - Completion – October 1, 2025

**Estimated Job Creation and
Employed-by Dates:**

During the term of construction, the Project will create hundreds of direct and indirect spin-off jobs over the construction periods.

Upon Project completion and stabilization, a total of approximately 22 local full-time equivalent (FTE) jobs are projected to be created as are identified by each building with anticipated 100% employed-by milestone dates below:

- Building 1 – approximately 9 FTE jobs upon building stabilization at the 501 S. Capitol building renovation. Average wage rate of new estimated jobs created that are new to the City is projected at greater than \$30,000 per year:
 - 100% employed-by – March 1, 2025 to allow for stabilization.
- Building 2 – approximately 5 FTE jobs upon building stabilization in the 110 West Hillsdale Street newly constructed building. Average wage rate of new estimated jobs created that are new to the City is projected at greater than \$30,000 per year:
 - 100% employed-by – July 1, 2024 to allow for stabilization.
- Building 3 – approximately 8 FTE jobs upon building stabilization in the 520 S. Washington Avenue newly constructed multi-use performing arts building. Average wage rate of new estimated jobs created that are new to the City is projected at greater than \$63,000 per year (NOTE: this is in addition to 6 FTE retained jobs at an average wage of \$55,900 per year and does not include new FTE jobs that may be associated with the planned restaurant/bar):
 - 100% employed-by – August 1, 2025.

**Estimated and
Duration of Plan
Amendment Capture:**

30 years (2023-2052), total estimated Plan Amendment capture duration for reimbursement of Eligible Activities, Brownfield Plan & Act 381 Work Plan (including amendments) Preparation costs, Brownfield Plan & Act 381 Work Plan Implementation Fees, BRA Administration & Application Fees, and LBRF & MBRF capture. However, this Plan Amendment's capture of tax increment revenues shall not exceed 30 years (2023-2052), unless amended.

**Estimated and
Duration of Plan
Amendment:**

33 years (2020-2052) estimated Plan Amendment duration.

**Base Year of Plan
Amendment:**

2020

First Year of Plan**Amendment Capture:** 2023**Estimated Gain in Taxes:**

(after Project completion)

	Actual Base Year Taxable Value	Future Taxable Value (Estimate)	Increased/ Taxable Value (Increment)
	2020	Starting in 2024 (at 100% Private Developer Completion)	Starting in 2024 (at 100% Private Developer Completion)
	\$2,887,807	\$9,962,513	\$ 7,074,706
Annual Taxes Paid	\$ 226,257	\$786,763	\$ 560,505

Distribution of Total New Taxes Paid Estimate:

(Total Plan Duration)

Total New Taxes Received by Taxing Units	\$ 4,179,624
Total New Taxes Captured	\$ 21,992,790
Total New Taxes	\$ 26,172,415

** The impact to each individual taxing jurisdiction may be as much as their proportionate share of \$21,992,790 so long as there are available revenues. Developer Brownfield costs in this Plan Amendment are extraordinary and as a result, even with the maximum number of years of tax capture allowed, the Public Developer may not be fully reimbursed. Currently, as identified in Table 4d, the resultant deficiency/shortfall to the Public Developer is estimated at \$3,775,258.*

Total New (Incremental) Taxes Captured**Breakdown Estimate:**

(Total Plan Duration)

Total Taxes Captured During Brownfield Plan Tax Capture Period	Total/ Cumulative	Annual Average
Brownfield Redevelopment Authority (BRA) Administration	\$ 611,634	\$ 20,388
BRA Brownfield Plan & Work Plan Implementation (to BRA)	\$ 15,000	\$ 500
BRA Local Brownfield Revolving Fund (LBRF)	\$ 611,634	\$ 20,388
State of Michigan Brownfield Redevelopment Fund (MBRF) (Maximum of 25-Year period for tax capture)	\$ 604,574	\$ 20,152
Local Taxes to Developer * (to Reimburse Eligible Activities)	\$ 13,566,075	\$ 452,203
State School Taxes To Developer * (to Reimburse Eligible Activities)	\$ 6,583,873	\$ 219,462
Total New Tax Capture (See Table 1a)	\$ 21,992,790	\$ 733,093

** Public Developer Reimbursement Obligations may not be fully reimbursed based upon current estimates of projected Taxable Value and resultant tax capture from Local and State School Taxes. The identified Public Developer eligible costs in the Plan Amendment (not including captures for BRA Administration, BRA Implementation, BRA LBRF, or MBRF) may not be fully reimbursed if Taxable Value and/or tax capture assumptions do not increase over the balance of the 30-year capture period, because Plan Amendment estimates a deficiency/shortfall in potential capture.*

Total New (Incremental) Taxes Received (Gain/Not Captured) by Taxing Units
Breakdown Estimate:
(Total Plan Duration)

Estimated New/Incremental Tax Gain (not captured) Breakdown			
Total New/Incremental Tax Revenue Received by each Taxing Unit/ Entity (taxes not captured by the Brownfield Plan)	Percentage of Pass-Through/ Sharing to Taxing Unit	Estimated Tax Capture Period in Number of Years =	30
		New Tax Revenue Received	
		Total Amount Returned to Taxing Unit	Annual Average
CITY OF LANSING			
City Operating - Lansing	10%	\$ 551,338	\$ 18,378
Montgomery Drain	10%	\$ 7,374	\$ 246
Public Safety	100%	\$ 992,635	\$ 33,088
<i>Subtotal to Above</i>	-	\$ 1,551,346	\$ 51,712
INGHAM COUNTY			
Ingham County	10%	\$ 320,805	\$ 10,694
<i>Subtotal to Above</i>	-	\$ 320,805	\$ 10,694
Capital Region Airport Authority - CRAA	10%	\$ 19,824	\$ 661
Capital Area Transportation Authority - CATA	10%	\$ 84,785	\$ 2,826
LIBRARY	-		
Capital Area District Libraries - CADL	10%	\$ 44,243	\$ 1,475
INTERMEDIATE SCHOOL DISTRICTS (ISD)	-		
ISD Operating & Special Education	10%	\$ 140,041	\$ 4,668
COMMUNITY COLLEGE	-		
Lansing Community College - LCC	10%	\$ 106,898	\$ 3,563
<i>Subtotal to Above</i>	-	\$ 395,792	\$ 13,193
LOCAL SCHOOL MILLAGES: excludes State School millages			
Lansing School District Debt (District #33020)	100%	\$ 1,162,801	\$ 38,760
Lansing School District Sinking Fund	10%	\$ 83,878	\$ 2,796
<i>Subtotal to Above</i>	-	\$ 1,246,678	\$ 41,556
<i>Subtotal of All of the Above</i>	-	\$ 3,514,622	\$ -
STATE SCHOOL MILLAGES: excludes Local School millages			
State Education Tax - SET	10%	\$ 170,166	\$ 5,672
Local School Operating - LSO	10%	\$ 494,837	\$ 16,495
<i>Subtotal to Above</i>	-	\$ 665,003	\$ 22,167
GRAND TOTAL OF NEW TAX REVENUE TO THE ABOVE	-	\$ 4,179,624	-

Eligible Activities and Eligible Costs:

Eligible activities are estimated at approximately \$21,992,790 (inclusive of fees associated with BRA Administration, BRA Brownfield Plan & Work Plan Implementation, Local Brownfield Revolving Fund (LBRF) and State of Michigan Brownfield Redevelopment Fund (MBRF)) of which the projected costs of developer eligible activities are \$20,149,948. Public Developer Brownfield costs in this Plan Amendment are extraordinary and as a result, even with the maximum number of years of tax capture allowed, the Public Developer Project may not be fully reimbursed. The resultant deficiency/shortfall to the Public Developer is estimated at \$3,775,258 if Taxable Value and/or tax capture assumptions do not increase over the balance of the 30-year capture period.

Eligible Activities	Eligible Costs
EGLE Eligible Activities	
Department-Specific Activities	
Exempt Activities - Assessments	\$ 37,675
Exempt Activities - Due Care Planning	\$ 172,597
Due Care Activities	\$ 794,523
MSF Non-Environmental Eligible Activities	
Demolition Activities	\$ 566,683
Lead and Asbestos Abatement Activities	\$ 1,959,775
Relocation of Public Buildings for Economic Development Purposes	\$ 7,000,000
Infrastructure Improvements Activities	\$ 472,440
Site Preparation Activities	\$ 1,698,721
Contingency (15%)	\$ 1,389,806
Interest (Simple Interest: 3% Private Developer, 5% Public Developer)	\$ 5,812,303
<i>Subtotal</i>	\$ 19,904,522
Brownfield Plan & Work Plan Preparation	\$ 210,426
Brownfield Plan & Work Plan Implementation (to Developer)	\$ 30,000
Local Application Fees	\$ 5,000
<i>Subtotal: To Developer *</i>	\$ 20,149,948
Brownfield Redevelopment Authority (BRA) Administration	\$ 611,634
BRA Brownfield Plan & Work Plan Implementation (to BRA)	\$ 15,000
BRA Local Brownfield Revolving Fund (LBRF)	\$ 611,634
State of Michigan Brownfield Redevelopment Fund (MBRF)	\$ 604,574
<i>Subtotal: To BRA & State</i>	\$ 1,842,842
GRAND TOTAL	\$ 21,992,790

** Public Developer Reimbursement Obligations may not be fully reimbursed based upon current estimates of projected Taxable Value and resultant tax capture from Local and State School Taxes. The identified Public Developer eligible costs in the Plan Amendment (not including captures for BRA Administration, BRA Implementation, BRA LBRF, or MBRF) may not be fully reimbursed if Taxable Value and/or tax capture assumptions do not increase over the balance of the 30-year capture period, because Plan Amendment estimates a \$3,775,258 deficiency/shortfall in potential capture.*

The estimated breakdown of projected Eligible Activity Costs between the Developer entities (Private Developers and Public Developer) is illustrated and subject to change in Exhibit E - Estimated Breakdown of Developer Eligible Activity Costs by Entity.

INTRODUCTION

The City of Lansing, Michigan (the “City”), established the Lansing Brownfield Redevelopment Authority (the “Authority” or “LBRA”) on October 1, 1997, pursuant to Michigan Public Act 381 of 1996, as amended (“Act 381”). The primary purpose of Act 381 is to encourage the redevelopment of Eligible Property by providing economic incentives through tax increment financing for certain eligible activities.

The purpose of this Brownfield Plan Amendment No.1 (the “Plan Amendment”) is to promote the redevelopment of and investment in certain “Brownfield” properties within the City. Inclusion of Property within this Plan Amendment will facilitate financing of eligible activities at eligible properties and will also provide tax incentives to eligible taxpayers willing to invest in revitalization of eligible sites, commonly referred to as “Brownfields” that are either environmentally contaminated (a “facility”), blighted property, housing property, historic resource, or deemed functionally obsolete property. By facilitating redevelopment of Brownfield properties, this Plan Amendment, is intended to promote economic growth for the benefit of the residents of the City and all taxing units located within and benefited by the Authority. The City of Lansing has determined that this Plan Amendment is necessary to reduce unemployment, promote economic growth, and increase capital investment thus creating new taxable value for the City and the State of Michigan.

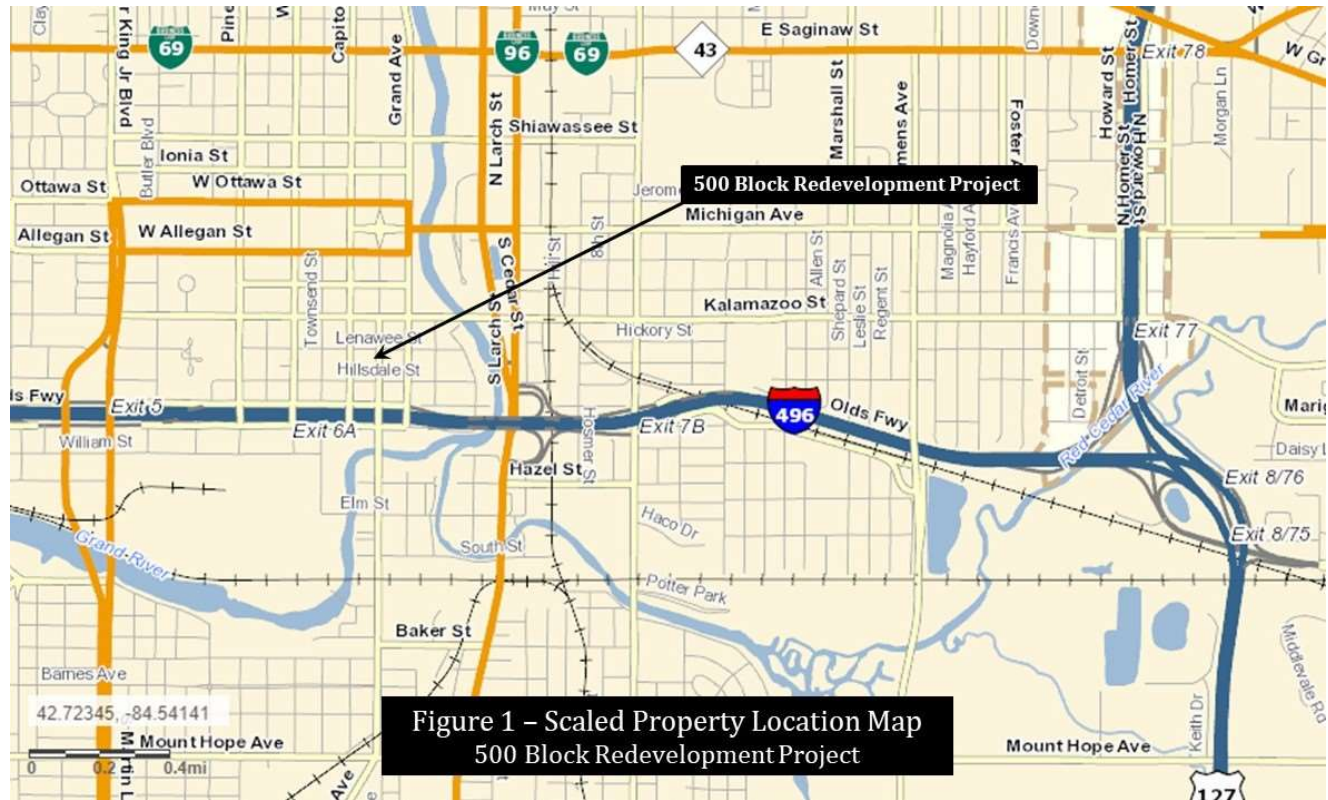
The identification or designation of a developer(s) that is the subject of this Plan Amendment, shall not be integral to the effectiveness or validity of this Plan Amendment. This Plan Amendment is intended to apply to the eligible property identified in this Plan Amendment and, if tax increment revenues are proposed to be captured from that eligible property, to identify and authorize the eligible activities to be funded by such tax increment revenues. With the approval of the Authority, any change in the proposed developer(s) of the eligible property shall not necessitate an amendment to the Plan Amendment, affect the application of the Plan Amendment to the eligible property, or impair the rights available to the Authority under this Plan Amendment.

The Plan Amendment is intended to be a living document, which may be modified or amended in accordance with the requirements of Act 381, as necessary to achieve the purposes of Act 381. The applicable sections of Act 381 are noted throughout the Plan Amendment for reference purposes.

This Plan Amendment contains information required by Section 13(2) of Act 381.

1. DESCRIPTION OF THE ELIGIBLE PROPERTY (SECTION 13(2)(H))

The Eligible Property (“Property”) consists of three parcels and is located at 501 S. Capitol Avenue, 110 W. Hillsdale Street, and 520 S. Washington Avenue, Lansing Michigan. The Property is situated to the north of Hillsdale Street, east of S. Capitol Avenue, south of Lenawee Street, and west of S. Washington Avenue as depicted on Figure 1 – Scaled Property Location Map. The Property contains approximately 2.98-acres in the City of Lansing (“City”) on three parcels as depicted on Figure 2 – Eligible Property Map.



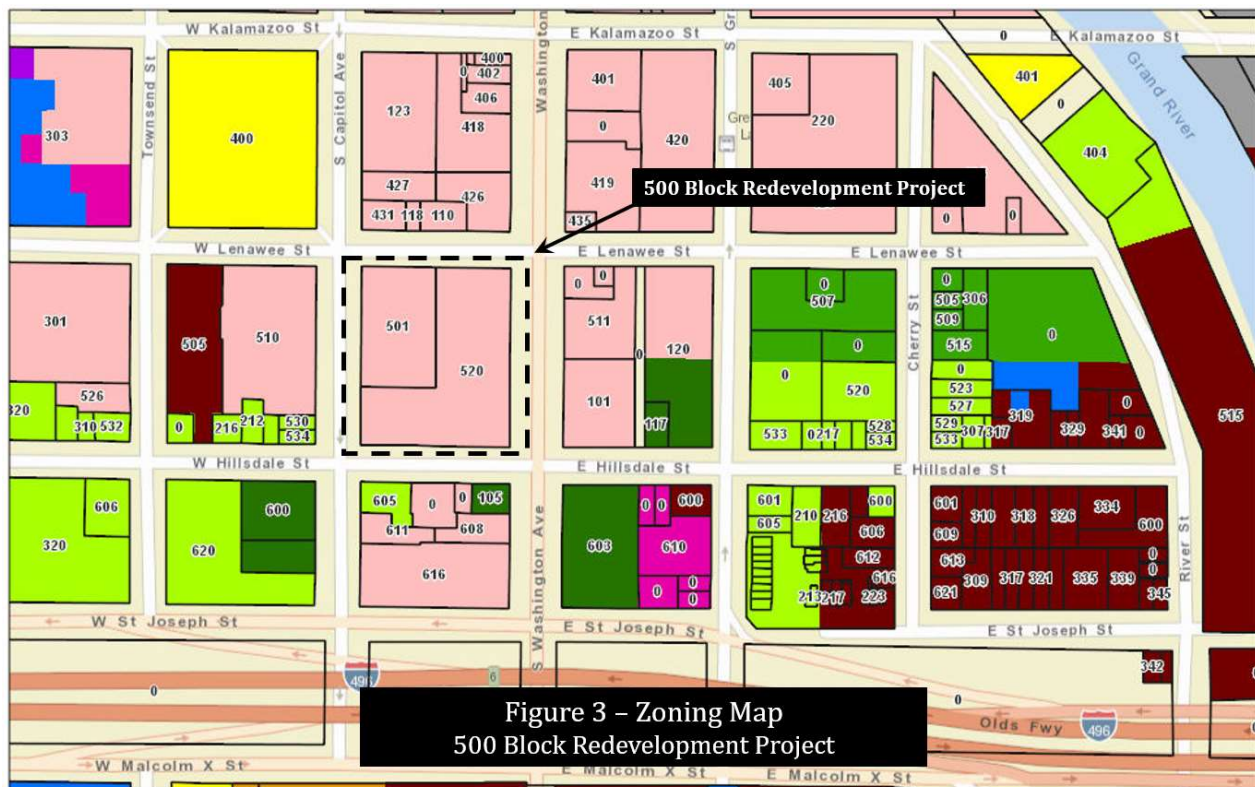
The Eligible Property parcels are summarized in the below table. See Exhibit A, Eligible Property – Legal Descriptions and Eligible Property Boundary Maps for this Plan Amendments redescribed Property after the parcel splits.

Eligible Property				
Address	Tax ID	Ownership/ Developer Entity	Basis of Eligibility	Project Phase
Brownfield Plan #77 revised August 27, 2019, Approved by LBRA September 6, 2019 and Adopted by City Council December 2, 2019				
Underlying Brownfield Plan Parcels: 501 S. Capitol Avenue and 520 S. Washington Avenue, Lansing, MI	33-01-01-16-381-002 and 33-01-01-16-381-004	501 Block, LLC and 502 Block, LLC	Facility and Functionally Obsolete	NA
Brownfield Plan Budget Line Item Adjustment Administrative Amendment Request of LBRA dated June 29, 2021 and Approved by LBRA August 6, 2021				
<i>Split Parcel B: 501 S. Capitol Avenue, Lansing MI</i>	<i>33-01-01-16-381-005</i>	<i>501 S. Capitol, LLC</i>	<i>Facility and Functionally Obsolete</i>	<i>I</i>
<i>Split Parcel A: 110 W. Hillsdale Street, Lansing MI</i>	<i>33-01-01-16-381-006</i>	<i>503 S. Capitol, LLC</i>	<i>Facility</i>	<i>I</i>
<i>Split Parcel C: 520 S. Washington Avenue, Lansing MI</i>	<i>33-01-01-16-381-007</i>	<i>500 S. Washington, LLC</i>	<i>Facility</i>	<i>II</i>
Brownfield Plan Amendment No.1*				
<i>Split Parcel B-1: 501 S. Capitol Avenue, Lansing MI</i>	<i>33-01-01-16-381-005</i>	<i>501 S. Capitol, LLC</i>	<i>Facility and Functionally Obsolete</i>	<i>I</i>
<i>Split Parcel B-2: 501 S. Capitol Avenue, Lansing MI</i>	<i>33-01-01-16-381-005</i>	<i>501 S. Capitol, LLC</i>	<i>Facility and Functionally Obsolete</i>	<i>I</i>
<i>Split Parcel C: 110 W. Hillsdale Street, Lansing MI</i>	<i>33-01-01-16-381-006</i>	<i>503 S. Capitol, LLC</i>	<i>Facility</i>	<i>I</i>
<i>Split Parcel A: 520 S. Washington Avenue, Lansing MI</i>	<i>33-01-01-16-381-007</i>	<i>City of Lansing (formerly 500 S. Washington, LLC)</i>	<i>Facility</i>	<i>II</i>

NOTE:

*At the time of the Plan Amendment preparation, current tax parcel numbers, acreage, ownership information and legal descriptions on the City of Lansing Parcel Viewer, BS&A website and Ingham County Equalization website are incorrect and as such the above information under this Plan Amendment are subject to change. Exhibit A, Eligible Property – Legal Descriptions and Eligible Property Boundary Maps for this Plan Amendment are correct and shall govern.

The Property is surrounded by similar commercial, professional office, business and residential operations as are proposed by the Developers. The Property is zoned “G-1” Business District and this zoning district allows for the proposed Project development under the use by Special Condition and Special Land Use Permit which is the same as “D-1” Professional Office District, residential uses at “DM-4” density and an off street parking facility by special permit. All other planned uses are permitted uses under the current zoning and the permitted uses are the same as “F” Commercial; however, since this district is only found in the downtown area, there are no parking or setback requirements, or height restrictions. See below Figure 3 – Zoning Map with zoning classifications for the Property and surrounding parcels.



	Lansing Tax Parcels		B		D-1		DM-2		E-1		F-1
	ZoningDistrict A		C		D-2		DM-3		E-2		G-1
			CUP		DM-1		DM-4		F		G-2

The Property is abutted by surface roadways, municipal water, sanitary and storm sewer services, and electrical and gas utilities.

The 520 S. Washington Avenue parcel and building is currently vacant, and the 510 S. Capitol Avenue parcel contained a large former credit union headquarters office building that was substantially vacant prior to redevelopment.

The Property is in an area close to amenities which are both walkable and bikeable. The Property's Walkscore scores well for both walkability and bikability, earning a score of 74 and 72 out of 100 respectively. A Walkscore shows how walkable any given location is, similarly, a bike score indicates the ease of bike commuting in a particular area. Necessities and amenities such as markets, transit stops, and entertainment venues are all considered when calculating these scores. These scores are good indicators of how desirable the Property will be to the target market demographic. We expect the Walkscore to improve once some of the identified amenities are completed and open for business.

Some of the key assets near the Property are the various restaurants and bars that enliven the Washington Square/Washington Avenue corridor as well as the remodeled CATA Transit hub. The amenities along with their respective distances from the Property are:

- Reutter Park, 0.1 mile
- Restaurants and Shopping, 0.1 mile
- The Grand River, 0.2 mile
- Capitol Area District Library, 0.2 mile
- CATA Transit Hub, 0.3 mile
- New Michigan Avenue Urban Meijer Grocery (under construction), 0.5 mile
- State Historic Museums, 0.5 mile
- Ballpark/Stadium on Michigan Avenue, 0.5 mile
- Sparrow Hospital, 1.0 mile
- Pharmacy, 1.0 mile

For the originally adopted Brownfield Plan, 510 S. Capitol Avenue parcel had been deemed “functionally obsolete” and is also a “facility” while the 520 S. Washington Avenue parcel has been identified as a “facility” forming each parcel’s basis of eligibility in accordance with Act 381. The parcel splits do not change the underlying eligibility of the Property per Act 381. The parcels are located within the boundaries of the City of Lansing, Michigan.

PROPERTY CONDITIONS - 2019

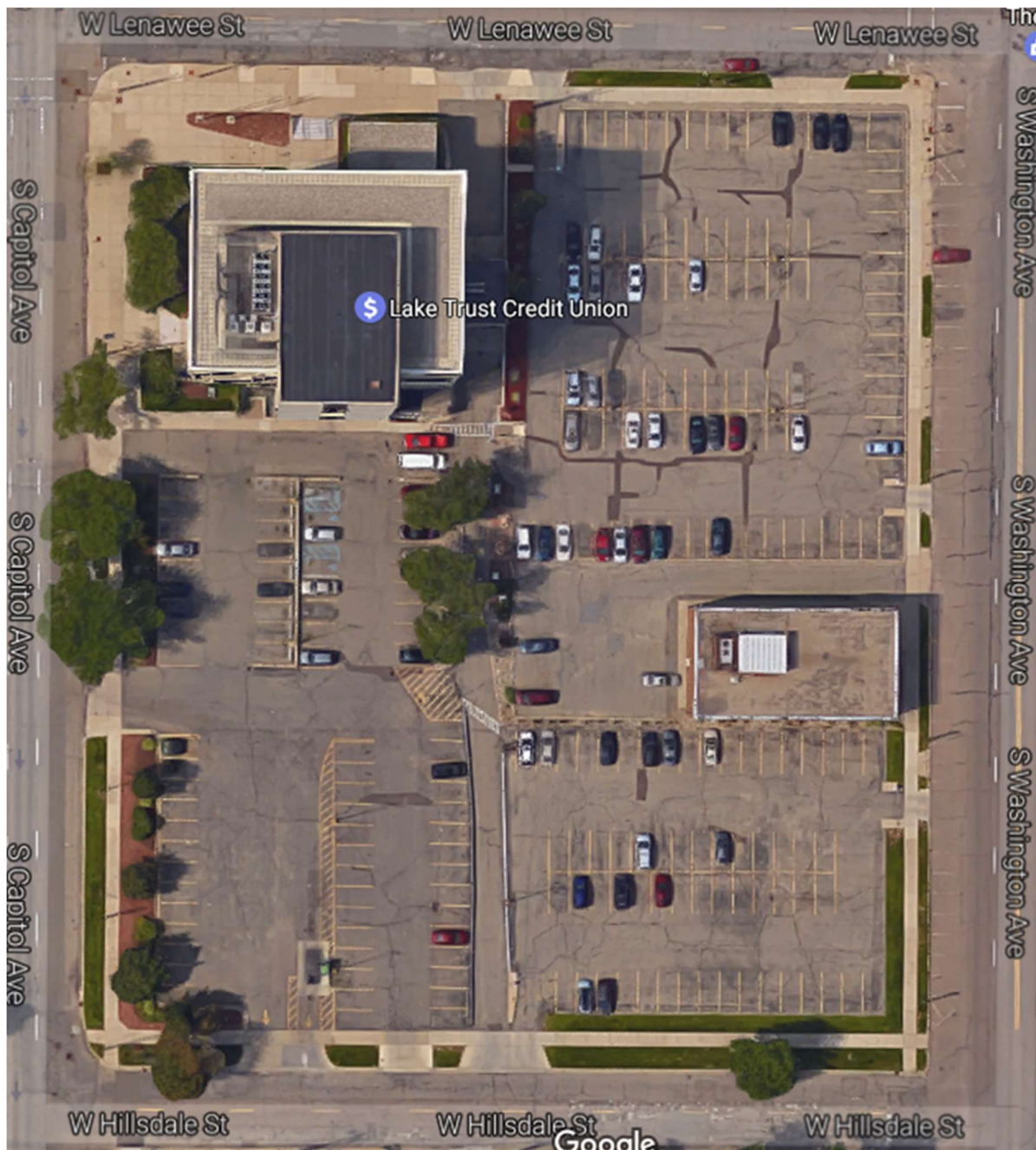


The Project proposes to redevelop an underutilized, substantially abandoned, vacant, functionally obsolete, and contaminated property into a mixed-use redevelopment for the City of Lansing and State of Michigan, both during Project construction and subsequent operations. The redevelopment integrates design elements, environmental activities, and economic development to further goals of the City, the Michigan Department of Environment, Great Lakes, and Energy ("EGLE") {formerly called the Michigan Department of Environmental Quality ("MDEQ")} and the Michigan Economic Development Corporation ("MEDC"). It will result in: (1) the community and municipal benefits of increased property taxes on the Property; (2) due care and additional response activities that will address the contamination on the Property, reducing the threat to human health and the environment; (3) interior and exterior demolition and clean-up of the existing structure that will address the functional obsolescence on the Property; and (4) a substantial improvement to the appearance and aesthetics of the Property which will assist in increasing the property values of the neighboring community. The overall redevelopment of this site will include lead, cadmium and asbestos abatement, select demolition of buildings and site, environmental due care and additional response activities, relocation of public buildings for economic development purposes, site preparation, infrastructure improvements and redevelopment into an mixed-use development project. The applicant has a strong desire to put this Property back to productive use and drastically improve the aesthetics of the area.

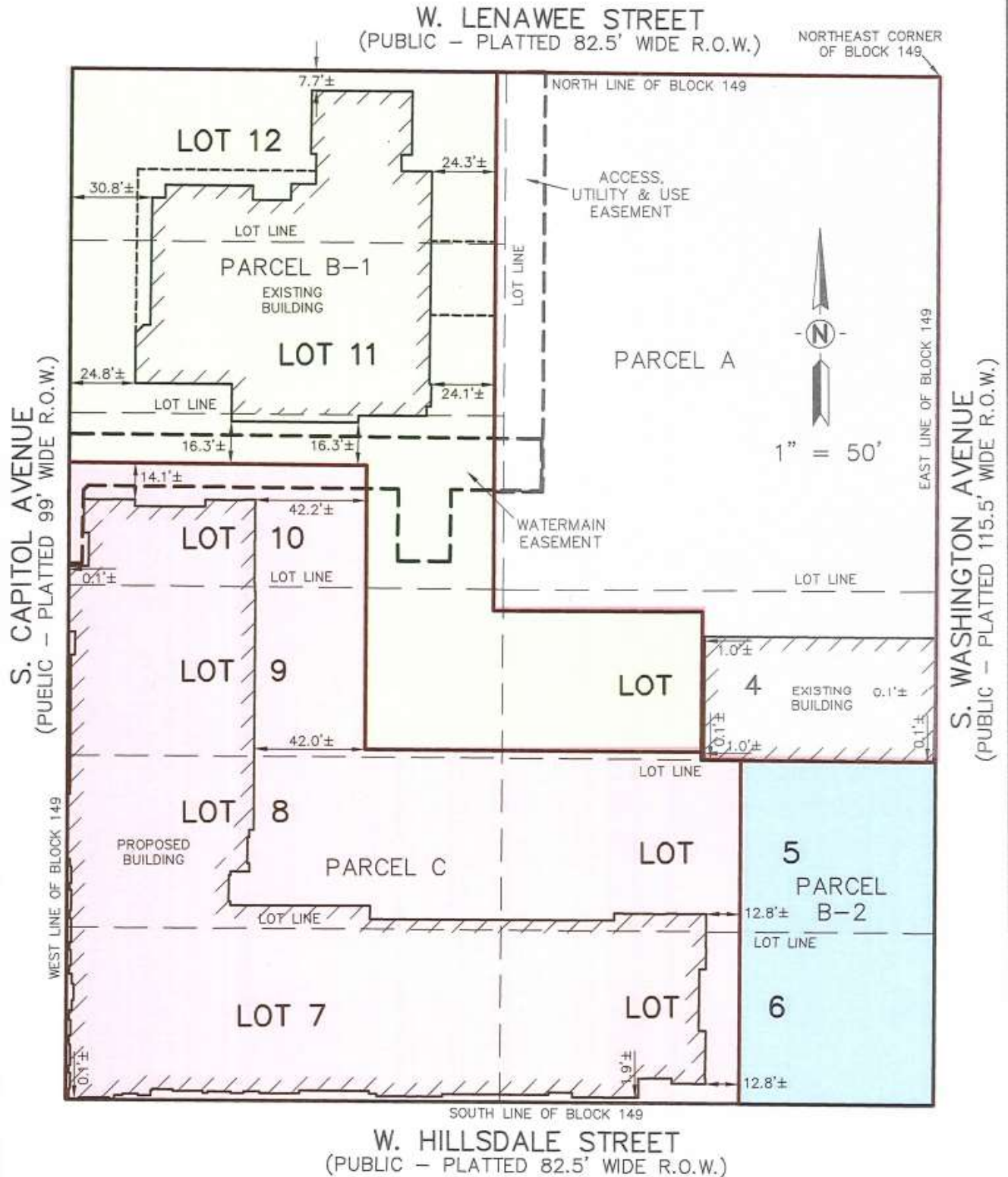
The parcel and all tangible real and personal property located thereon will comprise the Eligible Property and is referred to herein as the “Property.” Incremental tax revenues resulting from new personal property will be captured. Any such funds will be used to reimburse the Authority and Developer for eligible activities, to the extent authorized by this Plan Amendment, and executed Reimbursement Agreements (“Agreements”) between the Developers and the Authority.

Phase I of the Project proposes a mixed-use two-phase multi-building redevelopment, including office, commercial business spaces containing retail/service providers, and multifamily residential apartments. Phase II of the Project is a new two-story performing arts building.

SITE PLAN – 2019



**PROJECT PHASE I SITE PLAN - BUILDING 1 (PARCELS B-1 and B-2) &
BUILDING 2 (PARCEL C) - PRIVATE DEVELOPERS**



PROJECT PHASE I RENDERINGS – BUILDINGS 1 & 2 – PRIVATE DEVELOPERS

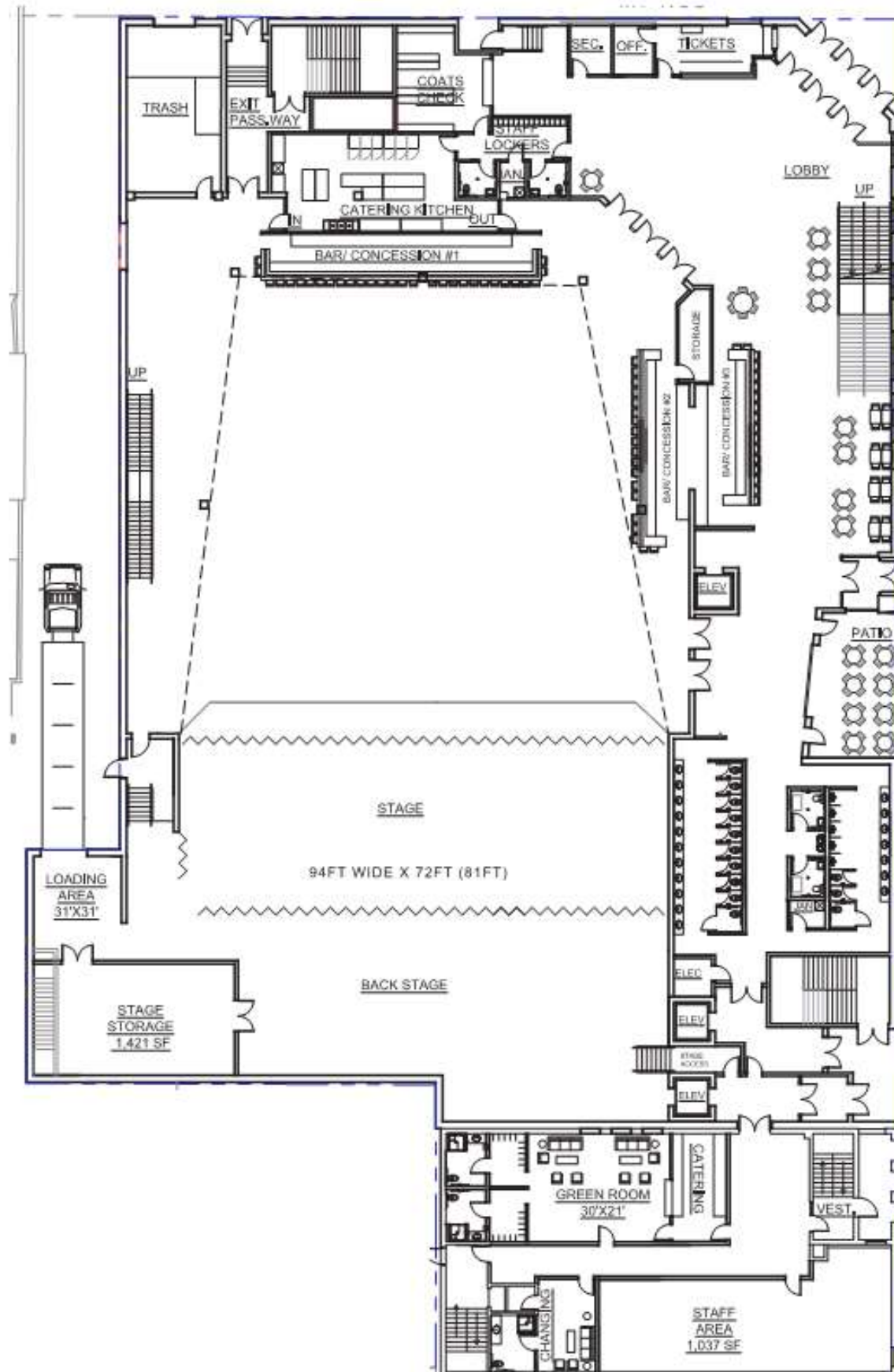
View Looking North along Capitol Avenue



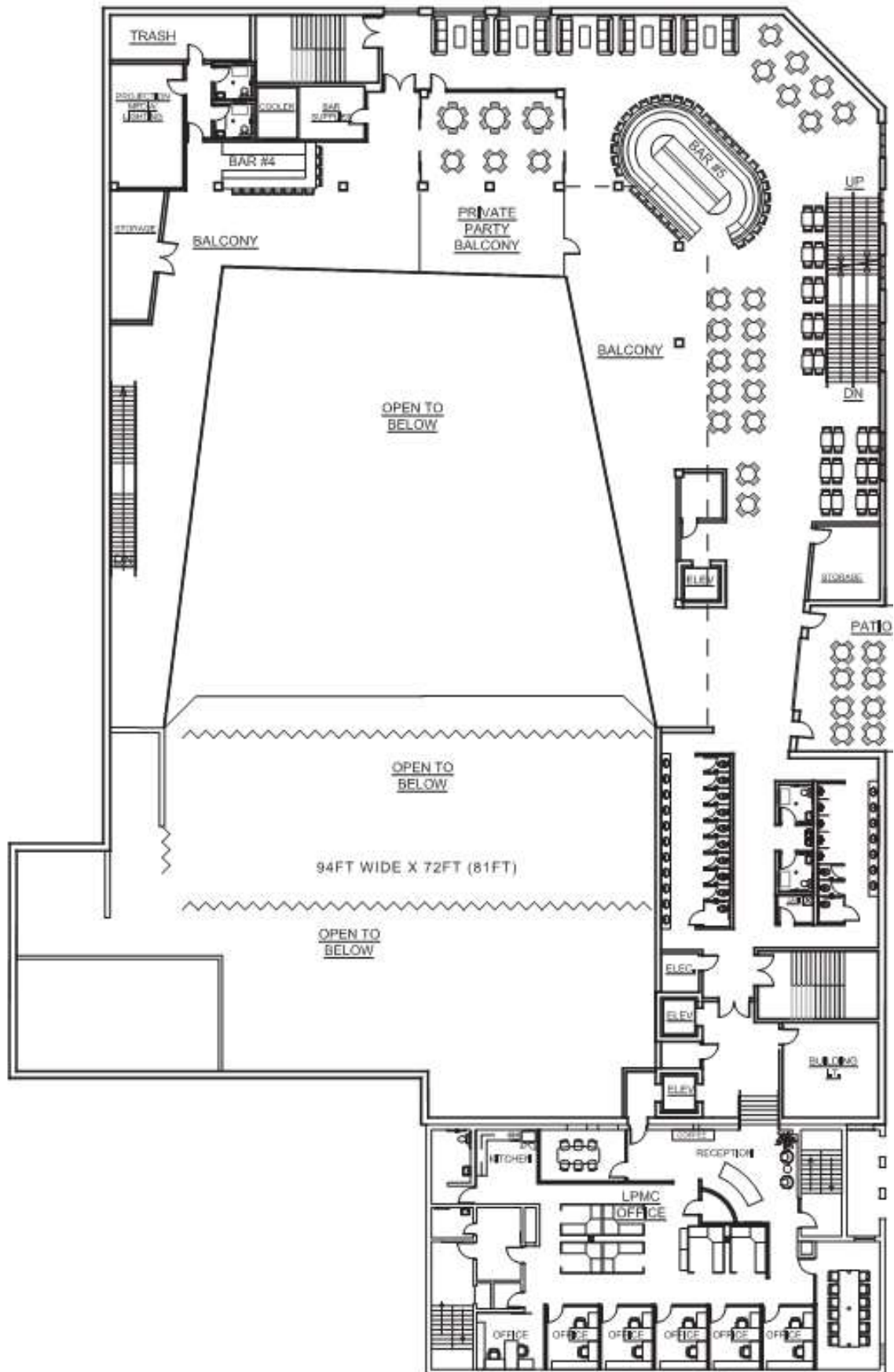
View Looking Northeast from Capitol Avenue & Hillsdale Street



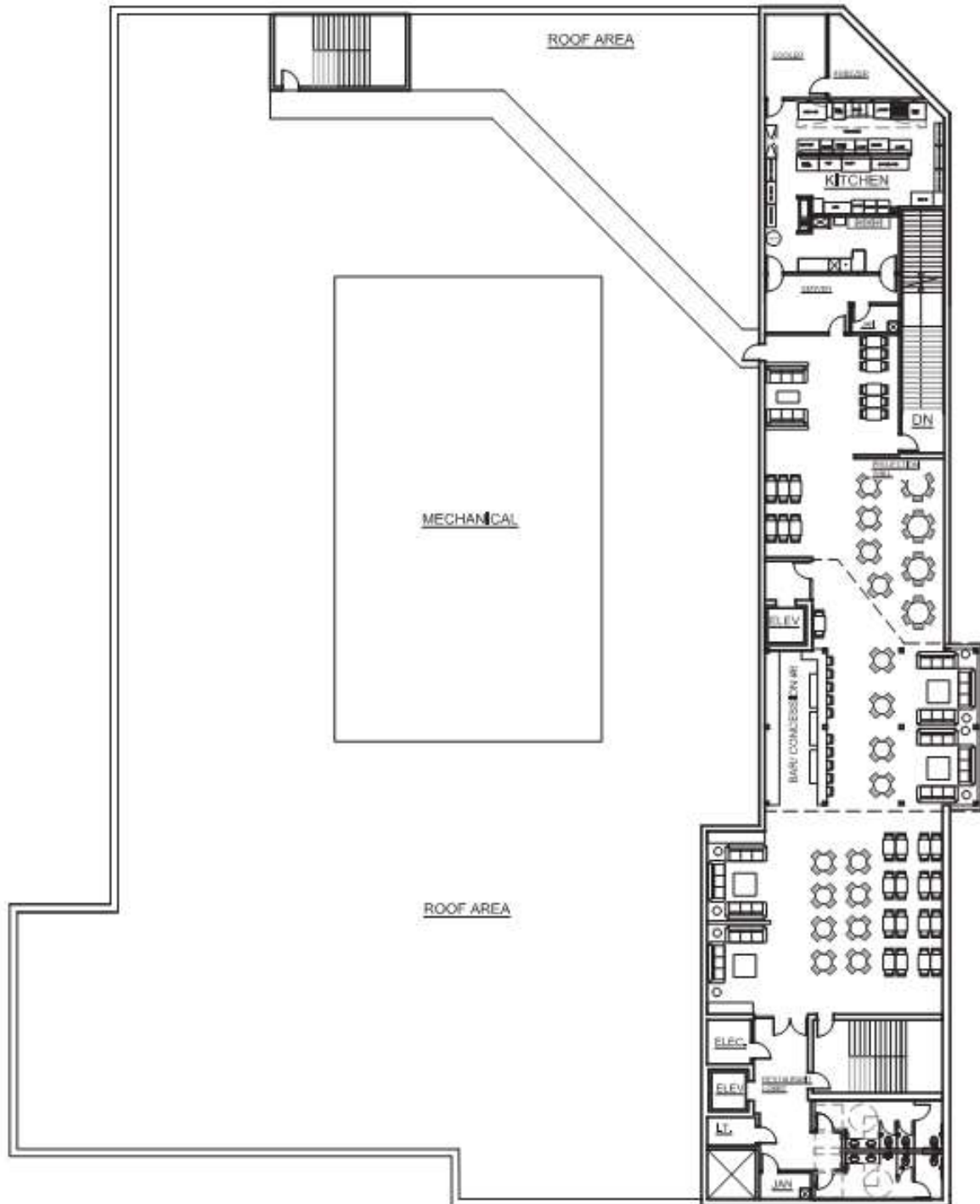
PROJECT PHASE II FIRST FLOOR - BUILDING 3 (PARCEL A) - PUBLIC DEVELOPER



PROJECT PHASE II SECOND FLOOR - BUILDING 3 (PARCEL A) - PUBLIC DEVELOPER



PROJECT PHASE II ROOFTOP - BUILDING 3 (PARCEL A) - PUBLIC DEVELOPER



PROJECT PHASE II RENDERINGS – BUILDING 3 – PUBLIC DEVELOPER

View Looking Southwest along Washington Avenue



Birdseye View Looking along Washington Avenue



2. BASIS OF ELIGIBILITY (SECTION 13(2)(H), SECTION 2(P)), SECTION 2(R)

The Property is considered “eligible property” as defined by Act 381, Section 2 because (a) the Property was previously utilized or is currently utilized for commercial purpose; (b) each of the parcels comprised by the Property have been determined to be a “facility”; (c) one of the parcels comprised by the Property has been determined to be functionally obsolete; and, (d) the Property is located within the City of Lansing, a qualified local governmental unit, or “Core Community” under Act 381.

Eligible Property		
Address	Tax ID	Basis of Eligibility
<i>Split Parcel B-1: 501 S. Capitol Avenue, Lansing MI</i>	<i>33-01-01-16-381-005</i>	<i>Facility and Functionally Obsolete</i>
<i>Split Parcel B-2: 501 S. Capitol Avenue, Lansing MI</i>	<i>33-01-01-16-381-005</i>	<i>Facility and Functionally Obsolete</i>
<i>Split Parcel C: 110 W. Hillsdale Street, Lansing MI</i>	<i>33-01-01-16-381-006</i>	<i>Facility</i>
<i>Split Parcel A: 520 S. Washington Avenue, Lansing MI</i>	<i>33-01-01-16-381-007</i>	<i>Facility</i>

Exhibit B includes the formal determination of functional obsolescence as made by the City of Lansing Assessor on August 14, 2019 for the 501 S. Capitol Avenue parcel included in the Property as it is related to its basis of eligibility and inclusion in the Plan Amendment.

Previous Property Owners completed Baseline Environmental Assessment Reports (“BEA Reports”) around the time of the originally adopted Brownfield Plan. The current Property Owners, 501 S. Capitol, LLC, 503 S. Capitol, LLC, and the City of Lansing completed Reports and EGLE transmitted Acknowledgement of Receipt of a Baseline Environmental Assessment letters as follows:

BEA Reports Summary			
Parcel Address Entity	Report Date	Filed Date	EGLE BEA Acknowledgement Letter Date
<i>Split Parcel B-1 and Parcel B-2: 501 S. Capitol Avenue, Lansing MI 501 S. Capitol, LLC</i>	<i>5/22/2023</i>	<i>6/8/2023</i>	<i>6/14/2023</i>
<i>Split Parcel C: 110 W. Hillsdale Street, Lansing MI 503 S. Capitol, LLC</i>	<i>3/30/2020</i>	<i>8/24/2020</i>	<i>9/3/2020</i>
<i>Split Parcel A: 520 S. Washington Avenue, Lansing MI City of Lansing</i>	<i>5/22/2023</i>	<i>10/2/2023</i>	<i>10/5/2023</i>

The BEA Report includes a history of the Property and an overview of the environmental conditions on the Property as it is related to its basis of eligibility and inclusion in the Plan Amendment. Exhibit B includes a copy of each current Owner entity EGLE BEA Acknowledgement Letter.

As Eligible Property, the Property is eligible for Brownfield redevelopment incentives from the Authority.

3. SUMMARY OF ELIGIBLE ACTIVITIES AND DESCRIPTION OF COSTS (SECTION 13 (2)(A),(B))

The “eligible activities” that are intended to be carried out at the Property are considered “eligible activities” as defined by Sec 2 of Act 381, because they include Baseline Environmental Assessment, due care, additional response, lead and asbestos abatement, demolition, infrastructure improvements, relocation of public buildings for economic development purposes, site preparation, preparation of a Brownfield Plan/Act 381 Work Plan (including amendments), Brownfield Plan implementation, interest, and application fees.

A summary of the eligible activities and the estimated cost of each eligible activity intended to be paid for with Tax Increment Revenues from the Property are shown in the following tables (Tables 1a and 1b).

The Eligible Activities projected in this Plan Amendment may switch categories if onsite, offsite or Property conditions change. If conditions change, an eligible activity may fall under a different category so long as the Plan Amendment adjustments stay within the Environmental activity category and the Non-Environmental activity category because this Plan Amendment contemplates capture of state revenues.

For Environmental Activities, the line item costs for any eligible activity may be adjusted with the approval of the Authority after the date the originally adopted Brownfield Plan or subsequent Plan Amendments is approved by the Authority and/or Governing Body, so long as the costs do not exceed the total combined costs of said activities plus a pro-rata contingency amount, to the extent that the adjustments do not violate the terms of any approved documents, such as a Reimbursement Agreement(s) or Work Plan (if applicable), or Public Act 381 of 1996, as amended.

For Non-Environmental Activities, the line item costs for any eligible activity may be adjusted with the approval of the Authority after the date originally adopted Brownfield Plan or subsequent Plan Amendments is approved by the Authority and/or Governing Body, so long as the costs do not exceed the total Non-Environmental costs plus a pro-rata contingency amount, to the extent that the adjustments do not violate the terms of any approved documents, such as Reimbursement Agreement(s) or Work Plan (if applicable), or Public Act 381 of 1996, as amended.

The Developers desires to be reimbursed for the costs of eligible activities. Tax increment revenue generated by the Property will be captured by the Authority and used to reimburse the cost of the eligible activities completed. Amendments to Act 381 that were signed in to law on December 28, 2012 to allow local units of government to approve reimbursement of eligible activities with tax increment revenues attributable to local taxes on any eligible activities conducted on eligible property or prospective eligible properties prior to approval of the originally adopted Brownfield Plan, if those costs and the eligible property are subsequently included in an approved Brownfield Plan or subsequent Plan Amendments. If eligible activities are performed prior to originally adopted Brownfield Plan approval or subsequent Plan Amendments approval, approved eligible activity costs will be reimbursable

in accordance with Act 381. Furthermore, costs in this Plan Amendment are subject to approval by the Michigan Department of Environment, Great Lakes, and Energy (“EGLE”) {formerly called the Michigan Department of Environmental Quality (“MDEQ”)} and Michigan Strategic Fund (“MSF”) Board (through the MEDC) for the use of state tax increment revenues. The MDEQ and MSF/MEDC may adjust specific eligible activities amongst environmental and non-environmental eligible activities in accordance with state policy and guidance. Changes made between environmental and non-environmental eligible activities will be reflected in the Act 381 Work Plan(s) as may be amended. These adjustments made by the state agencies are allowed and do not change the validity of this Plan Amendment, so long as the Grand Total of eligible activity costs identified are not exceeded. Any costs not authorized by the EGLE or MSF/MEDC will become reimbursable costs with captured local-only tax increment revenues from locally levied millages, if available.

In accordance with this Plan Amendment and the associated Reimbursement Agreement(s) (the “Agreements”) with the Authority, the amount advanced by the Developers will be repaid by the Authority solely from the tax increment revenues realized from the Eligible Property.

Tax increment revenues will first be used to pay or reimburse State Brownfield Revolving Fund costs, Authority costs (10% for use on Administration and Authority Local Brownfield Revolving Fund from local-only tax revenues, see Table 1a) as described in the tables. Local and state school tax capture was assumed to reimburse eligible activity costs in this Plan Amendment. Further use of tax increment revenues generated by this Project will be governed by the Agreement.

The costs listed in the tables are estimated costs and may increase or decrease depending on the nature and extent of the actual conditions encountered on the Property. The actual cost of those eligible activities encompassed by this Plan Amendment that will qualify for reimbursement from tax increment revenues of the Authority from the Property shall be governed by the terms of the Agreement(s). No costs of eligible activities will be qualified for reimbursement except to the extent permitted in accordance with the terms and conditions of the Agreements.

Eligible activities are estimated at approximately \$21,992,790 (inclusive of fees associated with BRA Administration, BRA Brownfield Plan & Work Plan Implementation (including amendments), Local Brownfield Revolving Fund (LBRF) and State of Michigan Brownfield Redevelopment Fund (MBRF)) of which the projected costs of developer eligible activities are \$20,149,948. If the actual costs of eligible activities are lower than the estimates identified in this Plan Amendment capture to Developers may be lower or if the Taxable Value is higher than estimated Developers reimbursement may be satisfied sooner.

Table 1a - Itemized Eligible Activities	Eligible Activity Amount Supported in Brownfield Plan	Local Tax Capture	State School Tax Capture	Local Tax Capture Only	State Tax Capture Only
		67.15%	32.85%	100.00%	100.00%
EGLE Eligible Activities					
Department-Specific Activities					
Exempt Activities - Assessments	\$ 37,675	\$ 25,298	\$ 12,377	\$ -	\$ -
Exempt Activities - Due Care Planning	\$ 172,597	\$ 115,894	\$ 56,703	\$ -	\$ -
Due Care Activities	\$ 794,523	\$ 533,500	\$ 261,023	\$ -	\$ -
EGLE Environmental Eligible Activities Total	\$ 1,004,795	\$ 674,692	\$ 330,103	\$ -	\$ -
MSF Eligible Activities					
Demolition Activities	\$ 566,683	\$ 380,512	\$ 186,171	\$ -	\$ -
Lead and Asbestos Abatement Activities	\$ 1,959,775	\$ 1,315,934	\$ 643,841	\$ -	\$ -
Relocation of Public Buildings for Economic Development Purposes	\$ 7,000,000	\$ 4,700,304	\$ 2,299,696	\$ -	\$ -
Infrastructure Improvements Activities	\$ 472,440	\$ 317,230	\$ 155,210	\$ -	\$ -
Site Preparation Activities	\$ 1,698,721	\$ 1,140,644	\$ 558,077	\$ -	\$ -
MSF Non-Environmental Eligible Activities Total	\$ 11,697,619	\$ 7,854,624	\$ 3,842,996	\$ -	\$ -
Contingency (Due Care Activities Only): EGLE Environmental (15%)	\$ 108,728	\$ 73,007	\$ 35,720	\$ -	\$ -
Contingency: MSF Non-Environmental (15%)	\$ 1,281,078	\$ 860,208	\$ 420,870	\$ -	\$ -
<i>Sub Total: Contingencies</i>	<i>\$ 1,389,806</i>	<i>\$ 933,215</i>	<i>\$ 456,590</i>	<i>\$ -</i>	<i>\$ -</i>
Interest: EGLE Environmental (Simple Interest: 3% Private Developer, 5% Public Developer)	\$ 424,712	\$ 285,182	\$ 139,530	\$ -	\$ -
Interest: MSF Non-Environmental (Simple Interest: 3% Private Developer, 5% Public Developer)	\$ 5,387,590	\$ 3,617,616	\$ 1,769,974	\$ -	\$ -
<i>Sub Total: Interest</i>	<i>\$ 5,812,303</i>	<i>\$ 3,902,798</i>	<i>\$ 1,909,504</i>	<i>\$ -</i>	<i>\$ -</i>
<i>Sub Total: EAs + Contingencies + Interest</i>	<i>\$ 19,904,522</i>	<i>\$ 13,365,329</i>	<i>\$ 6,539,193</i>	<i>\$ -</i>	<i>\$ -</i>
Brownfield Plan & Work Plan Preparation	\$ 210,426	\$ 81,248	\$ 39,752	\$ 89,426	\$ -
Brownfield Plan & Work Plan Implementation (to Developer)	\$ 30,000	\$ 10,072	\$ 4,928	\$ 15,000	\$ -
Local Application Fees	\$ 5,000	-	-	\$ 5,000	-
Total Developer Administration: Brownfield Plan & Work Plan Preparation + Brownfield Plan & Work Plan Implementation (to Developer) + Application Fees	\$ 245,426	\$ 91,320	\$ 44,680	\$ 109,426	\$ -
<i>Sub Total: EAs + Contingencies + Interest + Developer Administration</i>	<i>\$ 20,149,948</i>	<i>\$ 13,456,649</i>	<i>\$ 6,583,873</i>	<i>\$ 109,426</i>	<i>\$ -</i>
Brownfield Redevelopment Authority (BRA) Administration	\$ 611,634	\$ -	\$ -	\$ 611,634	\$ -
BRA Brownfield Plan & Work Plan Implementation (to BRA)	\$ 15,000	\$ 10,072	\$ 4,928	\$ -	\$ -
BRA Local Brownfield Revolving Fund (LBRF)	\$ 611,634	\$ -	\$ -	\$ 611,634	\$ -
Total BRA : BRA Administration + BRA Brownfield Plan & Work Plan Implementation + LBRF	\$ 1,238,268	\$ 10,072	\$ 4,928	\$ 1,223,268	\$ -
<i>Sub Total: EAs + Contingencies + Interest + Developer Administration + Total BRA</i>	<i>\$ 21,388,216</i>	<i>\$ 13,466,721</i>	<i>\$ 6,588,801</i>	<i>\$ 1,332,694</i>	<i>\$ -</i>
State of Michigan Brownfield Redevelopment Fund (MBRF)	\$ 604,574	\$ -	\$ -	\$ -	\$ 604,574
GRAND TOTAL: EAs + Contingencies + Interest + Developer Administration + Total BRA + MBRF	\$ 21,992,790	\$ 13,466,721	\$ 6,588,801	\$ 1,332,694	\$ 604,574

Table 1b - Summary of Eligible Activities	Eligible Activity Amount Supported in Brownfield Plan
Total Local Taxes to Developer for Eligible Activities, Contingency and Interest	\$ 13,566,075
Total Local Tax Capture for Eligible Activities, Contingency and Interest	\$ 13,566,075
Total Local Taxes to BRA Administration	\$ 611,634
Total Local Taxes to BRA Brownfield Plan & Work Plan Implementation	\$ 10,072
Total Local Taxes to BRA Local Brownfield Revolving Fund (LBRF)	\$ 611,634
Total Local Tax Capture to BRA	\$ 1,233,340
Total School Taxes to Developer for Eligible Activities, Contingency and Interest	\$ 6,583,873
Total School Tax Capture for Eligible Activities, Contingency and Interest	\$ 6,583,873
Total School Taxes to BRA Administration	\$ -
Total School Taxes to BRA Brownfield Plan & Work Plan Implementation	\$ 4,928
Total School Taxes to BRA Local Brownfield Revolving Fund (LBRF)	\$ -
Total School Tax Capture to BRA	\$ 4,928
Total School Taxes to State of Michigan Brownfield Redevelopment Fund (MBRF)	\$ 604,574
Total School Tax Capture to BRA & MBRF	\$ 609,502
Total Capture by Brownfield Redevelopment Authority (BRA)	\$ 1,238,268
Total Capture by State of Michigan Brownfield Redevelopment Fund (MBRF)	\$ 604,574
Total Capture for Developer	\$ 20,149,948
GRAND TOTAL	\$ 21,992,790

4. CAPTURED TAXABLE VALUE AND TAX INCREMENT REVENUES (SECTION 13(2)(C),(F))

This Plan Amendment anticipates the capture of tax increment revenues to reimburse the Developers for the costs of eligible activities under this Plan Amendment in accordance with the Reimbursement Agreement(s). Initial taxable value/base year of the Eligible Property identified in and subject to this Plan Amendment shall be the next assessment roll for which equalization will be completed following the date the resolution adding the Eligible Property

in the originally adopted Brownfield Plan. Therefore, the initial taxable value of the Eligible Property shall be determined by the use of tax year 2020 tax values. Estimates project that the Authority is expected to capture the tax increment revenues from 2023 through 2052 which will be generated by the increase in taxable value. However, this Plan Amendment's capture of tax increment revenues shall not exceed 30 years (2023-2052), unless amended. The following table provides a summary of the captured incremental taxable values and tax increment revenues captured which it will provide after completion of the redevelopment Project. In addition, detailed tables of estimated tax increment revenues to be captured is attached to this Plan Amendment as Exhibit C, Table 4 - Tax Increment Financing Estimates. Prior to commencement of reimbursement to the Developer, payments to State Brownfield Revolving Fund, Authority Administration and Authority Local Brownfield Revolving Fund will occur.

The captured incremental taxable value and associated tax increment revenue will be based on the actual increased taxable value from all taxable improvements on the Property set through the property assessment process by the local unit of government and equalized by the County. 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 Amendment will be based on the actual millage levied annually by each taxing jurisdiction on the increase in taxable value resulting from the redevelopment project that is eligible and approved for capture. Eligible activities are estimated at approximately \$20,149,948 so long as there are available revenues. However, based upon current estimates of Projected Taxable Value and resultant tax capture, the identified eligible activities to the Project in Table 1a may not be fully reimbursed if Taxable Value assumptions don't increase over the 30-year capture period, because the Plan Amendment only estimates \$16,374,690 in potential tax capture. After tax capture payments to other obligations identified in this Plan Amendment (BRA Administration, BRA Implementation, BRA LBRF, and MBRF), the resultant deficiency/shortfall to Public Developer is estimated at \$3,775,258 (see Table 4d). If the actual costs of eligible activities are lower than the estimates identified in this Plan, capture to the Project may be lower or if the Taxable Value is higher than estimated Project reimbursement may be satisfied.

Additional Revenues Captured if Taxable Values Increase	
Estimated Eligible Activity Costs	\$20,149,948
Estimated Potential Tax Capture	\$16,374,690
Estimated Deficiency/Shortfall*	\$3,775,258

**Based upon Plan Amendment estimates of projected Taxable Value. Public Developer eligible activity deficiency/shortfall amount shown will be reimbursed in accordance with Table 1a if Taxable Values increase over the 30-year capture period. The amount of tax increment revenue capture available under this Plan Amendment will be based on the actual millage levied annually by each taxing jurisdiction on the increase in tax value resulting from the redevelopment Project that is eligible and approved for capture.*

Table 2 - Estimated Captured Incremental Taxable Values & Tax Increment Revenues Captured		
Tax Year	Captured Incremental Taxable Values	Tax Increment Revenues Captured
2020 - Base Year	\$ -	\$ -
2021	\$ -	\$ -
2022	\$ -	\$ -
2023 - Start of Tax Capture	\$ 6,584,393	\$ 422,949
2024	\$ 7,074,706	\$ 454,444
2025	\$ 7,228,093	\$ 464,297
2026	\$ 7,383,793	\$ 474,298
2027	\$ 7,542,093	\$ 484,467
2028	\$ 7,702,693	\$ 494,783
2029	\$ 7,865,793	\$ 505,260
2030	\$ 8,031,493	\$ 515,904
2031	\$ 8,199,593	\$ 526,701
2032	\$ 8,370,293	\$ 537,666
2033	\$ 8,543,693	\$ 548,805
2034	\$ 8,719,793	\$ 560,117
2035	\$ 8,898,593	\$ 571,602
2036	\$ 9,080,093	\$ 583,260
2037	\$ 9,264,393	\$ 595,099
2038	\$ 9,451,593	\$ 607,124
2039	\$ 9,641,493	\$ 619,322
2040	\$ 9,834,493	\$ 631,719
2041	\$ 10,030,493	\$ 644,309
2042	\$ 10,229,393	\$ 657,086
2043	\$ 10,431,393	\$ 670,061
2044	\$ 10,636,393	\$ 683,229
2045	\$ 10,844,693	\$ 696,610
2046	\$ 11,056,093	\$ 710,189
2047	\$ 11,270,793	\$ 723,980
2048	\$ 11,488,893	\$ 737,990
2049	\$ 11,710,393	\$ 752,218
2050	\$ 11,935,293	\$ 766,664
2051	\$ 12,163,593	\$ 781,329
2052	\$ 12,395,393	\$ 796,220
Total	-	\$ 18,217,703
Total Estimated Tax Increment Revenues Captured		\$ 18,217,703

** Eligible activities are estimated at approximately \$21,992,790 (inclusive of fees associated with BRA Administration, BRA Implementation, BRA LBRF, and MBRF) of which the projected costs of Developers eligible activities are \$20,149,948 so long as there are available revenues. However, based upon current estimates of Projected Taxable Value and resultant tax capture, the identified eligible activities in Table 1a may not be fully reimbursed if Taxable Value assumptions don't increase over the 30-year capture period, because the Plan Amendment only estimates \$18,217,703 (per above table) in potential tax capture. The resultant deficiency/shortfall to the Public Developer is estimated at \$3,775,258. However, if the actual costs of eligible activities are lower than the estimates identified in this Plan Amendment, capture to the Public Developer may be lower or if the Taxable Value is higher than estimated Public Developer reimbursement may be satisfied.*

5. METHOD OF BROWNFIELD PLAN FINANCING (SECTION 13(2)(D))

Eligible activities in this Plan Amendment are to be financed by the Owners/Developers.

- Private Developers: The Private Developers will obtain conventional bank financing for a construction loan equal to approximately 75% loan to cost for the private Project. The Owner will fulfill the obligation for the remaining 25% balance of funds needed through a combination of cash, land equity, and other funding sources. The construction lender will require a personal guarantee from the loan sponsor and will likely require that the Owner's fund their 25% of the capital stack prior to drawing on the construction loan. As of this Plan Amendments preparation, Building 1 and Building 2 financial close are complete.

- Public Developer: The Public Developer will obtain financing for the public Project, including the costs of eligible activities included in this Plan Amendment, through sources including State and Federal appropriations, Michigan Economic Development Corporation (MEDC) grant funds, Capital Improvement Bonds (Limited Tax General Obligation) issued by the City of Lansing, potential use of Local Brownfield Revolving Fund (LBRF), fundraising and sponsorships, and Public, Education and Government (PEG) fees.

The Developers will be reimbursed for eligible costs as listed in Tables 1a and 1b above. The current estimated amount of required capture used to reimburse the Developers for costs in this Plan Amendment is \$20,149,948 so long as there are available revenues.

All reimbursements authorized under this Plan Amendment shall be governed by the Agreement(s). The Authority shall not incur any note or bonded indebtedness to finance the purposes of this Plan Amendment. The inclusion of eligible activities and estimates of costs to be reimbursed in this Plan Amendment is intended to authorize the Authority to fund such reimbursements from tax increment revenues generated by this Project and does not obligate the Authority or City to fund any reimbursement or to enter into the Agreement providing for the reimbursement of any costs for which tax increment revenues may be captured under this Plan Amendment, or which are permitted to be reimbursed under this Plan Amendment. The amount and source of any tax increment revenues that will be used for purposes authorized by this Plan Amendment, and the terms and conditions for such use and upon any reimbursement of the expenses permitted by the Plan Amendment, will be provided solely under the Agreement contemplated by this Plan Amendment.

Under this Plan Amendment, the Authority anticipates collecting:

- \$604,574 for State Brownfield Revolving Fund (State of Michigan Brownfield Redevelopment Fund {MBRF});
- \$15,000 for Brownfield Redevelopment Authority use on Brownfield Plan & Work Plan Implementation, and;
- \$1,223,268 (10% from local-only tax revenues, see Table 1a) for Brownfield Redevelopment Authority use on Administration and capture into their Local Brownfield Revolving Fund (LBRF). Table 1a identifies 5% capture for Administration and 5% capture for LBRF, however, the Authority can use the captured 10% from local-only tax revenues at different percentages between Administration and LBRF so long as it's in accordance with Act 381.

MBRF, Authority Administration and LBRF capture is reflective of the redevelopment Project being completed.

6. AMOUNT OF NOTE OR BONDED INDEBTEDNESS INCURRED (SECTION 13(2)(E))

For the public Project, Capital Improvement Bonds (Limited Tax General Obligation) of an amount up to \$20 million were approved and issued by the City of Lansing. Tax increment revenues were not pledged towards the bonds.

7. DURATION OF THE BROWNFIELD PLAN AND EFFECTIVE DATE (SECTION 13(2)(F))

Subject to Section 13b(16) of Act 381, the date of tax capture shall commence no earlier than 2023—as increment revenue becomes available, but the beginning date of tax increment revenues capture shall not exceed five years beyond the date of the governing body resolution approving the originally adopted Brownfield Plan. In no event shall this Plan Amendment extend beyond the maximum term allowed by Section 13(2)(f) of Act 381 for the duration of this Plan Amendment. Total estimated Plan Amendment capture duration for reimbursement of Eligible Activities, Brownfield Plan & Act 381 Work Plan (including amendments) Preparation costs, Brownfield Plan & Act 381 Work Plan Implementation Fees, BRA Administration & Application Fees, and LBRF & MBRF capture is estimated at 30 years (2023-2052). However, this Plan Amendment’s capture of tax increment revenues shall not exceed 30 years (2023-2052), unless amended.

Furthermore, this Plan Amendment, or any subsequent amendment thereto, may be abolished or terminated in accordance with Section 14(8) of Act 381 or as governed by the Reimbursement Agreement(s).

8. ESTIMATED IMPACT ON TAXING JURISDICTIONS (SECTION 13(2)(G))

The following table presents a summary of the impact to taxing jurisdictions (if the redevelopment Project is completed). The impact to each individual taxing jurisdiction may be as much as their proportionate share of \$21,992,790. Table 1a identifies the total amount required for the Project's eligible activities so long as there are sufficient revenues available to capture. Additional information related to the impact of tax increment financing on the various taxing jurisdictions is presented Exhibit C, Table 4.

Table 3 - Estimated Impact to Taxing Jurisdictions			
Taxing Unit	Incremental Taxes Paid	Taxes Returned to Taxing Unit	Impact to Taxing Jurisdiction
CITY OF LANSING	-	-	-
City Operating - Lansing	\$ 5,513,377	\$ 551,338	\$ 4,962,039
Montgomery Drain	\$ 73,739	\$ 7,374	\$ 66,365
Public Safety	\$ 992,635	\$ 992,635	\$ -
INGHAM COUNTY	-	-	-
Ingham County	\$ 3,208,053	\$ 320,805	\$ 2,887,248
Capital Region Airport Authority - CRAA	\$ 198,243	\$ 19,824	\$ 178,419
Capital Area Transportation Authority - CATA	\$ 847,852	\$ 84,785	\$ 763,067
LIBRARY	-	-	-
Capital Area District Libraries - CADL	\$ 442,431	\$ 44,243	\$ 398,188
INTERMEDIATE SCHOOL DISTRICTS (ISD)	-	-	-
ISD Operating & Special Education	\$ 1,400,409	\$ 140,041	\$ 1,260,368
COMMUNITY COLLEGE	-	-	-
Lansing Community College - LCC	\$ 1,068,982	\$ 106,898	\$ 962,084
LOCAL SCHOOL MILLAGES: excludes State School millages	-	-	-
Lansing School District Debt (District #33020)	\$ 1,162,801	\$ 1,162,801	\$ -
Lansing School District Sinking Fund	\$ 838,776	\$ 83,878	\$ 754,899
STATE SCHOOL MILLAGES: excludes Local School millages	-	-	-
State Education Tax - SET	\$ 1,701,659	\$ 170,166	\$ 1,531,493
Local School Operating - LSO	\$ 4,948,369	\$ 494,837	\$ 4,453,532
Totals	\$ 22,397,326	\$ 4,179,624	\$ 18,217,702
Total Tax Increment Revenues Captured			\$ 18,217,702
Note:			
The millage rates utilized are from Summer 2023 and Winter 2023, and all rates are assumed to continue for the duration of the Plan. Actual rates are subject to change and may be higher or lower, and may include the elimination of existing millages and/or the addition of new millages.			

9. DISPLACEMENT OF PERSONS (SECTION 13(2)(I-L))

At the time of the adoption of the original Brownfield Plan, the Property was substantially vacant. There were no persons residing on the Property and the one tenant credit union business residing on the Property was using it as a temporary location until their new business location is built. Additionally, there were no residences or businesses that were acquired to be cleared; therefore, there was no adverse displacement or adverse relocation of persons or businesses under this Plan Amendment.

10. LOCAL BROWNFIELD REVOLVING FUND (SECTION 8)

The Authority has established a Local Brownfield Revolving Fund (LBRF). The Authority will capture incremental tax revenues during the tax capture period of this Plan Amendment and deposit those revenues into the LBRF to fund other projects within the City of Lansing. Additionally, LBRF revenues may be used to support the Public Developer's eligible activity costs on the public Project. LBRF capture is estimated at \$611,634 (5% from local-only tax revenues, see Table 1a). All funds deposited in the LBRF shall be in accordance with Section 8 of Act 381.

11. STATE BROWNFIELD REDEVELOPMENT FUND (SECTION 8A)

The Authority shall pay to the Department of Treasury at least once annually an amount equal to 3 mills of the taxes levied under the state education tax, 1993 PA 331, MCL 211.901 to 211.906, that are captured under this Plan Amendment for up to the first twenty-five (25) years of the duration of capture of tax increment revenues for each eligible property included in this Plan Amendment. If the Authority pays an amount equal to 3 mills of the taxes levied under the state education tax, 1993 PA 331, MCL 211.901 to 211.906, on a parcel of eligible property to the Department of Treasury under Section 13B(14) of Act 381, the percentage of local taxes levied on that parcel and used to reimburse eligible activities for the Project under this Plan Amendment shall not exceed the percentage of local taxes levied on that parcel that would have been used to reimburse eligible activities for the Project under this Plan Amendment if the 3 mills of the taxes levied under the state education tax, 1993 PA 331, MCL 211.901 to 211.906, on that parcel were not paid to the Department of Treasury under Section 13b(14) of Act 381. State of Michigan Brownfield Redevelopment Fund (MBRF) capture is estimated at \$604,574.

12. OTHER INFORMATION (SECTION 13(2)(M))

The Authority and the City, in accordance with the Act, may amend this Plan Amendment in the future.

Exhibit A

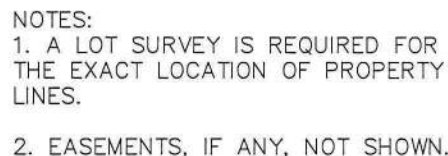
Eligible Property – Legal Descriptions And Eligible Property Boundary Maps

**Exhibit A-1: 501 S. Capitol, LLC Lot Survey
and
Exhibit A-2: 503 S. Capitol, LLC Lot Survey
and
Exhibit A-3: City of Lansing Lot Survey**

SKETCH PLAN

For:

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



R = Recorded Dimension
 — = Proposed Parcel Line
 — = Distance Not to Scale
 = Deck, Porch, Sidewalk, & Patio Areas

7/18/22
DATE
No. 54434



KEBS, INC. KYES ENGINEERING
BRYAN LAND SURVEYS

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

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

DRAWN BY KDB

SECTION 16, T4N, R2W

FIELD WORK BY —

JOB NUMBER:

SHEET 1 OF 2

96217.ENG-B

SKETCH PLAN

For:
501 S. Capitol, LLC
501 S. Capitol Avenue
Lansing, MI 48933

Parcel B-1 Legal Description: A parcel of land being part of Lots 4 and 9-12, Block 149, Original Plat of the City of Lansing, Ingham County, Michigan, according to the recorded plat thereof, as recorded in Liber 2 of Plats, Page 36, Ingham County Records, the boundary of said parcel described as: Beginning at the Northwest corner of said Block 149; thence S89°13'23"E along the North line of said Block 149 a distance of 161.50 feet; thence S00°32'26"W 206.46 feet; thence S89°27'35"E 79.50 feet; thence S00°32'27"W 54.50 feet; thence N89°18'36"W 128.00 feet; thence N00°32'27"E 109.52 feet; thence N89°03'58"W 113.00 feet to the West line of said Block 149; thence N00°32'27"E along said West line 151.00 feet to the point of beginning; said parcel containing 0.78 acre, more or less; said parcel subject to all easements and restrictions, if any.

Parcel B-2 Legal Description: A parcel of land being part of Lots 5 & 6, Block 149, Original Plat of the City of Lansing, Ingham County, Michigan, according to the recorded plat thereof, as recorded in Liber 2 of Plats, Page 36, Ingham County Records, the boundary of said parcel described as: Commencing at the Northwest corner of said Block 149; thence S89°13'23"E along the North line of said Block 149 a distance of 330.00 feet to the Northeast corner of said Block 149; thence S00°32'26"W along the East line of said Block 149 a distance of 263.50 feet to the Northeast corner of Lot 5 of said Block 149 and the point of beginning of this description; thence S00°32'26"W continuing along said East line 131.75 feet to the Southeast corner of said Block 149; thence N89°21'13"W along the South line of said Block 149 a distance of 74.00 feet; thence N00°32'26"E 131.81 feet to the North line of said Lot 5; thence S89°18'36"E along said North line 74.00 feet to the point of beginning; said parcel containing 0.22 acre, more or less; said parcel subject to all easements and restrictions, if any.

	KEBS, INC. KYES ENGINEERING BRYAN LAND SURVEYS	
	2116 HASLETT ROAD, HASLETT, MI 48840 PH. 517-339-1014 FAX. 517-339-8047	
	13432 PRESTON DRIVE, MARSHALL, MI 49068 PH. 269-781-9800 FAX. 269-781-9805	
DRAWN BY	KDB	SECTION 16, T4N, R2W
FIELD WORK BY	-	JOB NUMBER:
SHEET	2 OF 2	96217.ENG-B

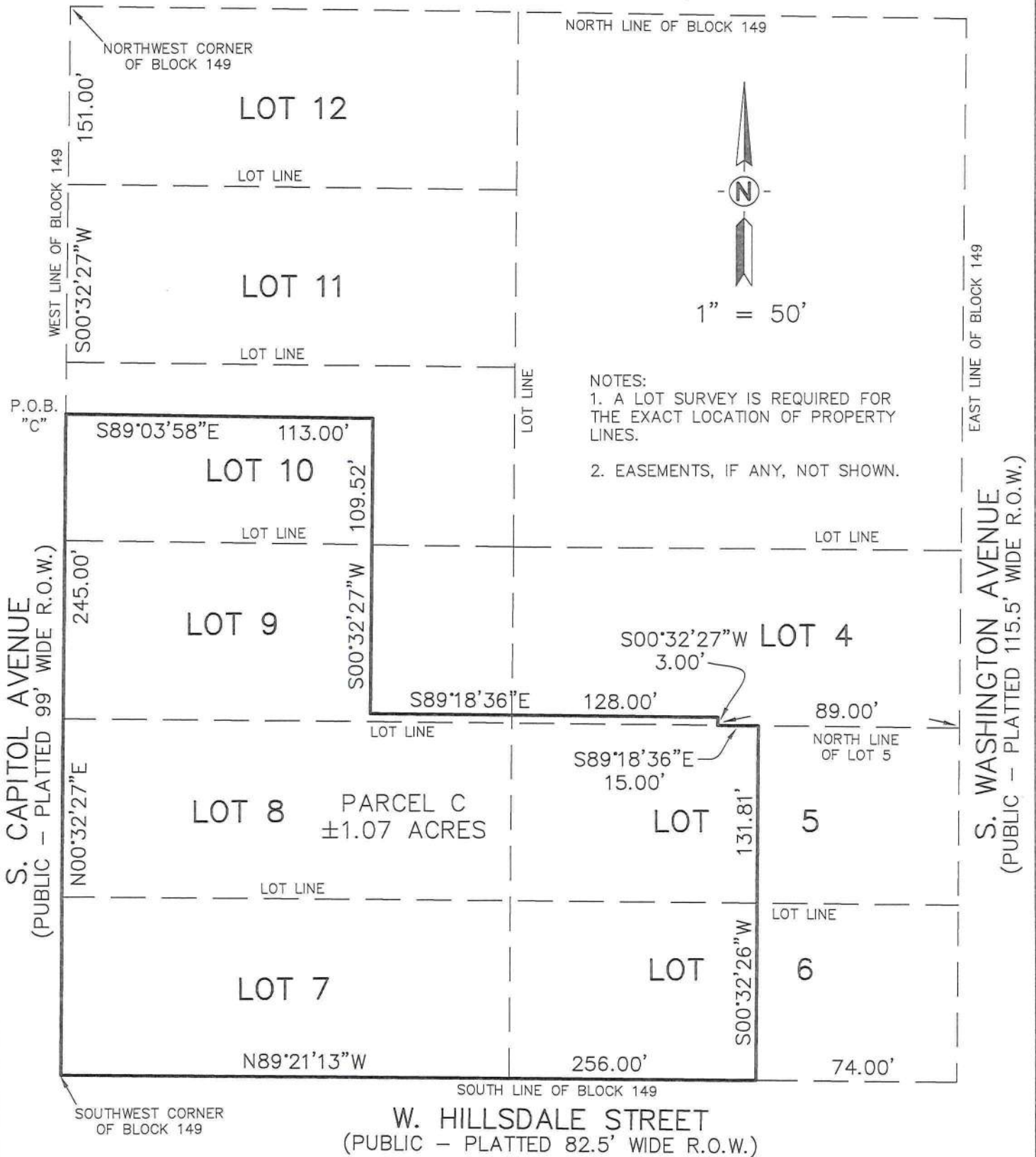
EXHIBIT A-2: LOT SURVEY

SKETCH PLAN

For:

503 S. Capitol, LLC
110 W. Hillsdale Street
Lansing, MI 48933

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



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

- R = Recorded Dimension
- = Proposed Parcel Line
- = Distance Not to Scale
- ▨ = Deck, Porch, Sidewalk, & Patio Areas



KEBS, INC. KYES ENGINEERING
BRYAN LAND SURVEYS

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

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

DRAWN BY KDB

SECTION 16, T4N, R2W

FIELD WORK BY —

JOB NUMBER:

SHEET 1 OF 2

96217.ENG-C

DANE B. PASCOE
PROFESSIONAL SURVEYOR

1/4/24
DATE
No. 54434

SKETCH PLAN

For:
503 S. Capitol, LLC
110 W. Hillsdale Street
Lansing, MI 48933

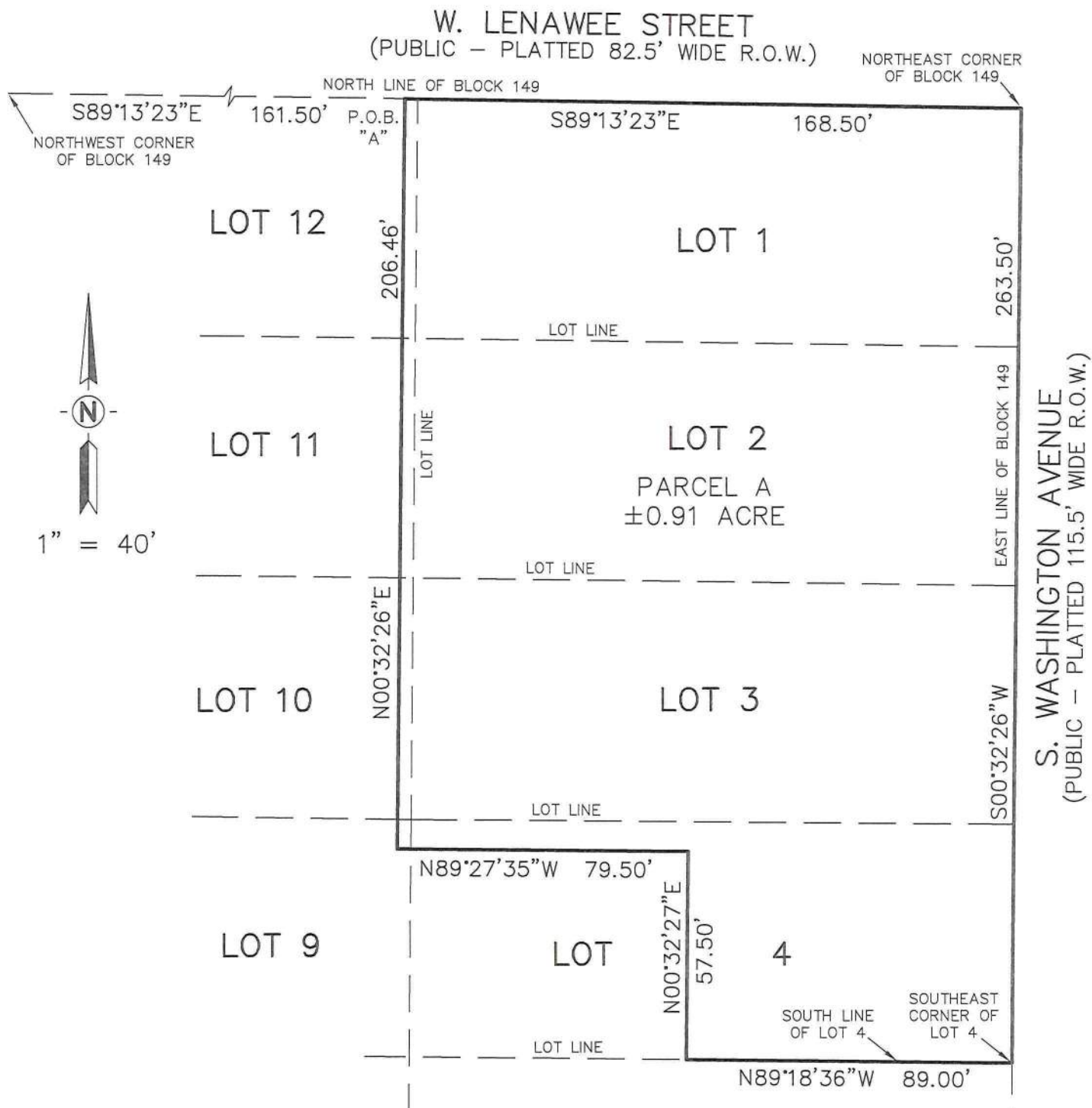
Parcel C Legal Description: Part of Block 149, Original Plat of the City of Lansing, Ingham County, Michigan, according to the recorded plat thereof, as recorded in Liber 2 of Plats, Page 36, Ingham County Records, more particularly described as follows: Lots 7 & 8; also the South 3.00 feet of Lot 9; Also the West 113.00 feet of Lot 9; Also the South 47.00 feet of the West 113.00 feet of Lot 10; Also the South 3.00 feet of Lot 4 Except the East 89.00 feet thereof; Also Lots 5 & 6 Except the East 74.00 feet of said lots thereof.

	KEBS, INC. KYES ENGINEERING BRYAN LAND SURVEYS	
	2116 HASLETT ROAD, HASLETT, MI 48840 PH. 517-339-1014 FAX. 517-339-8047	
	13432 PRESTON DRIVE, MARSHALL, MI 49068 PH. 269-781-9800 FAX. 269-781-9805	
DRAWN BY KDB		SECTION 16, T4N, R2W
FIELD WORK BY —		JOB NUMBER:
SHEET 2 OF 2		96217.ENG-C

For: **EXHIBIT A-3: LOT SURVEY**
City of Lansing

520 S. Washington Avenue
Lansing, MI 48933

SKETCH PLAN



NOTES:

1. A LOT SURVEY IS REQUIRED FOR
THE EXACT LOCATION OF PROPERTY
LINES.

2. EASEMENTS, IF ANY, NOT SHOWN.

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

- R = Recorded Dimension
— = Proposed Property Line
— = Distance Not to Scale
▨ = Deck, Porch, Sidewalk, & Patio Areas

Dane B. Pascoe

DANE B. PASCOE
PROFESSIONAL SURVEYOR

1/4/29
DATE
No. 54434



KEBS, INC. KYES ENGINEERING
BRYAN LAND SURVEYS

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

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

DRAWN BY KDB

SECTION 16, T4N, R2W

FIELD WORK BY —

JOB NUMBER:

SHEET 1 OF 2

96217.ENG-A

SKETCH PLAN

For:
City of Lansing
520 S. Washington Avenue
Lansing, MI 48933

Parcel A Legal Description: A parcel of land being part of Lots 1-4 and 9-12, Block 149, Original Plat of the City of Lansing, Ingham County, Michigan, according to the recorded plat thereof, as recorded in Liber 2 of Plats, Page 36, Ingham County Records, the boundary of said parcel described as: Commencing at the Northwest corner of said Block 149; thence S89°13'23"E along the North line of said Block 149 a distance of 161.50 feet to the point of beginning of this description; thence S89°13'23"E continuing along said North line 168.50 feet to the Northeast corner of said Block; thence S00°32'26"W along the East line of said Block 149 a distance of 263.50 feet to the Southeast corner of Lot 4 of said Block 149; thence N89°18'36"W along the South line of said Lot 4 a distance of 89.00 feet; thence N00°32'27"E 57.50 feet; thence N89°27'35"W 79.50 feet; thence N00°32'26"E 206.46 feet to the point of beginning; said parcel containing 0.91 acre, more or less; said parcel subject to all easements and restrictions, if any.

	KEBS, INC. KYES ENGINEERING BRYAN LAND SURVEYS	
	2116 HASLETT ROAD, HASLETT, MI 48840 PH. 517-339-1014 FAX. 517-339-8047	
	13432 PRESTON DRIVE, MARSHALL, MI 49068 PH. 269-781-9800 FAX. 269-781-9805	
DRAWN BY	KDB	SECTION 16, T4N, R2W
FIELD WORK BY	-	JOB NUMBER:
SHEET	2 OF 2	96217.ENG-A

Exhibit B

Basis of Eligibility

EGLE Acknowledgement of Receipt of a Baseline Environmental Assessment Letters

**Exhibit B-1: 501 S. Capitol, LLC Letter
and
Exhibit B-2: 503 S. Capitol, LLC Letter
and
Exhibit B-3: City of Lansing Letter**

Functional Obsolescence Determination letter dated August 14, 2019

Exhibit B-4: 501 S. Capitol, LLC (formerly 501 Block LLC) Letter



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
LANSING DISTRICT OFFICE



AARON B. KEATLEY
ACTING DIRECTOR

June 14, 2023

ACKNOWLEDGEMENT OF RECEIPT OF A BASELINE ENVIRONMENTAL ASSESSMENT

BEA ID: 33010213-BEA-4

Legal Entity: 501 S. Capitol LLC, P.O. Box 523, Grand Ledge, Michigan 48837

Property Address: 501 South Capitol Avenue, Lansing, Ingham County

On June 8, 2023, the Michigan Department of Environment, Great Lakes, and Energy (EGLE) received a Baseline Environmental Assessment (BEA) dated May 22, 2023, for the above legal entity and property. This letter is your acknowledgement that EGLE has received and recorded the BEA. EGLE maintains an administrative record of each BEA as received.

This BEA was submitted pursuant to Section 20126(1)(c) of Part 201, Environmental Remediation, and/or Section 21323a(1)(b) of Part 213, Leaking Underground Storage Tanks, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). A BEA is submitted for the purpose of establishing an exemption to liability for a new owner or operator of property that has been demonstrated to be a facility or property as defined by Section 20101(1)(s) of Part 201, Environmental Remediation, and/or property as defined by Section 21303(d) of Part 213, Leaking Underground Storage Tanks, of the NREPA. Pursuant to Sections 20126(1)(c) and 21323a(1)(b), the conditions of this exemption require the legal entity to disclose the BEA to a subsequent purchaser or transferee of the property.

The BEA is only for the legal entity and property or properties identified on the BEA Submittal Form and in the BEA that have been demonstrated to be a facility. Each new legal entity that becomes the owner or operator of this facility must submit their own BEA.

EGLE is not making any findings about whether the submitter is liable or is eligible to submit. The submitted BEA does not alter liability with regard to a subsequent release, threat of release, or exacerbation of existing conditions that is the responsibility of the legal entity submitting the BEA.

EGLE does not review BEAs to determine the adequacy of the submittal. The 2020 Volatilization to Indoor Air Pathway (VIAP) Screening Levels (SLs) may be proposed as site-specific criteria when used to determine that a property is or contains a facility or site. EGLE's approval of these numeric site-specific criteria is required. Since the BEA has not been reviewed, if the BEA relied upon the 2020 VIAP SLs then their use within the BEA is approved only for the purpose of confirming the status of the property as a facility under Part 201 or a site under Part 213.

The legal entity, as the owner and/or operator of a facility or property, may have Due Care responsibilities under Section 20107a of Part 201, Environmental Remediation and/or Section 21304c of Part 213, Leaking Underground Storage Tanks, of the NREPA.

The legal entity may also have responsibility under applicable state and federal laws, including, but not limited to, Part 201, Environmental Remediation; Part 111, Hazardous Waste Management; Part 211, Underground Storage Tank Regulations; Part 213, Leaking Underground Storage Tanks; Part 615, Supervisor of Wells, of the NREPA; and the Michigan Fire Prevention Code, 1941 PA 207, as amended. Please review the brochure on "due care." An owner or operator of contaminated property has an obligation to assure the property is safe for the intended use and is protective of the public health and safety.

Pursuant to Section 20112a(6) of Part 201, Environmental Remediation, the property(s) identified in the BEA will be placed on the inventory of facilities, which is updated daily and posted on EGLE's website: <https://secure1.state.mi.us/FacilitiesInventoryQueries>.

Authorized signature:



David LaBrecque, District Supervisor
Lansing District Office
Remediation and Redevelopment Division
Michigan Department of Environment, Great Lakes, and Energy
525 West Allegan Street
P.O. Box 30242
Lansing, Michigan 48909
517-285-7889
LaBrecqueD@Michigan.gov

cc: PM Environmental



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
LANSING DISTRICT OFFICE



LIESL EICHLER CLARK
DIRECTOR

September 3, 2020

**ACKNOWLEDGEMENT OF RECEIPT OF A BASELINE ENVIRONMENTAL
ASSESSMENT**

BEA ID: 33010213-BEA-3

Legal Entity: 503 S Capitol LLC, 2410 Woodlake Drive, Okemos, Michigan 48864

Property Address: 535 South Capitol Avenue, Lansing, Ingham County

On August 24, 2020, the Michigan Department of Environment, Great Lakes, and Energy (EGLE) received a Baseline Environmental Assessment (BEA) dated March 30, 2020, for the above legal entity and property. This letter is your acknowledgement that EGLE has received and recorded the BEA. EGLE maintains an administrative record of each BEA as received.

This BEA was submitted pursuant to Section 20126(1)(c) of Part 201, Environmental Remediation, and/or Section 21323a(1)(b) of Part 213, Leaking Underground Storage Tanks, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). A BEA is submitted for the purpose of establishing an exemption to liability for a new owner or operator of property that has been demonstrated to be a facility or property as defined by Section 20101(1)(s) of Part 201, Environmental Remediation, and/or property as defined by Section 21303(d) of Part 213, Leaking Underground Storage Tanks, of the NREPA. Pursuant to Sections 20126(1)(c) and 21323a(1)(b), the conditions of this exemption require the legal entity to disclose the BEA to a subsequent purchaser or transferee of the property.

The BEA is only for the legal entity and property identified in the BEA and on the BEA Submittal Form. Each new legal entity that becomes the owner or operator of this facility must submit their own BEA.

EGLE is not making any findings about the adequacy of the submittal or whether the submitter is liable or is eligible to submit. The submitted BEA does not alter liability with regard to a subsequent release, threat of release, or exacerbation of existing conditions that is the responsibility of the legal entity submitting the BEA.

The legal entity, as the owner and/or operator of a facility or property, may have Due Care responsibilities under Section 20107a of Part 201, Environmental Remediation, and/or Section 21304c of Part 213, Leaking Underground Storage Tanks, of the NREPA. The legal entity may also have responsibility under applicable state and federal laws, including, but not limited to, Part 201, Environmental Remediation; Part 111, Hazardous Waste Management; Part 211, Underground Storage Tank Regulations; Part 213, Leaking

Underground Storage Tanks; Part 615, Supervisor of Wells, of the NREPA; and the Michigan Fire Prevention Code, 1941 PA 207, as amended.

Pursuant to Section 20112a(6) of Part 201, Environmental Remediation, the property(s) identified in the BEA will be placed on the inventory of facilities, which is updated daily and posted on EGLE's website: <https://secure1.state.mi.us/FacilitiesInventoryQueries>.

Authorized signature:



David LaBrecque, District Supervisor
Lansing District Office
Remediation and Redevelopment Division
Michigan Department of Environment, Great Lakes, and Energy
525 West Allegan Street
P.O. Box 30242
Lansing, Michigan 48909
517-285-7889
labrecqued@michigan.gov

Enclosure

cc: PM Environmental Inc.



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
LANSING DISTRICT OFFICE



PHILLIP D. ROOS
DIRECTOR

October 5, 2023

ACKNOWLEDGEMENT OF RECEIPT OF A BASELINE ENVIRONMENTAL ASSESSMENT

BEA ID: 33010213-BEA-6

Legal Entity: City of Lansing, 124 West Michigan Avenue, 5th Floor, Lansing, Michigan 48933

Property Address: 520 South Washington Avenue, Lansing, Ingham County

On October 2, 2023, the Michigan Department of Environment, Great Lakes, and Energy (EGLE) received a Baseline Environmental Assessment (BEA) dated May 22, 2023, for the above legal entity and property. This letter is your acknowledgement that EGLE has received and recorded the BEA. EGLE maintains an administrative record of each BEA as received.

This BEA was submitted pursuant to Section 20126(1)(c) of Part 201, Environmental Remediation, and/or Section 21323a(1)(b) of Part 213, Leaking Underground Storage Tanks, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). A BEA is submitted for the purpose of establishing an exemption to liability for a new owner or operator of property that has been demonstrated to be a facility or property as defined by Section 20101(1)(s) of Part 201, Environmental Remediation, and/or property as defined by Section 21303(d) of Part 213, Leaking Underground Storage Tanks, of the NREPA. Pursuant to Sections 20126(1)(c) and 21323a(1)(b), the conditions of this exemption require the legal entity to disclose the BEA to a subsequent purchaser or transferee of the property.

The BEA is only for the legal entity and property or properties identified on the BEA Submittal Form and in the BEA that have been demonstrated to be a facility. Each new legal entity that becomes the owner or operator of this facility must submit their own BEA.

EGLE is not making any findings about whether the submitter is liable or is eligible to submit. The submitted BEA does not alter liability with regard to a subsequent release, threat of release, or exacerbation of existing conditions that is the responsibility of the legal entity submitting the BEA.

EGLE does not review BEAs to determine the adequacy of the submittal. The 2020 Volatilization to Indoor Air Pathway (VIAP) Screening Levels (SLs) may be proposed as site-specific criteria when used to determine that a property is or contains a facility or site. EGLE's approval of these numeric site-specific criteria is required. Since the BEA has not been reviewed, if the BEA relied upon the 2020 VIAP SLs then their use within the BEA is approved only for the purpose of confirming the status of the property as a facility under Part 201 or a site under Part 213.

The legal entity, as the owner and/or operator of a facility or property, may have Due Care responsibilities under Section 20107a of Part 201, Environmental Remediation and/or Section 21304c of Part 213, Leaking Underground Storage Tanks, of the NREPA.

The legal entity may also have responsibility under applicable state and federal laws, including, but not limited to, Part 201, Environmental Remediation; Part 111, Hazardous Waste Management; Part 211, Underground Storage Tank Regulations; Part 213, Leaking Underground Storage Tanks; Part 615, Supervisor of Wells, of the NREPA; and the Michigan Fire Prevention Code, 1941 PA 207, as amended. Please review the brochure on "due care." An owner or operator of contaminated property has an obligation to assure the property is safe for the intended use and is protective of the public health and safety.

Pursuant to Section 20112a(6) of Part 201, Environmental Remediation, the property(s) identified in the BEA will be placed on the inventory of facilities, which is updated daily and posted on EGLE's website: <https://www.egle.state.mi.us/RIDE/inventory-of-facilities/facilities>.

Authorized signature:



David LaBrecque, District Supervisor
Lansing District Office
Remediation and Redevelopment Division
Michigan Department of Environment, Great Lakes, and Energy
525 West Allegan Street
P.O. Box 30242
Lansing, Michigan 48909
517-285-7889
LaBrecqueD@Michigan.gov

cc: PM Environmental

**EXHIBIT B-4: 501 S. Capitol, LLC
(formerly 501 Block, LLC) Letter**



Andy Schor, Mayor

CITY ASSESSORS OFFICE

**Sharon Frischman, MMAO
City Assessor**

3rd Floor City Hall
124 West Michigan Avenue
Lansing, Michigan 48933
(517) 483-7624

FAX: (517) 483-4101

www.lansingmi.gov/City-Assessor

August 14, 2019

Functional Obsolescence Determination
501 S. Capitol St.
33-01-01-16-381-002

This building was originally constructed in 1970 as a six-story, single occupant central bank. There is a mechanical penthouse as well as basement offices. Elevators serve the building.

The original occupant was the State Employee Credit Union; it is now occupied on the first floor only by the Lake Trust Credit Union. The rest of the building has been vacant for some time. The market demand for central bank occupancy has declined over the last several years, therefore the current configuration as a single occupant central bank is obsolete.

The heating and cooling systems are currently obsolete. There is a single system that performs very poorly. The system has to be manually turned on and off daily and serves the entire building even though the only occupant is on the first floor.

PM Environmental performed an inventory of hazardous materials from July 31 through August 2, 2017 to identify, locate, classify, analyze, and estimate quantities of accessible asbestos containing materials for the building owner compliance with the Occupational Safety & Health Administration (OSHA) General Industry Standard for Asbestos.

The results of the asbestos survey identified the following asbestos containing materials:

Tagged Fire Door and Frame (Assumed ACM) (61 Doors and Frames)
Mastic Associated with 12" x 12" Floor Tile – Tan Mottled (25 Square Feet)
Grey Spray-On Fireproofing (55,600 Square Feet)
Black Sink Undercoating (1 Sink)
Cementitious Fireproofing (3,940 Square Feet)
Roofing Materials (Assumed ACM) (8,000 Square Feet)

Asbestos was widely used in building construction until its use was banned in 1978. The presence of asbestos containing materials contributes to the obsolescence of the building because these materials are no longer used and may need to be removed.

For these reasons, I have determined that the building at 501 S. Capital suffers from functional obsolescence.

Sharon Frischman, MMAO
City Assessor

Exhibit C

Table 4 - Tax Increment Financing Estimates

**500 BLOCK REDEVELOPMENT PROJECT - LANSING, MICHIGAN
BROWNFIELD PLAN NO. 77 - AMENDMENT NO. 1**

Table 4a1 - ACTUAL Base Year/ Initial Taxable Value (ITV) Information

Notes	Property Identification		Base Year/ Initial Taxable Value (ITV) of All Eligible Property in the Brownfield Plan by Property Classification						Total Taxes Paid on Base Year/ ITV		Notes
	Address	Tax Parcel Number	Land	Land Improvements	Building	Real Property Subtotal	Personal Property	Total	Real Property	Personal Property	BASE YEAR = 2020
Building 1: Office Building - 61,031 sq ft; 6 stories (also a Basement & a "Penthouse [Floor #7]")	501 S. Capitol Ave	33-01-01-16-381-005	\$ 219,545	\$ 8,190	\$ 1,781,224	\$ 2,008,958	\$ -	\$ 2,008,958	\$ 158,652	\$ -	Actual Values for 2020 (as of 12/31/2019)
Vacant Land with Parking Lot Improvements	110 W. Hillsdale St.	33-01-01-16-381-006	\$ 246,800	\$ 18,000	\$ -	\$ 264,800	\$ -	\$ 264,800	\$ 20,912	\$ -	Actual Values for 2020 (as of 12/31/2019)
Building 2: Office Building - 8,035 sq ft; 2 stories	520 S. Washington Ave.	33-01-01-16-381-007	\$ 153,656	\$ 7,827	\$ 452,566	\$ 614,049	\$ -	\$ 614,049	\$ 48,493	\$ -	Actual Values for 2020 (as of 12/31/2019)
Totals			\$ 620,000	\$ 34,017	\$ 2,233,790	\$ 2,887,807	\$ -	\$ 2,887,807	\$ 228,057	\$ -	-
									Real & Personal Combined =	\$228,057	

**500 BLOCK REDEVELOPMENT PROJECT - LANSING, MICHIGAN
BROWNFIELD PLAN NO. 77 - AMENDMENT NO. 1**

Table 4a2 - Total Actual Taxes Paid to All Taxing Jurisdictions on the Base Year Taxable Value/ Initial Taxable Value (ITV)

	AD VALOREM TAXING AUTHORITIES/ TAXING JURISDICTIONS	Millage Rate Paid on Real Property	Millage Rate Paid on Commercial Personal Property	Base Year	2020
				BP Year Number	0
-	CITY OF LANSING	-	-	-	-
-	City Operating - Lansing	19.4400	19.4400		\$ 56,139
-	Montgomery Drain	0.2600	0.2600		\$ 626
-	Public Safety	3.5000	3.5000		\$ 8,432
-	<i>Subtotal of Local Government Unit (LGU): Annual</i>	<i>23.2000</i>	<i>23.2000</i>		<i>\$ 65,198</i>
-	INGHAM COUNTY	-	-	-	-
-	Ingham County	11.3115	11.3115		\$ 32,665
-	Capital Region Airport Authority - CRAA	0.6990	0.6990		\$ 2,019
-	Capital Area Transportation Authority - CATA	2.9895	2.9895		\$ 8,633
-	LIBRARY	-	-	-	-
-	Capital Area District Libraries - CADL	1.5600	1.5600		\$ 4,505
-	INTERMEDIATE SCHOOL DISTRICTS (ISD)	-	-	-	-
-	ISD Operating & Special Education	4.9378	4.9378		\$ 14,259
-	COMMUNITY COLLEGE	-	-	-	-
-	Lansing Community College - LCC	3.7692	3.7692		\$ 10,885
-	LOCAL SCHOOL MILLAGES: excludes State School millages	-	-	-	-
-	Lansing School District Debt (District #33020)	4.1000	4.1000		\$ 11,840
-	Lansing School District Sinking Fund	2.9575	2.9575		\$ 8,541
-	<i>Subtotal of Non-Local Government Unit (LGU) Local: Annual</i>	<i>32.3245</i>	<i>32.3245</i>		<i>\$ 93,347</i>
-	Total Local: Annual	55.5245	55.5245		\$ 158,544
-	STATE SCHOOL MILLAGES: excludes Local School millages	-	-	-	-
-	State Education Tax - SET	6.0000	6.0000		\$ 17,327
-	Local School Operating - LSO	17.4478	5.4478		\$ 50,386
-	Total State & Local School: Annual	23.4478	11.4478		\$ 67,713
-	TOTAL LOCAL AND STATE & LOCAL SCHOOL: ANNUAL	78.9723	66.9723		\$ 226,257

Table 4c - Estimated Impact of Tax Capture on Taxing Jurisdictions
500 Block Redevelopment Project - Brownfield Plan #77
Lansing, MI
January 4, 2024

Estimated Percentage (%) Change in Taxable Values (TV) of Building(s) & Land Improvements	0.00%	0.00%	0.00%	0.00%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%
Estimated Percentage (%) Change in Taxable Values (TV) of Land	0.00%	0.00%	0.00%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%	1.54%

Brownfield Plan Year				0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	TOTAL					
Calendar Year				2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052						
Base Year Taxable Value				\$ 2,887,807	\$ 2,887,807	\$ 2,887,807	\$ 2,887,807	\$ 2,887,807	\$ 2,887,807	\$ 2,887,807	\$ 2,887,807	\$ 2,887,807	\$ 2,887,807	\$ 2,887,807	\$ 2,887,807	\$ 2,887,807	\$ 2,887,807	\$ 2,887,807	\$ 2,887,807	\$ 2,887,807	\$ 2,887,807	\$ 2,887,807	\$ 2,887,807	\$ 2,887,807	\$ 2,887,807	\$ 2,887,807	\$ 2,887,807	\$ 2,887,807	\$ 2,887,807	\$ 2,887,807	\$ 2,887,807	\$ 2,887,807	\$ 2,887,807	\$ 2,887,807	\$ 2,887,807	\$ -				
Estimated New TV				\$ -	\$ 9,472,200	\$ 9,962,513	\$ 10,115,900	\$ 10,271,600	\$ 10,429,900	\$ 10,590,500	\$ 10,753,600	\$ 10,919,300	\$ 11,087,400	\$ 11,258,100	\$ 11,431,500	\$ 11,607,600	\$ 11,786,400	\$ 11,967,900	\$ 12,152,200	\$ 12,339,400	\$ 12,529,300	\$ 12,722,300	\$ 12,918,300	\$ 13,117,200	\$ 13,319,200	\$ 13,524,200	\$ 13,732,500	\$ 13,943,900	\$ 14,158,600	\$ 14,376,700	\$ 14,598,200	\$ 14,823,100	\$ 15,051,400	\$ 15,283,200	\$ -					
Incremental Difference (New TV - Base TV)				\$ -	\$ 6,584,393	\$ 7,074,706	\$ 7,228,093	\$ 7,383,793	\$ 7,542,093	\$ 7,702,693	\$ 7,865,793	\$ 8,031,493	\$ 8,199,593	\$ 8,370,293	\$ 8,543,693	\$ 8,719,793	\$ 8,898,593	\$ 9,080,093	\$ 9,264,393	\$ 9,451,593	\$ 9,641,493	\$ 9,834,493	\$ 10,030,493	\$ 10,229,393	\$ 10,431,393	\$ 10,636,393	\$ 10,844,693	\$ 11,056,093	\$ 11,270,793	\$ 11,488,893	\$ 11,710,393	\$ 11,935,293	\$ 12,163,593	\$ 12,395,393	\$ -					
	Real Property	Personal Property: Commercial	Percent (%) of Millage Rate Captured																																					
				Building(s), Land Improvements & Land	Furniture & Fixtures, etc.	All Years of Tax Capture																																		
School Capture ¹				Millage Rate	Millage Rate	%																																		
State Education Tax (SET)				6.0000	6.0000	90%	\$ -	\$ 35,556	\$ 38,203	\$ 39,032	\$ 39,872	\$ 40,727	\$ 41,595	\$ 42,475	\$ 43,370	\$ 44,278	\$ 45,200	\$ 46,136	\$ 47,087	\$ 48,052	\$ 49,033	\$ 50,028	\$ 51,039	\$ 52,064	\$ 53,106	\$ 54,165	\$ 55,239	\$ 56,330	\$ 57,437	\$ 58,561	\$ 59,703	\$ 60,862	\$ 62,040	\$ 63,236	\$ 64,451	\$ 65,683	\$ 66,935	\$ 1,531,493		
School Operating Tax (Local School Operating)				17.4478	5.4478	90%	\$ -	\$ 103,395	\$ 111,094	\$ 113,503	\$ 115,948	\$ 118,434	\$ 120,956	\$ 123,517	\$ 126,119	\$ 128,758	\$ 131,439	\$ 134,162	\$ 136,927	\$ 139,735	\$ 142,585	\$ 145,479	\$ 148,419	\$ 151,401	\$ 154,431	\$ 157,509	\$ 160,632	\$ 163,804	\$ 167,023	\$ 170,294	\$ 173,614	\$ 176,985	\$ 180,410	\$ 183,889	\$ 187,420	\$ 191,005	\$ 194,645	\$ 4,453,532		
School Total				23.4478	11.4478	-	\$ -	\$ 138,951	\$ 149,298	\$ 152,535	\$ 155,820	\$ 159,161	\$ 162,550	\$ 165,992	\$ 169,489	\$ 173,036	\$ 176,638	\$ 180,298	\$ 184,014	\$ 187,787	\$ 191,617	\$ 195,507	\$ 199,457	\$ 203,465	\$ 207,538	\$ 211,674	\$ 215,871	\$ 220,134	\$ 224,460	\$ 228,856	\$ 233,317	\$ 237,848	\$ 242,450	\$ 247,125	\$ 251,871	\$ 256,689	\$ 261,580	\$ 5,985,025		
				Millage Rate	Millage Rate	%																																		
Local Capture ¹				Millage Rate	Millage Rate	%																																		
City Operating - Lansing				19.4400	19.4400	90%	\$ -	\$ 115,201	\$ 123,779	\$ 126,463	\$ 129,187	\$ 131,956	\$ 134,766	\$ 137,620	\$ 140,519	\$ 143,460	\$ 146,447	\$ 149,480	\$ 152,561	\$ 155,690	\$ 158,865	\$ 162,090	\$ 165,365	\$ 168,688	\$ 172,064	\$ 175,494	\$ 178,973	\$ 182,508	\$ 186,094	\$ 189,739	\$ 193,437	\$ 197,194	\$ 201,010	\$ 204,885	\$ 208,820	\$ 212,814	\$ 216,870	\$ 4,962,039		
Montgomery Drain				0.2600	0.2600	90%	\$ -	\$ 1,541	\$ 1,655	\$ 1,691	\$ 1,728	\$ 1,765	\$ 1,802	\$ 1,841	\$ 1,879	\$ 1,919	\$ 1,959	\$ 1,999	\$ 2,040	\$ 2,082	\$ 2,125	\$ 2,168	\$ 2,212	\$ 2,256	\$ 2,301	\$ 2,347	\$ 2,394	\$ 2,441	\$ 2,489	\$ 2,538	\$ 2,587	\$ 2,637	\$ 2,688	\$ 2,740	\$ 2,793	\$ 2,846	\$ 2,901	\$ 66,365		
Ingham County				11.3115	11.3115	90%	\$ -	\$ 67,031	\$ 72,023	\$ 73,585	\$ 75,170	\$ 76,781	\$ 78,416	\$ 80,077	\$ 81,763	\$ 83,475	\$ 85,213	\$ 86,978	\$ 88,771	\$ 90,591	\$ 92,439	\$ 94,315	\$ 96,221	\$ 98,154	\$ 100,119	\$ 102,114	\$ 104,139	\$ 106,195	\$ 108,282	\$ 110,403	\$ 112,555	\$ 114,741	\$ 116,961	\$ 119,216	\$ 121,505	\$ 123,830	\$ 126,189	\$ 2,887,248		
Capital Region Airport Authority - CRAA				0.6990	0.6990	90%	\$ -	\$ 4,142	\$ 4,451	\$ 4,547	\$ 4,645	\$ 4,745	\$ 4,846	\$ 4,948	\$ 5,053	\$ 5,158	\$ 5,266	\$ 5,375	\$ 5,486	\$ 5,598	\$ 5,712	\$ 5,828	\$ 5,946	\$ 6,065	\$ 6,187	\$ 6,310	\$ 6,435	\$ 6,562	\$ 6,691	\$ 6,822	\$ 6,955	\$ 7,090	\$ 7,228	\$ 7,367	\$ 7,508	\$ 7,652	\$ 7,798	\$ 178,419		
Capital Area Transportation Authority - CATA				2.9895	2.9895	90%	\$ -	\$ 17,716	\$ 19,035	\$ 19,448	\$ 19,866	\$ 20,292	\$ 20,724	\$ 21,163	\$ 21,609	\$ 22,061	\$ 22,521	\$ 22,987	\$ 23,461	\$ 23,942	\$ 24,430	\$ 24,926	\$ 25,430	\$ 25,941	\$ 26,460	\$ 26,988	\$ 27,523	\$ 28,066	\$ 28,618	\$ 29,178	\$ 29,747	\$ 30,325	\$ 30,911	\$ 31,507	\$ 32,113	\$ 32,727	\$ 33,350	\$ 763,067		
Capital Area District Libraries - CADL				1.5600	1.5600	90%	\$ -	\$ 9,244	\$ 9,933	\$ 10,148	\$ 10,367	\$ 10,589	\$ 10,815	\$ 11,044	\$ 11,276	\$ 11,512	\$ 11,752	\$ 11,995	\$ 12,243	\$ 12,494	\$ 12,748	\$ 13,007	\$ 13,270	\$ 13,537	\$ 13,808	\$ 14,083	\$ 14,362	\$ 14,646	\$ 14,933	\$ 15,226	\$ 15,523	\$ 15,824	\$ 16,130	\$ 16,441	\$ 16,757	\$ 17,078	\$ 17,403	\$ 398,188		
ISD Operating & Special Education				4.9378	4.9378	90%	\$ -	\$ 29,261	\$ 31,440	\$ 32,122	\$ 32,814	\$ 33,517	\$ 34,231	\$ 34,956	\$ 35,692	\$ 36,439	\$ 37,198	\$ 37,968	\$ 38,751	\$ 39,546	\$ 40,352	\$ 41,171	\$ 42,003	\$ 42,847	\$ 43,705	\$ 44,576	\$ 45,460	\$ 46,357	\$ 47,268	\$ 48,194	\$ 49,133	\$ 50,088	\$ 51,057	\$ 52,041	\$ 53,041	\$ 54,055	\$ 55,085	\$ 1,260,368		
Lansing Community College - LCC				3.7692	3.7692	90%	\$ -	\$ 22,336	\$ 23,999	\$ 24,520	\$ 25,048	\$ 25,585	\$ 26,130	\$ 26,683	\$ 27,245	\$ 27,815	\$ 28,394	\$ 28,983	\$ 29,580	\$ 30,187	\$ 30,802	\$ 31,427	\$ 32,062	\$ 32,707	\$ 33,361	\$ 34,026	\$ 34,701	\$ 35,386	\$ 36,082	\$ 36,788	\$ 37,505	\$ 38,234	\$ 38,974	\$ 39,725	\$ 40,488	\$ 41,262	\$ 42,049	\$ 962,084		
Lansing School District Sinking Fund				2.9575	2.9575	90%	\$ -	\$ 17,526	\$ 18,831	\$ 19,239	\$ 19,654	\$ 20,075	\$ 20,503	\$ 20,937	\$ 21,378	\$ 21,825	\$ 22,280	\$ 22,741	\$ 23,210	\$ 23,686	\$ 24,169	\$ 24,659	\$ 25,158	\$ 25,663	\$ 26,177	\$ 26,699	\$ 27,228	\$ 27,766	\$ 28,311	\$ 28,866	\$ 29,429	\$ 30,000	\$ 30,581	\$ 31,170	\$ 31,769	\$ 32,376	\$ 32,993	\$ 754,899		
Local Total				47.9245	47.9245	-	\$ -	\$ 283,998	\$ 305,147	\$ 311,762	\$ 318,478	\$ 325,306	\$ 332,233	\$ 339,268	\$ 346,415	\$ 353,665	\$ 361,028	\$ 368,507	\$ 376,103	\$ 383,815	\$ 391,643	\$ 399,592	\$ 407,667	\$ 415,857	\$ 424,182	\$ 432,636	\$ 441,215	\$ 449,927	\$ 458,769	\$ 467,754	\$ 476,872	\$ 486,132	\$ 495,540	\$ 505,093	\$ 514,794	\$ 524,547	\$ 534,451	\$ 12,232,677		
Non-Capturable Millages ¹				Millage Rate	Millage Rate	%																																		
Public Safety				3.5000	3.5000	0%	\$ -	\$ 23,045	\$ 24,761	\$ 25,298	\$ 25,843	\$ 26,397	\$ 26,959	\$ 27,530	\$ 28,110	\$ 28,699	\$ 29,296	\$ 29,903	\$ 30,519	\$ 31,145	\$ 31,780	\$ 32,425	\$ 33,081	\$ 33,745	\$ 34,421	\$ 35,107	\$ 35,803	\$ 36,510	\$ 37,227	\$ 37,956	\$ 38,696	\$ 39,448	\$ 40,211	\$ 40,986	\$ 41,774	\$ 42,573	\$ 43,384	\$ 992,635		
Lansing School District Debt (District #33020)				4.1000	4.1000	0%	\$ -	\$ 26,996	\$ 29,006	\$ 29,635	\$ 30,274	\$ 30,923	\$ 31,581	\$ 32,250	\$ 32,929	\$ 33,618	\$ 34,318	\$ 35,029	\$ 35,751	\$ 36,484	\$ 37,228	\$ 37,984	\$ 38,752	\$ 39,530	\$ 40,321	\$ 41,125	\$ 41,941	\$ 42,769	\$ 43,609	\$ 44,463	\$ 45,330	\$ 46,210	\$ 47,104	\$ 48,013	\$ 48,935	\$ 49,871	\$ 50,821	\$ 1,162,801		
Total Non-Capturable Taxes				7.6000	7.6000	-	\$ -	\$ 50,041	\$ 53,768	\$ 54,934	\$ 56,117	\$ 57,320	\$ 58,540	\$ 59,780	\$ 61,039	\$ 62,317	\$ 63,614	\$ 64,932	\$ 66,270	\$ 67,629	\$ 69,009	\$ 70,409	\$ 71,832	\$ 73,275	\$ 74,742	\$ 76,232	\$ 77,743	\$ 79,279	\$ 80,837	\$ 82,420	\$ 84,026	\$ 85,658	\$ 87,316	\$ 88,999	\$ 90,708	\$ 92,443	\$ 94,205	\$ 2,155,435		
Total Tax Increment Revenue (TIR) Available for Capture				\$ -	\$ 422,949	\$ 454,444	\$ 464,297	\$ 474,298	\$ 484,467	\$ 494,783	\$ 505,260	\$ 515,904	\$ 526,701	\$ 537,666	\$ 548,805	\$ 560,117	\$ 571,602	\$ 583,260	\$ 595,099	\$ 607,124	\$ 619,322	\$ 631,719	\$ 644,309	\$ 657,086	\$ 670,061	\$ 683,229	\$ 696,610	\$ 710,189	\$ 723,980	\$ 737,990	\$ 752,218	\$ 766,664	\$ 781,335	\$ 796,261	\$ 811,443	\$ 826,886	\$ 842,599			

Table 4d - Reimbursement of Eligible Activities Disbursements
500 Block Redevelopment Project - Brownfield Plan #77, Amendment No. 1
Lansing, MI
January 4, 2024

Developer Maximum Reimbursement	Proportionality	School & Local Taxes	Local-Only Taxes	Total
State	32.85%	\$6,583,873	\$0	\$6,583,873
Local	67.15%	\$13,456,649	\$109,426	\$13,566,075
TOTAL	100.00%	\$20,040,522	\$109,426	\$20,149,948
EGLE Activities	8.01%	\$1,606,235		
MSF Activities	91.99%	\$18,434,287		
	100.00%	\$20,040,522		

Estimated Total
Years of Plan: 30

Estimated Capture	
BRA Administrative Fees (5.0%)	\$611,634
BRA - Brownfield & Work Plan Implementation	\$15,000
Local Brownfield Revolving Fund (5.0%)	\$611,634
State Brownfield Redevelopment Fund (3 mills)	\$604,574
Subtotal: Non-Developer Reimbursement	\$1,842,842
Developer Reimbursement	\$20,149,948
Total	\$21,992,790

Brownfield Plan Year		0	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	TOTAL	
Calendar Year		2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052		
Total State Incremental Revenue		\$0	\$0	\$138,951	\$149,298	\$152,535	\$155,820	\$159,161	\$162,550	\$165,992	\$169,488	\$173,036	\$176,638	\$180,298	\$184,014	\$187,787	\$191,617	\$195,507	\$199,457	\$203,465	\$207,538	\$211,674	\$215,871	\$220,134	\$224,460	\$228,856	\$233,317	\$237,848	\$242,450	\$247,125	\$251,871	\$256,689	\$261,580	\$5,985,025	
State Brownfield Redevelopment Fund (50% of SET)		\$0	\$0	\$17,778	\$19,102	\$19,516	\$19,936	\$20,364	\$20,797	\$21,238	\$21,685	\$22,139	\$22,602	\$23,068	\$23,543	\$24,026	\$24,516	\$25,014	\$25,519	\$26,032	\$26,553	\$27,082	\$27,619	\$28,165	\$28,718	\$29,281	\$29,851	\$30,431	\$0	\$0	\$0	\$0	\$0	\$604,574	
BRA - Local Brownfield Revolving Fund (LBRF): State Tax Capture		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Subtotal		\$0	\$0	\$17,778	\$19,102	\$19,516	\$19,936	\$20,364	\$20,797	\$21,238	\$21,685	\$22,139	\$22,602	\$23,068	\$23,543	\$24,026	\$24,516	\$25,014	\$25,519	\$26,032	\$26,553	\$27,082	\$27,619	\$28,165	\$28,718	\$29,281	\$29,851	\$30,431	\$0	\$0	\$0	\$0	\$0	\$604,574	
BRA - Brownfield & Work Plan Implementation: State Tax Capture		\$0	\$0	\$4,928	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,928	
State TIR Available for Reimbursement		\$0	\$0	\$116,245	\$130,196	\$133,019	\$135,884	\$138,797	\$141,753	\$144,754	\$147,804	\$150,897	\$154,039	\$157,230	\$160,470	\$163,759	\$167,098	\$170,489	\$173,933	\$177,427	\$180,977	\$184,583	\$188,243	\$191,959	\$195,731	\$199,563	\$203,453	\$207,403	\$242,435	\$247,109	\$251,854	\$256,671	\$261,580	\$5,375,352	
Total Local Incremental Revenue		\$0	\$0	\$283,998	\$305,147	\$311,762	\$318,478	\$325,306	\$332,233	\$339,268	\$346,415	\$353,665	\$361,028	\$368,507	\$376,103	\$383,815	\$391,643	\$399,592	\$407,667	\$415,857	\$424,182	\$432,636	\$441,215	\$449,927	\$458,769	\$467,754	\$476,872	\$486,132	\$495,540	\$505,093	\$514,794	\$524,641	\$534,640	\$12,232,678	
BRA Administrative Fee		\$0	\$0	\$14,200	\$15,257	\$15,588	\$15,924	\$16,265	\$16,612	\$16,963	\$17,321	\$17,683	\$18,051	\$18,425	\$18,805	\$19,191	\$19,582	\$19,980	\$20,383	\$20,793	\$21,209	\$21,632	\$22,061	\$22,496	\$22,938	\$23,388	\$23,844	\$24,307	\$24,777	\$25,255	\$25,740	\$26,232	\$26,732	\$611,634	
BRA - Local Brownfield Revolving Fund (LBRF): Local Tax Capture		\$0	\$0	\$14,200	\$15,257	\$15,588	\$15,924	\$16,265	\$16,612	\$16,963	\$17,321	\$17,683	\$18,051	\$18,425	\$18,805	\$19,191	\$19,582	\$19,980	\$20,383	\$20,793	\$21,209	\$21,632	\$22,061	\$22,496	\$22,938	\$23,388	\$23,844	\$24,307	\$24,777	\$25,255	\$25,740	\$26,232	\$26,732	\$611,634	
Subtotal		\$0	\$0	\$28,400	\$30,515	\$31,176	\$31,848	\$32,513	\$33,223	\$33,927	\$34,641	\$35,367	\$36,103	\$36,851	\$37,610	\$38,381	\$39,164	\$39,959	\$40,767	\$41,586	\$42,418	\$43,264	\$44,121	\$44,993	\$45,877	\$46,775	\$47,687	\$48,613	\$49,554	\$50,509	\$51,479	\$52,464	\$53,464	\$1,223,268	
BRA - Brownfield & Work Plan Implementation: Local Tax Capture		\$0	\$0	\$10,072	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$10,072	
BRA - Brownfield & Work Plan Implementation: Local Only Tax Capture		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
TIR Available for Reimbursement		\$0	\$0	\$245,526	\$274,632	\$280,586	\$286,630	\$292,775	\$299,010	\$305,341	\$311,773	\$318,299	\$324,925	\$331,656	\$338,492	\$345,433	\$352,479	\$359,633	\$366,900	\$374,272	\$381,764	\$389,372	\$397,093	\$404,935	\$412,892	\$420,978	\$429,185	\$437,519	\$445,986	\$454,584	\$463,314	\$472,177	\$481,176	\$10,999,338	
Total State & Local TIR Available		\$0	\$0	\$361,771	\$404,828	\$413,605	\$422,514	\$431,573	\$440,762	\$450,095	\$459,577	\$469,196	\$478,964	\$488,886	\$498,962	\$509,192	\$519,577	\$530,122	\$540,833	\$551,698	\$562,741	\$573,956	\$585,336	\$596,894	\$608,623	\$620,542	\$632,637	\$644,922	\$688,421	\$701,693	\$715,168	\$728,847	\$742,756	\$16,374,690	
DEVELOPER	Beginning Balance																																		
DEVELOPER Reimbursement Balance		\$20,149,948	\$20,149,948	\$20,149,948	\$19,788,177	\$19,383,349	\$18,969,744	\$18,547,230	\$18,115,657	\$17,674,895	\$17,224,799	\$16,765,222	\$16,296,026	\$15,817,063	\$15,328,177	\$14,829,215	\$14,320,023	\$13,800,446	\$13,270,324	\$12,729,491	\$12,177,793	\$11,615,052	\$11,041,096	\$10,455,760	\$9,858,867	\$9,250,243	\$8,629,702	\$7,997,065	\$7,352,143	\$6,663,722	\$5,962,029	\$5,246,861	\$4,518,014	\$3,775,258	\$3,775,258
MSF Non-Environmental Costs	\$18,434,287	\$18,434,287	\$18,434,287	\$18,434,287	\$18,072,516	\$17,667,688	\$17,254,083	\$16,831,569	\$16,399,996	\$15,959,234	\$15,509,138	\$15,049,561	\$14,580,365	\$14,101,402	\$13,612,516	\$13,113,554	\$12,604,362	\$12,084,785	\$11,554,663	\$11,013,830	\$10,462,132	\$9,899,391	\$9,325,436	\$8,740,100	\$8,143,206	\$7,534,583	\$6,914,041	\$6,281,404	\$5,636,482	\$4,948,061	\$4,246,368	\$3,531,200	\$2,802,353	\$0	
State Tax Reimbursement	\$6,056,180	\$0	\$0	\$116,245	\$130,196	\$133,019	\$135,884	\$138,797	\$141,753	\$144,754	\$147,804	\$150,897	\$154,039	\$157,230	\$160,470	\$163,759	\$167,098	\$170,489	\$173,933	\$177,427	\$180,977	\$184,583	\$188,243	\$191,959	\$195,731	\$199,563	\$203,453	\$207,403	\$242,435	\$247,109	\$251,854	\$256,671	\$261,580	\$0	
Reimbursement Balance	\$6,056,180	\$6,056,180	\$6,056,180	\$5,939,935	\$5,809,739	\$5,676,720	\$5,540,836	\$5,402,039	\$5,260,286	\$5,115,532	\$4,974,728	\$4,816,831	\$4,662,792	\$4,505,362	\$4,345,093	\$4,181,334	\$4,014,236	\$3,847,749	\$3,689,814	\$3,532,427	\$3,371,410	\$3,216,827	\$3,068,584	\$2,926,650	\$2,785,894	\$2,651,331	\$2,517,879	\$2,390,476	\$2,270,043	\$2,158,004	\$2,052,932	\$1,951,078	\$942,408	\$680,827	
Local Tax Reimbursement	\$12,378,108	\$0	\$0	\$245,526	\$274,632	\$280,586	\$286,630	\$292,775	\$299,010	\$305,341	\$311,773	\$318,299	\$324,925	\$331,656	\$338,492	\$345,433	\$352,479	\$359,633	\$366,900	\$374,272	\$381,764	\$389,372	\$397,093	\$404,935	\$412,892	\$420,978	\$429,185	\$437,519	\$445,986	\$454,584	\$463,314	\$472,177	\$481,176	\$0	
Reimbursement Balance	\$12,378,108	\$12,378,108	\$12,378,108	\$12,132,581	\$11,857,949	\$11,577,363	\$11,290,733	\$11,009,957	\$10,698,948	\$10,393,607	\$10,081,833	\$9,763,535	\$9,438,610	\$9,106,963	\$8,768,641	\$8,423,028	\$8,070,549	\$7,710,916	\$7,344,016	\$6,969,745	\$6,587,981	\$6,198,609	\$5,801,516	\$5,396,581	\$4,983,688	\$4,562,710	\$4,133,525	\$3,696,006	\$3,250,020	\$2,795,437	\$2,332,122	\$1,859,946	\$1,378,770	\$0	
Total MSF Reimbursement Balance	\$18,434,287	\$18,434,287	\$18,072,516	\$17,667,688	\$17,254,083	\$16,831,569	\$16,399,996	\$15,959,234	\$15,509,138	\$15,049,561	\$14,580,365	\$14,101,402	\$13,612,516	\$13,113,554	\$12,604,362	\$12,084,785	\$11,554,663	\$11,013,830	\$10,462,132	\$9,899,391	\$9,325,436	\$8,740,100	\$8,143,206	\$7,534,583	\$6,914,041	\$6,281,404	\$5,636,482	\$4,948,061	\$4,246,368	\$3,531,200	\$2,802,353	\$2,059,597	\$2,059,597	\$0	
EGLE Environmental Costs	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$0	
State Tax Reimbursement	\$527,693	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Reimbursement Balance	\$527,693	\$527,693	\$527,693	\$527,693	\$527,693	\$527,693	\$527,693	\$527,693	\$527,693	\$527,693	\$527,693	\$527,693	\$527,693	\$527,693	\$527,693	\$527,693	\$527,693	\$527,693	\$527,693	\$527,693	\$527,693	\$527,693	\$527,693	\$527,693	\$527,693	\$527,693	\$527,693	\$527,693	\$527,693	\$527,693	\$527,693	\$527,693	\$527,693	\$527,693	\$0
Local Tax Reimbursement	\$1,078,542	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Reimbursement Balance	\$1,078,542	\$1,078,542	\$1,078,542	\$1,078,542	\$1,078,542	\$1,078,542	\$1,078,542	\$1,078,542	\$1,078,542	\$1,078,542	\$1,078,542	\$1,078,542	\$1,078,542	\$1,078,542	\$1,078,542	\$1,078,542	\$1,078,542	\$1,078,542	\$1,078,542	\$1,078,542	\$1,078,542	\$1,078,542	\$1,078,542	\$1,078,542	\$1,078,542	\$1,078,542	\$1,078,542	\$1,078,542	\$1,078,542	\$1,078,542	\$1,078,542	\$1,078,542	\$1,078,542	\$0	
Total EGLE Reimbursement Balance	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$1,606,235	\$0
Local Only Costs	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$0
Local Tax Reimbursement	\$109,426	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Local Only Reimbursement Balance	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$109,426	\$0
Total Annual Developer Reimbursement	\$0	\$0	\$361,771	\$404,828	\$413,605	\$422,514	\$431,573	\$440,762	\$450,095	\$459,577	\$469,196	\$478,964	\$488,886	\$498,962	\$50																				

Exhibit D. Estimated Breakdown of Developer Eligible Activity Costs by Entity
Brownfield Plan #77, Amendment No. 1 – 500 Block Redevelopment Project, Lansing MI
Revised January 4, 2024

Eligible Activities	Eligible Costs	Public Developer *	Private Developers	
		City of Lansing	501 S. Capitol, LLC	503 S. Capitol, LLC
EGLE Eligible Activities				
Department-Specific Activities				
Exempt Activities - Assessments	\$ 37,675	\$ 500	\$ 11,013	\$ 26,162
Exempt Activities - Due Care Planning	\$ 172,597	\$ 57,000	\$ 52,644	\$ 62,953
Due Care Activities	\$ 794,523	\$ 724,850	\$ 36,997	\$ 32,676
MSF Non-Environmental Eligible Activities				
Demolition Activities	\$ 566,683	\$ 55,000	\$ 300,609	\$ 211,074
Lead and Asbestos Abatement Activities	\$ 1,959,775	\$ 173,500	\$ 1,762,062	\$ 24,213
Relocation of Public Buildings for Economic Development Purposes	\$ 7,000,000	\$ 7,000,000	\$ -	\$ -
Infrastructure Improvements Activities	\$ 472,440	\$ 199,500	\$ 45,661	\$ 227,279
Site Preparation Activities	\$ 1,698,721	\$ 1,112,520	\$ 68,771	\$ 517,430
Contingency (15%)	\$ 1,389,806	\$ 1,389,806	\$ -	\$ -
Interest (Simple Interest: 3% Private Developer, 5% Public Developer)	\$ 5,812,303	\$ 5,301,230	\$ 418,137	\$ 92,936
Subtotal	\$ 19,904,522	\$ 16,013,905	\$ 2,695,895	\$ 1,194,722
Brownfield Plan & Work Plan Preparation	\$ 210,426	\$ 61,000	\$ 41,226	\$ 108,200
Brownfield Plan & Work Plan Implementation (to Developer)	\$ 30,000	\$ 15,000	\$ 7,500	\$ 7,500
Local Application Fees	\$ 5,000	\$ -	\$ 2,500	\$ 2,500
Subtotal: To Developer *	\$ 20,149,948	\$ 16,089,905	\$ 2,747,121	\$ 1,312,922

* Public Developer Reimbursement Obligations may not be fully reimbursed based upon current estimates of projected Taxable Value and resultant tax capture from Local and State School Taxes. The identified Public Developer eligible costs in the Plan Amendment (not including captures for BRA Administration, BRA Implementation, BRA LBRF, or MBRF) may not be fully reimbursed if Taxable Value and/or tax capture assumptions do not increase over the balance of the 30-year capture period, because Plan Amendment estimates a \$3,775,258 deficiency/shortfall in potential capture.

THE LANSING BROWNFIELD REDEVELOPMENT AUTHORITY (LBRA)

Resolution Recommending Approval of Amendment No. 1 to Brownfield Plan #77 500 Block Redevelopment Project

At a meeting of the Board of Directors of the Lansing Brownfield Redevelopment Authority (LBRA) City of Lansing, Michigan, held on the 12th day of January 2024, at 8:30 a.m., pursuant to notice duly given:

PRESENT: Members: Chair - Calvin Jones, Vice-Chair - Shelley Davis Boyd, Secretary - Dr. Alane Laws-Barker, Sandra Lupien, Rawley Van Fossen

ABSENT: Members: Treasurer - Catherine Rathbun, Chaz Carrillo, Michael McKissic, Jordan Sutton

The following preamble and resolution was offered by;

Member: Van Fossen , and seconded by:

Member: Davis Boyd

WHEREAS, The LBRA staff has worked closely with representatives of 501 S. Capitol, LLC, 503 S. Capitol, LLC, and the City of Lansing (Developers) to draft the first amendment to Brownfield Plan #77 – 500 Block Redevelopment Project (Plan); and

WHEREAS, The LBRA staff has duly reviewed such Plan and has found it to be in compliance with the provisions of the Act and meets the following determinations and findings:

1. The Plan constitutes a public purpose under the Act;
2. The Plan meets all of the requirements for a brownfield plan set forth in Section 13 of the Act;
3. The proposed method of financing the cost of the eligible activities, as described in the Plan, is feasible and the Authority has the ability to arrange the financing;
4. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act; and
5. The amount of the captured taxable value estimated to result from the adoption of the Plan is reasonable; and

WHEREAS, The LBRA staff recommends approval of the Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LANSING BROWNFIELD REDEVELOPMENT AUTHORITY, AS FOLLOWS:

1. The Brownfield Plan described as Brownfield Plan #77 Amendment No. 1 – 500 Block Redevelopment Project in the form filed herewith is hereby approved by the Lansing Brownfield Redevelopment Authority and recommended for consideration by the City Council of the City of Lansing pursuant to Act 381 of Michigan Public Acts of 1996, as amended.
2. The LBRA Board hereby requests that the Lansing City Council, after required notification as specified by the Act, hold a public hearing in consideration of this matter, and subsequently approve the Plan.

YEAS: FIVE (5)

NAYS: ZERO (0)

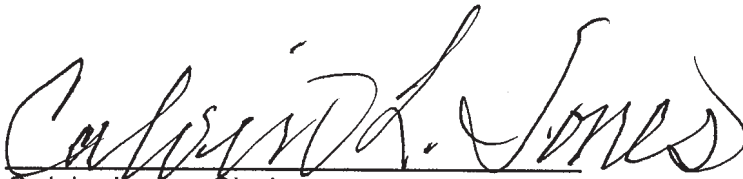
ABSTENTIONS: ZERO (0)

ABSENT: FOUR (4)

STATE OF MICHIGAN)
) SS.
COUNTY OF INGHAM)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a meeting of the Brownfield Redevelopment Authority held on the 12th day of January 2024, and said resolution is on file in the office of the Lansing Brownfield Redevelopment Authority and is available to the public. Public notice of the said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan 1976, including in the case of a special or re-scheduled meeting, notice by publication or posting of at least eighteen (18) hours prior to the time set for the meeting. In addition, said meeting was held in full compliance with the Board's By-Laws.

IN WITNESS WHEREOF, I have hereunto affixed my official signature.


Calvin Jones, Chair

Resolution #2024-###

By the Committee on Development and Planning
Resolved by the City Council of the City of Lansing

RESOLUTION TO SET A PUBLIC HEARING FOR
BROWNFIELD PLAN #77 AMENDMENT NO. 1 – 500 BLOCK BROWNFIELD
REDEVELOPMENT PROJECT

WHEREAS, the Lansing Brownfield Redevelopment Authority has prepared and forwarded an approved Brownfield Plan 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 520 S. Washington Avenue, 501 S. Capitol Avenue, and 110 W. Hillsdale Street located in the City of Lansing; and

WHEREAS, prior to Council's action on this request, it is necessary to hold a public hearing on the Plan, to allow for any resident, taxpayer or ad valorem taxing unit the right to appear and be heard; and

WHEREAS, maps, plats, and a description of the brownfield plan are available for public inspection at the Lansing Economic Development Corporation, 401 S. Washington Square, Suite 101, Lansing, MI 48933, and that all aspects of the brownfield plan are open for discussion at the public hearing.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Lansing that a public hearing be held Monday, **[INSERT DATE]**, 2024, at 7:00 p.m. for the purpose of receiving public comment on Brownfield Plan #77 Amendment No. 1 – 500 Block Brownfield Redevelopment Project under the Brownfield Redevelopment Financing Act, for property more particularly described as:

520 S. WASHINGTON AVENUE, LANSING MI

Parcel A Legal Description: A parcel of land being part of Lots 1-4 and 9-12, Block 149, Original Plat of the City of Lansing, Ingham County, Michigan, according to the recorded plat thereof, as recorded in Liber 2 of Plats, Page 36, Ingham County Records, the boundary of said parcel described as: Commencing at the Northwest corner of said Block 149; thence S89°13'23"E along the North line of said Block 149 a distance of 161.50 feet to the point of beginning of this description; thence S89°13'23"E continuing along said North line 168.50 feet to the Northeast corner of said Block; thence S00°32'26"W along the East line of said Block 149 a distance of 263.50 feet to the Southeast corner of Lot 4 of said Block 149; thence N89°18'36"W along the South line of said Lot 4 a distance of 89.00 feet; thence N00°32'27"E 57.50 feet; thence N89°27'35"W 79.50 feet; thence N00°32'26"E 206.46 feet to the point of beginning; said parcel containing 0.91 acre, more or less; said parcel subject to all easements and restrictions, if any.

501 S. CAPITOL AVENUE, LANSING MI

Parcel B-1 Legal Description: A parcel of land being part of Lots 4 and 9-12, Block 149,

Original Plat of the City of Lansing, Ingham County, Michigan, according to the recorded plat thereof, as recorded in Liber 2 of Plats, Page 36, Ingham County Records, the boundary of said parcel described as: Beginning at the Northwest corner of said Block 149; thence S89°13'23"E along the North line of said Block 149 a distance of 161.50 feet; thence S00°32'26"W 206.46 feet; thence S89°27'35"E 79.50 feet; thence S00°32'27"W 54.50 feet; thence N89°18'36"W 128.00 feet; thence N00°32'27"E 109.52 feet; thence N89°03'58"W 113.00 feet to the West line of said Block 149; thence N00°32'27"E along said West line 151.00 feet to the point of beginning; said parcel containing 0.78 acre, more or less; said parcel subject to all easements and restrictions, if any.

Parcel B-2 Legal Description: A parcel of land being part of Lots 5 & 6, Block 149, Original Plat of the City of Lansing, Ingham County, Michigan, according to the recorded plat thereof, as recorded in Liber 2 of Plats, Page 36, Ingham County Records, the boundary of said parcel described as: Commencing at the Northwest corner of said Block 149; thence S89°13'23"E along the North line of said Block 149 a distance of 330.00 feet to the Northeast corner of said Block 149; thence S00°32'26"W along the East line of said Block 149 a distance of 263.50 feet to the Northeast corner of Lot 5 of said Block 149 and the point of beginning of this description; thence S00°32'26"W continuing along said East line 131.75 feet to the Southeast corner of said Block 149; thence N89°21'13"W along the South line of said Block 149 a distance of 74.00 feet; thence N00°32'26"E 131.81 feet to the North line of said Lot 5; thence S89°18'36"E along said North line 74.00 feet to the point of beginning; said parcel containing 0.22 acre, more or less; said parcel subject to all easements and restrictions, if any.

110 W. HILLSDALE STREET, LANSING MI

Parcel C Legal Description: Part of Block 149, Original Plat of the City of Lansing, Ingham County, Michigan, according to the recorded plat thereof, as recorded in Liber 2 of Plats, Page 36, Ingham County Records, more particularly described as follows: Lots 7 & 8; also the South 3.00 feet of Lot 9; Also the West 113.00 feet of Lot 9; Also the South 47.00 feet of the West 113.00 feet of Lot 10; Also the South 3.00 feet of Lot 4 Except the East 89.00 feet thereof; Also Lots 5 & 6 Except the East 74.00 feet of said lots thereof.

and that the City Clerk cause notice of such hearing to be published in a publication of general circulation, no less than 10 days or more than 40 days prior to the date of the public hearing, and that the City Clerk also cause the legislative body of each taxing unit levying ad valorem taxes on this property, to be notified of Brownfield Plan #77

Amendment No. 1 – 500 Block Brownfield Redevelopment Project and the scheduled public hearing.

**CITY OF LANSING
NOTICE OF PUBLIC HEARING**

The Lansing City Council will hold a public hearing on **Monday, [INSERT DATE], 2024**, at 7:00 p.m. in the Tony Benavides City of Lansing Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Ave. Lansing, MI 48933, 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 #77 Amendment No. 1 – 500 Block Brownfield Redevelopment Project pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, Public Act 381 of 1996, as amended, for properties commonly referred to as 520 S. Washington Avenue, 501 S. Capitol Avenue, and 110 W. Hillsdale Street located in the City of Lansing, but more particularly described as:

520 S. WASHINGTON AVENUE, LANSING MI

Parcel A Legal Description: A parcel of land being part of Lots 1-4 and 9-12, Block 149, Original Plat of the City of Lansing, Ingham County, Michigan, according to the recorded plat thereof, as recorded in Liber 2 of Plats, Page 36, Ingham County Records, the boundary of said parcel described as: Commencing at the Northwest corner of said Block 149; thence S89°13'23"E along the North line of said Block 149 a distance of 161.50 feet to the point of beginning of this description; thence S89°13'23"E continuing along said North line 168.50 feet to the Northeast corner of said Block; thence S00°32'26"W along the East line of said Block 149 a distance of 263.50 feet to the Southeast corner of Lot 4 of said Block 149; thence N89°18'36"W along the South line of said Lot 4 a distance of 89.00 feet; thence N00°32'27"E 57.50 feet; thence N89°27'35"W 79.50 feet; thence N00°32'26"E 206.46 feet to the point of beginning; said parcel containing 0.91 acre, more or less; said parcel subject to all easements and restrictions, if any.

501 S. CAPITOL AVENUE, LANSING MI

Parcel B-1 Legal Description: A parcel of land being part of Lots 4 and 9-12, Block 149, Original Plat of the City of Lansing, Ingham County, Michigan, according to the recorded plat thereof, as recorded in Liber 2 of Plats, Page 36, Ingham County Records, the boundary of said parcel described as: Beginning at the Northwest corner of said Block 149; thence S89°13'23"E along the North line of said Block 149 a distance of 161.50 feet; thence S00°32'26"W 206.46 feet; thence S89°27'35"E 79.50 feet; thence S00°32'27"W 54.50 feet; thence N89°18'36"W 128.00 feet; thence N00°32'27"E 109.52 feet; thence N89°03'58"W 113.00 feet to the West line of said Block 149; thence N00°32'27"E along said West line 151.00 feet to the point of beginning; said parcel containing 0.78 acre, more or less; said parcel subject to all easements and restrictions, if any.

Parcel B-2 Legal Description: A parcel of land being part of Lots 5 & 6, Block 149, Original Plat of the City of Lansing, Ingham County, Michigan, according to the recorded plat thereof, as recorded in Liber 2 of Plats, Page 36, Ingham County Records, the boundary of said parcel described as: Commencing at the Northwest corner of said Block 149; thence S89°13'23"E along the North line of said Block 149 a distance of 330.00 feet to the Northeast corner of said Block 149; thence S00°32'26"W along the East line of said Block 149 a distance of 263.50 feet to the Northeast corner of Lot 5 of said Block 149 and the point of beginning of this description; thence S00°32'26"W continuing along said East line 131.75 feet to the Southeast corner of said Block 149; thence N89°21'13"W along the South line of said Block 149 a distance of 74.00 feet; thence N00°32'26"E 131.81 feet to the North line of said Lot 5; thence S89°18'36"E along said North line 74.00 feet to the point of beginning; said parcel containing 0.22 acre, more or less; said parcel subject to all easements and restrictions, if any.

110 W. HILLSDALE STREET, LANSING MI

Parcel C Legal Description: Part of Block 149, Original Plat of the City of Lansing, Ingham County, Michigan, according to the recorded plat thereof, as recorded in Liber 2 of Plats, Page 36, Ingham County Records, more particularly described as follows: Lots 7 & 8; also the South 3.00 feet of Lot 9; Also the West 113.00 feet of Lot 9; Also the South 47.00 feet of the West 113.00 feet of Lot 10; Also the South 3.00 feet of Lot 4 Except the East 89.00 feet thereof; Also Lots 5 & 6 Except the East 74.00 feet of said lots thereof.

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 Kris Klein, Vice President, Lansing Economic Development Corporation, 401 S. Washington Sq, Suite. 101, Lansing, MI 48933, (517) 599-1136.

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

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

Resolution #2024-XXX

By the Committee on Ways and Means
Resolved by the City Council of the City of Lansing

WHEREAS, the Michigan Strategic Fund (the “MSF”), through its Revitalization and Placemaking Program (“RAP”) recently amended its Sub-Grant Grant Agreement with the City of Lansing to award an additional One Million Dollars from its original grant award to a total award amount not to exceed Seven Million Six Hundred Ninety-Four Thousand Three Hundred Seventy-Five Dollars (\$7,694,375), inclusive of the Administrative Amount, to be disbursed under the terms of the Grant Agreement.

WHEREAS, the purpose of this program is promoting health and safety and addressing impacts on businesses by investing in capital expenditure projects that result in neighborhood features, such as occupied buildings and active public places that promote health and safety through revitalization and repurposing of vacant, underutilized, blighted, or historic buildings and investment in place-based infrastructure.

WHEREAS, four sub-grant projects have been identified at this time which will utilize these funds for eligible expenditures under the program.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby accepts the Revitalization and Placemaking Program Sub-Grant Grant Agreement (RAP), as amended, from the MSF for the eligible projects.

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, and to execute any necessary agreements upon approval as to form by the City Attorney.



LANSING CITY COUNCIL

GRANT INFORMATION FORM

(Required for all grant applications and acceptances)

REFERRAL DATE: January 22, 2024

GRANT NAME: Revitalization and Placemaking Program

DEPARTMENT: Various/Economic Development & Planning

CONTACT PERSON (INCLUDE EMAIL AND PHONE): Jake Brower/Mark Lawrence, 517-483-4576

APPLICATION DATE AWARD DATE: 8/16/2023

GRANT CYCLE: 3/3/2021 to 6/30/2026 Check One: ☐ Annual ☒ One-Time

FUND AMOUNT: \$7,694,375 (Breakdown below should total this amount)

GOODS & SERVICES

PERSONNEL

CONSTRUCTION \$7,694,375

LAND

OTHER (Training)

CITY MATCH (IF APPLICABLE): \$0 (private matches by sub-grantees equal to award amount)

GRANT PAYS FOR: Promoting health and safety and addressing impacts on businesses by investing in capital expenditure projects that result in neighborhood features, such as occupied buildings and active public spaces that promote health and safety through revitalization and repurposing of vacant, underutilized, blighted, or historic buildings and investment in place-based infrastructure.

FUND ALLOCATIONS (Please describe the purpose of the grant and allowable uses):

Walter French (CAHP) - \$5.0M

DLI Macotta Club - \$1.5M

Land Bank Row Housing (Saginaw near MLK) - \$1.0M

Lansing Center Balcony Renovations – \$0.1M

Resolution #2024-###

By the Committee on Ways and Means
Resolved by the City Council of the City of Lansing

WHEREAS, the City of Lansing is named as defendant in a workers' compensation action, WC 2062876-01143, involving alleged work related injuries/illnesses;

WHEREAS, it is proposed that the action be resolved by virtue of entering into a settlement agreement, in which, the City of Lansing would agree to pay Plaintiff the sum amount of EIGHTY THOUSAND THIRTY FOUR DOLLARS` (\$80,034.00) in exchange for a complete redemption and release of the City from any past, present, and future liability regarding any alleged injuries/illnesses whatsoever;

WHEREAS, the proposed settlement is recommended by the Mayor, the Human Resources Department, the City of Lansing's Fund Administrator, and the City Attorney;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby approve payment amount of EIGHTY THOUSAND THIRTY FOUR DOLLARS (\$80,034.00) pursuant to said proposed settlement agreement as a full and final settlement of said action.

BE IT FURTHER RESOLVED that any prior resolution inconsistent with this resolution is hereby null and void and of no further effect.

BE IT FINALLY RESOLVED that the Law Department is authorized to prepare and execute the requisite documents to complete settlement of the aforementioned lawsuit.



City of Lansing

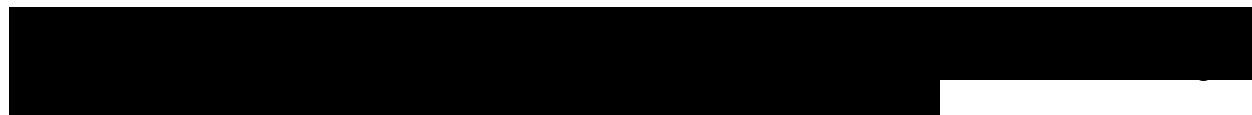
OFFICE OF THE CITY ATTORNEY

TO: Ways and Means Committee

FROM: F. Joseph Abood, Chief Deputy City Attorney

DATE: January 16, 2024

RE: WC Settlement 2062876-01143, Privileged and Confidential



CompOne Administrators, Inc. has evaluated this claim for settlement. We have negotiated settlement amount of \$80,034.00 to release all past, present, and future claims against the City of Lansing.

The Mayor, the Law Department and the Department of Human Resources support the recommendation for settlement and the Department of Human Resources advises that funds are available in the Workers Compensation Claims account. We are requesting your approval of the redemption of this case.

Please contact this office as soon as possible with any concerns you may have regarding the redemption of this claim.

cc: Elizabeth O'Leary, Human Resources Director
Kathy Woodman, Health & Wellness Administrator

Resolution #2024-###

By the Committee on Ways and Means
Resolved by the City Council of the City of Lansing

WHEREAS, the City of Lansing is named as defendant in a workers' compensation action, WC 2876-21-0002849, involving alleged work related injuries/illnesses;

WHEREAS, it is proposed that the action be resolved by virtue of entering into a settlement agreement, in which, the City of Lansing would agree to pay Plaintiff the sum of THIRTY THREE THOUSAND (\$33,000.00) in exchange for a complete redemption and release of the City from any past, present, and future liability regarding any alleged injuries/illnesses whatsoever;

WHEREAS, the proposed settlement is recommended by the Mayor, the Human Resources Department, the City of Lansing's Fund Administrator, and the City Attorney;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby approve payment of THIRTY THREE THOUSAND (\$33,000.00) pursuant to said proposed settlement agreement as a full and final settlement of said action.

BE IT FINALLY RESOLVED that the Law Department is authorized to prepare and execute the requisite documents to complete settlement of the aforementioned lawsuit.



City of Lansing

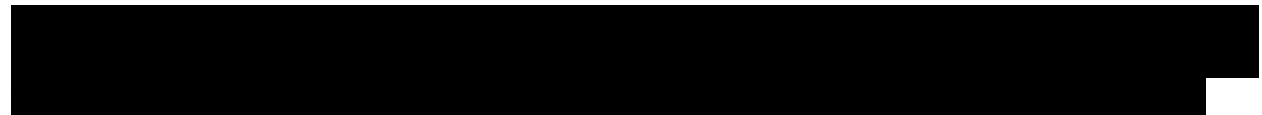
OFFICE OF THE CITY ATTORNEY

TO: Ways and Means Committee

FROM: F. Joseph Abood, Chief Deputy City Attorney

DATE: January 16, 2024

RE: WC Settlement 2876-21-0002849, Privileged and Confidential



CompOne Administrators, Inc. has evaluated this claim for settlement. We have negotiated a settlement of \$33,000.00 to release all past, present, and future claims against the City of Lansing.

The Mayor, the Law Department and the Department of Human Resources support the recommendation for settlement and the Department of Human Resources advises that funds are available in the Workers Compensation Claims account. We are requesting your approval of the redemption of this case.

Please contact this office as soon as possible with any concerns you may have regarding the redemption of this claim.

cc: Elizabeth O'Leary, Human Resources Director
Kathy Woodman, Health & Wellness Administrator



Chris Swope
Lansing City Clerk

January 19, 2024

President and Council Members
10th Floor City Hall
Lansing, MI 48933

Dear President and Council Members:

My office has received and placed on file this document:

[City of Lansing 2023 Annual Report](#)

This document is available for review at the office of the City Clerk or at <http://www.lansingmi.gov/clerk> under the heading of Documents Placed on File.

Sincerely,

Chris Swope, MMC/MiPMC
Lansing City Clerk

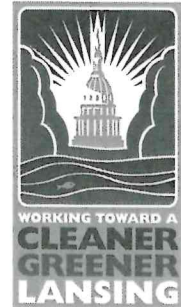


Virg Bernero, Mayor

**PUBLIC SERVICE
DEPARTMENT**

Wastewater Division
1625 Sunset Avenue
Lansing, Michigan 48917
(517) 483-4404
FAX: (517) 483-4536

<http://publicservice.cityoflansingmi.com/pubwater/>



To: Stephanie Robinson, Senior Buyer

From: William H. Brunner, Plant Engineer *WB*

Date: December 19, 2023

**Subject: Recommendation of Sole Source
Flygt Pumps for East Jolly Road Pump Station**

I recommend that Kennedy Industries (Kennedy) be awarded the work, as a sole-source supplier, to provide two Flygt Submersible vertical dry-pit pumps for \$88,950.00 for the East Jolly Road Pump Station. Kennedy's quotation and a letter from Flygt Products stating that Kennedy is its exclusive sales, maintenance repair and service distributor in Lower Michigan, are attached,

The existing Paco pumps in the East Jolly Road Pump Station were installed in the late 1970's, and are at the end of their useful life. They frequently need maintenance, and parts are no longer available. We have a machine shop make them for each repair. This is expensive and time consuming.

The East Jolly Road Pump Station services an area that lies to the east and northeast, bounded by Collins Road and East Jolly Road. It also picks up an area along Aurelius Road to the south, up to the intersection of Aurelius Road and the railroad tracks. The pump station takes a lot of flow from these areas. It is important to get the old pumps replaced with reliable, long-lasting pumps.

There are several reasons why we would like to sole-source Flygt as the pump manufacturer.

1. Service by the pump supplier, Kennedy Industries, has been very good and they are highly responsive.
2. The operators are familiar with Flygt pumps and they have been reliable in the wastewater treatment and collection system.
3. Operation and maintenance of the pumps will be similar to the other Flygt pumps that the operators already maintain.
4. The Flygt pump uses the source water for cooling. Other pumps use a potable water source for cooling, which increases the operating cost. Also, piping must be extended to the pump and maintained. Maintenance on the pump seals requires disconnecting and reconnecting the water source.

Funds are allocated for this project in the following account:

\$88,950.00 590-933610-970000-20194 WW – Pump Station Improvements

If you have any questions regarding this recommendation, please contact me at your earliest convenience. Thank you for your assistance.

Approved: *Roy K. Moss*
R. Keith Moss, Wastewater Division Superintendent

Approved: *Andrew Kilpatrick*
Andrew Kilpatrick, P.E., Director of Public Service

CITY of LANSING

INTEROFFICE COMMUNICATION

TO: Andy Schor, Mayor

FROM: Stephanie Robinson, Senior Buyer

DATE: **January 5, 2024**

SUBJECT: Sole Source – Kennedy Industries – Vertical Dry Pit Pump

The Public Service Department Wastewater Division requests that Kennedy Industries be designated as a Sole Source vendor for the Flygt Vertical Dry Pit Pump.

Please see the attached letter from Bill Brunner, Rory Moss and Andrew Kilpatrick regarding the request.

Based on the attached letter we recommend issuing a sole source purchase order to Kennedy Industries, in the amount of \$ 88,950 per the request of the Public Service Department Wastewater Division account # 590.933610.970000-20194

Attachment

Date: _____

Approved _____ Denied _____

Andy Schor, Mayor



July 7, 2016

Tim Goudy
Territory Manager
Flygt Products
14125 South Bridge Circle
Charlotte, NC 28273

To whom it may concern:

Kennedy Industries, Inc. is Flygt's exclusive authorized sales, maintenance repair and service distributor in Lower Michigan for Flygt products.

Contact information is as follows:

Kennedy Industries, Inc.
4925 Holtz Drive
Wixom, MI 48393

248-684-1200 Phone / 248-684-6011 Fax

Email: info@kennedyind.com Website: www.kennedyind.com

If you have any questions please feel free to contact me @ 513-250-6270.

Sincerely,

Tim Goudy

Tim Goudy

Territory Manager
Flygt Products - A Xylem Brand

Office: 1.513.239.4409 Mobile: 1.513.250.6270 Email: Tim.Goudy@Xyleminc.com

QUOTATION		
DATE	NUMBER	PAGE
12/15/2023	0054627	1 of 1

B LAN115
 I CITY OF LANSING
 L 124 W. MICHIGAN AVE.
 T LANSING, MI 48933
 O

Accepted By: _____

Date: _____

PO#: _____

Ship To: _____

ATTENTION:

BILL BRUNNER 517-483-4018 bill.brunner@lansingmi.gov

WE ARE PLEASED TO PROPOSE THE FOLLOWING FOR YOUR CONSIDERATION:

CUSTOMER REF/PO#		JOB TITLE	SLP	SHIPPING TYPE
QUOTE REV 1		EAST JOLLY STATION, FLYGT 3153 PUMP, VARIOUS	REA/KNF	FREIGHT ALLOWED
QTY	DESCRIPTION			

(2) FLYGT,SUBMERSIBLE SEWAGE PUMP, MODEL NT3153.185-413 WITH HIGH CHROME IMPELLER AND INSERT RING. RATED FOR 20 HP, 3 PHASE, 460 VOLT WITH 8" DISCHARGE AND 65 FT. MOTOR AND SENSOR CABLE. PUMP EQUIPPED WITH SEAL FAIL/HIGH TEMP CABLE.

(2) FLYGT,MINI-CAS - TO BE INSTALLED BY OTHERS.

(2) FLYGT,CAST IRON IRON ADJUSTABLE STAND.

(2) FLYGT,INFINITE ROTATION SUCTION ELBOW.

(2) START-UP INSTALLATION.

NET PRICE INCLUDING FREIGHT, BUT NO TAXES: --- \$88,950.00 TOTAL FOR (2) PUMPS.

DELIVERY: APPROXIMATELY 14-18 WEEKS AFTER RECEIPT OF ORDER.

UPON ORDER - PLEASE CONFIRM CABLE LENGTH REQUIRED.

WE DO NOT INCLUDE:

INSTALLATION, SITE WORK, CONCRETE, ANCHOR BOLTS, PIPING, VALVES, COVER, STARTERS, CONTROLS, CONDUIT, WIRING OR JUNCTION BOXES UNLESS LISTED ABOVE.

PRICE AND LEAD TIME ARE BASED OFF CURRENT MARKET PRICING AND AVAILABILITY AND ARE SUBJECT TO CHANGE. PLEASE NOTE QUOTE IS VALID FOR 30 DAYS.

WE APPRECIATE THIS OPPORTUNITY TO QUOTE AND LOOK FORWARD TO BEING OF FUTURE SERVICE.

SINCERELY,
KAILEE FINE

This quote is subject to and incorporates by reference Kennedy Industries, Inc.'s ("Kennedy") Terms & Conditions (Rev'd 6/2023) and Customer Warranty available at www.kennedyind.com which will be provided by email upon written request. Kennedy reserves the right to change the Terms & Conditions and Customer Warranty for future orders. By accepting this quote and/or issuing a purchase order relative to this quote, buyer expressly agrees to the provisions set forth in the Terms & Conditions and Customer Warranty posted on Kennedy's website.

**QUOTE VALID FOR 30 DAYS. CREDIT CARD PAYMENTS ARE SUBJECT TO AN ADDITIONAL 3%
CHARGE NO TAXES OF ANY KIND ARE INCLUDED IN THIS PROPOSAL. PAYMENT TERMS: NET 30**



CITY OF LANSING

124 W. Michigan Ave
Lansing ,MI 48933
(517) 483-4128

TO: KENNEDY INDUSTRIES INC
4925 HOLTZ DR
WIXOM, MI 48393

PURCHASE ORDER

P.O. NUMBER	P089682
DATE	01/11/24
VENDOR I.D.	V000166
DELIVERY DATE	
FOB	Destination
REQUISITION NO	PR018930
OUR PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, PACKING LIST AND CORRESPONDENCE.	

Page 1 of 1

PHONE# (248) 684-6011 FAX# (248) 684-6011

DELIVER ITEMS TO:

PUBLIC SERVICE WASTEWATER TREATMENT PLAN
1625 SUNSET AVE
LANSING, MI 48917

SEND INVOICE TO:

PUBLIC SERVICE WASTEWATER TREATMENT
1625 SUNSET AVE
LANSING, MI 48917

ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION
001	(2) FLYGT, SUBMERSIBLE SEWAGE PUMP, MODEL NT3153.185-413 FOR E JOLLY STATION. THIS INCLUDES FREIGHT	88,950	LS	1.00	88,950.00
				TAX	0.00
THE ARTICLES SPECIFIED ARE SUBJECT TO THE FOLLOWING CONDITIONS:				TOTAL	88,950.00

1. Goods other than those specified on this order must not be substituted or prices changed without authorization.
2. If the quantity shipped is short of the purchase order quantity, specify on the packing slip if that quantity is on back order or cancelled.

Devin A. Kowland

CITY of LANSING
INTEROFFICE COMMUNICATION

TO: Andy Schor, Mayor
FROM: Stephanie Robinson, Senior Buyer
DATE: **January 11, 2024**
SUBJECT: Sole Source – Plante Moran

The Finance Department requests that Plante Moran be designated as a Sole Source consultant for Assistance in Filings of Federal E Filing and Printing/Mail Service.

Please see the attached letter from Desiree Kirkland regarding the request.

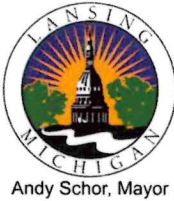
Based on the attached letter we recommend issuing a sole source purchase order to Plante Moran, in the amount of \$ 17,300.00 per the request of the Finance Department.

Attachment

Date: _____

Approved _____ Denied _____

Andy Schor, Mayor



FINANCE DEPARTMENT
124 W Michigan Ave., 8th Floor
Lansing, Michigan 48933
517.483.4500

To: Andy Schor, Mayor

From: Desiree A. Kirkland, Finance Director

Date: January 10, 2024

Subject: Sole Source Procurement 206.05(c)(3): Special Services Or Facilities Are Required—Plante Moran

Please let this memo serve as justification for obtaining a sole source contract with Plante Moran for the period beginning on the “Contract Effective Date” of December 1, 2023, and ending on April 31, 2024. The cost of this agreement is \$17,300.00.

It’s that time of the year again when the City is required to furnish and file Forms 1094-C and 1095-C to remain in compliance with the Affordable Care Act (ACA) reporting requirements as defined by IRS §6055 and §6056. This year’s reporting requires Applicable Large Employers (ALEs) to furnish forms 1094-C and 1095-C by March 1, 2024. We need to begin preparations now so that we can ensure compliance by the March 2021 filing date.

Plante Moran has specialized knowledge and expertise regarding the City’s payroll and finance system, based on their history in assisting the City with filing prior years Forms 1094-C and the 1095-C.

I respectfully request that you grant approval for this sole source contract. Please contact me if you have any questions.

October 17, 2023

Desiree Kirkland
Chief Financial Officer/Treasurer
City of Lansing
124 West Michigan Ave.
Lansing, MI 48933

RE: HCM File Quote – 6055/6056 Reporting Assistance

Dear Ms. Kirkland:

It's that time of the year again when employers are required to furnish and file Forms 1094-C and 1095-C to remain in compliance with the Affordable Care Act (ACA) reporting requirements as defined by IRS §6055 and §6056.

This year's reporting requires Applicable Large Employers (ALEs) to furnish forms 1094-C and 1095-C by March 1, 2024. We need to begin preparations now so that we can help the City of Lansing comply by the March 1, 2024 (or March 31st if filing electronically) filing date.

Plante Moran Group Benefit Advisors II, LLC (PMGBA) has entered into an End User Licensing Agreement with HCM File to provide the software solution to successfully complete the 1094/1095 filings. The following describes the software solution, HCM File, and the services PMGBA will make available to the City of Lansing for the purpose of satisfying the ALE reporting requirement.

HCM File Process Overview

HCM File is a web and Excel based reporting solution that can be used to aggregate data from various sources (payroll, medical carrier/administrator, benefits administration software, etc.). This data is then used to properly code the forms 1094-C and 1095-C applicable to your organization. The process can be broken down into the following steps:

1. Create a list of full-time employees, retirees, and/or COBRA participants that must furnish a form 1095-C
2. Enter employer information in the HCM File web application
3. Define employee, retiree, and/or COBRA classes in the HCM File web application
4. Collect demographic information for employees, retirees, and/or COBRA participants

Jake Brower, Finance Director
City of Lansing

October 13, 2023

5. Collect medical plan coverage data for employees, retirees, and/or COBRA participants (including spouses/dependents for self-insured plans)
6. Populate data into the HCM File Excel spreadsheet
7. Upload HCM File Excel spreadsheet into HCM File web application to produce reporting outputs
8. File and furnish forms 1094-C and 1095-C

HCM File will also provide federal E-Filing as a standard service without additional charges or fees. This includes the processing of all corrections that may be needed. Print/mail fulfillment is included.

Services Provided by PMGBA

We anticipate that the City of Lansing will utilize the HCM File software solution, and PMGBA consultants will provide technical guidance and support with the technology throughout the filing process. Specifically, PMGBA will assist in the following ways:

1. Defining the employee, retiree, and/or COBRA classes needed for the HCM File web application
2. Identifying all data sources necessary to populate HCM File Excel spreadsheet
3. Populating the HCM File Excel spreadsheet
4. Identifying and selecting all applicable safe harbor codes
5. Provide ad hoc compliance research and guidance
6. Provide ad hoc assistance with using both the HCM File web application and HCM File Excel spreadsheet
7. Assist you in completing the filing

Professional Services Fees

As noted in the section above describing the HCM File Overview, this year's fees include federal E-Filing as a standard service inclusive of all corrections. PMGBA's services include both the end user licensing agreement for the HCM File software application and the support services identified above. The initial term of the agreement is twelve (12) months with the expectation that most, if not all, activity will occur from December 2023 – February 2024.

The annual fees for the services described, including print/mail service, are **\$17,300**.

HCM FILE - END USER LICENSING AGREEMENT:

CUSTOMER INFORMATION

Contact Name: Desiree Kirkland
Chief Financial Officer/Treasurer
Company: City of Lansing
Address: 124 West Michigan Ave.
City/State/Zip: Lansing, MI 48933

Contract Effective Date: **12/1/2023**

SERVICE PURCHASED	DESCRIPTION AND FEE STRUCTURE	ANNUAL TOTAL *
Full Service with federal E-Filing and print/mail service – TAX YEAR 2022	See HCM File proposal attached.	\$17,300.00

Payment terms and conditions apply to all fees and services rendered.

Customer Agreement and the Subscription Services Terms and Conditions attached constitute the entire agreement between the parties with respect to this order and supersedes all prior communications oral or written. The individual who has signed below has the authority to place this order on behalf of the company identified above and to commit the company to payment of the associated charges.

Plante Moran Group Benefit Advisors II, LLC



BY:

Jonathon Trionfi
Co-President

By: _____
Authorized Customer Signature

Name (printed)

Title



HEALTH COST MANAGER SUBSCRIPTION SERVICES TERMS AND CONDITIONS

These Subscription Services Terms and Conditions and each Customer Agreement submitted by You (the company identified as the "Customer" on the Customer Agreement) and accepted by Plante Moran Group Benefit Advisors II, LLC ("Us" or "We") constitute the "Agreement" for Your access to the subscription services described on the Customer Agreement(s) ("Subscription Services").

1. Services.

You subscribe to the Subscription Services and We grant to You a non-exclusive, non-transferable, non-assignable license to access and use the Subscription Services solely for Your internal use by Your Users to manage and communicate Your information with Your employees. You are only authorized to access and use the Subscription Services identified on a fully executed Customer Agreement during the Term identified. We may update, enhance, or modify the Subscription Services from time to time to include new features, improve functionality, and address customer feedback without notice. You shall maintain a copy of all computer software applications required to access the Subscription Services on computers owned or operated by You. You will not be entitled to receive a copy of the software used to provide the Subscription Services. We may make available end-user instructions for use and operation of the Subscription Services ("Documentation") electronically or otherwise, and You and the individuals you authorize to access the Subscription Services ("Users") may use the Documentation only in connection with use of the Subscription Services.

2. Reservation of Rights.

All rights granted in this Agreement are a license, not a sale. We reserve all rights not expressly granted in this Agreement. You may not, and will not permit any third party to, copy, modify, adapt, or create derivative works of the Subscription Services or Documentation, remove any copyright or other proprietary rights notices, or disassemble, decompile, decrypt, or reverse engineer, or otherwise attempt to discover or replicate source code for the Subscription Services.

3. Services.

We will make available certain consulting and professional services to You as mutually agreed upon in writing from time to time. We will provide such services pursuant to Our then current rates unless otherwise mutually agreed upon in writing.

4. Login Information.

Each of Your Users will be required to provide password and login identification ("Login Information") in order to access the Subscription Services. You are fully responsible for all uses of the Login Information attributable to You and Your Users. You will (i) protect the confidentiality of all Login Information, (ii) require Login Information for each User; (iii) notify Us of any breach of the confidentiality of any Login Information, and (iv) update and maintain current the Login Information in a manner to notify Us if any individual is no longer authorized to use the Login Information or misuses the Login Information. You will not provide Login Information to any person that is not Your User, employee or contractor. Without liability or limiting any other remedies available to Us, We reserve the right to suspend or terminate access by any User accessing the Subscription Services under user/login rights granted to You if such use represents a breach of the terms and conditions of this Agreement or security risk to Our systems.

5. Your Data.

In order to utilize the Subscription Services as intended, You are responsible to provide information and data for inclusion in the Subscription Services ("Your Data") and as otherwise described in this Agreement. You grant Us the right to copy, transmit and use Your Data in connection with providing the Subscription Services or other services You order. We acknowledge that Your Data constitutes Your Proprietary Information. You grant Us a limited license to access, copy, display, reproduce, and transmit Your Data solely for the purpose of providing the Subscription Services and performing Our obligations under this Agreement, and You represent and warrant that You are authorized to provide Your Data to Us for these purposes. Additionally, We may use the Your Data in an aggregated manner without identifying You or Your employees for purposes of optimizing

the Subscription Services or providing information to Our prospective customers, investors or advisors.

6. Your Obligations.

You represent and warrant that (a) You will provide all information reasonably necessary for Our provision of the Subscription Services and to allow You and Your Users to use the Subscription Services as intended; (b) You and Your Users are authorized to provide all data and information submitted to the Subscription Services and other of Your Data that may be relevant to Us; (c) You shall fully comply, and be and remain in compliance, with all applicable laws, rules and regulations; (d) You and each of Your Users shall be responsible for providing Your own Internet access (including all equipment, software and services required to obtain and maintain such access); and (e) the use of Your Data by Us as contemplated in this Agreement will not infringe the copyrights, patents, trademarks, service marks, trade secrets, confidential information or privacy right of any third party or constitute a defamation, invasion of privacy, or violation of any right of publicity or other third party right. You will use commercially reasonable efforts to implement reasonable physical, technical and administrative safeguards for Your information technology systems as required by law, including without limitation preventing any virus, Trojan horse, worm or other disabling code from being transmitted to or introduced into the Our systems.

7. Fees and Payment.

You will pay Us the fees for the Subscription Services and any other related services as specified on any Customer Agreement that You submit and We accept ("Subscription Fees"). Any services for which the fees are not set forth on a Customer Agreement shall be paid for at Our then-current time and materials rates unless otherwise agreed in writing by the parties. Except as otherwise set forth in a Customer Agreement, all amounts are due 10 days after invoice date and if not paid within thirty days of the invoice date will incur interest at 1.5% per month or the maximum rate under applicable law, if less. You will reimburse Us for out-of-pocket expenses reasonably incurred in rendering any services ordered hereunder, including without limitation, reasonable travel and transportation expenses, lodging, and meals. All amounts are exclusive of all sales, use, withholding, excise, value added, ad valorem or other similar taxes incurred or owed in connection with this Agreement and You shall pay any and all such taxes. You will not be responsible to pay for any taxes based solely on Our income.

8. Warranty; Disclaimer of Warranties.

We warrant to You that the Subscription Services shall materially comply with any specifications or Documentation We provide to You so long as the Subscription Services are used in accordance with the Documentation. We will repair or provide a workaround for any Subscription Services if We receive a written notice from You within the Warranty Period describing the warranty breach. The "Warranty Period" will be through April 1st following the date the applicable Subscription Service is first made available for Your use for production purposes, which We may also describe as the "Go-Live Date". This is Your exclusive remedy and Our sole and complete obligation with respect to the warranty for the Subscription Services. EXCEPT AS DESCRIBED IN THIS AGREEMENT, WE DISCLAIM ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY WARRANTY THAT THE SUBSCRIPTION SERVICES ARE FIT FOR A PARTICULAR PURPOSE, TITLE, MERCHANTABILITY, DATA LOSS, NON-INTERFERENCE WITH OR NON-INFRINGEMENT OF ANY INTELLECTUAL PROPERTY RIGHTS, OR THE ACCURACY, RELIABILITY, QUALITY OR CONTENT IN OR LINKED TO THE SUBSCRIPTION SERVICES. WE DO NOT WARRANT THAT THE SUBSCRIPTION SERVICES ARE SECURE, FREE FROM BUGS, VIRUSES, INTERRUPTION, ERRORS, THEFT OR DESTRUCTION. WE DISCLAIM ANY REPRESENTATIONS OR WARRANTIES THAT YOUR USE OF THE SOFTWARE WILL SATISFY OR ENSURE COMPLIANCE WITH ANY LEGAL OBLIGATIONS OR LAWS OR REGULATIONS. You acknowledge that transmission of information via the Internet is not secure, and third parties out of Our control provide access to and maintain Internet connectivity for You to access and use the Subscription Services. We are not responsible for any interception or corruption of information or data during any transmission over the Internet or any related telecommunications network or at Your network access point. We expressly disclaim any and all liability related to Your use of such telecommunications services and related networks, including without limitation any erroneous transmissions, corruption or loss of data, or inability to access the Subscription Services as a result of telecommunications or Your equipment failure. No information contained in any of the Subscription Services or any process related

thereto constitutes legal or tax advice. You should obtain legal advice to ensure its compliance with laws applicable to its business.

9. Term.

The initial term of this agreement shall be for the period beginning on the "Contract Effective Date" and ending on the following April 31st.

10. Termination.

Either of us may terminate this Agreement (i) if the other commits a material breach of this Agreement that remains uncured thirty (30) days after written notice of such breach is delivered to the other, or (ii) immediately if the other assigns any of its assets to its creditors, or voluntarily or involuntarily petitions for the protection of bankruptcy court. Rights of termination are in addition to any other remedies available to the parties, at law or in equity. Upon any termination or expiration of this Agreement (i) All license rights shall immediately terminate and You and Your Users shall immediately cease use of the Subscription Services and We may immediately terminate You and Your Users access to the Subscription Services; and (ii) Amounts owed shall be immediately due and payable. (iii) Refunded amounts shall be determined on a case-by-case basis. The sections of this Agreement intended to survive shall continue past any termination of this Agreement. Upon Your failure to pay any amounts owed under this Agreement when due or material breach of this Agreement, You agree that, in addition to any other remedies available at law or equity, We may prevent You and Your Users' access to the Subscription Services. We will give You at least fifteen (15) days written notice prior to such suspension or termination. You acknowledge and agree that We will have no liability for any loss of access to the Subscription Services. We may exercise the rights prior to expiration of the thirty (30) day cure period set forth above. Any suspension or termination of access to the Subscription Services will accelerate any minimum amounts owed or fees due under this Agreement.

11. Confidentiality.

Each of us shall protect the non-public proprietary information and trade secrets of the other ("Proprietary Information") with the same standard of protection and care that it uses for its own Proprietary Information, but in no event less than reasonable care and diligence. Except as authorized in this Agreement or otherwise in writing by the disclosing party, neither of us shall disclose, publish, transmit or make available all or any part of such Proprietary Information except in confidence or a need-to-know basis to our own employees and third party contractors who have undertaken a written obligation of protection and confidentiality at least as protective as stated above, and shall not duplicate, transform or reproduce such Proprietary Information except as expressly permitted hereunder. Information will not be considered Proprietary Information to the extent that such information: (a) is already known to the receiving party free of any confidentiality obligation at the time it was obtained; (b) is or becomes publicly known through no wrongful act of the receiving party; (c) is rightfully received from a third party without restriction and without breach of this Agreement; or (d) is required to be disclosed by law or court order. In the event that either party is required by law or court order or regulatory authority to disclose any Proprietary Information, such disclosure may be made only after the other party has been notified and has had a reasonable opportunity to seek a court order or appropriate agreement protecting disclosure of such Proprietary Information. With regard to Trade Secrets, the obligations in this Section shall continue for so long as such information continues to be a Trade Secret. With regard to Confidential Information, the obligations in this Section shall continue for the term of this Agreement and for three (3) years thereafter.

12. Our Indemnity Obligations.

We agree to defend You and pay any and all amounts payable under any final judgment or verdict, or agreed to in a written settlement executed by such, resulting from any third party allegation against You that the Subscription Services directly infringe such third party's U.S. patent, U.S. copyright or U.S. trademark or misappropriate such third party's trade secret. Should Your use of the Subscription Services be determined to have infringed, or if, in Our judgment, such use is likely to be infringing, We may, at Our sole option and discretion: (i) procure for You the right to continue using the Subscription Services, or (ii) replace or modify them to make their use non-infringing while achieving substantially similar results. If neither of the above options is or would be available on a basis that We find commercially reasonable, We may terminate Your

license to the Subscription Services, You will cease using the Subscription Services and We will refund to the You any pre-paid and unused fees paid for such infringing Subscription Services. Our obligations under this section will be subject to Your providing prompt written notice of the claim; giving Us sole control of the defense and settlement of the claim (including selection of counsel); providing information reasonably available and assistance reasonably necessary to facilitate the settlement or defense of such claim and, to the extent permitted by law, making any of Your defenses available to Us. THIS SECTION 12 SETS FORTH YOUR EXCLUSIVE REMEDY AND OUR SOLE AND COMPLETE LIABILITY WITH RESPECT TO ANY CLAIMS OF INFRINGEMENT OR MISAPPROPRIATION.

13. Your Indemnity Obligations.

In addition to any other obligations of indemnity provided in this Agreement, to the extent allowable by law You agree to indemnify, defend and hold harmless Us, Our affiliates, and Our respective directors, officers, shareholders, employees and agents from and against any claims, actual and direct liabilities or damages, causes of action or injuries, together with costs and expenses, including reasonable attorneys' fees, arising out of or resulting from (a) any breach of this Agreement or any violation of law by You or Your representatives, or (b) any third party claim related to or that arises in connection with Your use the Subscription Services, except to the extent any such claim is subject to Section 12 or Our development efforts based upon Your Data or direction. Your indemnification obligation, if any is allowable by law, is subject to the following expressed limitations: it does not extend beyond the limitation placed on a municipality to indemnify another pursuant to law; it shall not abrogate nor diminish Your defense of governmental or sovereign immunity against any party, including Us, for claims unrelated to the possession or operation of the Subscription Services; it shall not entitle another party, including Us, to any claim to which the other party would not otherwise be entitled; and it shall not include Our sole negligence.

14. Limitations of Liability.

WE WILL NOT BE LIABLE FOR ANY INCIDENTAL, INDIRECT, SPECIAL, EXEMPLARY OR CONSEQUENTIAL DAMAGES, INCLUDING BUT NOT LIMITED TO LOST PROFITS, TIME, SAVINGS, DATA, OR GOODWILL, DAMAGES ARISING FROM USE OF OR INABILITY TO USE THE SUBSCRIPTION SERVICES OR OTHER PRODUCTS OR SERVICES, OR COST OF REPLACEMENT GOODS OR SERVICES, WHETHER FORESEEABLE OR UNFORESEEABLE, THAT MAY ARISE OUT OF OR IN CONNECTION WITH THE SUBSCRIPTION SERVICES, PRODUCTS, SERVICES OR OTHERWISE RELATING TO THE SUBJECT MATTER OF THIS AGREEMENT, REGARDLESS OF THEORY OF LIABILITY, EVEN IF SUCH DAMAGES WERE FORESEEABLE. EXCEPT FOR ANY DIRECT DAMAGES FOR BODILY INJURIES OR TANGIBLE PROPERTY DAMAGE PROXIMATELY CAUSED BY US, THE MAXIMUM AGGREGATE LIABILITY OF US IN ALL EVENTS SHALL BE LIMITED TO THE AMOUNT OF FEES YOU PAID TO US UNDER THIS AGREEMENT DURING THE TWELVE (12) MONTHS PRECEDING THE FIRST CLAIM.

15. Governing Law; Venue.

You acknowledge and agree that all actions or proceedings arising directly or indirectly, in connection with, out of, related to or from this Agreement shall be litigated, in courts having situs within the United States, state of Michigan, county of Ingham. You consent and submit to the jurisdiction of any such local, state or federal court located within such county.

16. Publicity.

You grant Us a royalty-free, limited, nontransferable (except in connection with an assignment of this Agreement), nonexclusive license during the term of this Agreement to use and display Your logos and trademarks in advertising materials, trade show materials and other literature; provided that We agree to comply with Your written guidelines delivered to Us from time to time. Either You or We may issue an initial press release announcing this relationship within ninety (90) days of execution of the Agreement. The party writing the press release will provide the other with a proposed copy of the press release at least ten (10) days prior to release for review. If the submitting party does not receive written comments within ten (10) days, the press release will be deemed approved. After such initial press release, neither of us will make any public statements or issue any press releases relating to this Agreement without the prior approval of the other.

17. General.

Our relationship with You is as an independent contractor, and this Agreement shall not be construed to create any employment relationship, partnership, joint venture, or agency relationship or to authorize either of our companies to enter into any commitment or agreement binding on the other. This Agreement shall be governed by and construed in accordance with the laws of the state of Illinois, without regard to its rules regarding conflict of laws. This Agreement and all rights and obligations may not in any event be assigned in whole or in part by either party without the prior written consent of the other, except our rights and obligations may be assigned without consent to another entity in connection with a reorganization, merger, consolidation, acquisition, or other restructuring involving all or substantially all of our voting securities and/or assets. Any attempted assignment in contravention hereof shall be void and of no effect. This Agreement shall be binding upon, and inure to the benefit of the parties, their legal representatives, successors, and assigns as permitted by this Agreement. Except for any payment obligations hereunder, neither party shall be liable for failure to perform any of its respective obligations hereunder if such failure is caused by an event outside its reasonable control, including but not limited to, an act of God, war, natural disaster, utility or telecommunications failure, or changes in governmental regulations. No delay or failure in exercising any right hereunder and no partial or single exercise thereof shall be deemed to constitute a waiver of such right or any other rights hereunder. No consent to a breach of any express or implied term of this Agreement shall constitute a consent to any prior or subsequent breach. No modifications, waivers, additions, or amendments to this Agreement shall be effective unless made in writing expressly references this Agreement and is signed by handwritten signature by duly authorized representatives of the parties. If any provision hereof is declared invalid by a court of competent jurisdiction, such provision shall be ineffective only to the extent of such invalidity, so that the remainder of that provision and all remaining provisions of this Agreement shall be valid and enforceable to the fullest extent permitted by applicable law. All notices required to be given hereunder shall be given in writing and shall be delivered either by hand, by certified mail with proper postage affixed thereto, or by overnight courier addressed to the signatory at the address set forth on the Customer Agreement, or such other person and address as may be designated from time to time in writing. All such communications shall be deemed received by the other party upon the earlier of actual receipt or actual delivery.

Jake Brower, Finance Director
City of Lansing

October 13, 2023

Please return the signed engagement letter prior to November 30, 2023, so that we can ensure completion of all work on a timely basis. Upon receipt we will issue an invoice for the services elected below.

Summary

We are complimented by your continued selection to once again partner with PMGBA for assistance with your reporting requirements under IRS §6055 and §6056. We ask that you please sign both original copies of this letter as well as the end user licensing agreement and return one copy to me, keeping the other for your records. Please feel free to contact me if you have any questions regarding this quote, the HCM File software solution, or the reporting requirements under §6055 and §6056.

Sincerely,



Jonathon Trionfi
PM Group Benefit Advisors II, LLC

Proposal Acceptance

Full Service with federal E-Filing and print/mail service: **\$17,300**

Authorizing Officer

Printed name and title

CITY of LANSING

INTEROFFICE COMMUNICATION

TO: Andy Schor, Mayor
FROM: Stephanie Robinson, Senior Buyer
DATE: January 17, 2024
SUBJECT: Sole Source Purchase – Plante & Moran

Please include this Sole Source packet of information in your transmittal to Council as required by the Purchasing Ordinance Section 206.05.

In summary, the Purchasing Office processed the following Sole Source transaction:

Department: City of Lansing Finance Department

Vendor: Plante & Moran

Item Purchased: Consulting Services for Assistance in Filing Federal E Filing and Printing/Mail Services

Dollar Amount: \$ 17,300.00 from 6503915-743000

Additional information pertaining to this purchase is attached for your information.

This letter is filed in accordance with the Purchasing Ordinance Section 206.05 (a) and (b).

slr

**CITY OF LANSING**

124 W. Michigan Ave
Lansing, MI 48933
(517) 483-4128

TO: PLANTE & MORAN PLLC
16060 COLLECTIONS CENTER DR
CHICAGO, IL 60693

PURCHASE ORDER

P.O. NUMBER	P089703
DATE	01/17/24
VENDOR I.D.	V010169
DELIVERY DATE	
FOB	
REQUISITION NO	PR018963
OUR PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, PACKING LIST AND CORRESPONDENCE.	

PHONE# (248) 352-0018 FAX# (248) 352-0018

Page 1 of 1

DELIVER ITEMS TO:

FINANCE DEPARTMENT OPERATIONS
124 W MICHIGAN AVE 8TH FL
LANSING, MI 48933

SEND INVOICE TO:

FINANCE DEPARTMENT OPERATIONS
124 W MICHIGAN AVE 8TH FL
LANSING, MI 48933

ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION
001	FULL SERVICE WITH FEDERAL E FILING AND PRINT/MAIL SERVICE - TAX YEAR 2023	17,300	LS	1.00	17,300.00
				TAX	0.00
				TOTAL	17,300.00

THE ARTICLES SPECIFIED ARE SUBJECT TO THE FOLLOWING CONDITIONS:

1. Goods other than those specified on this order must not be substituted or prices changed without authorization.
2. If the quantity shipped is short of the purchase order quantity, specify on the packing slip if that quantity is on back order or cancelled.

Devin A. Kunkel



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
ACTING DIRECTOR

Wednesday, January 17, 2024

Vice Convenience, LLC
Attorney Michael Brown
(mbrown@cebhlaw.com)

RID # 2401-00033 **Reference/Transaction:** Transfer Ownership 2023 SDD & SDM license with Sunday Sales Permit (AM), Sunday Sales Permit (PM) SDD and Sunday Sales Permit (PM) SDM- Mixed Spirit Drink from Cedar Super Store, LLC; new Beer & Wine Tasting Permit.

Please let this letter serve as notice the Michigan Liquor Control Commission has referred your application to our Enforcement Division for investigation of your request.

Applicant/Licensee: Vice Convenience, LLC

Business address and phone number: 1826 S Cedar St, Lansing 48910

Home address and phone number of partner(s)/subordinates:

1. Shanpreet Multani: 2014 Walmar Dr, Lansing 48917 C: (517) 706-7029

As part of the licensing process, an investigation is required by the Michigan Liquor Control Commission Enforcement Division. The Enforcement investigation will be conducted from the following designated District Office:

Lansing District Office (517) 284-6330

You may contact your designated District Office regarding any appointments or questions on documentation requested by the Investigator. **Failure to provide requested information or to keep scheduled appointments will cause the application to be returned to the Lansing office for cancellation.**

Since this request is a transfer under MCL 436.1529(1), approval of the local unit of government is not required. However, a copy of this notice is also being provided to **Local Governmental Unit** should they wish to submit an opinion on the application or advise of any local non-compliance issues.

Under administrative rule R 436.1105, the Commission shall consider the opinions of the local residents, local legislative body, or local law enforcement agency with regard to the proposed business when determining whether an applicant may be issued a license or permit.

Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. The licensee must obtain all other required state and local licenses, permits, and approvals before using this license for the sale of alcoholic liquor. Approval of this license by the Michigan Liquor Control Commission does not waive any of these requirements.

MICHIGAN LIQUOR CONTROL COMMISSION
Retail Licensing Division
(866) 813-0011

cc: City of Lansing (city.clerk@lansingmi.gov)

January 4, 2024

Lansing City Clerk
9th Floor
City Hall
Lansing, MI 48933

Jeff and Heather Wilde
Sand Solutions, LLC
842 Longfellow Dr
East Lansing, MI 48823

Re: Appeal of the December 13, 2023 decision of the Claims Review Committee for
1213 W Ottawa St

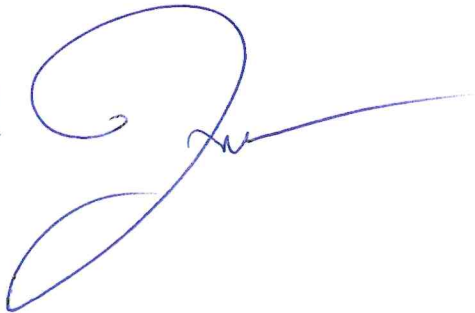
To Whom it May Concern:

We are appealing the denied claim for 1213 W Ottawa St from December 13, 2023. As we pointed out to the Claims Review Committee, the contractor clearly committed fraud by adding trees and shrubbery to the add to the total amount of weight of "trash" removed from the property. In addition, no where in the initial letter from the City did it say that tires had to be removed from the property, and yet we were charged \$300 for the removal of said tires. We suspect the contractor illegally cut down our landscaping used it to increase the weight of the total amount of garbage in his trailer. This is CLEARLY visible in the photos where the fresh landscaping with bright green leaves fills his trailer. No where in the City of Lansing letter did it mention that the contractor was supposed to remove ~~and~~ plants nor trees nor shrubbery from the property - only trash.

Sincerely,

Heather Wilde

Jeff and Heather Wilde



JAN 8 24 12PM CLERK



City of Lansing

OFFICE OF THE CITY ATTORNEY

James D. Smiertka, City Attorney

December 13, 2023

Heather Wilde
842 Longfellow Dr.
East Lansing, MI 48823

Re: Claim – 1213 W. Ottawa St.

Dear Ms. Wilde:

Please be advised that the Claims Review Committee reviewed the claim you submitted in the amount of \$1,375.00 for a trash violation for property located at 1213 W. Ottawa St., Lansing, Michigan, and denied the claims you filed with the City of Lansing.

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

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

Sincerely,

Venus Kumar

Venus Kumar
Paralegal

Claim: 2018

JAN 8'24 12PMCLERK



City of Lansing

OFFICE OF THE CITY ATTORNEY

2018

Claims Review Committee Form

(Commonly including: Grass, Trash, Weeds and Board-Up Violations)

NAME: Heather + Jeff Wilde/Sand Solutions LLC DATE: 8/13/23
 MAILING ADDRESS: 742 Longfellow Dr EMAIL: heatherwilde@gmail.com
 CITY: East Lansing STATE: MI ZIP CODE: 48823
 TELEPHONE: Home 239-300-8052 Work ()

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

ADDRESS: 1213 W Ottawa St PARCEL NO. 33-01-01-17-260-341
 DATE OF INCIDENT: 6/27/2023 AMOUNT YOU WERE BILLED: \$1,375.00
 TOTAL AMOUNT YOU ARE CONTESTING: \$1,375.00
 TYPE OF ASSESMENT: Code Compliance Trash - Contractor Charge + Admin fees

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

At the time of this "Trash Removal", we were actively filling dumpster after dumpster of trash from the exterior and interior of this house. Any trash these contractors claim to have picked up was invisible from the road and in the rear of the house, except for the deck we had just removed which was waiting for another dumpster. During this week we filled 6 (six) 20-yard dumpsters. I am sending receipts for 6 dumpster drop-off + pick-ups.

A description of the claims review process is available on our website at: <https://www.lansingmi.gov/211/Claims-Against-Lansing>

Enforcement Details: E23-05443

1213 W OTTAWA ST, LANSING, MI 48915

33-01-01-17-262-311**Property Owner: SAND SOLUTIONS****Enforcement Information**

Number E23-05443 **Status** Resolved
Category Trash
Date Filed 05/18/2023 **Date Closed** 05/26/2023
Last Action Date **Next Action Date**
Complaint

Amount Due

Enforcement - \$1,375.00
Trash Total

Fees & Payments

Date	Action	Qty	Description	Billed	Paid
6/27/2023	Invoice Item	1,110.00	Code Compliance: Trash - Contractor Charge	\$1,110.00	
6/27/2023	Invoice Item	1.00	Code Compliance: Trash - Admin Fee	\$265.00	

Owner Information

Address SAND SOLUTIONS LLC
842 LONGFELLOW DR
EAST LANSING, MI 48823

Phone **Fax**
Mobile **Other Phone**

****Disclaimer:** BS&A Software provides BS&A Online as a way for municipalities to display information online and is not responsible for the content or accuracy of the data herein. This data is provided for reference only and WITHOUT WARRANTY of any kind, expressed or inferred. Please contact your local municipality if you believe there are errors in the data.

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Merchant: ON DEMAND DUMPSTER

506 S CHARLES ST
LANSING, MI 48912
US

517-643-4948

Order Information

Description: 1213 W Ottawa, Lansing 20 yard dumpster swap
Order Number: P.O. Number:
Customer ID: Invoice Number:

Billing Information

Shipping Information

Shipping: 0.00
Tax: 0.00
Total: USD 475.00

Payment Information

Date/Time: 19-Jun-2023 10:28:27 EDT
Transaction ID: 64434436395
Transaction Type: Authorization w/ Auto Capture
Transaction Status: Captured/Pending Settlement
Authorization Code: 002827
Payment Method: Visa XXXX0451

Merchant: ON DEMAND DUMPSTER

506 S CHARLES ST
LANSING, MI 48912
US

517-643-4948

Order Information

Description: 1213 Ottawa St, Lansing 20 yard dumpster swap
Order Number: P.O. Number:
Customer ID: Invoice Number:

Billing Information

Shipping Information

Shipping: 0.00

Tax: 0.00

Total: USD 475.00

Payment Information

Date/Time: 15-Jun-2023 13:48:23 EDT
Transaction ID: 64428727366
Transaction Type: Authorization w/ Auto Capture
Transaction Status: Captured/Pending Settlement
Authorization Code: 034824
Payment Method: Visa XXXX0451

Merchant: ON DEMAND DUMPSTER

506 S CHARLES ST
LANSING, MI 48912
US

517-643-4948

Order Information

Description: 1213 W Ottawa, Lansing 20 yard dumpster swap
Order Number: P.O. Number:
Customer ID: Invoice Number:

Billing Information

Shipping Information

Shipping: 0.00
Tax: 0.00
Total: USD 475.00

Payment Information

Date/Time: 15-Jun-2023 08:34:51 EDT
Transaction ID: 64427899203
Transaction Type: Authorization w/ Auto Capture
Transaction Status: Captured/Pending Settlement
Authorization Code: 083451
Payment Method: Visa XXXX0451

Merchant: ON DEMAND DUMPSTER

506 S CHARLES ST
LANSING, MI 48912
US

517-643-4948

Order Information

Description: 1213 W Ottawa, Lansing 20 yard dumpster swap
Order Number: P.O. Number:
Customer ID: Invoice Number:

Billing Information

Shipping Information

Shipping: 0.00
Tax: 0.00
Total: USD 475.00

Payment Information

Date/Time: 14-Jun-2023 08:32:15 EDT
Transaction ID: 64425728891
Transaction Type: Authorization w/ Auto Capture
Transaction Status: Captured/Pending Settlement
Authorization Code: 083216
Payment Method: Visa XXXX0451

Merchant: ON DEMAND DUMPSTER

506 S CHARLES ST
LANSING, MI 48912
US

517-643-4948

Order Information

Description: 1213 W Ottawa, Lansing 20 yard dumpster swap
Order Number: P.O. Number:
Customer ID: Invoice Number:

Billing Information

Shipping Information

Shipping: 0.00
Tax: 0.00
Total: USD 475.00

Payment Information

Date/Time: 13-Jun-2023 08:18:26 EDT
Transaction ID: 64423767461
Transaction Type: Authorization w/ Auto Capture
Transaction Status: Captured/Pending Settlement
Authorization Code: 081827
Payment Method: Visa XXXX0451

Merchant: ON DEMAND DUMPSTER

506 S CHARLES ST
LANSING, MI 48912
US

517-643-4948

Order Information

Description: 1213 W Ottawa, Lansing 20 yard dumpster
Order Number: P.O. Number:
Customer ID: Invoice Number:

Billing Information

Shipping Information

Shipping: 0.00
Tax: 0.00
Total: USD 475.00

Payment Information

Date/Time: 12-Jun-2023 16:11:55 EDT
Transaction ID: 64422805158
Transaction Type: Authorization w/ Auto Capture
Transaction Status: Captured/Pending Settlement
Authorization Code: 061156
Payment Method: Visa XXXX0451



City of Lansing

OFFICE OF THE CITY ATTORNEY

James D. Smiertka, City Attorney

December 13, 2023

Heather Wilde
842 Longfellow Dr.
East Lansing, MI 48823

Re: Claim – 1213 W. Ottawa St.

Dear Ms. Wilde:

Please be advised that the Claims Review Committee reviewed the claim you submitted in the amount of \$1,375.00 for a trash violation for property located at 1213 W. Ottawa St., Lansing, Michigan, and denied the claims you filed with the City of Lansing.

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

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

Sincerely,

Venus Kumar

Venus Kumar
Paralegal

Claim: 2018

RECEIVED OCT 30 2023

DATE: 10/27/2023

PPN:

33 01 01 17 260 341

DATE SUBMITTED:

08/15/2023

ADDRESS OF VIOLATION:

1213 W OTTAWA ST.

LISTED TAXPAYER OF RECORD:

SAND SOLUTIONS

OTHER TAXPAYER OF RECORD:

CLAIMANT:

HEATHER & JEFF WILDE

CLAIMANT'S ADDRESS:

842 LONGFELLOW DR. EAST LANSING, MI 48823

TYPE OF ACTIONS CONTESTED:

TRASH REMOVAL

VIOLATION DATE:

5/18/2023

NOTIFICATION DATE:

5/18/2023

2ND NOTICE ASSESSMENT DATE:

AMOUNT OF ASSESSMENT:

\$1,375.00

CONTRACTOR NAME - INVOICE NO. - DATE:

TRUMBLE 23-T017

AMOUNT OF CLAIM:

6/22/2023

MEMO DATE - INVOICE NO.:

\$1,375.00

ADDITIONAL ACTIONS CONTESTED:

VIOLATION DATE:

NOTIFICATION DATE:

2ND NOTICE ASSESSMENT DATE:

AMOUNT OF ASSESSMENT:

CONTRACTOR NAME - INVOICE NO. - DATE:

AMOUNT OF CLAIM:

MEMO DATE - INVOICE NO.:

HISTORY:

TRASH
VIOLATION
5/18/2023

GRASS
VIOLATION
6/06/2023

CITATIONS IN PREVIOUS YEAR:

CLAIMANT'S CIRCUMSTANCES:

See Attached

CODE OFFICER'S NOTES: This property was cited for a trash violation on 5/18/2023 with a compliance due date of 5/25/2023. The officer returned on 5/26/2023 as noted in the submittal photo the property was still in violation it was then submitted to the trash contractor to abate. The contractor arrived on 6/22/2023 multiple violations were still present they were then removed by the contractor. Proper notice was sent to the claimant. This office would also like to note the violations were visible from the street however they do not need to be able to be seen from the street they are a violation anywhere on the premises we often receive complaints regarding debris behind a dwelling or garage. This office recommends denial of the claim.



RECEIVED AUG 15 2023

City of Lansing

OFFICE OF THE CITY ATTORNEY

2018

Claims Review Committee Form

(Commonly including: Grass, Trash, Weeds and Board-Up Violations)

NAME: Heather + Jeff Wilde/Sand Solutions LLC DATE: 8/13/23
MAILING ADDRESS: 742 Longfellow Dr EMAIL: heatherwilde@gmail.com
CITY: East Lansing STATE: MI ZIP CODE: 48823
TELEPHONE: Home 239-300-7052 Work ()

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

ADDRESS: 1213 W Ottawa St PARCEL NO. 33-01-01-17-260-341
DATE OF INCIDENT: 6/27/2023 AMOUNT YOU WERE BILLED: \$1,375.00
TOTAL AMOUNT YOU ARE CONTESTING: \$1,375.00
TYPE OF ASSESMENT: Code Compliance Trash - Contractor Charge + Admin Fees

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

At the time of this "Trash Removal", we were actively filling dumpster after dumpster of trash from the exterior and interior of this house. Any trash these contractors claim to have picked up was invisible from the road and in the rear of the house, except for the deck we had just removed which was waiting for another dumpster. During this week we filled 6 (six) 20-yard dumpsters. I am sending receipts for 6 dumpster drop-off + pick-ups.

A description of the claims review process is available on our website at: <https://www.lansingmi.gov/211/Claims-Against-Lansing>

Enforcement Details: E23-05443

1213 WOTTAWA ST, LANSING, MI 48915

33-01-01-17-262-341

Property Owner: SAND SOLUTIONS

Enforcement Information

Number E23-05443 Status Resolved
Category Trash
Date Filed 05/18/2023 Date Closed 05/28/2023
Last Action Date
Complaint Next Action Date

Amount Due

Enforcement - \$1,376.00
Trash Total

Fees & Payments

Date	Action	Qty	Description	Billed	Paid
6/27/2023	Invoice Item	1,110.00	Code Compliance: Trash - Contractor Charge	\$1,110.00	
6/27/2023	Invoice Item	1.00	Code Compliance: Trash - Admin Fee	\$265.00	

Owner Information

Address SAND SOLUTIONS LLC
842 LONGFELLOW DR
EAST LANSING, MI 48823

Phone
Mobile Fax
Other Phone

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Merchant: ON DEMAND DUMPSTER

506 S CHARLES ST
LANSING, MI 48912
US

517-643-4948

Order Information

Description: 1213 W Ottawa, Lansing 20 yard dumpster
Order Number:
Customer ID: P.O. Number:
Invoice Number:

Billing Information

Shipping Information

Shipping: 0.00
Tax: 0.00
Total: USD 475.00

Payment Information

Date/Time: 12-Jun-2023 16:11:55 EDT
Transaction ID: 64422805158
Transaction Type: Authorization w/ Auto Capture
Transaction Status: Captured/Pending Settlement
Authorization Code: 061156
Payment Method: Visa XXXX0451

Merchant: ON DEMAND DUMPSTER

506 S CHARLES ST
LANSING, MI 48912
US

517-643-4948

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Description: 1213 W Ottawa, Lansing 20 yard dumpster swap
Order Number:
Customer ID: P.O. Number:
Invoice Number:

Billing Information

Shipping Information

Shipping: 0.00
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Total: USD 475.00

Payment Information

Date/Time: 13-Jun-2023 08:18:26 EDT
Transaction ID: 64423767461
Transaction Type: Authorization w/ Auto Capture
Transaction Status: Captured/Pending Settlement
Authorization Code: 081827
Payment Method: Visa XXXX0451

Merchant: ON DEMAND DUMPSTER

506 S CHARLES ST
LANSING, MI 48912
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Description: 1213 W Ottawa, Lansing 20 yard dumpster swap
Order Number:
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Invoice Number:

Billing Information

Shipping Information

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Tax: 0.00
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Payment Information

Date/Time: 14-Jun-2023 08:32:15 EDT
Transaction ID: 64425728891
Transaction Type: Authorization w/ Auto Capture
Transaction Status: Captured/Pending Settlement
Authorization Code: 083216
Payment Method: Visa XXXX0451

Merchant: ON DEMAND DUMPSTER

506 S CHARLES ST
LANSING, MI 48912
US

517-643-4948

Order Information

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Billing Information

Shipping Information

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Transaction Type: Authorization w/ Auto Capture
Transaction Status: Captured/Pending Settlement
Authorization Code: 083451
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Merchant: ON DEMAND DUMPSTER

506 S CHARLES ST
LANSING, MI 48912
US

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Date/Time: 15-Jun-2023 13:48:23 EDT
Transaction ID: 64428727366
Transaction Type: Authorization w/ Auto Capture
Transaction Status: Captured/Pending Settlement
Authorization Code: 034824
Payment Method: Visa XXXX0451

Merchant: ON DEMAND DUMPSTER

506 S CHARLES ST
LANSING, MI 48912
US

517-643-4948

Order Information

Description: 1213 W Ottawa, Lansing 20 yard dumpster swap

Order Number: P.O. Number:

Customer ID: Invoice Number:

Billing Information

Shipping Information

Shipping: 0.00

Tax: 0.00

Total: USD 475.00

Payment Information

Date/Time: 19-Jun-2023 10:28:27 EDT

Transaction ID: 64434436395

Transaction Type: Authorization w/ Auto Capture

Transaction Status: Captured/Pending Settlement

Authorization Code: 002827

Payment Method: Visa XXXX0451



Andy Schor, Mayor

Economic Development & Planning Code Enforcement Office

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

TRASH AND DEBRIS CORRECTION NOTICE

Occupant
1213 W OTTAWA ST
LANSING, MI 48915

Violation Date: 05/18/2023
Violation Location: 1213 W OTTAWA ST
Parcel No: 33-01-01-17-260-341
Compliance Due Date: May 25, 2023

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

Violation: Garbage

Violation: Paper/Glass/Plastic/Metal/Cardboard debris

Violation: Trash found in bags/boxes/barrels

Violation: Deteriorated metal product

Violation: Deteriorated building materials

Under Section 107.7, any person with a legal interest, who receives or has actual or constructive notice, may appeal the violation and compliance order. Appeals under Section 308 shall be filed in writing to the Office of the City Attorney within 3 days after the compliance due date.

Failure to correct this violation by the Compliance Due Date shall cause this office to immediately hire a contractor to complete the cleanup. **Please be advised that moving the items to another area on the property does not bring the violation into compliance. If any other additional trash and/or debris (as defined in Section 302) is found on the premises by the contractor it will also be removed without additional notice.** The contractor's expenses plus a \$265.00 administrative services fee will be billed to you. If this bill is not paid within 30 days of the billing date, the amount will be assessed as a lien against your property. **Please be advised that, in an effort to discourage repeat offenses of this nature, the City will assess graduated fees from \$75.00 to \$300.00 for each time there is an additional premise violation at the violation address above during this calendar year.** If you have any questions or concerns about complying within the time indicated, you may contact me Monday through Friday between the hours of 8-9 AM or 12-1 PM for any questions or extensions.

Pursuant to Section 107.2 of the IPMC, you have the right to appeal this notice of violation. In accordance with Section 106.3 any action taken by the City on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.



Andy Schor, Mayor

Economic Development & Planning Code Enforcement Office

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

TRASH AND DEBRIS CORRECTION NOTICE

SAND SOLUTIONS LLC
842 LONGFELLOW DR
EAST LANSING, MI 48823

Violation Date: 05/18/2023
Violation Location: 1213 W OTTAWA ST
Parcel No: 33-01-01-17-260-341
Compliance Due Date: May 25, 2023

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

Violation: Garbage

Violation: Paper/Glass/Plastic/Metal/Cardboard debris

Violation: Trash found in bags/boxes/barrels

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Economic Development & Planning Code Enforcement Office

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

Trash Authorization Form – West Side

Submitted to: Matt Trumble on 05/26/2023

TAXPAYER: SAND SOLUTIONS LLC, 842 LONGFELLOW DR EAST LANSING, MI 48823

Location of Work:

Enf Num: E23-05443

Address: 1213 W OTTAWA ST
Lot No:
Description:
Parcel No: 33-01-01-17-260-341

Remove Trash and Debris

Work Authorized:
Violation: Garbage

Violation: Paper/Glass/Plastic/Metal/Cardboard debris

Violation: Trash found in bags/boxes/barrels

Violation: Deteriorated metal product

Violation: Deteriorated building materials

PLUS ANY OTHER INCIDENTAL TRASH / DEBRIS ON THE PROPERTY

Authorized Time required to complete work: 1
Authorized Cubic Yards: 12

Warning Comment:
check entire property

Submitted By: Jeremy Bliesener (517) 483 7620

This action is authorized by the Manager of Code Compliance



316 N. CAPITOL SUITE C2
Lansing, MI 48933
(517) 483-4361
(517) 377-0100

Nuisance Fee Billing Statement

Due Date: 07/27/23
Pay Invoice In Full



ESTATE OF MARY FRAYER & LINDNER G
1213 W OTTAWA ST
LANSING MI 48915
Re: 1213 W OTTAWA ST

Enf Number: E23-05443
Parcel: 33-01-01-17-260-
Address: 1213 W OTTAWA ST

Signature of Owner/Owner's Agent

Date

Please detach and return with payment

Bill Detail

Invoice Number	Enforcement Numbe	Address	Amount Due
00229096	E23-05443	1213 W OTTAWA ST	\$1,375.00
Fee Details:		Quantity Description	Balance
		1.000 Trash - Admin Fee	\$ 265.00
		1110.000 Trash - Contractor Charge	\$ 1,110.00
Total Amount Due			\$ 1,375.00

Questions? Contact CODE ENFORCEMENT at 483-4361

Note:

1. Payment in full may be made within 30 days from billing date.
2. Any unpaid balance remains as a lien against this property, and will be added to the next property tax bill, (JULY TAXES).
3. July property taxes are due and payable on or before August 31st. December property taxes are due and payable on or before February 14th.
4. In order to assure proper credit, please send in the top portion of this bill along with your payment.
5. Fees not paid within 30 days are subject to a 5% penalty, which will be applied on the 31st day.

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

Please make checks payable to:Lansing City Treasurer
124 W. Michigan Avenue
1st Floor
Lansing, MI 48933

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

Trumble Trucking & Excavating, Inc

June 26, 2023

2244

SERVICE ADDRESS:

1213 W Ottawa St
33-01-01-17-260-341

Economic Develop & Planning
Enforcement Office
316 N Capital, Ste. C-1
Lansing, Mi 48933-1238
Phone

DESCRIPTION	AMOUNT
1 hour 3 yards	\$300.00
Compactable in excess of 3 yards \$30x17	\$510.00
Non-compactable in excess of 3 yards \$32x	N/A
Applicances w/freon \$75 each x	N/A
Tires up to 32 inches \$25 each x12	\$300.00
Tires over 32 inches \$60 each x	N/A
17 yard trailer 2 man crew	N/A
DBO	N/A
Jeremy Bliesener 06/22/2023	

Make all checks payable to Trumble Trucking & Excavating, Inc.
If you have any questions concerning this invoice, please contact
Matt Trumble at 517.213.9500

THANK YOU FOR YOUR BUSINESS!

TOTAL \$1,110.00











Jun 22, 2023 at 10:37:43
1213 W Ottawa St
Lansing MI 48915



Jun 22, 2023 at 10:37:54
1213 W Ottawa St
Lansing MI 48915







Jun 22, 2023 at 11:39:06
1213 W Ottawa St
Lansing MI 48915





Jun 22, 2023 at 11:36:35
1213 W Ottawa St
Lansing, MI 48915



Jun 22, 2023 at 11:36:45
1213 W Ottawa St
Lansing MI 48915









