AGENDA
Committee on Development and Planning
Thursday, September 8, 2016 @ 10:00 a.m.
10th Floor Conference Room, City Hall

Councilmember Jody Washington, Chair
Councilmember Jessica Yorko, Vice Chair
Councilmember Judi Brown Clarke, Member

1. **Call to Order**

2. **Public Comment on Agenda Items**

3. **Minutes:**
   - August 11, 2016
   - August 25, 2016
4. **Discussion/Action:**
   A.) RESOLUTION – ACT-6-2015 Zip the Grand; Lease Approval

   B.) RESOLUTION - SLU-2-2016; 5606 S Martin Luther King Jr. Blvd. "F" Commercial to "D-1" Professional Office

   C.) RESOLUTION – ACT-4-2016; 1200 Block of Turner Street- Alley Vacation

   D.) RESOLUTION – Design Lansing Comprehensive Plan Amendment; 125 W. Malcom X; LBWL Central Substation Project

   E.) RESOLUTION- SLU-3-2016; 125 W. Malcom X; LBWL Central Substation Project

   F.) RESOLUTION - ACT-7-2016; Authorize Construction of LBWL Central Substation Project

   G.) RESOLUTION – ACT-9-2016; Sale of 1020 W. Hillsdale Street to Habitat For Humanity Capital Region (HFHCR); Relocation and Renovation of Scott Center

   H.) RESOLUTION- Set a Public Hearing; PILOT Amendment Grand Haven Manor Retirement Community

   I.) RESOLUTION – Set a Public Hearing; PILOT Shiawassee Senior Lofts

   J.) RESOLUTION – Set a Public Hearing; PILOT Amendment The Crossing

   K.) Discussion – Ordinance; Section 206.25; Transparency on Bidding

5) **Other**
6) **Place on File**
   Letters regarding LBWL Proposed Substation

7) **Adjourn**

MINUTES
Committee on Development and Planning
Thursday, August 11, 2016 @ 10:00 a.m.
10th Floor Conference Room, City Hall

CALL TO ORDER
The meeting was called to order at 10:00 a.m.

ROLL CALL
Council Member Jody Washington, Chair
Council Member Jessica Yorko, Vice Chair-excused
Councilmember Judi Brown Clarke, Member

OTHERS PRESENT
Sherrie Boak, Council Staff
Jim Smiertka, City Attorney
Mark Dotson, Deputy City Attorney
Brett Kaschinske
Mark Mello
Price Dobernick
Steve Japinga, Lansing Regional Chamber of Commerce
Council Member Wood

PUBLIC COMMENT
Council Member Washington stated all comments will be taken at the agenda item.

MINUTES
MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE MINUTES FROM JULY 14, 2016 AS PRESENTED. MOTION CARRIED 2-0.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE MINUTES FROM JULY 28, 2016 AS PRESENTED. MOTION CARRIED 2-0.

DISCUSSION/ACTION:
RESOLUTION – License Agreement for Zip line at Riverfront Park; Zip the Grand Inc.
Mr. Dotson distributed a copy of the lease, an aerial photo and the release of liability form. Council Member Washington began by asking Mr. Kaschinske why the applicant was not able to secure a site in Grand Rapids. Mr. Kaschinske stated that the applicant has stated that Grand Rapids wanted an exchange of land, they want Zip the Grand to buy land along the Grand River and make it park land. Council Member Wood stated she heard the applicant was not able to

secure enough resources. Mr. Kaschinske did acknowledge that the City of Grand Rapids stated the applicant did have financial issues, therefore the Lansing lease has added items. One item added is a restoration condition if the business fails. The applicant cannot secure financing until they get approval from the City. Council Member Brown Clarke pointed out that if this in the business they are in, they should be able to show a level of financial capacity. Mr. Kaschinske acknowledged they have received a business plan with a funding model.

Council Member Wood voiced her concerns with the license agreement, the annual fee costs in comparison to the current draft Medical Marihuana Ordinance the Committee on Public Safety is reviewing. She encouraged similar costs of $10,000 annual fees and $5,000 application fees. Council Member Washington was not opposed to the proposed $6,000 up front fee, and did not agree to compare zip lines with medical marihuana standards and requirements or licensing. Council Member Wood clarified she was encouraging that there be a model for licensing with certain requirements for all licenses. Council Member Washington again agreed on licensing, however did not agree to compare this application with medical marihuana. Mr. Dotson explained that the licensing fees in this lease are representative of the fair market value of the land as it is being used. The costs that were just compared are different and not parallel in anyway. Council Member Brown Clarke asked if the long 10 year lease is standard or was it agreed upon already. Mr. Smiertka pointed out that this is park land, and the use is consistent with parks and recreation. This structure is not something that gets picked up at the end of summer, so this allows the person viability to operate in the long term. The needs match up with the investment. Mr. Kaschinske added that the 10 years lease was negotiated along with the size and scope of the structure. He added that the applicant is also looking to at an area at Center Street to purchase for their restrooms, parking, operations, and sales. Mr. Dotson did point out to the Committee that there is a clause for the council to get out of the lease, Section 3.2.

Council Member Washington asked what the 2.5% gross gate admissions will be used for by the Parks and Recreation Department. Mr. Kaschinske confirmed it will be considered revenue like all other general fund. Council Member Wood asked Mr. Kaschinske for the business plan from the applicant that reflects this, which Mr. Kaschinske state he could forward from their original submission.

Council Member Washington asked if the lease can be changed to request the $6,000 up front not a monthly payment to equal $6,000. Mr. Smiertka stated he could change the lease to ask that, however it was already negotiated. Mr. Kaschinske pointed out to the Committee that there is a $20,000 security deposit in the first year; they then will pay for the survey which is about $5,000. They will be billed monthly by the City for the $6,000 annual fee. He acknowledged he could approach the applicant about the $6,000 up front instead of a monthly fee.

The Committee discussed the liability of the structure, the liability once the users finish the ride, or choose not to return to the starting tower. Mr. Dotson noted that once a user is physically on their property their liability insurance covers. Council Member Brown Clarke asked about if a user were to fall on City property or the water, if it would be City liability. Mr. Dotson stated if an injury results from the event it is their liability, noting that the sidewalk is City property and did not want to comment further. Mr. Smiertka continued the explanation stating that the City has government immunity. It does not apply if they are engaged in a property function, events. Now there is a potential someone will sue and try to get at the City, and try to claim that because of license and lease the City has engaged in is a partnership. That is what Law is looking at not to happen. The agreement has an assumption of risk form and a waiver. Council Member Brown

Clarke asked what the “users” are when they sign, and is that embedded in that language. Mr. Smiertka that interpretation if a case is filed will be up to the judge. Mr. Kaschinske informed the Committee that the language in the lease was provided by the applicant and covers the things the City wanted covered. Mr. Dotson stated the liability concerns can be address in the release form in case the user does not want to take the zip line back across the river and chooses to come down walk back. Council Member Brown Clarke also asked that the documents address the operator on the second tower have the ability and experience to end the ride if the user is not compiling with the rules or is in unable to return to the start tower.

Council Member Wood asked for details to be added that address repair, maintenance and annual inspections. The document should also include the legal age of the operator. Mr. Kaschinske referenced 9.4 in the lease which states they must follow all local, State and Federal regulations. Council Member Wood requested specific language, so Council Member Washington asked law to spell out that the annual inspection is required and cite the Michigan law.

Mr. Kaschinske reiterated everything the Committee was looking for, which includes the business plan, the $6,000 yearly fee be paid up front not over a monthly billing, the waiver and release include language on removal from the ride if not following directions, include a legal age of operations, and add the inspection process.

Council Member Washington reminded the group that they could have all the safety measures in place, and it could still not be enough. If the group continues to consider everything that could go wrong, nothing will happen with the site and business at all.

Council Member Wood asked for security cameras on the site, with consideration of a feed to allow the Police to review. Mr. Kaschinske stated they would have security on site, not the City.

DISCUSSION – Responsible Bidding Ordinance

Mr. Japinga acknowledged the Committee on their work and the invitation to participate in the discussion. He confirmed the understanding that the Chamber is strong supporters of buy local and local workers.

Mr. Smiertka began by stating he did not have an issue with the original regulatory concept; however his proposed draft from August 10, 2016 is similar to incentive agreements developers are familiar with. The regulatory ordinance has concerns such as sunset provisions, and could affect relationships and open up third parties to sue, and use a cause of action, claiming there is an ordinance or local law. He noted that the word “reasonable” in the original is an open word and the plaintiff will claim injunction and create work delays. Developers that do incentives are used to an agreement where they promise things or lose the tax incentive. So Mr. Smiertka then rather than propose a regulatory ordinance as was first proposed, he chose to draft another ordinance with similar to the incentives with features from the original. Listed on page 2 and 3 , (9) Transparent and Fair Bidding Process outlined openness, public advertisements, solicitation for bids, public disclosure, sufficient time to respond, and notification to bidders who did not win the bid. Summarized this means when this agreed upon before a signed agreement, if they violate Council can revoke the incentive. The project labor agreement proposed in the original ordinance is still in the law draft. Mr. Smiertka did remind the Committee that if the City of Lansing has a regulatory ordinance that developers are not used to, they could consider developing in an adjoining community that does not have, which could put Lansing at a disadvantage.

Council Member Wood asked Law to if they will define what “local labor” is in the agreement, and who will provide enforcement if there is a complaint. Mr. Smiertka noted the ordinance is broad that does require the developer to put the plan in front of Council, so Council can ask for specifics and it allows Council flexibility. Enforcement can be done by anyone, but can put in the City Attorney office. Council Member Brown Clarke asked for it to be in the structure of the language, because it becomes too flexible on who is in leadership. With Law and Council reviewing, there will be checks and balances.

Mr. Dobernick informed the Committee he has already routed the draft ordinance to some surrounding communities and they are in favor of the same process.

Council Member Brown Clarke asked for clarification on a condition she saw in an earlier version that stated there was a sliding scale based on the size of the project, and if it is over a certain threshold there was a local labor exception. Council Member Wood stated it was in the original ordinance, but Mr. Smiertka stated he was not comfortable with the scale of $10,000 so took it out of his version. Mr. Dobernick then asked where the condition was that if there where violations, the developers would not get future incentives and projects. Mr. Smiertka state due was not in favor of a barred bidders list because they would not have done anything criminal. Council Member Wood asked it be disclosed on the application. Council Member Washington suggested considering an option to disclose it but not a mandate, and not ban for years, but put in as an option. She then noted she did not support putting in something that would put Lansing at a disadvantage to other areas. In regards to the earlier discussion on “local labor” she need note her understanding would be the tri-county area, and someone else may mean specifically the City of Lansing.

Law was asked to provide at the next meeting a template or sample of the standard agreement they are speaking about. Mr. Japinga asked the Committee to invite and encourage LEAP to attend the next meeting. Council Member Washington stated LEAP will be formally invited.

The Committee consensus was to proceed with the draft ordinance by the City Attorney office from August 10, 2016.

Council Member Washington asked Mr. Mello to return to a future meeting in September where she has invited Mr. Schrader to help the Committee understanding the environmental expectations and environmental clean-up, because of his past environmental experience.

Adjourn at 11:12 a.m.
Submitted by,
Sherrie Boak, Recording Secretary,
Lansing City Council
Approved by the Committee on August 25, 2016

DRAFT

MINUTES
Committee on Development and Planning
Thursday, August 25, 2016 @ 10:00 a.m.
10th Floor Conference Room, City Hall

CALL TO ORDER
The meeting was called to order at 10:04 a.m.

ROLL CALL
Council Member Jody Washington, Chair
Council Member Jessica Yorko, Vice Chair- left the meeting at 11:27 p.m.
Councilmember Judi Brown Clarke, Member- excused

OTHERS PRESENT
Sherrie Boak, Council Staff
Jim Smiertka, City Attorney
Council Member Carol Wood
Bill Rieske, Planning & Neighborhood Development
Mark Dotson, Deputy City Attorney
Kathy Miles
Shirley Woodruff, Grand Haven Manor, Reenders Inc.,
Mackie Woodruff, Grand Haven Manor, Reenders, Inc.
Price Dobernick, UAW 333
Mark Mello, Sheet Metal Union 7
Kim Sakowski, DEQ
Janet Michaluk, DEQ
Bret Stuntz, SkyVue
Jeff Hukill, DEQ
Matt Marshall, Rise
Jamerson M. Ries, Wolverine
Steve Willobee, LEAP
Bill Rieske, Planning & Neighborhood Development
Brent, ATK Peerless

PUBLIC COMMENT
Council Member Washington stated all comments will be taken during each agenda item.

MINUTES
MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE MINUTES FROM AUGUST 11, 2016 AS PRESENTED. MOTION CARRIED 2-0.

DISCUSSION/ACTION:
RESOLUTION –ACT-1-2016; Grand Haven Manor; Farrell Drain Easement Reduction; 3215 W Mt. Hope

Mr. Rieske outlined the request, based on the anticipation of a possible expansion and new building for the Grand Haven Manor building. The owners have asked for the drain easement to be reduced in size to accommodate the building. The Department on Public Service have performed an investigation and determined the City does not need any of the easement. Therefore the proposed resolution is to vacate nearly all of easement. It was noted that at the south end, off their property, there is a manhole that feeds into the Deerfield Avenue drain. Law has determined the manhole in question is not on this property, therefore not included in the legal of the easement.

The group discussed the current Grand Haven Manor, site for expansion which is land locked, and lending. Ms. Woodruff confirmed for the Committee that they will be establishing a condo association to address the land lock issue and to build their 78 new senior mixed income independent units offering congregate services, etc.

Council Member Wood asked about the history of water issues on the site. Ms. Woodruff stated they are addressing that with enlarging the detention on the west, and they have gone thru the MDEQ wetland approval process so it will be engineered to accommodate.

Council Member Wood asked of the existing tree buffer will be staying, and it was acknowledged that some tree clearing will be done, but nothing beyond the drain.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION FOR ACT-1-2016; FARRELL DRAIN EASEMENT REDUCTION; 3215 W MT HOPE. MOTION CARRIED 2-0.

DISCUSSION – Ordinance 206.25; Transparency in Bidding

Law distributed new version of the proposed ordinance dated 8/25/2016. Council Member Washington outlined the process and involvement on how it had gotten to this point. Mr. Smiertka outlined the ordinance highlighting that revisions were made based on comments from the Committee and outside organizations. The first revision was page 4 adding (6) per the Committee request and (7) per Law recommendation. Page 5 removed the waiver section, because Mr. Smiertka noted that under this proposal there is no reason for it, but would be needed in the dialogue that will occur during conversations with the developer. Page 5 the Committee asked for the addition of line 14, and line 16 was also added. Again it was stated this is not a regulatory ordinance. There is an application for incentive that Council will look at, and then Mr. Smiertka referenced an example from Corunna. Mr. Willobee confirmed that LEAP does a contract and it can be modified to reflect the changes. Council Member Washington asked to see the agreements, and Mr. Willobee noted the use a universal agreement currently. Council Member Wood asked if going from a regulatory ordinance to contract, where each will be different, can Council pick and choose, or will Council see each item. Mr. Smiertka stated that Council has the criteria, then referred the group to the definition on page 3, noting that this information should all be vetted before it even gets to Council.

The Committee and other public reviewed the “Requirements” on page 3- 4. Council Member Wood voiced a concern with items that the developer could choose not to. Mr. Smiertka noted they can have it written out, but if Council wants it in there, then Council can send it back to LEAP to renegotiate.

Mr. Dobernick asked for the requirements to be written into the LEAP boiler plate agreement. Mr. Willobee answered they the agreement they use is a universal agreement created under the Executive Order of 2008. Since it is an executive order no revisions can be made, and if are they are not substantiated. If Council has the power to change the executive order the LEAP can consider it. Council Member Wood referenced the universal agreement and concern with the item that states the developer will "attempt to use local and union labor." There is no criteria if they say they tried, and have nothing to prove they have or haven't. She pursued having this language of criteria built in which could be in the contract enforced by LEAP before it comes to Council. Per Law if this is passed by Council, it will be initiated in the documents they will work with LEAP on. Mr. Willobee reminded the Committee that if it is desire of the Council to move forward in this way, they are currently under the Executive Order and PA98. They will work with Law to do what Council considers, but they want to sure not a fraudulent agreement that could end up in litigation. Mr. Dobernick asked Mr. Smiertka if there be an issue going against the Executive Order. Mr. Smiertka noted that this appears to be a local concern, and the LEAP is a universal agreement. Mr. Willobee suggested adding the requested items into the "best effort" category, but the question would be how you do that without butting up against the Executive Order.

Council Member Yorko asked if it would be best to go back to the 2008 version; however Mr. Smiertka noted that one was a regulatory ordinance and it created the potential for multi law suits from non-parties, disgruntled bidders. Mr. Dobernick stated again his concern that there is nothing enforceable. The majority of the contracts that are dealt with are last minute, and Council needs to get away from that. Mr. Smiertka suggested that even though Council won't look at projects case by case, each project will look different. The standards will be the same. Whatever agreement the LEAP is talking about, Law would review and LEAP would make sure it meets the Council intentions. Council Member Washington pointed out that if they do not exercise fair and open bidding that will be addressed.

Mr. Willobee informed the group that many times the applicant has begun its investigative and financial work before Council even sees it. Can they move forward before Council takes any action. Mr. Smiertka reminded him it would be at their risk, and they will have to work with developer on the criteria. Council Member Washington noted that they are not asking for the bidding topic to be addressed for the architect, or general, but once the general contractor puts out for bids for the subcontractors open bidding should be addressed. Council Member Yorko suggested changing the language to state "upon approval of incentive".

Council Member Wood encouraged Mr. Willobee to start encouraging all current applications to follow what has been discussed in this ordinance, and Mr. Willobee acknowledged there are some projects already under way that might not be able to go back.

Mr. Smiertka went back to review of the ordinance noting the original ordinance was regulatory which had mandatory items. It the developer did not have the times it was a civil infraction. Council Member Yorko referred the Committee to page 4, Section D. Council Member Washington asked Law if all this Section would take place before Council approval. Mr. Dobernick admitted that it would be typical to bid after the incentive is approved. Mr. Willobee noted what can occur, and based on the ordinance there would be a delay. LEAP would have no issue with loosening up the language on page 4 and give the developer both ways. Mr. Smiertka clarified that what it says now, whatever they have done pre-bid or not, they will come to Council with a plan, so his opinion was that he was not sure if there needs to be a change. Mr. Willobee stated that if the applicant has followed every posting requirements and all

ordinance, then they come for consideration. Council Member Washington suggested that all the documentation be brought at the time of consideration of a Brownfield. Council Member Yorko again pointed out that there need to be a modification because now the ordinance says after approval. It needs language to assure that open bidding could occur before approval. Mr. Willobee stated it can be changed if possible, and Mr. Smiertka stated it would be.

Mr. Willobee asked for details on what "bidding" applies to since there a lot of federal funds with the activity in question, so is it what is being directly funded. Items included clean up, materials, etc. Mr. Smiertka referred them to page 2, and stated they could add a definition of "construction".

Council Member Yorko referred the group to page 2, which stated low income tax credits, and question how that could be listed since the City does not issue those. Mr. Smiertka stated it is a PILOT so that would cover it, but he could reference MSHDA. Council Member Yorko again asked that it be removed since it is an incentive the City does not have jurisdiction or control over. Mr. Smiertka stated he would make the change.

Council Member Yorko then referred to page 4, an asked why those items were listed under requirements. Council Member Wood stated they were in the original ordinance.

Council Member Yorko asked Mr. Dobernick if the labor councils and trades were promoting this and if so what other municipalities have adopted it. Mr. Dobernick confirmed he has spoken to Ingham County, Delta Township and East Lansing, however Lansing is further along in the process. There has been no push back from those municipalities though.

Mr. Mello spoke in support of the ordinance and the City setting precedence.

Council Member Washington outlined the process, with the last revision coming back 9/8/2016, then introduction and setting of a public hearing on 9/21/52016. The hearing will then be set 10/10/2016, and will be back to the Committee on 10/24/2016. Law should provide the final draft to the Committee the week of August 29th, and any concerns should be sent to herself of Law.

Discussion – SkyVue Development Questions and Answers

Introductions

Council Member Washington outlined the request for SkyVue Developers to attend the meeting which included questions on environmental cleanup, incentives, and the process of reporting. This is to educate Council and assure them who are responsible. Council is never been given a check list to follow when they give out incentives and abatements. Therefore Council never knows what, why the cost and assurance it was done and done responsibility.

Mr. Hukill began the conversation stating they administer the ACT 31 tax incentive which the City applied for, for SkyVue. The process includes the developer submits a work plan for review, and in the work plan there are specific criteria on what has to be included on the plan. In the plan they have to propose what to do, then propose a plan to reduce that off the site. This is not to clean up the site to present conditions, but purpose how they will reduce the risk to make it safe. The developer proposes a plan on due care responsibility of the owner of property, and to make the site safe for anyone who comes along. They have proposed how to mitigate with a variety of implementations. When they get ready to buy a parcel, they do a Phase 1 environmental testing, then baseline. Those are in the environmental assessments

and submitted to the DEQ for their liability protection. The purchasers/developers are not the contaminators, but they are pursuing to protect the third party. They are not responsible for clean up as long as they follow the due care to make sure process is followed and meets the plan. The plan will have a due care, then a budget of do not exceed. Then the DEQ will review the plan and make sure it is active, reasonable and appropriate, and evaluate the costs. In regards to the SkyVue project they have performed two (2) reviews, one under the letter of the law, and the other to look at the activities to make sure what they are proposing will make it safe. If the criteria is met, they issue them the approval to use the mills to fix it. Ms. Sakowski noted that when they do a review if it is contaminated soil, they can't move, but have to properly dispose of it. Mr. Willobee added that they also look at the ground water level, and DEQ reviews it to make sure the environmental conditions will not be made worse. They are trying to get the site back to a safe level. Mr. Hukill also clarified that that does not mean they have to remove anything, it needs to be safe, and it depends on what the contaminates are. There are many options, types of contaminates, and levels. For example for a due care for vapors, there could be vapor barriers, venting, etc. They need to make sure no one comes in contact with contaminates, and try to isolate contamination. In the case of the SkyVue plan, this is being considered a "construction on site" and there was no level of contamination. In Lansing there are other incentives or eligible activities they were approved for with MEDC. The parking structure, the site preparation, and land balancing would be brought up to level if they would have been a greenfield. The purpose of the site is a Brownfield, regardless of contamination or blight. The eligible activities can be used on either, however there has to be contamination for the DEQ to allow for tax incentive on school mills. Mr. Mello asked if the DEQ works with MIOSHA and the EPA, and who follows up on the tanks that were removed, and he also asked for those documents. Ms. Sakowski confirmed they do work with the EPA and has info on the tanks which can be FOIA from the State of Michigan. Mr. Mello wants to speak to the EPA and MIOSHA.

Mr. Hukill went on to outline that the due care compliance, when the project is complete, is a document on what they did, when the development is complete that document will be completes as well. At that point the DEQ will then know what the site is. They are not required to submit it to DEQ periodically but have to have on site. They only have to submit to the DEQ upon request. Mr. Mello stated to the group that it now falls on Council. Council Member Wood asked if the DEQ performs any periodic audits. They do receive the manifest directly from the landfill, provided by the environmental consultant, but an audit is not done. ATK Peerless is on site during excavation, there is not an audit but a daily inspection. They can ask for additional information, which is vetted and reviewed. It is a verification during the review of the process. The project engineer outlined the "chain of custody process" which involves ATK Peerless at the landfill before the excavation of soils, where they give them the data expectations. ATK then oversees the excavation details, and obtains a signed ticket and weight. ATK the will match the manifest from what they told the landfill would come in with the truck manifest, then the land fill manifest. The documents state what was to be done was done, then that goes to the cost incurred, what payments were made, and all done prior to the BEA. All this has to be done before BEA can approve the reimbursement. Brownfield and work plans are caps up to estimates. These are "not to exceed amounts", and in this case in the purpose of "construction". If say 6 tons, for footings, cutting for site prep, if that is a smaller tonnage, then record as actual ATK has done assessed environmental conditions on site, and reviewed the based on site, in Phase I and II, and based on those conditions they determine what needs to be done, then in turn have verified and against what they proposed, and what the building meets all the requirements to be protective of people living on property.

Council Member Yorko left the meeting at 11:27 p.m.

Lastly, what is submitted for the Brownfield reimbursement is what was done. Ms. Sakowski noted this is a reimbursement program, they can only submit for what has been done, with not to exceed amounts. When this is established they are estimates. For an example, if there was an estimate of 6 tons, but they only had to take 4 tons, they will only get approved for reimbursement on the 4 that was done. They are always doing on site sampling, and working with the environmental engineer. If the test shows an area is not contaminated, they do not remove. If there is an amendment to increase the removal, that will have to occur before the activity. Mr. Hukill stated again that the developer is not the liable party, they just need to review the amount of soil on what they need to develop. It is not up to them to clean up, and if they properly dispose it will help the site.

Council Member Washington thanked DEQ representatives and ATK Peerless engineers for the breakdown on the process, and reiterated it is the goal to educate Council on what they find, what they are doing, when it is done, what was the cost and process.

Ms. Sakowski said that to reimburse as ACT 381, LEAP reviews and makes sure it is in line , then DEQ has checks and balances. Council Member Washington asked LEAP to put together a sheet on the checks and balances they review which would show it was done.

Ms. Miles spoke in opposition to the process of documentation after the project is complete. Ms. Miles also asked why Mr. Mello is not getting the information he has requested. Mr. Willobee stated they have provided information that they have, information Mr. Mello seeks could be acquired from the State.

Mr. Mello asked what would happen if the property is not properly abated, and stated again his request for information on who did the abatement. Mr. Willobee confirmed LEAP has fulfilled the FOIA request with the information they have. They will not have any additional information until the project is complete. There are enforcement agencies he can call if he sees something illegal, such as the EPA, the police if there is dumping, but they cannot assume everyone is guilty.

Mr. Jameson informed them there is a 10 day process for demo and abatement, and perc contract they have to file with the State. The State can visit and inspect anytime, in addition there are checks and balances with LARA. Mr. Dobernick asked if Wolverine inspects, and Mr. Jameson clarified that Wolverine is the oversight as the general contractor, but they are not competent in abatement that is why they hired an abatement contractor that is competent.

Council Member Wood asked for a list of deliverable, which included a check list; compliance that when a request is made on the development it is being responded to, and that LEAP reaches out to the developer to get the information if they do not have it. She then asked Mr. Willobee if there were completed Brownfields that did not met the criteria. Mr. Willobee stated he would have to get that information from Mr. Dorshimer. Another deliverable is an end project sheet, a system to find information, and lastly if there is an issue, notify Council. Mr. Willobee was directed by Council Member Washington to provide those three (3) items back to the Committee. She then acknowledged DEQ, RISE, Wolverine and ATK Peerless for working through the process, that this meeting was never an attack but a learning process.

Mr. Dobernick asked for a list of contractors on site and list of employees. Council Member Washington explained the need for the request to verify the contractors are paying taxes.

Mr. Smiertka asked if a FOIA was sent by Mr. Mello, and Mr. Mello stated he would resubmit it.

Council Member Wood asked Mr. Jameson for a list of contractors and employees. Mr. Jameson stated that is possible but he was not sure if can get everyone. It is written in their contracts, however some contractors are only there for hours or one day. We do have it written in their contract.

Mr. Jameson asked how the City knows for any individual that works in the City if they have paid income taxes, and Council Member Wood admitted they are working through that process. Mr. Jameson then asked if there was a department in the City that can produce that information, and Mr. Mello answered his belief it was the Treasurer. Mr. Willobee noted that it could be a taxing responsibility for one person to verify every person who works in the City even for a day. Council Member Wood then asked Mr. Jameson to provide the Committee with a list of the subcontractors on the site and their employees and the City will follow up if they are filed in the Treasurer office. This can be provided to LEAP and the LEAP can forward to Council. Mr. Jameson noted that this request should be made to every business and project in the City not just this project. Wolverine has a head count on site daily, but do not require a sign in for everyone on the site in a day. The subcontractors themselves should be withholding the City income taxes, not the General Contractor.

Adjourn at 12:00 p.m.
Submitted by,
Sherrie Boak, Recording Secretary,
Lansing City Council
Approved by the Committee on_____

OFFICE OF THE MAYOR
9th Floor, City Hall
124 W. Michigan Avenue
Lansing, Michigan 48933-1694
(517) 483-4141 (voice)
(517) 483-4479 (TDD)
(517) 483-6066 (Fax)

Virg Bernero, Mayor

TO: City Council President Judi Brown Clarke and Councilmembers

FROM: Mayor Virg Bernero

DATE: 1/21/16

RE: Resolution— Act-6-2015— Adado Riverfront Park Zip Line— Capitol Zip, LLC

The attached correspondence is forwarded for your review and appropriate action.

VB/rh
Attachment

RESOLUTION # 2016-____
BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

ACT-6-2015, Adado Riverfront Park Zip Line

WHEREAS, Jarl Brey, of Capitol Zip, LLC, proposes to install and operate a three-story permanent ropes course and zip line in Adado Riverfront Park; and

WHEREAS, this portion of the Park straddles the Grand River north of Saginaw and south of Madison St.; and

WHEREAS, the zip line will be about 350 feet in length, and run across the Grand River and back; and

WHEREAS, he proposes to lease portions of Adado Riverfront Park (33-01-01-09-452-004 and 33-01-01-09-453-082) on each side of the Grand River for a period of ten (10) years; and

WHEREAS, the City generally uses license agreements as the legal mechanism for permitting private improvements in park property; and

WHEREAS, the applicant is also pursuing the lease of the property at 711 Center Street for additional parking (approx. 50 spaces), restroom facilities, and a small office/retail space (all permitted in the "H" Light Industrial district), plus an access easement across the Conrail Property between the two locations; and

WHEREAS, the applicant includes these benefits as part of the application:

- partnering with MSU and LCC, to offer (new) full and part-time employment opportunities,
- a free program to Lansing Public Schools designed around leadership development and team building; and

WHEREAS, the Planning Board, at its meeting held on January 5, 2016, found, based on its review of the location, character, and extent of the Act-6-2015 proposal, that the project will:

- enhance the list of attractions in downtown Lansing,
- enhance the public park system by offering additional recreational opportunities in downtown Lansing,
- create a new revenue stream for the Parks and Recreation Department,
- offset existing City expenses by leasing the parcels for ten (10) years,
- provide an exciting destination along the City's bike path; and

WHEREAS, the Board voted unanimously (6-0) to recommend approval of the Act-6-2015 proposal; and

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

NOW THEREFORE BE IT RESOLVED, the Lansing City Council hereby approves Act-6-2015, to permit the Zip Line and Ropes Course in Adado Riverfront Park.

BE IT FURTHER RESOLVED, the Council hereby authorizes the Administration to complete the negotiations for a license agreement(s) to execute all documents necessary to complete this transaction, subject to their prior approval as to content and form by the City Attorney.

BACKGROUND

Jarl Brey, of Capitol Zip, LLC, proposes to install and operate a three-story permanent ropes course and zip line in Adado Riverfront Park. This portion of the Park straddles the Grand River north of Saginaw and south of Madison St. In doing so, he proposes to lease portions of Adado Riverfront Park (33-01-01-09-452-004 and 33-01-01-09-453-082) on each side of the Grand River for a period of ten (10) years. He also plans on providing employment opportunities for MSU and LCC students.

The zip line will be about 350 in length, and run across the Grand River and back.

The east side will be the focus of the operation. The ropes course will be located on the east side, as well as the Rivertrail and a small parking lot. The applicant is pursuing the lease of the property at 711 Center Street for additional parking (approx. 50 spaces), restroom facilities, and a small office/retail space (all permitted in the "H" Light Industrial district), plus an access easement across the Conrail Property between the two locations.

The 3-strorey zip line and ropes course will occupy a small part of the Park's 28 acres.

33-01-01-09-452-004 East Side of the Grand River between Saginaw and Oakland.

COM 339.73 FT W OF W LINE CENTER ST & 40 FT S OF C/L OAKLAND AVE, TH S 24DEG 26MIN 27SCD W 75.82 FT, S 05DEG 06MIN 43SCD E 91.13 FT, S 05DEG 07MIN 28SCD E 147.68 FT, S 16DEG 30MIN 20SCD E 137.58 FT, W 40 FT +/- TO E BANK GRAND RIVER, N'LY ALONG RIVER TO PT 80 FT S OF C/L OAKLAND AVE, E 38 FT +/-, N 40 FT, E 40 FT TO BEG; ALSO PART OF LOTS 11, 12 & 13 W OF CONRAIL RR R/W BLOCK 23 ORIG PLAT

EXISTING LAND USE & ZONING: Adado Riverfront Park with parking, zoned "H" Light Industrial

SURROUNDING LAND USE & ZONING:
- North: Parkland, Commercial, zoned "H" Light Industrial
- South: Parkland, zoned "A" Residential
- East: Conrail ROW, Vacant land, zoned "H" Light Industrial
- West: the Grand River, parkland on W side, zoned "H" Light Industrial

SIZE AND SHAPE: Irregular in shape, tapering to a path at the north end; 1.95 acres.

MASTER PLAN DESIGNATION: The Design Lansing Comprehensive Plan designates this site as "Open Space – Dedicated Park."

33-01-01-09-453-082 West Side of the Grand River between Saginaw and Madison.

PART LOT 1 LYING E OF N GRAND AVE S OF C/L E MADISON ST, N OF N LINE E SAGINAW ST BLOCK 53 ORIG PLAT

EXISTING LAND USE & ZONING: Adado Riverfront Park, zoned "H" Light Industrial.

SURROUNDING LAND USE & ZONING:

North: Parkland, Professional Office, zoned "D-1" Professional Office
South: Parkland, L.C.C., zoned "A" Residential, "G-1" Business
East: The Grand River, parkland, zoned "H" Light Industrial
West: Office, some commercial, "D-1" Professional Office, "F" Commercial

SIZE AND SHAPE: Irregular in shape, tapering the north end, 0.38 acres.

MASTER PLAN DESIGNATION: The Design Lansing Comprehensive Plan designates this site as "*Open Space – Dedicated Park*."

AGENCY REFERRALS

The attached excerpt of the November 18, 2015 Park Board minutes indicate that the applicant and Parks Department staff met with other City staff regarding this project According to the applicant, this meeting included Public Service Department staff, including the Director.

The meeting resulted in the City's suggestion that the subject site (Plan B in the Park Board minutes) be chosen for this proposal. Moreover, the project will go through the multi-agency site plan review process, at which compliance with the Zoning Ordinance, Building Code, and other applicable provisions will be required.

ANALYSIS

Benefits of the Project:

The project will:

- enhance the list of attractions in downtown Lansing.
- enhance the public park system by offering additional recreational opportunities in downtown Lansing
- create a new revenue stream for the Parks and Recreation Department.
- offset existing City expenses by leasing the parcels for ten (10) years.
- provide an exciting destination along the City's bike path.

The applicant also includes these benefits as part of the application:

- partnering with MSU and LCC, to offer (new) full and part-time employment opportunities.
- a free program to Lansing Public Schools designed around leadership development and team building.

A Planning Board review of the location, character, and extent of the project proposal in accordance with its Act 33 review procedures is required prior to City Council consideration.

Location
The project is proposed for Riverfront Park (both sides), north of Saginaw Street. The active recreation opportunity presented by the project is compatible with the "*Open Space – Dedicated Park*" land use category in the Design Lansing Comprehensive Plan.

Character
The project will change the emphasis of this portion of Adado Riverfront Park from passive to active recreation. The proposed structure will decrease the green space currently available for use by the public on either side of the Grand River. Installation on the east side location may potentially require the removal of some smaller trees as well as overgrown evergreens and shrubs. The remainder of the 28-acre park is expected to remain unaffected.

Extent
The City has used license agreements as the mechanism for approving private projects in City parks. The agreement will specify the area of the park covered by the license, and that area will be no larger than necessary.

STAFF RECOMMENDATION

Staff recommends approval of Act-6-2015 as proposed.

Image shown is a general depiction of the configuration for the structure to be located at the intersection of Saginaw and Grand Ave. The structure recommended for the Lansing, Michigan location will be an 8-Pole, approximately 96' x 25' structure on the East side of the Grand River. The spiral stair (return tower) on the West of the Grand River will be approximately 8' square by 36' tall. The zip line will run 350' across the Grand River.

Proposed
Zip Line &
Ropes Course

PARK BOARD MEETING
Foster Community Center
November 18, 2015

MEMBERS PRESENT: Rick Kibbey, Veronica Gracia-Wing, Bryan Beverly, Rosalinda Hernandez, Paul Holland, Rita O'Brien, James McClurken (arrived after 8 p.m.)

MEMBERS ABSENT: Gib King

OTHERS PRESENT: Brett Kaschinske, Parks and Recreation Director; Kellie Brown, Board Secretary; John Flaherty, Friends of Bancroft Park; Trek Vandecar; Jarl Brey, Capitol Zip

CALLED TO ORDER: 7:05 p.m.

ADDITIONS/DELETIONS TO THE AGENDA

Rick Kibbey added update on County Trails Millage meetings; Brett Kaschinske added Baseball Complex

STATEMENTS OF CITIZENS

None

BOARD MEETING MINUTES

Bryan Beverly moved to approve the September 9, 2015 and October 14, 2015 minutes as submitted; seconded by Veronica Gracia-Wing. 6 yeas; 0 nays

Motion carried.

NEW BUSINESS

Capitol Zip Line

Jarl Brey, Capitol Zip, stated he attended the July 2015 Park Board meeting and presented a plan for a zip line located in Old Town. It was recommended by the Board to review other sites for the zip line. Brey stated he met with Brett and reviewed a location near Turner Dodge and recently met with Brett and other City representatives at Riverfront Park.

Those meetings led to a new proposed site located at Saginaw and Grand, north of Saginaw Street. Brey provided a presentation with two plans for the new site, size of structure, floodway area and footing information. Plan A has the course and landing tower parallel to Saginaw and Plan B has the course located further north placing the zip line on an angle across the bridge. Plan B does not appear at this time to present any issues with existing infrastructure. Brey has spoken with Norfolk Southern about leasing the land for Plan B and they are receptive to the idea. He is also working the building owner to utilize the Ellis building for their retail space. Parking options have also been discussed.

Gracia-Wing inquired what trees would need to be removed for the project.

Kaschinske stated nothing more than 50' tall or 15" in diameter.

Holland stated he preferred Plan B and prefers this location to the proposed location presented in July. Gracia-Wing agreed.

Holland inquired if the City would sign off on the permits and does the City have appropriate staff to do so.

draft

Kaschinske stated he thinks so when you consider the buildings in downtown Lansing and they start with steel pilings.

Gracia-Wing inquired about a time line.

Brey stated the timeline is based on investment finalization.

Kaschinske stated there will be DEQ filings and since this is on park land it will need to go to the Planning Board.

Hernandez inquired what the cons are. What is the public input, have there been injuries and what are the liability issues.

Kaschinske stated there are few residents in the area and Plan B option has less interference with the River Trail.

Brey stated the harness mechanism does not allow participants to detach themselves. This manufacturer has equipment placed all over the world and there has been one fatality and participants would sign a waiver.

Brey stated they are offering a percentage of gate revenue back to the Parks and Recreation Department and their plan is to offer leadership programs in cooperation with the Lansing School District.

Holland made a motion to continue with discussion on the project with a preference to site Plan B with the second choice being site Plan A and contingent upon all negotiations discussed this evening; seconded by Bryan Beverly. 6 yeas; 0 nays

Motion carried.

draft

Lansing Boat Club Property

Kaschinske stated the Lansing Boat Club owns a piece of property on the south side of the river west of Waverly Road. The parcel attaches to Fulton, Fine and Hunter Parks. He is proposing purchasing the property with a Michigan DNR land acquisition grant.

Gracia-Wing inquired Lansing Boat Club's status on this purchase. Kaschinske stated they have signed off to sell the property.

Gracia-Wing inquired about the purchase price. Kaschinske stated land acquisition grants are based on assessed/appraised value and the City's match would probably not be any more than $25,000 and there are funds available in the department's acquisition account.

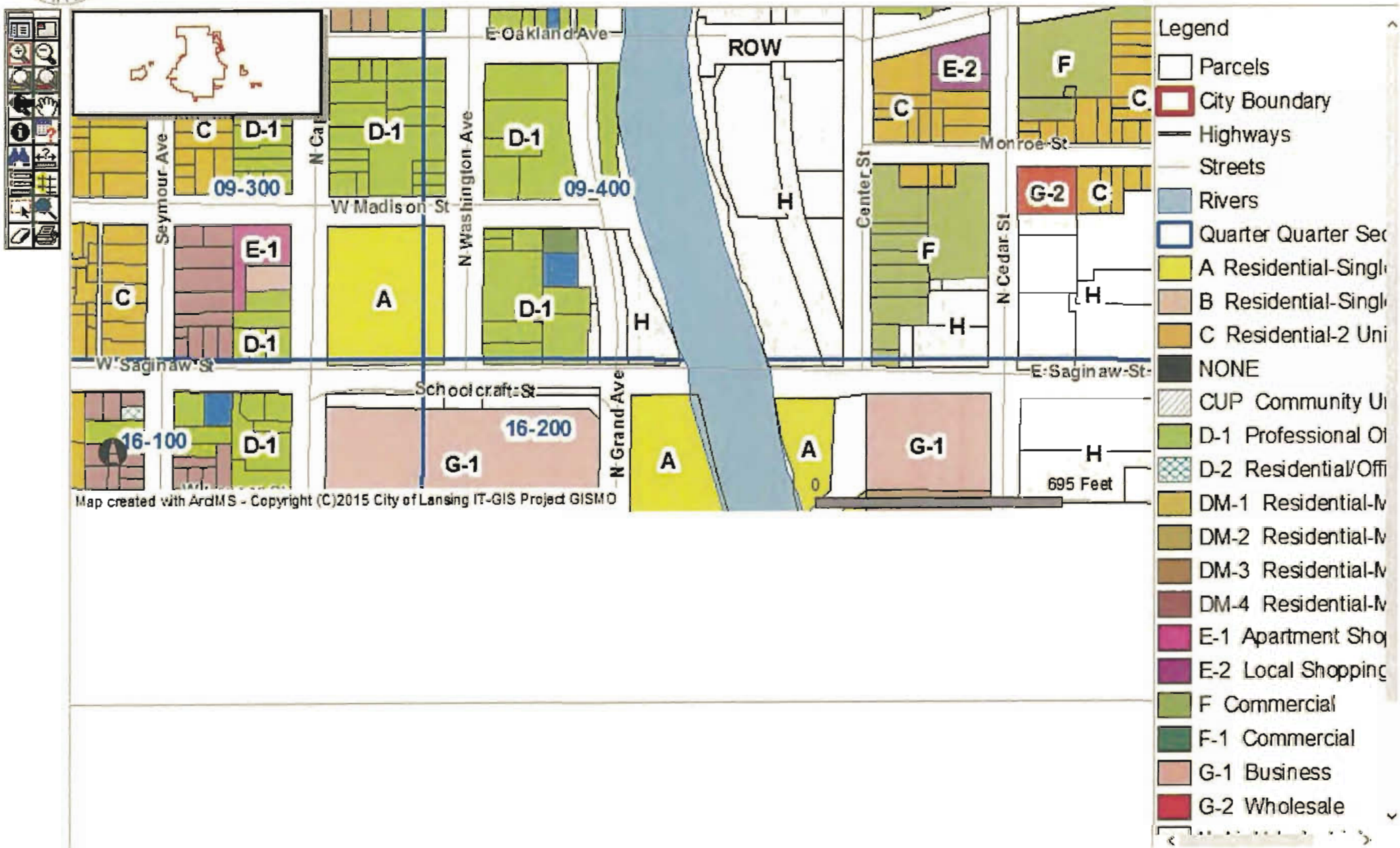
Beverly moved to move forward with the purchase of the property; seconded by Holland. 6 yeas; 0 nays.

Motion carried.

SEE 3301-09
E. OAKLAND AVE.
(ELLIOT ST.)
(West Bd. M-43)
WASHINGTON AVE.
E. MADISON ST.
GRAND
N. GRAND
RIVER
RAIL
PARK
FRONT
CON
MONROE ST.
CENTER
CEDAR
N.
(South Bd
OAKLAND
W. SAGINAW
E. SAGINAW ST.
(East Bd. M-43)
SEE 3301-16-200
L.C.C. Parking

PROPERTY INFORMATION

< Back to GISMO Home



Zoom In

LICENSE AGREEMENT
BETWEEN CITY OF LANSING
AND
ZIP THE GRAND, INC.

1.1 THIS LICENSE AGREEMENT made this _____ day of _____ 2016 by and between the **CITY OF LANSING, (Licensor),** a municipal corporation with offices at 124 W. Michigan Avenue, Lansing, Michigan 48933 and **ZIP THE GRAND, INC., dba CAPITOL ZIP (Licensee),** with offices at 565 Comstock Avenue, NE, Grand Rapids, Michigan 49505 agree as follows:

DRAFT

PREMISES

2.1 Licensor licenses the Premises described below to Licensee who has inspected the Premises and is satisfied with the condition of the Premises, in the present "as is" condition, Licensee understands that this license is personal and exclusive to it and does not convey an interest in land to licensee. Furthermore, Licensee shall, at its sole cost and expense, make all repairs necessary to maintain the Premises, at a minimum, in its current condition as of the Commencement Date during the Term of this License. This obligation of the Licensee shall include, but not be limited to all improvements, modifications or alterations to or on the Premises approved in writing by the Licensor; said Premises generally described as:

Parcel 33-01-01-09-453-082 (West side) and Parcel 33-01-01-09-452-004 (East side) and as further depicted in attachment A to this agreement.

THIS LICENSE AGREEMENT WILL BE AMENDED TO INCLUDE THE COMPLETE LEGAL DESCRIPTION OF THE SUBJECT PROPERTY UPON A SURVEY BEING CONDUCTED BY THE LICENSEE WITH ALL COSTS FOR OBTAINING SUCH SURVEY TO BE THE RESPONSIBILITY OF THE LICENSEE.

TERM

3.1 The Term of this License will commence on _____ ("hereafter known as the effective date"), unless sooner terminated or extended in accordance with the provisions of

Submitted @ mtg. 8/11

this License, terminate on the Termination Date.

3.2 On the Termination Date, this License shall automatically terminate without any further action by either Party, except that either party may cancel this License with or without cause, for any reason or for no reason, upon giving the other party sixty (60) days advance written notice of the intent to cancel. Upon giving the required notice, this License shall terminate. However, claims for unpaid license fees or other liability arising out of Licensee's possession and use of the premises shall survive any termination. After termination of this License, the Licensor shall take full possession of the property in accordance with Sec. 20.1 of this License.

3.3 The Termination Date shall be ten (10) years from the execution of this License or sooner if either party provides notice in accordance with Sec. 3.2 of this License.

LICENSE FEE

4.1 Licensee shall pay to Licensor the Annual Base License Fee. The Annual Base License Fee shall be pro-rated for any partial year in which the Annual Base License Fee is owed. In the event of a termination of this License by either Party, the Licensee shall not be entitled to a partial refund of the Annual Base License Fee paid by Licensee to Licensor. The Annual Base License Fee for year 2016 shall be paid to the Licensor on or before the Commencement Date, but thereafter shall be due the first of each month. Any payment thirty (30) days late will be assessed a late fee of $50.00.

4.2 Licensee will pay the total sum of $6,000 annually in monthly payments of Five Hundred and 0/100 Dollars ($500.00) per month for a period of ten (10) years with the option to renew for two (2) consecutive five (5) year periods at the same rate. The right to renew is conditioned on the Licensee providing Licensor written notice of the intent to renew at least 90 days before the expiration of the current license term. The monthly fee reflects the right to use the 5,000 sq. ft. open park space on the East side of the Grand River as well as the 100 sq. ft. of open park space located on the West side of the Grand River along E. Saginaw Street, as per the attached parcel descriptions.

4.3 In addition, to the annual license fee, Licensee, will pay 2.5% of gross gate admissions directly to the Licensor's Parks and Recreation Department for the same period. Gross gate receipts are the revenue received from regular ticket sales. Special events, souvenir sales, corporate outings and revenue generated in conjunction with school field trips to Capitol Zip will not be subject to the

fee paid to the Licensor. Annual review/audit of gate admission sales will be conducted between Capitol Zip and the City Parks and Recreation Board for computation of the gross receipts. *The percentage of the gross gate receipts will be renegotiated after each five (5) year term not to be less than 2.5%.* Regardless of the amount of the license fee, it represents a fair value for the issuance of the license and its collection by the Licensee does not create an agency, partnership or any other business relationship beyond what is specifically described in this agreement.

PARKING AREAS

5.1 During hours of operation Licensee will have non-exclusive access to the existing on-site parking area located on the grounds on the East side of the Grand River. In addition, Licensee will provide approximately Fifty (50) parking spaces and bathroom facilities at the adjacent retail location of 711 Center Street for patrons.

DATES AND HOURS OF OPERATION

6.1 Anticipated months of downtime include December, January and February. However, Licensee reserves the right to operate twelve (12) months a year (weather permitting). The expected hours of operation will be Sunday through Thursday until 11:00 p.m. and Friday and Saturday until 12:00 a.m. Exceptions to the evening hours would be permitted during special events such as July 4th, with written permission by the Licensor. Start times will be determined by the Licensee but in no circumstance will the operations begin before 8:00 a.m.

TAXES AND ASSESSMENTS

7.1 The Parties acknowledge that these Premises are not currently subject to real property tax. However, should the taxable status of the Premises change and otherwise be subject to real property taxation, Licensee shall be responsible for all personal and real property taxes, including but not limited to ad valorem taxes, assessments (general, special, ordinary or extraordinary), sewer rents, rates and charges, taxes based upon the receipt of rent (other than federal, state and local income taxes), payments in lieu of taxes and any other federal, state or local charge (general, special, ordinary or extraordinary) which may now or hereafter be imposed, levied or assessed against the Premises.

7.2 Licensee shall pay in full to the appropriate taxing authority, before becoming delinquent, all municipal, county and state taxes assessed, levied or imposed upon Licensee's interest and all furniture, fixtures, machinery, equipment, apparatus, systems and all other

personal property of any kind located at, placed in, or used in connection with the Premises or its operation, and Licensee shall produce evidence of the payment of such taxes to Licensor in the form of the paid receipt from the municipal taxing and assessing authorities at least ten (10) days prior to the date on which such taxes are due.

UTILITIES

8.1 Licensee shall pay, as they become due, all charges directly related to the applicable service provider for water, gas, heat, electricity, sewer, refuse collection, janitorial services, phone and other utilities used upon or furnished to the Premises. Any and all security deposits required by the companies providing such utilities shall be the sole responsibility of Licensee.

USE OF PREMISES

9.1 The Premises shall be used and occupied by Licensee for the primary purpose of operating a zip line from a 40' tower on the west side of the Grand River along E. Saginaw Street to a tower located at the NE corner of E. Saginaw Street and the Grand River and for no other purpose without the prior written consent of Licensor. Any request by the Licensee to use the Premises for any other purpose other than the Designated Use stated above shall be made in writing to the Director of Parks and Recreation for the City of Lansing.

9.2 Licensee also intends to construct a 6' – 8' safety fence around the parameter of the 50' x 100' East side of Premises in conformance with all construction and zoning codes of the City of Lansing. The area surrounding the West side structure is self-contained and will stay locked and secured on a twenty-four hours a day, seven days a week (24/7) basis unless required access is needed for employee entrance or maintenance.

9.3 Licensee shall be expressly prohibited from charging any form of fee for persons parking on the Premises without the prior written consent of the Licensor. Any request by the Licensee to charge any form of parking fee on the Premises shall be made in writing to the Director of Parks and Recreation for the City of Lansing.

9.4 Licensee shall not use or permit any person to use the Premises in any manner which violates or would create liability under federal, state or local laws, ordinances, rules, regulations or policies. Licensee shall not (either with or without negligence) cause or permit the escape, disposal or release of any biologically or chemically active or other

hazardous substances or materials in violation of applicable laws. Licensee shall not allow the storage or use of such substances or materials in any manner not sanctioned by law, or allow to be brought into or onto the Premises any such materials or substances except to use in the ordinary course of Licensee's business. Without limitation, hazardous substances and materials shall include those described in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. Section 9601 et seq., the Resource Conservation and Recovery Act, as amended, 42 U.S.C. Section 6901 et seq., any applicable state or local law and the regulations adopted under these acts. In all events, Licensee shall indemnify Licensor in the manner elsewhere provided in this License against any liability resulting from any release of hazardous substances or materials on the Premises caused by Licensee or persons acting under or for Licensee. Licensee shall obtain and maintain any permits, licenses, authorizations, and approvals required by applicable statutes, codes, ordinances, and rules and regulations for the use and occupancy of the Premises for the Designated Use.

ENVIRONMENTAL DISCHARGE OR RELEASE

10.1 Any "Response Action" or remediation required due to a release, discharge, disposal, or exacerbation of a previous release, caused by the acts or omissions of Licensee or Licensee's agents, employees, representatives, contractors, guests or invitees shall be completed at the sole cost and expense of Licensee. Licensee shall indemnify, hold harmless and defend Licensor against any and all claims whether they are made by a government agency with jurisdiction over the Premises or a third party arising from or related to a release, discharge, disposal, or exacerbation of a previous release at the Premises.

CONSTRUCTION ON PREMISES

11.1 Licensee intends to construct a 40' – 45' ropes course on the East side of the Grand River and a 40' zip line tower on the West side of the Grand River along E. Saginaw Street and utilize a 50' x 100' parcel of park land at the NE corner of E. Saginaw Street and the Grand River, along with a 10' x 10' area at the NW corner of E. Saginaw Street and the Grand River. All construction will meet applicable set back requirements and federal, state and local codes.

11.2 Licensee acknowledges that any permits or approval needed related to wetlands or flood plains will be obtained from the Department of Environmental Quality and any other necessary agencies as required by law.

LIGHTING

12.1 Licensor will permit a lighted sign to be affixed to the West side zip line tower that complies with the local sign ordinance. In addition, the Licensee will provide all necessary lighting for the safety of the public during evening and night hours.

SECURITY DEPOSIT

13.1 Licensee shall be required to tender the Security Deposit of Twenty Thousand Dollars ($20,000.00) on or before the Commencement Date of this License. The Security Deposit shall be paid to the Licensor and held in a separate account by the Parks and Recreation Department of the City of Lansing. The City shall not access the Security Deposit unless this License is terminated, for any reason, and the Premises require repair, maintenance, deconstruction or remediation. Licensor shall only return that portion of the Security Deposition that remains after the Premises are restored to the condition prior to the commencement of this License.

FIRE DAMAGE OR CASUALTY

14.1 Licensee shall give immediate notice to Licensor of fire or other casualty at the Premises. If fifty percent (50%) or more of the Buildings or Premises are damaged or destroyed by fire or other casualty, Licensor shall have the right, but not the obligation, to terminate this License by giving written notice to Licensee of its election to terminate, notice to be given within ninety (90) days after the occurrence.

Any license fee or other charges owing shall be paid through such date. If Licensor terminates this License due to such damage to the Buildings or Premises, Licensee shall assign the insurance proceeds applicable to the Building and all other improvements on the Premises to Licensor.

If less than fifty percent (50%) of the Buildings or Premises are damaged or destroyed by fire or other casually or Licensor does not terminate this License as set forth above, Licensee shall promptly repair or restore the Premises in a manner and to a condition equal to that existing prior to the occurrence of the damage or casualty, in which case any applicable insurance proceeds shall be used for such repair or restoration. There shall be no abatement of the license fee or other charges in the event of any fire or other casualty.

Notwithstanding the foregoing, each party shall look first to any insurance coverage that

it carries or any insurance coverage that such party would have if it met the requirements of this License, before making any claim against the other party for recovery for loss or damage resulting from fire or other casualty, and to the extent that such insurance, or the insurance required by this License, if in force, would have paid the claim, Licensor and Licensee each release and waive all right of recovery against the other or anyone claiming through or under each of them by way of subrogation or otherwise. Licensee acknowledges that Licensor will **not** carry insurance on the Premises or on Licensee's personal property, fixtures, and improvements, and agrees that Licensor will not be obligated to repair any damage or replace same.

REPAIRS AND MAINTENANCE

15.1 Licensee shall, at its own expense, maintain, repair and replace the Premises and every part to the satisfaction of Licensor. Licensor agrees to mow all grass areas and clear snow from parking lots and sidewalks where applicable, excluding 711 Center Street, Lansing. Licensee shall, at its own expense, maintain the Premises in a clean and safe condition in accord with all federal, state and local laws, ordinances and regulations and comply with all directions of any health officer, fire marshal, building inspector or other governmental agency having jurisdiction over the Premises.

15.2 Licensee shall repair all damage to the Premises caused by any activity of Licensee, including but not limited to the negligence or willful acts of Licensee, its agents or invitees. All repairs shall be of quality equal to the original construction.

15.3 There shall be no reduction in the Annual Base License Fee or other charges nor shall there be any liability on the part of Licensor by reason of inconvenience, annoyance or injury to Capitol Zip arising from Licensee or others making or failing to make any repairs, alterations, additions or improvements to any portion of the Premises.

15.4 Licensee shall keep the Premises free of liens for work claimed to have been done for, or materials furnished to Licensee and will hold Licensor harmless from any liens which may be placed on the Premises except those attributable to the acts of Licensor. In the event a construction or other lien shall be filed against the Premises or Licensee's interest as a result of any work undertaken by Licensee, or as a result of any repairs or alterations made by Licensee, or any other act of Licensee, Licensee shall, within thirty (30) clays after receiving notice of the lien, discharge the lien. In the event Licensee shall fail to discharge such lien,

Licensor shall have the right, but not the obligation, to terminate this Licensee or procure such discharge, and Licensee shall pay the cost of procuring such discharge to Licensor as an additional fee within thirty (30) days of Licensor receiving such discharge.

INSURANCE AND INDEMNITY

16.1 Licensee shall maintain in full force and effect policies of broad form general liability insurance providing coverage for the Premises, including without limitation all parking areas, with policy limits of not less than $1,000,000.00 per occurrence, and a $3,000,000.00 limit in excess or umbrella liability coverage, exclusive of defense costs, and without any provision for a deductible or self-insured retention. In the event any policy or policies of insurance which Licensee is required to maintain shall be written on a "claims made" insurance form, each policy shall have a "retroactive date" which is not later than the Commencement Date. Furthermore, should insurance coverage be written on a "claims made basis", Licensee's obligation to provide insurance shall be extended beyond the termination date for an additional period equal to the statute of limitations for such claims in the State of Michigan.

16.2 Licensee shall maintain in full force and effect through the Term of this License policies of all risk property insurance covering its personal properly, fixtures and improvements to their full replacement cost, without deduction for depreciation. Such insurance shall provide the broadest coverage then available, including coverage for loss of profits or business income or reimbursement for extra expense incurred as the result of damage or destruction to all or a part of the Premises.

16.3 Licensee shall also maintain in full force and effect through the Term of this License insurance against fire, vandalism, malicious mischief and such other perils as are included from time to time in a standard extended coverage endorsement and special extended coverage endorsements, insuring the Premises and all improvements in an amount equal to the full replacement cost of the Building and all other improvements on the Premises.

16.4 All insurance policies which Licensee is required to maintain shall, in addition to any of the foregoing, be written: By carriers authorized to write such business in the State of Michigan reasonably acceptable to Licensor; Name Licensor and Licensee's lender as additional named insured; Be endorsed to provide that they shall not be canceled or changed

will be deemed to have been duly and sufficiently given if delivered to Licensor in the same manner as provided above at the Licensor's Office, care of the Mayor of the City of Lansing with a copy to the Director of Parks and Recreation, City of Lansing, or at such other address as Licensor may designate in writing.

DEFAULT

21.1 Each of the following shall be deemed an event of default: (i) Licensee's failure to make payment of the License Fee due within ten (10) days after Licensee's receipt of written notice of such failure from Licensor; or (ii) Licensee's failure to perform any of the covenants of this License for more than ten (10) days after Licensee's receipt of written notice of such failure from Licensor; or (iii) if Licensee shall petition for relief under the bankruptcy laws, or shall make an assignment for the benefit of creditors, or if a receiver of any property of the Licensee be appointed in any action, suit or proceeding by or against Licensee, or if Licensee shall admit to any creditor or to Licensor that it is insolvent, or if the interest of Licensee in the Premises shall be sold under execution or other legal process, or if Licensee shall abandon the Premises.

21.2 Upon the occurrence of an event of default, Licensor shall have the right to terminate the License and shall be entitled to immediate possession of the Premises. Licensor may make its election to terminate known to Licensee by delivery of a notice of termination. Such termination shall be immediately effective and Licensor shall be entitled to commence an action in summary proceedings to recover possession of the premises. Licensee waives all notice in connection with such termination, including by way of illustration but not limitation notice of intent to terminate, demand for possession or payment, and notice of re-entry.

21.3 No receipt of money by the Licensor from the Licensee after the termination of this License shall reinstate, continue or extend the term, nor affect or waive any notice given by the Licensor to the Licensee prior to receipt of such money.

21.4 If Licensor at any time terminates this License, in addition to any other remedies it may have, it may recover from Licensee all damages it may incur by reason of any default, including the cost of recovering the Premises, reasonable attorneys' fees, and damages equal to unpaid License Fees, all of which amounts shall be immediately due and payable from Licensee to Licensor.

21.5 The Licensor's rights, remedies and benefits provided by this License shall be

cumulative, and shall not be exclusive of any other rights, remedies and benefits allowed by law.

21.6 Licensor and Licensee agree that they shall rely solely upon the terms of this License to govern their relationship. They further agree that reliance upon any representation, act or omission outside the terms of this License shall be deemed unreasonable, and shall not establish any rights or obligations on the part or either party.

21.7 One or more waivers of any covenant of the License by either party shall not be construed as a waiver of a subsequent breach of the same covenant and the consent or approval by Licensor to or of any act by Licensee requiring Licensor's consent or approval shall not be deemed a waiver of Licensor's consent or approval to or of any subsequent similar act by Licensee. No breach of a covenant of this License shall be deemed to have been waived by Licensor, unless such waiver: (i) is in writing signed by Licensor; (ii) identifies the breach, and (iii) expressly states that it is a waiver of the identified breach.

21.8 Notwithstanding anything to the contrary, Licensee acknowledges and agrees that its obligation to pay the Licensee Fee under this License is an independent covenant, and that such obligation to pay is not subject to setoff or recoupment in connection with any action for summary proceedings to recover possession of the Premises.

21.9 Licensor and Licensee waive trial by jury in connection with any action for summary proceedings to recover possession of the Premises. Further, Licensor and Licensee waive trial by jury in connection with any action arising out of or relating to the covenants of this License, with the exception of actions for personal injury or property damage.

21.10 In the event that Licensor is required to bring an action arising out of the covenants of this License, or in the event Licensor undertakes an action for summary proceedings to recover possession of the Premises, Licensee agrees to pay Licensor such reasonable costs and attorneys' fees as Licensor may incur in connection with such action.

21.11 Licensee shall not be entitled to surrender the Premises to avoid liability for the License fee due to the condition of the Premises, nor shall any purported consensual surrender be effective unless expressly agreed to in a writing signed by the Licensor.

21.12 Licensor and Licensee represent that in the event an action for summary proceedings to recover possession of the Premises is commenced, the amount set forth in this License shall be deemed a reasonable license fee for the Premises.

SURRENDER OF PREMISES

22.1 Upon termination Licensee shall surrender the Premises clean and in the same condition as on the Commencement Date, except for any improvements allowed to remain by Licensor, and promptly deliver all keys for the Premises to Licensor. Any damage to the Premises resulting from removal of trade fixture, personal property or similar items shall be repaired at Licensee's expense. All expenses incurred by Licensor in connection with repairing or restoring the Premises to the designated condition, together with the costs, if any, of removing any property of Licensee shall be invoiced to Licensee and be payable within ten (10) clays after receipt of invoice. If payment is not made on the invoice, Licensor shall be entitled to access the Security Deposit to pay the invoice.

PERFORMANCE COVENANTS

23.1 If Licensee fails to pay any money or to perform any covenant required by this License, Licensor shall have the right, but not the obligation, to make such payment or access the Premises and perform such acts. All sums so paid or incurred by Licensor and all incidental costs, including without limitation the cost of repair, maintenance or restoration of the Premises, shall be deemed additional fees and shall be due and payable within thirty (30) days of Licensee's receipt of any invoice.

HOLDING OVER

24.1 If Licensee remains in possession of the Premises after the Termination Date, it will be deemed to be occupying the Premises as a month to month Licensee, subject to all the covenants of this License to the extent that they can be applied to a month to month Licensee, except that the monthly installment of the base license fee for each month will be Ten Thousand Dollars and 00/cents ($10,000 .00) payable on the first day of each month Licensee holds over.

INDEMNIFICATION, RELEASE OF LIABILITY AND WAIVER

25.1 Licensee shall, at its expense, indemnify, defend, and hold harmless Licensor, its licensees, servants, agents, employees and contractors, from any loss, damage, claim, liability or expense, (including reasonable attorney fees) of any kind, type or description, including without limitation, claims for bodily injury, disease, death, property damage or environmental clean-up arising directly or indirectly out of or in connection with the acts or omissions of Licensee, its licensees, servants, agents, employees, guests, invitees or contractors, or the failure of Licensee to comply with any covenant of this License.

25.1 Licensee shall require that each participant in activities provide by the Licensee execute a release and waiver agreement as set forth in Attachment B to this agreement.

NON - DISCRIMINATION

26.1 Licensee shall not discriminate in the hiring of any employees or contractors, in its use of the Premises or in any activities conducted or permitted on the Premises, directly or indirectly on the basis of age, race, color, religion, national origin, sex, height, weight, handicap, marital status, sexual orientation, political orientation or any other illegal basis.

ADDITIONAL PROVISIONS

27.1 Time is of the essence in all provisions of this License.

27.2 Any waiver, alternation, modification or amendment of this License shall not be effective unless in writing and signed by all parties.

27.3 This License shall be binding upon and the benefits shall inure to the heirs, successors, representatives and assigns of the parties.

27.4 Any failure of either party to enforce at any time any term or condition of this License shall not be construed to be a waiver of such term or conditions or of right or either party to enforce such term or condition.

27.5 This License constitutes the entire agreement between the parties and there are no agreements or understandings concerning the subject matter of this License which are not fully set forth.

27.6 If any provision of this License is invalid or unenforceable, the other enumerated provisions shall be liberally construed to effectuate the purpose and intent of this License.

27.7 Any notice, demand, request or other instrument which may be or is required to be given under this License shall be sent by United States mail, certified, return receipt requested, postage prepaid and shall be address, if to the Licensor, to the Parks and Recreation Department, 200 N. Foster

Avenue, Lansing, MI 48912 with a copy to the City Attorney's Office, 5th Floor, City Hall, 124 W. Michigan Avenue, Lansing, MI 48933, or such other address as Licensor may designate by written notice and if to Lessee, to Capitol Zip Inc., 565 Comstock Avenue, NE, Grand Rapids, MI 49505, or at such other address that Licensee shall designate by written notice.

27.8 The parties represent that their respective signatories execute this Lease with the requisite authority to sign and bind the parties and that each party respectfully has complied in all respects with their applicable by-laws, charters, articles and constitutions and have passed all necessary resolutions before executing this License.

27.9 All questions with respect to the construction of this License shall be determined in accordance with applicable Michigan law.

27.10 Reference in this License to persons, entities and items have been generalized. Licensor or Licensee may mean one person, entity or thing whenever such usage is appropriate or a group of persons acting as a single entity. Similarly, pronouns of one gender should be considered interchangeable with pronouns of the other gender.

CONDITIONS PRECEDENT

28.1 This License is conditioned upon the Licensee obtaining financing within Three Hundred and Sixty-Five Days (365) from the date of execution of this agreement. Furthermore, Licensee is committed to repaying any financing obtained for this business enterprise within five (5) years of the date of signing this License.

IN WITNESS WHEREOF, Licensor and Licensee have executed this License as of the date below.

LICENSOR:	LICENSEE:
The City of Lansing a Michigan municipal corporation	Zip the Grand, INC. DBA: Capitol Zip
By_____	By_____
Name: Virgil Bernero Its: Mayor	Name: Its: Authorized Agent

Approved as to form:

_____ _____

James D. Smiertka
Lansing City Attorney

Chris Swope
Lansing City Clerk

DRAFT

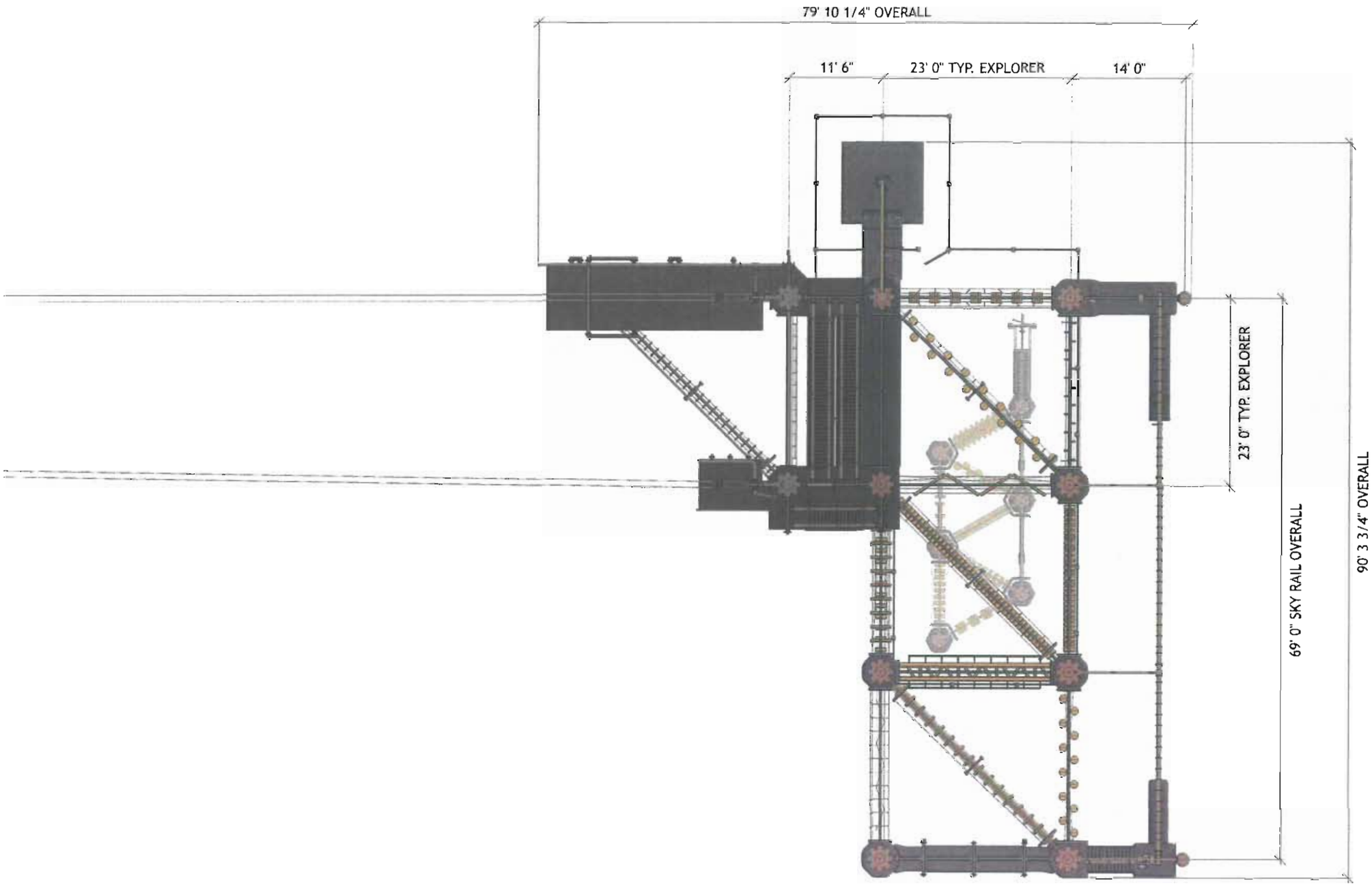
ROPES COURSES

NOTES:
- ROPES COURSE COLORS TBD
- COURSE PICTURED MAY CONTAIN CUSTOM COMPONENTS
- FINAL COURSE DESIGN SUBJECT TO ENGINEERING
- ROPE/BEAM ELEMENTS SHOWN MAY VARY FROM THOSE RECEIVED
- FIELD VERIFY ALL DIMENSIONS, HEIGHTS, AND CLEARANCES PRIOR TO ENGINEERING

12.16.15

JARLS CAPITOL CITY ZIP

8 POLE EXPLORER WITH CTS ZIP, QJ, RAIL, & TYKES



PLAN

ROPES COURSES

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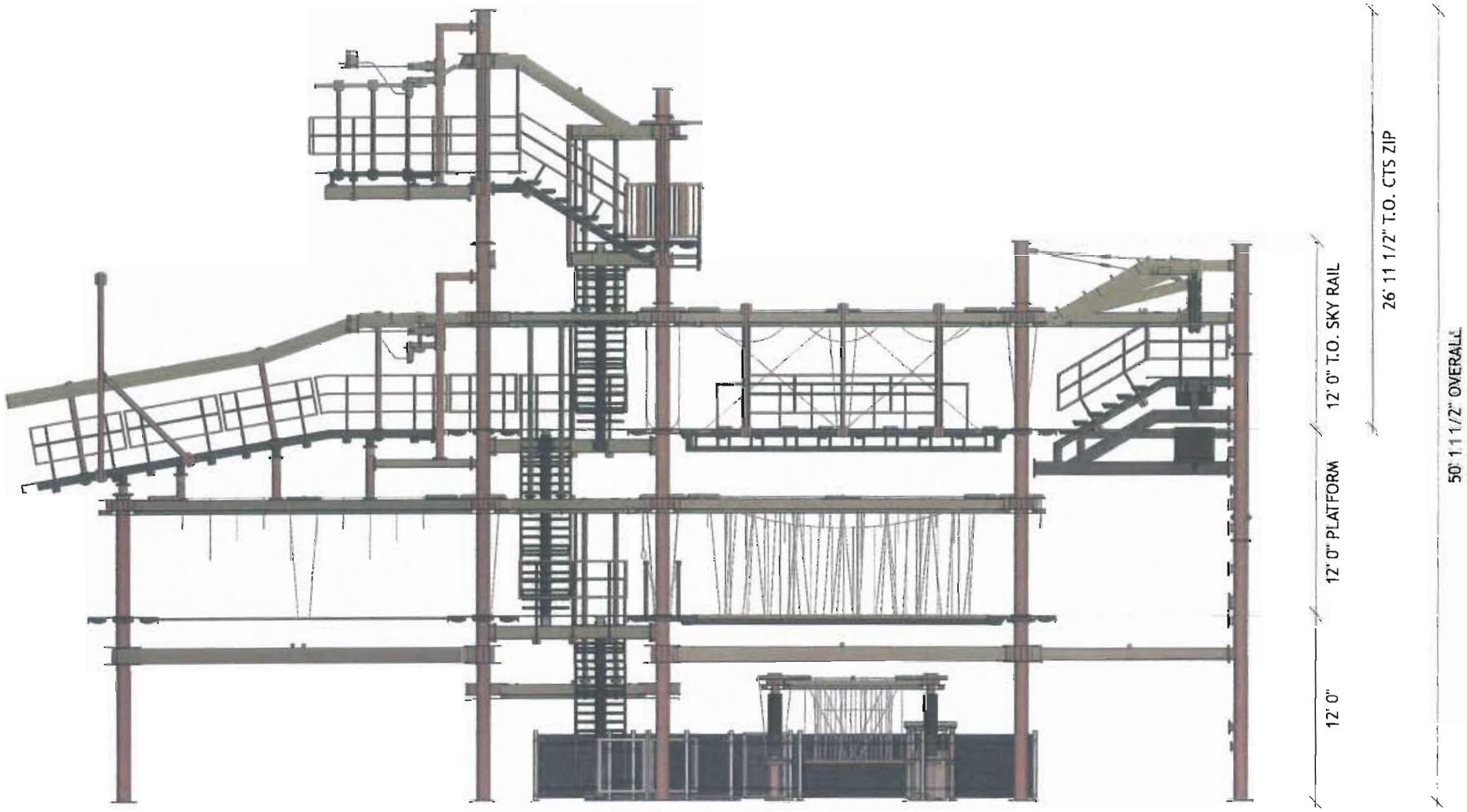

ELEVATION

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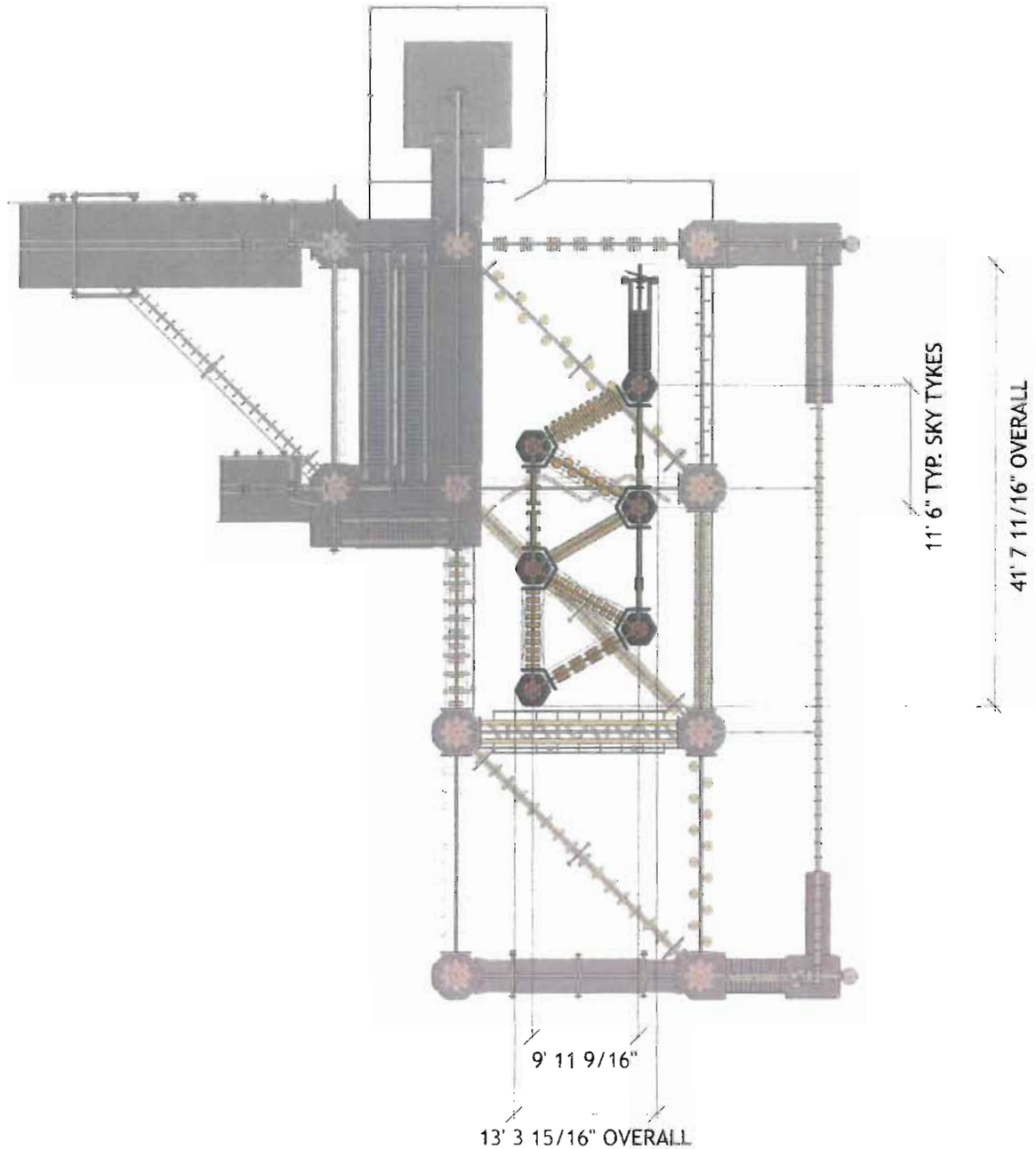

SKY TYKES PLAN

ROPES COURSES

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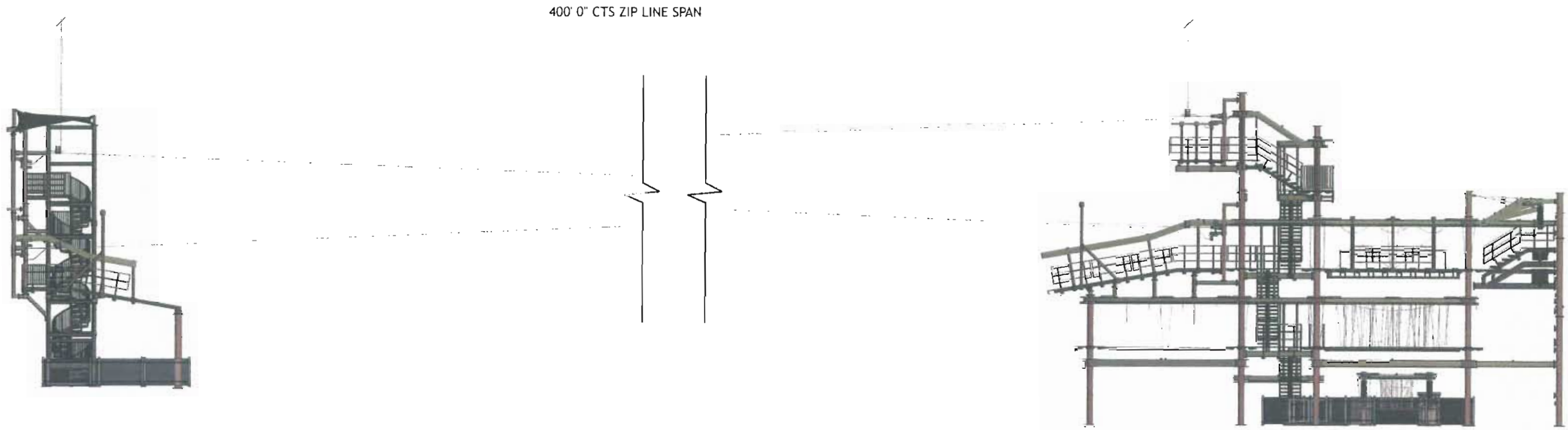

SITE ELEVATION

ROPES COURSES

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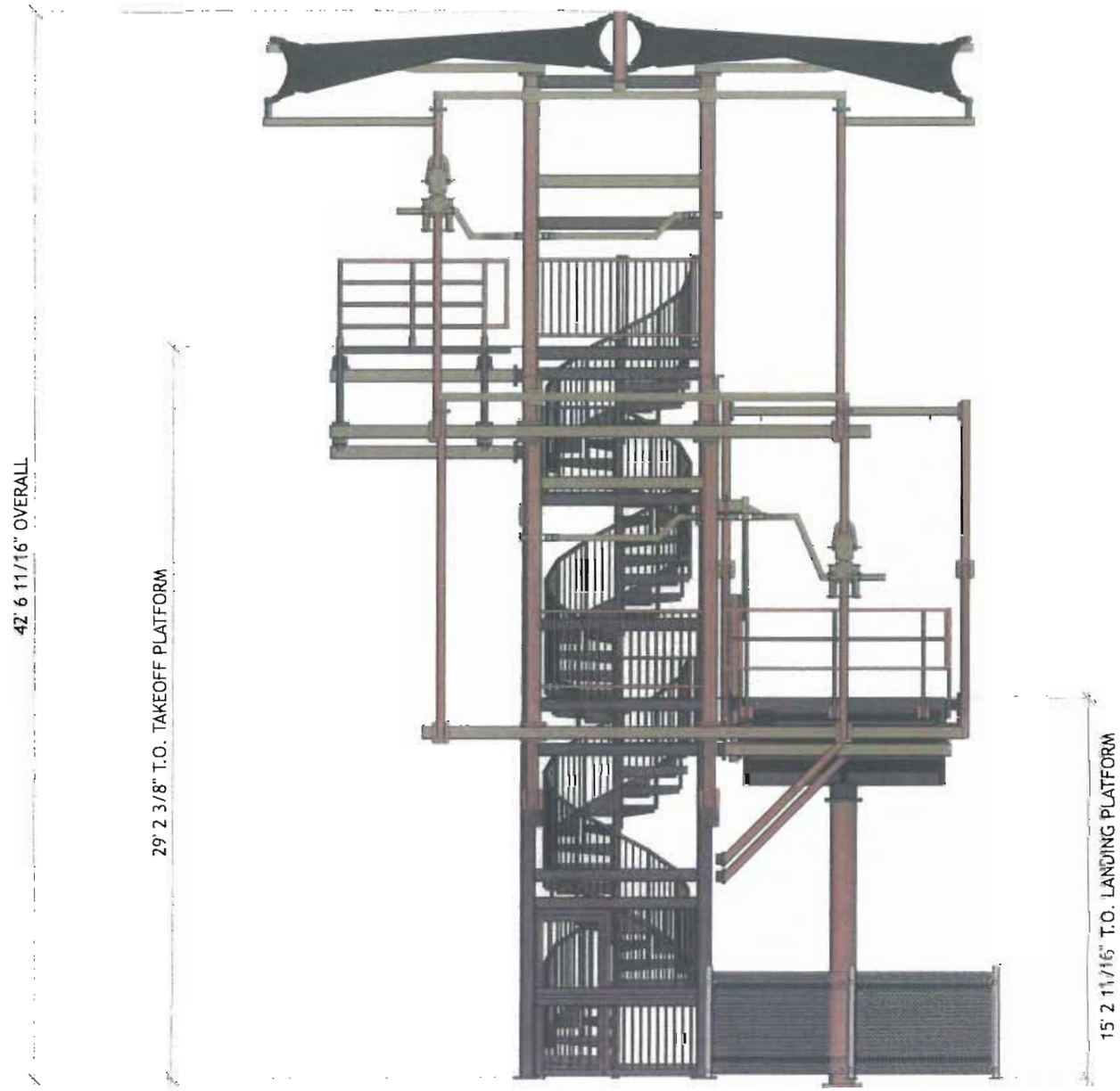

TOWER ELEVATION

ROPES COURSES

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8 POLE EXPLORER WITH CTS ZIP, QJ, RAIL, & TYKES

CONFIDENTIAL

Capitol Zip, LLC

Where Urban Excitement Meets Outdoor Adventure

Business Plan

Prepared January 2016

Contact Information

Jarl Brey

capitolzip@gmail.com

269-330-4461

www.zipthegrand.com

565 Comstock Blvd.

Grand Rapids, Michigan 49505, USA

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Executive Summary

Who We Are

We are an " Outdoor Urban Adventure" ropes course and zip line located along the banks of the Grand River in Lansing, Michigan. While respecting the river and all of the natural beauty that it brings to Mid-Michigan, we will give visitors and residents of Ingham County and the city of Lansing a tremendous experience that will last a lifetime. By returning a percentage of sales back to the Parks & Recreation Department, we will enhance the Lansing City Park system while insuring the continued maintenance of the park grounds. We will encourage even greater utilization of the downtown park and bike path locations.

What We Sell

Capitol Zip will provide the region with an experience that will continually challenge customers on a three story ropes course and 800' zip line which will carry them across and back over the Grand River in downtown Lansing, Michigan. In addition, we will offer corporations and groups the opportunity to participate in activities that help them overcome fears, build confidence and enhance team building skills. Free monthly workshops will be offered via our non-profit partner to groups of children selected from the Lansing Public Schools. Capitol Zip will offer a large variety of promotional clothing and promotional products available in our retail location adjacent to the Capitol Zip site along Grand River Ave. We will offer the Sky Tikes devoted to children under 46". Lastly, we will offer Capitol Zip Memberships on a limited basis allowing members ease of access, greater discounts and jump the line status.

Who We Sell To

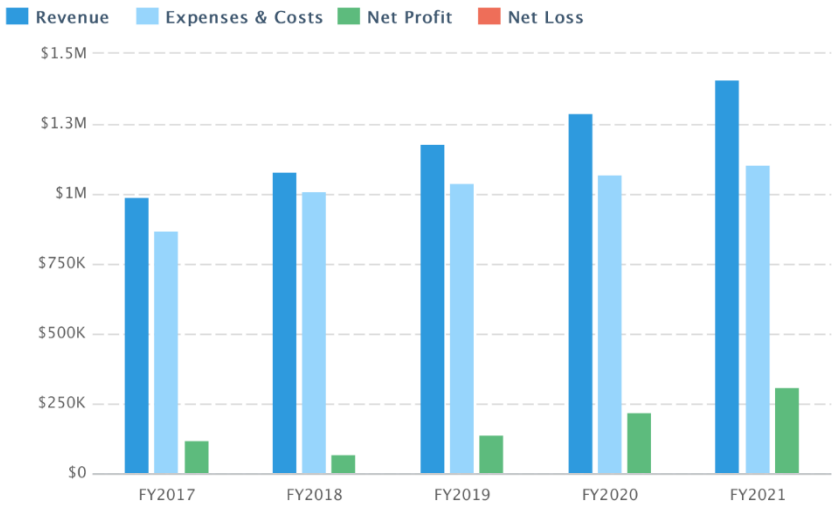
We will provide our urban adventure to thrill seekers, weekend warriors, company team members, teenagers, college students, families and just about anyone who is willing to take on a safe and challenging adventure. Lansing Statistics: Michigan's 5th largest city with 113,972 city and 464,036 metropolitan residents. Annually, 4.7 million visitors spend approximately $424 million. There are approximately 48,450 households and 26,234 families. Median age: 32.2. 24% are under the age of 18. 12.3% are between 18 and 24. 30% are between the ages of 25 and 44. 9.7% are 65 years old or older. Convention Population: An Estimated 300,000 people visit the Lansing Center each year. In 2014, 72,641 amateur athletes visited the area and 291,000 additional spectators attended various amateur athletic events. College Students population: Michigan State University (50,000), Lansing Community College (22,000), WMU / Cooley Law School (3,600). Lansing Public Schools K-12 (11,695) from a total of (34) schools. Top 15 Area Corporations: The State of Michigan is the largest employer in the area with a total of 14,249 employees. There are approximately 68,954 employees that are employed by these top (15) corporations.

Financial Summary

Financial Highlights

Capitol Zip will need substantial start-up capital. It is expected that the amount needed will be secured through no more than (17) private investors. Sales are expected to start conservatively the first year and increase at a rate of 10% per year through the fifth year of operations. Operating income will pay back the start-up loan over a six year amortization.

Financial Highlights by Year



Company

Company Overview

We are an " Outdoor Urban Adventure" ropes course and zip line located along the banks of the Grand River in Lansing, Michigan.

- Owners: Jarl Brey & Jane Timmer
- Date of formation: January 9, 2013
- Legal structure: S-Corporation
- Current Office location: 565 Comstock Blvd. NE, Grand Rapids, MI 49505
- Business stage and conception: Start Up
- The key day-to-day processes that our business performs to serve our customers are as follows:
- Sales will primarily take place on-site, at our retail office or through our website.
- Special visitor passes will be sold through area merchants, restaurants and hotels.
- Corporate Team Building Programs: Developed by our Capitol Zip partner, the programs will be aimed at corporate team building.

Marketing: Ongoing Cross Media being utilized throughout the life of the business. Electronic, outdoor media will be used on thirty-day intervals in strategic locations along the major routes leading into the city from all directions. Cross marketing efforts with area hotels, restaurants and museums will also be utilized. Promotional efforts with local media outlets will be executed during strategic promotional points throughout the calendar year. Sponsorships being made available to other Lansing events that align with our core values will be encouraged. Customer Service: All employee/ team members will be required to be trained in pre-safety and day to day management duties. Team members will rotate responsibilities of support and team leadership. All team members are expected to be healthy, friendly, helpful and able to handle any situation that may arise. Accounting/ Payroll: An electronic time card system as well as direct deposit will be implemented to insure a seamless process from when the team member signs in at the beginning of a pay period to receiving their pay. Legal counsel will be used to draft all legal documents from special land usage agreements with the city and county to ownership/ partnership contracts.

Management Team

Jarl Brey
Title: Partner, CEO and General Manager
Key Functional Areas Covered: Oversee all aspects of day to day operations and corporate sales. Past positions, successes and/ or unique qualities: 30 years sales experience and a former small business owner. Educational background: B.A., Advertising, Michigan State University.

Jane Timmer
Title: Partner & President
Key Functional Areas Covered: Assist in all aspects of day to day operations. Responsible for team member training and development of corporate team building and special youth programs. Past positions, successes or unique qualities: 15+ years retail management experience, 15+ years corporate leadership development experience including Timmer Consulting, a leadership development and executive coaching company since 2001. Educational background: B.A., Education, Hope College

Products and Services

Products and Services

ROPES COURSE: A ropes course is the modern-day twist on the traditional obstacle course. Constructed of steel, cables and ropes strung between poles, ropes courses provide people of all ages the opportunity to learn about challenges, risks and rewards—in a safe, exciting and stimulating environment. Ropes courses provide the ultimate opportunity for campers, corporate teams, classmates and families to tackle their fears, push themselves, and work together to accomplish more than they thought possible.

ZIP LINE: Through our engineering excellence and passion for quality, we will construct a zip lines between two platforms on both sides of the Grand River, giving adventure-seekers of all ages the ride of their lives. Our zip line platforms are designed by licensed engineer to assure ultimate safety, and highest quality design for extended wear and tear.

SKY-TYKES: Designed to offer kids and adults a unique one of kind experience. The latest trend in climbing, Sky Tykes, positioned approximately 18" above the ground offering individuals under 46" tall, a wide range of unique climbing challenges. It is designed as an aspirational tool which will motivate younger/smaller participants to keep coming back until they are tall enough to participate in the higher ropes course

QUICK JUMP: The Quick Jump Free Fall Device provides an exciting element with high throughput and low operational costs to operators of amusement parks, family entertainment centers, adventure parks, shopping centers, resorts, ropes courses and more. The Quick Jump gives rider the feeling of a free fall, while safely controlling their descent.

RETAIL MERCHANDISE: We will offer various pieces of promotional clothing for sale (hats, t-shirts, sweatshirts, etc.)

SCHOOL PROGRAMS: In cooperation with Timmer Consulting, we will offer a number of programs for school age students. They will be designed to engage in leadership development as well as overcoming fear and team building exercises. These

half day programs will be offered at no-charge to students from the Lansing Public Schools. Other school systems will pay a nominal fee to participate as a group. Inclusion will be determined by the school system and based on a particular set of clearly defined standards.

CORPORATE PROGRAMS: We will offer specialized corporate team building packages.

MEMBERSHIPS: We will offer a limited number of annual Capitol Zip memberships that will allow users the ability to take advantage of rides and merchandise at discounted rates as well as giving them "first in line" access.

NAMING RIGHTS: We will offer a three-year contract allowing sponsorship of the structure. Signage will be made available on the top of the the 40' tower for our promotional partner. For marketing purposes, all printed material and advertising mentions will refer to the structure as the _____Capitol Zip Line.

Competitors

Wildwood Ranch, 4909 Brophy Road, Howell, MI. Distance: 42.6 miles

Vertical Ventures: W Front St, Grand Ledge, MI. Distance: 14.2 miles

Target Market

Market Overview

- Families: There are 48,450 households and 26,234 families in the area.
- Current Downtown Event Population: Many events take place in downtown Lansing. Some events in the Old Town area report attendance figures as high as 7,000 per event for events like Blues Festival and Festival of the Sun/Moon. There are many events whose attendance total is not available.
- The Common Ground Festival will attract approximately 90,000 attendees throughout the week of events and concerts.
- Convention Population: An estimated 250-300k people visit the Lansing Center each year.
- College Students: There are approximately 75K students that attend the top three colleges and universities in the area (M.S.U., L.C.C. and W.M.U. / Cooley Law School).
- Baseball Attendance: The Lansing Lugnuts average 228K visitors per year. Approximately 3,560 visitors per night over the course of their (64) home game schedule.
- Traffic patterns are estimated at 30,000 cars per day pass by the site along Saginaw and Grand.

Market Needs

In January of 2013, under the direction of marketing professor Kelly Cowart PhD, one hundred and thirty marketing students from Grand Valley State University took part in producing market research on behalf of, our parent company, Zip the Grand, LLC. Our goal was simple: Help us better understand how today's college student thinks. The students were divided into (30) teams and were asked to approach the college student market to get their opinions and impressions of the idea of locating a ropes course and zip line along the Grand River. All groups developed an online questionnaire utilizing "Survey Monkey" that focused specifically on the following areas: spending habits, free time activity, disposable income, vehicles/ media use to promote our product and how will our target market respond to our pricing structure. As a result, approximately 2,000 college students responded to the various surveys that were distributed. We presented

our business plan overview in January and then fielded student questions throughout the semester. As part of their final grade, the students were required to present their findings in a competition based event. We listened to thirty presentations and determined a winner based on professionalism, presentation skills, content, data interpretation, clarity of oral presentation, creativity and quality of information gathered. A winning group was determined from each of the three class periods with an overall winner picked from the three finalist.

Key Information Uncovered:

- Target market prefers to participate in the experience with at least one other person which led us to develop a "two for one" pricing structure for students.
- Our pricing structure proved to be affordable and in line with what the target market was willing to spend on this form of entertainment.
- Segment spends their free time in local bars and clubs in the downtown area. As a result, cross promotions with these establishments will prove to be an effective means of reaching and growing the target market.
- An overwhelming number of respondents had participated in a ropes course or zip line.
- The majority of respondents would look to social media as their primary means of staying current with our promotional events.

Strategy and Implementation

Marketing Plan

Overview

Capitol Zip is uniquely qualified to succeed due to the following reasons:

- **First to Market**: Capitol Zip will be the first permanent zip line/ ropes course in an urban setting where customers can traverse 800' feet over a major waterway in the State of Michigan.
- **Management**: With over 60 years of combined sales and management experience we will create a unique management style that allows team members (employees) the ability to assume a management role on a weekly basis. This will empower them with greater management skills as well as instilling a sense of pride and responsibility in the overall project.
- **Education**: In conjunction with local universities we will offer internships centered around adventure education. Free Leadership and character development programs offered to Lansing Public School students.
- **Location**: We will be located on the northern edge of Adado Riverfront Park at the intersection of Saginaw and Grand and Saginaw and Center streets in Lansing, Michigan. We will work with Norfolk Southern Railways in an effort to allow access over their property which lies between our project and office site. An easement is not necessary but will prove to be a benefit for patrons to access the site. Upon site approval, we will make the formal application for a long term lease which will allow access between the two properties
- **Parking**: We will provide approximately (50) parking spaces on the grounds of our retail location at 711 Center Street. There are (7) public spaces in the park currently. Additionally, there are approximately (37) metered parking spaces along Grand Avenue and another (20) along Saginaw on the grounds of Lansing Community College. There are (25) spaces available to the public in the LCC parking ramp during the school week. The ramp is not utilized on Friday, Saturday or Sunday which could offer potential parking options.

- **Engineering**: Under the direction of Michigan based Ropes Courses, Inc., one of the nation's leading authorities on zip line construction, we will provide the safest, most advanced ropes course construction available in the market.
- **Customers**: We feel extremely confident that we can capture a sizable portion of the current downtown special event population, baseball fans, area college students, weekend warriors, thrill seekers, corporate team members, young professionals, families and convention attendees.
- **Marketing**: By utilizing cross media efforts, we will strategically and successfully promote Capitol Zip via facebook, twitter, email and text messaging. Aggressive outdoor/electronic billboard promotion will act as a compliment to all social media.
- **Successes achieved to date**: Our plan to introduce Capitol Zip to this region has received positive feedback from various departments at the City of Lansing staff as well as with economic leaders. With the necessary municipal approvals and financial support, we will be able to give visitors to Mid-Michigan a memorable experience.

Positioning

Capitol Zip is positioned to outperform competitors for the following reasons:

- **First to Market**: We will provides the first permanent zip line and ropes course in an urban setting where customers traverse a major waterway in the State of Michigan.
- **Best in Industry**: Our engineers at Ropes Courses, Inc. are a team of seasoned entrepreneurs, installers, project managers, educators and climbing enthusiasts with one common mission: to build adventures that take you and your customers to the edge and beyond.
- **Experienced Management Team**: Our management team brings over 60 years of sales, marketing and small business ownership experience to Capitol Zip.
- **Location**: Our location allows us to better serve customers because of its visibility and positioning on the northern end of Adado Riverfront Park as well as it's proximity to the major highway intersections and convention traffic. Based on 2013 Average Daily Traffic (ADT) Maps for the State of Michigan, nearly 30,000 cars a day will drive along Saginaw going through downtown Lansing. Our

office/retail location will be located at 711 Center Street. Being located in close proximity to both downtown hotels and the Lansing Convention Center will allow us the ability to utilize corporate meeting space and lodging for "team building" programs. Capitol Zip will be a short walk (two bridges) along the bike path from the Radisson Hotel, the major hotel provider in the downtown area. Our site approval by Lansing Parks and Recreation Board allows us to ability to negotiate with property owner, Butch Ellis and his commercial broker on a long term lease agreement.

- **Parking**: We will provide approximately (50) parking spaces on the grounds of our retail location at 711 Center Street. There are (7) public spaces in the park currently. Additionally, there are approximately (37) metered parking spaces along Grand Avenue and another (20) along Saginaw on the grounds of Lansing Community College. There are (25) spaces available to the public in the LCC parking ramp during the school week. The ramp is not utilized on Friday, Saturday or Sunday which could offer potential parking options.
- **Restrooms**: Through our retail/office location at 711 Center Street, we will provide public restrooms during business hours.

Pricing

- Zip Line only (Minimum height 46” tall) $15/ weekday $20/ weekend
- Ropes Course only $10/ weekday $15/ weekend
- Zip Line and Ropes Course Combination $20/ weekday $30/ weekend
- Sky Tykes (Height under 46") $10 anytime
- Quick Jump $5 anytime
- Family Package (4 persons) $70/ weekday $100/ weekend
- Individual Package (10 zip - combo) $150 flat rate
- Youth/ Church/ School Groups (10 person minimum - combo) $15/ weekday $25/ weekend
- Corporate: $7,500 / Day

Promotion

Initial excitement will drive sales in the first two months of Capitol Zip. With the increased downtown traffic as a result of events like Common Ground, we will get

maximum exposure. In addition, our initial marketing effort will be based on a percentage of sales. We anticipate relatively flat sales during the colder months, December, January and February. However, with frequent changes in temperature, we will be able to see small influxes of revenue during this period. Our strongest months will be March through November. We will offer Capitol Zip memberships at the beginning of November for the following year. These memberships will allow discounts on all products offered as well as "front of the line" perks. The number of memberships will be limited each year so as to encourage exclusivity. The increasing number of membership will be good for one year and will be re-offered annually to former Zip Line members. Capitol Zip clothing will be offered at our downtown retail location. We anticipate that 2 out of 10 riders will purchase either of these garments. Naming rights for Capitol Zip will allow a company located in Lansing area, the ability to gain maximum exposure. The ability to display signage affixed to the tower portion will provide a great deal of attention to the site an the attraction. As often as Zip the Grand is mentioned in literature, radio, billboard and television advertising, our naming rights partner is mentioned as well.

A new revenue stream. Investors as well as current and future patrons of Capitol Zip can take part in insuring that the grounds at Adado Riverfront Park will be properly maintained. As a part of our business model, we will return 2.5% of admission to the City of Lansing. These funds will be intended for the exclusive use by the Parks & Recreation Department for maintaining Adado Riverfront Park. Based on projections, this along with our monthly lease would generate approximately $168,000 of additional revenue in the first five years alone.

Milestones

Milestone	Due Date	Who's Responsible	Details
Lansing Site Investigation	Completed	Jarl Brey	Visit Lansing to investigate potential sites for Ropes Course and Zip Line
Project Introduction	Completed	Jarl Brey / Jane Timmer	Meet with Lansing Convention and Visitors Bureau President, Jack Schripsema and Mike Price (Lansing Sports Authority) to discuss and introduce the project concept.
Parks & Recreation	Completed	Jarl Brey / Jane Timmer	Meet with Parks and Recreation Director, Brett Kaschinske to discuss utilizing park property in Old Town Lansing
Lansing Economic Connection	Completed	Jarl Brey / Jane Timmer	Meet with L.E.A.P. account manager, Tony Willis to introduce Capitol Zip and seek additional guidance in potential funding sources in the Mid Michigan area.
Lansing Waterfront	Completed	Jarl Brey	Meet with Lansing Kayak operators Paul Brogan for an overview of the economic climate along the downtown Lansing riverfront
Parks & Recreation Update	Completed	Jarl Brey	Meet with Brett Kaschinske for an update on existing conditions and strategy for utilizing public land for private use
L.E.A.P. Discussion	Completed	Jarl Brey	Meet with Karl Dorshimer and Keith Lambert to discuss potential funding sources for project. Phone: (517) 702-3387

Non-Profit Discussion	Completed	Jarl Brey	Meet with Jeffrey Smith, Director, MSU Foundation. Discuss "non-profit' options as a part of "for-profit" corporation
Investor Discussion	Completed	Jarl Brey	Meet with C.E.O. Matt Missad from Universal Forest Products to discuss potential partnership opportunities
Lansing City Planning	Completed	Jarl Brey	Meet with Brett Kaschinske, Bob Johnson and Susan Stachowiak to discuss challenges regarding Act 33 application as well as potential site stipulations
Site Visit	Completed	Jarl Brey	Meet with Brett Kaschinske at Old Town Lansing Grand River site to discuss challenges and specific location requirements
Act 33 Application	Completed	Jarl BRey	Submit formal application with City of Lansing to utilize public land by a private entity.
Investor Presentation	Completed	Jarl Brey / Jane Timmer	Meet with Lansing developer to present the project and seek funding for the project
Walnut Neighborhood Association	Completed	Jarl Brey	Overview and discussion with Dale Schrader, Association Member in order to gain support for the project
Old Town Commercial Association	Completed	Jarl Brey	Discussion and project overview with Board Member, Jamie Schriner-Hooper seeking endorsement of the project
MI Small Bus Dev Center - Plan Review	Completed	Jarl Brey / Jane TImmer	Business plan review by David Sayers

Public Presentation - Lansing Parks & Recreation /Planning	Completed	Jarl Brey / Jane Timmer	Formal presentation to Lansing Parks & Recreation requesting usage of Burchard Park in Old Town Lansing. Fielding questions and promoting application
SIte Inspection - Turner Dodge Mansion	Completed	Jarl Brey	Meet with Parks & Recreation Director to look at the site located at 106 E. North Street in Lansing and determine the feasibility of utilizing the site
Physical Location - Adado Riverfront Park	Completed	Jarl Brey	Meet with Lansing Parks and Recreation and other member of the City of Lansing to agree on the specific location for the ropes course and zip line tower on each side of the river.
City of Lansing Overview	Completed	Brett Kaschinski	Presentation by Brett to clarify a specific location for the structure in downtown Lansing. Visuals will be discussed by city leaders for feedback and guidance.
Easment Discussion with Norfolk Southern	Completed	Jarl Brey	Contact representatives from Norfolk Southern to discuss easement options over property separating the proposed structure and retail locations
Site Approval Meeting - Parks / Rec City of Lansing	Completed	Jarl Brey	Present revised site plan and strategy surrounding the requested location along Saginaw at Grand presented and approved by the board
Retail Location Meeting	Completed	Jarl Brey	Meet with Butch Ellis and Tim Guyselman to discuss utilization of 711 Center Street for retail purposes

LCC Collaboration Discussion	Completed	Jarl Brey	Meet with Becca Sowa from LCC to discuss a possible internship program/marketing class research project.
L.E.A.P	Completed	Jarl Brey	Economic impact and potential investment discussion with L.E.A.P. leadership.
Revised Act 33 Application	Completed	Jarl Brey	Provide Bill Rieske, Assistant Planning Director with revised Act 33 Application for approval.
Lansing City Planning Commission	Completed	Jarl Brey / Jane Timmer	Presentation to City Planning Commission for approval. Plan then moves to Mayor's office for approval of further discussion by Planning & Development committee.
Business Plan Review	Completed	Jarl Brey	Business Plan review by David Sayers at the Michigan Small Business and Technology Development Center on the campus of Grand Valley State University.
Lansing City Council	January 25, 2016	Jarl Brey / Jane Timmer	As a result of City Planning Board approval, Capitol Zip will be recommended to be directed to the Planning and Development committee for in depth contract discussion.
Lansing Planning & Development	February 08, 2016	Jarl Brey	Committee meeting to review contract proposed with the City of Lansing before submission back to City Council for Approval
Lansing City Council	February 22, 2016	Jarl Brey / Jane Timmer	Seeking overall approval of Capitol Zip in downtown Lansing, Michigan following Planning & Development committee meeting.

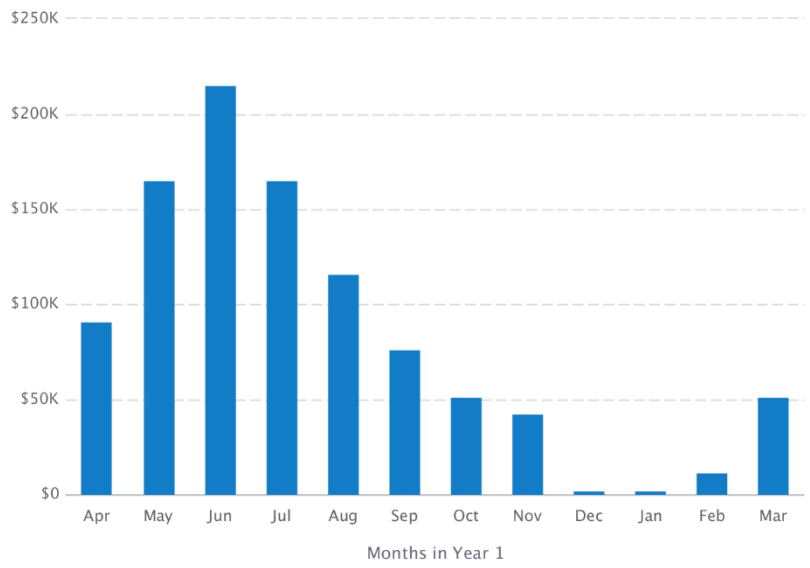
Financial Plan

Revenue Forecast

Revenue Forecast

	FY2017	FY2018	FY2019	FY2020	FY2021
Revenue					
Ropes Course / Zip Line Ride	$710,000	$780,000	$858,000	$943,800	$1,040,000
Corporate Group Events	$75,000	$75,000	$75,000	$75,000	$75,000
Ropes Course Membership	$12,500	$15,000	$17,500	$20,000	$20,000
Clothing Sales	$11,400	$12,750	$14,025	$15,000	$16,500
Naming Rights	$24,000	$24,000	$24,000	$24,000	$24,000
Quick Jump Sales	$158,750	$174,625	$192,500	$211,750	$235,000
Total Revenue	**$991,650**	**$1,081,375**	**$1,181,025**	**$1,289,550**	**$1,410,500**
Direct Cost					
Ropes Course / Zip Line Ride	$17,750	$19,500	$21,450	$23,595	$26,000
Corporate Group Events	$7,500	$7,500	$7,500	$7,500	$7,500
Clothing Sales	$5,700	$6,375	$7,013	$7,500	$8,250
Total Direct Cost	**$30,950**	**$33,375**	**$35,963**	**$38,595**	**$41,750**
Gross Margin	$960,700	$1,048,000	$1,145,062	$1,250,955	$1,368,750
Gross Margin %	**97%**	**97%**	**97%**	**97%**	**97%**

Revenue by Month



About the Revenue Forecast

Revenue forecast totals are based on capturing 6% (35,500 people) of the 608,000 total annual downtown market (Convention, Baseball, Common Ground & Festival of Sun/Moon). Current student population as well as well as annual Lansing visitors were taken into consideration but not included in that current downtown visitor market total. Revenue is expected to increase annually by 10%. We also took the following into consideration:

- Discussions with industry leaders including Brad Wuest, CEO, Natural Bridge Caverns, San Antonio, TX and Robin Turner, General Partner, WonderWorks, Inc., Myrtle Beach, SC
- Lansing Center attendance and discussions with Mike Price, Lansing Sports Authority: 4.7 Million annual Lansing visitors, 275K Annual Convention visitors
- Average nightly attendance for Lugnuts baseball: 3,560/night x 64 Home Games = 227,840 people
- Estimated annual commerce: $424M
- Estimated attendance for local annual events: 90k Common Ground, 15-20K Old Town Festivals

- Student College population: 87,200 (MSU,LCC ,Cooley Law & Lansing Public Schools)
- Census data: 113,972 (City of Lansing) 464,036 (Metropolitan)
- Discussions with local business leaders: L.E.A.P., OTCA, Walnut Neighborhood & MSU
- City Size: 5th largest city in Michigan
- Largest Employer: State of Michigan (68,954)
- Traffic Count: Estimated 30k cars will travel past the site each day

Personnel Plan

Personnel Table

	FY2017	FY2018	FY2019	FY2020	FY2021
Team Leader	$11,468	$35,000	$35,000	$35,000	$35,000
Team Associates	$230,400	$345,600	$345,600	$345,600	$345,600
General Manager	$70,000	$70,000	$70,000	$70,000	$70,000
Total	**$311,868**	**$450,600**	**$450,600**	**$450,600**	**$450,600**

About the Personnel Plan

There will be (6) team associates working at all times. (2) gate/climber prep, (1) tower leads on the West side of the Grand River and (3) others working the three story ropes course structure on the East side of the Grand River. Our Team Leader will be responsible for day to day decisions as well as management of the retail office during the winter months. The General Manager will oversee all aspects of the operation with daily contact with Team Associates for the first six months and then hiring and training the Team Leader.

Challenges: Adequate number of staff on site at all times will continue to be a challenge. We anticipate needing fewer team members during low visitor hours and maximum staff during our peak hours of operation. Other similar operations have experienced "growing pains" with meeting this challenge. One of the most time

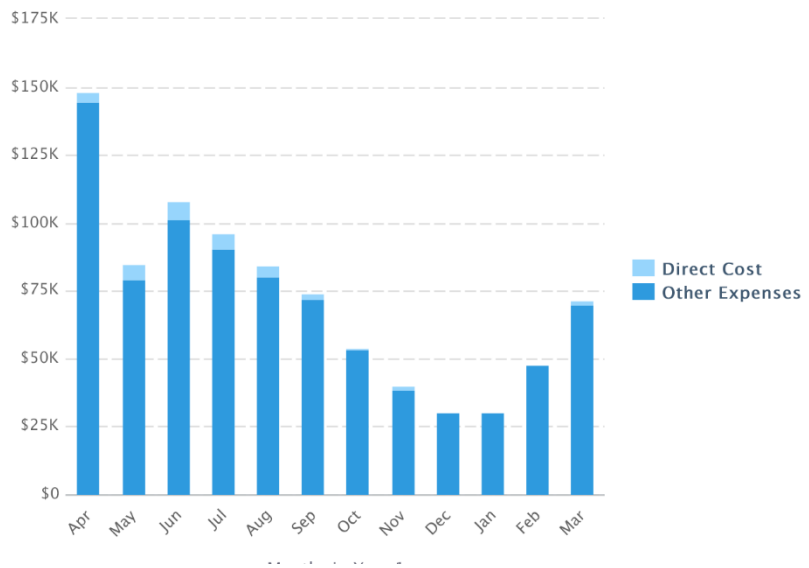
consuming tasks for team members will be outfitting riders with their harness gear (staging). Our goal is to both have the proper number of staff on site at any given time that will allow for a enjoyable and safe experience and to be sure that riders never experience a "slow-down" during this phase.

Budget

Budget Table

	FY2017	FY2018	FY2019	FY2020	FY2021
Operating Expenses					
Salary	$311,868	$450,600	$450,600	$450,600	$450,600
Employee Related Expenses	$62,374	$90,120	$90,120	$90,120	$90,120
Marketing & Promotions	$19,833	$21,628	$23,621	$25,791	$28,210
Office Rent	$14,400	$14,400	$14,400	$14,400	$14,400
Utilities	$2,300	$3,600	$3,600	$0	$0
Office Supplies / Equipment	$3,600	$2,400	$2,400	$2,400	$2,400
Liability Insurance	$52,301	$57,531	$63,284	$69,612	$76,573
Accounting	$1,000	$1,000	$1,000	$1,000	$1,000
Legal	$20,000	$0	$0	$0	$0
Location Lease	$6,000	$6,000	$6,000	$6,000	$6,000
Norfolk Southern Easement	$1,700	$1,200	$1,200	$1,200	$1,200
Total Operating Expenses	**$495,376**	**$648,479**	**$656,225**	**$661,123**	**$670,503**

Expenses by Month



About the Budget

Payroll is by far the largest expense the company incurs. Staff will need to be managed and hours regulated so that hours worked correlate to sales. Emphasis will be placed on minimizing expenses that do not help generate bottom line. As discussed previously, one of the biggest challenges will be coordinating staff hours along with high traffic periods during the week.

We expect increases in our liability insurance as this is tied directly to sales and will be rectified at the end of each calendar year with our insurance providers.

Startup Costs

The majority of capital required to start the venture will be directly tied to construction and labor costs for the ropes course and return tower itself. In addition, we would like to have three months of operating costs as reserves prior to opening day.

Cash Flow Assumptions

Cash Flow Assumptions

Cash Inflow	
% of Sales on Credit	0%
Cash Outflow	
% of Purchases on Credit	0%
Inventory	
Months to Keep on Hand	0
Minimum Inventory Purchase	$0

Loans and Investments

Loans and Investments Table

	FY2017	FY2018	FY2019	FY2020	FY2021
Capitol Zip Investor Equity investment	**$1,650,000**				
Total Amount Received	**$1,650,000**				

Sources of Funds

Capitol Zip will raise the necessary funds needed to pay for and install the ropes course structure, operating costs for the first three months and all office remodeling and retail upgrades. We plan to approach two different funding sources in order to raise the necessary capital, investors and lenders.

- We will secure funding via local business leaders that will have a vested interest in the success of Mid Michigan, the City of Lansing and/or the Lansing Public Schools.
- As part of our venture, we will be devoted to giving back to the Lansing community. We will actively work with the Lansing Public School system to develop a free Leadership Development program. Developed by Timmer Consulting. The program seeks to help children and young adults in the area public schools, become better leaders, overcome fear and improve team building skills.

Use of Funds

The $1.65 million raised will go directly to construction costs and providing a three month cushion to maintain all operating expenses. As part of the original construction contract, a portion of those funds will be held in reserve, dedicated to end of life "deconstruction" expenses. The grounds along the Park, on both sides of the Grand River, will be returned back to their original configuration.

The total investment figure represents a 57% ownership stake in Capitol Zip with 43% ownership being retained by the founders. There will be no more than (17) investors in the project and any merger attempt will require unanimous support of all members and/or stockholders.

Financial Statements

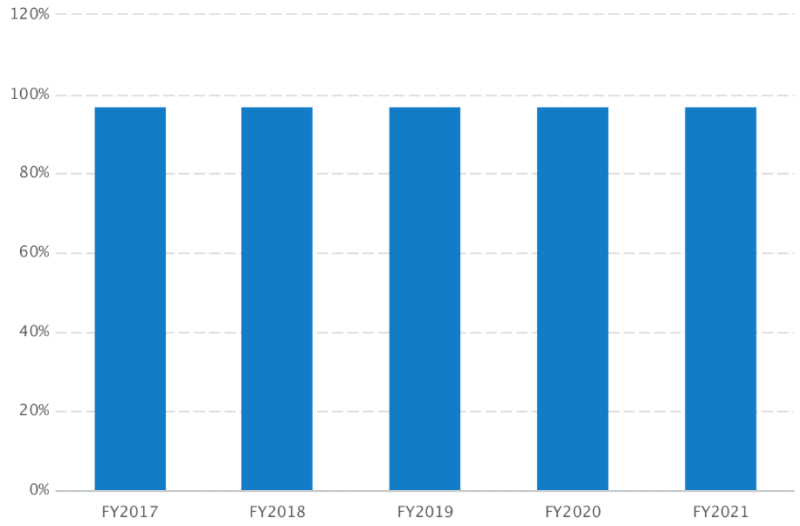
Profit and Loss Statement

Profit and Loss Statement

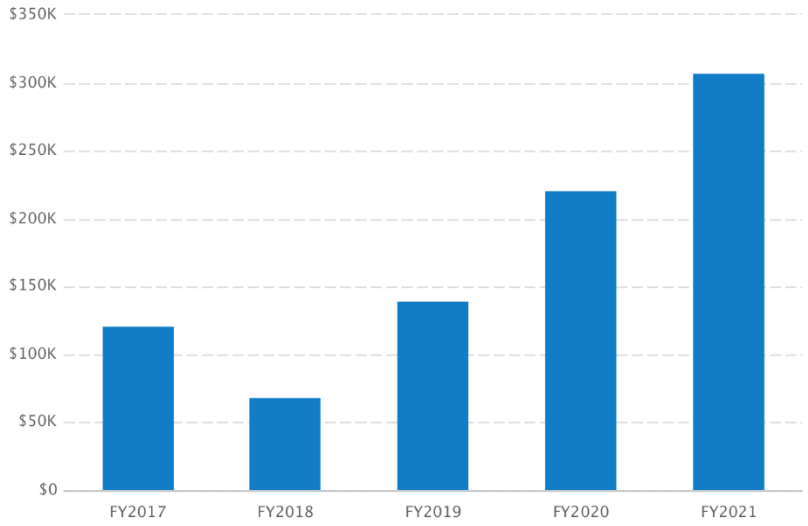
	FY2017	FY2018	FY2019	FY2020	FY2021
Revenue	**$991,650**	**$1,081,375**	**$1,181,025**	**$1,289,550**	**$1,410,500**
Direct Costs	**$30,950**	**$33,375**	**$35,963**	**$38,595**	**$41,750**
Gross Margin	$960,700	$1,048,000	$1,145,062	$1,250,955	$1,368,750
Gross Margin %	**97%**	**97%**	**97%**	**97%**	**97%**
Operating Expenses					
Salary	$311,868	$450,600	$450,600	$450,600	$450,600
Employee Related Expenses	$62,374	$90,120	$90,120	$90,120	$90,120
Marketing & Promotions	$19,833	$21,628	$23,621	$25,791	$28,210
Office Rent	$14,400	$14,400	$14,400	$14,400	$14,400
Utilities	$2,300	$3,600	$3,600	$0	$0
Office Supplies / Equipment	$3,600	$2,400	$2,400	$2,400	$2,400
Liability Insurance	$52,301	$57,531	$63,284	$69,612	$76,573
Accounting	$1,000	$1,000	$1,000	$1,000	$1,000
Legal	$20,000	$0	$0	$0	$0
Location Lease	$6,000	$6,000	$6,000	$6,000	$6,000
Norfolk Southern Easement	$1,700	$1,200	$1,200	$1,200	$1,200
Total Operating Expenses	**$495,376**	**$648,479**	**$656,225**	**$661,123**	**$670,503**

Operating Income	**$465,324**	**$399,521**	**$488,837**	**$589,832**	**$698,247**
Interest Incurred					
Depreciation and Amortization	$313,300	$313,299	$313,301	$313,300	$313,299
Income Taxes	$30,404	$17,244	$35,108	$55,306	$76,990
Total Expenses	**$870,030**	**$1,012,397**	**$1,040,597**	**$1,068,324**	**$1,102,542**
Net Profit	**$121,620**	**$68,978**	**$140,428**	**$221,226**	**$307,958**
Net Profit / Sales	**12%**	**6%**	**12%**	**17%**	**22%**

Gross Margin by Year



Net Profit (or Loss) by Year



About the Profit and Loss Statement

Month-by-month forecasts for profit and loss are included in the appendix. Our goal is a 10% increase in annual sales for the first five years. Although we are looking at $1.65 million in construction costs, we do not anticipate any other large cash requirements during that period.

Balance Sheet

Balance Sheet

	FY2017	FY2018	FY2019	FY2020	FY2021
Cash	$477,250	$814,678	$1,206,869	$1,636,336	$2,104,356
Accounts Receivable	$0	$0	$0	$0	$0
Inventory					
Other Current Assets					
Total Current Assets	**$477,250**	**$814,678**	**$1,206,869**	**$1,636,336**	**$2,104,356**
Long-Term Assets	$1,573,166	$1,573,166	$1,573,166	$1,573,166	$1,573,166
Accumulated Depreciation	($313,300)	($626,599)	($939,900)	($1,253,200)	($1,566,499)
Total Long-Term Assets	**$1,259,866**	**$946,567**	**$633,266**	**$319,966**	**$6,667**
Total Assets	**$1,737,116**	**$1,761,245**	**$1,840,135**	**$1,956,302**	**$2,111,023**
Accounts Payable	$0	$0	$0	$0	$0
Income Taxes Payable	$30,404	$17,244	$35,108	$55,306	$76,990
Sales Taxes Payable	$3,096	$5,407	$5,905	$6,448	$7,052
Short-Term Debt					
Prepaid Revenue					
Total Current Liabilities	**$33,500**	**$22,651**	**$41,013**	**$61,754**	**$84,042**
Long-Term Debt					
Total Liabilities	**$33,500**	**$22,651**	**$41,013**	**$61,754**	**$84,042**
Paid-in Capital	$1,650,000	$1,650,000	$1,650,000	$1,650,000	$1,650,000
Retained Earnings	($68,000)	$19,616	$8,694	$23,322	$69,023
Earnings	$121,616	$68,978	$140,428	$221,226	$307,958

Total Owner's Equity	**$1,703,616**	**$1,738,594**	**$1,799,122**	**$1,894,548**	**$2,026,981**
Total Liabilities & Equity	**$1,737,116**	**$1,761,245**	**$1,840,135**	**$1,956,302**	**$2,111,023**

As the balance sheet shows, we do not expect any real trouble meeting our debt obligations. As long as we can achieve our specific objectives, we should not need to take on additional debt beyond the original $1.65 million.

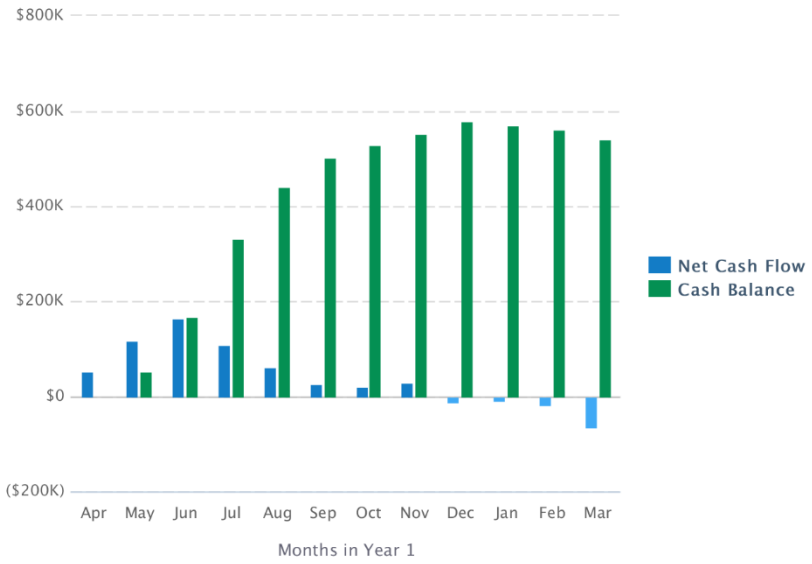
Cash Flow Statement

Cash Flow Statement

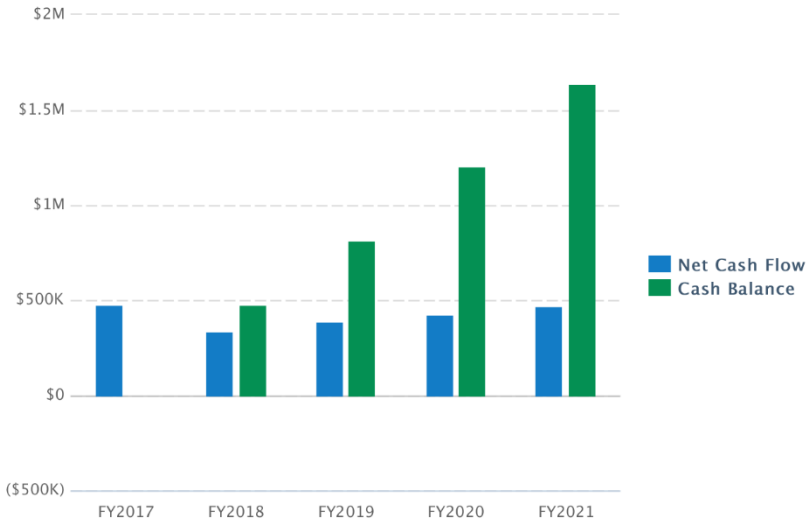
	FY2017	FY2018	FY2019	FY2020	FY2021
Net Cash Flow from Operations					
Net Profit	$121,620	$68,978	$140,428	$221,226	$307,958
Depreciation and Amortization	$313,300	$313,299	$313,301	$313,300	$313,299
Change in Accounts Receivable	$0	$0	$0	$0	$0
Change in Inventory					
Change in Accounts Payable	$0	$0	$0	$0	$0
Change in Income Tax Payable	$30,404	($13,160)	$17,864	$20,198	$21,684
Change in Sales Tax Payable	$3,096	$2,311	$498	$543	$604
Change in Prepaid Revenue					
Net Cash Flow from Operations	**$468,420**	**$371,428**	**$472,091**	**$555,267**	**$643,545**
Investing & Financing					
Assets Purchased or Sold	($1,573,166)				
Investments Received	$1,650,000				
Change in Long-Term Debt					

Change in Short-Term Debt					
Dividends & Distributions	($68,000)	($34,000)	($79,900)	($125,800)	($175,525)
Net Cash Flow from Investing & Financing	**$8,834**	**($34,000)**	**($79,900)**	**($125,800)**	**($175,525)**
Cash at Beginning of Period	($4)	$477,250	$814,678	$1,206,869	$1,636,336
Net Change in Cash	$477,254	$337,428	$392,191	$429,467	$468,020
Cash at End of Period	**$477,250**	**$814,678**	**$1,206,869**	**$1,636,336**	**$2,104,356**

Cash Flow by Month



Cash Flow by Year



As you can see, a significant amount of cash is required to fund the first year of operations. The early months show steady growth as we plan to start the business at the beginning of the warmer months. We look to generate another influx of cash in November as this is when we will introduce the "Ropes Course Membership". This amount will be helpful leading into our down period due to colder weather during December January and February.

Appendix

Revenue Forecast

Revenue Forecast Table (With Monthly Detail)

FY2017	Apr '16	May '16	Jun '16	Jul '16	Aug '16	Sep '16	Oct '16	Nov '16	Dec '16	Jan '17	Feb '17	Mar '17
Revenue												
Ropes Course / Zip Line Ride	$60,000	$120,000	$160,000	$120,000	$80,000	$60,000	$30,000	$40,000	$0	$0	$0	$40,000
Corporate Group Events	$15,000	$15,000	$15,000	$15,000	$15,000	$0	$0	$0	$0	$0	$0	$0
Ropes Course Membership	$0	$0	$0	$0	$0	$0	$12,500	$0	$0	$0	$0	$0
Clothing Sales	$900	$1,800	$2,400	$1,800	$1,200	$900	$450	$750	$0	$0	$600	$600
Naming Rights	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000
Quick Jump Sales	$13,500	$26,500	$36,000	$26,500	$18,000	$13,500	$6,750	$0	$0	$0	$9,000	$9,000
Total Revenue	**$91,400**	**$165,300**	**$215,400**	**$165,300**	**$116,200**	**$76,400**	**$51,700**	**$42,750**	**$2,000**	**$2,000**	**$11,600**	**$51,600**
Direct Cost												
Ropes Course / Zip Line Ride	$1,500	$3,000	$4,000	$3,000	$2,000	$1,500	$750	$1,000	$0	$0	$0	$1,000
Corporate Group Events	$1,500	$1,500	$1,500	$1,500	$1,500	$0	$0	$0	$0	$0	$0	$0
Clothing Sales	$450	$900	$1,200	$900	$600	$450	$225	$375	$0	$0	$300	$300
Total Direct Cost	**$3,450**	**$5,400**	**$6,700**	**$5,400**	**$4,100**	**$1,950**	**$975**	**$1,375**	**$0**	**$0**	**$300**	**$1,300**
Gross Margin	$87,950	$159,900	$208,700	$159,900	$112,100	$74,450	$50,725	$41,375	$2,000	$2,000	$11,300	$50,300
Gross Margin %	**96%**	**97%**	**97%**	**97%**	**96%**	**97%**	**98%**	**97%**	**100%**	**100%**	**97%**	**97%**

	FY2017	FY2018	FY2019	FY2020	FY2021
Revenue					
Ropes Course / Zip Line Ride	$710,000	$780,000	$858,000	$943,800	$1,040,000
Corporate Group Events	$75,000	$75,000	$75,000	$75,000	$75,000
Ropes Course Membership	$12,500	$15,000	$17,500	$20,000	$20,000
Clothing Sales	$11,400	$12,750	$14,025	$15,000	$16,500
Naming Rights	$24,000	$24,000	$24,000	$24,000	$24,000
Quick Jump Sales	$158,750	$174,625	$192,500	$211,750	$235,000
Total Revenue	**$991,650**	**$1,081,375**	**$1,181,025**	**$1,289,550**	**$1,410,500**
Direct Cost					
Ropes Course / Zip Line Ride	$17,750	$19,500	$21,450	$23,595	$26,000
Corporate Group Events	$7,500	$7,500	$7,500	$7,500	$7,500
Clothing Sales	$5,700	$6,375	$7,013	$7,500	$8,250
Total Direct Cost	**$30,950**	**$33,375**	**$35,963**	**$38,595**	**$41,750**
Gross Margin	$960,700	$1,048,000	$1,145,062	$1,250,955	$1,368,750
Gross Margin %	**97%**	**97%**	**97%**	**97%**	**97%**

Personnel Plan

Personnel Table (With Monthly Detail)

FY2017	Apr '16	May '16	Jun '16	Jul '16	Aug '16	Sep '16	Oct '16	Nov '16	Dec '16	Jan '17	Feb '17	Mar '17
Team Leader	$0	$0	$0	$0	$0	$0	$0	$1,600	$1,600	$1,600	$3,334	$3,334
Team Associates	$28,800	$28,800	$28,800	$28,800	$28,800	$28,800	$14,400	$0	$0	$0	$14,400	$28,800
General Manager	$5,833	$5,833	$5,833	$5,833	$5,833	$5,833	$5,833	$5,833	$5,834	$5,834	$5,834	$5,834
Total	**$34,633**	**$34,633**	**$34,633**	**$34,633**	**$34,633**	**$34,633**	**$20,233**	**$7,433**	**$7,434**	**$7,434**	**$23,568**	**$37,968**

	FY2017	FY2018	FY2019	FY2020	FY2021
Team Leader	$11,468	$35,000	$35,000	$35,000	$35,000
Team Associates	$230,400	$345,600	$345,600	$345,600	$345,600
General Manager	$70,000	$70,000	$70,000	$70,000	$70,000
Total	**$311,868**	**$450,600**	**$450,600**	**$450,600**	**$450,600**

Budget

Budget Table (With Monthly Detail)

FY2017	Apr '16	May '16	Jun '16	Jul '16	Aug '16	Sep '16	Oct '16	Nov '16	Dec '16	Jan '17	Feb '17	Mar '17
Operating Expenses												
Salary	$34,633	$34,633	$34,633	$34,633	$34,633	$34,633	$20,233	$7,433	$7,434	$7,434	$23,568	$37,968
Employee Related Expenses	$6,927	$6,927	$6,927	$6,927	$6,927	$6,927	$4,047	$1,487	$1,487	$1,487	$4,714	$7,594
Marketing & Promotions	$1,828	$3,306	$4,308	$3,306	$2,324	$1,528	$1,034	$855	$40	$40	$232	$1,032
Office Rent	$1,200	$1,200	$1,200	$1,200	$1,200	$1,200	$1,200	$1,200	$1,200	$1,200	$1,200	$1,200
Utilities	$300	$300	$300	$300	$300	$300	$300	$50	$50	$50	$50	
Office Supplies / Equipment	$350	$350	$350	$350	$350	$350	$350	$150	$150	$150	$350	$350
Liability Insurance	$52,301	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	
Accounting	$83	$83	$83	$83	$83	$83	$83	$83	$84	$84	$84	$84
Legal	$20,000	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	
Location Lease	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500
Norfolk Southern Easement	$600	$100	$100	$100	$100	$100	$100	$100	$100	$100	$100	$100
Total Operating Expenses	**$118,722**	**$47,399**	**$48,401**	**$47,399**	**$46,417**	**$45,621**	**$27,847**	**$11,858**	**$11,045**	**$11,045**	**$30,798**	**$48,828**

	FY2017	FY2018	FY2019	FY2020	FY2021
Operating Expenses					
Salary	$311,868	$450,600	$450,600	$450,600	$450,600
Employee Related Expenses	$62,374	$90,120	$90,120	$90,120	$90,120
Marketing & Promotions	$19,833	$21,628	$23,621	$25,791	$28,210
Office Rent	$14,400	$14,400	$14,400	$14,400	$14,400
Utilities	$2,300	$3,600	$3,600	$0	$0
Office Supplies / Equipment	$3,600	$2,400	$2,400	$2,400	$2,400
Liability Insurance	$52,301	$57,531	$63,284	$69,612	$76,573
Accounting	$1,000	$1,000	$1,000	$1,000	$1,000
Legal	$20,000	$0	$0	$0	$0
Location Lease	$6,000	$6,000	$6,000	$6,000	$6,000
Norfolk Southern Easement	$1,700	$1,200	$1,200	$1,200	$1,200
Total Operating Expenses	**$495,376**	**$648,479**	**$656,225**	**$661,123**	**$670,503**

Loans and Investments

Loans and Investments Table (With Monthly Detail)

FY2017	Apr '16	May '16	Jun '16	Jul '16	Aug '16	Sep '16	Oct '16	Nov '16	Dec '16	Jan '17	Feb '17	Mar '17
Capitol Zip Investor Equity investment	$1,650,000											
Total Amount Received	$1,650,000											

	FY2017	FY2018	FY2019	FY2020	FY2021
Capitol Zip Investor Equity investment	$1,650,000				
Total Amount Received	$1,650,000				

Profit and Loss Statement

Profit and Loss Statement (With Monthly Detail)

FY2017	Apr '16	May '16	Jun '16	Jul '16	Aug '16	Sep '16	Oct '16	Nov '16	Dec '16	Jan '17	Feb '17	Mar '17
Revenue	**$91,400**	**$165,300**	**$215,400**	**$165,300**	**$116,200**	**$76,400**	**$51,700**	**$42,750**	**$2,000**	**$2,000**	**$11,600**	**$51,600**
Direct Costs	**$3,450**	**$5,400**	**$6,700**	**$5,400**	**$4,100**	**$1,950**	**$975**	**$1,375**	**$0**	**$0**	**$300**	**$1,300**
Gross Margin	$87,950	$159,900	$208,700	$159,900	$112,100	$74,450	$50,725	$41,375	$2,000	$2,000	$11,300	$50,300
Gross Margin %	**96%**	**97%**	**97%**	**97%**	**96%**	**97%**	**98%**	**97%**	**100%**	**100%**	**97%**	**97%**
Operating Expenses												
Salary	$34,633	$34,633	$34,633	$34,633	$34,633	$34,633	$20,233	$7,433	$7,434	$7,434	$23,568	$37,968
Employee Related Expenses	$6,927	$6,927	$6,927	$6,927	$6,927	$6,927	$4,047	$1,487	$1,487	$1,487	$4,714	$7,594
Marketing & Promotions	$1,828	$3,306	$4,308	$3,306	$2,324	$1,528	$1,034	$855	$40	$40	$232	$1,032
Office Rent	$1,200	$1,200	$1,200	$1,200	$1,200	$1,200	$1,200	$1,200	$1,200	$1,200	$1,200	$1,200
Utilities	$300	$300	$300	$300	$300	$300	$300	$50	$50	$50	$50	
Office Supplies / Equipment	$350	$350	$350	$350	$350	$350	$350	$150	$150	$150	$350	$350
Liability Insurance	$52,301	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	
Accounting	$83	$83	$83	$83	$83	$83	$83	$83	$84	$84	$84	$84
Legal	$20,000	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	
Location Lease	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500	$500
Norfolk Southern Easement	$600	$100	$100	$100	$100	$100	$100	$100	$100	$100	$100	$100

Total Operating Expenses	**$118,722**	**$47,399**	**$48,401**	**$47,399**	**$46,417**	**$45,621**	**$27,847**	**$11,858**	**$11,045**	**$11,045**	**$30,798**	**$48,828**
Operating Income	**($30,772)**	**$112,501**	**$160,299**	**$112,501**	**$65,683**	**$28,829**	**$22,878**	**$29,517**	**($9,045)**	**($9,045)**	**($19,498)**	**$1,472**
Interest Incurred												
Depreciation and Amortization	$26,110	$26,106	$26,109	$26,109	$26,107	$26,109	$26,109	$26,106	$26,110	$26,110	$26,105	$26,110
Income Taxes	$0	$5,903	$26,838	$17,278	$7,915	$544	($646)	$682	($7,031)	($7,031)	($9,120)	($4,928)
Total Expenses	**$148,282**	**$84,808**	**$108,048**	**$96,186**	**$84,539**	**$74,224**	**$54,285**	**$40,021**	**$30,124**	**$30,124**	**$48,083**	**$71,310**
Net Profit	**($56,882)**	**$80,492**	**$107,352**	**$69,114**	**$31,661**	**$2,176**	**($2,585)**	**$2,729**	**($28,124)**	**($28,124)**	**($36,483)**	**($19,710)**
Net Profit / Sales	**(62%)**	**49%**	**50%**	**42%**	**27%**	**3%**	**(5%)**	**6%**	**(1,406%)**	**(1,406%)**	**(315%)**	**(38%)**

	FY2017	FY2018	FY2019	FY2020	FY2021
Revenue	**$991,650**	**$1,081,375**	**$1,181,025**	**$1,289,550**	**$1,410,500**
Direct Costs	**$30,950**	**$33,375**	**$35,963**	**$38,595**	**$41,750**
Gross Margin	$960,700	$1,048,000	$1,145,062	$1,250,955	$1,368,750
Gross Margin %	**97%**	**97%**	**97%**	**97%**	**97%**
Operating Expenses					
Salary	$311,868	$450,600	$450,600	$450,600	$450,600
Employee Related Expenses	$62,374	$90,120	$90,120	$90,120	$90,120
Marketing & Promotions	$19,833	$21,628	$23,621	$25,791	$28,210
Office Rent	$14,400	$14,400	$14,400	$14,400	$14,400
Utilities	$2,300	$3,600	$3,600	$0	$0
Office Supplies / Equipment	$3,600	$2,400	$2,400	$2,400	$2,400
Liability Insurance	$52,301	$57,531	$63,284	$69,612	$76,573
Accounting	$1,000	$1,000	$1,000	$1,000	$1,000
Legal	$20,000	$0	$0	$0	$0
Location Lease	$6,000	$6,000	$6,000	$6,000	$6,000
Norfolk Southern Easement	$1,700	$1,200	$1,200	$1,200	$1,200
Total Operating Expenses	**$495,376**	**$648,479**	**$656,225**	**$661,123**	**$670,503**
Operating Income	**$465,324**	**$399,521**	**$488,837**	**$589,832**	**$698,247**
Interest Incurred					
Depreciation and Amortization	$313,300	$313,299	$313,301	$313,300	$313,299
Income Taxes	$30,404	$17,244	$35,108	$55,306	$76,990
Total Expenses	**$870,030**	**$1,012,397**	**$1,040,597**	**$1,068,324**	**$1,102,542**
Net Profit	**$121,620**	**$68,978**	**$140,428**	**$221,226**	**$307,958**

Net Profit / Sales	**12%**	**6%**	**12%**	**17%**	**22%**

Balance Sheet

Balance Sheet (With Monthly Detail)

FY2017	Apr '16	May '16	Jun '16	Jul '16	Aug '16	Sep '16	Oct '16	Nov '16	Dec '16	Jan '17	Feb '17	Mar '17
Cash	$51,546	$168,481	$331,786	$441,281	$504,018	$530,459	$551,855	$580,835	$569,345	$560,300	$541,378	$477,250
Accounts Receivable	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Inventory												
Other Current Assets												
Total Current Assets	**$51,546**	**$168,481**	**$331,786**	**$441,281**	**$504,018**	**$530,459**	**$551,855**	**$580,835**	**$569,345**	**$560,300**	**$541,378**	**$477,250**
Long-Term Assets	$1,573,166	$1,573,166	$1,573,166	$1,573,166	$1,573,166	$1,573,166	$1,573,166	$1,573,166	$1,573,166	$1,573,166	$1,573,166	$1,573,166
Accumulated Depreciation	($26,110)	($52,216)	($78,325)	($104,434)	($130,541)	($156,650)	($182,759)	($208,865)	($234,975)	($261,085)	($287,190)	($313,300)
Total Long-Term Assets	**$1,547,056**	**$1,520,950**	**$1,494,841**	**$1,468,732**	**$1,442,625**	**$1,416,516**	**$1,390,407**	**$1,364,301**	**$1,338,191**	**$1,312,081**	**$1,285,976**	**$1,259,866**
Total Assets	**$1,598,602**	**$1,689,431**	**$1,826,627**	**$1,910,013**	**$1,946,643**	**$1,946,975**	**$1,942,262**	**$1,945,136**	**$1,907,536**	**$1,872,381**	**$1,827,354**	**$1,737,116**
Accounts Payable	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Income Taxes Payable	$0	$5,903	$32,741	$50,019	$57,934	$58,478	$57,832	$58,514	$51,483	$44,452	$35,332	$30,404
Sales Taxes Payable	$5,484	$9,918	$12,924	$9,918	$6,972	$4,584	$3,102	$2,565	$120	$120	$696	$3,096
Short-Term Debt												
Prepaid Revenue												
Total Current Liabilities	**$5,484**	**$15,821**	**$45,665**	**$59,937**	**$64,906**	**$63,062**	**$60,934**	**$61,079**	**$51,603**	**$44,572**	**$36,028**	**$33,500**
Long-Term Debt												

Total Liabilities	**$5,484**	**$15,821**	**$45,665**	**$59,937**	**$64,906**	**$63,062**	**$60,934**	**$61,079**	**$51,603**	**$44,572**	**$36,028**	**$33,500**
Paid-in Capital	$1,650,000	$1,650,000	$1,650,000	$1,650,000	$1,650,000	$1,650,000	$1,650,000	$1,650,000	$1,650,000	$1,650,000	$1,650,000	$1,650,000
Retained Earnings												($68,000)
Earnings	($56,882)	$23,610	$130,962	$200,076	$231,737	$233,913	$231,328	$234,057	$205,933	$177,809	$141,326	$121,616
Total Owner's Equity	**$1,593,118**	**$1,673,610**	**$1,780,962**	**$1,850,076**	**$1,881,737**	**$1,883,913**	**$1,881,328**	**$1,884,057**	**$1,855,933**	**$1,827,809**	**$1,791,326**	**$1,703,616**
Total Liabilities & Equity	**$1,598,602**	**$1,689,431**	**$1,826,627**	**$1,910,013**	**$1,946,643**	**$1,946,975**	**$1,942,262**	**$1,945,136**	**$1,907,536**	**$1,872,381**	**$1,827,354**	**$1,737,116**

	FY2017	FY2018	FY2019	FY2020	FY2021
Cash	$477,250	$814,678	$1,206,869	$1,636,336	$2,104,356
Accounts Receivable	$0	$0	$0	$0	$0
Inventory					
Other Current Assets					
Total Current Assets	**$477,250**	**$814,678**	**$1,206,869**	**$1,636,336**	**$2,104,356**
Long-Term Assets	$1,573,166	$1,573,166	$1,573,166	$1,573,166	$1,573,166
Accumulated Depreciation	($313,300)	($626,599)	($939,900)	($1,253,200)	($1,566,499)
Total Long-Term Assets	**$1,259,866**	**$946,567**	**$633,266**	**$319,966**	**$6,667**
Total Assets	**$1,737,116**	**$1,761,245**	**$1,840,135**	**$1,956,302**	**$2,111,023**
Accounts Payable	$0	$0	$0	$0	$0
Income Taxes Payable	$30,404	$17,244	$35,108	$55,306	$76,990
Sales Taxes Payable	$3,096	$5,407	$5,905	$6,448	$7,052
Short-Term Debt					
Prepaid Revenue					
Total Current Liabilities	**$33,500**	**$22,651**	**$41,013**	**$61,754**	**$84,042**
Long-Term Debt					
Total Liabilities	**$33,500**	**$22,651**	**$41,013**	**$61,754**	**$84,042**
Paid-in Capital	$1,650,000	$1,650,000	$1,650,000	$1,650,000	$1,650,000
Retained Earnings	($68,000)	$19,616	$8,694	$23,322	$69,023
Earnings	$121,616	$68,978	$140,428	$221,226	$307,958
Total Owner's Equity	**$1,703,616**	**$1,738,594**	**$1,799,122**	**$1,894,548**	**$2,026,981**
Total Liabilities & Equity	**$1,737,116**	**$1,761,245**	**$1,840,135**	**$1,956,302**	**$2,111,023**

Cash Flow Statement

Cash Flow Statement (With Monthly Detail)

FY2017	Apr '16	May '16	Jun '16	Jul '16	Aug '16	Sep '16	Oct '16	Nov '16	Dec '16	Jan '17	Feb '17	Mar '17
Net Cash Flow from Operations												
Net Profit	($56,882)	$80,492	$107,352	$69,114	$31,661	$2,176	($2,585)	$2,729	($28,124)	($28,124)	($36,483)	($19,710)
Depreciation and Amortization	$26,110	$26,106	$26,109	$26,109	$26,107	$26,109	$26,109	$26,106	$26,110	$26,110	$26,105	$26,110
Change in Accounts Receivable	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Change in Inventory												
Change in Accounts Payable	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Change in Income Tax Payable	$0	$5,903	$26,838	$17,278	$7,915	$544	($646)	$682	($7,031)	($7,031)	($9,120)	($4,928)
Change in Sales Tax Payable	$5,484	$4,434	$3,006	($3,006)	($2,946)	($2,388)	($1,482)	($537)	($2,445)	$0	$576	$2,400
Change in Prepaid Revenue												
Net Cash Flow from Operations	**($25,288)**	**$116,935**	**$163,305**	**$109,495**	**$62,737**	**$26,441**	**$21,396**	**$28,980**	**($11,490)**	**($9,045)**	**($18,922)**	**$3,872**
Investing & Financing												
Assets Purchased or Sold	($1,573,166)											

Investments Received	$1,650,000											
Change in Long-Term Debt												
Change in Short-Term Debt												
Dividends & Distributions												($68,000)
Net Cash Flow from Investing & Financing	**$76,834**											**($68,000)**
Cash at Beginning of Period	$0	$51,546	$168,481	$331,786	$441,281	$504,018	$530,459	$551,855	$580,835	$569,345	$560,300	$541,378
Net Change in Cash	$51,546	$116,935	$163,305	$109,495	$62,737	$26,441	$21,396	$28,980	($11,490)	($9,045)	($18,922)	($64,128)
Cash at End of Period	**$51,546**	**$168,481**	**$331,786**	**$441,281**	**$504,018**	**$530,459**	**$551,855**	**$580,835**	**$569,345**	**$560,300**	**$541,378**	**$477,250**

	FY2017	FY2018	FY2019	FY2020	FY2021
Net Cash Flow from Operations					
Net Profit	$121,620	$68,978	$140,428	$221,226	$307,958
Depreciation and Amortization	$313,300	$313,299	$313,301	$313,300	$313,299
Change in Accounts Receivable	$0	$0	$0	$0	$0
Change in Inventory					
Change in Accounts Payable	$0	$0	$0	$0	$0
Change in Income Tax Payable	$30,404	($13,160)	$17,864	$20,198	$21,684
Change in Sales Tax Payable	$3,096	$2,311	$498	$543	$604
Change in Prepaid Revenue					
Net Cash Flow from Operations	**$468,420**	**$371,428**	**$472,091**	**$555,267**	**$643,545**
Investing & Financing					
Assets Purchased or Sold	($1,573,166)				
Investments Received	$1,650,000				
Change in Long-Term Debt					
Change in Short-Term Debt					
Dividends & Distributions	($68,000)	($34,000)	($79,900)	($125,800)	($175,525)
Net Cash Flow from Investing & Financing	**$8,834**	**($34,000)**	**($79,900)**	**($125,800)**	**($175,525)**
Cash at Beginning of Period	($4)	$477,250	$814,678	$1,206,869	$1,636,336
Net Change in Cash	$477,254	$337,428	$392,191	$429,467	$468,020
Cash at End of Period	**$477,250**	**$814,678**	**$1,206,869**	**$1,636,336**	**$2,104,356**

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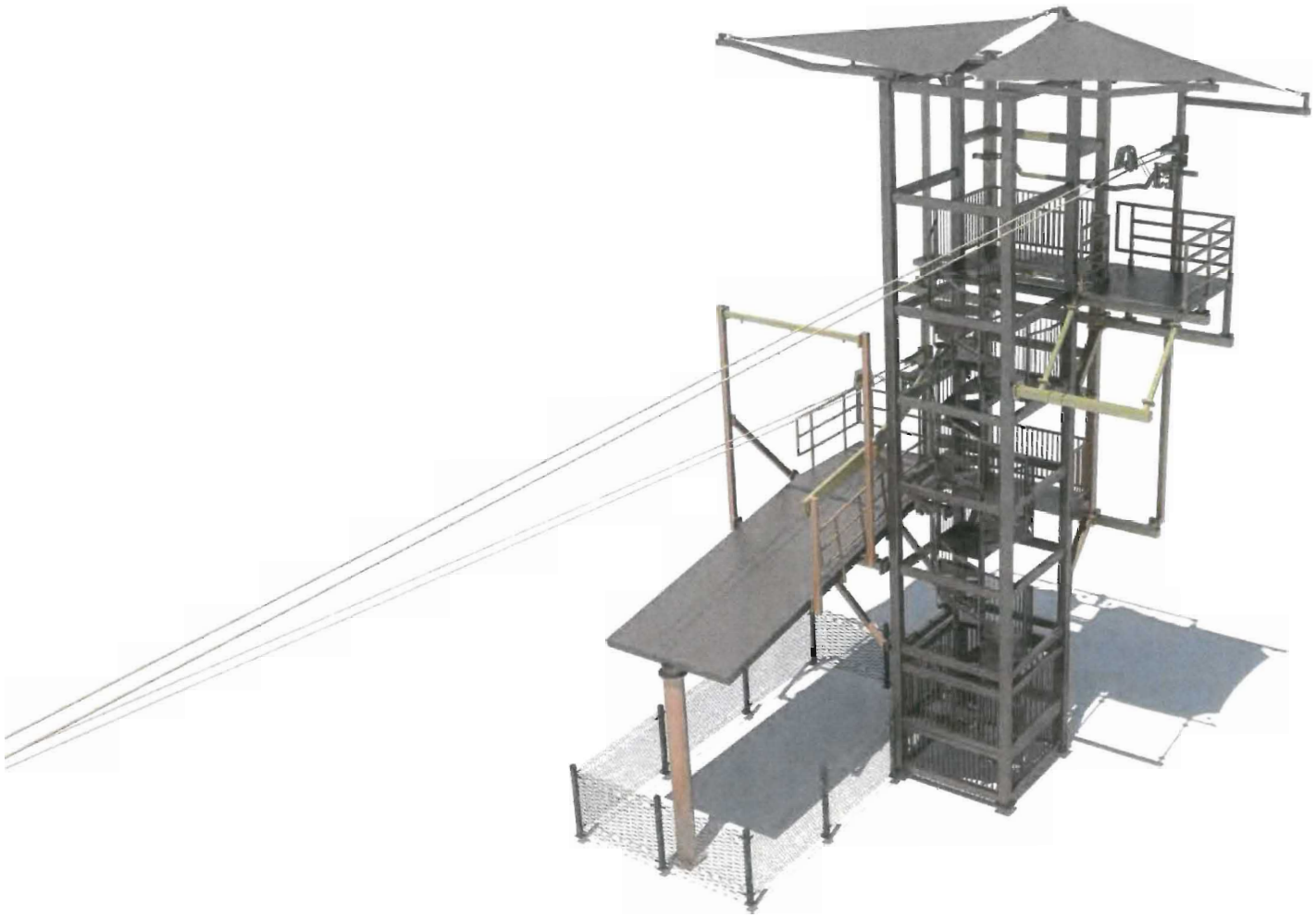
ROPES COURSES

NOTES:
- ROPES COURSE COLORS TBD
- COURSE PICTURED MAY CONTAIN CUSTOM COMPONENTS
- FINAL COURSE DESIGN SUBJECT TO ENGINEERING
- ROPE/BEAM ELEMENTS SHOWN MAY VARY FROM THOSE RECEIVED
- FIELD VERIFY ALL DIMENSIONS, HEIGHTS, AND CLEARANCES PRIOR TO ENGINEERING

12.16.15

JARLS CAPITOL CITY ZIP

8 POLE EXPLORER WITH CTS ZIP, QJ, RAIL, & TYKES



ROPES COURSES

NOTES:
- ROPES COURSE COLORS TBD
- COURSE PICTURED MAY CONTAIN CUSTOM COMPONENTS
- FINAL COURSE DESIGN SUBJECT TO ENGINEERING
- ROPE/BEAM ELEMENTS SHOWN MAY VARY FROM THOSE RECEIVED
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12.16.15

JARLS CAPITOL CITY ZIP

8 POLE EXPLORER WITH CTS ZIP, QJ, RAIL, & TYKES

OFFICE OF THE MAYOR
9th Floor, City Hall
124 W. Michigan Avenue
Lansing, Michigan 48933-1694
(517) 483-4141 (voice)
(517) 483-4479 (TDD)
(517) 483-6066 (Fax)

Virg Bernero, Mayor

TO: City Council President Judi Brown Clarke and Councilmembers

FROM: Mayor Virg Bernero

DATE: May 19, 2016

RE: Resolution— Setting Public Hearing and Approval of SLU-2-2016—Special Land Use Permit, Church in the "F" Commercial & "D-1" Professional Office Districts at 5606 S. M.L. King Jr. Blvd.

The attached correspondence is forwarded**, without recommendation,** for your review and appropriate action.

VB/rh
Attachment

Virg Bernero, Mayor

City of Lansing

Inter-Departmental Memorandum

WORKING TOWARD A CLEANER GREENER LANSING

To: Virg Bernero, Mayor

From: Susan Stachowiak, Zoning Administrator

Subject: CITY COUNCIL AGENDA ITEM - SLU-2-2016, 5606 S. MLK, Church

Date: May 11, 2016

The Lansing Planning Board, at a special meeting held on May 2, 2016, voted (7-0) to recommend denial of the request by the Bread House South for a Special Land Use Permit to permit a church at 5606 S. ML King.

The Planning Board found, based on testimony, evidence and the staff report, that the proposed Special Land Use does comply with all of the criteria established by Section 1282.02(f)(1-9) of the Zoning Ordinance for granting special land use permits.

At the Planning Board public hearing held on May 2, 2016, the applicant's representative spoke in support of the request and no other comments were received.

Please forward this resolution to City Council for placement on the Agenda.

If you have any questions, or need additional information, please give me a call.

Attachments

GENERAL INFORMATION

APPLICANT:	The Bread House South 5606 S. ML King Blvd. Lansing, MI 48911
OWNER:	Victor Trevino 209 S. Holmes Street Lansing, MI 48912
REQUESTED ACTION:	Special Land Use permit to permit a church at 5606 S. M.L. King Jr. Boulevard
EXISTING LAND USE:	Office Building
EXISTING ZONING:	"F" Commercial & "D-1" Professional Office Districts
PROPERTY SIZE & SHAPE:	Rectangular Shape - See attached map 138.6' x 662' = 91,753 square feet (2.1 acres)
SURROUNDING LAND USE:	N: Auto Repair Facility S: Auto Sales Business E: Multiple Family Residential W: Consumers Energy Power Lines
SURROUNDING ZONING:	N: "F" Commercial & "D-1" Professional Office S: "F" Commercial & "D-1" Professional Office E: "DM-1" Residential W: "A" Residential
MASTER PLAN DESIGNATION:	The Design Lansing Comprehensive Plan designates the subject property for "Suburban Commercial" land use. S. M.L. King Jr. Blvd. is designated as a major arterial.

SPECIFIC INFORMATION

This is a request by The Bread House South for a Special Land Use permit to utilize the building at 5606 S. M.L. King Jr. Blvd. for a church. Churches are permitted in the "F" Commercial & "D-1" Professional Office districts, which are the zoning designations of the subject property, if a Special Land Use permit is approved by the Lansing City Council.

AGENCY RESPONSES:

BWL:

Building Safety: There is no opposition for SLU-2-2016 however, prior to any occupancy of the building, a licensed architect in responsible charge, would need to be retained to provide drawings for a "Change of Use" permit. A plan review and building permit would be required for life and fire safety, sprinkler and fire alarm requirements, occupant loads, means of egress, accessibility, etc. Plan review and building permit applications would need to be applied for in the building safety office and an approved plan review and building permit would need to be provided by this office prior to any work completed or occupancy of the premises.

Development: Development Office has no comment.

Fire Marshal:

Parks & Recreation: No comment. This does not involve Parks and Recreation

Public Service:

Transportation: The proposed use should not create traffic issues based on the projected peak times of use. The applicant is responsible for making sure that all parking requirements, including the appropriate number of ADA accessible spaces, are met.

ANALYSIS

Section 1282.03(f)(1)-(2) sets forth the criteria which must be used to evaluate a Special Land Use permit request. The criteria and evaluation are as follows.

1. **Is the proposed special land use designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area?**

   The S. M.L. King Blvd. corridor in the vicinity of the subject property is characterized by commercial and quasi-industrial land uses. While churches are an important and valuable component of any community, so are vibrant commercial districts. Church activities are generally infrequent and occur outside of normal business hours. The majority of the time, there is little activity and vacant parking lots which detract, rather than contribute to a commercial environment.

2. Will the proposed special land use change the essential character of the surrounding area?

The proposed church will change the general character of the area. The Zoning Ordinance makes provisions for allowing churches in all zoning districts, including residential and office, where the conditions for evaluating special land use permits can be satisfied. Conversely, commercial uses are limited to major corridors. S. M.L. King Blvd. is zoned, master planned and designed for customer-oriented, commercial uses that generate a high volume of traffic on a daily basis. Given the location of the site and the surrounding zoning

and land use patterns in the area, a church does not appear to be the most appropriate use of the property.

While it is recognized that religious organizations are an extremely important and valued part

of the community, there needs to be a balance between daytime uses such as stores and restaurants, which create a critical mass of activity that attracts the public and uses, such as religious facilities, that are primarily dormant during weekdays. There are numerous churches in and around the core downtown area of the city that serve as a prime example of the limited amount of activity that churches generate in a commercial environment.

3. Will the proposed special land use interfere with the enjoyment of adjacent property?

The primary concern with churches in terms of interfering with the enjoyment of adjacent properties is the potential conflicts with liquor licenses. By state law, a church has an opportunity to object to all new liquor licenses within 500 feet of the church property. In this case, there are numerous commercially zoned properties within 500 feet of the subject property. These zoning districts allow bars, taverns and restaurants as uses permitted by right. Such uses contribute to the economic vibrancy of commercial corridors by attracting large numbers of people to the area. The potential for a church to jeopardize the ability for businesses with liquor licenses to locate in a commercial area could have serious impacts on its future as a thriving commercial district.

4. Will the proposed special land use represent an improvement to the use or character of property under consideration and the surrounding area in general, and will the use be in keeping with the natural environment of the lot?

The proposed church will not represent an improvement to the use or character of the property or the surrounding area. S. M.L. King is a major arterial that is designed to carry a high volume of traffic, which is why the properties that front along S. M.L. King Blvd. are zoned and master planned for commercial land use. The church will result in a hole of little activity, with a great deal of parking, within an otherwise fairly active commercial area.

With regard to the natural environment of the lot, no changes are proposed for the site.

5. Will the proposed special land use be bazardous to adjacent property or involve uses, activities, materials or equipment which are detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare?

The church will not generate any nuisances or hazardous conditions.

6. Will the proposed special land use be adequately served by essential public facilities and services, or is it demonstrated that the person responsible for the proposed special land use is able to continually provide adequately for the services and facilities deemed essential to the special land use under consideration?

The subject property is currently served by all necessary public services and utilities. No negative comments have been received from any of the reviewing departments or agencies. Inspections will be necessary to determine if the structure complies with current building code and fire code requirements for an assembly use.

7. Will the proposed special land use place demand on public services and facilities in excess of current capacity?

The proposed special land use is not expected to increase the demand on public services and facilities in excess of current capacity.

8. Is the proposed special land use consistent with the intent and purpose of this Zoning Code and the objectives of any currently adopted Comprehensive Plan?

The proposed church is not consistent with the intent and purpose of the Zoning Ordinance or the Design Lansing Comprehensive Plan. The intent of the Zoning Ordinance is to concentrate commercial land uses along major arterials/state trunklines. Such streets are designed to accommodate uses that generate a high volume of vehicular trips on a daily basis and receive heavy truck deliveries. Unlike commercial uses, the Zoning Ordinance allows churches, with a special land use permit, in residential and office districts. Churches are considered compatible uses in residential neighborhoods and office districts since they are quiet, the majority of the traffic is on weekends and there is no heavy truck traffic associated with their use.

The intent of the "District Mixed Use Center" Master Plan designation is:

> "To allow for general retail and commercial use, including large footprint and automobile-oriented uses, in a suburban development format that also encourages a mix of uses and accommodates pedestrians, cyclists and transit users."

The Master Plan lists the following as the types of uses that should be promoted in the "District Mixed Use Center" area:

"General and convenience retail uses; medium-density residential in a suburban format (see Medium-Density Residential, above); office; and light industrial with special approval."

The proposed church is clearly in conflict with the goals of both the Zoning Ordinance and the Master Plan. It is not a customer-oriented business and will not generate the type of activity that would complement the existing businesses in the area and encourage additional economic growth.

9. Will the proposed special land use meet the dimensional requirements of the district in which the property is located?

There are no physical changes proposed for the exterior of the building or the site at 3015 S. M.L. King Blvd. and therefore, the only dimensional requirement that applies to this request is parking. The Zoning Ordinance requires 1 parking space for each 3 seats in the main sanctuary. There are more than 60 parking spaces on the subject property which would allow a seating capacity of at least 180 persons.

SUMMARY

This is a request by The Bread House South for a Special Land Use permit to utilize the building at 5606 S. M.L. King Jr. Blvd. for a church. Churches are permitted in the "F" Commercial & "D-1" Professional Office districts, which are the zoning designations of the subject property, if a Special Land Use permit is approved by the Lansing City Council.

Based on the findings contained in this staff report, the proposal does not comply with all of the criteria of Section 1282.03(f)(1)-(9) of the *Zoning Code* for evaluating Special Land Use permits.

1. The proposed Special Land Use will not be harmonious with the character of adjacent properties and surrounding uses.
2. The proposed Special Land Use will change the essential character of the surrounding properties.
3. The proposed Special Land Use may interfere with the general enjoyment of adjacent properties.
4. The proposed Special Land Use does not represent an improvement to the lot as it currently exists.
5. The proposed Special Land Use will not be hazardous to adjacent properties.
6. The proposed Special Land Use can be adequately served by public services and utilities.
7. The proposed Special Land Use will not place any demand on public services and facilities in excess of current capacities.
8. The proposed Special Land Use is not consistent with the specific designations of the Zoning Code and the Design Lansing Comprehensive Plan.
9. The proposed Special Land Use will comply with the dimensional requirements of the Zoning Ordinance.

RECOMMENDATION

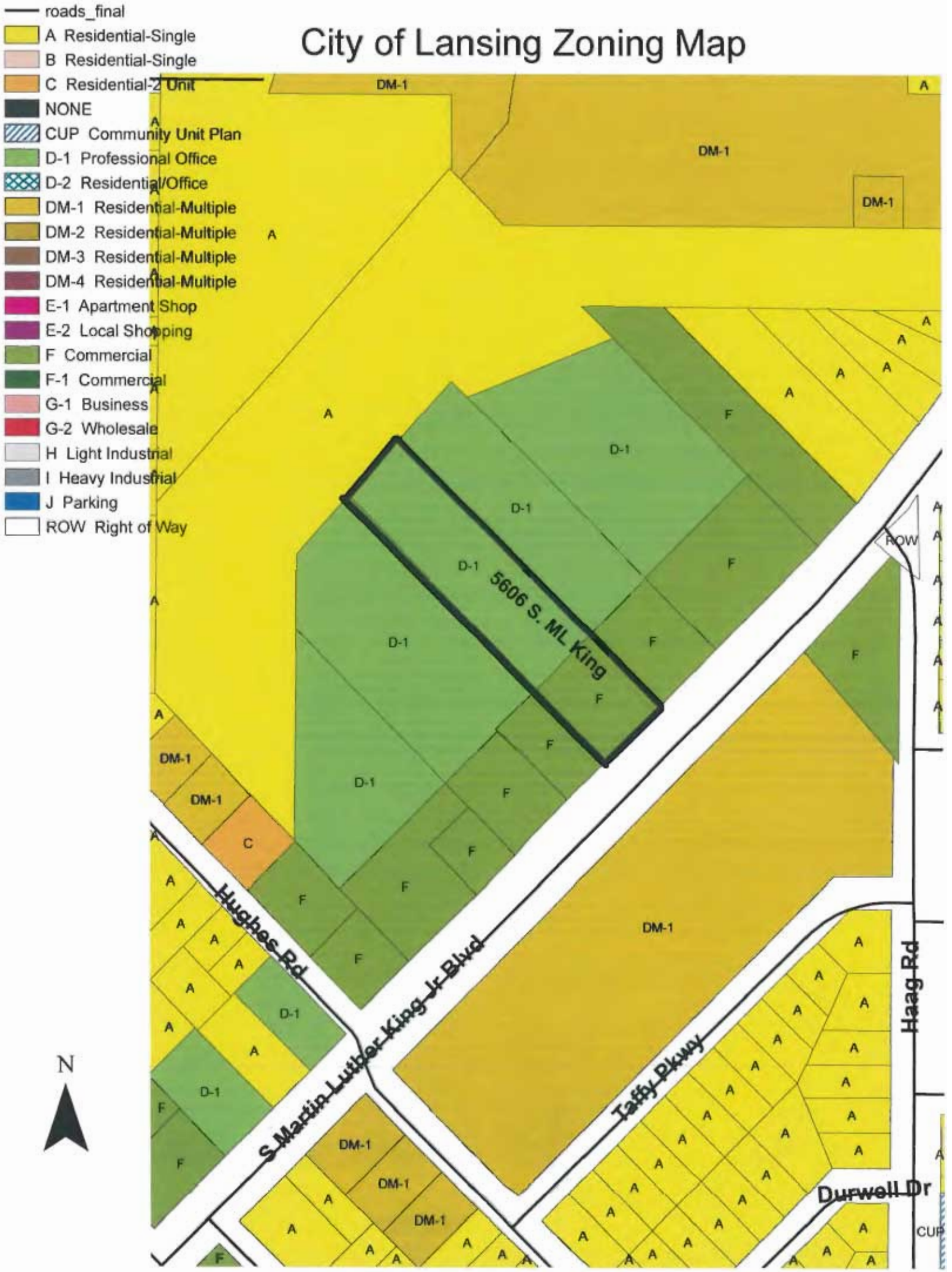
Staff recommends denial of SLU-2-2016, a special land use permit to allow a church at 5606 S. M.L. King Jr. Boulevard, based upon the findings of fact as outlined in this staff report

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator

5606 S. ML King
S Martin Luther King Jr Blvd
Tappy Pkwy
N

City of Lansing Zoning Map



RESOLUTION _____

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

SLU-2-2016, 5606 S. M.L. King Jr. Blvd.
Special Land Use Permit – Church in the "F" Commercial & "D-1" Professional Office Districts

WHEREAS, the applicant, Riverview The Bread House South, is requesting a Special Land Use permit (SLU-2-2016) to utilize the building at 5606 S. M.L. King Jr. Blvd. for a church; and

WHEREAS, the property is zoned "F" Commercial & "D-1" Professional Office Districts, where churches are permitted subject to obtaining a Special Land Use permit; and

WHEREAS, a review was completed by staff evaluating the character, location and impact this proposal would have on the surrounding area and the impact on the environment, utilities, services and compliance with the Zoning Code and objectives of the Comprehensive Plan; and

WHEREAS, the Planning Board held a public hearing on May 2, 2016, at which a representative of the Church spoke in favor of the request and no other comments were received; and

WHEREAS, the Planning Board, at its May 2, 2016 meeting, voted (7-0) to recommend denial of SLU-2-2016 for a Special Land Use permit to allow a church in the building at 5606 S. M.L. King Jr. Blvd.; and

WHEREAS, in making its recommendation, the Planning Board found that:

1. The proposed church would not be harmonious with the character of adjacent properties and surrounding uses.
2. The proposed church will change the essential character of the surrounding properties.
3. The proposed church may interfere with the general enjoyment of adjacent properties.
4. The proposed church does not represent an improvement to the lot as it currently exists.
5. The proposed church is not consistent with the specific designation of the Design Lansing Comprehensive Plan.

WHEREAS, the City Council held a public hearing regarding SLU-2-2016 on , 2016; and

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

NOW THEREFORE BE IT RESOLVED that the Lansing City Council hereby denies SLU-2-2016, a Special Land Use permit to utilize the building at 5606 S. M.L. King Jr. Blvd. for a church.

BE IT FINALLY RESOLVED that in denying this request, the City Council determines the following:

1. The proposed church would not be harmonious with the character of adjacent properties and surrounding uses. The subject property is located in a commercial area and church activities are generally infrequent and occur outside of normal business hours. The majority of the time, there is very little activity which detracts, rather than contributes to a commercial environment.

2. The proposed church will change the essential character of the S. M.L. King area which is primarily characterized by nonresidential land uses. S. M.L. King Blvd. is zoned, master planned and designed for customer-oriented, commercial uses that generate a high volume of traffic on a daily basis.

3. The proposed church could interfere with the general enjoyment of adjacent properties since the subject property is located in a commercial area and churches, by state law, have the ability to object to liquor licenses within 500 feet of its property lines.

4. The proposed church will not represent an improvement to the lot as it currently exists since the church will result in a hole of little activity within an otherwise active commercial area.

5. The proposed church is not consistent with the "Suburban Commercial" land use designation for the subject property being advanced in the Design Lansing Comprehensive Plan. The Plan states that the intent of this designation is "To allow for general retail and commercial use, including large footprint and automobile-oriented uses, in a suburban development format that also encourages a mix of uses and accommodates pedestrians, cyclists and transit users." The proposed church conflicts with the as it is not a customer-oriented business and will not generate the type of activity that would complement the existing businesses in the area and encourage additional economic growth.

OFFICE OF THE MAYOR
9th Floor, City Hall
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Lansing, Michigan 48933-1694
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(517) 483-6066 (Fax)

Virg Bernero, Mayor

TO: City Council President Judi Brown Clarke and Councilmembers

FROM: Mayor Virg Bernero

DATE: 8-18-16

RE: Act-4-2016, 1200 Block of Turner Street - Alley Vacation

The attached correspondence is forwarded for your review and appropriate action.

VB/rh
Attachment

Virg Bernero, Mayor

City of Lansing

Inter-Departmental Memorandum

WORKING TOWARD A CLEANER GREENER LANSING

To: Virg Bernero, Mayor

From: Susan Stachowiak, Zoning Administrator

Subject: CITY COUNCIL AGENDA ITEM
Act-4-2016, 1200 Block of Turner Street - Alley Vacation

Date: August 10, 2016

At its August 3, 2016 meeting, the Planning Board voted 7-0 to recommend approval of Act-4-2016. This is a request by Clare Lindemann to vacate the "L"-shaped alley adjacent to 1224 Turner Street, reserving easements for utilities and access in two phases:

1. Vacate the alley and the north 50' of the N-S alley as requested in the application, reserving easements for access and for overhead and underground utilities,

2. Vacate the remainder of the alley, reserving the easements, to be completed after a shared driveway agreement is created in recordable form and subject to Public Service Department review and approval.

Please forward this resolution to City Council for placement on the Agenda.

If you have any questions, or need additional information, please give me a call.

Attachments

RESOLUTION #_____

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Act-4-2016, Turner Alley Vacation, Phase I

WHEREAS, Mr. Clair Lindemann has requested vacation of the entire east-west (E-W) alley, ten (10) feet in width, and the north fifty (50) feet of the north-south (N-S) alley, twelve (12) feet in width, behind his property at 1224 Turner Street; and

WHEREAS, the alley is shaped like an inverted "L", beginning in the 1200 Block of Turner Street, eastward between buildings, then south behind buildings facing Turner Street; and

WHEREAS, the subject alley was originally a deeded alley, and in 1929, was incorporated in Assessor's Plat No. 31; and

WHEREAS, the north-south alley contains a public sanitary sewer and overhead utilities for which easements are required; and

WHEREAS, at its meeting on August 3, 2016, the Planning Board found, based on a review of the location, character, and extent of the Act-4-2016 proposal, that:

- tight spaces, utility poles, and parked cars from several businesses render the alley unsuitable for traffic use,
- the alley has been difficult to maintain, and Mr. Lindemann has invested in improving the alley; and

WHEREAS, the Planning Board voted unanimously (7-0) to recommend approval of Act-4-2016, the vacation of the entire "L"-shaped alley, reserving easements for utilities and access, in two phases:

Phase 1: vacate the E-W alley and the north 50' of the N-S alley as requested, reserving easements for access and for overhead and underground utilities,

Phase 2: vacate the remainder of the alley, reserving the easements, to be completed after a shared driveway agreement is created in recordable form and subject to Public Service Department review and approval; and

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

NOW THEREFORE BE IT RESOLVED, the Lansing City Council hereby approves Act-4-2016 (Phase 1), and vacates the subject E-W alley and the north 50' of the N-S alley as requested, particularly described as:

> Beginning at the NW corner of Lot 11 in Assessor's Plat No. 31 of Block 6 Original Plat, City of Lansing, Ingham County, Michigan; thence E 80 feet to the NE corner; thence S 40 feet to the SE corner of said Lot 11; thence E 12 feet; thence N 50 feet to the NW corner of Lot 17; thence W 92 feet along the north alley line to Turner Street; thence S 10 feet along the east line of Turner Street to the POB,

but reserving, however, unto the City of Lansing an easement under, across, above, and within the right of said vacated alley for utility purposes, including the right of ingress and egress at all times for public or private utility agents and employees to use the vacated street, or so much of it as may be necessary, for the installation, maintenance, repair, or removal of utilities.

BE IT FURTHER RESOLVED, that the City Council consider Phase 2 of the Planning Board recommendation at a later date.

BE IT FINALLY RESOLVED, that the City Clerk within 30 days of passage of the resolution shall forward certified copies of the resolution to the Ingham County Register of Deeds for recording and upon return, transmit a copy of the recorded resolution to the Michigan Department of Labor and Economic Growth, Subdivision Control Unit, the Planning and Development and Assessor's Offices, the Department of Public Service, and the applicant.

OFFICE OF THE MAYOR
9th Floor, City Hall
124 W. Michigan Avenue
Lansing, Michigan 48933-1694
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(517) 483-4479 (TDD)
(517) 483-6066 (Fax)

Virg Bernero, Mayor

TO: City Council President Judi Brown Clarke and Councilmembers

FROM: Mayor Virg Bernero

DATE: 6-23-16

RE: Resolution—Approval of Design Lansing Comprehensive Plan Amendment – 125 W. Malcolm X –Lansing Board of Water & Light— Central Substation Project

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The attached correspondence is forwarded for your review and appropriate action.

VB/rh
Attachment

Virg Bernero, Mayor

City of Lansing

Inter-Departmental Memorandum

WORKING TOWARD A CLEANER GREENER LANSING

To: Virg Bernero, Mayor

From: Susan Stachowiak, Zoning Administrator

Subject: CITY COUNCIL AGENDA ITEM
Design Lansing Comprehensive Plan Amendment - 125 W. Malcolm X

Date: June 22, 2016

The Lansing Planning Board, at a special meeting held on June 21, 2016, voted (5-2) to recommend approval of an amendment to the Design Lansing Future Land Use Plan to change the future land use designation of the east, approximately 4 acres of the Scott Park property at the SW Corner of Washington Ave. and Malcom X Street (125 W. Malcolm X Street), from "Open Space -Dedicated Park" to "Open Space – Quasi-Public / Utility". This purpose of the amendment is to permit the construction of a Lansing Board of Water and Light substation on the eastern portion of the site, with park improvements to the remaining open space.

At the Planning Board public hearing held on May 17, 2016, the applicant's representatives and 3 other individuals spoke in favor of the request and 10 individuals spoke in opposition to the request.

Please forward this resolution to City Council for placement on the Agenda.

If you have any questions, or need additional information, please give me a call.

Attachments

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

LBWL Central Substation project
Amendment to in Resolution #0145 of 1981
Adoption of Design Lansing Comprehensive Plan Amendment #1

WHEREAS, on June 22, 1981, as recommended by the Lansing Parks Board and presented by the Parks and Recreation Department, the Lansing City Council adopted a classification report listing designated parkland under Resolution #0145; and

WHEREAS, Scott Park, located at 125 W. Malcom X Street, Lansing, Michigan 48933, (hereinafter "Property") is classified as designated parkland under Resolution #0145 of 1981, and

WHEREAS, the Property is also designated on the Design Lansing 2012 Comprehensive Plan Future Land Use Plan as "Open Space – Dedicated Park"; and

WHEREAS, the City of Lansing is desirous of repurposing the eastern portion of the Property for Lansing Board of Water and Light ("LBWL") purposes as set forth herein; and

WHEREAS, the City of Lansing is the owner of the subject Property; and

WHEREAS, the Lansing City Charter Section 8-402.6 states: "No park, recreation, cemetery, or waterfront land may be sold without the approval, by a majority vote, of the electors of the City voting on the question at a regular or special election"; and

WHEREAS, both LBWL and the Parks and Recreation Department are divisions of the City of Lansing in accordance with the Lansing City Charter, adopted on August 8, 1978; and

WHEREAS, on February 10, 2016, LBWL, with concurrence of the Parks and Recreation Director, presented a plan to the Lansing Parks Board for constructing a Central Substation on the Property for the purpose of providing reliable, environmentally friendly electrical service to Lansing's downtown while also enhancing the underutilized parkland surrounding the new substation; and

WHEREAS, according to the plan for the proposed Central Substation:

- the substation will be encircled with a masonry wall featuring public art and displays,

- A walkway which will provide public pedestrian access from Washington Avenue to Townsend Street will be constructed along the south wall of the substation, north of the Grand River,

- the Sunken Garden will be relocated near Cooley Gardens, a more prominent location within the park, and made accessible in compliance with the Americans with Disabilities Act (ADA),

- ADA access will be provided to Cooley Gardens, which will remain otherwise undisturbed,

- the parking lot will be relocated,

- the Scott House will be relocated off-site, portions offered for salvage, or demolished,

- the Women's Historical Museum will be unaffected,

- the City of Lansing retains ownership of the Property, and there is no violation of any deed restrictions regarding the use of this property; and

WHEREAS, at its meeting on April 13, 2016, the Parks Board concurred with the recommendation of the Parks and Recreation Director, and voted 5 to 3 to recommend that the eastern portion of the Scott Park property be repurposed for Board of Water and Light (LBWL) purposes as set forth herein, to amend the inventory of dedicated parkland by removing approximately 4 acres of the Property from Scott Park, and to further recommend that LBWL prioritize recreational opportunities in the southeast corner of the substation site, subject to operational restraints; and

WHEREAS, the City of Lansing initiated Amendment #1 to the Design Lansing Comprehensive Plan, to change the future land use designation of the eastern portion of Scott Park from "Open Space – Dedicated Park" to "Open Space – Quasi-Public / Utility", and to develop the Property in accordance with the plan for the Central Substation described above; and

WHEREAS, copies of the proposed Amendment # 1 were forwarded to all adjoining jurisdictions, railroads, and utilities at least forty-two (42) days prior to holding a public hearing before the Planning Board regarding the proposed Amendment #1, in accordance with Section 41 of the Michigan Planning Enabling Act, and as authorized by City Council; and

WHEREAS, no comments were received from these jurisdictions, railroads, and utilities; and

WHEREAS, at a special meeting on May 17, 2016, the Lansing Planning Board held a duly noticed public hearing at the Neighborhood Empowerment Center, 600 W. Maple St., regarding the proposed Amendment #1, at which thirteen members of the public spoke; and

WHEREAS, the Planning Board also received public comments at its regular meeting held June 7, 2016 and its special meeting held June 21, 2016, and

WHEREAS, at the special meeting on June 21, 2016, the Planning Board took into consideration the testimony presented at said public meetings, and voted 5 to 2 to approve Amendment #1 to the Design Lansing Comprehensive Plan, and to recommend its adoption by the Lansing City Council; and

WHEREAS, on Monday, _____, the Lansing City Council held a duly noticed public hearing to hear comments regarding the Amend #1 proposal; and

WHEREAS, the Committee on Development and Planning has reviewed the proposed Amendment #1, and the recommendations of both the Parks and Planning Boards, and concurs therewith;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby amends the Property as listed in Resolution #0145 of 1981 for the purpose of removing up to 4 acres of the Property, as described in Resolution #1045 of 1981, from the list of "dedicated parkland", as recommended by the Parks Board.

BE IT FINALLY RESOLVED, that the Lansing City Council hereby adopts the Design Lansing Amendment #1 as described above, and changes the Future Land Use designation of the eastern portion of Scott Park, particularly described as:

> Lots 13 thru 17 inclusive except the Easterly 4 feet of Lot 13 and the Westerly 33 feet of Lot 17, ALSO except an area of land lying between the water's edge of the Grand River and a line 25 feet Northerly thereof, all in Block 177 of the Original Plat of the Town of Michigan now the City of Lansing, as recorded in plats, Ingham County Records, Ingham County, Michigan,

from "Open Space – Dedicated Park" to "Open Space – Quasi-Public / Utility" to accommodate the proposed Central Substation.

Hometown People. Hometown Power.

BWL Central Substation Project

The BWL Central Substation is vital to providing reliable power to the downtown Lansing area into the future. It is essential that the Central Substation be located in close proximity to the underground circuits that serve downtown customers so as to avoid relocating those circuits at a cost of $4,000 per linear foot. After an exhaustive search that included eight other sites conforming to this criteria, the BWL concluded the City of Lansing's Scott Park site is the only viable location for this project. The other locations considered were either too small, too disruptive to neighborhoods, too far from the underground circuits resulting in excessive cost, or no longer available due to pending real estate sale agreements or property owners who were not willing to sell.

Locating the Central Substation at the Eckert Power Station site, which is in a 100 year floodplain, is no longer a viable option. Ronda Oberlin of the Lansing Office of Emergency Management, who appeared before the Planning Commission on May 17, summarized her testimony in the following:

> *"Our weather patterns have become increasingly erratic. In the past five years there have been three extreme rain events. The smallest of these, but the only one to occur near one of our rivers, was in August 2015. It resulted in the Grand River rising almost five feet in three hours. Rising an inch an hour was considered unlikely for the Grand River 10 years ago. The decommissioning of Eckert Station alsa increases the chance of ice jam flooding, which was a problem on the Grand River before Eckert was built.*
>
> *"Removing critical infrastructure from the floodplain is cited as a priority in the City's Hazard Mitigation Plan. The critical infrastructure that is there now was built before flood risk was understood. In light of what we now know about our flood risk, and the increasing uncertainty of our weather, it would be irresponsible to put any additional critical infrastructure in the floodplain and therefore I could not support locating the new substation at the Eckert location."*

Based upon Ms. Oblerlin's statement the BWL no longer believes locating the proposed substation at the current Eckert site will qualify for a floodplain permit by the DEQ, other governing agencies or emergency response units. In the unlikely event a permit were approved for the Eckert site, it would place in jeopardy critical infrastructure that thousands of people rely upon for electric use, which is basically the entire City of Lansing downtown service district. This would have a major impact on the health, safety and welfare of our citizens and customers including major employers, community colleges, state and city government, and the hospital as well as our primary retail district relative to floods, ice dams and floating debris.

The BWL previously said that placing the Central Substation at the Eckert location would create an additional $42 million in costs – an extra $12 million to build on the site to mitigate its location in a flood zone by elevating the substation above the flood zone and $30 million to keep the Eckert Station operational with new equipment for another seven years beyond its targeted closing date of 2020. It would also take the Eckert Power Station off the market for future economic development, similar to the successful repurposing of the former Ottawa Power Station by the Accident Fund.

Future commercial development repurposing the Eckert facility is possible. The existing substation would be replaced with a relatively flat parking lot to serve the proposed commercial development. This design would inconvenience significantly fewer people compared to building a new substation in this location. In the event of a flood the generally flat parking lot with very few vertical obstructions becomes much more likely to be permitted than the earth fill, walls and/or vertical structures required or associated with a substation. Should a flood occur relative to a commercial development it would only impact the parking lot and vehicles located on it. In fact, this flatter surface would help mitigate a flood better than a substation-hardened site because such a site would require the substation to have to be built up higher to get it above the floodplain and the fast moving river water thereby forcing the water to flood elsewhere.

Building the Central Substation, which would replace the Eckert Substation next to the Eckert Power Station, on the Scott Park Site is the first step in allowing the BWL to retire the Eckert Power Station on January 1, 2020. If building the Central Substation at Scott Park is not approved, the BWL will have to invest millions of dollars to keep the Eckert Power Station operational for another seven years from 2020 through 2026 and this will require more than 355,000 tons of coal per year (based on 2015 consumption) and corresponding emissions of 706.8 tons per year of NOx (oxides of nitrogen) and 1,525.3 tons per year of SO2 (sulfur dioxide). By example, one year's consumption of 355,000 tons of coal would fill 3,052 rail cars, which when linked together, would create a train that's 28 miles long. That's the distance from the State Capitol Building in Lansing using Michigan and Grand River avenues to just past Fowlerville. Keeping the Eckert Power Station operational for an additional seven years would consume 2,485,000 tons a coal and fill 21,364 rail cars creating a train that's 196 miles, the distance from the State Capitol Building to Ft. Wayne, Indiana. Building the Central Substation at the Scott Park location will alleviate use of this amount of coal, and will result in mid-Michigan having cleaner air.

The BWL process has been open, transparent and communicative, responding to the community and ratepayers in more than a dozen meetings with stakeholders, including:

- Holding a public design charrette for the substation exterior

- Meeting with Preservation Lansing, in which the BWL agreed to Preservation Lansing's proposal pay up to $100,000 to move the Scott Center House (Jenison House) to a new location, should a qualified buyer be identified through the City of Lansing's RFP to sell the building. The BWL's commitment was included in the City's RFP.
    - The BWL, City of Lansing and Habitat for Humanity Capital Region in May announced a partnership to save the Scot Center House from demolition and relocate it to a vacant lot approximately one mile away. In addition to paying to move the house, the BWL will earmark to Habitat any of the unspent moving cost balance for site preparation and to jump-start the restoration of the house.

- The BWL continues to work with members of the Garden Club of Greater Lansing in moving the sunken garden.
    - BWL will accommodate the Garden Club's request to transplant perennials. BWL will relocate the Sunken Garden to the west of the Scott House and adjacent to Cooley Gardens where maintenance for both gardens will be more accessible and convenient making the new site ADA compliant.
    - BWL will preserve and reassemble the distinctive "niche" and small pond that's referred to as the "grotto," which is the most prominent feature of the garden along with the circular stairs on the west side of the garden's axis. The remaining garden walls, which were made of limestone quarried from Ohio, will be reconstructed with the same shape and size limestone if the existing walls prove to be too costly to reassemble. Approximately 40 color slate stones at the west entry will also be carefully moved and reassembled so that everything looks identical to the original. This will preserve the integrity of the garden and it will look the same as it does now only in a more prominent location, with commanding views overlooking the Grand River.
    - BWL will establish a $40,000 endowment that would provide resources to help maintain the garden, for such expenses as a gardener. This fund would accept contributions from the community in order for garden support to continue in the future.

- The BWL and REO Town Commercial Association (RTCA) have agreed to an RFP process that will review proposals for public art to be placed along the Washington Ave. substation wall. The BWL will support the public art process by funding winning proposals up to $20,000 every three years. The RFP public arts review team will include representatives of the BWL, City of Lansing, RTCA and the Arts Council of Greater Lansing.

The Central Substation Project has been involved in a very democratic process as it is accountable to four public bodies which represent our citizens and ratepayers: BWL Board of Commissioners, Parks & Recreation Board, Planning Board and City Council. The City Charter does not provide for public vote to amend the Master Plan and change the use of Scott Park for utility purposes because the BWL is a city agency and city agencies cannot own land. The proposal to locate the Central Substation at Scott Park does not constitute a sale because no money is exchanging hands. The City of Lansing will continue to own the land.

The Office of the City Attorney wrote the following opinion:

> ***1. Does the proposed grant of a special land use permit to the Board of Water and Light for the use of City-owned property known as Scott Park constitute a sale of the land that would require a vote of the electorate?***
>
> *No. As a general precept Boards of the City do not own land. While the Board of Water and Light is an administrative board and has been delegated executive and policymaking responsibilities necessary to the proper operation of the agency (5.102.1), the Charter specifically states, "The Board shall have the power to acquire property in the name of the City for purposes of the Board of Water and Light." (5-203.2). Therefore, the granting of a special use permit to the Board of Water and Light is not a sale of property by the City as contemplated by the Charter to require the vote of the electorate.*
>
> ***2. Does the Lansing City Council have the legal authority to place an advisory question on the ballot concerning the granting of the special land use permit or any other aspect of the proposed use of the property by the Board of Water and Light?***
>
> *No. Pursuant to the Charter, the Home Rule City Act, Attorney General Opinion 6383, and case law, an advisory ballot proposal, as suggested above, is not authorized, and would be ultra vires or outside the authority granted to Council.*

The proposed Central Substation at Scott Park will create several new recreational uses and provide greater access and visibility to the renovated park site, including: a new parking lot for park visitors with easy access off Malcolm X Blvd, two river viewing stations and fishing platform along the Grand River; a new river walkway along the north bank of the Grand River and other newly created accessible (ADA) walkways within Scott Park, a staircase allowing pedestrians to access the existing River Trail on the south bank of the Grand River from Washington Avenue, new seating, lawn areas / landscaping and; greater synergy between the Scott Sunken Garden and the Cooley Garden due to its new location. These new park improvements will take a hidden gem and breathe new life into these otherwise forgotten park facilities and allow them to be viewed by the public with beautiful descending views of not only the Sunken Garden, which will remain sunken but visible, but also of the Grand River some 35 feet below the relocated gardens. The BWL will spend $4 million on the decorative walls to screen the electrical substation, and recreational and new or improved park amenities for all citizens and ratepayers to enjoy, and turn an underutilized park site into a new recreational and electrical gem that will provide consistent and reliable power to our customers for years to come and to keep our rates low and competitive.

Hometown People. Hometown Power.

For Immediate Release
Monday, February 8, 2016
Contact: BWL Media Line
517-342-1026

BWL Announces New Substation Project

Innovative design to capture area's history and to link downtown Lansing with REO Town

As part of its plan to replace the Eckert Power Station and adjoining Eckert Substation in order to continue providing affordable and reliable power, the Lansing Board of Water & Light announced today that it will build a new substation at the corner of S. Washington Ave. and W. Malcolm X St.

The $26 million Central Substation project will be located on a four acre portion of Scott Park and incorporates a unique exterior design that creates a link between downtown Lansing and REO Town, increases access to Cooley Gardens and enhances other recreational activities at the site. The new substation will create approximately 75 construction jobs when it is expected to begin this fall.

The innovative project will create several new recreational uses, including: viewing and fishing platforms along the Grand River; a walkway from Washington Ave. to Townsend St.; loop trails connecting existing pedestrian system to proposed walkways; new pathway from Capital Ave. connecting to Cooley Gardens; new staircase connecting the River Trail to Washington Ave.; and wayfinding signs on Malcolm X, Washington Ave. and Townsend St. It will also replace existing parking lots in poor condition with new lots, design new landscape for the park renovation and add decorative wall panels on the Central Substation.

"The BWL made an exhaustive search of potential sites to locate our new Central Substation," said General Manager Dick Peffley. "The Scott Park site not only is the most cost efficient, it is located near Eckert's electric distribution lines that will provide power and reliable service for the downtown Lansing area for years to come." Peffley also said the BWL researched substation designs across the United States to act as a foundation for the new design in Lansing, which conceptually incorporates REO Town's automotive history and the spirit of Michigan's capitol.

Peffley said the Central Substation is part of Lansing Energy Tomorrow, the BWL's major electric modernization program to replace and upgrade aging infrastructure with clean, efficient and reliable generation and transmission assets. In addition to determining how to replace Eckert, Lansing Energy Tomorrow includes an extensive five-year, $101 million Transmission & Distribution (T & D) Improvement Project that is already underway which includes: new

transmission lines; five new or rebuilt substations; reducing the number of circuits and the amount of customer demand at the Eckert substation, and; adding capacitor banks at strategic points on the BWL's transmission system

With its three tall towers that are visible for miles, Eckert and its substation are located along the Grand River just south of downtown Lansing. They are at the end of their operational life, and keeping them open is not an option: parts are becoming scarce and very expensive; pending environmental regulations create an uncertain future for coal-fired plants like Eckert; increased operational costs on aging units; and Eckert is located in a flood zone.

"REO Town has been transformed with BWL's $182 million cogeneration plant and headquarters project, along with the City of Lansing's $2.84 million Streetscape project that revitalized the Washington Ave. corridor," said Lansing Mayor Virg Bernero. "The BWL has stepped up again in an innovative project that not only will provide for reliable power, but creates a unique gateway between downtown and REO Town, increases recreational opportunities and makes the nearby vacant Deluxe Inn property more attractive for development."

Mayor Bernero said the BWL will hold a design charrette on Tuesday, February 23 from 6 7:30pm at the REO Town Depot, 1201 S. Washington Ave., to allow input from community members on the final design of the substation's exterior walls.

The BWL will relocate and upgrade Scott Sunken Garden. The Scott Center House, which has no historical value and is currently used as a City of Lansing storage facility, was relocated to the site in 1978 by the Lansing Parks and Recreation Department. An RFP (Request for Proposal) Scott Premains to be raised.

The project will require necessary reviews and approvals moving forward.

###

What is BWL's Lansing Energy Tomorrow plan?

BWL's Lansing Energy Tomorrow plan will detail how the Lansing Board of Water & Light will meet its energy needs in the future with reliable, affordable and clean energy.
It includes the Integrated Resources Plan (IRP) process which will specify how the BWL will replace the Eckert Power Station, 1950s era-coal fired plant that will close by 2020, and prepare for the Clean Power Plan, EPA's regulations for reducing greenhouse gas emissions. The IRP process will be based on consideration of costs to customers, ensuring a reliable energy source for the region, environmental stewardship, managing future uncertainty and risks, federal regulations, local-generation capacity, and economic development.

BWL's Lansing Energy Tomorrow Plan also includes the five-year, $101 million Transmission & Distribution Improvement Project, which is already underway.

Why is the Eckert Power Station closing?

The Eckert Power Station will close by 2020 because it is nearing the end of its useful operational life; parts are becoming scarce and very expensive; pending environmental regulations create an uncertain future for coal-fired plants like Eckert, and Eckert is located in a flood zone.
With its three tall towers that are visible for miles, the Eckert Power Station is located along the Grand River just south of downtown Lansing. Eckert generates about one-third of the energy in the BWL's service territory.

What are the options for replacing Eckert and the power it generates?

Options include building a new more efficient and cleaner power plant, buying power off the grid, boosting alternative and renewable energy options such as wind, solar or other technologies, like smart meters, and investing in energy efficiency programs — or some combination of these generation options. The goal of the IRP process is to craft a plan that the BWL will implement based on a balanced consideration of costs to customers, ensuring a reliable energy source for the region, environmental stewardship, risks, federal regulations, local-generation capacity and economic development.

How can BWL customers and stakeholders participate in the IRP process?

The BWL is committed to making the IRP process inclusive and transparent by giving customers and stakeholders a voice in developing the plan. A nine-member Citizens Advisory Committee made up of BWL customers, experts in energy and utility operations and local leaders will lead the planning process. They'll hold five community meetings across the BWL's service territory between October 2015 and January 2016. The purpose of the meetings is to review technical data collected to determine the best future energy plan for the region. At the meetings, BWL customers and other stakeholders will have an opportunity to comment on the technical data and offer comments and recommendations. Based on the Citizens Advisory Team's technical analysis and input received at the meetings, a final report will be presented to the BWL Board of Commissioners in 2016.

Is keeping Eckert open and operational a feasible option?

Keeping Eckert open is not an option. It is located in a flood plain and because it is nearly 60 years old, parts and repairs are becoming prohibitively expensive. Eckert is coal-fired, and pending environmental regulations create an uncertain future for coal-fired plants like Eckert.

What is the timeline for completing the IRP process?

The final IRP recommendations will be presented to the BWL Board of Commissioners in 2016.

What is the timeline for closing and replacing the Eckert Power Station?

The Eckert Power Station will close by 2020. The IRP process will make recommendations as to how to replace the energy provided by Eckert and prepare for the Clean Power Plan, EPA's regulations for reducing greenhouse gas emissions.

What will the IRP process examine?

A key part of the IRP process is a technical analysis of options available for replacing Eckert, including building a new cleaner and more efficient power plant, replacing the electric by buying it off the grid, replacing the electric with renewable resources such as wind, solar or other technologies, like smart meters, and investing in energy efficiency programs — or some combination of these options.

August 19, 2016

BWL Central Substation

Project Information

This packet of information contains:

1. Updated Planning Office Staff Report (changes highlighted in yellow)
2. Site map
3. Proposed Comprehensive Plan Amendment #1 Map
4. Conceptual Diagram
5. Zoning Map
6. Prospective Sites
7. Conveyance of Lands-Scott/Jenison/General Motors/City of Lansing (map and narrative)
8. Responses to Council/citizens questions (Diamond Reo Way and others), to be delivered separately.

GENERAL INFORMATION

APPLICANT:	Board of Water & Light (LBWL) 1201 S. Washington Avenue Lansing, MI 48910
OWNER:	City of Lansing, 124 W. Michigan Avenue, Lansing, MI
REQUESTED ACTIONS:	**Comprehensive Plan Amendment** – Change future land use designation of the east, approximately 4 acres of the property at 125 W. Malcolm X from "Open Space - Dedicated Park" to "Open Space - Quasi-Public/Utility" for the purpose of allowing the property to be used for an LBWL power substation. **Act-7-2016:** Authorization of a new LBWL power substation on the City owned property at 125 W. Malcolm X Street, in accordance with the location, character, and extent criteria set forth in Act 33. **SLU-3-2016:** Special Land Use permit to authorize the construction of an LBWL power substation at 125 W. Malcolm X Street. The subject property is zoned "C" & "DM-4" Residential, which districts permit "a structure which is owned or operated by a public utility", if a Special Land Use permit is approved by the Lansing City Council.
EXISTING LAND USE:	Scott Park
EXISTING ZONING:	"DM-4" & "C" Residential Districts
PROPERTY SIZE & SHAPE:	Approximately 4 acres
SURROUNDING LAND USE:	N: I-496, Office, Residential S: Multi-Family Residential, GM Parking E: Vacant W: Cooley Gardens, Women's Historical Center, GM
SURROUNDING ZONING:	N: "F" Commercial, "D-1" Professional Office & "DM-4" Residential Districts S: "DM-4" Residential & "J" Parking Districts E: "DM-4" Residential District W: "A" Residential, "C" Residential, "I" Heavy Industrial Districts

AGENCY RESPONSES:

Board of Water and Light:

- BWL has an existing underground steam main and easement traversing north to south through the property, this easement needs to be retained.
- BWL has an existing overhead electric transmission line traversing north to south through the property, this easement needs to be retained.
- BWL has existing electric and water facilities on the property that will need to be removed and/or relocated depending on the final site plan.
- The Central Substation will serve electric utility service to the majority of the Downtown Lansing area, including major commercial, municipal, state and hospital customers.

Building Safety:

Regarding Agency Referral - BWL Substation - 125 W. Malcom X (Scott Park), the building safety office would require plan review and building permits not covered by code section 105.2.3, MBC 2012. Other buildings, additions, alterations, platforms, stairs, etc. that would be governed by the Michigan Building Code would require plan review and building permits showing compliance with the codes adopted by the State of Michigan including accessibility.

Section 105.2.3 Public Service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established rights.

Development:

The project will benefit economic development in the City by providing stable electrical power to the downtown, and will also create an appealing entrance to the Reotown area and neighborhoods and a desirable walking pathway along the river. The Development Office will assist in any way it can.

Parks & Recreation:

The Parks & Recreation Board has recommended approval of the project.

Public Service:

- Williams Street from Townsend to the Grand River was vacated per court order on 7-12-1929 (Liber 321 Page 136). Public Service does not have a copy of the deed. It is assumed that a utility easement was reserved due to 66" storm sewer located in it.
- There is a 66" storm sewer that is located in vacated Williams Street, which is along the south side of the

proposed development.

- There is a 12" storm sewer that shares the headwall with the 66". This storm sewer services the existing parking lot.
- There is a sanitary lead for the structure on the southwest corner of the property.
- The Michigan Women's Historical Center is located on a separate parcel owned by the City of Lansing. The sanitary sewer in Malcolm X was abandoned when I-496 was constructed. It is likely that the sanitary lead for this property discharges to the south and shares a lead with the structure in the southwest corner of the Cooley Gardens property. This will need to be verified. If the lead is shared, a separate sanitary lead will be required. If the sanitary service discharges to the south, an easement/agreement will be needed to protect the sanitary lead.
- It is not known where the sanitary service for 125 W. Malcolm X discharges. It should discharge to 12" sanitary sewer in Malcom X.
- The sidewalk on Malcom X is in poor condition. Based on a visual inspection, the sidewalk was damaged by the BWL performing utility work. It should be replaced.
- The City has applied to MDOT for preventative maintenance for the Washington Avenue bridge. The application is for an epoxy overlay, expansion joint replacement, and selected structure painting. The proposed plan for the substation includes pedestrian access to the River Trail on the north and south side of the bridge. If the bridge application is approved, the River Trail accesses should be coordinated with that work.
- All adjoining streets are City of Lansing major streets.
- City of Lansing storm sewer is available to the substation in Washington and in Malcolm X.
- Sanitary sewer is available to the substation in Malcolm X.

Transportation: The Transportation and Non-Motorized section has reviewed the request and we don't have any comments or requirements related to the three requests. We will be interested, however, in any changes to access and traffic characteristics that would result from the proposed substation. These can be addressed during the site plan approval process.

DESIGN LANSING COMPREHENSIVE PLAN AMENDMENT #1

PROPOSAL:

The City is initiating an amendment to the Design Lansing Future Land Use Plan to change the future land use designation of the east, approximately 4 acres of the Scott Park property at the SW Corner of Washington Ave. and Malcom X Street (125 W. Malcolm X Street), from "Open Space - Dedicated Park" to "Open Space – Quasi-Public / Utility". This purpose of the amendment is to permit the construction of a $26,000,000 Board of Water and Light substation on the eastern portion of the site, with park improvements to the remaining open space. The following are specific components of the Board of Water & Light's proposal:

- The substation will be encircled with a masonry wall featuring public art and displays.
- A walkway which will provide public pedestrian access from Washington Avenue to Townsend Street will be constructed along the south wall of the substation, north of the Grand River.
- The Sunken Garden will be relocated near Cooley Gardens, a more prominent location within the park, and made accessible in compliance with the Americans with Disabilities Act (ADA).
- ADA access will be provided to Cooley Gardens, which will remain otherwise undisturbed.
- The parking lot will be relocated.
- The Scott Center will be relocated off-site, portions offered for salvage, or demolished.
- The Women's Historical Museum will be unaffected.

RATIONALE:

The Scott Park proposal is a component of LBWL's Lansing Energy Tomorrow initiative, which includes the Integrated Resources Plan (IRP) process that will specify how the BWL will replace the Eckert Power Station, 1950s era-coal fired plant that will close by 2020, and prepare for the Clean Power Plan, EPA's regulations for reducing greenhouse gas emissions. The IRP process will be based on consideration of costs to customers, ensuring a reliable energy source for the region, environmental stewardship, managing future uncertainty and risks, federal regulations, local-generation capacity, and economic development. The Central Substation is the first step in allowing the retirement of the Eckert plant generation.

The Eckert plant serves downtown Lansing, General Motors and Sparrow Hospital. Eckert's distribution circuits feeding downtown are located in underground ducts that are failing, and Eckert can't be removed from service without new generation or transmission infrastructure. LBWL's Lansing Energy Tomorrow Plan, unveiled in May, 2015 also includes the five-year, $101 million Transmission & Distribution Improvement Project, which is already underway. The Central Substation is an integral part of this improvement project.

The existing electrical infrastructure pattern of underground and overhead transmission and distribution lines converge at the intersection of Townsend and Malcolm X, and form an "electrical

super highway". Due to the existing pattern, this location is the most economical and advantageous point to build the Central Substation and connect to the underground circuits that serve BWL's downtown customers. The farther away from this "sweet spot", the more it will cost to build a substation at an estimated $4,000 per linear foot of additional distribution costs.

ALTERNATIVES CONSIDERED:

Eight alternatives were considered (see map):

- The vacant GM office building on Townsend. Unavailable for purchase.
- GM property southwest of and adjacent to Cooley Gardens. Unavailable for purchase.
- Residential property north of South Street. Would remove several properties from the tax roll and would result in the displacement of several residents that occupy houses in the area.
- 100 Block of W. South Street, behind businesses along the west side of S. Washington's 1200 block. The site is too small to accommodate the substation. Would also involve eliminating parking used by businesses in the area.
- The Seventh Day Adventist property on the NE corner of Walnut and St. Joe - across I-496. The site is too small to accommodate the substation.
- Deluxe Inn Site – the site is too small and is under contract for private development.
- Eckert Substation site - located in the floodplain, with deteriorating underground conduits beneath railroad tracks. Utilizing the Eckert site for this purpose would increase the cost of the new substation by $13,000,000, and delay the closing down of the coal-fired plant 7 years. The estimated cost to place the new substation at this location is $38,500,000. While BWL already owns the site, it is in the 100 year flood plain and would require raising the elevation of the substation area above the base flood elevation. Additionally the site is adjacent to active railroad tracks and would require a protective wall to be built for potential train derailments. Distribution lines would need to be rebuilt under the railroad and moved out to Townsend St. north to Williams St. where it intersects the existing duct banks.
- Underground – an underground substation would cost $45.6 million, plus $5-10 million for burying the transmission lines.

LBWL was asked by City Council to consider a ninth alternative - locating the new substation at vacant property near Diamond Reo Way and Baker Street. (The results of LBWL's research were not available as of this printing.)

Historical Significance:

The Lansing park system includes three National Register properties: the Turner-Dodge Mansion, the Moores Park Natatorium, and Reutter Park. LBWL has one National Register property: the newly-restored Depot building on S. Washington Avenue.

Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to take into account the effects of their undertakings on historic properties and afford the Advisory Council on

Historic Preservation (ACHP) a reasonable opportunity to comment on such undertakings. This project is not subject to 106 Review because the BWL is not a federal agency and is not using federal funds for this project.

Neither the Sunken Garden nor the Scott Center are listed on the National Register of Historic Places or located in local Historic Districts. The State Historic Preservation Office (SHPO) has stated that the Sunken Garden would qualify for the National Register of Historic Places, but it is not listed. The SHPO also indicated that the Scott Center is not eligible for this designation. National Register listing has no regulatory effect unless Federal funds are used.

The Scott Center is available to be relocated off-site and restored. An RFP (request for proposals) process was utilized to find a qualified buyer for the Center. Habitat for Humanity Capital Region (HFHCR) submitted the only qualifying proposal, and the Board of Water & Light will provide up to $100,000 to relocate and renovate the structure.

The Sunken Garden will be relocated to a prominent, ADA accessible location within the park as part of this project. It will thus remain on property formerly owned by Richard and Gertrude Scott, who subsequently sold the property to General Motors before the City purchased it from GM.

The SHPO has stated that the Sunken Garden would lose its historical significance if it were moved from its original location.

Lansing has an example in the Darius B. Moon House of a property listed on the National Register of Historic Places subsequent to its relocation (see box.)

Finally, LBWL plans to relocate the Sunken Garden on the same, formerly Scott-owned property, *just a few hundred feet* from its original location, "brick by brick, stone by stone, and plant by plant," and contribute $40,000 to endowment to its perpetual care.

Darius B. Moon House example
On August 6, 1976, the Darius B. Moon House, then located at 116 S. Logan Street (now Martin Luther King Boulevard), was placed on the State Register of Historic Sites.

The house was preserved and moved more than 1,500 feet to 216 Huron Street, May 1978, as a result of the roadway widening.

It was listed on the National Register of Historic Places on November 30, 1982, three years after its move to 216 Huron Street.

LBWL staff is also working with the Garden Club of Greater Lansing on plans to maintain and safeguard the vegetation in preparation for this relocation.

Land Sale:

The City of Lansing is the current and future owner of the subject Property. The Lansing City Charter Section 8-402.6 states: "No park, recreation, cemetery, or waterfront land may be sold without the approval, by a majority vote, of the electors of the City voting on the question at a regular or special election". Both LBWL and the Parks and Recreation Department are divisions of the City of Lansing in accordance with the Lansing City Charter.

This is not a land sale – title to the property is and will continue to be vested in the City of Lansing. There are no deed restrictions that would prevent the substation project and the City Charter does not require a vote of the people for this project as the property will remain under the control and ownership of the City.

However, a City Attorney Opinion maintained that a vote of the public is required for the sale of the Scott Center structure, and on August 8, 2016, by Resolution #2016-165, City Council authorized the placement of this question on the November 8 ballot.

Community Outreach and Involvement:

LBWL officials have met with members of the public more than a dozen times:

- LBWL Board of Commissioners Meeting
- Community Design Charrette
- Parks Board – 3 meetings.
- Planning Board – 2 meetings, including the May 17 public hearing.
- ReoTown Commercial Association – 4 meetings. LBWL, which is a member of the Association, also agreed to make a $20,000 contribution every three years for the life of the project to rotate public art displays on the west wall of the substation.
- Garden Club – 2 meetings.
- Preservation Lansing – 1 meeting.
- Council Committee on Development and Planning (D&P) - 1 meeting.

Future public meetings include City Council, Council Committee on Development & Planning, and the Board of Zoning Appeals.

Park Utilization:

According to data from the Parks reservation program for rentals from May, 2011 to May, 2016 (based on information provided by the customer at the time of reservation):

- The Cooley Gardens Pavilion had 87 rentals (including 4 for 2016), for an estimated head count of 6,043,
- Sunken Gardens had 23 rentals (including 2 for 2016) and an estimated 918 attendance,
- The Scott Center Center has not been used for over 10 years so there are no numbers available.

The Cooley Gardens Pavilion gets more than six times the use of the Sunken Garden. Relocating the Sunken Garden to a prominent location adjacent to Cooley Gardens and making Americans with Disability Act and parking improvements as proposed may increase the visits to the Sunken Garden and enhance its benefit to the public.

Parks Board Action:

At its meeting on April 13, 2016, the Parks Board voted to recommend that:

- The eastern portion of the Scott Park property be repurposed for Board of Water and Light (LBWL) purposes as set forth herein,

- The inventory of dedicated parkland be amended by removing up to 4 acres of the Property from Scott Park, and
- The Lansing Board of Water and Light prioritize recreational opportunities in the southeast corner of the substation site, subject to operational restraints.

ACT 33 REVIEW

This review is being conducted pursuant to the requirements of the Michigan Planning Act (P.A. 33 of 2008), Section 61, which requires an evaluation of the location, character and extent of a public building prior to authorizing its construction:

Location:
The project is located at the SW corner of S. Washington Ave. and at a key location:

- Entrance to ReoTown,
- Just south of I-496 freeway,
- In *the closest possible proximity* to key electrical infrastructure (cable ducts, transmission lines).

After a thorough site selection process (see above) LBWL determined that Scott Park is the most suitable site.

Character:
The project would introduce an urban, artistic and enhanced recreational feel to the site. Although a significant portion of the current Scott Park will be used solely for the substation, the public will benefit from several improvements to the remainder of the site, including a covered riverwalk on the north side of the Grand River, public art, viewing platforms, and ADA access to both Cooley Gardens and the Sunken Garden (as relocated). NOTE: Both facilities have "grandfather" status and lack ADA access at this time.

Extent:
Analysis of the extent of a proposal evaluates whether the level or magnitude of the proposed request is appropriate and in relation to the intended land use pattern, public facilities, and services in the area.

The project is designed to be as compact as possible so as to minimize its impact on the Park. The substation facility is expected to serve the entire downtown area, including Sparrow Hospital, LCC, the Accident Fund, the City of Lansing, and the State of Michigan.

Findings:
Based on a review of the location, character, and extent of the proposal, staff recommends the following finding:

- LBWL is phasing out the Eckert Power Station due to the obsolescence of the facility and anticipated regulatory changes.

- LBWL and City staff have conducted a thorough search for an appropriate location for the substation.
- Due to the Eckert Station's location within the 100 year floodplain, the extreme rain events in recent years, increasing flood risks, and increasing uncertainty of our weather conditions, the Eckert Station site is not considered a viable option.
- The subject property is the most appropriate location for a substation to serve LBWL's customers in the downtown area, including LCC, the Accident Fund and Sparrow Hospital, with the impending decommissioning of the Eckert Power Station.
- The proposed project will include several amenities to benefit the public including pathways, public art, viewing platforms and ADA access to both Cooley Gardens and the relocated Sunken Garden.
- The proposed substation will be designed to minimize its adverse impact on the remainder of the site.
- The substation is designed for reliability and to meet the current and future needs of downtown Lansing, including its major employers.
- The City purchased the former Scott parcel (vacant) and unkempt sunken garden from General Motors. Neither the Scott estate nor GM donated the property known as Scott Park, nor was it deed-restricted for park purposes (see attached).
- LBWL has been respectful of Scott Park's features, and has proposed to:
    - contribute $100,000 to the relocation of the Scott Center building,
    - relocate the Sunken Garden "brick by brick, stone by stone, and plant by plant," and contribute $40,000 to endowment to its perpetual care.
- A vote of the electors is neither required nor appropriate to approve this Plan amendment and Special Land Use permit. (However, in the City Attorney's opinion, this is not the case with the Scott Center structure, the sale of which will be on the November 8 ballot for voter approval.)

SPECIAL LAND USE PERMIT

Section 1282.03(f)(1)-(2) sets forth the criteria which must be used to evaluate a Special Land Use permit request. The criteria and evaluation are as follows.

1. **Is the proposed special land use designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area?**

   The proposed substation will be designed to be compatible with the surrounding area. The proposed site will be attractive and provide for an inviting and engaging entrance to Reo Town. The project includes significant enhancements to the site for public use such as pathways, access to the Lansing River Trail, a viewing platform, and ADA access to the relocated Sunken Garden.

The proposed power substation will not generate noise, odors, vibrations or other nuisances that would negatively impact the surrounding area. In addition, the substation will generate very little traffic by the LBWL and will allow the new parking lot to be available to the public for use of the amenities in the Park.

With respect to the layout of the site, the substation will be located at the front property lines along both Malcolm X Street and S. Washington Avenue. The majority of the site is in the Reo Town Overlay district which mandates this type of layout. In fact, any newly constructed building within the Reo Town Overlay District would have to be built at the front property lines.

2. Will the proposed special land use change the essential character of the surrounding area?

The site is surrounded by a freeway to the north, a vacant site to the east, additional City property to the west, a river and a multiple-family residential building to the south. Given the diverse land use pattern that already exists in the area, the proposed substation will not change this essential "character". The proposed project will be designed to create an appealing and engaging entrance to Reo Town as the site will provide certain amenities such as pathways, an accessible Sunken Garden, a viewing platform, art, etc., for the public to enjoy.

3. Will the proposed special land use interfere with the enjoyment of adjacent property?

The proposed power substation will not interfere with the enjoyment of adjacent properties. The subject property is surrounded by I-496 to the north, the Grand River to the south, a vacant site to the east and City property to the west. The proposed substation will have no negative impacts on Cooley Gardens or the Women's Historical Museum on the remainder of the City property to the west.

4. Will the proposed special land use represent an improvement to the use or character of property under consideration and the surrounding area in general, and will the use be in keeping with the natural environment of the lot?

- The Scott Center is a vacant building that has not been used for more than 10 years and is in a state of deterioration. The project includes a $100,000 subsidy for the relocation and renovation of the Scott Center by a qualified buyer for a use that is more appropriate to the building's design. Habitat for Humanity Capital Region (HFHCR) submitted a proposal to undertake this project.
- The Sunken Garden has limited visibility from beyond the property lines and prior to this project, most residents likely were not even aware that it exists. The project includes the relocation of the Sunken Garden in close proximity to Cooley Gardens, improved visibility, ADA accessibility, and a relocated parking lot to serve them both. Moreover, the project includes an LBWL pledge to establish a $40,000 endowment for the Sunken Garden.

- The substation will be encircled with a masonry wall featuring pubic art and displays to create an attractive entrance to Reo Town.
- The project also includes a viewing platform above the Grand River, a new walkway from Washington to Townsend, a new pathway from Capitol Avenue connecting to Cooley Gardens and the new walkway, a new staircase connecting the rivertrail to Washington Avenue and new landscaping, signage and a new parking lot.

The proposed substation will have no more of an impact on the natural environment of the lot than any other development of the property. The development will be required to go through administrative site plan review to ensure that it is in full compliance with all applicable City ordinances.

5. **Will the proposed special land use be hazardous to adjacent property or involve uses, activities, materials or equipment which are detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare?**

The power substation will not generate any nuisances or hazardous conditions. In fact, the proposed substation is a component of BWL's "Energy Tomorrow" initiative to provide reliable, affordable and clean energy to its customers. This includes the "Integrated Resources Plan" process that will specify how the BWL will replace the Eckert Power Station, a 1950s era-coal fired plant that will close by 2020, and prepare for the Clean Power Plan, EPA's regulations for reducing greenhouse gas emissions. The IRP process will be based on consideration of costs to customers, ensuring a reliable energy source for the region, environmental stewardship, managing future uncertainty and risks, federal regulations, local-generation capacity, and economic development.

EMF (Electric and Magnetic Fields) measurements at the fence line of substation sites similar to the proposed Central Substation and under the transmission line that transverses Scott Park are equal to typical levels found in most kitchens. Magnetic fields decrease significantly as the distance increases. Studies conducted by such agencies as the EPA, have been inconclusive as to if they have any effect.

6. **Will the proposed special land use be adequately served by essential public facilities and services, or is it demonstrated that the person responsible for the proposed special land use is able to continually provide adequately for the services and facilities deemed essential to the special land use under consideration?**

The subject property will be served by all necessary public services and utilities.

7. **Will the proposed special land use place demand on public services and facilities in excess of current capacity?**

The proposed substation use is not expected to increase the demand on public services and facilities in excess of current capacity.

8. Is the proposed special land use consistent with the intent and purpose of this Zoning Code and the objectives of any currently adopted Comprehensive Plan?

The Design Lansing Comprehensive Plan currently designates the subject property as "Open Space -Dedicated Park". When the Design Lansing Comprehensive Plan was originally developed, no other use for the subject property beyond its current use was even contemplated. An amendment to the *Design Lansing* Comprehensive Plan that would change the future land use designation of the eastern, approximately 4 acres of the subject property to "Open Space – Quasi-Public/Utility" is currently being considered. This amendment would be the appropriate land use designation for the proposed substation and is recommended for approval by the Planning Office.

9. Will the proposed special land use meet the dimensional requirements of the district in which the property is located?

The east 250 feet of the subject property is zoned "DM-4" Residential and is located within the Reo Town Overlay district.

The remainder of the subject property is zoned "C" Residential. Both zoning districts permit "a structure which is owned or operated by a public utility", if a special land use permit is approved by the Lansing City Council.

The majority of the proposed substation will be located within the area of the site that is in the Overlay district which has no setback, lot coverage or parking requirements and allows a maximum building height of 40 feet. The west, approximately 1/3 of the proposed substation is located within the area of the site that is zoned "C" Residential and is not within the Overlay district. The "C" Residential district requires a 50 foot front yard setback, a 30 foot rear yard setback, a maximum lot coverage of 40% by structures and 60% total lot coverage, a parking requirement of 2 spaces for each employee within the largest shift and a 35 foot building height limitation. Based on a review of the preliminary plans for the substation, a variance to the building setback requirement from the front property line along W. Malcolm X Street will be required. This will be supported by the Planning Office staff as it would be more appropriate and desirable, from a planning standpoint, to have the building located at or very near the front property line along both streets. It will also allow the building to have a consistent setback as it crosses the 2 zoning districts on the site.

RECOMMENDATIONS

Staff recommends approval of the following requests:

Design Lansing Comprehensive Plan Amendment #1: An amendment to the Design Lansing Future Land Use Plan to change the future land use designation of the eastern portion of Scott Park from "Open Space -Dedicated Park" to "Open Space – Quasi-Public / Utility" as proposed. This would affect approximately four acres, particularly described as:

> Lots 13 thru 17 inclusive except the Easterly 4 feet of Lot 13 and the Westerly 33 feet of Lot 17, ALSO except an area of land lying between the water's edge of the Grand River and a line 25 feet Northerly thereof, all in Block 177 of the Original Plat of the Town of Michigan now the City of Lansing, as recorded in plats, Ingham County Records, Ingham County, Michigan.

On June 21, 2016, the Planning Board voted 5-2 to recommend adoption of Amendment #1, to change the future land use designation of the east, approximately 4 acres of the property at 125 W. Malcolm X from "Open Space - Dedicated Park" to "Open Space - Quasi-Public/Utility".

SLU-3-2016: A special land use permit to allow a Board of Water & Light power substation on the east, approximately 4 acres of the property at 125 W. Malcolm X Street, based on a finding that the proposal complies with all of the criteria of Section 1282.03(f)(1)-(9) of the Zoning Code for evaluating Special Land Use permits.

On June 21, 2016, the Planning Board voted 5-2 to recommend approval of SLU-3-2016, a special land use permit to permit the construction of a Board of Water & Light power substation, "a structure which is owned or operated by a public utility", at 125 W. Malcolm X Street.

Act-7-2016: Authorization of the construction of a Board of Water & Light Central Substation on the east, approximately 4 acres of the property at 125 W. Malcolm X Street, based on a review of the location, character and extent of the project as outlined in this staff report.

On June 21, 2016, the Planning Board voted 5-2 to recommend approval of to authorize a new LBWL power substation on the City owned property at 125 W. Malcolm X Street.

Respectfully Submitted,

Bill Rieske, Assistant Planning Manager **Susan Stachowiak, Zoning Administrator**

W Saint Joseph St
S Capitol Ave
S Washington Ave
W I 496
E I 496
W Main St
new road
Townsend St
S Washington Ave
W Hazel St
N

Virg Bernero, Mayor

Proposed Amendment #1
Design Lansing Comprehensive Plan
DRAFT

) 75 150 300 Feet

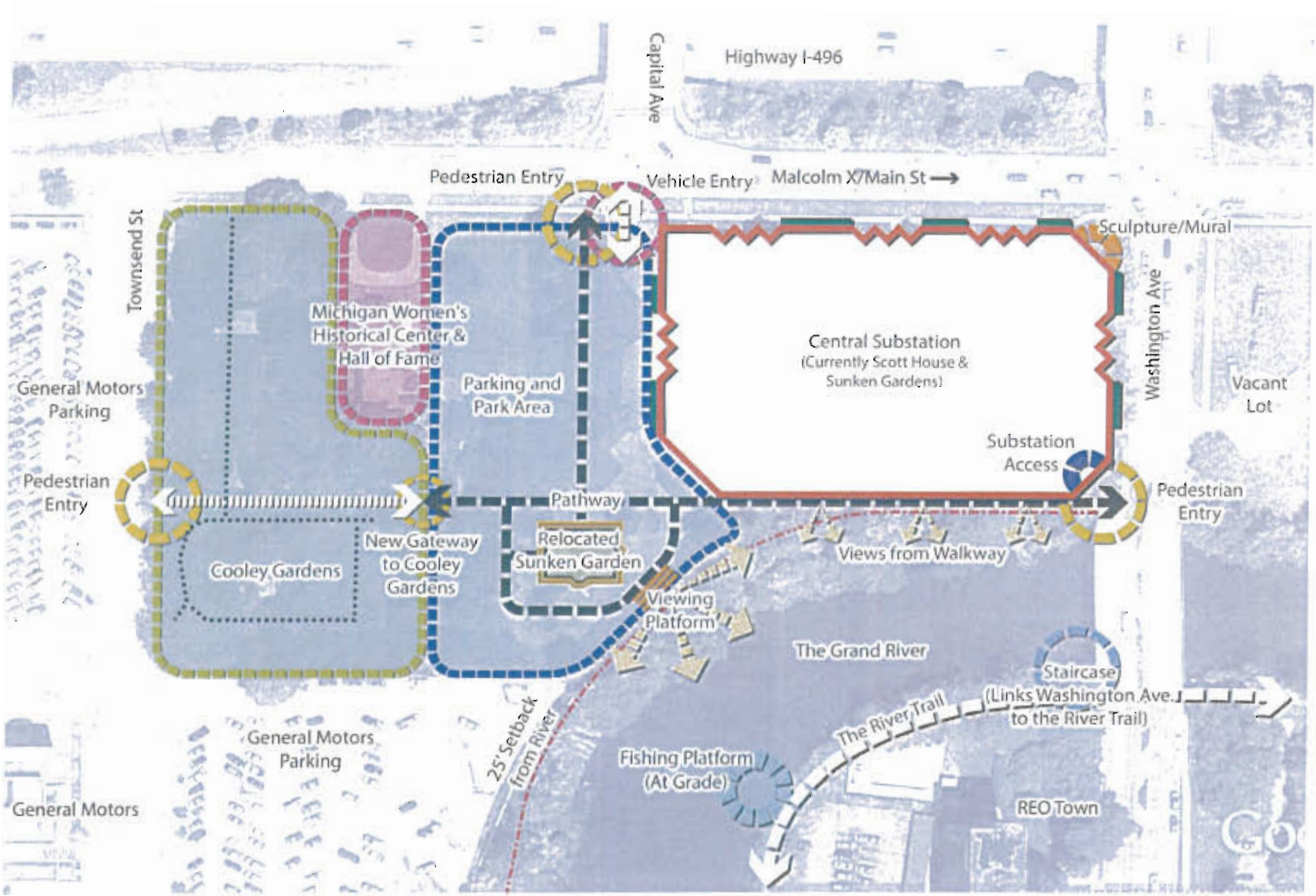
.egend

PROPOSED

uture Land Use

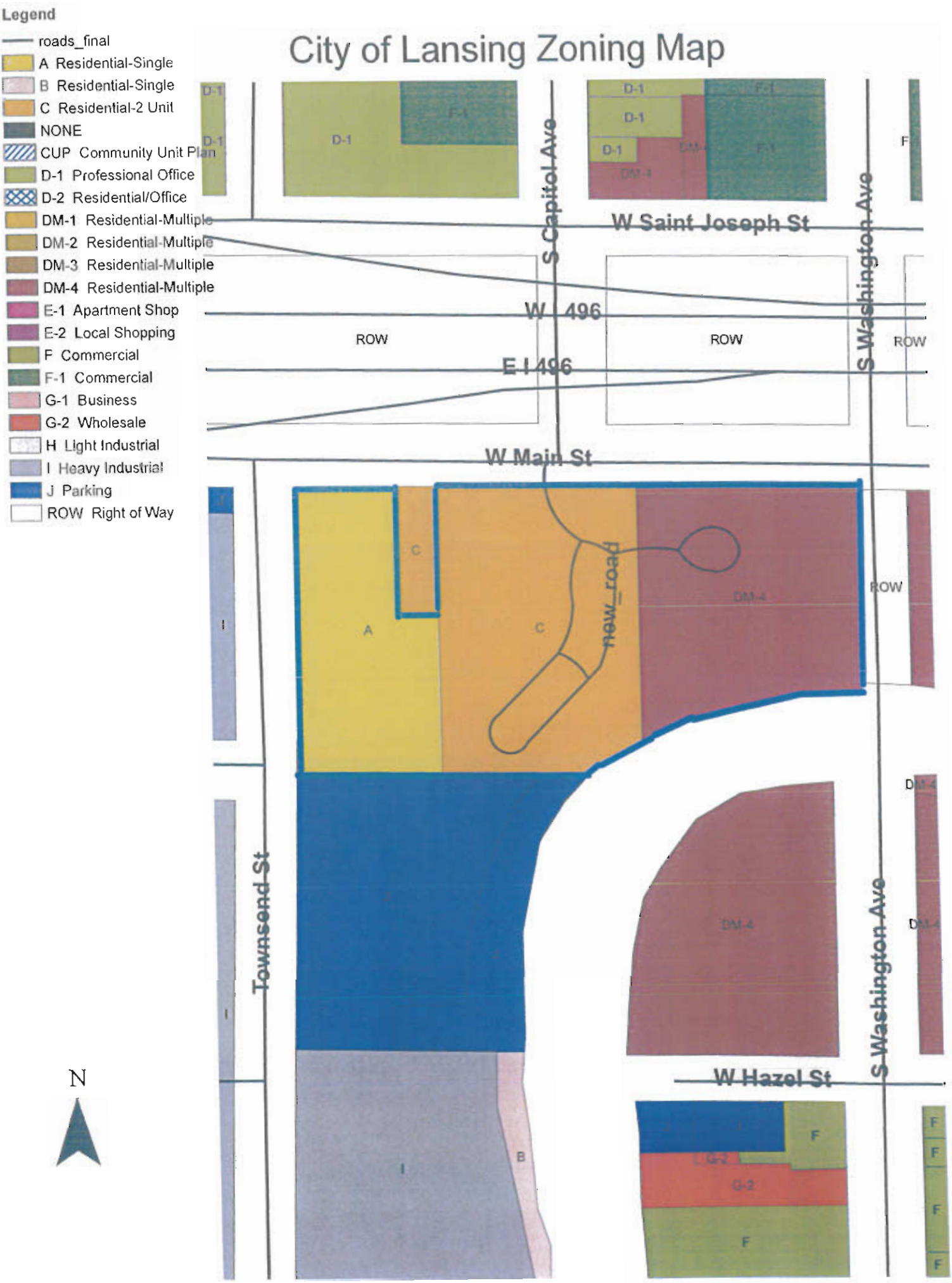
- Open Space-Dedicated Park
- Open Space-Quasi-Public / Utility
- Low-Density Residential
- Medium-Low-Density Residential
- Medium-Density Residential-Urban
- Medium-Density Residential-Suburban
- Residential Corridor
- Downtown Mixed-Use Center: Core
- Downtown Mixed-Use Center: Edge
- Community Mixed-Use Center
- District Mixed-Use Center
- Urban Mixed-Use Corridor
- Suburban Commercial
- Institutional
- Research and Development
- Light Industrial
- General Industrial
- Community Facility

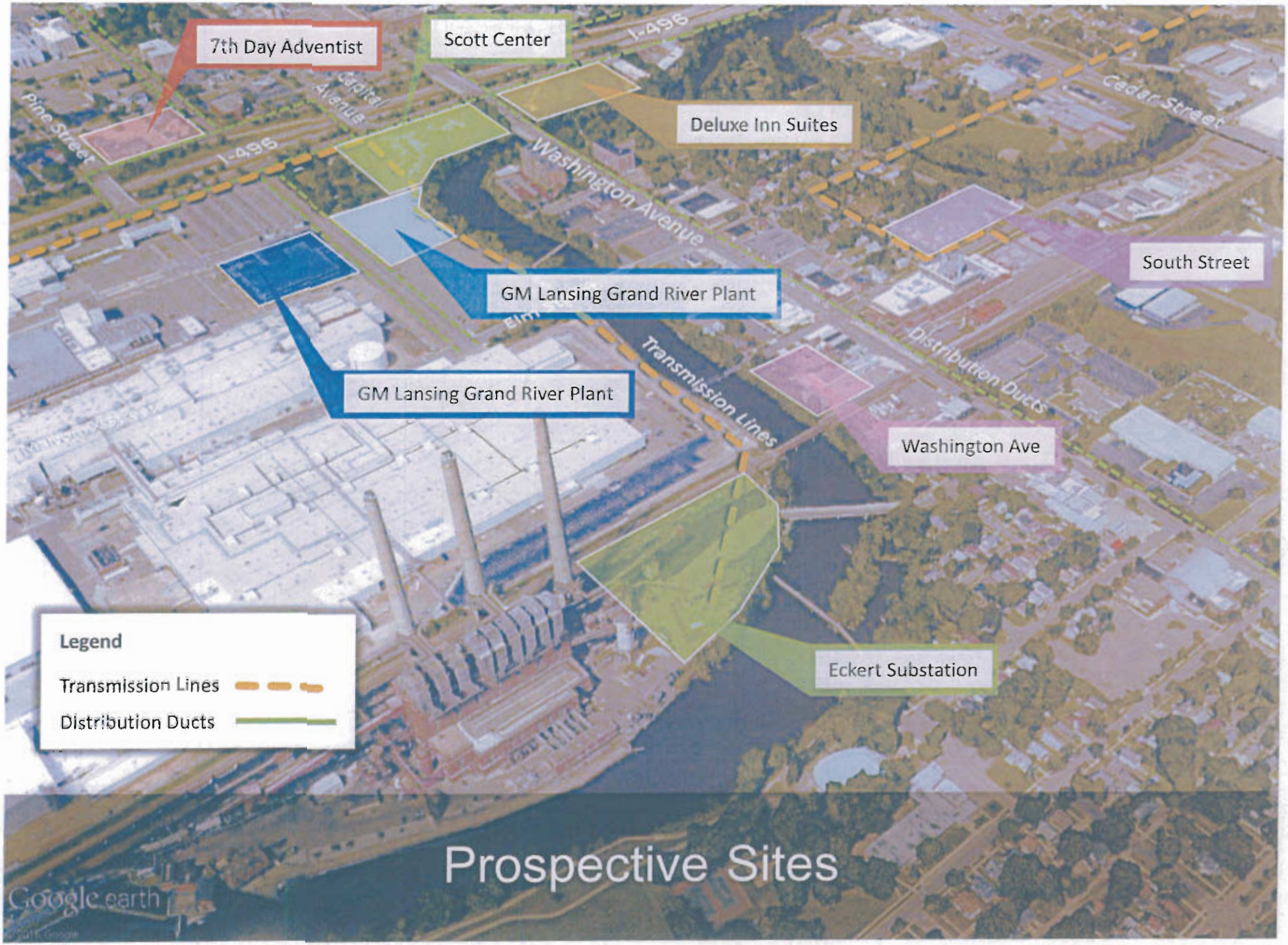
Conceptual Diagram

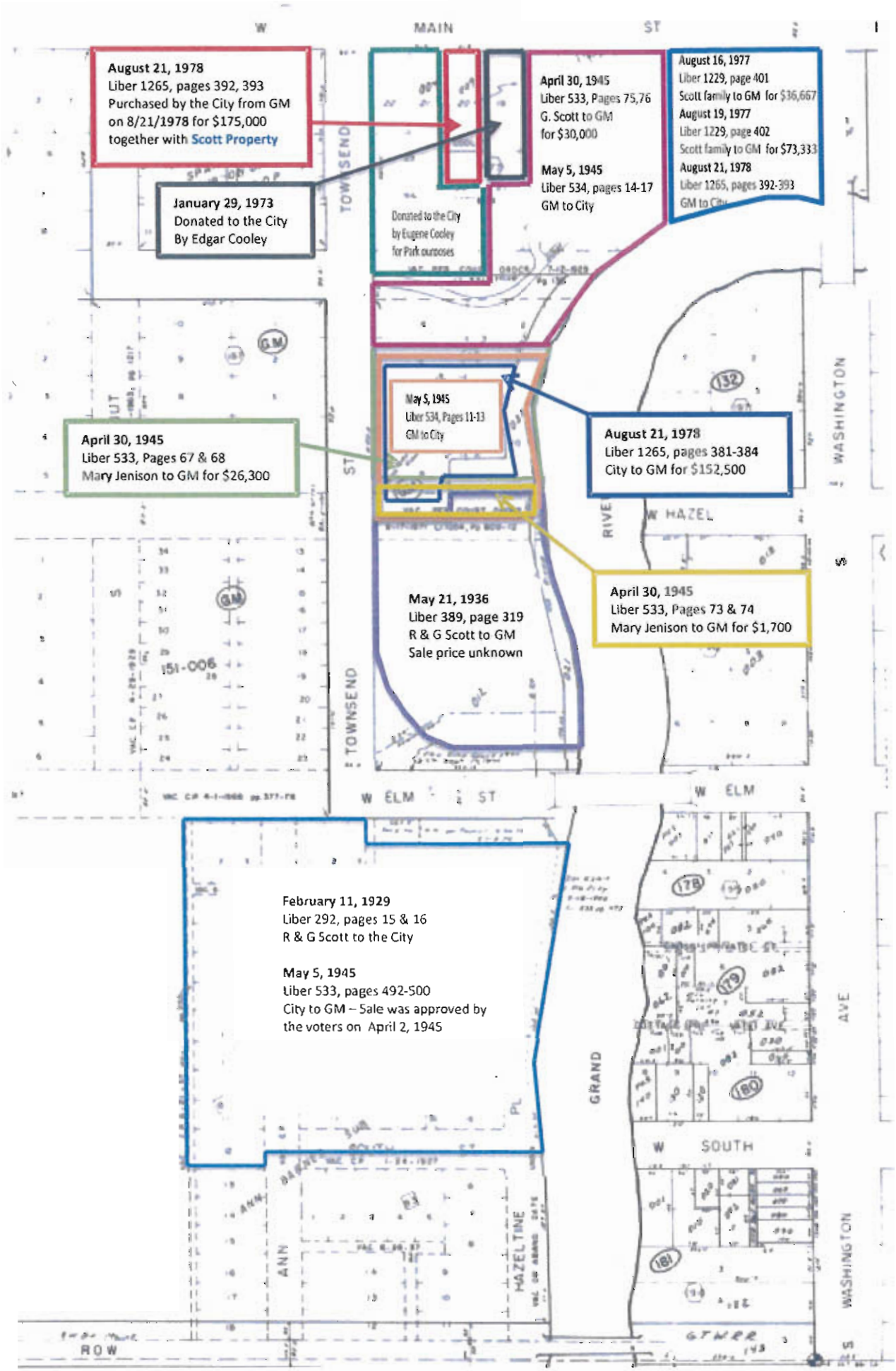


The Scott Center Site

City of Lansing Zoning Map




7th Day Adventist
Scott Center
I-496
Capital Avenue
Pine Street
Cedar Street
Deluxe Inn Suites
Washington Avenue
South Street
GM Lansing Grand River Plant
GM Lansing Grand River Plant
Transmission Lines
Distribution Ducts
Washington Ave
Eckert Substation
Legend
Transmission Lines
Distribution Ducts
Prospective Sites
Google earth


W MAIN ST
August 21, 1978
Liber 1265, pages 392, 393
Purchased by the City from GM
on 8/21/1978 for $175,000
together with Scott Property
January 29, 1973
Donated to the City
By Edgar Cooley
Donated to the City
by Eugene Cooley
for Park purposes
April 30, 1945
Liber 533, Pages 75,76
G. Scott to GM
for $30,000
May 5, 1945
Liber 534, pages 14-17
GM to City
August 16, 1977
Liber 1229, page 401
Scott family to GM for $36,667
August 19, 1977
Liber 1229, page 402
Scott family to GM for $73,333
August 21, 1978
Liber 1265, pages 392-393
GM to City
May 5, 1945
Liber 534, Pages 11-13
GM to City
April 30, 1945
Liber 533, Pages 67 & 68
Mary Jenison to GM for $26,300
August 21, 1978
Liber 1265, pages 381-384
City to GM for $152,500
April 30, 1945
Liber 533, Pages 73 & 74
Mary Jenison to GM for $1,700
May 21, 1936
Liber 389, page 319
R & G Scott to GM
Sale price unknown
February 11, 1929
Liber 292, pages 15 & 16
R & G Scott to the City
May 5, 1945
Liber 533, pages 492-500
City to GM – Sale was approved by
the voters on April 2, 1945
TOWNSEND ST
W HAZEL
WASHINGTON
W ELM ST
GRAND
W SOUTH
ANN
HAZELTINE
ROW
GM
151-006

Conveyance of Lands – Scott/Jenison/General Motors/City of Lansing

Donation of Richard H. Scott and Gertrude E. Scott property to City of Lansing:

On March 2, 1929 the Scott's donate 5.7 acres (Liber 292, Page 15) to the City of Lansing to create a *"Children's Play Ground"* on land that was on the south side of Elm Street between the low land area of the Grand River and approximately 330 feet west of Townsend Street (extended). The donated land was not on the same block as the former "Scott Mansion" and "Sunken Garden".

On April 2, 1945 the voters of the City of Lansing approved the disposition of the "Children's Play Ground" to General Motors for certain lands in exchange. The property that the City received from GM was referred to as the "Jenison" and "Barnes" properties. In addition, GM was required contribute to the City $20,000 to relocate, or replace with new, the playground equipment and accessory recreational buildings located on the "Children's Play Ground".

On May 5, 1945, Mrs. Gertrude E. Scott executes a "Quit Claim Deed" (Liber 533, Page 488-490) to the City of Lansing specific to the property donated in 1929 to create the "Children's Play Ground" which, in part, states:

> "This Deed is given for the express purpose of releasing all of their reversionary rights in said premises so that the City of Lansing may hereafter hold said premises in Fee Simple without any conditions or qualifications whatsoever."

Ownership History of the Jenison House and Barnes Parcel – owned by Gertrude E. Scott (1945 to present):

The City of Lansing acquired the property located at 915 Townsend (later known as the Scott Park Art and Garden Center) from the General Motors Corporation. The City of Lansing did not receive a gift from the Jenison family. GM paid the Jenison family $28,000.00 for the property on April 30, 1945 (Liber 533, Page 67 – 68 [$26,300]; and, Liber 533, Page 73 - 74 [$1,700]). The acquisition of Jenison lands by GM consisted of two parcels.

The City of Lansing then trades property with GM (May 5, 1945). The City receives the 915 Townsend property (Jenison House, Liber 534, Page 11 - 13) and additional land from GM (Barnes Parcel, Liber 534, Page 14 - 17) which is north of the Jenison house and curving to the east of land owned by Edgar Cooley (parcel located immediately east and adjacent to the Women's Historic Center – 213 W. Malcolm X (Main) Street. GM initially acquired the "Barnes Parcel" from Mrs. Gertrude E. Scott for $30,000 on April 30, 1945 (Liber 533, Page 75 – 77). *The total cost to GM to assemble the properties was $58,000.*

The land conveyed to GM by the Jenison Family (915 Townsend) and by Gertrude E. Scott (Barnes Parcel) came without restrictions or covenants. The same is true regarding the land that GM conveyed

to the City of Lansing in exchange for the "Children's Play Ground" property approved by the voters on April 2, 1945.

On May 7, 1945, the City of Lansing conveys the "Children's Play Ground" to GM (Liber 533, Page 492 – 501).

Note: On June 4, 1936, Mr. Richard H. Scott & Gertrude E. Scott sell property (Liber 389, Page 319) to General Motors Corp. for an unspecified price (in the deed listed as "one and other Dollars"). This property is where the "playground" is re-created, as evidence by an aerial photo from 1964 (source: Parks & Recreation Dept.) The property was privately owned, the property was not owned by the City; however, the land area was treated as a "playground". We also believe that the GM property was called "Scott Park", even though the Scott family sold the property in 1936 to GM.

Ownership of the former Scott Mansion (vacant) property and Sunken Garden (1977 to present):

The Trustees of the estate for Mrs. Gertrude E. Scott conveyed, by way of sale, the land (Scott Mansion was demolished in 1965 by Mrs. Scott) and Sunken Garden to the General Motors Corporation for $110,000.00 involving two separate transactions. On August 16, 1977 GM purchased 1/3 of the Scott lands for $36,667 (Liber 1229, Page 401); and, on August 19, 1977 GM purchased the remaining 2/3rds for $73,333 (Liber 1229, Page 402 - 403).

It is a fact that GM acquired the Scott Mansion land and Sunken Garden without any restrictions or covenants.

City *sells* to GM the "Jenison Parcel" (915 Townsend Street) for $152,500 by way of Warranty Deed dated August 22, 1978 (Liber 1265, Page 381 - 384).

GM *sells* its recently acquired (August 1977) Scott property and property known as the "Women's Historic Center" located at 213 W. Malcolm X (Main) Street to the City of Lansing for $175,000 (Liber 1265, Page 392 - 393). The City acquired GM's property on August 21, 1978.

The Jenison House was moved (1978) from its Townsend location to the land immediately west of the Sunken Garden, were it sits today.

FACT: Richard H. Scott and Gertrude E. Scott donated land to create a "Children's Play Ground" on the south side of Elm Street.

FACT: The Electorate of the City of Lansing approved the disposal of the "Children's Play Ground" by its affirmative vote.

FACT: Mrs. Gertrude E. Scott executed a "Quit Claim Deed" removing the reversionary language, restrictions and conditions on the "Children's Play Ground" land area to be transferred to GM.

FACT: Neither the JENISON HOUSE (915 Townsend) nor the SCOTT MANSION & SUNKEN GARDEN were bequeathed or donated to THE CITY OF LANSING. GM paid a total of **$168,000.00** to acquire the Jenison and Scott properties, which does not include the property sold by the Scott's to GM in 1936 for an unspecified amount.

FACT: THE CITY OF LANSING paid **$175,000.00** for the Scott vacant land/Sunken Garden and for property at 213 W. Malcolm X (Main) Street, known as the Cooley-Hayes/Women's Historic Center. The City purchased the property from General Motors.

FACT: GM paid the CITY OF LANSING **$152,500.00** to acquire 915 Townsend Street (Jenison House and lands).

FACT: Only two parcels were bequeathed to the City of Lansing, ***the parcel boundaries for both are outside the footprint of the proposed BWL Sub-Station***. The two parcels that were "gifted" to the City are property formerly owned by Mr. Eugene Cooley (deed restricted – Cooley Gardens); and, the unimproved lot immediately east of the Women's Historic Center formerly owned by Mr. Edgar L. Cooley (no deed restriction).

*** ALL DOCUMENTS REFERENCED CONTINAING LIBER AND PAGE NUMBERS ARE FROM THE OFFICE OF THE INGHAM COUNTY REGISTER OF DEEDS, MASON, MICHIGAN.

OFFICE OF THE MAYOR
9th Floor, City Hall
124 W. Michigan Avenue
Lansing, Michigan 48933-1694
(517) 483-4141 (voice)
(517) 483-4479 (TDD)
(517) 483-6066 (Fax)

Virg Bernero, Mayor

TO: City Council President Judi Brown Clarke and Councilmembers

FROM: Mayor Virg Bernero

DATE: 6-23-16

RE: Resolution— Setting Public Hearing for SLU-3-2016, Public Utility— 125 W. Malcolm X— Lansing Board of Water & Light—Central Substation Project

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The attached correspondence is forwarded for your review and appropriate action.

VB/rh
Attachment

Virg Bernero, Mayor

City of Lansing

Inter-Departmental Memorandum

WORKING TOWARD A CLEANER GREENER LANSING

To: Virg Bernero, Mayor

From: Susan Stachowiak

Subject: CITY COUNCIL AGENDA ITEM - SLU-3-2016, Public Utility - 125 W. Malcolm X

Date: June 22, 2016

The Lansing Planning Board, at a special meeting held on June 21, 2016, voted (5-2) to recommend approval of a request by the Lansing Board of Water & Light for a Special Land Use to construct a power substation at 125 W. Malcolm X Street. The subject property is zoned "C" & "DM-4" Residential, which districts permit "a structure which is owned or operated by a public utility", if a Special Land Use permit is approved by the Lansing City Council.

The Planning Board found, based on testimony, evidence and the staff report, that the proposed Special Land Use complies with all of the criteria established by Section 1282.02(f)(1-9) of the Zoning Ordinance for granting special land use permits. Based upon these findings, the Planning Board recommended approval of SLU-3-2016.

At the Planning Board public hearing held on January 5, 2016, the applicant's representatives and 3 other individuals spoke in favor of the request and 10 individuals spoke in opposition to the request.

Please forward this resolution to City Council for placement on the Agenda.

If you have any questions, or need additional information, please give me a call.

Attachments

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

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, _____, 2016, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving or opposing the Ordinance for rezoning:

SLU-3-2016: Special Land Use Permit, 125 W. Malcolm X Street, Public Utility in the “C” & “DM-4” Residential Districts

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

SLU-3-2016
125 W. Malcolm X Street
Public Utility in the “C” & “DM-4” Residential Districts

WHEREAS, the applicant, Lansing Board of Water & Light, has requested a Special Land Use permit (SLU-3-2016) to construct a power substation at 125 W. Malcolm X Street; and

WHEREAS, the property is zoned “C” & “DM-4” Residential Districts where a structure which is owned or operated by a public utility is permitted subject to obtaining a special land use permit; and

WHEREAS, a review was completed by staff evaluating the character, location and impact this proposal would have on the surrounding area, the environment, public services and compliance with the intent and purpose of the Zoning Ordinance and Design Lansing Comprehensive Plan; and

WHEREAS, the Planning Board held a public hearing on May 17, 2016, at which time the applicant's representatives spoke in favor of the request, 3 individuals spoke in support and 10 individuals spoke in opposition to the request; and

WHEREAS, the Planning Board (based upon testimony, evidence and the staff report) at its June 21, 2016 meeting, voted (5-2) to recommend approval of SLU-3-2016 to permit the proposed Lansing Board of Water & Light power substation at 125 W. Malcolm X Street; and

WHEREAS, the City Council held a public hearing regarding SLU-3-2016 on , 2016; and

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

NOW THEREFORE BE IT RESOLVED that the Lansing City Council hereby approves SLU-3-2016, to permit the proposed Lansing Board of Water & Light power substation at 125 W. Malcolm X Street.

BE IT FURTHER RESOLVED that this Special Land Use permit shall remain in effect only so long as the petitioner fully complies with this resolution, and if the petitioner fails to comply, the Special Land Use permit may be terminated by City Council Resolution.

BE IT FINALLY RESOLVED that in granting this request with conditions, the City Council has considered the factors listed in Section 1298.07(B)(2), and determines the following:

1. The proposed power substation is compatible with the essential character of the surrounding area, as designed.
2. The proposed power substation will not change the essential character of the surrounding area.
3. The proposed power substation will not interfere with the general enjoyment of adjacent properties.

4. The proposed power substation will not impact adjacent properties as it will not be detrimental to the use or character of the property under consideration.
5. The proposed power substation will not impact the health, safety and welfare of persons or property in the surrounding area.
6. The proposed power substation can be adequately served by essential public facilities and services.
7. The proposed power substation will not place any demands on public services and facilities in excess of current capacities.
8. The proposed power substation is consistent with the intent and purposes of the Zoning Code and in conformance with the Design Lansing Comprehensive Plan.
9. The proposed power substation will comply with the requirements of the “C” & “D-4M” Residential Districts.

CITY OF LANSING
NOTICE OF PUBLIC HEARING

SLU-3-2016, 125 W. Malcolm X Street
Special Land Use Permit – Public Utility

The Lansing City Council will hold a public hearing on Monday, , 2016, at 7:00 p.m. in Council Chambers, 10th Floor, Lansing City Hall, 124 W. Michigan Avenue, Lansing, Michigan to consider SLU-3-2016. This is a request by the Lansing Board of Water & Light for a Special Land Use permit to construct the power substation at 125 W. Malcolm X Street. The subject property is zoned "C" & "DM-4" Residential, which districts permit "a structure which is owned or operated by a public utility", if a Special Land Use permit is approved by the Lansing City Council.

For more information, please call Lansing City Council at 517-483-4177. If you are interested in this matter, please attend the public hearing or send a representative. Written comments will be accepted between 8 a.m. and 5 p.m. on City business days if received before 5 p.m., Monday, 2016 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, City Clerk

Ownership History of the Jenison House (1945 to present):

The City of Lansing acquired the property located at 915 Townsend (later known as the Scott Art and Garden Center) from the General Motors Corporation, and not the Jenison family. GM paid the Jenison family **$26,300.00** for the property on April 30, 1945. (***Liber 533, Page 67 Ingham County Register of Deeds***)

The City of Lansing then trades property with GM (May 5, 1945). The City receives the 915 Townsend property (Jenison House) and land from GM that is north of the Jenison house and curving to the east of land owned by Edgar Cooley (parcel located immediately east and adjacent to the Women's Historic Center – 213 W. Malcolm X (Main) Street. (***Liber 534, Page 11-12; and, Liber 534, Page 14-16 Ingham County Register of Deeds***)

The land conveyed to GM by the Jenison Family (915 Townsend) came without restrictions or covenants. The same is true regarding the land that GM conveyed to the City of Lansing.

Ownership of the Scott Mansion property and Sunken Garden (1977 to present):

The Trustees of the estate for Mrs. Gertrude Scott conveyed, by way of sale, the land (Scott Mansion was demolished in 1965 by Mrs. Scott) and Sunken Garden to the General Motors Corporation for **$73,333.00** on August 19, 1977. (***Liber 1229, Page 402 Ingham County Register of Deeds***)

It is a fact that GM acquired the Scott Mansion land and Sunken Garden without any restrictions or covenants.

GM trades its recently acquired (August 1977) Scott property with the City of Lansing for the property that the City had acquired from GM in 1945, which was the property located at 915 Townsend. (Liber 1265, Page 392). The trading of property between GM and the City occurred on August 21, 1978.

The Jenison House was moved (1978) from its Townsend location to the land immediately west of the Sunken Garden, were it sits today.

Also, the City of Lansing pays GM **$175,000.00** to acquire the Cooley-Hayes (Women's Historic Center). (Liber 1265, Page 392 Ingham County Register of Deeds)

FACT: Neither the JENISON HOUSE (915 Townsend) nor the SCOTT MANSION & SUNKEN GARDEN were bequeathed to THE CITY OF LANSING. GM paid a total of **$99,633.00** to acquire both properties.

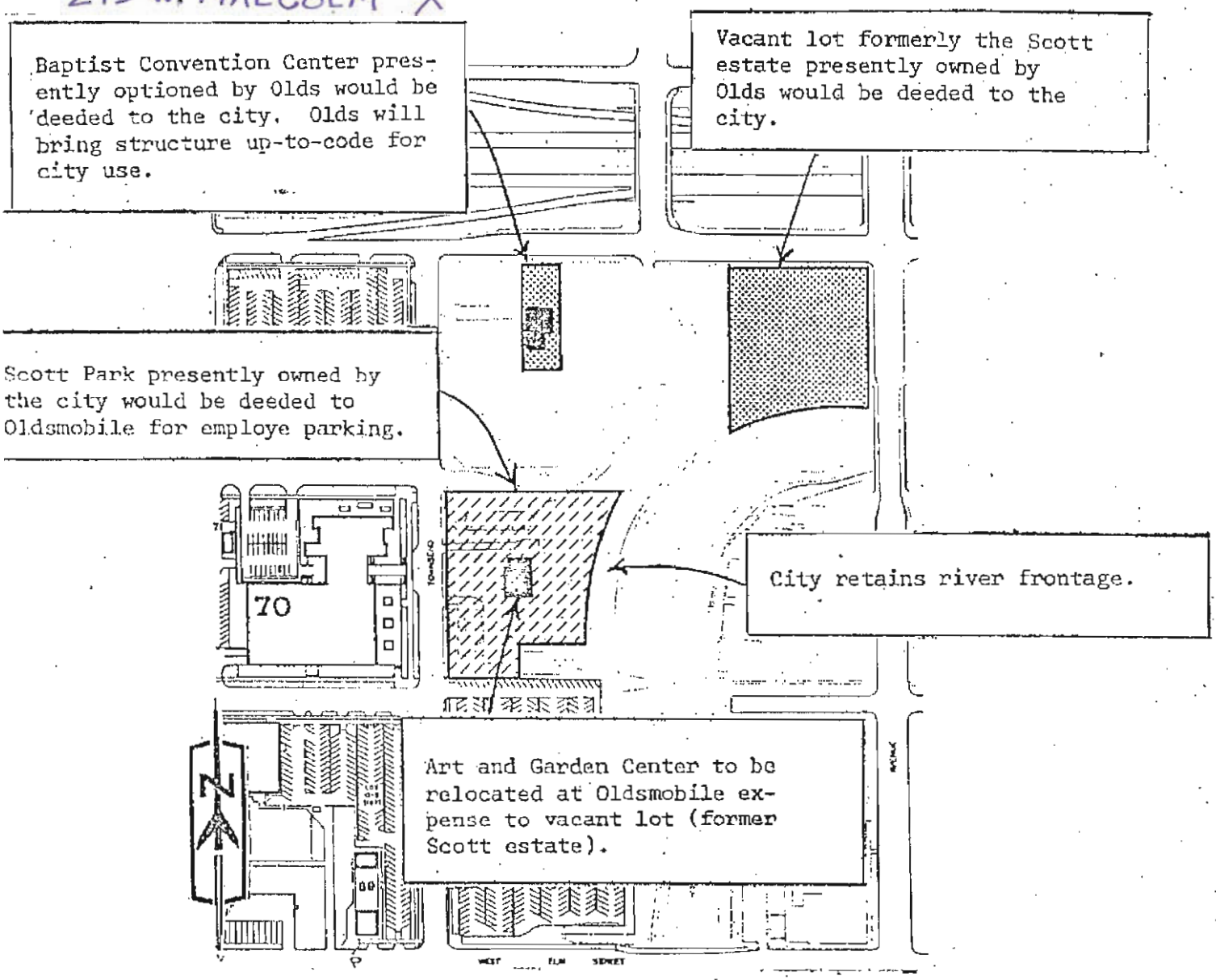
FACT: THE CITY OF LANSING paid $175,000.00 for the property at 213 W. Malcolm X (Main) Street, known as the Cooley-Hayes/Women's Historic Center. The City purchased the property from General Motors.

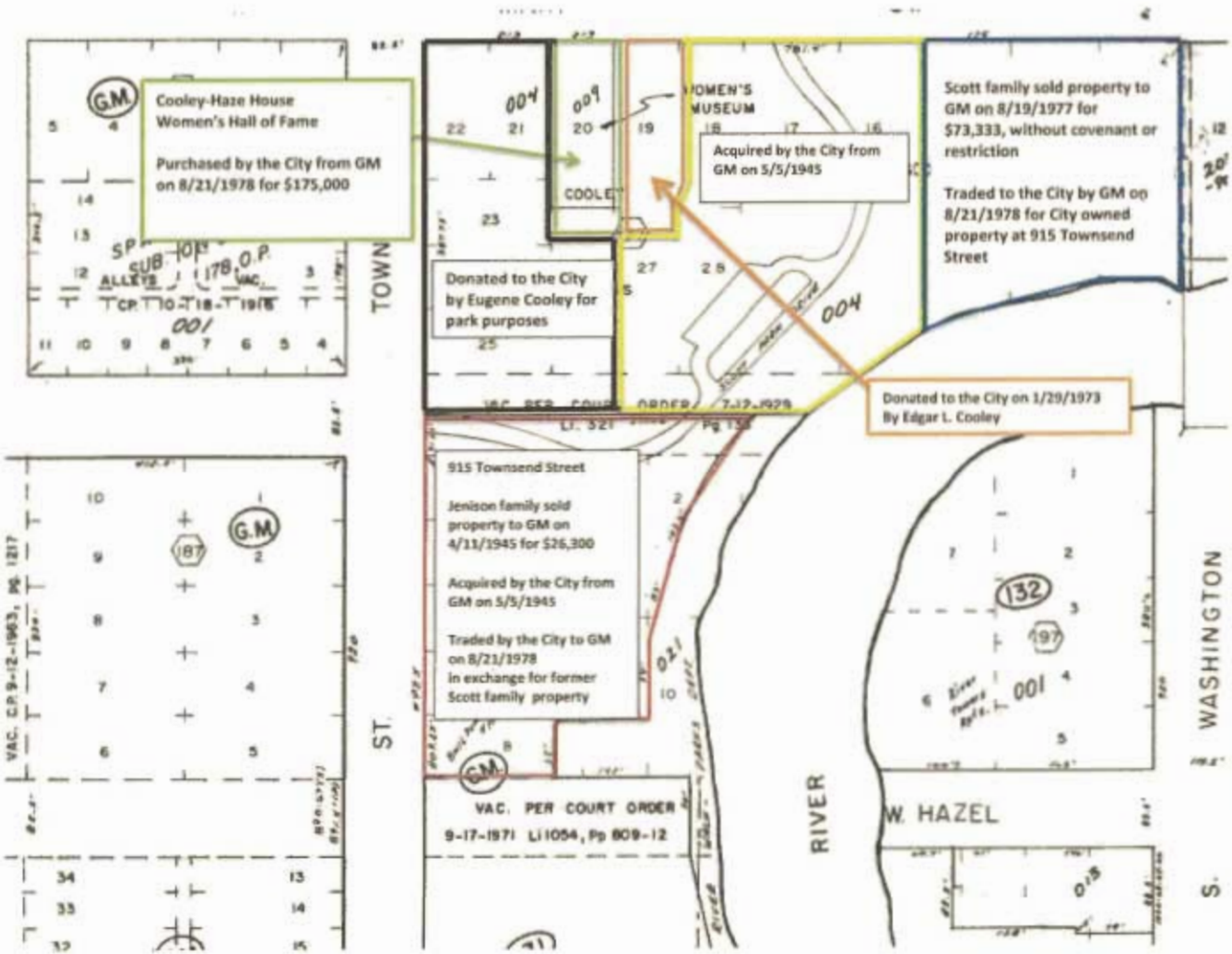
FACT: Only two parcels were bequeathed to the City of Lansing, ***the parcel boundaries for both are outside the footprint of the proposed BWL Sub-Station***. The two parcels that were "gifted" to the City are property formerly owned by Mr. Eugene Cooley (deed restricted – Cooley Gardens); and, the unimproved lot immediately east of the Women's Historic Center formerly owned by Mr. Edgar L. Cooley (no deed restriction).

SCOTT PARK (ART & GARDEN CENTER)

LAND EXCHANGE

213 W. MALCOLM X





Key to Corresponding Documentation

A. Deed between GM and Jenison Estate for 915 Townsend – 4/11/1945

B. Deeds between GM and City of Lansing for 2 parcels transacted 5/5/1945 – shown as 915 Townsend and parcel west of Scott parcel

C. Scott family sells vacant land and Sunken Garden to GM – 8/19/1977

D. Conveyance between GM and City of Lansing. GM conveys Scott Parcel and Cooley/Haze in exchange for 915 Townsend and $175,000. See attached resolution dated 8/14/1978.

A

Liber 543 page 67

Abstract and Title Guaranty Company — WARRANTY DEED — 8291

This Indenture, Made this 30th day of April in the year of our Lord one thousand nine hundred and forty-five

Between MARY HAWLEY JENISON, widow of Orion A. Jenison, residing at Lansing, Michigan,

party X of the first part,

and GENERAL MOTORS CORPORATION, a Delaware corporation, having a principal office at 3044 West Grand Boulevard, Detroit, Michigan,

party Y of the second part

Witnesseth, that the said party X of the first part, for and in consideration of the sum of Twenty-Six Thousand Three Hundred Dollars ($26,300.00)

to her in hand paid by the said party Y of the second part, the receipt whereof is hereby confessed and acknowledged, does by these presents, grant, bargain, sell, convey, release, alien and confirm unto said party Y of the second part, and its successors and assigns, Forever, all that certain piece or parcel of land situate and being in the City of Lansing county of Ingham and state of Michigan, and described as follows, to wit: The South 91.25 feet of Lots 1, 2 and 3 and the South 60.25 feet of Lot 5, and the entire of Lots 6, 7, 8, 9 and 10, all in Block 138, City of Lansing, County of Ingham, State of Michigan; also the North one-half of Isaac Street (Olds Avenue) lying South of Block 138, City of Lansing, County of Ingham, State of Michigan, except the West 8 rods thereof; and except an undivided one-half interest in Lot 8 and the South 58 1/2 feet of Lot 7 and the South 124 1/2 feet of Lots 9 and 10, all in Block 138 of the City of Lansing, County of Ingham, State of Michigan, and a similar one-half interest in the North half of Isaac Street lying South of said Block 138, except the West 8 rods thereof.

Together with all the right, title and interest of the party of the first part to any land lying in the bed of any street, road or alley adjoining said premises.

Together with all and singular the hereditaments and appurtenances thereto belonging or in anywise appertaining: To have and to hold the said premises, as herein described, with the appurtenances unto the said party X of the second part, and to its successors and assigns, Forever. and the said MARY HAWLEY JENISON party Y of the first part for herself and her heirs, executors and administrators, do covenant, grant, bargain and agree to and with the said party Y of the second part its successors and assigns, that at the time of the ensealing and delivery of these presents she is well seized of the above-granted premises in fee simple; that they are free from all incumbrances whatever except such, if any, as are excepted from the covenant following, and that she will, and her

For your safety and protection, close all your real estate transactions in Ingham County through Abstract and Title Guaranty Company

For your safety have Abstract and Title Guaranty Company insure your real estate title.

915 Townsend

A

B-1

THIS INDENTURE, made this 5th day of May in the year of our Lord one thousand nine hundred and forty-five, between GENERAL MOTORS CORPORATION, a corporation organized and existing under and by virtue of the laws of the State of Delaware, with its principal office at 3044 West Grand Boulevard, Detroit, Michigan, party of the first part, and CITY OF LANSING, a Michigan municipal corporation, party of the second part,

W I T N E S S E T H:

That the said party of the first part, for and in consideration of the exchange of other property, does by these presents, grant, bargain, sell, convey, release, alien and confirm unto the said party of the second part, and its successors and assigns, FOREVER, All that certain piece or parcel of land situate and being in the City of Lansing, County of Ingham, and State of Michigan, and described as follows, to wit:

The South 93.25 feet of Lots 1, 2 and 3 and the South 96.25 feet of Lot 5 and entire Lots 6, 7, 8, 9 and 10, Block 158; also the North 1/2 of Isaac Street (Olds Avenue) lying South of Block 158 except the West 8 rods thereof.

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining; TO

B 1

HAVE AND TO HOLD the said premises, as herein described, with the appurtenances, unto the said party of the second part, and to its successors and assigns, FOREVER. And the said party of the first part, for itself and its successors, does covenant, grant, bargain, and agree to and with the said party of the second part, its successors and assigns, that at the time of the ensealing and delivery of these presents it is well seized of the above granted premises in Fee Simple; that they are free from all encumbrances whatever, except such if any, as are excepted from the covenant following, and that it will and its successors shall forever WARRANT and DEFEND the same against all lawful claims whatsoever, except that premises are conveyed subject to all restrictions, easements and driveway rights of record, also subject to Federal and State inheritance tax liens in connection with the estate of Orlin A. Jonison, and except that the warranties shall not apply to that portion of Isaac Street (Olds Avenue) included herein.

IN WITNESS WHEREOF, the said party of the first part has caused this instrument to be executed by its duly authorized officers and sealed with its corporate seal, the day and year first above written.

In Presence of

L. W. Carr

William B. Robinson

GENERAL MOTORS CORPORATION

BY [signature]
Vice President

ATTEST: [signature]
Assistant Secretary

STATE OF MICHIGAN }
COUNTY OF WAYNE } ss

On this 5th day of May in the year one thousand nine hundred and forty-five before me appeared [signature]

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THIS INDENTURE, made this 5th day of May in the year of our Lord one thousand nine hundred and forty-five, between GENERAL MOTORS CORPORATION, a corporation organized and existing under and by virtue of the laws of the State of Delaware, with its principal office at 3044 West Grand Boulevard, Detroit, Michigan, party of the first part, and CITY OF LANSING, a Michigan Municipal corporation, party of the second part,

W I T N E S S E T H:

That the said party of the first part, for and in consideration of the exchange of other property, does by these presents, grant, bargain, sell, remise, release, alien and confirm unto the said party of the second part, and its successors and assigns, FOREVER, All that certain piece or parcel of land situate and being in the City of Lansing, County of Ingham, and State of Michigan, and described as follows, to wit:

That part of Lots 16, 17, 18, 27 and 28 of Block 177, and Lots 1, 2, 3, 4 and 5 of Block 188, and a portion of William Street, all in the City of Lansing, County of Ingham, State of Michigan, described as:

Commencing at the Northeast corner of Lot 16, Block 177; thence West 245.43 feet; thence South parallel with the West line of Lot 18, 135.0 feet; thence Southwesterly 53.55 feet to a point 15.0 feet South of the North line of Lot 28 and 3.0 feet East of the West line of said Lot 28; thence West 3.0 feet to the West line of said Lot 28; thence South along the lot line 40.0 feet; thence West 66.0 feet to a point in the West line of Lot 27; thence South along the lot line 118.25 feet to the Southwest corner of said Lot 27, Block 177; thence South 27.75 feet; thence West 198.0 feet to a point in the East line of Townsend Street, said point lying 27.75 feet South of the Southwest corner of Lot 25,

B 2

Block 177; thence South along the East line of Townsend Street 126.5 feet to a point lying 5.75 feet South of the Northwest corner of Lot 5, Block 188; thence East on a line parallel with the North line of said Block 188 to the Westerly bank of the Grand River; thence Northeasterly along said bank of the Grand River to the Southeast corner of Lot 16, Block 177; thence North along the lot line to the place of beginning.

Together with a perpetual right of way over land lying Westerly of and within 5 feet of that portion of the Westerly boundary above described extending from the North line of said Lot 18 to intersection of said boundary with the East line of said Lot 27 and subject to a similar right of way over a strip of land 5 feet in width lying Easterly of said portion of said Westerly boundary as granted and reserved in conveyance from Amanda F. Barnes to Eugene F. Cooley and Kate F. Cooley, recorded in Liber 124 on page 203 (said right of way being granted and reserved for use as a joint driveway 10 ft. in width by parties to said last mentioned instrument in connection with property adjoining same).

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining; TO HAVE AND TO HOLD the said premises, as herein described, with the appurtenances, unto the said party of the second part, and to its successors and assigns, FOREVER. And the said party of the first part, for itself and its successors, does covenant, grant, bargain, and agree to and with the said party of the second part, its successors and assigns, that at the time of the onsealing and delivery of these presents it is well seized of the above granted premises in Fee Simple; that they are free from all encumbrances whatever, except such if any, as are excepted from the covenant following, and that it will and its successors shall forever WARRANT and DEFEND the same against all lawful claims whatsoever, except that premises

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are conveyed subject to all restrictions, easements and driveway rights of record, also subject to Federal inheritance tax lien in connection with the estate of Richard H. Scott and except that the warranties shall not apply to that portion of William Street included herein.

IN WITNESS WHEREOF, the said party of the first part has caused this instrument to be executed by its duly authorized officers and sealed with its corporate seal, the day and year first above written.

FORM APPROVED
HENRY N. GINART
ASST. GENERAL COUNSEL

In Presence of

L. W. Carr

L. W. Carr

William B. Robinson

William B. Robinson

GENERAL MOTORS CORPORATION

BY B. D. Kunkel

B. D. Kunkel
Vice President

ATTEST: J. C. Davidson

J. C. Davidson
Assistant Secretary

STATE OF MICHIGAN }
COUNTY OF WAYNE } SS

On this 5th day of May in the year one thousand nine hundred and forty-five before me appeared B. D. Kunkel and J C Davidson, to me personally known, who being by me severally duly sworn, did say that they were respectively a Vice President and Assistant Secretary of General Motors Corporation, a corporation created and existing under the laws of the State of Delaware, and that the seal affixed to the foregoing instrument is the corporate seal of the said corporation, and that the said instrument was signed and sealed in behalf of said corporation by

B2

Trustees'
DEED UNDER POWER OF SALE IN A WILL

LIBER 1229 PAG. 402

607

LAW BLANK Makers

This Indenture

Made the nineteenth day of August in the year of our Lord one thousand nine hundred and seventy-seven

BETWEEN: AMERICAN BANK AND TRUST COMPANY and MAURICE C. SCOTT, co-Trustees of the Estate of Gertrude E. Scott, deceased, of One Washington Square, Lansing, Michigan,

of the first part, and GENERAL MOTORS CORPORATION, a Delaware Corporation, of 3044 West Grand Boulevard, Detroit, Michigan, 48202,

of the second part,

WITNESSETH, That the said parties of the first part, by virtue of the power and authority to them given by the last Will and Testament of Gertrude E. Scott late of Lansing, Michigan,

and for and in consideration of Seventy-three Thousand Three Hundred Thirty-three and No/100 ($73,333.00) ---------- Dollars, to them paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and convey unto the said party of the second part, and to its successors and assigns, FOREVER, All that certain piece and parcel of land situate in the City of Lansing, Ingham County, Michigan, and described as:

An undivided two-thirds (2/3) interest in and to: Lot 13, except the East 4 feet thereof, and the entire of Lots 14 and 15, of Block 177, Original Plat, City of Lansing, Ingham County, Michigan, according to the recorded plat thereof, but subject to all conditions, restrictions and easements of record.

INGHAM COUNTY 1 2 1 0 2 7

STATE OF MICHIGAN Dept. of Taxation SEP 16 '77 REAL ESTATE TRANSFER TAX $80.85 P.B. 10585

RECORDED

SEP 16 3 57 PM '77

REGISTER OF DEEDS
INGHAM COUNTY, MICH.

TOGETHER, with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and the reversions and remainders, rents, issues and profits thereof. And all the estate, right, title, interest, property, possession, claim and demand whatsoever, which the said testa had in her lifetime, and at the time of her decease, and which the said parties of the first part have by virtue of the said last Will and Testament or otherwise, of, in and to the above described premises, and every part and parcel thereof, with the appurtenances, *To Have and to Hold, Forever*. And the said parties of the first part, for themselves and for their heirs, executors and administrators, do covenant, promise and agree to and with the said party of the second part its successors and assigns, that they have not made, done, committed, executed or suffered any act or acts, thing or things whatsoever, whereby, or by means whereof, the above mentioned and described premises, or any part or parcel thereof, now are or at any time hereafter shall or may be impeached, charged or encumbered in any manner or way whatsoever.

In Witness Whereof, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in Presence of

Diane M. Nichols
Diane M. Nichols

Elizabeth M. Senko
Elizabeth M. Senko

Helen Patterson
Helen Patterson

Jennifer A. Harrison
Jennifer A. Harrison

AMERICAN BANK AND TRUST COMPANY

By John R. Pettibone (L. S.)
John R. Pettibone Its Sr. V.P.

By John Wieber (L. S.)
John Wieber Its Trust Officer

Maurice M. Scott (L. S.)
Maurice M. Scott

co-trustees of the Estate of Gertrude E. Scott, deceased

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LIBER 1265 PAGE 392

R22583

THIS INDENTURE, made this 21st day of August, in the year of our Lord one thousand nine hundred and seventy-eight, between GENERAL MOTORS CORPORATION, a Delaware Corporation, duly authorized to do business in the State of Michigan, having its principal office at 3044 West Grand Boulevard, Detroit, Michigan 48202, hereinafter referred to as the GRANTOR, and CITY OF LANSING, a Michigan Municipal Corporation, of City Hall Building, Lansing, Michigan 48933, hereinafter referred to as the GRANTEE,

WITNESSETH, that the said Grantor, for and in consideration of the sum of ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS ($175,000.00), paid by the said Grantee, the receipt whereof is hereby confessed and acknowledged, by these presents does grant, bargain, sell, remise, alien, release and confirm unto the said Grantee, and to the heirs, successors and assigns of the said Grantee, Forever, land situated in the City of Lansing, County of Ingham, State of Michigan, described as follows, to-wit:

Lot 13, except the East 4 feet thereof, and the entire of Lots 14 and 15, Block 177, Original Plat, City of Lansing, Ingham County, Michigan, according to the recorded plat thereof;

AND ALSO CONVEYING,

Commencing in the North line of Lot 20 of Block 177, City of Lansing, Ingham County, Michigan at a point 2 1/2 feet East of the Northwest corner of Lot 20; Thence East 68 1/2 feet; Thence South parallel with the East line of Lots 20 and 26 to a point 15 feet South of the North line of Lot 27; Thence West parallel with North line of Lots 27 and 26, 68 1/2 feet to a point 15 feet South and 2 1/2 feet East of Northwest corner of Lot 26 and Thence North parallel with West line of Lots 20 and 26 to beginning, according to the recorded plat thereof.

RECORDED
AUG 24 2 09 PM '78
REGISTER OF DEEDS
INGHAM COUNTY, MICH.

SUBJECT TO: Easements, conditions, covenants and restrictions of record.

Together with all and singular the hereditaments and appurtenances, thereunto belonging or in anywise appertaining; TO HAVE AND TO HOLD the premises as before described, with the appurtenances, unto the said CITY OF LANSING, Grantee, heirs, successors and assigns of the Grantee, Forever, and the said Grantor covenants and agrees to and with the said Grantee that the said Grantor has not heretofore done, committed or wittingly or willingly suffered to be done or committed, any act, matter, or thing whatsoever whereby the premises hereby granted, or any part thereof, is, are or shall be charged or encumbered in title, estate or otherwise howsoever.

STATE OF MICHIGAN Dept. of Treasury REAL ESTATE TRANSFER TAX 192.50

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Board, the [illegible] the Traffic Board, and the Parks Board, were referred to the Committee on Parks and Recreation, the Committee on Public Service and Highways and the Committee on Planning, all three of which have recommended approval of the requested vacation of the above-described portion of Scott Park Drive; now, therefore, be it

Resolved, that all of the above-described portion of Scott Park Drive be and the same is hereby completely and fully discontinued and vacated; and be it

Finally Resolved, that the City Clerk of the City of Lansing, within thirty (30) days hereafter, shall forward a certified copy of this resolution to the State Treasurer of the State of Michigan and a certified copy of this resolution to the Ingham County Register of Deeds for recording.

Adopted by the following vote:

Unanimously.

By COUNCILMAN BLAIR -

Resolved by the City Council of the City of Lansing:

Whereas, the City of Lansing is the owner of and has marketable title to real property described as:

> That part of the Northwest ¼ of Section 21, T4N, R2W, City of Lansing, Ingham County, Michigan, commencing at the Northwest corner of said Section 21, running thence on the section line South 0°05'51" East 1113.75 feet to the North line of Olds Avenue, thence East 1885.76 feet along said North line to the Southwest corner of Block 188 of the Original Plat of the City of Lansing and the point of beginning of the following described parcel, running thence East 182.00 feet along the South line of said Block 188, thence North 0°10' West 52.00 feet, thence North 44°55' East 9.89 feet, thence East 91.00 feet, thence North 0°10' West 74.00 feet, thence North 14°50' East 88.00 feet, thence Northeasterly 188.40 feet along a 860 foot radius curve to the right whose chord bears North 28°25' 30" East 181.42 feet, thence West along the centerline of vacated Williams St. 341.05 feet to the West line of said Block 188, thence South 0°10' East along said West line 371.25 feet to the point of beginning,

hereinafter called the "City Parcel" and commonly known as that part of Scott Park fronting on Townsend Street; and

Whereas, General Motors Corporation is the owner of and has marketable title to real property proximately located in the Scott Park vicinity described as:

> Lot 13, except the East 4 feet thereof, and the entire of Lots 14 and 15, Block 177, Original Plat, City of Lansing, Ingham County, Michigan, according to the recorded plat thereof; AND ALSO, commencing in the North line of Lot 20 of Block 177, City of Lansing, Ingham County, Michigan, at a point 2½ feet East of the Northwest corner of Lot 20, thence East 68½ feet, thence South parallel with the East line of Lots 20 and 26 to a point 15 feet South of the North line of Lot 27, thence West parallel with the North line of Lots 27 and 26, 68½ feet to a point 15 feet South and 2½ feet East of the Northwest corner of Lot 26 and thence North parallel with West line of Lots 20 and 26 to beginning, according to the recorded plat thereof,

hereinafter called the "GMC Parcel"; and

Whereas, on April 28, 1978, the City Council of the City of Lansing received from Oldsmobile Division of General Motors Corporation a proposal that the City of Lansing convey the City Parcel to General Motors Corporation in exchange for the conveyance by General Motors Corporation to the City of Lansing of the GMC Parcel; and

Whereas, the City Council of the City of Lansing heretofore determined that this proposed disposition would not significantly diminish the amount of real property owned by the City of Lansing in the Scott Park and Cooley Garden vicinity and would substantially increase the amount of river frontage owned by the city along the west bank of the Grand River; and

Whereas, this matter was reviewed by the Park Board, the Traffic Board, the Planning Board, the Waterfront Development Board, and the Scott Art and Garden Center Board and approved and recommended by the respective boards; and

Whereas, the Committee on Parks and Recreation reviewed this matter and recommended that the proposed disposition be submitted to the electorate of the City of Lansing for approval as required by the Lansing City Charter, ch 14, §14.3(d) and as required by the laws of the State of Michigan at the primary election held on August 8, 1978; and

Whereas, the City Council of the City of Lansing adopted a resolution on May 30, 1978 authorizing and directing the submission of the proposed disposition to the electorate as aforesaid; and

Whereas, at the primary election held on August 8, 1978, the electors of the City of Lansing voted favorably to dispose of the City Parcel in return for a benefit to be realized of not less than the fair market value as appraised by the City Assessor; and

Whereas, on June 27, 1978, the City Assessor determined that the GMC Parcel is a benefit to the City of Lansing of not less than the fair market value of the City Parcel; and

Whereas, the City Council of the City of

D 2

Lansing has determined that it would be in the best interests of the City of Lansing to accept the exchange proposal made by General Motors Corporation and to proceed with the proposed disposition by deeding the City Parcel to General Motors Corporation in exchange for a conveyance of the GMC Parcel to the City, together with those additional services to be performed by and at the expense of General Motors Corporation in connection with the exchange as detailed in the aforementioned General Motors Corporation proposal of April 28, 1978 and in the document entitled "Proposed Scott Park Exchange -- Arrangements" adopted by the Committee on Parks and Recreation on August 10, 1978, a copy of which is attached hereto; and

Whereas, it is now desirable to proceed with a closing of the exchange transaction at the earliest convenient date; now, therefore, be it

Resolved, that the City Council of the City of Lansing authorizes the exchange of the City Parcel for the GMC Parcel; and be it

Further Resolved, that this matter be referred to the City Attorney for preparation of documents and to the Property Manager for the processing of the exchange of the City Parcel for the GMC Parcel after all documents have been approved as to form by the City Attorney; and be it

Further Resolved, that the Mayor and the City Clerk be and are hereby directed and authorized to execute a warranty deed of the City Parcel to General Motors Corporation after certification of the election results by he Board of Canvassers and after approval of said deed as to form by the City Attorney and to execute such other documents as may be required in connection with the finalizing of the exchange transaction after approval of such documents as to form by the City Attorney; and be it

Finally Resolved, that the property conveyed by General Motors Corporation to the City of Lansing be designated as parks property and be placed under the auspices of the Department of Parks and Recreation for purposes of management and maintenance.

Adopted by the following vote:

Unanimously.

By COUNCILMAN JAMES D. BLAIR—

Resolved by the City Council of the City of Lansing:

Whereas, the City of Lansing in 1974 purchased 96 acres of land lying within the Red Cedar Drainage Basin (Crego Park); and,

Whereas, Crego Park provides an excellent opportunity to develop a regional naturalist park which will connect with Potter Park (zoo), Schuble Park, Sycamore Golf Course, Fenner Arboretum, Foxson Park, and Scott Woods Park; and,

Whereas, there are certain parcels of land adjacent to Fidelity Lake/Crego Park which are considered essential for the development of that area as a major recreational facility; and,

Whereas, the City of Lansing will willingly accept title, assume management responsibilities of the land for public park purposes, develop, operate and ensure the land will be utilized as a public park, as it pertains to the parcels as outlined in the grant proposal submitted to the Kammer-Michigan Land Trust which are as follows:

Parcel No. 3301-23-451-001 0	.70 acres
Parcel No. 3301-23-452-001 6	.64 acres
Parcel No. 3301-23-452-011 5	.64 acres
Parcel No. 3301-23-452-181 5	.63 acres
Parcel No. 3301-23-452-191 4	.53 acres
Parcel No. 3301-23-452-041 1	2.24 acres
	5.48 acres

Now Therefore, Be It Resolved that upon approval of the grant application Crego Park/Fidelity Lake by the Michigan Land Trust Fund Board the Mayor and City Clerk be directed to sign the appropriate contractual agreements necessary when approved as to form by the City Attorney.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PLANNING—

Resolved by the City Council of the City of Lansing:

SUP-14-78

647 South Hayford Street

Construction in Base Flood Plain of the Red Cedar River

Whereas Manuel Rodriguez has requested a special permit to allow the construction of a garage addition in the Base (100 year frequency) Flood Plain of the Red Cedar River; and

Whereas, the City of Lansing is a participant in the National Flood Insurance Program and thereby required to enforce the rules and Regulations of that Program; and

Whereas the Planning Department, Planning Board, Public Service Department and State of Michigan Department of Natural Resources have reviewed the proposal and find it to be in substantial conformance with the Rules and Regulations of the National Flood Insurance Program as adopted by the Department of Housing and Urban

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June 17, 2016

CENTRAL SUBSTATION Questions and Answers

This is in response to questions and comments received from members of the public at the Planning Board meetings held on May 17 and June 7, 2016.

Misuse of donated property?

A title search shows that *the Scott Park property was not donated to the City.* The Scott family estate sold the property to GM for $73,333 on August 19, 1977 (Liber 1229, Page 402 Ingham County Register of Deeds). In 1978, the City swapped its Townsend Street property (with Jenison House) that it acquired from GM in 1945, in exchange for the current Scott Park property. *The Scott Family did not intend the property to be a public park.*

Only two parcels were bequeathed to the City of Lansing, by Eugene and Edgar Cooley, respectively. *The parcel boundaries for both are outside the footprint of by the proposed BWL Sub-Station.*

Why is this issue not on ballot?

According to a City Attorney opinion dated June 11, 2016, placing this issue on the ballot is neither authorized nor appropriate. "Case precedent holds that the City Council may not place propositions on the ballot that shift to the electorate the responsibility for making decisions that they themselves are required to make." Moreover, "pursuant to the Charter, the Home Rule City Act, Attorney General Opinion 6383, and case law, an advisory ballot proposal, as suggested above, is not authorized, and would be ultra vires or outside the authority granted to Council."

State planning and zoning law gives City Council the authority to make the decisions after receiving Planning Board recommendations for Comprehensive Plan items and Special Land Use permits.

Aren't there other sites?

Eight sites were considered because of their proximity to underground circuits under Washington Avenue that cross I-496 and serve downtown customers. The other locations considered were either too small, too disruptive to neighborhoods, too far from the underground circuits resulting in excessive cost, or no longer available due to pending real estate sale agreements or property owners who were not willing to sell.

The DeLuxe Inn site, once considered as an alternative, is not available. Even if it were available, the DeLuxe Inn site represents the best prospect for a land use connection between downtown and ReoTown. Private development of that site is the City's economic development priority to preserve this connection.

Eckert Station as substation site

Ronda Oberlin, of the Lansing Office of Emergency Management, stated at the May 17 Planning Board public hearing that *"Removing critical infrastructure from the floodplain is cited os a priority in the City's Hazard Mitigation Plan."* Due to the Eckert Station's location within the 100 year floodplain, LBWL no

longer considers the Eckert Station site a viable option. The extreme rain events in recent years, increasing flood risks, and increasing uncertainty of our weather conditions are all factors in this decision.

Applicability of the Section 106 Review, National Historic Preservation Act of 1966

Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on such undertakings. The NHPA is not applicable to this project because the Lansing Board of Water and Light is not a Federal agency and is not using Federal funds for this project.

Historical value

The project involves the relocation of the Scott Center and Sunken Garden by the Board of Water and Light. BWL will restore the Sunken Garden at its new location, and contribute $40,000 to an endowment to ensure its long term care.

- BWL will accommodate the Garden Club's request to transplant perennials. BWL will relocate the Sunken Garden to the west of the Scott House and adjacent to Cooley Gardens where maintenance for both gardens will be more accessible and convenient, making the new site ADA compliant.
- BWL will preserve and reassemble the distinctive "niche" and small pond that's referred to as the "grotto," which is the most prominent feature of the garden along with the circular stairs on the west side of the garden's axis. The remaining garden walls, which were made of limestone quarried from Ohio, will be reconstructed with the same shape and size limestone if the existing walls prove to be too costly to reassemble. Approximately 40 color slate stones at the west entry will also be carefully moved and reassembled so that everything looks identical to the original. This will preserve the integrity of the garden and it will look the same as it does now only in a more prominent location, with commanding views overlooking the Grand River.
- BWL will establish a $40,000 endowment that will provide resources to help maintain the garden, for such expenses as a gardener. This fund would accept contributions from the community in order for garden support to continue in the future.
- The Board of Water and Light recently carried out a $3,000,000 restoration of the Grand Trunk Western Rail Station near its headquarters on S. Washington Avenue, and upgraded the Dye Water Plant, which was a WPA project constructed in the 1930s. BWL has the necessary expertise and experience in historic preservation and landscape architecture to relocate the Garden successfully.

Scott Center relocation

The Scott Center (former Jenison House) is functionally obsolete at its current location. Despite attempts to make it otherwise, its original design as a residence is ill-suited for use as a public facility.

The best prospect for preserving and reusing the Scott Center building is its relocation. The BWL, City of Lansing and Habitat for Humanity Capital Region (HFHCR) recently announced a proposal to save the structure from demolition and relocate it to a vacant lot approximately one mile away to the site of the old Union Missionary Baptist Church. In addition to paying to move the house, the BWL will earmark to

Habitat any of the unspent moving cost balance for site preparation and jump-starting the renovations of the structure.

The building will be moved to a City-owned property, pending City Council approval, on the east side of Martin Luther King, Jr. Blvd. between Hillsdale and Lenawee Streets. After relocation by LBWL, HFHCR will adapt the structure into three or four units of owner-occupied housing.

Relocating the house to the site of the old Union Missionary Baptist Church also helps to implement the "Seven Block Neighborhood Development Plan", 1993.

Impact on parkland

Of the four acres proposed for reclassification in the Master Plan, the substation itself will comprise two acres. The remainder will be devoted to amenities that not only screen the substation, but also provide recreational benefits to the public. The gain outweighs the loss as follows:

- A brand new walkway on the north bank of the Grand River connecting Townsend to Washington.
- Two new viewing platforms on the Grand River.
- A new fishing platform on the south bank of the river.
- ADA accessibility to both gardens.
- Consolidation of maintenance for both gardens.
- Saving the Scott Center and repurposing it.
- Creating a place for public art to be created and seen by the public and an entry to REO Town.
- Creating a new parking lot.
- Telling the story of the history of the area through interpretive panels.
- Maintaining the gardens and increasing their use (for weddings, viewing etc.).
- Exposing the Sunken Garden and the views to the Grand River.
- Landscaping the remaining parkland and making it an inviting space.
- Providing wayfinding signage that will expose the site and invite the public into the park.
- Creating new uses for this park and welcoming Lansing residents, visitors, Downtown and ReoTown workers, and GM employees to better understand the history about the industrial revolution and the world leaders who are now legends, and to celebrate the legacy of ReoTown and the City of Lansing hosting Michigan's Capital.

The Master Plan promotes preservation and enhancement of Parks. The enhancements mentioned provide public benefits above and beyond those derived from the Park in its current state, and more than compensate for Scott Park's reduced size. Moreover, these public benefits are provided by the BWL, without burdening the Parks millage.

Impact on riverfront

The proposed Comprehensive Plan amendment specifically reserves the 25-foot riparian buffer required for Parks and Recreation. Moreover, the project includes a public walkway along the hilltop on the

north side of the Grand River, funded by the BWL, not the Parks millage. The shores of the Grand River will be untouched by this project, nor is the property being sold.

The Substation will require 2 acres not 4.
The substation is designed to be efficient. It occupies two acres, which is made larger by landscaping and buffering along the perimeter. The central location of the substation is necessitated by proximity to underground circuits adjacent to the site. The proposed site provides the unique opportunity for this buffering to offer additional public benefits, such as the walkway above the river, public art, displays, and wayfinding mentioned above.

Solitude, serenity of Sunken Garden
At its current location, the Sunken Garden is inaccessible to many members of the public. This project calls for relocating and renewing the Garden, enhancing the signage, making it more visible and accessible, and restoring its serenity through sensitive design and landscaping.

Transparency
The Central Substation Project has been considered by and it is accountable to four public bodies which represent our citizens and ratepayers: BWL Board of Commissioners, Parks & Recreation Board, Planning Board and City Council. In addition, the BWL has met with representatives from ReoTown, the Garden Club and Preservation Lansing.

This project has not been rushed through the approval process. The Mayor announced the project on February 8. It has been discussed by the BWL Board of Commissioners, in Parks Board meetings in February, March, and April, a Planning Board meeting in March, public hearing in May, and public comment on June 7. The Planning Board's recommendation will be transmitted to City Council, which along with its Development and Planning Committee, will discuss this issue in five additional public meetings.

20 foot walls won't hide a 50 foot power station
The height of the wall, combined with narrow setbacks from the property lines, will remove the vast majority of the substation from view. The substation itself involves 2 or 3 structures that will be in the 50 foot tall range, including the utility lines distributing power to BWL customers.

Walls will look like a prison
The walls are a canvas with numerous possibilities – public art, architectural features, historical displays, landscaping, and a "living wall" have all been suggested. BWL held a charrette in ReoTown about the design of the walls, and will continue to consider creative suggestions in the final design for the walls.

Overhead utility wires over Sunken Garden
The overhead wires will be located in manner that minimizes the impact on Cooley Gardens and the remainder of Scott Park. (Currently, overhead utilities exist on the site, central to the overall park.)

Viewing platform will look out over Fountain Place parking lot

The viewing platform will look out over the Grand River and all of ReoTown, with its buildings, streets, public art, Rivertrail, and yes, parking lots.

What's the cost differential between alternate sites?

It is essential that the $26,000,000 Central Substation project be located in close proximity to the underground circuits that serve downtown customers so as to avoid relocating those circuits at a cost of $4,000 per linear foot. After an exhaustive search that included eight other sites conforming to these criteria, the BWL concluded the City of Lansing's Scott Park site is the only viable location for this project.

The BWL previously said that placing the Central Substation at the Eckert location would create an additional $42,000,000 in costs. It no longer believes it that locating critical infrastructure in the floodplain is a viable option.

How much money will come back to the City when the Eckert Power Station is sold?

This is impossible to determine at this point, more than three years before its retirement date in 2020. As a practical comparison, the Accident Fund redevelopment of the former Ottawa Power Station was a $186 million project.

Substation will destroy habitat of protected bats

This project will comply with all rules and regulations regarding bat habitats.

The Women's Hall of Fame

The City bought the Cooley-Haze House from General Motors for $175,000 back in 1978. The Women's Hall of Fame rents the facility for $1.00 per year. The building is outside the boundaries of both the project and the park.

S:\Plan-Dev\PLANNING OFFICE\Master Plan Project\Amendment - Master Plan\CENTRAL SUBSTATION Q's and A's.docx

REGI NAL

MEMO TO: City of Lansing Planning Commission

FROM: Steven D. Japinga, Director, Government Relations

DATE: June 21, 2016

RE: Support Proposed Amendment to City's Master Plan

On behalf of the Lansing Regional Chamber of Commerce (LRCC), we respectfully ask that the City of Lansing Planning Commission move to support and approve the proposed amendment to the city's master plan in order for the Lansing Board of Water and Light (LBWL) central substation project to move forward.

Businesses and residents require reliable energy. To ensure power demands are met, the LBWL has been working diligently to implement their integrated resource plan. This project is part of that plan as well as the overall mission of the LBWL to ensure reliable, affordable and environmentally responsible energy for all of Lansing moving forward into the 21st century.

With regards to the current status of the Scott House and the Sunken Gardens, LRCC believes that the LBWL has been a terrific community partner involving several key stakeholders to ensure that these two important pieces of Lansing history are preserved and enhanced in their new locations.

500 E. Michigan Avenue, Suite 200
Lansing, MI 48912
p 517.487.6340
f 517.484.6910

www.lansingchamber.org

CLEAN WATER ACTION

Lansing Planning Board
City of Lansing
316 N. Capitol Ave. Ste D1
Lansing, MI 48933

To Whom It May Concern:

The new Central Substation project proposed by the Lansing Board of Water and Light is essential for moving our community away from dependence on dirty coal. I urge you to support the development of the Central Substation that will allow Lansing to become a leader in the renewable energy economy and as a result improve public health.

Right now, Lansing is stuck in the Stone Age relying on burning fossil fuels to meet about 90% of our energy needs. Importing coal from other states is an expensive proposition for BWL ratepayers. Sending our hard earned money out of town not only hurts our local economy, but we end up paying the price tag once again in terms of the cost to public health.

Pollution from coal-fired power plants is the single largest threat to our air and water quality across the country and has serious impacts on public health in Mid-Michigan. These emissions contain toxic heavy medals like lead and mercury and have been proven to cause many respiratory and cardiovascular illnesses. In fact, the connection between poor air quality and respiratory illness is bad that according to the Ingham County Health Department almost 400 people wind up in the hospital due to Asthma attacks each year. This is the number one preventable illness impacting children in our County.

And of course we must do more to protect our vital local waterways. Lansing is fortunate to have great access to the beautiful rivers flowing through the heart of our City. The water offers unique recreational opportunities for fishing, kayaking, walking alongside, and even water skiing. The issue is having a giant coal plant, the Eckert Power Station, discharging wastewater into these waterways and disposing of coal ash around town. Coal ash is a byproduct of burning coal and the heavy medals like mercury contained in the ash can get into the water. The Michigan Department of Natural Resources issues an annual fish advisory that essentially states we should not consume more than 1 fish per month caught in the Grand River because or the high levels of mercury. Locating the substation in the flood plain at

the Eckert station will prolong the life of the plant and further endanger the water quality of the Grand River.

Recently, the Board of Water and Light went through a 6 month long public planning process that resulted in recommendations regarding investment in renewable energy sources like wind power. In order for us to access new wind energy the BWL needs to make some significant improvements to the power grid here in town with the Central Substation being a primary component.

Further more, it is my understanding that the project will result in a wonderful new park with increased access to the River Trail and public art installations. At a time when the City is selling public parks and other assets because of financial constrain this development provides for a great opportunity to improve on parkland that is currently not used very often and in an inconspicuous location.

Holding up the substation not only potentially prolongs our dependence on coal power but will preclude our ability to access wind farms elsewhere in the state. I understand some of the sensitivities surrounding the proposed citing, however we need to consider the overall quality of life of Lansing residents. If we want to continue to attract the next generation of business and civic leaders to our community then we need to make smart energy decisions that will protect our environment and public health.

For the Great Lakes,

Nicholas Clark

Nic Clark

Michigan Director

Rieske, Bill

From: Mary Toshach <mtoshach@gmail.com>
Sent: Tuesday, June 21, 2016 12:09 PM
To: Rieske, Bill; Johnson, Robert
Subject: Fwd: Scott Sunken Garden/BWL Substation
Attachments: FullSizeRender.jpg

Planning Board Members,

Due to my work schedule I am unable to attend today's meeting, but wish to have my thoughts presented to the Board and Public.

Having served on the Historic District Commission and with a Masters in Historic Preservation and a second major in Urban and Regional Planning, I am concerned about the impact this proposal will have on the revitalization of the REO business district and surrounding area.

Additionally as a resident of the Printers Row Condominum Association the proposed BWL Power substation is of great concern. When making a decision to purchase the property I diligently looked at the current zoning and Master Plan for the area - at the time (as with the new Master Plan) there were no plans to convert the Garden and surrounding area into a Light Industrial substation. A photo is attached of my current view from our front door...the tall pines will disappear and be replaced by a wall and steel towers.

Cursory research into the affect of Power Substations on nearby property values has been disturbing. The general consensus is property with a view of substations experience a decline in property values of up to 67%. Could this be considered at "taking without just compensation"? While the recession of 2008 affected us, an additional decrease in value not only hurts our personal investments, it also greatly decreases the tax base for the city. And what happens to the two appartment buildings across the river?

The proposed wall and art work seem to be smoke screens and an attempt to appease nearby residents. Considering the proposed new City Market and what was built, there is little confidence that the renderings are true depictions of reality.

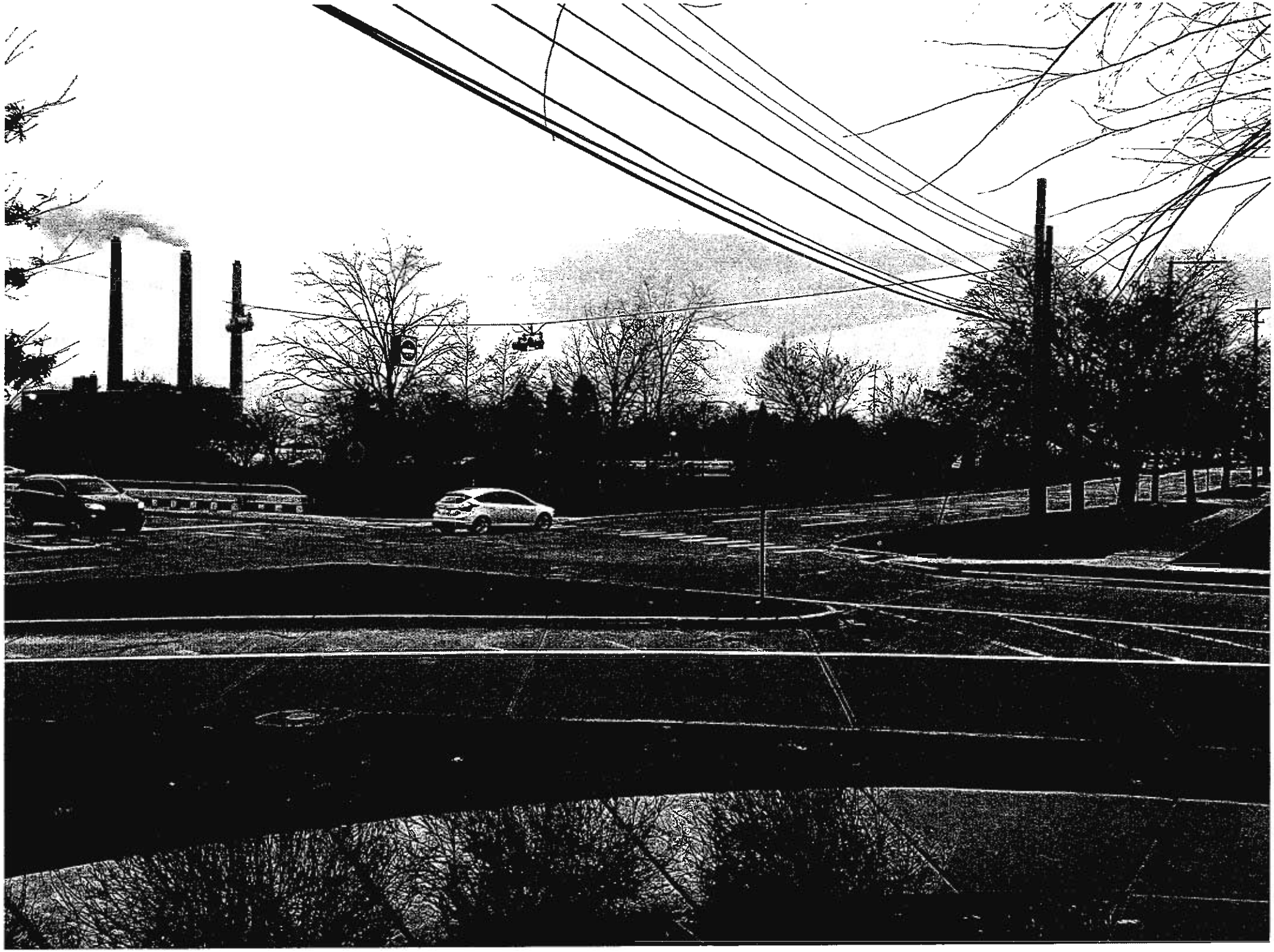
Lastly, the issuance of a "Special Use" permit for the use of Park land for an irreversible Industrial use is a slap in the face. If you are going to follow through with the proposal be honest and REZONE the property appropriately!

Thank you

Mary Olds Toshach

mtoshach@gmail.com

This email has been scanned by the City of Lansing Symantec Email Security.cloud service.



Rieske, Bill

From:	Loretta Stanaway <soswop@aol.com>
Sent:	Monday, June 20, 2016 9:00 PM
To:	alisande@sbcglobal.net; tcox1inc@yahoo.com; beth@bgappraise.com; jhovey@truscottrossman.com; lynne.m.martinez@gmail.com; cernamarta@gmail.com; johnruge1@aol.com; Rieske, Bill
Cc:	schraderenviro@comcast.net
Subject:	Scott Sunken Garden vote

Please enter this into the public record as part of the Scott Sunken Garden issue up for a vote at the 6-21-16 special planning board meeting. Thank you.

Viewpoint to LSJ Re Scott Sunken Garden/BWL Substation June 16, 2016

To say the BWL needs to build a new substation downtown is accurate.
To say the only place to do so is the site of the Scott Sunken Garden is inaccurate.
The LSJ's opinion that the BWL's plan is "good enough" is dismally inaccurate too.
There are options the BWL is dismissing in its misguided drive to use the dedicated parkland for a purpose never envisioned by its donors.

The Scott Sunken Garden is a pristine pocket park donated to the citizens by Richard Scott's family; they also donated Scott Woods and other parcels for parks.
The site is eligible for historic designation based on its ties to R.E. Olds, Oldsmobile, and Judge Cahill, and on its unique design and unusual plantings.

The Lansing Garden Club has lovingly maintained this site for over 30 years. They mow, weed, water, plant and replenish plants out of their own pockets, donating their labor.

Rather than destroying this serene sunken garden and moving its adjoining historic house, the BWL should seriously pursue other location options. There are several sites well suited to two smaller substations, which would give the city reliability and redundancy without destroying parkland.

Given the garden's ties to GM's history, it would be a good gesture for General Motors to grant use of a corner of their adjacent vacant parking lot for one of the substations – or for the single, larger substation that BWL proposes.

The argument that building a substation elsewhere would cost more is specious and the notion that the proposed substation can be built *anywhere* without a rate increase is wrong. Moreover, the BWL costs tied to their proposal change almost every time they speak.

While the mayor touts a fondness for riverfront development, this proposal takes a secluded riverfront dedicated park in the midst of a greenbelt of serenity and creates a behemoth of steel structural monstrosity, rising 50' high, surrounded by a 4 acre perimeter of 20'-40' concrete walls "decorated with murals" in some places. The other elements of the plan are not capable of delivering what is promised. The BWL "trail" merely empties into GM industrial parking on Townsend Street. The "BWL viewing platform" faces the back parking lot of Fountain Place Apartments across the river. The new garden would not have the majestic approach of the Scott Sunken Garden. BWL plans show it located downhill from the Capitol Avenue entry parking lot. This is NOT "good enough". Lansing can and should do better.

Disregarding the Parks and Recreation Master Plan and our City Wide Master Plan are wrong. The #1 priority of our Master Plan is the "Preservation and Enhancement of Parks".

Taking donated and dedicated parkland is wrong. This discourages any future philanthropic donors who see their intent being dismissed Simply "transferring" a park to BWL for a substation is wrong. Our City Charter demands that any sale of parkland requires a vote of the people.

The BWL proposal to demolish the Scott Sunken Garden is opposed by a very large, diverse group of citizens. It is not possible to move and replicate a garden. It cannot be done.

The BWL is still recovering from the firestorm of bad publicity generated by the ice storm and its aftermath, from firing it's previous general manager and his outrageous golden parachute, from its recent ransomware attack, and from the recent widespread outage of BWL phone and computer systems. We have seen too many "back door deals" lately. Let's be up front and let the people of Lansing decide what to do here. Public trust is important. The BWL has an opportunity to do the right thing here.

Dale Schrader
Preservation Lansing

Loretta S. Stanaway
soswop@aol.com
546 Armstrong Rd.
Lansing, MI 48911
517-648-5730
Make things happen
Watch things happen or
Wonder what happened

Stachowiak, Susan

From: Wood, Carol
Sent: Monday, June 20, 2016 12:29 PM
To: Stachowiak, Susan
Subject: FW: Letter from Judy Scott Teegardin

Please make sure this is enter into the record for the Planning Board.

Carol

Carol Wood
Councilmember At-Large
517 483-4188 office

From: Wynne Potter [mailto:wynne1019@gmail.com]
Sent: Friday, June 17, 2016 8:37 AM
To: Wood, Carol; Yorko, Jessica; jessica@lansingsfourthward.com; jody.washington@lansing.gov; adam.hussain@lansing.gov; patricia.spitzley@lansing.gov; judi.brownclarke@lansing.gov
Subject: Letter from Judy Scott Teegardin

To the Planning Board and City Council:

As the granddaughter and daughter of the benefactors of the Scott Sunken Garden, I implore you to please consider these points before allowing BWL to build their substation. This garden was created in 1930 by my grandparents and is a beautiful treasure. It also is built on the Cahill foundation and is historic.

I would like to bring out some points against removal.
My grandparents were nature lovers and grandfather was a philanthropist and donated many parks in Lansing for the enjoyment of the people to enjoy nature and serenity. His Scott Woods Park was his bird sanctuary.

My grandfather Richard Scott also built Mary Sabina chapel (named after my great grandmothers) and the Temple House of the Methodist Church by the Capital for the enrichment of the people. He gave back his own money during the depression to the people, who trusted him when he was president of the City National Bank and director of Michigan National.

He set up entertainment for the REO employees while President and made sure the REO families were taken care of. He also was a member of the original Planning Board, instrumental in getting Atlas Forge, MI Screw Co., and other co. established. He was a leading advocate of river beautification, birds, and flowers.

It would be a tragedy to lose this park and what my grandfather meant to Lansing. Lansing needs it's green spaces! Please do not betray my family and kindness of my grandparents by taking beauty away. Make Lansing proud again!

Sincerely,
Judy Scott Teegardin

Stephen Serkaian

From: Steve Serkaian <steve@serkaian.com>
Sent: Thursday, May 12, 2016 1:42 PM
To: Stephen Serkaian
Subject: Parks Board Minority Report

To: Lansing City Council
From: Veronica Gracia-Wing, James McClurken, Rita O'Brien, City of Lansing Park Board
Re: Minority position regarding amendment of the City's Master Plan allowing the Board of Water and Light to build on Scott Park

The Lansing Park Board voted on 13 April 2016 to recommend that the Lansing City Council amend the City's Master Plan. This amendment will allow the Board of Water and Light to construct a power substation on river front parkland. It will remove Scott Park from the city park inventory permanently, require the destruction of the Scott Sunken Garden, and will result in the moving or destruction the Jenison (also commonly lmown as the Scott House) House which is a structure of historical merit. While the Parks Board approved the recommendation before it by a 3-5 vote, the Park Board minority believes that this recommendation is contrary to the strong opposition of Lansing citizens. The minority Park Board members wish formally to voice their own recommendation that the Lansing City Council oppose transfer of Scott Park to the Board of Water and Light.

The Parks Board minority opposes this reclassification because:
- it violates the intent of the original donors of the property;
- it removes park property from the city inventory without a vote of city residents;
- it destroys historically significant features; and
- it is contrary to the strongly stated position of many Lansing residents.

The original donors of the property, the Scott Family, gave this property to the City of Lansing as parkland. They believed this property would be preserved as a park in perpetuity. Although there is no clause in the original deed to the city that would restrict the use, conversion or sale of the property, the Parks Board has protected the property from development in the 1960s and 1970s based on the Board's understandings regarding terms of the bequest. Those understandings were expressed in person by the grandchildren of the property donors who attended the 13 April 2016 hearing. The Park Board minority believes that the proposed conversion of parkland to industrial use will deter other potential donors who might bequeath property to the city.

The Park Board minority believes that the transfer of this property from public parkland to industrial use should only be completed after a referendum by Lansing voters. The City argues that no referendum is required to transfer this parkland to the Board of Water and Light. The logic for this position is that only a sale of parkland requires public referenda and the transaction before the Parks Board would only transfer use rights from one city department to another. The Parks Board minority aclmowledges the logic of this position. However, the effect of transferring parkland to the Board of Water and Light for industrial use is the same as a sale. The transfer permanently removes river front parkland from the parks inventory and turns the property into another industrial site. If a referendum is required to determine the will of Lansing voters for terminating the status of parkland by sale, it should also be applied to the termination of parkland by

bureaucratic devices.

The construction of a Board of Water and Light power substation at Scott Park will cause the destruction of two historically significant structures. The Scott Sunken Garden and the Jenison House have been determined by Preservation Lansing, Michigan Historic Preservation Network, and the State of Michigan Historic Preservation Office to have significant historical value and, thus, are worthy of preservation. The most important of these structures is the Scott Sunken Garden. This structure is determined by the three groups named above to be worthy of National Historic Register status. While the Jenison House is likely not worthy for this national preservation status, the historic connection of the Jenison's with Lansing history, the size, style and historical context of the home make it a candidate for preservation.

Board of Water and Light plarmers state that they have heard preservationist requests and that their compromise of creating a new sunken garden to the west of their proposed power station and $100,000 toward moving the Jenison house mitigate the damage caused by their project. However, once the garden is destroyed, it is gone and its historic value along with it. A new park that incorporates elements of the original garden is simply a new park in a new place. Further, while the Board of Water and Light is willing to appropriate $100,000 to move the Jenison House for a "qualified buyer," the BWL has not defined "qualified buyer" and carmot say how much money moving the house to a new site will actually cost. In the past, structures of greater historical significance than the Jenison House have been destroyed because the cost of moving them exceeded the amount appropriated for their move. The Parks Board minority do not find either ofthese proposals suitable substitutes for leaving the structures in place.

Park Board supporters of this project have stated that the reclassification of this land will take a "woefully underused" park and commit the land to a more useful purpose. The Parks Board minority take exception with this statement. We reviewed no evidence showing who uses or does not use Scott Park. This position uses overblown rhetoric to justify their position. The Park Board received support for preservation of this park from hundreds of people who learned about the plarmed project only one month before the 13 April 2016 Park Board meeting. Preservation Lansing presented the Park Board with a petition signed by a thousand people, 523 of whom live in Lansing, urging us to oppose reclassification of Scott Park. Scott Garden has been tended by the Lansing Garden Club for more than thirty years. These gardeners have invested their time and treasure in Scott Garden even when the City of Lansing did not. The Lansing Garden Club asked that this park be preserved. Lansing residents spoke thoughtfully and respectfully to the Parks Board at the 13 April 2016 meeting. The spealcers opposed destruction of Scott Park by more than three to one. The speakers were supported by a large crowd who shared their views. Three speakers approved of the Board of Water and Light plan. Given the strong support for maintaining the park and its structures, and the strong history of dedicated service shown in maintaining the park, the Park Board minority does not concur with the majority position that the park is "woefully underused" and can thus be converted to an industrial site.

Board of Water and Light representatives have stated that locating the power station at the site of current Eckert Power Plant would add $12.5 million dollars to the cost of their program. The implication of their statement is that the cost is prohibitive. At the same time, these representatives expressed their excitement at the prospect of repurposing the Eckert Power Plant for redevelopment. The Ottawa Street Station, a similar structure which occupied a more favorable location in the city, was closed for twenty years and costed $182 million to renovate. By comparison, $12.5 million dollars is a small cost to

spend on a power substation at the site. Further, BWL representatives stated that building the power substation at the site of Eckert Power Plant would delay closing the existing power plant by seven years. The Park Board minority points to the many BWL delays in closing the Eckert Power Plant that have come before this proposal. We find additional delays inevitable and believe that other factors besides saving Scott Park will create additional delays. We find the BWL argnments concerning additional cost and delays unconvincing.

The Park Board majority believe that preserving Scott Park will ultimately increase the cost of power generation, in effect, raising costs for Lansing consumers. The Park Board minority share the majority concern about cost. However, the role of Park Board members in this process is to protect park property that can be preserved as natural areas and used for recreational purposes. We believe that small and reasonable cost increases, which are inevitable under any plan before the Lansing City Council, cannot be the major deciding factor when determining the future of Lansing Parks.

The Park Board minority respectfully present this statement of our opposition to the reclassification of Scott Park. We recommend that the Lansing City Council direct the Board of Water and Light to build the new power station on the site of Eckert Power Plant.

Stachowiak, Susan

From: Art <hasbrook@gmail.com>
Sent: Monday, June 06, 2016 12:58 AM
To: Stachowiak, Susan
Subject: Fwd: Bernero's War on Parks

---------- Forwarded message ----------
From: "Art" <hasbrook@gmail.com>
Date: Jun 3, 2016 2:21 PM
Subject: Bernero's War on Parks
To: <lynne.m@acd.net>, "Josh Hovey" <jhovey@truscottrossman.com>, "Alisande Henry" <alisande@sbcglobal.net>, "Graham, Beth" <beth@bgappraise.com>, "Cox, Anthony" <tcox1inc@yahoo.com>, "Lynne Martinez" <lynne.m.martinez@gmail.com>, "Hovey, Josh" <jhovey@rossmangroup.com>, <cernamarta@gmail.com>
Cc: <council@lansingmi.gov>, "Putnam, Judy" <jputnam@gannett.com>, <elacy@lsj.com>

Dear Planning Board,

Thank you again for your time and interest in this. The LBWL is pushing plans to destroy a historical park which would leave irrevocable losses to our community.

I'll summarize the main points of concern for clarity:

The BWL admitted two substations could work at Jessica Yorko's community meeting. That opens up the other properties and will better our power grid.

Bernero has park hit list which needs to be made public. The park board was attempting to gain that but it is not publicly know.

The Jenison Home (Scott Center) should be used for the needs of the Michigan Woman's Hall of Fame and the community would step up to this if they knew how officials have treated our Women's Center. (The community should have been made aware of The Women's Center announcement, to the City, of intention to leave for better accommodations, but this has not yet been disclosed by the city.)

The Homeless Angels' hotel volunteers had asked they landbank and Bernero about wanting to rebuild/restore homes for the homeless, but they were pushed off. We need to facilitate the job skill education of our homeless and let our beloved local Charities house the homeless in more suitable buildings. The homeless hotel director showed interest in those homeless citizens being trained and also helping restore municipal owned buildings for the community as well. They could help work on these park buildings and it would benefit them as well as the city as a whole.

There is a roaring jet engine sound from steam vents next to Cooley Gardens. That noise is currently loud from Scott Sunken Garden and deafening at Cooley Gardens.

Justice Edward Cahill was a civil war hero and presided over the landmark civil rights case of 1890. The Scott Sunken garden is made at the foundation of his home by the foundation of his home. Other stones were used to repurpose as this historical garden by Nick Kriek.

Nick Kriek was an immigrant who offered great success in horticulture here. He designed the garden in the foundation of Cahill's home and started Cottage Garden nursery here in the Lansing Area nearly 100 years ago.

The garden can not be moved successfully and removing the foundation would void its historical value. MSHDA's coordinator of national landmarks has recommended Scott Sunken Garden for the National Register's review. The purposed new garden on the lower portion of this bank would have no significance here.

ADA protects historical landmarks and both gardens surrounding Scott Park have entry points without steps.

The Park Board voted down selling Willoughby Park and admitted they needed more details about fauna, flora, history and other assets of parks before such actions.

I am a resident homeowner and a local philanthropist of many years. I have not often approached political concerns directly, but I am invested into this community.

Thank you so much for everything. Please let me know if you'd like any additional documents. I'd be happy to provide any further details; there are many more significant arguments against the fouling of our parkland: the LBWL and this passing Mayor need to stop bribing organizations with our money. They are wasting our time when we need to let conservation groups survey our parks, we need to save our relationship with The Women's Center by meeting thier reasonable needs, and we need to facilitate training our homeless through the successful Homeless Angel's methodology.

Please listen to the informed community and assure the community is fully informed before this goes any further.

Thank you,

Art Hasbrook

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April 29, 2016

Dear City of Lansing Planning Board,

It is my opinion that the Board of Water and Light should be required to find an alternate location for the proposed substation at the intersection of Washington Avenue and Malcolm X Street. The site that they have selected is home to the Scott Sunken Gardens and the Scott Center, and directly adjacent to Cooley Gardens and the Cooley-Haze House, which is currently home to the Michigan Women's Historical Center and Hall of Fame. All of these sites have some historical significance for Lansing, and both gardens and the Cooley-Haze House are potentially eligible for listing on the National Register of Historic Places.

Built in 1918, the Tudor Revival Scott Center is an excellent candidate for rehabilitation, and could be a wonderful asset to the community as an event space, meeting venue, or restaurant, particularly with the riverfront and adjacent gardens. The Scott Sunken Gardens date to the 1930s and are associated with the Scott Mansion originally located on the site, home to Richard Scott, president of the R.E. Olds Motor Company. The gardens were built by Scott on the foundation of a house that had formerly belonged to Michigan Supreme Court Justice Edward Cahill, and were maintained by Nicholas Kriek, a Dutch immigrant who founded Cottage Gardens nursery in Lansing in 1923 - the company is still in business locally and is now run by Kriek's grandson Bill Hicks. Moving the gardens would destroy their integrity, and render them ineligible for listing on the National Register. Their early twentieth century landscape design is unique in Lansing and should remain in its original context.

Relocation and/or demolition of the Scott Gardens and House would also negatively impact the adjacent Cooley Gardens and Cooley-Haze House, by removing their historical context. Built in 1903 for Frank Cooley, the Cooley-Haze House is the only remaining home in its original location along that stretch of Malcolm X Street, once one of the grandest neighborhoods in Lansing. Placing an industrial substation next to the house would irrevocably alter the streetscape that surrounds it. The same can be said for the Cooley Gardens, designed in 1938 by noted landscape architect Edward H. Laird, a founding member of the American Society of Landscape Architects.

In addition to the impacts on Lansing's historic sites, it is my opinion that downtown-adjacent riverfront property is a poor choice for an industrial substation. Lansing should be encouraging the use of its existing parks, and the thoughtful development and rehabilitation of riverfront property. Rezoning the parcel from parkland to utility and handing the property to the Board of Water and Light does neither of those things. Rather than creating a welcoming gateway between a newly thriving downtown and a burgeoning REO Town, it will do precisely the opposite - creating a barrier between the two neighborhoods and effectively further isolating REO Town. Furthermore, Design Lansing - the 2012 comprehensive plan for the City of Lansing - calls for the city to capitalize on its existing park inventory and points out that public gardens are among the amenities that citizens of Lansing would most like to see expanded. To rezone the lot runs contrary to Lansing's existing master plan.

Thank you for your time and consideration.

Sincerely,

Cassandra Nelson
500 Fulton Place
Lansing, MI 48915
cassandranelson38@gmail.com

Stachowiak, Susan

From: burtonbutn <burtonbutn@aol.com>
Sent: Saturday, May 07, 2016 7:05 AM
To: Rieske, Bill; Stachowiak, Susan
Subject: Scott Sunken Garden relocation

There are many problems with the BWL proposal to relocate the historic Scott Sunken Garden. I would ask you to please read this article link which discusses the potential dangers of Electric Magnetic Fields.(EMF's). This topic has NOT been discussed at all by BWL and I am very concerned about long term exposure hazards to EMF's.

BWL plans to demolish the existing Sunken Gardens and rebuild them directly beneath the 138,000 volt high voltage power transmission lines. Currently, the power lines run over the parking lot only. For public safety, we would expect that testing for EMF's takes place at the location of the new Sunken Garden. The ladies of the Garden Club of Greater Lansing would be exposed long term by working directly underneath these lines.

Eight separate US studies listed in this link have reported positive associations between proximity to power lines and some forms of cancer and leukemia. These articles advise children not to play under Power lines. There are potential links between EMF exposure and Alzheimers as well.

In conclusion, we do not approve of the new location of the Sunken Garden and insist that the BWL conduct EMF measurements at the spot of the new Sunken Garden, which would be located directly underneath the power lines as a part of any deal with BWL.

http://www.lessemf.com/pamphlet.html

Kind Regards,
Sharon Burton
Garden Club member and resident of Lansing

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For more information please visit http://www.symanteccloud.com

Stachowiak, Susan

From: Barbara Cooley <bcooley800@comcast.net>
Sent: Thursday, May 12, 2016 5:44 PM
To: Stachowiak, Susan
Cc: Rieske, Bill; Johnson, Robert
Subject: Letter to the Members of the City of Lansing Planning Board

Dear Ms. Stachowiak,

I am from Lansing and have deep roots in the community. I will always feel a strong connection to Lansing even though I haven't lived there for many years. Still, I come back frequently to see family and friends and to attend meetings. Every time I return I am always dismayed and yes, a little embarrassed. The city has fallen on hard times, as have many cities in the U.S., and looks it.

What bothers me more is that Lansing appears to have no desire or commitment to preserve what little is left of its important past, nor to possibly leverage them into something more that could contribute to a revitalization of a once-proud, important city in Michigan. I came to tour the Jenison house and the Scott Sunken Garden this spring and was amazed at how the house, although terribly neglected, was still surprisingly intact with great potential. Both the house and garden are prime real estate to showcase Lansing with a negligible financial commitment from the city. The possibilities are endless and the location, right on the river, makes them all the more desirable and remarkable. Water frontage is an important economic development asset for most communities. Why does Lansing not want to capitalize on that?

Of further concern is what will happen to the Cooley-Haze house. If the Jenison House and Scott Sunken Garden are bulldozed (or even moved), what's to become of the Cooley-Haze house? Years ago the city put I-496 through a section of lovely but tired old houses and now it appears the city would like to remove all vestiges of what was once a lovely part of the city, connected to the bustling capitol. Other cities have embraced their tired, old buildings and actually turned them into shining assets. I worry deeply that both houses, garden and property will soon be nothing more than a piece of an industrial wasteland.

As a non-resident with no voting power I realize my views on this may not matter to you, but as a frequent visitor to a beloved hometown, I hope my concerns would have some weight. I long to see my hometown stand up tall and preserve her heritage and showcase her assets – at least what's still left of them. I urge you to preserve these small bits of Lansing's past for future generations.

Sincerely,
Barbara

Barbara Cooley
Cell: 616.292.7387

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For more information please visit http://www.symanteccloud.com

To: Planning Board Members
From: Dale Schrader
~~226 W. Maple Street~~ 4919 Gulf Rd
~~Lansing, MI 48906~~ Delta Twp.

RE: Planning Board Vote Tues. May 17, 2016

Dear Planning Board Members,

I am trying to understand why the City of Lansing even bothers having a Comprehensive Master Plan.
The Mayor's office and BWL is able to just bypass the plan and turn dedicated parkland into quasi Public Utility. With NO public vote! We should never lose parkland. But at the very least, this should be decided by a public vote.

The extensive Comprehensive Plan seems like a valuable document. On Page 77 it talks about "protecting historical sites"
Page 104 and page 191 discuss protecting dedicated parkland and on page 203 the conclusion encourages **collaboration with the public.**

But **page 104** is especially noteworthy and worth quoting here.. Page 104 describes the five PRIORITY ISSUES of the City Master Plan...

"PRIORITY ISSUES Page 104 of Comprehensive Master Plan
The public involvement process identified a number of key issues that became the basis for plan recommendations: The #1 PRIORITY ISSUE?

1. Preservation and Enhancement of Parks:
Lansing residents value their park system and place a very high priority on its preservation and enhancement. A 2009 survey, conducted as part of the update to the City's parks and recreation. Master plan 2 identified four top priorities for facility improvements: trails, natural areas, **public gardens** and nature centers. The top priority for recreation programming was special events and festivals. Design Lansing participants also identified the park system as their **top priority for preservation** and suggested an expanded trail system and on-street bicycle and pedestrian improvements to connect the City's parks."

The #1 Priority is PARKS! Now you have before you a decision to transfer valuable and historic Park to BWL to build an giant industrial substation. The Planning Board needs to consider this. We need our Parks. BWL needs to put the substation on GM property or at Eckert Station. It can be done.

Thank you.

Dale Schrader

Rieske, Bill

From: Art <hasbrook@gmail.com>
Sent: Tuesday, May 17, 2016 9:20 AM
To: Yorko, Jessica; Rieske, Bill; Stachowiak, Susan; Johnson, Robert; City Council
Subject: Re: better Ecological, Historical and Economic options for our Substation(s)

Hello,

Thank you again for all your work here. I'm listing out an itemized rebuttal of why this proposed plan will further hurt our city.

This plan is designed to remove the right of public vote and has been done with disregard to the extensive historical value and without a wider exploration of facts and options.

• There are under-explored options for the substation(s)
• Scott Park has needed more access from Washington Ave for decades; the original and most Beautiful Lansing River Walk is still there with the Terraced Stone walls up to the Scott Center
• The Scott Sunken Garden is a nationally significant historical landmark which can not be relocated; they propose to destroy more national history; it has accessibility which could be further smoothed for ADA compliance
• Neither of the acknowledged historical gardens are inaccessible by wheelchair, the ADA of 1990 Title III protects historical landmarks, such as Scott Sunken Garden, which are eligible for the national registry
• There are/have-been many disabled fans of both gardens as they are; Scott Sunken Garden has been maintained by volunteers who were seniors decades ago, and there are simple low-cost noninvasive methods to better the existing handicap accessibility for both of these Historical Gardens
• The parking lot is not a draw to this historical park but other recent losses in significant parkland should bring several million to park funds
• The City of Lansing moved the Jenson House to Scott Park because of its hilltop location on this historical river bank park to both preserve the house and because of this ideal location.
• The Women's Historical Museum has already been effected by demands of related City Officials; they have officially announced plans to leave this location, and alternative options to better this park and the Scott Center is our chance to try to retain these assets in Lansing

This BWL Proposal to destroy our historically significant riverside park land has been set in place against the Park Masterplan and there are far better options for maintaining needed riverside greenspace, saving a district of Historical Landmarks, facilitating continued charitable causes (such as the Women's Hall of Fame), and further exploration for better uses of these assets to build on our community.

Thank you,

Art Hasbrook
517-719-7637

http://www.facebook.com/scottsunkengarden
admin@lansingfriends.com

hasbrook@gmail.com

Hello,

I thank you for the little time you have offered to hear out the concerns and options being presented in regards to our Nationally Significant Historical Landmark of Scott Sunken Garden as well as an interest to help maintain Lansing's Michigan Women Hall of Fame. There is an under explored option of a multipurpose use on the failed motel parcel and revitalization of the river bank on both sides of this REO Town Washington Avenue bridge.

I am pursuing a shared use with easements of the substation and needed safety/security barriers around its perimeter. These easements would allow a possible future commercial use on the expressway side and easements for commercial use on the river side of the property. This would meet the needs of the LandBank's payments through property taxation on this land.

The BWL representatives said that they had disinterest in that land because of the strip of floodplain. The Ingham County Executive said that this 20 foot retaining wall did have to be rebuilt but that could be costs cushioned by the Bond itself.

I am purposing a for-profit subsidiary business incorporated by local charitable organizations to help maintain the ethical community minded pursuit of this endeavor. I am proposing two stories of glassed in balcony for art lined dinning along the eastern strip of this river side retaining wall and the western side would offer a 40 foot rockclimbing facility. The owners of the Stone Printing property are interested in this effort to maintain historical property and rejuvenate Lansing also. The surrounding dock could be used for river access and the adjacent lot is covered by the bond as well; a small bay could be added for more river access and I am interested in introducing gondolas for this stretch of the river. The dinning should feature both Lansing Art and produce from Lansing's community gardens.

I am also pursuing related endeavors for maintaining such buildings and revitalizing historical parks to enable these charitable causes through community involvement. We need job skill training and workshops to allow people to gain experience through these efforts.

I will be following up with more details and presentation material over the next few days. Please reply with any thoughts, recommendations, or interested contacts.

Thank you,

Art Hasbrook
517-719-7637

http://www.facebook.com/scottsunkengarden
admin@lansingfriends.com
hasbrook@gmail.com

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Rieske, Bill

From: Jana Nicol <jananicol@yahoo.com>
Sent: Tuesday, May 17, 2016 3:17 PM
To: lynne.m@acd.net; jhovey@truscottrossman.com; alisande@sbcglobal.net; beth@bgappraise.com; johnruge1@aol.com; tcox1inc@yahoo.com; cernamarta@gmail.com; Rieske, Bill; jbc@egr.msu.edu; Brownclarke, Judi; Washington, Jody; Yorko, Jessica; Johnson, Robert
Subject: Scott House and Sunken Garden

I am writing to ask that you save the Sunken Garden and Scott House. This park is an historical landmark and one of the gems in the park system in Lansing. It cannot be moved and it cannot be recreated.

Over 1,000 people have signed a petition asking that it be saved:
Lansing Parks Board: Save Scott House and Sunken Garden

Lansing Parks Board: Save Scott House and Sunken Garden

The Lansing Board of Water and Light is trying to have the City of Lansing "un-dedicate" Scott Park and the Sunk...

Please save this park and ask BWL to build elsewhere.

Jana Nicol
Lansing, Michigan

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For more information please visit http://www.symanteccloud.com

Michigan Historic Preservation Network
313 E. Grand River, Lansing, MI. 48906
517-371-8080 www.mhpn.org

May 1st, 2016

Dear Lansing City Council,

I am writing on behalf of the Michigan Historic Preservation Network in regard to the Scott House and the Scott Sunken Gardens located at the corner of South Washington Avenue and Malcolm X Street. It is our opinion that the Board of Water and Light should be urged to find an alternate location for the substation they plan to construct and the Scott House and its adjacent sunken gardens should remain in place.

The English Tudor Scott (Jenison) House, built in 1918, is representative of a unique style of architecture in Lansing's historic repository. In its recent years, the building has been routinely used by community groups and it has been deemed an important asset to the community for its location and associated history. The house, in its current position, has historical ties to the adjacent Scott Gardens and to the former Scott Mansion built on the site. A 1996 assessment of the house determined that the building is sound with only a few structural deficiencies. If left in place or sensitively relocated, the Scott (Jenison) House would be an excellent candidate for rehabilitation. Should demolition be pursued, rather than sensible rehabilitation, not only will a loss of historic character negatively affect the remaining streetscape of the area, but it will also be a loss in investment of capital and resources.

The Scott Sunken Gardens that date back to the 1930s, and which are associated with the original Scott Mansion, would not fare well if moved. The early twentieth landscape design is unique to Lansing and should remain in its original orientation and context. Furthermore, the National Register Coordinator at the Michigan State Historic Preservation Office has preliminarily determined that the gardens are historically significant and eligible for listing on the National Register of Historic Places. Dismantling the stone walls and recreating the gardens in another location would cause a loss of integrity, making the gardens ineligible for historic designation and destroying their in situ authenticity.

It is our recommendation that Scott (Jenison) House and the Scott Sunken Gardens remain undisturbed in their current locations and that the Board of Water and Light find another location for the substation.

Thank you for your time and consideration.

Sincerely,

Amanda Reintjes
Greater Michigan Field Representative
Michigan Historic Preservation Network & the National Trust for Historic Preservation
906.250.6301
reintjes@mhpn.org

Michigan Historic Preservation Network is the statewide preservation organization for Michigan. It is a nonprofit, membership organization and the 2007 recipient of the National Trust for Historic Preservation Trustees Award for Organizational Excellence and 2007 State History Award from the Historical Society of Michigan. MHPN partners with the National Trust for Historic Preservation, the country's largest private, nonprofit preservation organization. As partners, both organizations are dedicated to protecting the irreplaceable and providing leadership, education, advocacy and resources to save Michigan's diverse historic places and revitalize communities.

City of Lansing
OFFICE OF THE CITY ATTORNEY

F. Joseph Abood, Interim City Attorney

CITY ATTORNEY OPINION

TO: MAYOR VIRG BERNERO

CC: COUNCIL PRESIDENT JUDI BROWN CLARKE AND ALL CITY COUNCIL MEMBERS

FROM: F. JOSEPH ABOOD, INTERIM CITY ATTORNEY

DATE: JUNE 11, 2016

RE: SCOTT PARK - BWL

BACKGROUND

The City owns certain property commonly known as Scott Park. It is proposed that the Scott Park property become the new site, by way of a special land use permit, of a new Board of Water and Light substation. Procedurally, Council will be asked to grant a special land use (SLU) permit to allow the Board of Water and Light to construct their new substation on the property. Council members have indicated that they may consider placing an advisory question on the ballot as to the issue of Scott Park.

QUESTIONS PRESENTED

1. Does the proposed grant of a special land use permit to the Board of Water and Light for the use of City-owned property known as Scott Park constitute a sale of the land that would require a vote of the electorate?

2. Does the Lansing City Council have the legal authority to place an advisory question on the ballot concerning the granting of the special land use permit or any other aspect of the proposed use of the property by the Board of Water and Light?

SHORT ANSWERS

1. No. As a general precept Boards of the City do not own land. While the Board of Water and Light is an administrative board and has been delegated executive and policymaking

responsibilities necessary to the proper operation of the agency (5.102.1), the Charter specifically states, "The Board shall have the power to acquire property in the name of the City for purposes of the Board of Water and Light." (5-203.2). Therefore, the granting of a special use permit to the Board of Water and Light is not a sale of property by the City as contemplated by the Charter to require the vote of the electorate.

2. No. Pursuant to the Charter, the Home Rule City Act, Attorney General Opinion 6383, and case law, an advisory ballot proposal, as suggested above, is not authorized, and would be ultra vires or outside the authority granted to Council.

ANALYSIS

1. The City of Lansing owns Scott Park. The Board of Water and Light is a City administrative board. It is an agency of the City. By permitting a SLU to the Board of Water and Light to place a new substation on City owned property does not constitute a transfer of ownership of the property. Since the City remains the owner, the provisions in the Charter relating to the sale of public property including the requirement of an affirmative vote of the electorate or an affirmative vote of 2/3 of Council is not required.

However, Council does have an important role to play in the process and that revolves around the consideration of the SLU to allow the Board of Water and Light to build the substation on the City property.

2. Michigan law generally disfavors advisory ballot questions. Case precedent holds that the City Council may not place propositions on the ballot that shift to the electorate the responsibility for making decisions that they themselves are required to make. *Scovill v Ypsilanti, 201 Mich 288 (1919)*

Also practically this would incur the cost of ballots and election to do something that is the elected officials responsibility. That is not to say that the City Charter does not allow for advisory votes or questions.

The Lansing City Charter provides for Initiative and Referendum on Ordinances, not on general advisory questions.

Therefore, the issue would have to be placed into the context of an ordinance proposition for it to satisfy the Charter.

The relevant provisions of the Charter are found at Chapter 4. Ballot Issues. 2-402 Initiative and Referendum, as you will note, the Charter only refers to Initiative and Referendum as they relate to ordinances and in no way references general questions. Again at 2/407 Submission of Council speaks only in the context of ordinances.

It is also true that if the Charter allows for an advisory vote then that would be appropriate. The Lansing City Charter does not allow for a general question advisory vote. In other words, the general advisory ballot question relative to the use of Scott Park does not meet the requisite City Charter criteria to be placed on the ballot.

I trust this answers the questions submitted for consideration. If there should be any additional questions, we would be happy to address them.

OFFICE OF THE MAYOR
9th Floor, City Hall
124 W. Michigan Avenue
Lansing, Michigan 48933-1694
(517) 483-4141 (voice)
(517) 483-4479 (TDD)
(517) 483-6066 (Fax)

Virg Bernero, Mayor

TO: City Council President Judi Brown Clarke and Councilmembers

FROM: Mayor Virg Bernero

DATE: 6-23-16

RE: Resolution— Act-7-2016— Lansing Board of Water & Light— Authorize Construction of Central Substation Project

---

The attached correspondence is forwarded for your review and appropriate action.

VB/rh
Attachment

Virg Bernero, Mayor

City of Lansing

Inter-Departmental Memorandum

WORKING TOWARD A CLEANER GREENER LANSING

To: Virg Bernero, Mayor

From: Susan Stachowiak, Zoning Administrator

Subject: CITY COUNCIL AGENDA ITEM - Act-7-2016, LBWL Central Substation Project

Date: June 22, 2016

The Lansing Planning Board, at a special meeting held on June 21, 2016, voted (5-2) to recommend approval of a request by the Lansing Board of Water & Light to authorize a new power substation on the City owned property at 125 W. Malcolm X Street, in accordance with the location, character, and extent criteria set forth in Act 33.

Please forward this resolution to City Council for placement on the Agenda.

If you have any questions, or need additional information, please give me a call.

Attachments

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

Act-7-2016, LBWL Central Substation project

WHEREAS, the Central Substation proposal is a component of LBWL's Lansing Energy Tomorrow initiative, which includes the Integrated Resources Plan (IRP) process that will specify how the BWL will replace the Eckert Power Station, 1950s era-coal fired plant that will close by 2020, and prepare for the Clean Power Plan, EPA's regulations for reducing greenhouse gas emissions; and

WHEREAS, the City initiated Amendment #1 to the Design Lansing Future Land Use Plan to change the future land use designation of the east 4 acres (approx.) of the Scott Park property at the SW Corner of Washington Ave. and Malcom X Street (125 W. Malcolm X Street), from "Open Space -Dedicated Park" to "Open Space – Quasi-Public / Utility"; and

WHEREAS, the purpose of the amendment is to permit the construction of a $26,000,000 Board of Water and Light substation on the eastern portion of the site, with park improvements to the remaining open space, specifically:

- the substation will be encircled with a masonry wall featuring public art and displays,
- a walkway which will provide public pedestrian access from Washington Avenue to Townsend Street will be constructed along the south wall of the substation, north of the Grand River,
- the Sunken Garden will be relocated near Cooley Gardens, a more prominent location within the park, and made accessible in compliance with the Americans with Disabilities Act (ADA),
- ADA access will be provided to Cooley Gardens, which will remain otherwise undisturbed,
- the parking lot will be relocated,
- the Scott Center will be relocated off-site, portions offered for salvage, or demolished,
- the Women's Historical Museum will be unaffected; and

WHEREAS, at its meeting on June 21, 2016, the Planning Board recommended adoption of the Design Lansing Comprehensive Plan Amendment #1 to accommodate the proposed Substation; and

WHEREAS, the on June 21, Board reviewed the location, character, and extent of the proposed Central Substation project in accordance with Section 61 of the Michigan Planning Enabling Act (P.A. 33 of 208), and found that:

- LBWL is phasing out the Eckert Power Station due to the obsolescence of the facility and anticipated regulatory changes.

- LBWL and City staff have conducted a thorough search for an appropriate location for the substation.

- Due to the Eckert Station's location within the 100 year floodplain, the extreme rain events in recent years, increasing flood risks, and increasing uncertainty of our weather conditions, the Eckert Station site is not considered a viable option.

- The subject property is the most appropriate location for a substation to serve LBWL's customers in the downtown area, including LCC, the Accident Fund and Sparrow Hospital, with the impending decommissioning of the Eckert Power Station.

- The proposed project will include several amenities to benefit the public including pathways, public art, viewing platforms and ADA access to both Cooley Gardens and the relocated Sunken Garden.

- The proposed substation will be designed to minimize its adverse impact on the remainder of the site.

- The substation is designed for reliability and to meet the current and future needs of downtown Lansing, including its major employers.

- The property known as Scott Park was acquired from General Motors, not donated to the City by the Scott estate for park purposes.

- LBWL has been respectful of Scott Park's features, and has proposed to:

    - contribute $100,000 to the relocation of the Scott Center building,

    - relocate the Sunken Garden "brick by brick, stone by stone, and plant by plant," and contribute $40,000 to endowment to its perpetual care.

- A vote of the electors is neither required nor appropriate to approve this Plan amendment, Act 33 Review, and Special Land Use permit; and

WHEREAS, on June 21, 2016, the Planning Board voted 5-2 to recommend approval of Act-7-2016, to authorize the construction of the Central Substation project; and

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

NOW, THEREFORE BE IT RESOLVED, that the Lansing City Council hereby approves the construction of the Central Substation as proposed.

BE IT FINALLY RESOLVED, that the Mayor, on behalf of the City, is hereby authorized to sign and execute all documents to complete this proposal, subject to prior approval as to content and form by the City Attorney.

OFFICE OF THE MAYOR
9th Floor, City Hall
124 W. Michigan Avenue
Lansing, Michigan 48933-1694
(517) 483-4141 (voice)
(517) 483-4479 (TDD)
(517) 483-6066 (Fax)

Virg Bernero, Mayor

TO: City Council President Judi Brown Clarke and Councilmembers

FROM: Mayor Virg Bernero

DATE: 6-23-16

RE: Resolution— Act-9-2016— Sale of 1020 W. Hillsdale Street to Habitat For Humanity Capital Region (HFHCR)—Relocation and Renovation of Scott Center

---

The attached correspondence is forwarded for your review and appropriate action.

VB/rh
Attachment

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

Act-9-2016, 1020 W. Hillsdale (PPN 33-01-01-17-478-007), Sale to Habitat for Humanity

WHEREAS, the City of Lansing proposes to convey the former site of the Union Missionary Baptist Church located between W. Lenawee and W. Hillsdale along the east side of N. Martin Luther King Blvd.; and

WHEREAS, the property has been unoccupied since 1998, and the building was razed in 2008, and no public purpose has been identified for retaining the property; and.

WHEREAS, Habitat For Humanity Capital Region (HFHCR) proposes to purchase the property for the relocation and renovation of the Scott Center into affordable, owner-occupied housing, and the construction of additional housing units; and

WHEREAS, the property is 2.22 acres of vacant land, with a market value of less than $50,000; and

WHEREAS, the on June 21, Planning Board reviewed the location, character, and extent of the proposal in accordance with is Act 33 Review procedures, and found that:

- the property has been vacant with no public purpose since 1998, and vacant land since 2008, with no public purpose identified,
- the property is designated for residential development in the Comprehensive Plan,
- conveying this parcel for the relocated Scott Center will allow for redevelopment of the property after eight years of vacancy, in conformity with the Comprehensive Plan, in a manner beneficial to the neighborhood, while creating housing for low to moderate income families, and putting the property on the tax rolls; and

WHEREAS, on June 21, the Planning Board voted unanimously (7-0), to recommend the conveyance of this property for the purposes outlined above; and

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

NOW, THEREFORE BE IT RESOLVED, that the Lansing City Council hereby approves Act-9-2016, the conveyance of the property legally described as:

W 20 FT LOT 7, ALL OF LOTS 8, 9, 10, 13, 14 & 15, ALSO LOTS 11 & 12 EXC PARTS USED AS STREET ROW; BLOCK 8 BUSH, BUTLER & SPARROWS ADD

for the above purposes as proposed, for the sum of One Dollar ($1.00).

BE IT FINALLY RESOLVED, that the Mayor, on behalf of the City, is hereby authorized to sign and execute all documents to complete this transaction, subject to prior approval as to content and form by the City Attorney.

Virg Bernero, Mayor

City of Lansing

Inter-Departmental Memorandum

WORKING TOWARD A CLEANER GREENER LANSING

To: Virg Bernero, Mayor

From: Susan Stachowiak, Zoning Administrator

Subject: CITY COUNCIL AGENDA ITEM - Act-9-2016, 1020 W. Hillsdale, Sale of Land

Date: June 22, 2016

At a special meeting held on June 21, 2016, the Planning Board voted (7-0) to recommend approval of Act-9-2016, to sell the former site of the Union Missionary Baptist Church located at 1020 W. Hillsdale Street to Habitat For Humanity Capital Region (HFHCR) for the relocation and renovation of the Scott Center into affordable housing, and the construction of additional housing units.

Please forward this resolution to City Council for placement on the Agenda.

If you have any questions, or need additional information, please give me a call.

Attachments

STAFF REPORT

The City of Lansing proposes to sell the former site of the Union Missionary Baptist Church located between W. Lenawee and W. Hillsdale along the east side of N. Martin Luther King Blvd. The property has been unoccupied since 1998, and the building was razed in 2008. With no identified public purpose for the property, the City proposes its sale.

Habitat For Humanity Capital Region (HFHCR) proposes to purchase the property for the relocation and renovation of the Scott Center into affordable housing, and the construction of additional housing units.

PROPERTY SHAPE, SIZE, AND LOCATION: Roughly rectangular, 2.22 acres.

LEGAL DESCRIPTION: W 20 FT LOT 7, ALL OF LOTS 8, 9, 10, 13, 14 & 15, ALSO LOTS 11 & 12 EXC PARTS USED AS STREET ROW; BLOCK 8 BUSH, BUTLER & SPARROWS ADD.

EXISTING LAND USE: Vacant Land (former site of Union Missionary Baptist Church).

PROPOSED LAND USE: Residential.

SURROUNDING LAND USE:

North: Residential.

South: Commercial, Residential.

East: Residential.

West: Institutional (Union Missionary Baptist Church).

EXISTING ZONING: "C" Residential.

SURROUNDING ZONING:

North: "C" Residential.

South: "F" Commercial.

East: "C" Residential.

West: "C" Residential, "B" Residential.

MASTER PLAN DESIGNATION: The *Design Lansing* Comprehensive Plan designates this property as Medium-Density Residential – Urban. The typical densities/building heights for this designation are ten to twenty dwelling units per acre; minimum height of 2 stories and maximum height of 3 stories. For new development; consistent, shallow front yard setbacks should be required: buildings should be parallel to and facing the street; parking should be located to the rear; building entries with porches or stoops should be oriented to the street. Minimum percent

transparency and vertical orientation for windows should be considered for facades visible from the street.

APPLICANT'S PROPOSAL

The City of Lansing proposes sell the property to HFHCR, for its proposal to relocate the Scott Center (former Jenison House) to this property and developing 3-4 owner occupied housing units for families with low to moderate income. The remainder of the property would be for development for additional units, also for affordable housing.

HFHCR proposes to receive the Scott Center structure after delivery by LBWL's relocation contractor to land parcel 33-01-01-17-478-007 located between Lenawee and West Hillsdale on South Martin Luther King Blvd from its current location known as 125 W Malcolm X St. Lansing, MI 48912.

HFHCR intends to accept the original structure of the house without the east wing and two rear sunrooms that were added after the last relocation in 1978. HFHCR intends to recreate the English Tudor style elevation of Scott Center, with the interior goal of retaining the character of the home while modernizing and restructuring the property to three possibly four separate dwellings. The Scott Center will contain three, possibly four dwellings to a site of approximately 20 affordable units.

HFHCR intends to sell the completed properties to low or moderate income households that will occupy the residences as owner/occupant. It has sought HOME and CDBG funds through the City of Lansing Development office to support the project, based on LBWL contributing the relocation costs.

BACKGROUND

The City acquired this parcel as part of the "7-Block" plan to eliminate blight and move the Union Missionary Baptist Church. The Church became vacant in 1998, and was demolished circa 2008. Since then, the parcel has remained vacant. There is no public purpose for the parcel.

Conveying this parcel for the relocated Scott Center will allow for redevelopment of the property after eight years of vacancy, in conformity with the Comprehensive Plan, in a manner beneficial to the neighborhood, while creating housing for low to moderate income families, and putting the property on the tax rolls.

The Scott Center (former Jenison House) is functionally obsolete at its current location. Despite attempts to make it otherwise, its original design as a residence is ill-suited for use as a public facility.

AGENCY REFERRALS:

Board of Water and Light –

LBWL Electric: LBWL Electric has no objections to the sale of this property for the purposes proposed in the "Staff Report (Preliminary Draft" of Act-9-2016.

Wellhead Protection: As good practice care should be exercised during construction to minimize the exposure of contaminated soils to weather and subsequent loss to the groundwater. Construction machinery should be parked on paved areas when not in use, and leakage of petroleum products and other potential contaminants must be immediately cleaned up and properly disposed of. Newly exposed soil could offer a route for contaminants into local groundwater. For any questions or concerns please contact Angie Goodman at 517-702-7059 or by email at ame1@lbwl.com.

LBWL Water and Steam Distribution Department – Water and District Energy Distribution Comments: APPROVED WITH CONDITIONS. Please note that this approval does not constitute an agreement for service, and is subject to the following conditions:

- This property is located outside of the LBWL's District Energy Service Territory, but is within the LBWL's Water Distribution Service Territory.
- The LBWL Water and Steam Distribution Department has no objections to the sale of this property for the purposes proposed in the "Staff Report (Preliminary Draft" of Act-9-2016.
- Prior to receiving utility service to the proposed structures (either new construction, or the relocated Scott House), the property owner must make application and submit utility drawings depicting the proposed service(s). Application and drawings may be made to Mike Schorsch @ (517) 702-6369, mrs1@lbwl.com. Additional information can be found online at http://www.lbwl.com/Commercial/Water-Services/Water-Service-Installation/.
- The customer is responsible for sizing water services for adequate flow. The BWL will not take responsibility for inadequately sized services.
- Services, mains, and meter settings to conform to LBWL Rules & Regulations. http://www.lbwl.com/Commercial/Rules-Regulations-for-Service/
- All services, up to and including the meter, are part of the water system and cannot be installed or altered without a BWL Water Service Agreement in place.
- The customer is responsible for all costs of water service and main installations and removals, including connection fees, installation, metering, and engineering and administration costs for the work.
- If existing services need to be demolished a demolition request must be filed with the Lansing Board of Water and Light Utility Services Department. Please contact Utility Services at (517)702-6700.
- Any questions about specific water service requirements may be directed to the LBWL Water Distribution Department Engineer; Mike Schorsch, P.E. @ (517) 702-6369, or via e-mail at mrs1@lbwl.com.

Building Safety Office: BSO has no objections. Site plan and building reviews/permits will need to be completed per the current State of Michigan codes prior to any construction.

Public Service – Engineering: Combined/sanitary sewer is available in Lenawee St. and Hillsdale St. Storm sewer is available in Lenawee St. Development of the property would most likely require a site plan.

Public Service – Transportation: The Transportation and Non-Motorized Section of the Public Service Department supports the proposal. We recommend that the parcel be developed to at least the density of the adjacent residential area, to maximize use of the available road and other public infrastructure. The applicant should note that MLK Jr. Blvd. is under the jurisdiction of the Michigan Department of Transportation, so any changes to access on this street would require MDOT's approval.

STAFF RECOMMENDATION

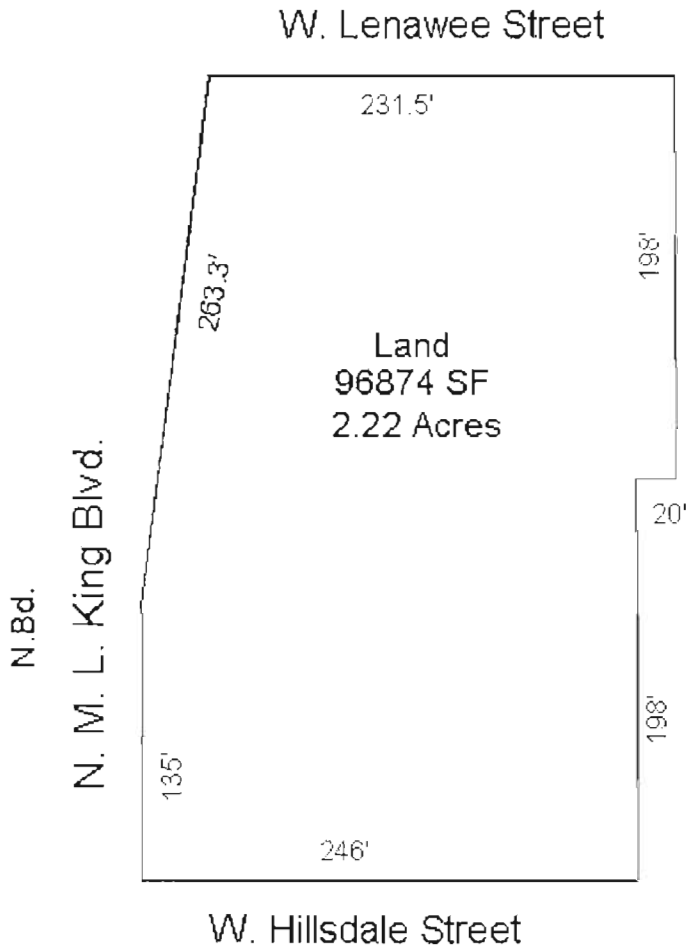
Staff recommends approval of the following finding and recommendation:

Finding:

The property has been vacant with no public purpose since 1998, and vacant land since 2008, with no public purpose identified. It is designated for residential development in the Comprehensive Plan.

Conveying this parcel for the relocated Scott Center will allow for redevelopment of the property after eight years of vacancy, in conformity with the Comprehensive Plan, in a manner beneficial to the neighborhood, while creating housing for low to moderate income families, and putting the property on the tax rolls.

Recommendation: Staff recommends the sale of the property to HFHCR for the purpose of relocating the Scott Center and constructing additional owner occupied residences.



jcg 12-17-03

Sketch by Apex IV™

Image/Sketch for Parcel: 33-01-01-17-478-007

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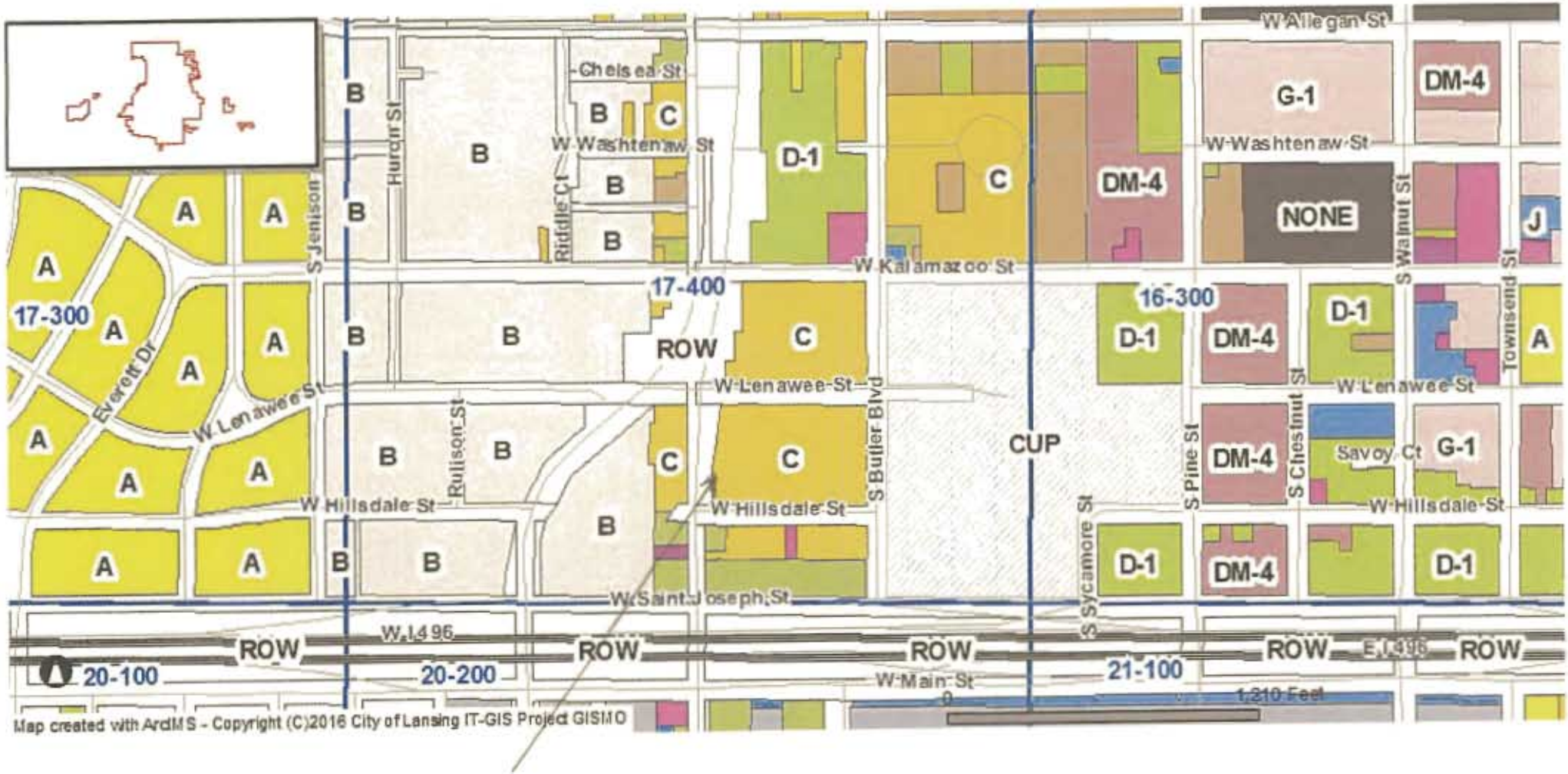
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OFFICE OF THE MAYOR
9th Floor, City Hall
124 W. Michigan Avenue
Lansing, Michigan 48933-1694
(517) 483-4141 (voice)
(517) 483-4479 (TDD)
(517) 483-6066 (Fax)

Virg Bernero, Mayor

TO: City Council President Judi Brown Clarke and Councilmembers

FROM: Mayor Virg Bernero

DATE: 8-26-16

RE: Pilot - Grandhaven Manor Retirement Community

The attached correspondence is forwarded for your review and appropriate action.

VB/rh
Attachment

Virg Bernero, Mayor

City of Lansing

Inter-Departmental Memorandum

WORKING TOWARD A CLEANER GREENER LANSING

To: Virg Bernero, Mayor

From: Susan Stachowiak, Zoning Administrator

Subject: CITY COUNCIL AGENDA ITEM - Pilot - Grandhaven Manor Retirement Community

Date: August 26, 2016

Please forward this resolution to City Council for placement on the Agenda.

If you have any questions, or need additional information, please give me a call.

Attachments

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

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, _____, 2016, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of supporting and/or opposing the Ordinance for the Payment in Lieu of Taxes (PILOT) for Grandhaven Manor Retirement Community.

ORDINANCE NO. 884.07

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 884 BY ADDING AN AMENDED SECTION 884.07 FOR THE PURPOSE OF PROVIDING FOR A SERVICE CHARGE IN LIEU OF TAXES FOR QUALIFIED LOW INCOME SENIOR DWELLING UNITS IN A HOUSING DEVELOPMENT PROJECT KNOWN AS THE GRANDHAVEN MANOR RETIREMENT COMMUNITY AND GRANDHAVEN MANOR II RETIREMENT COMMUNITY, PURSUANT TO THE POROVISIONS OF THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966, AS AMENDED.

THE CITY OF LANSING ORDAINS:

SECTION 1. THAT CHAPTER 884 OF THE CODE OF ORDINANCES OF THE CITY OF LANSING, MICHIGAN BE AMENDED TO ADD AN AMENDED SECTION 884.07 TO READ AS FOLLOWS:

§884.07. - Grandhaven Manor Retirement COMMUNITIES.

(A) *Qualification.* Grandhaven Manor Retirement Community AND GRANDHAVEN MANOR II RETIREMENT COMMUNITY COME within the purpose as set forth in section 884.01 of this chapter.

(B) *Definitions.* As used in this section:

Grandhaven Manor Retirement Community means the 150 unit HOUSING development and the 10.56 acres of real property on which it is located described as:

UNIT 1, GRANDHAVEN MANOR CONDOMINIUM, A CONDOMINIUM PROJECT,

ACCORDING TO THE MASTER DEED AND RECORDED IN THE OFFICE OF THE INGHAM COUNTY REGISTER OF DEEDS TOGETHER WITH RIGHTS IN GENERAL COMMON ELEMENTS AND LIMITED COMMON ELEMENTS AS SET FORTH IN SAID MASTER DEED, AND AMENDMENTS THERETO, AND AS DESCRIBED IN ACT 59 OF THE PUBLIC ACTS OF 1978, AS AMENDED.

GRANDHAVEN MANOR II RETIREMENT COMMUNITY MEANS THE 78 UNIT

HOUSING DEVELOPMENT AND THE 7.93 ACRES OF REAL PROPERTY ON WHICH IT IS LOCATED DESCRIBED AS:

UNIT 2, GRANDHAVEN MANOR CONDOMINIUM, A CONDOMINIUM PROJECT, ACCORDING TO THE MASTER DEED AND RECORDED IN THE OFFICE OF THE INGHAM COUNTY REGISTER OF DEEDS TOGETHER WITH RIGHTS IN GENERAL COMMON ELEMENTS AND LIMITED COMMON ELEMENTS AS SET FORTH IN SAID MASTER DEED, AND AMENDMENTS THERETO, AND AS DESCRIBED IN ACT 59 OF THE PUBLIC ACTS OF 1978, AS AMENDED.

Low income means elderly persons of low or moderate income eligible to move into the housing DEVELOPMENTS under THE ACT. All other definitions as set forth in section 884.02 of this chapter are applicable to Grandhaven Manor Retirement Community and GRANDHAVEN MANOR II RETIREMENT COMMUNITY AND are incorporated in this section by reference.

(C) *Establishment of annual service charge.*

(1) The Grandhaven Manor Retirement Community AND GRANDHAVEN MANOR II RETIREMENT COMMUNITY for elderly persons of low

or moderate income and the property on which THEY shall be LOCATED
shall be exempt from all property taxes from and after the EFFECTIVE
DATE of
THIS ORDINANCE, AS AMENDED, FOR SUCH DURATION AS PROVIDED IN
SUBSECTION 3(E). The City, acknowledging that sponsor HAS
RECEIVED a mortgage loan from the authority for Grandhaven Manor Retirement
Community Housing Development and IS RECEIVING A MORTGAGE LOAN FROM
THE AUTHORITY FOR GRANDHAVEN MANOR II RETIREMENT COMMUNITY,
AND THAT the sponsor and the authority have established the economic feasibility of
THESE housing developments in reliance upon the enactment of this ordinance
section, shall accept payment of an annual service charge
for public services in lieu of all property taxes as provided and paid in the manner in
sections 884.04 and 884.05 of this chapter.
(2) The annual service charge FOR UNIT 1 OF GRANDHAVEN MANOR
CONDOMINIUM shall be equal to four percent of the
difference between the annual shelter rent
actually collected from the operation of the HOUSING DEVELOPMENT AND
UTILITIES, AND THE ANNUAL
SERVICE CHARGE FOR UNIT 2 OF GRANDHAVEN MANOR
CONDOMINIUM SHALL BE EQUAL TO FOUR PERCENT OF THE
DIFFERENCE BETWEEN THE ANNUAL SHELTER RENT ACTUALLY
COLLECTED FROM THE OPERATION OF THE HOUSING DEVELOPMENT AND
UTILITIES. HOWEVER, NOTHING IN THIS ORDINANCE AS AMENDED, SHALL

EXTEND THE TIME PERIOD FOR WHICH UNIT 1 OF GRANDHAVEN MANOR CONDOMINIUM HAS BEEN GRANTED THE ABILITY TO MAKE PAYMENT OF AN ANNUAL SERVICE CHARGE IN LIEU OF PAYMENT OF PROPERTY TAXES. THE DURATION OF PAYMENT OF A SERVICE CHARGE IN LIEU OF PAYMENT OF PROPERTY TAXES FOR UNIT 1 OF GRANDHAVEN MANOR CONDOMINIUM AND UNIT 2 OF GRANDHAVEN MANOR CONDOMINIUM SHALL BE CALCULATED INDEPENDENTLY.

(3) Notwithstanding section (2), the service charge to be paid each year in lieu of taxes shall not exceed the amount of taxes which would be paid if the ousing evelopment were not tax exempt.

(D) *Contractual effect.* Notwithstanding the provisions of section 15(a)(5) of the Act to the contrary, a contract between the City and the sponsor, with the authority as third-party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes as previously described, will be effectuated by the enactment of this section by Council.

(E) *Duration; commencement of construction.* The property tax exempt status OF UNIT 1 OF Grandhaven Manor CONDOMINIUM AND UNIT 2 OF GRANDHAVEN MANOR CONDOMINIUM AS approved by this section shall remain in effect RESPECTIVELY FOR EACH INDEPENDENT OF THE OTHER and shall not terminate so long as the RESPECTIVE mortgage loans for EACH housing development remain outstanding and unpaid, or for such period as the Authority has any interest in EITHER HOUSING DEVELOPMENT, provided that FOR UNIT 2, GRANDHAVEN MANOR

CONDOMINIUM, the construction of the housing development commences within one year from the effective date of this AMENDED section. If the construction of the housing development does not commence within one year from the effective date of this section, this section shall automatically expire and be of no effect WITH RESPECT TO UNIT 2. THE DURATION OF THE EXEMPTIONS FOR UNIT 1, GRANDHAVEN MANOR CONDOMINIUM AND UNIT 2, GRANDHAVEN MANOR CONDOMINIUM, AND THEIR ELIGIBILITY FOR EXEMPTION SHALL EACH BE INDEPENDENT OF THE OTHER, AND THE TERMINATION OF THE EXEMPTION FOR UNIT 1 OF GRANDHAVEN MANOR CONDOMINIUM SHALL NOT CAUSE THE TERMINATION OF UNIT 2 OF GRANDHAVEN MANOR CONDOMINIUM.

OFFICE OF THE MAYOR
9th Floor, City Hall
124 W. Michigan Avenue
Lansing, Michigan 48933-1694
(517) 483-4141 (voice)
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Virg Bernero, Mayor

TO: City Council President Judi Brown Clarke and Councilmembers

FROM: Mayor Virg Bernero

DATE: 8-26-16

RE: Pilot - E. Shiawassee Lofts

The attached correspondence is forwarded for your review and appropriate action.

VB/rh
Attachment

Virg Bernero, Mayor

City of Lansing

Inter-Departmental Memorandum

WORKING TOWARD A CLEANER GREENER LANSING

To: Virg Bernero, Mayor

From: Susan Stachowiak, Zoning Administrator

Subject: CITY COUNCIL AGENDA ITEM - Pilot - E. Shiawassee Lofts

Date: August 26, 2016

Please forward this resolution to City Council for placement on the Agenda.

If you have any questions, or need additional information, please give me a call.

Attachments

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

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, _____, 2016, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of supporting and/or opposing the Ordinance for the Payment in Lieu of Taxes (PILOT) for Shiawassee Senior Lofts.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 888 BY ADDING A NEW SECTION 888.XX FOR THE PURPOSES OF PROVIDING FOR A SERVICE CHARGE IN LIEU OF TAXES FOR SEVENTY SEVEN (77) LOW OR MODERATE INCOME MULTI-FAMILY DWELLING UNITS IN A PROJECT KNOWN AS SHIAWASSEE SENIOR LOFTS, PURSUANT TO THE PROVISIONS OF THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966, AS AMENDED.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 888 of the Code of Ordinances of the City of Lansing, Michigan be amended to add a new section 888.32 to read as follows:

888.XX SHIAWASSEE SENIOR LOFTS

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

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

(B) *DEFINITIONS.*

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

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

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

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

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HOUSING FOR PERSONS OF LOW AND MODERATE INCOME. FOR THE PURPOSE OF THIS SECTION, THE NAME OF THIS DEVELOPMENT IS SHIAWASSEE SENIOR LOFTS, AND CONSISTS OF SEVENTY SEVEN (77) UNITS OF RENTAL HOUSING LOCATED WITHIN LANSING AT:

[TO BE DETERMINED…METES AND BOUNDS SURVEY TO BE PREPARED TO FOLLOW],

COMMONLY KNOWN AS 627 EAST SHIAWASSEE STREET & RELATED PARCELS, LANSING (PARCEL ID: 33-01-01-16-227-144 & PART OF 33-01-01-16-227-132 & 33-01-01-16-227-143).

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

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

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

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

(9) "*SPONSOR*" MEANS A PERSON OR OTHER ENTITY WITH A HOUSING DEVELOPMENT WHICH IS FINANCED OR ASSISTED PURSUANT TO THE

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ACT. FOR PURPOSES OF THIS SECTION, THE SPONSOR OF SHIAWASSEE SENIOR LOFTS HOUSING DEVELOPMENT IS MV AFFORDABLE HOUSING, LLC, OR ITS SUCCESSORS OR ASSIGNS.

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

(C) *ESTABLISHMENT OF ANNUAL SERVICE CHARGE.*

(1) THE CITY ACKNOWLEDGES THAT THE SPONSOR AND THE AUTHORITY HAVE ESTABLISHED THE ECONOMIC FEASIBILITY OF SHIAWASSEE SENIOR LOFTS HOUSING DEVELOPMENT IN RELIANCE UPON THE ENACTMENT AND CONTINUING EFFECT OF THIS SECTION AND UPON THE QUALIFICATION OF THE SEVENTY SEVEN (77) UNITS OF HOUSING IN THE HOUSING DEVELOPMENT FOR EXEMPTION FROM ALL PROPERTY TAXES AS ESTABLISHED IN THIS SECTION.

(2) SUBJECT TO THE CONDITIONS AND REQUIREMENTS OF THIS SECTION AND THE ACT, THE SEVENTY SEVEN (77) UNITS IN THE HOUSING DEVELOPMENT FOR PERSONS OF LOW AND MODERATE INCOME IDENTIFIED AS SHIAWASSEE SENIOR LOFTS AND THE PROPERTY ON WHICH THEY ARE CONSTRUCTED SHALL BE EXEMPT FROM ALL PROPERTY TAXES FOR NOT MORE THAN THE TAX CREDIT COMPLIANCE PERIOD OF FIFTEEN (15) YEARS, COMMENCING WITH AND INCLUDING TAX YEAR 2019.

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(3) IN LIEU OF ALL SAID PROPERTY TAXES ON THE SEVENTY SEVEN (77) UNITS IN THE HOUSING DEVELOPMENT, THE SPONSOR SHALL PAY, AND THE CITY WILL ACCEPT, AN ANNUAL SERVICE CHARGE FOR PUBLIC SERVICES, IN THE SUM EQUAL TO, FOUR PERCENT (4%) OF THE DIFFERENCE BETWEEN THE ANNUAL SHELTER RENTS ACTUALLY COLLECTED AND UTILITIES.

(4) THE EXEMPTION PROVIDED UNDER THIS SECTION SHALL COMMENCE WHEN THE SPONSOR COMPLIES WITH SECTION 15A(1) OF 1966 PA 346, AS AMENDED, CODIFIED AS MCL 125.1415a(1), WHICH PROVIDES: THE OWNER OF A HOUSING PROJECT ELIGIBLE FOR THE EXEMPTION SHALL FILE WITH THE LOCAL ASSESSING OFFICER (THE CITY ASSESSOR) A NOTIFICATION OF THE EXEMPTION, WHICH SHALL BE IN AN AFFIDAVIT FORM AS PROVIDED BY THE AUTHORITY. THE COMPLETED AFFIDAVIT FORM FIRST SHALL BE SUBMITTED TO THE AUTHORITY FOR CERTIFICATION BY THE AUTHORITY THAT THE PROJECT IS ELIGIBLE FOR THE EXEMPTION. THE OWNER THEN SHALL FILE THE CERTIFIED NOTIFICATION OF THE EXEMPTION WITH THE LOCAL ASSESSING OFFICER BEFORE NOVEMBER 1 OF THE YEAR PRECEDING THE TAX YEAR IN WHICH THE EXEMPTION IS TO BEGIN.

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

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

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

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

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

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

(E) *PAYMENT OF ANNUAL SERVICE CHARGE.* THE SERVICE CHARGE IN LIEU OF TAXES, AS ESTABLISHED UNDER THIS SECTION, SHALL BE PAYABLE IN THE SAME MANNER AS GENERAL PROPERTY TAXES ARE PAYABLE TO THE CITY, EXCEPT THAT THE ANNUAL PAYMENT SHALL BE MADE ON OR BEFORE JULY

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

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

(G) *DURATION*. THIS SECTION SHALL REMAIN IN EFFECT AND SHALL NOT TERMINATE UNTIL THE END OF THE 15 YEAR TAX CREDIT COMPLIANCE PERIOD, COMMENCING WITH AND INCLUDING TAX YEAR 2019, PROVIDED THAT THE SPONSOR COMPLIES WITH THE REQUIREMENTS OF THE ACT AND THIS SECTION, AND FURTHER PROVIDED THAT THE HOUSING DEVELOPMENT CONTINUES TO BE RENTED TO LOW OR MODERATE INCOME PERSONS AT RENTS DETERMINED UNDER THE LOW INCOME HOUSING TAX CREDIT PROGRAM, AS THE SAME MAY BE FURTHER AMENDED OR SUPERSEDED, OR THERE IS AN AUTHORITY-AIDED OR FEDERALLY-AIDED MORTGAGE ON THE HOUSING DEVELOPMENT AS PROVIDED IN THE ACT, OR THE AUTHORITY OR HUD HAS AN INTEREST IN THE PROPERTY; BUT IN NO EVENT BEYOND DECEMBER 31, 2034. IF THE SPONSOR FAILS TO COMPLETE THE DEVELOPMENT OR CHANGES THE SCOPE OR PURPOSE OF THE SEVENTY SEVEN (77) UNITS OF HOUSING WITHIN THE DEVELOPMENT WITHOUT THE CONSENT OF THE CITY OF LANSING, BY AND THROUGH ITS

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REPRESENTATIVES, AND IN ACCORDANCE WITH THE REQUIREMENTS OF THE LANSING CITY CHARTER, THIS SECTION SHALL AUTOMATICALLY EXPIRE AND BE OF NO EFFECT.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed as they pertain to SHIAWASSEE SENIOR LOFTS housing development.

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

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

DRAFT

Approved as to form:

_____
James D. Smiertka, City Attorney
Dated: _____

OFFICE OF THE MAYOR
9th Floor, City Hall
124 W. Michigan Avenue
Lansing, Michigan 48933-1694
(517) 483-4141 (voice)
(517) 483-4479 (TDD)
(517) 483-6066 (Fax)

Virg Bernero, Mayor

TO: City Council President Judi Brown Clarke and Councilmembers

FROM: Mayor Virg Bernero

DATE:

RE: Pilot - The Crossing

The attached correspondence is forwarded for your review and appropriate action.

VB/rh
Attachment

Virg Bernero, Mayor

City of Lansing

Inter-Departmental Memorandum

WORKING TOWARD A CLEANER GREENER LANSING

To: Virg Bernero, Mayor

From: Susan Stachowiak, Zoning Administrator

Subject: CITY COUNCIL AGENDA ITEM - Pilot - The Crossing

Date: August 26, 2016

Please forward this resolution to City Council for placement on the Agenda.

If you have any questions, or need additional information, please give me a call.

Attachments

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

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, _____, 2016, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of supporting and/or opposing the Ordinance for the Payment in Lieu of Taxes (PILOT) for The Crossing.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 888 BY ADDING A NEW SECTION 888.XX FOR THE PURPOSES OF PROVIDING FOR A SERVICE CHARGE IN LIEU OF TAXES FOR SEVENTY SEVEN (77) LOW OR MODERATE INCOME MULTI-FAMILY DWELLING UNITS IN A PROJECT KNOWN AS THE CROSSING, PURSUANT TO THE PROVISIONS OF THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966, AS AMENDED.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 888 of the Code of Ordinances of the City of Lansing, Michigan be amended to add a new section 888.32 to read as follows:

888.XX THE CROSSING

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

DRAFT

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

(B) *DEFINITIONS.*

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

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

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

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

DRAFT

HOUSING FOR PERSONS OF LOW AND MODERATE INCOME. FOR THE PURPOSE OF THIS SECTION, THE NAME OF THIS DEVELOPMENT IS THE CROSSING, AND CONSISTS OF SEVENTY SEVEN (77) UNITS OF RENTAL HOUSING LOCATED WITHIN LANSING AT:

[TO BE DETERMINED…METES AND BOUNDS SURVEY TO BE PREPARED TO FOLLOW],

COMMONLY KNOWN AS 627 EAST SHIAWASSEE STREET & RELATED PARCELS, LANSING (PARCEL ID: 33-01-01-16-227-121 & 33-01-01-16-227-111 & PART OF 33-01-01-16-227-132 & 33-01-01-16-227-143).

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

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

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

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

(9) "*SPONSOR*" MEANS A PERSON OR OTHER ENTITY WITH A HOUSING DEVELOPMENT WHICH IS FINANCED OR ASSISTED PURSUANT TO THE

DRAFT

ACT. FOR PURPOSES OF THIS SECTION, THE SPONSOR OF THE CROSSING HOUSING DEVELOPMENT IS MV AFFORDABLE HOUSING, LLC, OR ITS SUCCESSORS OR ASSIGNS.

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

(C) *ESTABLISHMENT OF ANNUAL SERVICE CHARGE.*

(1) THE CITY ACKNOWLEDGES THAT THE SPONSOR AND THE AUTHORITY HAVE ESTABLISHED THE ECONOMIC FEASIBILITY OF THE CROSSING HOUSING DEVELOPMENT IN RELIANCE UPON THE ENACTMENT AND CONTINUING EFFECT OF THIS SECTION AND UPON THE QUALIFICATION OF THE SEVENTY SEVEN (77) UNITS OF HOUSING IN THE HOUSING DEVELOPMENT FOR EXEMPTION FROM ALL PROPERTY TAXES AS ESTABLISHED IN THIS SECTION.

(2) SUBJECT TO THE CONDITIONS AND REQUIREMENTS OF THIS SECTION AND THE ACT, THE SEVENTY SEVEN (77) UNITS IN THE HOUSING DEVELOPMENT FOR PERSONS OF LOW AND MODERATE INCOME IDENTIFIED AS THE CROSSING AND THE PROPERTY ON WHICH THEY ARE CONSTRUCTED SHALL BE EXEMPT FROM ALL PROPERTY TAXES FOR NOT MORE THAN THE TAX CREDIT COMPLIANCE PERIOD OF FIFTEEN (15) YEARS, COMMENCING WITH AND INCLUDING TAX YEAR 2019.

DRAFT

(3) IN LIEU OF ALL SAID PROPERTY TAXES ON THE SEVENTY SEVEN (77) UNITS IN THE HOUSING DEVELOPMENT, THE SPONSOR SHALL PAY, AND THE CITY WILL ACCEPT, AN ANNUAL SERVICE CHARGE FOR PUBLIC SERVICES, IN THE SUM EQUAL TO, FOUR PERCENT (4%) OF THE DIFFERENCE BETWEEN THE ANNUAL SHELTER RENTS ACTUALLY COLLECTED AND UTILITIES.

(4) THE EXEMPTION PROVIDED UNDER THIS SECTION SHALL COMMENCE WHEN THE SPONSOR COMPLIES WITH SECTION 15A(1) OF 1966 PA 346, AS AMENDED, CODIFIED AS MCL 125.1415a(1), WHICH PROVIDES: THE OWNER OF A HOUSING PROJECT ELIGIBLE FOR THE EXEMPTION SHALL FILE WITH THE LOCAL ASSESSING OFFICER (THE CITY ASSESSOR) A NOTIFICATION OF THE EXEMPTION, WHICH SHALL BE IN AN AFFIDAVIT FORM AS PROVIDED BY THE AUTHORITY. THE COMPLETED AFFIDAVIT FORM FIRST SHALL BE SUBMITTED TO THE AUTHORITY FOR CERTIFICATION BY THE AUTHORITY THAT THE PROJECT IS ELIGIBLE FOR THE EXEMPTION. THE OWNER THEN SHALL FILE THE CERTIFIED NOTIFICATION OF THE EXEMPTION WITH THE LOCAL ASSESSING OFFICER BEFORE NOVEMBER 1 OF THE YEAR PRECEDING THE TAX YEAR IN WHICH THE EXEMPTION IS TO BEGIN.

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

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

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

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

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

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

(E) *PAYMENT OF ANNUAL SERVICE CHARGE.* THE SERVICE CHARGE IN LIEU OF TAXES, AS ESTABLISHED UNDER THIS SECTION, SHALL BE PAYABLE IN THE SAME MANNER AS GENERAL PROPERTY TAXES ARE PAYABLE TO THE CITY, EXCEPT THAT THE ANNUAL PAYMENT SHALL BE MADE ON OR BEFORE JULY

DRAFT

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

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

(G) *DURATION*. THIS SECTION SHALL REMAIN IN EFFECT AND SHALL NOT TERMINATE UNTIL THE END OF THE 15 YEAR TAX CREDIT COMPLIANCE PERIOD, COMMENCING WITH AND INCLUDING TAX YEAR 2019, PROVIDED THAT THE SPONSOR COMPLIES WITH THE REQUIREMENTS OF THE ACT AND THIS SECTION, AND FURTHER PROVIDED THAT THE HOUSING DEVELOPMENT CONTINUES TO BE RENTED TO LOW OR MODERATE INCOME PERSONS AT RENTS DETERMINED UNDER THE LOW INCOME HOUSING TAX CREDIT PROGRAM, AS THE SAME MAY BE FURTHER AMENDED OR SUPERSEDED, OR THERE IS AN AUTHORITY-AIDED OR FEDERALLY-AIDED MORTGAGE ON THE HOUSING DEVELOPMENT AS PROVIDED IN THE ACT, OR THE AUTHORITY OR HUD HAS AN INTEREST IN THE PROPERTY; BUT IN NO EVENT BEYOND DECEMBER 31, 2034. IF THE SPONSOR FAILS TO COMPLETE THE DEVELOPMENT OR CHANGES THE SCOPE OR PURPOSE OF THE SEVENTY SEVEN (77) UNITS OF HOUSING WITHIN THE DEVELOPMENT WITHOUT THE CONSENT OF THE CITY OF LANSING, BY AND THROUGH ITS

DRAFT

REPRESENTATIVES, AND IN ACCORDANCE WITH THE REQUIREMENTS OF THE LANSING CITY CHARTER, THIS SECTION SHALL AUTOMATICALLY EXPIRE AND BE OF NO EFFECT.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed as they pertain to THE CROSSING housing development.

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

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

DRAFT

Approved as to form:

_____
James D. Smiertka, City Attorney
Dated: _____

City Attorney Draft One Rev 2 August 25, 2016

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO ADD SECTION 206.25 TO CHAPTER 206 OF THE LANSING CODIFIED ORDINANCES BY REQUIRING TRANSPARENCY IN THE BIDDING AND OPENING OF BIDS FOR PROJECTS THAT RECEIVE CERTAIN ECONOMIC INCENTIVES APPROVED BY THE LANSING CITY COUNCIL.

THE CITY OF LANSING ORDAINS:

Section 1. That Section 206.25 be added to Chapter 206 of the Codified Ordinances of the City of Lansing, Michigan to read as follows:

(A) PURPOSE. THE PURPOSE OF THIS SECTION IS TO PROMOTE FAIRNESS IN BIDDING ON DEVELOPMENTS AND CONSTRUCTION PROJECTS THAT RECEIVE ECONOMIC INCENTIVES FROM THE CITY OF LANSING BY ENSURING TRANSPARENCY IN THE DISTRIBUTION, OPENING, AND AWARDING OF BIDS. THE ORDINANCE ADOPTING THIS SECTION CONSTITUTES A PUBLIC PURPOSE OF THE CITY OF LANSING

(B) DEFINITIONS. AS USED IN THIS SECTION:

(1) "APPLICANT" MEANS A PERSON, CORPORATION, PARTNERSHIP, OR OTHER ENTITY THAT HAS APPLIED FOR AND RECEIVED ECONOMIC INCENTIVES APPROVED BY LANSING CITY COUNCIL

(2) "BID" MEANS A SEALED OFFER TO PROVIDE SERVICES PURSUANT TO A SOLICITATION FOR BIDS.

(3) "BID QUOTE" MEANS THE TOTAL BID AMOUNT IN DOLLARS AS READ ALOUD AND RECORDED AT THE BID OPENING.

Submittal @ m+8

- OPENESS AND TRANSPARENCY;
- BID OPENINGS AT PUBLICLY ACCESSIBLE LOCATIONS;
- PUBLIC ADVERTISEMENTS OF BIDS WITH THE DATE, TIME, AND LOCATION FOR RESPONSE AND BID OPENING;
- SOLICITATION OF BIDS FROM A REASONABLE NUMBER OF SUPPLIERS REGARDLESS OF LABOR ORGANIZATION AFFILIATION;
- A REASONABLY SUFFICIENT TIME TO RESPOND FOR PROSPECTIVE BIDDERS;
- PUBLIC DISCLOSURE OF ALL BIDDERS AND BID AMOUNTS; AND
- NOTIFICATION TO BIDDERS NOT SELECTED OF THE BIDDER SELECTED AND THE AMOUNT OF THE SUCCESSFUL BID.

(C) REQUIREMENTS.

EVERY PROJECT SUBMITTED TO THE LANSING CITY COUNCIL FOR APPROVAL OF AN ECONOMIC INCENTIVE REQUESTED BY AN APPLICANT SHALL INCLUDE THE WRITTEN AGREEMENT OF THE APPLICANT CONSISTING OF, AND INCLUDING, THE FOLLOWING:

(1) THAT THE APPLICANT WILL ABIDE BY THE PRINCIPLES OF A TRANSPARENT AND FAIR BIDDING PROCESS AS DEFINED IN THIS SECTION; AND

(2) THAT ANY ECONOMIC INCENTIVES AWARDED TO THE APPLICANT'S PROJECT ARE SUBJECT TO REVOCATION OR OTHER PENALTIES OR

SANCTIONS ALLOWED BY THE AUTHORIZING STATUTE FOR THE PARTICULAR ECONOMIC INCENTIVE; AND

(3) A CERTIFICATION UNDER OATH BY THE APPLICANT THAT THE APPLICANT IS NOT IN FINANCIAL DEFAULT TO THE CITY OF LANSING RELATING TO TAXES, LICENSES, PERMITS, OR FEES; AND

(4) PROOF OF A VALID TAX IDENTIFICATION NUMBER, REQUIRED LICENSES, AND CERTIFICATES OF INSURANCE NECESSARY FOR THE PROJECT; AND

(5) THE SPECIFIC PLAN OF THE APPLICANT TO ABIDE BY THE PRINCIPLES OF A TRANSPARENT AND FAIR BIDDING PROCESS, INCLUDING ANY CONSTRUCTION WORK INCLUDED WITHIN THE RESPONSIBILITIES OF A GENERAL CONTRACTOR.

(6) A DISCLOSURE OF ANY CITATION FOR A VIOLATION OF A TRANSPARENT AND FAIR BIDDING PROCESS.

(7) A DISCLOSURE OF ANY GOVERNMENTAL DEBARMENT OR SUSPENSION FROM BIDDING OR CONTRACTING.

(D) APPLICATION. THIS SECTION SHALL ONLY APPLY TO A PROJECT FROM THE TIME THE ECONOMIC INCENTIVE IS APPROVED BY THE LANSING CITY COUNCIL UNTIL PROJECT COMPLETION AS DEFINED BY A DEVELOPMENT AGREEMENT BETWEEN THE APPLICANT AND THE CITY OF LANSING; OR, IF NO AGREEMENT EXISTS, BY THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY BY THE CITY OF LANSING. THIS SECTION SHALL NOT APPLY TO ECONOMIC INCENTIVES INITIATED BY THE INGHAM COUNTY LAND BANK OR THE DEWITT CHARTER TWP. – CITY OF LANSING NEXT MICHIGAN DEVELOPMENT CORPORATION. THIS

ORDINANCE SHALL NOT APPLY TO ANY ECONOMIC INCENTIVE OR PROJECT APPROVED PRIOR TO THE EFFECTIVE DATE OF THE ORDINANCE ADOPTING THIS SECTION.

(E) PROJECT LABOR AGREEMENTS. NOTHING IN THIS SECTION SHALL BE INTERPRETED TO PROHIBIT OR REQUIRE AN APPLICANT, OR ANY CONTRACTOR OR SUBCONTRACTOR OF AN APPLICANT, FROM REQUIRING IN BID SPECIFICATIONS THAT A SUCCESSFUL BIDDER ENTER INTO A PROJECT LABOR AGREEMENT OR OTHER COLLECTIVE BARGAINING AGREEMENT AS A CONDITION OF CONTRACT AWARD.

REMOVED FORMER "F" -WAIVER

(F) VIOLATIONS. IN THE EVENT AN APPLICANT VIOLATES THE REQUIREMENTS OF THIS ORDINANCE, THE CITY MAY TAKE WHATEVER ACTION LEGALLY PERMISSIBLE TO REVOKE ANY ECONOMIC INCENTIVE GRANTED AND MAY CAUSE THE APPLICANT TO BE INELIGIBLE FOR FUTURE ECONOMIC INCENTIVES. ANY COMPLAINT MADE CONCERNING AN ALLEGED VIOLATION OF A PROJECT'S WRITTEN AGREEMENT MADE PURSUANT TO SECTION 206.25 (C) SHALL BE SUBMITTED TO THE CITY ATTORNEY AND THE CITY COUNCIL.

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

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

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

Approved as to form:

_____
City Attorney

Dated: _____

Council Members:

Was the Scott Park land and Sunken Garden donated to the City of Lansing? Is that important?

Apparently, many City officials think it IS important because they have spent lots of time and tax money researching the property deeds and records in an effort to discredit the donation aspect of the Scott family.

The answer is this.. It was only through the ORIGINAL DONATION of land from Richard Scott in 1929 that the City was able to acquire the present Scott Park and Sunken Garden park land, where they now propose to build a substation.

If you could take the 5 minutes to read this you will see that the BWL, like they have done so often on this proposal, present only one small piece of the puzzle in their assertion that the land was not donated. History shows that a series of land trades were made from the Scott original donation of 1929. History also shows that our City of Lansing forefathers worked very hard to preserve this green space while struggling to accommodate GM's relentless need for this land.

The Scott family was at Sunday's rally to save the Sunken Garden and they care deeply about the Sunken Garden that their grandfather built. Judy Scott Teegardin, Richard Scott's granddaughter, is in her 70's now but is very passionate about saving her father's and grandfather's legacy, the Sunken Garden.

Here is the elaborate history of the entanglements between GM, the City of Lansing, and the original Scott Park family donation, and of how Scott Park came to be located at the Scott Sunken Garden location where it is today. History shows that GM had a need for this park property about every 20-30 years which caused the park to be moved twice. History will also show that our City forefathers valued real property and river frontage along the west bank of the Grand River and fought hard to preserve it.

In 1929 Richard Scott donated 5.7 acres of riverfront land to the City of Lansing. This land was south of Elm Street down by the current Eckert Substation. This donated Park was maintained as the "Scott Playfield".

In 1945, GM needed that land. An elaborate deal was put together. It was proposed that the Scott Playfield be moved north upriver to the land south of and bordering Cooley Garden. A 5.7 acre for 5.7 acre trade. (See the February 20, 1945 Lansing State Journal clip in the first picture). GM also was required to pay $25,000 to move the playground equipment from the original 1929 Scott Park (about $300,000 in today's money). Richard Scott's widow, Gertrude Scott, removed the deed restriction and the original donated land was sold to GM for $1.00 plus considerations. This sale was approved by the voters and the Scott Playfield and the equipment were moved. The second picture from 1952 shows the Jenison House located on that property which had by then become the Scott Park Art and Garden Center.

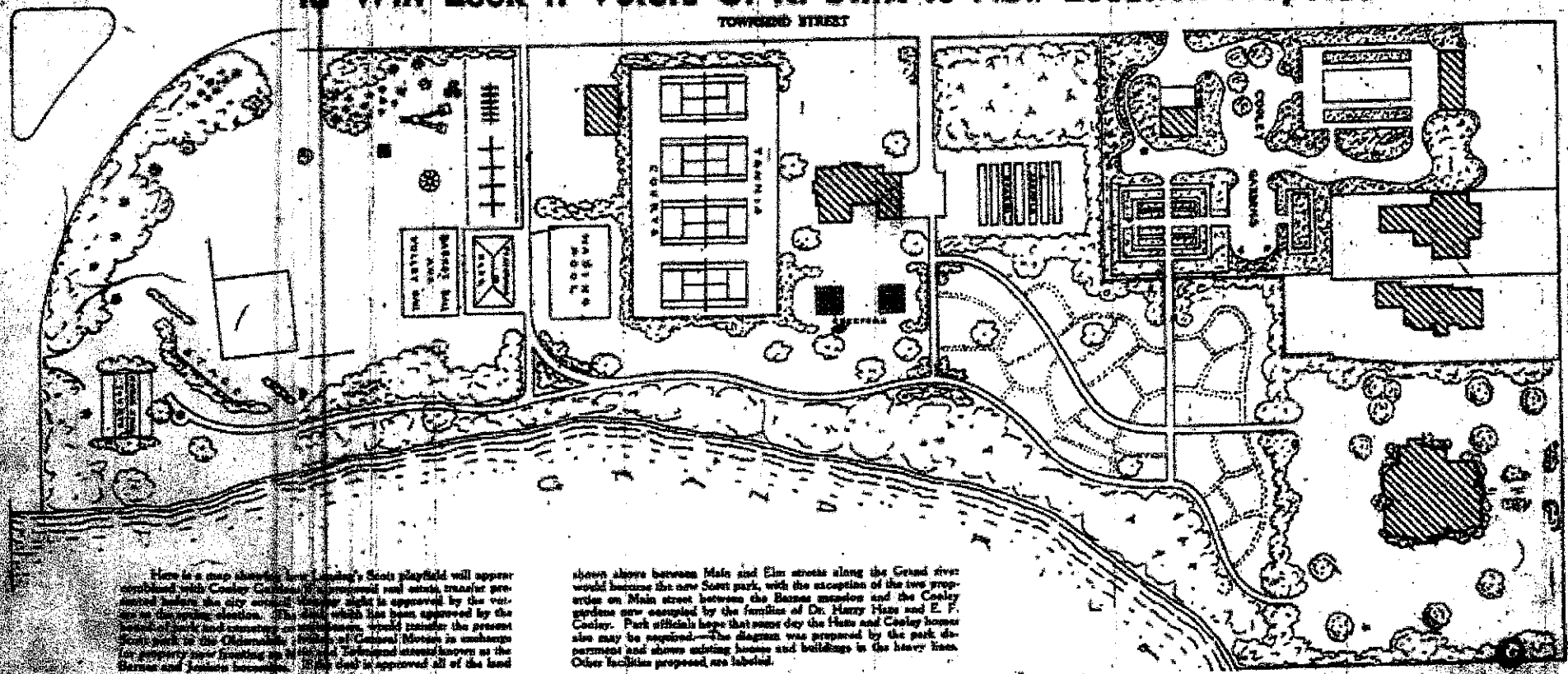
In May, 1977 you know what is coming. GM needs the land. This time for parking. The Lansing Parks Department flatly rejected a potential City sale of Scott Park and Cooley Gardens to GM. This is shown in the Lansing State Journal May 19, 1977 article in the third picture. But GM still needed the land. So another elaborate trade was worked out. In August 1977 Maurice Scott sold the Scott Sunken Garden property to GM. GM then in April 1978 proposed a trade of the Scott Sunken Garden property to City Council for the Scott Park located on Townsend owned by the City. Part of the deal was that GM would pay to move the Scott Park Art and Garden Center (Jenison House) to the new Scott Park. The deal was finalized in August 1978 and THAT is how Scott Park came to be located where it is today. The 1978 City Council were obviously pleased with the prospect of the deal. They stated in August 1978 Council minutes that "the proposed disposition would not diminish the amount of real property owned by the City of Lansing in the Scott Park and Cooley Garden vicinity and would substantially increase the amount of river frontage owned by the City along the west bank of the Grand River".

The last picture is a scale model of the 30' tall substation wall which is currently being proposed to be the new "Gateway to REO Town" which will essentially wall off this green space and park land forever. This is the decision our 2016 City Council faces.

I can explain this further at the Committee of the Whole if there is a need for further discussion on this donation issue.

1945

How Scott Playfield Will Look if Voters O. K. Shift to New Location Proposed to Council



Here is a map showing how Lansing's Scott playfield will appear combined with Cooley Gardens if proposed real estate transfer presented before the city council Monday night is approved by the voters in the spring election. The deal which has been approved by the board of park and recreation commissioners, would transfer the present Scott park to the Oldsmobile division of General Motors in exchange for property now fronting on Main street, Townsend street known as the Barnes and Jenison mansions.

If the deal is approved all of the land shown above between Main and Elm streets along the Grand river would become the new Scott park, with the exception of the two properties on Main street between the Barnes mansion and the Cooley gardens now occupied by the families of Dr. Harry Hutz and E. F. Cooley. Park officials hope that some day the Hutz and Cooley homes also may be acquired.—The diagram was prepared by the park department and shows existing homes and buildings in the lower half. Other facilities proposed, are labeled.

PTA RUMMAGE SALE TO BUY CHAIR RISERS

[illegible]

Advance of Soviet Armies Brings Freedom to Yanks

By SAMUEL DE LUCE

[illegible] Feb. 20.—The rapid advance of Russian armies has made possible the liberation of many United States soldiers and men from other allied nations, reports Germany prepared to evacuate prisoners from one of the worst prison camps still left.

"Statements of our liberated soldiers and officers all stand as confirmed by the Poles and Russians whether military or civilian," Dorris said. "Where their paths are either have been confirmed about

THREE FROM CITY WOUNDED IN ACTION

Families Notified of Casualties Incurred Fighting on Western Front

Mayor Tells Committee Plans For March Red Cross Effort

Ingham County Red Cross chapter's schedule was in the war, which on the home front and to further assistance, was mapped out Monday afternoon to Mayor Ralph W. Crosby's "volunteer committee" at the chamber house. Of seven working committees

[illegible]

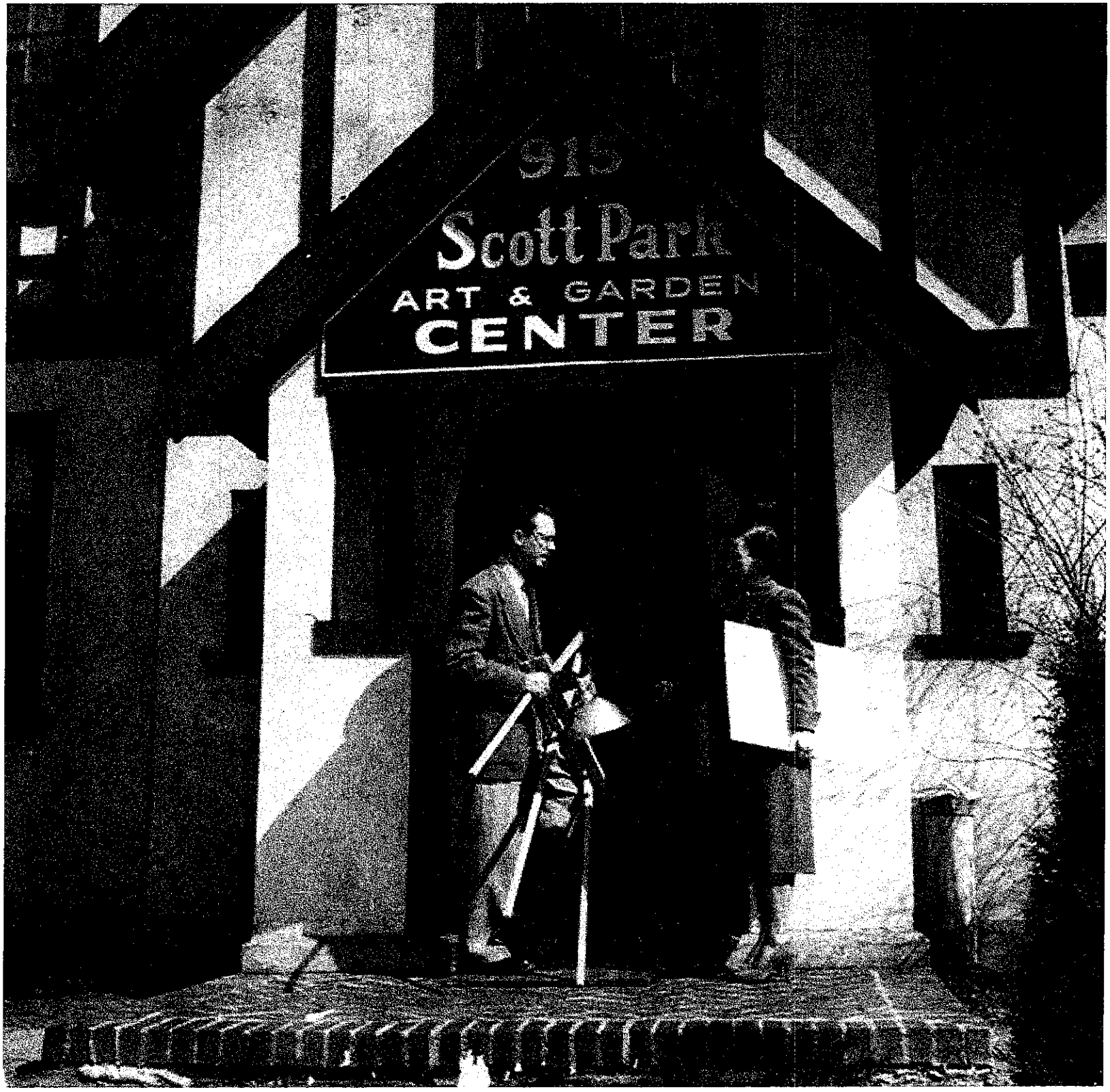
committee were the home service committee of war, camp and hospital aids and skills, [illegible] Cooley Center, Junior Red Cross, [illegible] camp, surgical dressings and home [illegible].

William K. Oatman, general chairman for the war fund drive, [illegible]

PAROLE GRANTED TO WOMAN KILLED

Mrs. Julia Becker, Former Detroit Realty Dealer, to Be Freed March 25

[redacted]


915
Scott Park
ART & GARDEN
CENTER

choice," he says. ... "Are we going ... this group to find — where they were violent — violence prone — to endanger the lives of others? (And) Second, even more importantly, are we going to allow our potential enemies, those we were negotiating with in Paris, to gain the impression that they represented the majority?

"In other words, are we going to have a situation where this war would ... in the first segment ... Nixon spoke about ... scandal that forced his ... office less than midway through his second term. Last week he talked with Frost about his power diplomacy, China, the Soviet Union and the Middle East.

"IN MY view, I had a responsibility which was above everything else to bring that war to the earliest possible conclusion, and I did it," Nixon is quoted as saying.

... Wednesday ... national convention.

FRASER IS only the third president since World War II — unlike his predecessors, he is not ... DAW's founding generation.

He succeeds retiring president Leonard Woodcock, 66, who has been named chief U.S. envoy to China. Wo...

Scott Park-Cooley Garden sale to GM nixed

By RICK BARRS
Staff Writer

Acting on a strong negative recommendation from the city parks and recreation department, the Lansing Parks Board Wednesday night turned thumbs down on a request by General Motors to buy Scott Park and Cooley Gardens from the city.

GM has asked to buy the park and gardens so that it can pave them over for a parking lot for employes at Oldsmobile's main plant. The company has said it does not have sufficient parking space near the plant.

THE UNANIMOUS vote by the parks board against the sale is likely to kill it, because any sale of parkland must be approved by the voters, and it is unlikely the city council will grant ballot status to the sale question without the board's approval.

Douglas Finley, parks and recreation director, explained that his department recommended against the sale because the loss of parkland, especially riverfront parkland, could not be justified. "We had to look at what we were going to lose, and when we did, we decided we shouldn't sell," he said.

WHILE USE of Scott Park and Cooley Gardens has fallen off in recent years, Finley pointed out that they are the only green spaces in a "sea of concrete."

The park and gardens are boxed in by Interstate-496 to the north, Townsend Street to the west, Elm Street to the south and the Grand River to the east. Oldsmobile's main plant property is adjacent to the parks property.

Ironically, Oldsmobile employes use the park and gardens more than anyone else, Finley said, because the parkland is next enough to the main plant for lunch and coffee breaks.

ASIDE FROM environmental reasons, Finley said there were two "very practical" reasons why his department decided to recommend a "definite no" to GM, Lansing's largest employer.

— Because would-be benefactors might be hesitant to donate land to the city for parks if they thought the city would later sell it to private industry.

— And because the city's ability to get federal and state grant money for riverfront acquisition might be jeopardized.

"WHEN A person gives us a piece of land, he does it because he knows the city will be here longer than he or his family will," Finley said. "His intention is clearly that the land will generously be parkland."

Moreover, state and federal agencies would not look kindly on giving up riverfront property, especially for a parking lot for a private industry, Finley said.

"We have a tradition of trying to acquire more riverfront property," he said. "Giving it up doesn't seem the right thing to do."

PARKS DEPARTMENT and GM officials met with members of the Scott and Cooley families last week to determine if they had any objections to selling the parkland. Finley said "some members" of the Cooley family were against selling.

If the city were to sell the land against the wishes of any of the legal heirs to the property, Finley said, payment for the property would go to the heirs.

"There would also be lots of legal complications that we would rather not get into," he said.

IN A losing effort, Donald Hines, an attorney for GM, pleaded the automaker's need for parking space beside the Oldsmobile plant before the parks board Wednesday night.

Hines said a deal possibly could have been worked out between GM and the city to move Cooley Gardens to another location, something the parks department has considered. Hines said the park and gardens are not used enough to warrant them remaining parkland.

Finley said GM never made the ... city a dollar ... land. The coole... league" on that ... played a part in ... negative recomm...

"WE KNEW ... lose, but we were ... what we would ... he said.

But the city ... companies ... including GM ... Scott Park ... GM in exch... is now the ...

A GM ... original ... Cooley G... "formal ... place, for ... scaped with ... of grass and ... and ...

THOUGH ... used as ... Scott Ar... The park ... place for ... ings and ...

Comments to Lansing City Council 8/22/2016 by Melissa S. Quon Huber

This is Bella.

She is with us in spirit this evening. Her mother is unable to be here tonight but has contacted you all.

Scott Sunken Gardens were one of Bella's favorite places.

This garden is a favorite spot for many of the Inclusive Homeschooling groups based in Lansing with members from all across Mid-Michigan. This is even where we would take annual yearbook photos.

I cannot figure out where our Parks Board President got the idea that this park is not used (or maintained, which is clearly is).

But I don't trust that assessment any more than I trust the same assessor that said my neighborhood park wasn't well used either and could be on the chopping block at the behest of the administration seeking to bring parks offline.

That's ludicrous. It's a bustling place of activity after school, weekends, and summer days. We protested and avoided the ax.

Let me tell you what else I don't trust.

- I love my hometown power but I don't trust the BWL's process, reasoning, or financial estimates for anything related to the substation. The numbers have been inconsistent and unverified and likely exaggerated.
- We've had a secretive process where BWL has been planning this project for years without community engagement, announcing this project just months ago to the public, but having secret back door meetings with select individuals to garner their support in exchange for resources.
- We've had an official of BWL personally attacking citizens who raise questions, and using tax payer money to wage a campaign against citizens.
- We've had no solid evidence that Mary Barra has been fully engaged in exploring options. GM is a huge benefactor of our local utility rates and is a stakeholder in the legacy of the Scott Gardens.
- We've had no independently confirmed evidence that rates would be truly adversely affected by any of the alternate sites.
- We've had a park board president accuse us of wanting to have coal ash rain down on our children. Ridiculous. None of us are against clean air. We want Eckert to close on time and there are multiple ways to do that that we have been identified but have not at all fully vetted.

Let me ask you this.

When was the last time our community felt good, really good, and unified around about exciting projects moving forward?

Comments to Lansing City Council 8/22/2016 by Melissa S. Quon Huber
It's been a long time. And this substation project is certainly not one of those.

As someone who has worked around the state in community and economic development with MSU, I can attest that other communities get this process right, where Lansing gets it wrong.

Successful communities on the move engage citizens early and often. They build consensus and vision. They connect instead of divide. They develop trust and innovation. They embrace green space, history, and progress.

In contrast, what have we done here?

- We have needlessly pitted Scott Garden against the River Trail.
- We have regrettably pitted Cherry Hill neighborhood against REO Town.
- We are talking about putting a huge monolithic barrier to further physically divide recreation space and commerce between North and South Lansing.
- We have cut short any possibility of doing something grand to reconnect North and South Lansing that was divided by the encroachment of 496
- We are violating the trust of those who entrusted us with this garden and all who have maintained and enjoyed it.
- We are violating the spirit of our charter, master plan and zoning ordinances.
- For what? A fishing dock that we don't want to pay for with our millage funds?

There is still time to fix this.

There is a win-win solution for our substation.

We need you to do 3 things:

1. Refer this issue to planning and development committee to address the many many unanswered questions.
2. Establish task force that includes three members from the Save the Scott Garden coalition and are picked by council and not the city Administration.
3. Issue clear directives to BWL that they are NOT to not make any changes to the Scott Sunken Gardens or house in premature anticipation of future demolition.

Please note that our Coalition is not going away.

Should the park become jeopardized all legal options will be explored.

We will also actively seek to remove council members in 2017 who have aided in the attempted demise of this park.

I sincerely hope it does not come to that.