

*Public Phone Line: (844) 854-2222 Access Code 529853# (To voice a question or comment, press \*6 to enter the queue.)*

7:00 p.m. Call to Order.

Invocation.

Pledge of Allegiance.

Roll Call.

Proclamations:

1. Resolution of Respect for Councilmember Richard Ford
2. Honoring Juneteenth Celebration Day

A. Consent Agenda:

1. Approval of City Council Meeting Minutes:
  - a. Regular Meeting of June 9, 2020.
  - b. Pre-Council Meeting of June 22, 2020.
2. Approval of the Accounts Payable Register of June 23, 2020 as presented.
3.
  1. Rescind in total the October 26, 2018 action taken by City Council to "appropriate up to \$5,500,000 as a match, on a dollar to dollar basis, to the amount generated by a capital campaign effort for the construction of a new Portage Community Senior Center, said commitment being effective until the appropriation of the funds required for the construction of the new Community Senior Center or June 30, 2021, whichever comes first" and replace with the following motion:
  2. Commit to appropriate a dollar for dollar match up to \$5,500,000 generated by the capital campaign effort for the construction of a new Portage Community Senior Center and funding in the amount of the difference between the amount raised plus the city match and the final cost to construct and outfit the proposed Portage Community Senior Center, up to a total project cost of \$12,500,000.
4.
  1. Award a construction contract for the installation of the Northeast Water Transmission Main to the low bidder, Kamminga and Roodvoets, Inc. in the not-to-exceed amount of \$1,422,515;
  2. approve the acquisition of a water main easement with the Kalamazoo County Board of Commissioners across the Kalamazoo/Battle Creek International Airport at a cost of \$8,750;
  3. award a professional services contract for engineering construction inspection services to Hurley & Stewart, LLC in the not-to-exceed amount of \$168,376;
  4. amend the Fiscal Year 2020-2021 Capital Improvement Program budget in the amount of \$550,000;
  5. approve a letter of intent to transfer ownership of a portion of city-owned property located at 6600 South Sprinkle Road to the Kalamazoo/Battle Creek International Airport as outlined in the attached "Exhibit A";

and authorize the City Manager to execute all documents related to the construction contracts, utility easement and letter of intent on behalf of the city.

5. Award a contract to Q3 Technologies, of Kalamazoo, MI, for the Fiber Optic Network Build and Maintenance project at a total project cost of \$111,799.54 and authorize the City Manager to execute all documents related to this action.

6. Approve a one-year contract with McDonald's Towing and Rescue in the amount of \$104,385 for towing and impound lot services, with the option for four, one-year renewals, and authorize the City Manager to execute all documents on behalf of the city.
7. Approve the Preliminary Condominium Subdivision for Pennridge Trail, Phase 2, 1800 West Osterhout Avenue, subject to the three conditions outlined in the May 28, 2020 Department of Community Development staff report.
8. Accept for first reading the proposed amendments to the City of Portage Code of Ordinances Chapter 64 Storm Water, Illicit Discharges and Connections; and Adopt Addendum No. 1 to Storm Water Design Criteria Manual.
9. Approve the process proposed by the City Administration to fill the upcoming City Council vacancy created by the resignation of Councilmember Richard Ford, and set a special meeting on July 14, 2020 at 6:00 p.m., or as soon thereafter as can be heard, to review applications for the vacancy and determine which candidates to interview.
10. Confirm the appointment of Meshia Rose as Director of Assessing.
11. Minutes of Boards & Commissions:
  - a. Historic District Commission of March 4, 2020.
  - b. Planning Commission of May 7, 2020.
12. Materials Transmitted of June 5, 2020 and June 9, 2020.
13. Calendar of Meetings:
  - Historic District Commission, Wednesday, July 1, 2020 - CANCELLED.
  - Park Board, Wednesday, July 1, 2020 at 6:00 p.m. - Virtual Meeting.
  - Human Services Board, Thursday, July 2, 2020 at 6:30 p.m. in City Hall Room #1 - Virtual Meeting.
  - Environmental Board, Wednesday, July 8, 2020 at 7:00 p.m. in City Hall Room #1 - Virtual Meeting.
  - Planning Commission, Thursday, July 9, 2020 at 7:00 p.m. in Council Chambers - Virtual Meeting.
  - Zoning Board of Appeals, Monday, July 13, 2020 at 7:00 p.m. - Virtual Meeting.
  - Senior Citizen Advisory Board, Wednesday, July 15, 2020 at 2:30 p.m. - Virtual Meeting.
  - Youth Advisory Committee, Monday, July 20, 2020 at 3:00 p.m. in City Hall Room #1.
  - **NOTE:** All above meetings are subject to cancellation or transition to a "virtual meeting" due to the on-going health crisis. Please monitor the City of Portage website at [www.portagemi.gov](http://www.portagemi.gov) for additional information. The public phone line to comment during public meetings is: (844) 854-2222 Access Code 529853# (To voice a question or comment, press \*6 to enter the queue.) Meetings may be viewed live on Charter channel 995 and AT&T channel 99. All meetings can be viewed via live streaming at [portagemi.gov/205](http://portagemi.gov/205).
- B. Petitions and Statements of Citizens:
- C. Communications:
- D. Public Hearings:
  1. Subsequent to the public hearing for the 2020 Downtown Development Authority Amended Tax Increment Finance Plan/Amended Development Plan and Development Agreement, accept the Amended Tax Increment Finance Plan/Amended Development Plan and Development Agreement, as well as the Resolution of intent to vacate a portion of a public street and to transfer property.
  2. Subsequent to the public hearing, consider the Conceptual Plan Amendment for Trade Centre Commercial Planned Development, 300-1150 Trade Centre Way, including the requested building height modification to allow construction of the proposed hotel building to a height up to 65-feet and the requested screening waiver, with the findings contained in the April 30, 2020 Department of Community Development staff report.



- E. Regular Business Agenda:
  - F. Unfinished Business:
  - G. Council Committee Reports:
  - H. New Business:
  - I. Statements of Citizens:
  - J. Statements of City Council and City Manager.
- Adjournment.

# RESOLUTION HONORING

## Richard J. Ford

**WHEREAS,** Richard J. Ford served the City of Portage as a member of the Board of Review in 2013, a member of the Portage City Council from 2013 – 2020, chaired the City Council Utility Rate Committee, served on the various City Council sub-committees including the Communications/Social Media Committee, and served as a member of the Kalamazoo County Environmental Health Advisory Council and Discover Kalamazoo Advisory Board; and

**WHEREAS,** Richard J. Ford has continuously championed technology initiatives, placing a high value on ensuring a resilient city technical infrastructure, providing staff with necessary hardware and software to maximize efficiency and reduce costs, as well as improve the lives of citizens; and

**WHEREAS,** Richard J. Ford supported the 2018 cable access transition, improving service quality and reducing costs; the new city website and the city's social media presence, which has increased communication and service capabilities between the city and its residents; enhanced network security projects, electronic Council agendas and remote participation; and

**WHEREAS,** Richard J. Ford was an avid supporter of Parks & Recreation and was instrumental in the creation of a local dog park for the benefit of the residents and pets of the City of Portage;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Portage, Michigan, acknowledge the many contributions of Richard J. Ford to the City Council and the citizens of the City of Portage, and acknowledge seven years of faithful and valuable service to this community; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be placed in the Heritage Room of the Portage District Library so the contributions of Richard J. Ford to the Portage community may be continually recognized by future generations of Portage citizens.

Dated: June 23, 2020

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Mayor Patricia M. Randall

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Councilmember Claudette Reid

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Mayor Pro Tem Jim Pearson

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Councilmember Terry Urban

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Councilmember Chris Burns

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Councilmember Lori Knapp



# CITY OF PORTAGE PROCLAMATION

## Juneteenth Celebration Day

**WHEREAS,** Juneteenth is a historic holiday marking the end of slavery in the United States; and

**WHEREAS,** this year marks the 16<sup>th</sup> annual State of Michigan Juneteenth Freedom Day Recognition; and

**WHEREAS,** when Union Army General Gordon Granger landed at the Texas port city of Galveston in 1865 as the Civil War drew to a close, one of his first actions was to read General Order #3, which stated that all slaves are free and that former masters and slaves have absolute equality of personal and property rights; and

**WHEREAS,** following his statement, June 19 (Juneteenth) became the emancipation date of those long-suffering for freedom; and

**WHEREAS,** since then, as the oldest known celebration commemorating the end of slavery in America, the tradition of celebrating Juneteenth has remained strong well into the 21<sup>st</sup> century to recognize the triumph of the human spirit over the cruelty of slavery and to honor the strength, endurance, and faith of African American ancestors; and

**WHEREAS,** it is imperative that Portage citizens continue to work towards a more equitable and just America, as well as join together to acknowledge a time in our history that carried on the nation's ideals of equality and democracy and celebrate the joys of liberty and justice for every American citizen; and

**WHEREAS,** in June 2005, then-Governor Jennifer Granholm signed legislation officially designating the third Saturday in June as "Juneteenth National Freedom Day" in Michigan, and in June 2020, current Governor Gretchen Whitmer declared June 19<sup>th</sup> as "Juneteenth Celebration Day" in Michigan; and

**WHEREAS,** all City of Portage citizens are encouraged to participate in the Juneteenth Freedom Festival and celebrate African American history and culture, while continuing to promote diversity, equality, and a strong sense of community in Portage.

**NOW, THEREFORE, BE IT RESOLVED THAT** I, Patricia M. Randall, do hereby proclaim that this city honors and recognizes June 19<sup>th</sup> as the annual "Juneteenth Celebration Day."

Signed this 23<sup>th</sup> day of June, 2020

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Patricia M. Randall, Mayor

## CITY COUNCIL MEETING MINUTES FROM JUNE 9, 2020

The Regular Meeting was called to order by Mayor Patricia Randall at 7:00 p.m. The meeting was held virtually in accordance with the Governor's Executive Directive 2020-02 in light of COVID-19. The following members were present via the WebEx meeting platform: Councilmembers Chris Burns, Richard Ford, Lori Knapp, Claudette Reid, Terry Urban, Mayor Pro Tem Jim Pearson, and Mayor Patricia Randall. Also in attendance on the WebEx meeting platform was Deputy City Manager Mike Carroll. In attendance in Council Chambers were City Manager Joe La Margo, Deputy City Manager Adam Herringa, City Attorney Randy Brown, Communications Manager Mary Beth Block, and City Clerk Erica Eklov.

At the request of Mayor Randall, the audience observed a moment of silence to reflect upon the civil unrest in the country and the power each person has to bring peace to the community. Following the moment of silence, the City Council recited the Pledge of Allegiance.

**PROCLAMATIONS:** Mayor Randall asked Deputy City Manager Herringa to present the Eagle Scout Recognition Presentation. Following the presentation, Deputy City Manager Herringa thanked the Scouts on behalf of the City Administration. Mayor Randall thanked the Scouts for their hours of service. Mayor Pro Tem Pearson also thanked the Scouts, noting his nephew had recently achieved Eagle status as well. Mayor Pro Tem Pearson further relayed that the Portage Rotary has enjoyed working with Eagle Scouts in the past.

**CONSENT AGENDA:** Mayor Randall shared where the public can access the meeting agenda and asked if any Councilmember or anyone in the audience would like an item removed from the Consent Agenda. Motion by Pearson, seconded by Reid, to approve the Consent Agenda as presented. Upon a roll call vote, motion carried 7 to 0.

**APPROVAL OF MINUTES:** Motion by Pearson, seconded by Reid, to approve the minutes of the Regular Meeting of May 26, 2020 and Pre-Council Meeting of June 8, 2020. Upon a roll call vote, motion carried 7 to 0.

**APPROVAL OF ACCOUNTS PAYABLE REGISTER OF MAY 26, 2020:** Motion by Pearson, seconded by Reid, to approve the Accounts Payable Register of June 9, 2020. Upon a roll call vote, motion carried 7 to 0.

### **WETHERBEE DRIVE SANITARY SEWER AND WATER MAIN IMPROVEMENTS - BID**

**TABULATION:** Motion by Pearson, seconded by Reid, to award a construction contract for the Wetherbee Avenue Sanitary Sewer and Water Main Improvement Project to Balkema Excavating, Inc., of Kalamazoo, Michigan, in an amount not to exceed \$593,381.45 and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

**DELINQUENT WATER AND SEWER BILLS:** Motion by Pearson, seconded by Reid, to Order notice to applicable property owners that all water and/or sewer charges remaining unpaid as of June 30, 2020 will be transferred to the 2020 city tax roll and assessed against the property for which the services were furnished. Upon a roll call vote, motion carried 7 to 0.

**CALENDAR OF MEETINGS:** Motion by Pearson, seconded by Reid, to receive the Calendar of Meetings. Upon a roll call vote, motion carried 7 to 0.

**PETITIONS AND STATEMENTS OF CITIZENS:** Justin Hassler (4317 Foxfire Trail) expressed concerns regarding the infrastructure for voting by mail for the November 2020 election, as well as recent protests regarding community policing and racial disparity.

City Clerk Eklov responded, providing an update regarding the Secretary of State's directions for conducting the upcoming August and November elections, as well as the Clerk Office's recent efforts to plan for addressing the increased demands with absentee voting.

Mayor Randall responded to Mr. Hassler's concerns regarding the recent nationwide protests, highlighting a recent video response that she, City Manager La Margo, and Public Safety Director Nick Arnold had published. Mayor Randall stated that all Portage Police Officers are all required to undergo training to prevent incidents.

City Manager La Margo echoed Mayor Randall's comments, stating that Mayor Randall had also released an official statement regarding the events leading to the protests. Mr. La Margo noted that the Portage Police Division is one of only a handful of agencies in Michigan to be nationally accredited. He stated that the department already has a policy in place should an officer use force then an official review board is convened, but such a need had yet to arise. He noted the Michigan State Police would also be involved in any internal incidents.

Councilmember Urban stated that City Council had recently been provided the detailed Police Division procedures that included definitions on the level of force and when to use. He highlighted that the department requires a report any time force is utilized by an officer, which is then reviewed by command staff. Mr. Urban noted that during his tenure with the city there had only been one incident with an officer that he could recall, but nothing like recent national issues. He stated his hope that this information reassures Portage residents.

City Manager La Margo stated that Portage police officers also receive special training from Kalamazoo Valley Community College that includes a racial sensitivity program.

## **COMMUNICATIONS:**

**COUNCILMEMBER RICHARD FORD LETTER OF RESIGNATION:** Mayor Randall introduced the communication from Councilmember Ford and asked him to comment on the matter. Councilmember Ford stated that his family had decided to relocate to Grand Rapids as a result of his job so he was resigning from City Council. He noted that he had made the effective date June 30<sup>th</sup> in an effort to give Council ample time to find a replacement in light of the ongoing COVID-19 situation and resulting budget conditions.

Mayor Randall responded that she would miss Mr. Ford, noting that he was a wonderful asset to the Council, as well as the community.

Mayor Pro Tem Pearson wished Mr. Ford well, noting his achievements with the city and thanked him for his contributions.

Councilmember Ford urged Council and staff to continue seeking out technology options for potential time and money savings. He further stressed a continuance of streamlining processes, noting he was glad to see Deputy City Manager Herringa pursuing Lean Management. Mr. Ford closed with a reminder to maintain a healthy fund balance.

Motion by Urban, seconded by Reid, to receive the resignation of Councilmember Richard Ford and formally accept the resignation on June 30, 2020. Upon a roll call vote, motion carried 6 to 0 with Councilmember Ford abstaining.

## REGULAR BUSINESS AGENDA:

**LEGAL SERVICES CONTRACTS:** Mayor Randall deferred to the City Manager. City Manager La Margo noted the May 14<sup>th</sup> Committee of the Whole meeting regarding the legal services contract and the current contract's expiration set for August 2020. He outlined the City Administration's plan to advertise the contract and do so in two different formats.

Councilmember Reid inquired how the City Administration planned to disseminate the RFP to potential firms. Deputy City Manager Carroll responded that the City Administration planned to follow the same steps as was done the previous time in 2015, including reaching out to a pre-existing list of firms and posting the RFP on the city website.

Motion by Reid, seconded by Knapp, to instruct the City Administration to solicit proposals for City Attorney and prosecution legal services. Upon a roll call vote, motion carried 7 to 0.

**STATEMENTS OF CITY COUNCIL AND CITY MANAGER:** Councilmember Burns stated that it had been a difficult time since the last Council meeting in light of the national unrest. He noted that he had been reflecting on how to help for equal justice. He stated Portage was fortunate to have a great Public Safety Department and avoid the protests affecting other cities. Mr. Burns noted that it was a great opportunity for Portage to be a role model for others. He then noted that the unemployment rate had risen to 16 percent at the end of April as a result of COVID-19. He encouraged citizens in need of assistance to get in touch with local officials and the Portage Community Center.

Councilmember Ford echoed the sentiments of Mayor Randall, City Manager La Margo, and Public Safety Director Arnold from their recent response to the civil unrest. He noted that the citizen comment segment had provided the public an opportunity to learn what the Portage Police Division was doing, stating that he hoped Portage could be a role model for other municipalities. He closed by stating he was sad to be leaving and planned to attend in person for his last Council meeting on June 23.

Councilmember Urban expressed his satisfaction with the Police Division's policies, noting they had been in place for some time already as a result of the national accreditation process. He echoed Mr. Burns in noting the past several days had been difficult in light of the civil unrest but encouraged the public to denounce instances of injustice or discrimination. He noted that policing by intimidation is not acceptable and strive for social justice in all matters.

Councilmember Reid highlighted that the annual Spring Clean-up Program had been delayed due to contractor staffing issues and recommended citizens contact the city with any questions. Ms. Reid relayed that she had been contacted by a citizen concerned about policing who acquainted her with the website [www.8cantwait.com](http://www.8cantwait.com). Councilmember Reid stated that the website details eight policies that have proven to decrease violence in a police force. She was encouraged to find out that Portage was already utilizing each of the eight measures in its Police Division. Councilmember Reid closed by relaying that the Police Division is the largest portion of the budget because it is the city's main priority to keep citizens safe and implored everyone to stay involved and informed.

Councilmember Knapp echoed prior Councilmembers' remarks regarding recent events and thanked all for sharing their thoughts. She relayed that she was encouraged to see the Farmer's Market and drive-in movie night events beginning with new formats in light of the effects of COVID-19.

City Manager La Margo thanked Councilmember Ford for welcoming him to Portage, as well as his ideas regarding Lean Management. He expressed appreciation for Councilmember Ford's help in developing the FY 2020-21 Budget. Mr. La Margo stated that all city staff was expected to return to city offices on Monday, but that the public interaction would be returning gradually starting with

appointments only. He closed by asking Deputy City Manager Herringa to quickly relay draft steps for replacing Councilmember Ford.

Mayor Pro Tem Pearson thanked Portage citizens for their non-violent protests over the past several days and thanked first responders for allowing these activities to transpire unhindered. He stated he was proud of Portage for the way in which the community had responded in recent days.

Mayor Randall began by explaining the rationale for the citywide June 2, 2020 curfew. She relayed that she had received negative feedback from some citizens, but noted the goal was to ensure the public's safety and she hoped to avoid having to issue another curfew in the future. Mayor Randall highlighted recent peaceful demonstrations, including the Portage Northern and Central High School football teams' walk of solidarity, as well as the demonstrators on the corner of Westnedge and Centre Avenues. Mayor Randall then stated that she fully supports the Portage Police Division and does not support the national movement to defund police departments for Portage. She stated that the Portage Police Division is a model as one of only several Michigan police departments to be nationally accredited, noting there is always the potential for improvement. She expressed hope that everyone felt welcome in city buildings, stating the Portage Senior Center was a great place to teach social justice, as well as schools. Mayor Randall stated that teaching social justice needed to start with the youth to begin making a difference. She also stated that the Police Division was planning additional community outreach events in the coming weeks.

Mayor Randall closed by stating she was sad to see Councilmember Ford leave but appreciated his optimism, youthful perspective, and technological recommendations. She relayed that she also plans to attend the June 23 City Council Meeting in person, noting that the Governor's Executive Order allowing virtual meetings expires June 30<sup>th</sup>.

**ADJOURNMENT:** Mayor Randall adjourned the meeting at 8:11 p.m.

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Erica L. Eklov, City Clerk

**MINUTES FROM THE PRE-MEETING  
OF THE PORTAGE CITY COUNCIL  
OF JUNE 22, 2020**

Mayor Patricia Randall, via the WebEx meeting platform, called the meeting to order at 8:00 a.m. Councilmembers Chris Burns, Lori Knapp, Claudette Reid and Mayor Pro Tem Jim Pearson also joined via the WebEx meeting platform. Councilmembers Richard Ford and Terry Urban were absent with excuse. Also in attendance were City Manager Joseph La Margo, Deputy City Manager Mike Carroll (via WebEx meeting platform), Deputy City Manager Adam Herringa (via WebEx meeting platform), Communications Manager Mary Beth Block, and City Clerk Erica Eklov.

With regard to Item A.3, Councilmember Knapp requested clarification regarding the intent with the Action Recommended. Deputy City Manager Herringa responded that the City Administration would like to remove the time limitation previously approved in 2018 in light of COVID-19, noting that the city has committed to building the Community Senior Center. He further noted that the City Administration would like Council to approve both the original dollar-for-dollar match, as well as make up any remaining funding difference. He stated that the city intends to continue the fundraising campaign but noted that donation activity has slowed during COVID-19. Councilmember Knapp subsequently expressed concerns regarding the lack of a dollar cap, highlighting the recent Fire Station #2 construction project. City Manager La Margo relayed that the city is working closely with the architectural firm and does not expect the city to incur excessive costs beyond \$12.5 million. Mr. La Margo also noted that the city has applied and will continue to apply for grant funding to assist the project but the City Administration doesn't anticipate responses for at least a year. Deputy City Manager Herringa offered that City Council would not be approving a blank check but committing \$12.5 million. Councilmember Knapp expressed concerns with the increase in cost but inquired about a noted decrease in square footage. City Manager La Margo confirmed that grade level square footage had decreased but the basement square footage had been increased. Councilmember Reid asked for clarification regarding the basement plan. City Manager La Margo responded that expanding the basement was the least expensive way to plan for future programming without adding to costs and expanding the building footprint.

Councilmember Reid stated that the supporting documentation identifies the sale of the old Senior Center as a funding source, but noted that City Council has yet to approve the building's sale. She stated that the current proposal for the city funding the difference could hinder additional fundraising efforts and asked that the Capital Campaign Committee explore the matter. City Manager La Margo agreed with Councilmember Reid regarding pre-approval from Council prior to selling the old Senior Center, which was a plan previously introduced by his predecessor. He further stated that he would be happy to institute a funding cap but noted raising additional funds had been challenging as of late. Mayor Randall noted the original appraisal for the old Senior Center dated from 2018 when the Portage District Library was interested in expanding but stated the Library had since changed plans. She relayed that the YWCA had explored the property for a potential daycare, as well as others for a potential Indian cultural school. The Mayor stated that that fundraising meetings had stopped in light of COVID-19 precautions and she did not want to further delay construction. She agreed for the need of a dollar cap in the Action Recommended, but not a calendar deadline should there be another



resurgence of COVID-19. Councilmembers Reid and Knapp stressed the need to review the potential of losing donors with the city promising to make up the funding difference. Councilmember Reid expressed additional concerns for the city to be fiscally responsible during the economic effects of COVID-19. Councilmember Burns also agreed and requested the cost estimates used by the City Administration. City Manager La Margo agreed, stating he would provide estimates to Council. He stressed the importance of the project, noting that other cities he had worked for would have benefitted from this type of project and Portage was going to serve as a model with the Community Senior Center. Mayor Pro Tem Pearson agreed with the points made by the other Councilmembers and urged the City Manager to continue keeping City Council informed.

With regard to Item A.4, Councilmember Knapp requested that the city highlight the project area map attachment in the Action Recommended for transparency. City Manager La Margo responded that the City Administration would address the matter.

With regard to Item A. 6, Councilmember Reid noted a recent e-mail received by all of City Council from former Mayor and Crossroads Towing owner Jamie Graham in which he thanked Council for updating the bid language. She inquired what Mr. Graham was referring to. City Manager La Margo responded that both he and Deputy City Manager Carroll had reviewed the prior city towing bid specifications and been able to remove several proprietary stipulations in order to provide impartiality. Mr. La Margo further stated that he had been able to meet with both Mr. Graham and the owner of McDonald's Towing to address concerns with the contract. Deputy City Manager Carroll stated that the stipulation for heated indoor storage was no longer a requirement, as well as a Better Business Bureau rating. Councilmember Burns asked for clarification regarding the e-mail from Mr. Graham also noting a quoted price for the city, but an inflated price billed to a customer. Deputy City Manager Carroll responded with an explanation of the history of the contract services. Mayor Randall requested clarification regarding the audit process for the vendor. She relayed satisfaction with the update of the bid requirements, but noted a preference for rotational towing, citing prior news stories of large accidents and incidents with towing issues on I-94. Deputy City Manager Carroll responded with information regarding the current towing vendor audit procedure and typical rotational towing structures. Mayor Pro Tem Pearson stated that he and the City Manager had also discussed towing options with the Kalamazoo County Sheriff, as well as representatives of the Kalamazoo County Consolidated Dispatch Authority.

With regard to Item A.7, Councilmember Reid inquired whether any agreement had been made with the developer for the second phase regarding additional visual barriers or tree plantings. Deputy City Manager Carroll responded that nothing has been volunteered by the developer but staff will work with the developer during the permitting process.

With regard to Item A.9, Councilmember Knapp confirmed that the next city election in 2021 would include a partial term for the remainder of Councilmember Ford's three-year term.

With regard to Item A.13, Councilmember Reid inquired about the room notations under the Calendar of Meetings. City Clerk Eklov responded that the various Boards and Commissions were exploring how to continue holding meetings with the loosening of the Executive Orders and this offered them flexibility going forward. She confirmed that the meetings would be noticed appropriately once meeting details were finalized.

With regard to Items D.1 and D.2, Mayor Randall requested clarification regarding representation during each public hearing. City Manager La Margo responded that Community

Development Interim Director Forth would be present for both matters and the petitioner would be present for Item D.2.

**ADJOURNMENT:** Following a summary of the meeting, Mayor Randall adjourned the meeting at 9:07 a.m.

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Erica L. Eklov, City Clerk

DRAFT

**TO:** Honorable Mayor and City Council

**FROM:** Joseph La Margo, City Manager



**SUBJECT:** Accounts Payable Register

**SUPPORTING PERSONNEL:** Lauren VanderVeen, Interim Finance Director

**ACTION RECOMMENDED:** Approval of the Accounts Payable Register of June 23, 2020 as presented.

The City Council reviews and approves the bi-weekly Accounts Payable Register which includes automated clearing house payments, paper checks and auto-pay payments. The attached Accounts Payable Register covers the period May 31, 2020 through June 13, 2020 and notes \$764,103.56 in automated clearing house payments, \$960,413.18 in paper checks, and \$89,078.92 in auto-pay payments for a grand total of \$1,813,595.66.

**FUNDING:** N/A

**Attachments:** 1. Accounts Payable Register of June 23, 2020

ACCOUNTS PAYABLE REGISTER  
Check Dates From: 5/31/2020 to 6/13/2020

Page 1 of 9

Check Type: ACH Transaction

| Check Date | Check    | Vendor Name                         | Description                       | Amount     |
|------------|----------|-------------------------------------|-----------------------------------|------------|
| 06/05/2020 | 13251(A) | A I S CONSTRUCTION EQUIP. CO.       | GODWIN PUMP MAINTENANCE           | 1,438.00   |
| 06/05/2020 | 13252(A) | ABONMARCHE CONSULTANTS, INC         | ENGINEERING SERVICES              | 16,790.25  |
| 06/05/2020 | 13253(A) | APOLLO FIRE EQUIPMENT COMPANY       | FIRE OPERATING SUPPLIES           | 2,447.00   |
| 06/05/2020 | 13254(A) | APPROVED PROTECTION SYSTEMS         | NOVEC FIRE SUPPRESSION INSPECTION | 284.60     |
| 06/05/2020 | 13255(A) | BEERY, MICHAEL                      | BUILDERS LIC RENEWAL-MIKE BEERY   | 150.00     |
| 06/05/2020 | 13256(A) | C C I SOUTH, INC.                   | DATA WIRING                       | 327.70     |
| 06/05/2020 | 13257(A) | C M P DISTRIBUTORS, INC.            | 6 1000 ROUND CASES AMMO           | 2,534.00   |
| 06/05/2020 | 13258(A) | C T S TELECOM, INC.                 | TELEPHONE SERVICE                 | 2,305.91   |
| 06/05/2020 | 13259(A) | CARRIER & GABLE                     | TRAFFIC SIGNAL MAST ARMS & POLES  | 48,867.00  |
| 06/05/2020 | 13260(A) | CHARTER COMMUNICATIONS              | CABLE TV                          | 149.98     |
| 06/05/2020 | 13261(A) | CLARK HILL, PLC                     | PUBLISHING-NOTICE OF INTENT/SALE  | 2,517.62   |
| 06/05/2020 | 13262(A) | DEER CONTRACTING & LANDSCAPE        | SIDEWALK REPAIRS                  | 6,075.00   |
| 06/05/2020 | 13263(A) | DOUGLASS SAFETY SYSTEMS LLC         | FIRE PPE GEAR                     | 364.35     |
| 06/05/2020 | 13264(A) | FISHBECK THOMPSON CARR & HUBER, INC | PROF SVCS-HAMPTON CRK PH 2        | 68,796.79  |
| 06/05/2020 | 13265(A) | HARTFORD LIFE INSURANCE COMPANY     | LIFE & LTD INSURANCE              | 9,191.45   |
| 06/05/2020 | 13266(A) | LAWSON PRODUCTS, INC                | MAINTENANCE SUPPLIES              | 1,821.38   |
| 06/05/2020 | 13267(A) | MARSHALL & SWIFT                    | ANNUAL MARSHALL VALUATION         | 656.20     |
| 06/05/2020 | 13268(A) | ONSTAFF USA INC                     | TEMPORARY EMPLOYEES PARKS         | 6,466.00   |
| 06/05/2020 | 13269(A) | PAVER PET SUPPLY                    | PET SUPPLIES                      | 75.00      |
| 06/05/2020 | 13270(A) | PERCEPTIVE CONTROLS, INC.           | SCADA MAINTENANCE SERVICES        | 935.35     |
| 06/05/2020 | 13271(A) | PRINTING SERVICES INC               | PORTAGER PRODUCTION               | 4,098.85   |
| 06/05/2020 | 13272(A) | RIDGE AUTO NAPA                     | VEHICLE MAINTENANCE               | 854.87     |
| 06/05/2020 | 13273(A) | S B F ENTERPRISES, INC.             | PRINTING/PROCESSING QTLY WATER    | 748.12     |
| 06/05/2020 | 13274(A) | SUEZ WATER ENVIRONMENTAL SERVICES   | UTILITY SYSTEM OPERATION          | 209,385.14 |
| 06/12/2020 | 13275(A) | ABONMARCHE CONSULTANTS, INC         | ENGINEERING SERVICES              | 15,223.40  |
| 06/12/2020 | 13276(A) | ALL-TRONICS, INC.                   | QUARTERLY EQUIPMENT MAINT         | 78.00      |
| 06/12/2020 | 13277(A) | BATTERIES PLUS                      | FIRE MAINT SUPPLIES               | 344.52     |
| 06/12/2020 | 13278(A) | BEST WAY DISPOSAL, INC.             | STREET SWEEPER DEBRIS             | 55,491.84  |
| 06/12/2020 | 13279(A) | C C I SOUTH, INC.                   | INSTALLATION OF EMERGENCY PHONE   | 1,943.00   |
| 06/12/2020 | 13280(A) | CLEANIT CORP                        | CAR WASHES                        | 574.00     |
| 06/12/2020 | 13281(A) | COMPLETE LANDSCAPING SOLUTIONS      | CONTRACT MOWING                   | 444.81     |
| 06/12/2020 | 13282(A) | ESCAPE FIRE & SAFETY SERVICES, INC. | FABRICATION SERVICES              | 2,321.29   |

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| 06/12/2020        | 13283(A) | ETNA SUPPLY, INC.                 | SUPPLIES - PARKS DIVISION         | 89.40             |
| 06/12/2020        | 13284(A) | GORDON WATER SYSTEMS              | WATER COOLER                      | 90.25             |
| 06/12/2020        | 13285(A) | IRISH AYRES ENTERPRISES, LLC      | LANDSCAPE BED MAINTENANCE         | 8,013.35          |
| 06/12/2020        | 13286(A) | KUSHNER & COMPANY, INC.           | COBRA & FSA ADMINISTRATION        | 257.82            |
| 06/12/2020        | 13287(A) | LAWSON PRODUCTS, INC              | PPE SUPPLIES                      | 942.54            |
| 06/12/2020        | 13288(A) | LIFEGUARD STORE                   | RAMONA STAFF UNIFORMS             | 1,595.20          |
| 06/12/2020        | 13289(A) | MCNALLY ELEVATOR CO.              | ELEVATOR MAINTENANCE              | 277.00            |
| 06/12/2020        | 13290(A) | MEEKHOF TIRE SALES & SERVICE INC. | TIRES AND SERVICES                | 775.36            |
| 06/12/2020        | 13291(A) | O'BOYLE-COLWELL-BLALOCK & AS.     | LAKEVIEW PARK CONCEPT PLAN        | 1,905.01          |
| 06/12/2020        | 13292(A) | ONE WAY PRODUCTS                  | JANITORIAL SUPPLIES               | 56.00             |
| 06/12/2020        | 13293(A) | ONSTAFF USA INC                   | TEMPORARY EMPLOYEE SERVICES       | 550.72            |
| 06/12/2020        | 13294(A) | PHILLIPS, KIMBERLY                | REIMBURSE FOR AMP COURSE SUPPLIES | 128.57            |
| 06/12/2020        | 13295(A) | R W LAPINE INC.                   | FIRE FACILITY MAINT               | 16,517.00         |
| 06/12/2020        | 13296(A) | RIDDERMAN & SONS OIL CO. INC.     | GASOLINE                          | 8,897.19          |
| 06/12/2020        | 13297(A) | RIDGE AUTO NAPA                   | VEHICLE MAINTENANCE               | 877.79            |
| 06/12/2020        | 13298(A) | VOID                              |                                   | 0.00              |
| 06/12/2020        | 13299(A) | STEELE, DANA                      | FIRE MARSHAL SUPPLIES             | 38.56             |
| 06/12/2020        | 13300(A) | SUEZ WATER ENVIRONMENTAL SERVICES | MCAP RECONCILIATION               | 256,723.80        |
| 06/12/2020        | 13301(A) | TRUCK & TRAILER SPECIALTIES       | MAINTENANCE SUPPLIES              | 2,461.38          |
| 06/12/2020        | 13302(A) | XEROX CORPORATION                 | MAY 2020 XEROX AGREEMENT          | 205.20            |
| <b>Total ACH:</b> |          |                                   |                                   | <b>764,103.56</b> |

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|------------|--------|------------------------------------|------------------------------------|----------|
| 06/05/2020 | 313543 | AMOS, LOLA                         | SECURITY DEPOSIT REFUND            | 100.00   |
| 06/05/2020 | 313544 | AMRHEIN, JERRY                     | PICKLEBALL SESSION 1 REFUND        | 25.00    |
| 06/05/2020 | 313545 | AR ENGINEERING LLC                 | ENGINEERING SERVICES               | 8,711.63 |
| 06/05/2020 | 313546 | ASCENSION MICH OCCUPATIONAL HEALTH | POST OFFER PHYSICAL                | 68.00    |
| 06/05/2020 | 313547 | AT&T                               | ELECTRONIC COMMUNICATIONS          | 244.91   |
| 06/05/2020 | 313548 | AUTOBODY USA - SOUTHSIDE           | ACCIDENT REPAIRS #8140             | 1,846.45 |
| 06/05/2020 | 313549 | BAIRD, ANNE                        | TRIP REFUND-FANCY AT MEADOW BROOK  | 130.00   |
| 06/05/2020 | 313550 | BESTEMAN, CARL                     | TRIP REFUND-FANCY & MYSTERY TRIP 1 | 310.00   |
| 06/05/2020 | 313551 | BEUKER, ADAM B & SARAH S           | BD BOND REFUND                     | 210.00   |

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| 06/05/2020 | 313552 | BLUMKA, BARBARA                 | TRIP REFUND-MYSTERY & MEADOW BROOK | 215.00    |
| 06/05/2020 | 313553 | BRADLEY, JAMES & BARBARA        | TRIP REFUND-OVER & UNDER           | 200.00    |
| 06/05/2020 | 313554 | BRANCH, JOYCE                   | TRIP REFUND-FANCY AT MEADOW BROOK  | 240.00    |
| 06/05/2020 | 313555 | BRANT, HAROLD                   | TRIP REFUND-MYSTERY TRIP 2         | 80.00     |
| 06/05/2020 | 313556 | BRAYSHER, ALAN & EILEEN         | TRIP REFUND-MYSTERY TRIP 1         | 160.00    |
| 06/05/2020 | 313557 | BUDDEMEIER, LINDA               | TRIP REFUND-KENTUCKY DERBY         | 50.00     |
| 06/05/2020 | 313558 | BUDENIEKS, SHARON               | TRIP REFUND-MYSTERY TRIP 1         | 80.00     |
| 06/05/2020 | 313559 | BYCE & ASSOCIATES, INC.         | COMMUNITY SR CENTER A&E DESIGN     | 50,053.92 |
| 06/05/2020 | 313560 | CAPITOL STRATEGIES, LLC         | LEGISLATIVE TACTICS & STRATEGIES   | 7,000.00  |
| 06/05/2020 | 313561 | CHAUDHARY, ANJUM                | SECURITY DEPOSIT REFUND            | 100.00    |
| 06/05/2020 | 313562 | COMMERCIAL DOOR SERVICES        | FIRE FACILITY MAINT                | 3,275.00  |
| 06/05/2020 | 313563 | COOK, THOMAS                    | TRIP REFUND-MYSTERY TRIP 2         | 85.00     |
| 06/05/2020 | 313564 | COSTAR REALTY INFORMATION, INC. | COMM REAL ESTATE DATABASE          | 367.23    |
| 06/05/2020 | 313565 | CREATIVE CIVIC SOLUTIONS LLC    | COMM DEVELOPMENT CONSULTATION      | 7,000.00  |
| 06/05/2020 | 313566 | D L GALLIVAN INC.               | COPY MACHINE USAGE CHARGES         | 21.09     |
| 06/05/2020 | 313567 | DANGEL, BUFFY                   | PICKLEBALL SESSION 1 REFUND        | 50.00     |
| 06/05/2020 | 313568 | DAVIDSON, RICHARD               | TRIP REFUND-MYSTERY TRIP 2         | 90.00     |
| 06/05/2020 | 313569 | DEHAAN, JEAN                    | TRIP REFUND-MYSTERY TRIP 2         | 95.00     |
| 06/05/2020 | 313570 | DEVON TITLE AGENCY              | OP FINAL SEWER BILL 7391 MILAN     | 139.24    |
| 06/05/2020 | 313571 | DIBBLE, ANTOINETTE              | TRIP REFUND-EXPLORE NIAGRA         | 250.00    |
| 06/05/2020 | 313572 | DIXON ENGINEERING, INC          | ENGINEERING & INSPECTION SVCS      | 11,900.00 |
| 06/05/2020 | 313573 | DOUBLEDAY, KAREN                | TRIP REFUND-MYSTERY TRIP 1         | 85.00     |
| 06/05/2020 | 313574 | DOW, ELIZABETH                  | TRIP REFUND-MYSTERY TRIP 2         | 90.00     |
| 06/05/2020 | 313575 | DYKSTRA, RICHARD                | TRIP REFUND-MYSTERY TRIP 1         | 85.00     |
| 06/05/2020 | 313576 | EBERSOLE, MARLENE               | TRIP REFUND-MYSTERY TRIP 2         | 85.00     |
| 06/05/2020 | 313577 | EL-KHAL, SOHEIL                 | TRIP REFUND-MYSTERY TRIP 1         | 170.00    |
| 06/05/2020 | 313578 | EMERGENCY VEHICLE PRODUCTS      | VEHICLE PRINTERS                   | 1,895.38  |
| 06/05/2020 | 313579 | FAUPEL, MARY                    | TRIP REFUND-KENTUCKY DERBY         | 50.00     |
| 06/05/2020 | 313580 | FAWLEY OVERHEAD DOOR, INC.      | FIRE FACILITY MAINT                | 1,120.00  |
| 06/05/2020 | 313581 | FERGUSON ENTERPRISES, LLC       | NEW FIRE ST 2                      | 12,285.00 |
| 06/05/2020 | 313582 | FLURI, SUSAN                    | TRIP REFUND-MYSTERY TRIP 1         | 85.00     |
| 06/05/2020 | 313583 | FOOTE, DIANE                    | TRIP REFUND-MYSTERY TRIP 2         | 80.00     |
| 06/05/2020 | 313584 | FOX, IRMA                       | TRIP REFUND-FANCY AT MEADOW BROOK  | 125.00    |

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| 06/05/2020 | 313585 | FRANK, KAREN                        | TRIP REFUND-FANCY AT MEADOW BROOK     | 125.00   |
| 06/05/2020 | 313586 | GAGNIER, MAVIS                      | TRIP REFUND-MYSTERY TRIP 1            | 80.00    |
| 06/05/2020 | 313587 | GALE, ELSIE                         | TRIP REFUND-FANCY & MYSTERY TRIP 1    | 210.00   |
| 06/05/2020 | 313588 | GOLDEN WEST INDUSTRIAL SUPPLY, INC. | MISC POLICE SUPPLIES                  | 601.52   |
| 06/05/2020 | 313589 | GRAYSON, LORETTA                    | RAMONA PARK PAVILION REFUND           | 110.00   |
| 06/05/2020 | 313590 | HIGGS, SUE                          | TRIP REFUND-KENTUCKY DERBY            | 50.00    |
| 06/05/2020 | 313591 | HOLCOMB, STEPHEN                    | TRIP REFUND-KENTUCKY DERBY            | 50.00    |
| 06/05/2020 | 313592 | HOME DEPOT                          | MPPIR SUPPLIES                        | 94.76    |
| 06/05/2020 | 313593 | HOSBEIN, HENRY                      | LAKEVIEW PARK PAVILION REFUND         | 110.00   |
| 06/05/2020 | 313594 | JEFFRIES, TERESA                    | LAKEVIEW PARK PAVILION REFUND         | 220.00   |
| 06/05/2020 | 313595 | KALAMAZOO CONSERVATION SERVICE      | TREE SAPLINGS-YAC EVENT/TREE CITY USA | 620.00   |
| 06/05/2020 | 313596 | KALAMAZOO COUNTY HEALTH & COMMUNITY | HAZARDOUS WASTE DISPOSAL              | 82.92    |
| 06/05/2020 | 313597 | KALAMAZOO COUNTY TREASURER          | OAKBROOK JUNE 2020 MOBILE HM TAXES    | 322.50   |
| 06/05/2020 | 313598 | KALAMAZOO COUNTY TREASURER          | 1ST QTR BILLING/SUBPOENA BY MAIL      | 601.25   |
| 06/05/2020 | 313599 | LOCEY SWIM POOL CO.                 | NEW SWIM AREA BUOYS                   | 704.00   |
| 06/05/2020 | 313600 | MEAD, GENA                          | HAYLOFT THEATRE RENTAL REFUND         | 1,040.00 |
| 06/05/2020 | 313601 | MICH MUNICIPAL POLICE & FIRE REPAIR | POLICE VEHICLE REPAIR & MAINT         | 58.12    |
| 06/05/2020 | 313602 | O'REILLY AUTO PARTS                 | FIRE APPARATUS MAINT                  | 6.20     |
| 06/05/2020 | 313603 | OFFICE DEPOT, INC.                  | FIRE OFFICE SUPPLIES                  | 107.60   |
| 06/05/2020 | 313604 | PAW PAW VETERINARY CLINIC, P.C.     | CANINE PET CARE                       | 469.96   |
| 06/05/2020 | 313605 | SCHULTZ, GREG                       | SWP TOURN DEPOSIT REFUND              | 60.00    |
| 06/05/2020 | 313606 | SKILLQUEST INTERNATIONAL LLC        | PRE HIRE DRUG SCREENINGS              | 1,300.00 |
| 06/05/2020 | 313607 | TACTRON, INC.                       | FIRE OPS SUPPLIES                     | 309.86   |
| 06/05/2020 | 313608 | THIRD COAST TECH, LLC               | MULTI PURPOSE ROOM CEILING MICS       | 2,919.10 |
| 06/05/2020 | 313609 | TRACKER SOFTWARE CORP               | ANNUAL SOFTWARE SUPPORT               | 4,862.00 |
| 06/05/2020 | 313610 | TRUGREEN PROCESSING                 | HERBICIDE APPLICATIONS                | 1,074.79 |
| 06/05/2020 | 313611 | UNDERWOOD, TINA                     | SECURITY DEPOSIT REFUND               | 100.00   |
| 06/05/2020 | 313612 | VANGUARD FIRE & SUPPLY CO., INC.    | FIRE SUPPLIES                         | 270.00   |
| 06/05/2020 | 313613 | VERIZON WIRELESS                    | CELLULAR TELEPHONES                   | 3,125.20 |
| 06/05/2020 | 313614 | VICKSBURG HARDWARE                  | EQUIPMENT REPAIR/ MAINT               | 1,171.90 |
| 06/05/2020 | 313615 | WILSON, CONNIE                      | SECURITY DEPOSIT REFUND               | 100.00   |
| 06/05/2020 | 313616 | WRAPS N SIGNS                       | VEHICLE GRAPHICS                      | 1,792.99 |
| 06/12/2020 | 313617 | ANDERSON, DENNIS                    | ADULT SOFTBALL OVER 50 REFUND         | 700.00   |

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| 06/12/2020 | 313618 | ASCENSION MICH OCCUPATIONAL HEALTH | 2019-2020 DOT PHYSICALS            | 70.00      |
| 06/12/2020 | 313619 | ASHER, SYLVIA                      | TRIP REFUND-FANCY AT MEADOW BROOK  | 65.00      |
| 06/12/2020 | 313620 | AT&T                               | ELECTRONIC COMMUNICATIONS          | 6,572.50   |
| 06/12/2020 | 313621 | AT&T                               | ELECTRONIC COMMUNICATIONS          | 22,047.91  |
| 06/12/2020 | 313622 | B & H PHOTO & ELECTRONICS CORP.    | EQUIPMENT FOR COOKING SHOW         | 386.90     |
| 06/12/2020 | 313623 | BAIRD, JIM & ANNE                  | TRIP REFUND-MAG/MANSIONS           | 195.00     |
| 06/12/2020 | 313624 | BAUMGARTNER, PEG                   | TRIP REFUND-MAG.MANSIONS           | 100.00     |
| 06/12/2020 | 313625 | BESTEMAN, CARL                     | TRIP REFUND-GRAND HOTEL            | 200.00     |
| 06/12/2020 | 313626 | BLUE CROSS/BLUE SHIELD OF MICH     | BCBSM INSURANCE JULY 2020          | 45,288.64  |
| 06/12/2020 | 313627 | BRISTOL, MARGARET                  | TRIP REFUND-GRAND HOTEL            | 200.00     |
| 06/12/2020 | 313628 | BRONSON HEALTHCARE GROUP           | LEGAL BLOOD DRAW                   | 100.00     |
| 06/12/2020 | 313629 | BURKE, JOYCE                       | TRIP REFUND-GRAND HOTEL            | 400.00     |
| 06/12/2020 | 313630 | CAMPBELL AUTO SUPPLY               | MISC AUTO SUPPLIES                 | 38.98      |
| 06/12/2020 | 313631 | CARLSON, HEATHER                   | TRIP REFUND-GRAND HOTEL            | 200.00     |
| 06/12/2020 | 313632 | CARTRIDGE WORLD                    | INK CARTRIDGES                     | 178.20     |
| 06/12/2020 | 313633 | CHICAGO TITLE OF MICHIGAN          | OP WATER/SEWER 8108 PERRY ST       | 77.79      |
| 06/12/2020 | 313634 | CINTAS CORP.                       | UNIFORM RENTAL FOR INSPECTORS      | 15.90      |
| 06/12/2020 | 313635 | CITY OF KALAMAZOO TREASURER        | SANITARY SEWER CHARGES             | 364,999.75 |
| 06/12/2020 | 313636 | CONSUMERS ENERGY                   | NATURAL GAS CHARGES 10616 CORA DR  | 67.39      |
| 06/12/2020 | 313637 | DANIELSON, SUSAN                   | TRIP REFUND-MAG MANSIONS           | 100.00     |
| 06/12/2020 | 313638 | DODSON, JOANN                      | TRIP REFUND-GRAND HOTEL            | 200.00     |
| 06/12/2020 | 313639 | DOUGLAS, KATHY                     | TRIP REFUND-MAG MANSIONS           | 100.00     |
| 06/12/2020 | 313640 | DOUGLAS, KIM                       | TRIP REFUND-MAG MANSIONS           | 100.00     |
| 06/12/2020 | 313641 | DOYLE, MARILYN                     | TRIP REFUND-MAG MANSIONS           | 100.00     |
| 06/12/2020 | 313642 | EMERGENCY VEHICLE PRODUCTS         | FIRE APPARATUS MAINT               | 8,196.60   |
| 06/12/2020 | 313643 | FLODSTROM, ALICIA                  | TRIP REFUND-GRAND HOTEL            | 200.00     |
| 06/12/2020 | 313644 | GASAWAY, PATRICIA                  | TRIP REFUND-FANCY AT MEADOW BROOK  | 125.00     |
| 06/12/2020 | 313645 | GERNAAT, SUZANNE                   | CLASSES TAUGHT, HEALTHY BRAIN CLUB | 180.00     |
| 06/12/2020 | 313646 | GHERARDI, PATRICIA                 | TRIP REFUND-GRAND HOTEL            | 270.00     |
| 06/12/2020 | 313647 | GIPSON, GAYDENE                    | TRIP REFUND-MYSTERY TRIP 1         | 80.00      |
| 06/12/2020 | 313648 | GOFF, PATRICIA                     | TRIP REFUND-MYSTERY TRIP 1         | 80.00      |
| 06/12/2020 | 313649 | GORDON FOOD SERVICE                | RAMONA CONCESSION SUPPLIES         | 160.54     |
| 06/12/2020 | 313650 | GRANDSTAFF, ANNE                   | TRIP REFUND-MYSTERY TRIP 1         | 80.00      |



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| 06/12/2020 | 313651 | GREEN, LAUREL               | TRIP REFUND-GRAND HOTEL                | 200.00     |
| 06/12/2020 | 313652 | GREGG, GLORIA               | TRIP REFUND-FANCY AT MEADOW BROOK      | 130.00     |
| 06/12/2020 | 313653 | HALL BUILDERS LLC           | NEW FIRE STATION 2                     | 323,744.95 |
| 06/12/2020 | 313654 | HANDLEY, JANICE             | TRIP REFUND-MYSTERY TRIP 1             | 100.00     |
| 06/12/2020 | 313655 | HENDERSON, DEANNE           | TRIP REFUND-MAG MANSIONS               | 100.00     |
| 06/12/2020 | 313656 | HERRICK, JANICE             | TRIP REFUND-MYSTERY TRIP 2             | 85.00      |
| 06/12/2020 | 313657 | HIGGS, SUE                  | TRIP REFUND-MYSTERY TRIP 1             | 85.00      |
| 06/12/2020 | 313658 | HITTLE, SHAUN               | FINAL BILL CREDIT-5416 PLATEAU ST.     | 26.63      |
| 06/12/2020 | 313659 | HOLCOMB, STEPHEN            | TRIP REFUND-MYSTERY TRIP 1             | 80.00      |
| 06/12/2020 | 313660 | HOME DEPOT                  | SUPPLIES FOR SHELVING UNITS            | 1,239.50   |
| 06/12/2020 | 313661 | HOOVER, GAIL                | TRIP REFUND-GRAND HOTEL                | 295.00     |
| 06/12/2020 | 313662 | HORENSKY, MARY              | TRIP REFUND-GRAND HOTEL                | 200.00     |
| 06/12/2020 | 313663 | HUJSAK, DONNA               | TRIP REFUND-NY ED TED                  | 150.00     |
| 06/12/2020 | 313664 | IMAGESTREAM, INC.           | CONFERENCE CALLS -COVID19              | 217.51     |
| 06/12/2020 | 313665 | INSIGHT PUBLIC SECTOR, INC. | MICROSOFT VISIO 1 LICENSE              | 404.05     |
| 06/12/2020 | 313666 | JENNINGS, DOLORES           | TRIP REFUND-MYSTERY ED TED             | 50.00      |
| 06/12/2020 | 313667 | KALSIC, CYNTHIA             | TRIP REFUND-MYSTERY TRIP 2             | 80.00      |
| 06/12/2020 | 313668 | KANTZ, SANDRA               | TRIP REFUND-NY ED TED                  | 50.00      |
| 06/12/2020 | 313669 | KAY PARK RECREATION         | OPERATING SUPPLIES                     | 627.00     |
| 06/12/2020 | 313670 | KEANE, MARY ANN             | TRIP REFUND-MYSTERY TRIP 2             | 85.00      |
| 06/12/2020 | 313671 | KERSTETTER, VIOLET          | TRIP REFUND-FANCY,MYSTERY 1,OVER/UNDER | 415.00     |
| 06/12/2020 | 313672 | KIDNEY, ARTHUR & ANDREA     | TRIP REFUND-CAPE COD                   | 100.00     |
| 06/12/2020 | 313673 | KLINK, CAROLINE             | LAKEVIEW PARK REFUND                   | 110.00     |
| 06/12/2020 | 313674 | KRUSE, BARBARA              | TRIP REFUND-MAG MANSIONS               | 100.00     |
| 06/12/2020 | 313675 | KUZMITOWICZ, EDWARD & JOYCE | TRIP REFUND-OVER & UNDER               | 200.00     |
| 06/12/2020 | 313676 | KZOO TIRE COMPANY           | POLICE VEHICLE MAINT                   | 1,558.00   |
| 06/12/2020 | 313677 | LAWLER, DON & FAY           | TRIP REFUND-MYSTERY TRIP 1             | 170.00     |
| 06/12/2020 | 313678 | LEE, BARBARA                | TRIP REFUND-GRAND HOTEL                | 200.00     |
| 06/12/2020 | 313679 | LENNON, KAY                 | TRIP REFUND-FANCY AT MEADOW BROOK      | 125.00     |
| 06/12/2020 | 313680 | LEWIS, BONNIE               | TRIP REFUND-NY ED TED                  | 50.00      |
| 06/12/2020 | 313681 | LLOYD, ASHTON               | ADULT SOFTBALL TUES COED REFUND        | 700.00     |
| 06/12/2020 | 313682 | LUNDBERG, JOANNA            | TRIP REFUND-MAG MANSIONS               | 185.00     |
| 06/12/2020 | 313683 | LUNDBERG, KATHLEEN          | TRIP REFUND-MYSTERY TRIP 1             | 95.00      |

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| 06/12/2020 | 313684 | MAISTO, DAWN                        | TRIP REFUND-GRAND HOTEL               | 200.00   |
| 06/12/2020 | 313685 | MALSCH, MARY                        | TRIP REFUND-GRAND HOTEL               | 380.00   |
| 06/12/2020 | 313686 | MARIANA, MYRTLE                     | TRIP REFUND-MYSTERY TRIP 1            | 85.00    |
| 06/12/2020 | 313687 | MARLETT, CAROL                      | TRIP REFUND-GRAND HOTEL               | 200.00   |
| 06/12/2020 | 313688 | MASTIN, EUNICE                      | TRIP REFUND-MYSTERY TRIP 2            | 90.00    |
| 06/12/2020 | 313689 | MCCRUMB, LINDA                      | TRIP REFUND-MYSTERY TRIP 1            | 85.00    |
| 06/12/2020 | 313690 | MCDONALD'S TOWING & RESCUE, INC.    | TOWING SERVICES                       | 57.50    |
| 06/12/2020 | 313691 | MCGREW, ANN                         | TRIP REFUND-MAG MANSIONS              | 95.00    |
| 06/12/2020 | 313692 | MEIKLE, CATHERINE                   | TRIP REFUND-MYSTERY TRIP 1            | 85.00    |
| 06/12/2020 | 313693 | MELVILLE, PHYLLIS                   | TRIP REFUND-MYSTERY ED TED            | 50.00    |
| 06/12/2020 | 313694 | MENARDS                             | BUILDING SUPPLIES                     | 35.90    |
| 06/12/2020 | 313695 | MENARDS                             | BUILDING SUPPLIES                     | 46.30    |
| 06/12/2020 | 313696 | MENARDS                             | BUILDING SUPPLIES                     | 79.92    |
| 06/12/2020 | 313697 | MICH MUNICIPAL POLICE & FIRE REPAIR | POLICE VEHICLE REPAIR & MAINT         | 1,535.35 |
| 06/12/2020 | 313698 | MICHIGAN ELECTRIC TRANSMISSION COMP | BD BOND REFUND                        | 2,650.00 |
| 06/12/2020 | 313699 | MIDWEST CUSTOM EMBROIDERY COMPANY   | ASSESSORS UNIFORM POLO SHIRTS         | 156.00   |
| 06/12/2020 | 313700 | MIEDEMA, KENDALL                    | FINAL BILL CREDIT-1908 GREENVIEW AVE  | 16.94    |
| 06/12/2020 | 313701 | MILLER, CANFIELD, PADDOCK & STONE   | AUSTIN LAKE TRAIL LEGAL SERVICES      | 182.50   |
| 06/12/2020 | 313702 | MILLER, EUGENE & ZOE                | TRIP REFUND-MYSTERY TRIP 1,OVER/UNDER | 360.00   |
| 06/12/2020 | 313703 | MILLER, MARY                        | TRIP REFUND-FANCY & MYSTERY TRIP 1    | 210.00   |
| 06/12/2020 | 313704 | MLIVE MEDIA GROUP                   | MLIVE LEGAL NOTICES FOR MAY 2020      | 3,735.11 |
| 06/12/2020 | 313705 | MONKS, SANDRA                       | TRIP REFUND-MYSTERY TRIP 1            | 80.00    |
| 06/12/2020 | 313706 | MORRIS, GREGORY & LYNN              | TRIP REFUND-GRAND HOTEL               | 400.00   |
| 06/12/2020 | 313707 | MURSCH, MELANIE                     | TRIP REFUND-MISSISSIPPI               | 175.00   |
| 06/12/2020 | 313708 | NEWTON, JOYCE                       | TRIP REFUND-MISSISSIPPI               | 180.00   |
| 06/12/2020 | 313709 | NICHOLS, TAMARA                     | TRIP REFUND-GRAND HOTEL               | 200.00   |
| 06/12/2020 | 313710 | O'CONNOR, TERRY                     | TRIP REFUND-MYSTERY TRIP 1            | 95.00    |
| 06/12/2020 | 313711 | OFFICE DEPOT, INC.                  | FIRE OFFICE SUPPLIES                  | 404.69   |
| 06/12/2020 | 313712 | PARISH, DORIS                       | TRIP REFUND-FANCY AT MEADOW BROOK     | 135.00   |
| 06/12/2020 | 313713 | PERRY, PATRICIA                     | TRIP REFUND-FANCY AT MEADOW BROOK     | 140.00   |
| 06/12/2020 | 313714 | PETERS, DONNA                       | TRIP REFUND-MYSTERY TRIP 2            | 85.00    |
| 06/12/2020 | 313715 | PETERS, PATRICIA                    | TRIP REFUND-FANCY AT MEADOW BROOK     | 130.00   |
| 06/12/2020 | 313716 | PETTY CASH-PAULA GUSTAFSON          | REPLENISHMENT CHECK                   | 373.00   |

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Check Dates From: 5/31/2020 to 6/13/2020

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| Check Date | Check  | Vendor Name                     | Description                          | Amount    |
|------------|--------|---------------------------------|--------------------------------------|-----------|
| 06/12/2020 | 313717 | POPP, ROBERT                    | LAKEVIEW SOFTBALL REFUND             | 140.00    |
| 06/12/2020 | 313718 | PORTAGE SOCCER CLUB             | FENCE ON ZYLMAN AVE-CITY SHARED COST | 15,885.00 |
| 06/12/2020 | 313719 | POTRUDE, HOWARD & GEORGIA       | TRIP REFUND-ONE DAY FUN DAY          | 160.00    |
| 06/12/2020 | 313720 | REDMOND, BARBARA                | TRIP REFUND-FANCY AT MYSTERY TRIP 2  | 210.00    |
| 06/12/2020 | 313721 | REEHL, MARY ANN                 | TRIP REFUND-MYSTERY TRIP 2           | 80.00     |
| 06/12/2020 | 313722 | RICE, PEGGY                     | FINAL BILL CREDIT-6738 CORNELL ST.   | 53.12     |
| 06/12/2020 | 313723 | RICHEY, SHARON                  | TRIP REFUND-MYSTERY TRIP 1           | 95.00     |
| 06/12/2020 | 313724 | ROBERTS, ARTHUR                 | TRIP REFUND-MYSTERY TRIP 1           | 160.00    |
| 06/12/2020 | 313725 | ROCKROHR, BEVERLY               | TRIP REFUND-MYSTERY TRIP 1           | 80.00     |
| 06/12/2020 | 313726 | ROME, JUDITH                    | TRIP REFUND-FANCY AT MEADOW BROOK    | 125.00    |
| 06/12/2020 | 313727 | RUSSELL, MELISSA                | TRIP REFUND-MYSTERY TRIP 2           | 85.00     |
| 06/12/2020 | 313728 | SAFEBUILT MICHIGAN, LLC         | MECHANICAL INSPECTIONS FOR MAY       | 3,360.00  |
| 06/12/2020 | 313729 | SCHOSTAREZ, SHIRLEY & HEINRICH  | TRIP REFUND-GRAND HOTEL              | 400.00    |
| 06/12/2020 | 313730 | SCHUG, NELSON                   | TRIP REFUND-GRAND HOTEL              | 390.00    |
| 06/12/2020 | 313731 | SEHI COMPUTER PRODUCTS          | COLOR LASERJET PRO MFP M479FDN       | 435.00    |
| 06/12/2020 | 313732 | SELBY, CAROLYN                  | TRIP REFUND-MYSTERY TRIP 2           | 85.00     |
| 06/12/2020 | 313733 | SHORT, MARY                     | TRIP REF-ONE DAY,FANCY,NIAGARA       | 415.00    |
| 06/12/2020 | 313734 | SIMONDS, ELIZABETH              | TRIP REFUND-FANCY AT MEADOW BROOK    | 125.00    |
| 06/12/2020 | 313735 | SMOLINSKI, JAMES                | TRIP REFUND-MYSTERY TRIP 1           | 85.00     |
| 06/12/2020 | 313736 | SNOW, BEVERLY                   | TRIP REFUND-MYSTERY TRIP 1           | 90.00     |
| 06/12/2020 | 313737 | SOUTHLAND MALL, LTD             | BD BOND REFUND                       | 350.00    |
| 06/12/2020 | 313738 | SPENCER, SUSANNE                | TRIP REFUND-MAG MANSIONS             | 230.00    |
| 06/12/2020 | 313739 | STAFFORD, AUDREY                | TRIP REFUND-MYSTERY TRIP 1 & FANCY   | 215.00    |
| 06/12/2020 | 313740 | STATE SYSTEMS RADIO, INC        | FLEET RADIO SERVICES                 | 1,100.00  |
| 06/12/2020 | 313741 | STEENSMA LAWN & POWER EQUIPMENT | REPAIR AND MAINTENANCE               | 2,794.10  |
| 06/12/2020 | 313742 | STUDENT HAULERS                 | ABATEMENT FOR 1418 ORCHARD DR        | 400.00    |
| 06/12/2020 | 313743 | SULLIVAN, JUDITH                | TRIP REFUND-FANCY AT MEADOW BROOK    | 130.00    |
| 06/12/2020 | 313744 | SWEARINGEN, MARIAN              | TRIP REFUND-MYSTERY TRIP 2           | 80.00     |
| 06/12/2020 | 313745 | TEMPLE, LOIS                    | TRIP REFUND-FANCY AT MEADOW BROOK    | 130.00    |
| 06/12/2020 | 313746 | TURK, NANCY                     | TRIP REFUND-MAG MANSIONS             | 700.00    |
| 06/12/2020 | 313747 | TURKS, GUNTA (SUE)              | TRIP REFUND-MYSTERY TRIP 2           | 85.00     |
| 06/12/2020 | 313748 | UNITED PARCEL SERVICE           | UPS WEEKLY                           | 12.00     |
| 06/12/2020 | 313749 | URFER, WILLIAM & JANET          | TRIP REFUND-MYSTERY TRIP 1 & FANCY   | 420.00    |

ACCOUNTS PAYABLE REGISTER  
Check Dates From: 5/31/2020 to 6/13/2020

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| Check Date                 | Check  | Vendor Name                      | Description                       | Amount            |
|----------------------------|--------|----------------------------------|-----------------------------------|-------------------|
| 06/12/2020                 | 313750 | VANDERWOUDE, JOAN                | TRIP REFUND-MYSTERY TRIP 1        | 85.00             |
| 06/12/2020                 | 313751 | VANGUARD FIRE & SUPPLY CO., INC. | BUILDING MAINT- EXTINGUISHERS     | 310.85            |
| 06/12/2020                 | 313752 | VAUGHAN, KATHRYN                 | TRIP REFUND-GRAND HOTEL           | 200.00            |
| 06/12/2020                 | 313753 | VELD, ANN                        | TRIP REFUND-MYSTERY TRIP 1        | 80.00             |
| 06/12/2020                 | 313754 | VERIZON WIRELESS                 | WIRELESS SERVICE                  | 48.14             |
| 06/12/2020                 | 313755 | WAGNER, KAREN                    | TRIP REFUND-MYSTERY TRIP 2        | 90.00             |
| 06/12/2020                 | 313756 | WALKER, CHRISTINE                | TRIP REFUND-FANCY AT MEADOW BROOK | 130.00            |
| 06/12/2020                 | 313757 | WEBER, KATHLEEN                  | TRIP REFUND-MYSTERY TRIP 1        | 85.00             |
| 06/12/2020                 | 313758 | WEIDEMANN, JUDY                  | TRIP REFUND-MYSTERY TRIP 1        | 80.00             |
| 06/12/2020                 | 313759 | WEIGAND, JAN                     | TRIP REFUND-GRAND HOTEL           | 200.00            |
| 06/12/2020                 | 313760 | WENDLING-OSBORN, JANE            | TRIP REFUND-FANCY AT MEADOW BROOK | 125.00            |
| 06/12/2020                 | 313761 | WESTPHAL, RICHARD                | TRIP REFUND-GRAND HOTEL           | 200.00            |
| 06/12/2020                 | 313762 | WILLACKER, JEANNINE              | TRIP REFUND-GRAND HOTEL           | 400.00            |
| 06/12/2020                 | 313763 | WINTHER, ELIZABETH               | TRIP REFUND-MYSTERY TRIP 2        | 80.00             |
| 06/12/2020                 | 313764 | ZACK, ELLEN                      | TRIP REFUND-FANCY AT MEADOW BROOK | 130.00            |
| 06/12/2020                 | 313765 | ZYGADLO, ELEDA                   | TRIP REFUND-MAG MANSIONS          | 220.00            |
| 06/12/2020                 | 313766 | ZYGADLO, SUSAN                   | TRIP REFUND-MAG MANSIONS          | 95.00             |
| 06/12/2020                 | 313767 | MALL CITY MECHANICAL             | FIRE FACILTY MAINT                | 180.50            |
| <b>Total Paper Checks:</b> |        |                                  |                                   | <b>960,413.18</b> |

Check type: Auto-pay Payment

|                                 |                  |              |                  |
|---------------------------------|------------------|--------------|------------------|
| 06/01/2020                      | CONSUMERS ENERGY | GAS-ELECTRIC | 107.99           |
| 06/04/2020                      | CONSUMERS ENERGY | GAS-ELECTRIC | 52,096.22        |
| 06/05/2020                      | CONSUMERS ENERGY | GAS-ELECTRIC | 2,388.19         |
| 06/08/2020                      | CONSUMERS ENERGY | GAS-ELECTRIC | 1,054.04         |
| 06/09/2020                      | CONSUMERS ENERGY | GAS-ELECTRIC | 10,864.39        |
| 06/10/2020                      | CONSUMERS ENERGY | GAS-ELECTRIC | 20,952.75        |
| 06/11/2020                      | CONSUMERS ENERGY | GAS-ELECTRIC | 914.68           |
| 06/12/2020                      | CONSUMERS ENERGY | GAS-ELECTRIC | 700.66           |
| <b>Total Auto-pay Payments:</b> |                  |              | <b>89,078.92</b> |

**Grand Total: 1,813,595.66**

**TO:** Honorable Mayor and City Council

**FROM:** Joseph La Margo, City Manager



**SUBJECT:** Community Senior Center Appropriation - Amendment

**SUPPORTING PERSONNEL:** Kathleen Hoyle, Director of Parks, Recreation & Senior Citizen Services  
Kimberly Phillips, Senior Citizen Services Manager  
Adam Herringa, Deputy City Manager

**ACTION RECOMMENDED:**

1. Rescind in total the October 26, 2018 action taken by City Council to "appropriate up to \$5,500,000 as a match, on a dollar to dollar basis, to the amount generated by a capital campaign effort for the construction of a new Portage Community Senior Center, said commitment being effective until the appropriation of the funds required for the construction of the new Community Senior Center or June 30, 2021, whichever comes first" and replace with the following motion:
2. Commit to appropriate a dollar for dollar match up to \$5,500,000 generated by the capital campaign effort for the construction of a new Portage Community Senior Center and funding in the amount of the difference between the amount raised plus the city match and the final cost to construct and outfit the proposed Portage Community Senior Center, up to a total project cost of \$12,500,000.

At a Committee of the Whole Meeting held October 26, 2018, City Council committed to "appropriate up to \$5,500,000 as a match, on a dollar to dollar basis, to the amount generated by a capital campaign effort for the construction of a new Portage Community Senior Center, said commitment being effective until the appropriation of the funds required for the construction of the new Community Senior Center or June 30, 2021, whichever comes first."

As of June 19, 2020, the fundraising effort for the Community Senior Center has successfully raised \$4.2 million. With the city's match, the total amount currently available for the project is \$8.4 million. Understandably, fundraising success slowed dramatically with the onset of the pandemic. City staff

continues to apply for various grants and funding opportunities to help offset costs associated with the facility. For example, grants are pending with Blue Ox Credit Union, Advia Credit Union, State of Michigan and the Herbert and Grace Dow Foundation. Also, a grant is currently being developed for funding resulting from the federal government's CARES Act. The total amount of grants currently being applied for is approximately \$3.25 million. However, relying on additional grant funding or donations for the project is not advisable as there are no guarantees these funds will be realized. Another possible source of funding to help offset the cost of the Community Senior Center is the existing Senior Center which has an appraised value of \$460,000. However, there are no current plans for the existing Senior Center. Any sale of the existing Senior Center will require City Council approval.

The City Administration is committed to constructing the facility to support the growing needs of seniors and other community members and to developing a facility of which the community can be proud and one that will be functional and beneficial for years to come. It is our hope that the new Portage Community Senior Center will be a model for the region and the State.

The fundraising campaign, building plans, open houses, etc. emphasized that the building and related furniture, technology, etc. would cost approximately \$11 million (\$2.6 million more than is currently available). The City Administration recently held a cost review and value engineering session with the architect (Byce) and builder (AVB). At this meeting cost estimates were examined and the building design was again reviewed for functionality and support of future growth. One key modification involves an expansion of the basement to support future growth and increased opportunities for larger classes that permit social distancing. Additionally, a key factor in this decision is that added basement space ensures the building footprint, parking plans and landscaping can adequately fit on the space available. Given an average 5% annual increase in construction costs and expansion of the building by enlarging the basement, construction of the building is now estimated to be approximately between \$12.0 and \$12.5 million.

Construction of the facility is anticipated to take 14 months. The current plan is for groundbreaking to commence in September of 2020. Substantial completion is anticipated in November 2021.

Given the importance of this facility to the community, this once in a generation opportunity and the significant philanthropic donations made to date, it is recommended that City Council rescind the October 26, 2018 motion and approve a new motion that reflects the current reality. To rescind an action previously taken, a two-thirds majority vote is needed. However, if notice is given at one City Council meeting and action is taken at the following City Council meeting, a simple majority is needed to rescind an action previously taken.

To balance fiscal concerns, expectations of donors and community need, the City Administration recommends that City Council rescind in total the October 26, 2018 action taken by City Council and replace it with a motion to commit to appropriate a dollar for dollar match up to \$5,500,000 generated by the capital campaign effort for the construction of a new Portage Community Senior Center and funding in the amount of the difference between the amount raised plus the city match and the final cost to construct and outfit the proposed Portage Community Senior Center, up to a total project cost of \$12,500,000.

**FUNDING:** Capital Improvement funds, grants and private donations will be used to fund this project.

**Attachments:** 1. Estimate Summary- Portage Senior Center V12 6-22-20



BUILD SOMETHING BETTER.

|                                                          |                                                                                   | SF     | 6/22/2020      |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|--------|----------------|
| PORTAGE SENIOR CENTER                                    |                                                                                   | 30375  | ESTIMATED COST |
| 001-660                                                  | MATERIAL TESTING ALLOWANCE                                                        |        | \$ 25,000      |
| 001-901                                                  | CONSUMERS ENERGY ALLOWANCE                                                        |        | \$ 30,000      |
| 003-100                                                  | CONCRETE                                                                          |        | \$ 541,413     |
| 004-200                                                  | MASONRY                                                                           |        | \$ 1,011,583   |
| 005-100                                                  | STRUCTURAL STEEL / MISC. METALS                                                   |        | \$ 976,456     |
| 006-800                                                  | GENERAL TRADES                                                                    |        | \$ 551,163     |
| 007-460                                                  | METAL PANELS                                                                      |        | \$ 654,800     |
| 007-530                                                  | MEMBRANE ROOFING                                                                  |        | \$ 224,731     |
| 007-610                                                  | METAL ROOFING                                                                     |        | \$ 88,860      |
| 007-620                                                  | GUTTER AND DOWNSPOUTS                                                             |        | \$ 2,376       |
| 007-910                                                  | CAULKING & SEALANTS                                                               |        | \$ 7,594       |
| 008-100                                                  | DOORS, FRAMES, AND HARDWARE                                                       |        | \$ 103,897     |
| 008-340                                                  | OVERHEAD DOORS                                                                    |        | \$ 63,350      |
| 008-400                                                  | GLASS & ALUMINUM                                                                  |        | \$ 778,095     |
| 009-250                                                  | DRYWALL, METAL STUDS, INSULATION, CEILINGS                                        |        | \$ 655,741     |
| 009-600                                                  | FLOORING                                                                          |        | \$ 299,639     |
| 009-900                                                  | PAINT                                                                             |        | \$ 79,069      |
| 010-000                                                  | SPECIALTIES: BATH ACCESSORIES, LOCKERS, OPERABLE PARTITIONS, WINDOW SHADES, ETC.. |        | \$ 228,585     |
| 014-200                                                  | ELEVATORS                                                                         |        | \$ 165,000     |
| 021-100                                                  | FIRE PROTECTION                                                                   |        | \$ 69,863      |
| 022-100                                                  | PLUMBING                                                                          |        | \$ 303,750     |
| 023-100                                                  | MECHANICAL                                                                        |        | \$ 925,500     |
| 026-100                                                  | ELECTRICAL                                                                        |        | \$ 821,601     |
| 031-100                                                  | SITWORK                                                                           |        | \$ 489,044     |
| 032-100                                                  | ASPHALT PAVING                                                                    |        | \$ 131,540     |
| 032-900                                                  | LANDSCAPING, IRRIGATION, PAVERS                                                   |        | \$ 202,502     |
| PROJECT SUB-TOTAL                                        |                                                                                   |        | \$ 9,431,150   |
| 001-950                                                  | DESIGN/ESTIMATE CONTINGENCY                                                       | 3.0%   | \$ 282,935     |
| 001-951                                                  | CONSTRUCTION CONTINGENCY                                                          | 5.0%   | \$ 471,558     |
| 001-100                                                  | CM OH AND FEE                                                                     | 4.98%  | \$ 469,628     |
| 001-101                                                  | PRE CONSTRUCTION FEE                                                              |        | \$ 19,350      |
| 001-900                                                  | LIABILITY INSURANCE                                                               | 0.375% | \$ 35,367      |
| 001-910                                                  | PLM BOND                                                                          | 0.700% | \$ 66,018      |
| TOTAL CONSTRUCTION COST                                  |                                                                                   |        | \$ 10,776,005  |
| TOTAL APPROVED VALUE ENGINEERING SAVINGS                 |                                                                                   |        | \$ (723,874)   |
| TOTAL CONSTRUCTION COST WITH VALUE ENGINEERING SAVINGS   |                                                                                   |        | \$ 10,052,130  |
| ADDED COST FOR A LARGER BASEMENT                         |                                                                                   |        | \$ 1,250,000   |
| ALLOWANCE FOR OWNER FURNITURE, FIXTURES, EQUIPMENT, ETC. |                                                                                   |        | \$ 1,000,000   |
| ALLOWANCE FOR OWNER CONTINGENCY                          |                                                                                   |        | \$ 197,870     |
| TOTAL CONSTRUCTION COST INCLUDING LARGER BASEMENT        |                                                                                   |        | \$ 12,500,000  |



**TO:** Honorable Mayor and City Council

**FROM:** Joseph La Margo, City Manager



**SUBJECT:** Northeast Water Transmission Main Improvements

**SUPPORTING PERSONNEL:** Kendra Gwin, Director of Transportation & Utilities

**ACTION RECOMMENDED:**

1. Award a construction contract for the installation of the Northeast Water Transmission Main to the low bidder, Kamminga and Roodvoets, Inc. in the not-to-exceed amount of \$1,422,515;
2. approve the acquisition of a water main easement with the Kalamazoo County Board of Commissioners across the Kalamazoo/Battle Creek International Airport at a cost of \$8,750;
3. award a professional services contract for engineering construction inspection services to Hurley & Stewart, LLC in the not-to-exceed amount of \$168,376;
4. amend the Fiscal Year 2020-2021 Capital Improvement Program budget in the amount of \$550,000;
5. approve a letter of intent to transfer ownership of a portion of city-owned property located at 6600 South Sprinkle Road to the Kalamazoo/Battle Creek International Airport as outlined in the attached "Exhibit A";

and authorize the City Manager to execute all documents related to the construction contracts, utility easement and letter of intent on behalf of the city.

On December 16, 2003, City Council adopted resolutions approving the City of Portage Local Development Finance Authority (LDFA) 2003 Amended Development Plan, the Amended Tax Increment Financing Plan and the Amended City of Portage Local Development Finance District. The Amended Development Plan appropriated \$1,200,000 for the installation of a water transmission main on the East Milham Avenue alignment across the Kalamazoo/Battle Creek International Airport (AZO) connecting an existing water main in Mastenbrook Drive on the west side of the airport to an existing water main in East Milham Avenue on the east side. The new water transmission main will

substantially improve the efficiency of the water distribution system and will improve fire flows to the northern part of the Sprinkle Road Industrial Corridor. New developments occurring along the Sprinkle Road corridor have increased the need for sufficient fire flows to provide adequate fire protection. The new water main may also stimulate new development and redevelopment along the corridor.

### **1. Construction Contract**

The Northeast Water Transmission Main Improvements project was advertised and construction bids were received on June 11, 2020. Three contractors submitted bids for the project, with the lowest bid of \$1,422,515 being submitted by Kamminga and Roodvoets, Inc., of Grand Rapids, MI. This contractor has successfully completed similar projects for the city, including the Idaho Avenue Reconstruction Project and the South 12th Street Lift Station Force Main Replacement Project under US 131. The contractor has provided appropriate insurance and is pre-qualified with the Michigan Department of Transportation as required by the contract proposal documents.

### **2. Water Main Easement Requisition**

To construct the water main, an easement is required across the airport property. The \$8,750 cost of the easement is based upon an appraisal prepared by Bratcher and Associates, of Battle Creek, MI. On May 28, 2020, the Kalamazoo/Battle Creek Aeronautics Board recommended approval of the easement to the Kalamazoo County Board of Commissioners. The Kalamazoo County Board of Commissioners approved the easement at their June 16, 2020 commission meeting.

### **3. Engineering Construction Inspection Professional Services Contract**

Installation of the new water transmission main across the airport will be completed in spring 2021 in accordance with the approval from the Federal Aviation Administration. The installation of casing pipe under the runway is planned to be completed in the fall 2020. Airport officials have worked cooperatively with city staff and engineering consultant, Hurley & Stewart, of Kalamazoo, MI, in coordinating the design and construction of the project. In April 2006, City Council approved an engineering services contract with Hurley & Stewart for the design and inspection of the water main improvements. Due to the unavailability of insurance for the water main at that time, the project was put on hold. The city now has the capabilities to acquire the required insurance. As such, Hurley & Stewart performed a review of the 2006 design and plans prior to bidding of the construction project; only minor modifications were required. Hurley & Stewart has submitted a proposal for engineering inspection services in the amount not-to-exceed \$168,376. Staff has reviewed the proposal and found it to be appropriate for the work to be completed.

### **4. Capital Improvement Program Budget**

The LDFA appropriation of \$1,200,000 does not entirely cover the cost for the water main installation, therefore the FY 2020-2021 Capital Improvement Program budget requires an amendment in the amount of \$550,000. Sufficient resources exist in the Water Fund, which has an unrestricted balance of \$8,788,476, to support this amendment.

## 5. Transfer of Ownership

AZO has a planned project to lengthen their north/south runway by 1,150 feet. The project is scheduled to begin in the spring of 2022 and will be completed in 2025. The existing length of the runway (6,502 feet) requires that most commercial aircraft must make weight concessions in reduced passenger, cargo and fuel loads to safely takeoff and land at the airport. The proposed project will eliminate the weight concession issues by lengthening the runway. The runway extension will require a portion of the Norfolk Southern Railroad to be relocated easterly from its existing location. The acquisition of city property by AZO will be required for the railroad relocation. As plans for the project are not complete, the airport has not yet identified the exact amount of property required from the City of Portage. To continue with the planning and design of the runway extension, the airport administration is requesting that the city execute a letter of intent to transfer the required property yet to be identified for the railroad relocation to the airport for the runway expansion project.

It is recommended that City Council award a construction contract for the installation of the Northeast Water Transmission Main to the lowest bidder, Kamminga and Roodvoets, Inc., in the not-to-exceed amount of \$1,422,515, approve acquisition of a water main easement across the Kalamazoo/Battle Creek International Airport at a cost of \$8,750 and award a professional services contract to Hurley & Stewart, LLC for inspection engineering services in the not-to-exceed amount of \$168,376. Further, it is recommended that City Council amend the Fiscal Year 2020-2021 Capital Improvement Program budget in the amount of \$550,000 and approve a letter of intent to transfer a portion of city-owned property to the Kalamazoo/Battle Creek International Airport for the runway extension.

**FUNDING:** The project and easement costs will be financed through the FY 2020-2021 Capital Improvement Program budget, along with \$550,000 from the Water Fund, which has an unrestricted balance of \$8,788,476.

**Attachments:**

1. Northeast Water Transmission Main Improvements - Bid Tabulation
2. Appraisal Report for Proposed Water Main Easement
3. Hurley & Stewart Proposal
4. Letter of Intent to Transfer Property
5. Exhibit A: Airport Property Acquisition Map

BID TABULATION  
Northeast Water Transmission Main Improvements

| <u>Bidder</u>                                                             | <u>Bid</u>     |
|---------------------------------------------------------------------------|----------------|
| Kamminga & Roodvoets, Inc.<br>3435 Broadmoor SE<br>Grand Rapids, MI 49512 | \$1,422,555.00 |
| Hoffman Bros, Inc.<br>8574 Verona Road<br>Battle Creek, MI 49014          | \$1,449,600.00 |
| Peters Construction Co.<br>3325 E. Kilgore Rd.<br>Kalamazoo, MI 49001     | \$1,579,000.00 |

**Appraisal Report  
Proposed Water Main Right-of-Way/Easement  
Kalamazoo/Battle Creek International Airport  
Kalamazoo, Michigan**

**As Of  
July 11, 2019**

**For  
Kalamazoo/Battle Creek International Airport**



**Appraiser  
George E. Bratcher, Jr., MAI, ASA, CAE  
Bratcher & Associates  
207 West Columbia Avenue  
Battle Creek, Michigan**



GEORGE E. BRATCHER, JR., MAI, ASA

**BRATCHER & ASSOCIATES**

***Real Estate Valuation/Consulting***

(269) 965-1444 • FAX (269) 965-1505

gebratcher@sbcglobal.net

BratcherandAssociates.com

July 11, 2019

Ms. Amanda Woodin, CPFO, AAE  
Interim Airport Director  
Kalamazoo/Battle Creek International Airport  
5236 Portage Road  
Kalamazoo, Michigan 49002

RE: Proposed Water Main Right-of-Way/Easement  
Kalamazoo/Battle Creek International Airport  
Kalamazoo, Michigan

Ms. Woodin:

In accordance with your request, attached is my appraisal report of the above referenced property. I have inspected the property, gathered the necessary data and performed analyses on that data in order to formulate an estimate of value for the subject property.

This appraisal was completed in accordance with my best understanding of the *Uniform Standards of Professional Appraisal Practice* (USPAP) regulations. The appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.

This is an appraisal report that is intended to comply with the reporting requirements set forth under Standards Rule 2-2(a) of the *Uniform Standards of Professional Appraisal Practice* for an appraisal report. It presents a summary discussion of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation concerning the data, reasoning, and analyses is retained in the appraiser's file. The intended use of this appraisal is to assist the client Kalamazoo/Battle Creek International Airport in decisions regarding granting of a water main right-of-way/easement. The depth of discussion contained in this report is specific to the needs of the client and for the intended use stated. The appraiser is not responsible for unauthorized use of this report.

The assignment involves an analysis of Value of the Part Taken for granting of a water main right-of-way/easement across the Kalamazoo/Battle Creek International Airport. As such, only the portion of the proposed acquisition (easement area) will be valued in fee, with the fee value used to estimate the easement value.

July 11, 2019  
Ms. Amanda Woodin

The subject right-of-way/easement area is briefly described as a rectangular shaped strip of land that bisects the Kalamazoo/Battle Creek International Airport, located in Kalamazoo County, Michigan. The subject easement area contains 42,599 square feet more or less (0.98 acre).

Based on my investigation and analysis of the data gathered with respect to this assignment, it is my carefully considered opinion the estimated market value of the right-of-way/easement interest in the subject property as of July 11, 2019, is:

Eight Thousand Seven Hundred Fifty Dollars  
(\$8,750)

**This letter must remain attached to the appraisal report, which contains 45 pages plus related exhibits, in order for the value opinion set forth to be considered valid. Please note the Assumptions and Contingent Conditions on Pages 7 and 8.**

Thank you for the opportunity to be of service in this matter. If you have any questions regarding the method of appraisal, the value concepts, or the indicated value, please contact me at your convenience.

Respectfully submitted,  
BRATCHER & ASSOCIATES



George E. Bratcher, Jr., MAI, ASA, CAE  
Certified General Appraiser  
Michigan License No. 1201000203

GEB/psl

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## **SUMMARY OF SALIENT FACTS**

|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Location of subject property:   | Kalamazoo/Battle Creek International Airport                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Site data:                      | Proposed easement area is 42,599 square feet (0.98 acre) extending from the Norfolk Southern Railroad tracks directly across from the termination of Milham Avenue to the east property line of the Kalamazoo Air Zoo. Soil type is composed of Urban land-Kalamazoo complex, 0 to 6 percent slopes. The topography is level. Approximately 10% of the subject is covered by concrete and asphalt paving (airport runway and taxiway), while the remainder is covered by grassy vegetation. |
| Utilities:                      | Typical utilities are available including municipal water and sewer.                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Zoning:                         | M-1 – Limited Manufacturing District.                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Improvement data:               | No structural improvements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Highest and best use:           | Assemblage with adjoining parcel.                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Rights appraised:               | Easement Interest                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Date of appraisal (as of date): | July 11, 2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Correlated Conclusion of Value: | via Sales Comparison<br>Fee Simple Value      \$35,000<br>Easement Value        \$8,750                                                                                                                                                                                                                                                                                                                                                                                                     |
| Appraiser:                      | George E. Bratcher, Jr., MAI, ASA, CAE<br>Certified General Appraiser<br>Michigan License No. 1201000203                                                                                                                                                                                                                                                                                                                                                                                    |

## **CERTIFICATION**

I certify that, to the best of my knowledge and belief.

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial and unbiased professional analyses, opinions, and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest with respect to the parties involved.
4. I have performed an appraisal of the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment. I appraised it in August 2018 for the same client.
5. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
6. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
7. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
8. My analyses, opinions, and conclusions were developed, and this report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice, and the requirements of the Code of Professional Ethics & Standards of Professional Appraisal Practice of the Appraisal Institute.
9. I have made a personal inspection of the property that is the subject of this report.
10. No one provided significant real property appraisal assistance to the person signing this certification.
11. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
12. As of the date of appraisal, I George E. Bratcher, Jr., MAI, ASA, CAE have completed the requirements of the continuing education program of the Appraisal Institute.



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George E. Bratcher, Jr., MAI, ASA, CAE  
Certified General Appraiser  
Michigan License No. 1201000203

---

July 11, 2019  
Date

In Michigan, Appraisers are required to be licensed and are now regulated by the Michigan Department of Licensing and Regulatory Affairs, P.O. Box 30018, Lansing, Michigan 48909.

## **ASSUMPTIONS AND LIMITING CONDITIONS**

1. This is an appraisal report which is intended to comply with the reporting requirements set forth under Standards Rule 2-2(a) of the *Uniform Standards of Professional Appraisal Practice* for an appraisal report.
2. No responsibility is assumed for legal or title considerations. Title to the property is assumed to be good and marketable, unless otherwise stated in this report.
3. The property is appraised free and clear of any or all liens or encumbrances, unless otherwise stated in this report.
4. Responsible ownership and competent property management are assumed unless otherwise stated in this report.
5. The information furnished by others is believed reliable. However, no warranty is given for its accuracy.
6. All engineering is assumed to be correct. Any plot plans and illustrative material in this report are included only to assist the reader in visualizing the property.
7. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions, or for arranging for engineering studies that may be required to discover them.
8. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless otherwise stated in this report.
9. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless a nonconformity has been stated, defined and considered in the appraisal report.
10. It is assumed that all required licenses, certificates of occupancy, consents, or other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimates contained in this report are based.
11. Any sketch in this report may show approximate dimensions and is included to assist the reader in visualizing the property. Maps and exhibits found in this report are provided for reader reference purposes only. No guarantee as to accuracy is expressed or implied unless otherwise stated in this report. No survey has been made for the purpose of this report.
12. It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespass, unless otherwise stated in the report.

13. The appraiser is not qualified to detect hazardous waste and/or toxic materials. Any comment by the appraiser that might suggest the possibility of the presence of such substances should not be taken as confirmation of the presence of hazardous waste and/or toxic materials. Such determination would require investigation by a qualified expert in the field of environmental assessment. The presence of substances such as asbestos, urea-formaldehyde foam insulation, or other potentially hazardous materials may affect the value of the property. The appraiser's value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value unless otherwise stated in this report. No responsibility is assumed for any environmental conditions, or for any expertise or engineering knowledge required to discover them. The appraiser's descriptions and resulting comments are the result of the routine observations made during the appraisal process.
14. Unless otherwise stated in this report, the subject property is appraised without a specific compliance survey having been conducted to determine if the property is or is not in conformance with the requirements of the Americans with Disabilities Act. The presence of architectural and communications barriers that are structural in nature that would restrict access by disabled individuals may adversely affect the property's value, marketability, or utility.
15. Any proposed improvements are assumed to be completed in a good workmanlike manner in accordance with the submitted plans and specifications.
16. The distribution, if any, of the total valuation in this report between land and improvements applies only under the stated program of utilization. The separate allocations for land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.
17. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any other person than the party to whom it is addressed without the written consent of the appraiser, and in any event, only with proper written qualification, and only in its entirety.
18. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media, without the prior written consent and approval of the appraiser.
19. This appraisal and values stated within are not subject to any extraordinary assumptions or hypothetical conditions.

## INTRODUCTION

### ***Definition of Value and Property Rights Appraised***

#### Market Value

According to the *Appraisal of Real Estate*, 14<sup>th</sup> Edition, published by “The Appraisal Institute”, page 58 the definition of market value is:

“The most probable price, as of a specified date, in cash, or in terms equivalent to cash, or in other precisely revealed terms, for which the specified property rights should sell after reasonable exposure in a competitive market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self interest, and assuming that neither is under undue duress.”

#### Fee Simple Estate

The fee simple estate is defined by the *Dictionary of Real Estate Appraisal*, 6<sup>th</sup> Edition, published by the Appraisal Institute as:

“Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.”

Other definitions pertinent to this appraisal include:

#### Easement Appurtenant

Easement appurtenant is defined by *The Dictionary of Real Estate Appraisal*, 6<sup>th</sup> Edition, published by “The Appraisal Institute” as:

“An easement that is attached to, benefits, and passes with the transfer of the dominant estate; runs with the land for the benefit of the dominant estate and continues to burden the servient estate, although such an estate may be transferred to new owners.”

### ***Effective Date of Value***

July 11, 2019

### ***Date of Report***

July 11, 2019

***Intended Use and User***

This report is intended to assist the user in determining the market value of the easement interest in a proposed water main right-of-way/easement. The function of this appraisal is to aid the client in decisions regarding granting of the right-of-way/easement area.

This report is intended for use only by the client Kalamazoo/Battle Creek International Airport. Intended users of this appraisal are specifically restricted to that of the staff and officials of the Kalamazoo/Battle Creek International Airport. It is the understanding of this appraiser that this appraisal may be shared with the City of Portage (proposed grantee), but they are not an intended user.

***Summary of Appraisal Problem***

I have been asked to estimate the value of an easement across the Kalamazoo/Battle Creek International Airport as part of a proposed water main right-of-way. In some cases a value indication of the subject property before and after acquisition is appropriate. In this appraisal, it is the opinion of the appraiser there will be no damage to the remainder and therefore a value of the part taken is appropriate. As such, only the portion of the proposed acquisition (easement area) will be valued. Through the "appraisal process", the market value will be estimated for the underlying fee and a percentage of the fee attributed to the easement.

***Scope of Appraisal***

The appraiser in connection with the valuation assignment has:

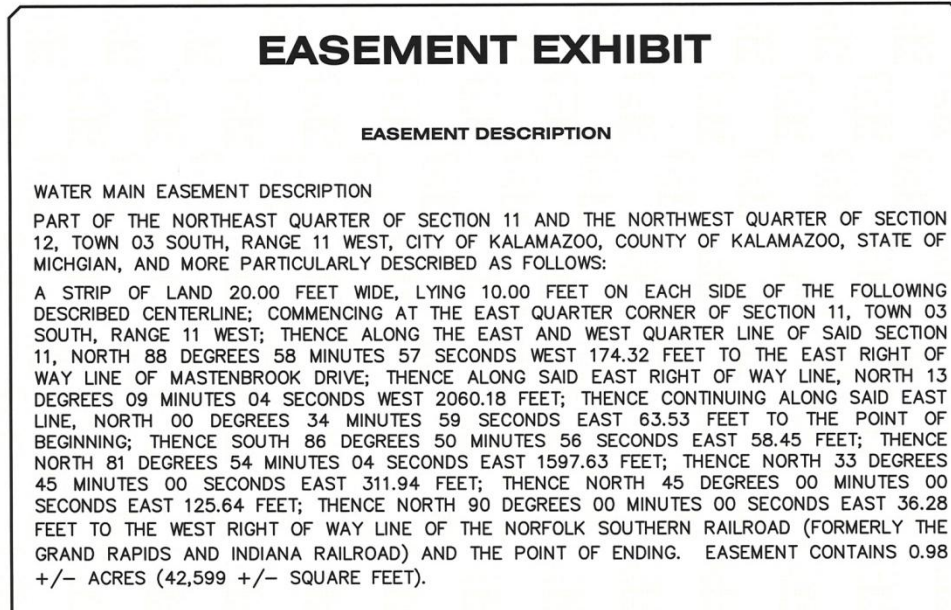
1. Been retained by the client to make an objective analysis and valuation of the subject property and to report, without bias, an estimate of market value of the subject based on all applicable approaches to value.
2. Completed an on-site inspection of the subject property and the comparables employed in this appraisal. The appraiser physically inspected the subject property on July 11, 2019. This appraiser consulted the Assessor's Office and reviewed files pertaining to the subject. Reviewed aerial GIS photographs of the property and surrounding area.
3. Accumulated general data regarding the condition of the regional economy and area real estate market, including changing trends in the local market and how they may affect the value of the subject. Sources of data include the State of Michigan, the United States Bureau of Labor, the U.S. Census Bureau, Kalamazoo County and City of Portage. I examined publications from the named sources for demographic data, growth forecasts, and employment data. Information from the county and city offices was reviewed to ascertain development patterns and trends.
4. Completed a highest and best use analysis. After collection and selection of relevant market data, the highest and best use of the property was determined analyzing the land as vacant. The property was then valued using the applicable approaches to value.
5. The cost approach is not necessary for credible results and is not developed in this analysis. The proposed acquisition area is vacant land with no site or structural improvements. The cost approach is not considered applicable in valuing vacant land.

6. The sales comparison approach is necessary for credible results and is developed in this analysis. Property transfers were obtained by researching known sales of properties considered similar to the subject. Deed records and tax information was obtained from the other appraisers, public records, national databases, and area multiple-listing services. Buyers, sellers, or Realtors were contacted to verify transaction data and ensure that the sales were made at arm's length. Third party data sources were also utilized such as the Assessor's Office. The sales comparison approach best reflects current market conditions and is given sole consideration in determining value for the subject property.
7. The income approach is not necessary for credible results and is not developed in this analysis. In as much as the proposed acquisition area is vacant land, which is typically owner occupied and not held out as an investment type property, the income approach is not considered applicable.
8. The sales comparison approach is the primary approach for valuing vacant land and is given sole consideration in determining value. This report is the culmination of the appraiser's research and professional opinion concerning the analysis of the current market condition, as of the effective date of this appraisal. Either in whole or in part, all of this data has been utilized in the valuation process of the subject.
9. I have investigated and analyzed the factors that influence value and submitted this written report summarizing my findings and conclusions.

## DESCRIPTION OF REAL ESTATE APPRAISED

### ***Legal Description***

The subject is a proposed right-of-way/easement located on a portion of the Kalamazoo/Battle Creek International Airport, Kalamazoo County, Michigan. The following legal description of the proposed easement area was provided by the client.



The legal description is provided for the purpose of distinguishing the general location of the site. I assume no liability for its accuracy, and it should not be used in matters relating to the property without verification from legal counsel. If actual size varies from those given within this report, I reserve the right to adjust values accordingly. My inspection did not reveal any easements or encroachments that would adversely affect the use of the property.

### ***History of Recent Conveyances***

The *Uniform Standards of Professional Appraisal Practice* requires I consider and analyze any sale (offered or pending) transactions involving the subject during the past three years. According to public record, the subject parcel is currently owned by Kalamazoo County who has owned the property for more than three years. The subject is not currently listed for sale, and there are no known offers, contracts or options to purchase.



### ***Real Estate Taxes***

In Michigan, property taxes are based on the Taxable Value (TV) of a property. Annual assessment increases are limited to 5% or the inflation rate, whichever is less, which creates a taxable value. However, the limitations do not apply either in the case of transferred property or new construction. In the year following a sale or new construction, the TV becomes “uncapped” and is adjusted for the new owner to the State Equalized Value (SEV), which is based on 50% of market value. Thus a potential investor-buyer should anticipate a TV based on a reassessed SEV (50% of market value).

The proposed right-of-way/easement area is part of the Kalamazoo/Battle Creek International Airport and is located along two parcels identified as 10-11-279-001 and 10-12-152-001. The property is government owned and is therefore not assessed and is free of any property taxes.

If the property is sold or transferred to another taxable entity, the SEV and TV would be based on 50% of market value at the time of transfer and property taxes would be calculated according to the current millage rate.

It is the appraiser's opinion that the administration of the property tax has generally responded to value changes and should have no adverse impact on the value of the subject.

### ***Market Area Analysis***

“Market areas are defined by a combination of factors-e.g., physical features, the demographic and socioeconomic characteristics of the resident or tenants, the condition of the improvements (age, upkeep, ownership, and vacancy rate), and land use trends”<sup>1</sup>

As part of the appraisal process an appraiser takes into consideration the factors that affect property values. The four basic factors that influence real property values are environmental, economic and financial, political/governmental and sociological. These four factors for Kalamazoo County are discussed in the following paragraphs.

#### **Environmental Factors**

The subject property is located the City of Kalamazoo in central Kalamazoo County. The county is located in southwest Michigan, approximately 135 miles west of the City of Detroit, 145 miles northeast of the City of Chicago, 70 miles southwest from the City of Lansing, and 60 miles south of the City of Grand Rapids

Primary thoroughfares through Kalamazoo County are US-131 (north-south) and I-94 (east-west.) US-131 goes north to the City of Cadillac and south to I-80/I-90 just south of the Indiana State Line. I-94 goes east to Detroit passing through Battle Creek, Jackson, and Ann Arbor; and west to Chicago passing through Benton Harbor and Michigan City, Indiana. State highways within Kalamazoo County include M-43, M-96, and M-89.

The Kalamazoo Metro Transit Authority provides Bus service in Greater Kalamazoo area. There are numerous truck lines servicing Kalamazoo County.

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<sup>1</sup> *The Appraisal of Real Estate*, 14<sup>th</sup> Edition, published by “The Appraisal Institute”, page 166.

Passenger and freight rail service is available in Kalamazoo County. Amtrak provides passenger service to the area via the Wolverine Line. Kalamazoo is served via a stop in downtown Kalamazoo. The Wolverine line runs between Pontiac Michigan and Chicago Illinois, with stops in Michigan including New Buffalo, Niles, Dowagiac, Battle Creek, Albion, Jackson, Ann Arbor and Detroit.

General aviation and international air transportation is found at the Kalamazoo/Battle Creek International Airport. Additional international air transportation is provided at Capitol City Airport in Lansing and Wayne County/Detroit Metropolitan Airport in Detroit.

#### Economic and Financial Factors

Economic stability may be measured by employment diversity. Economic hardships may be minimized with a diversified employment sector. Presently, Kalamazoo County is considered to have a moderate amount of diversification.

Information obtained from Michigan Economic Development Corporation indicates the following demographics for the area (2017). Kalamazoo County has an estimated population of 262,577 slightly higher than the 2010 Census of 250,331. The county has a total 110,755 housing units with 67,209 owner occupied and 38,983 renter occupied. The total labor force is 139,040 with an unemployment rate of 3.02%. The median household income is \$53,362.

Kalamazoo County's leading industries include manufacturing, and health care and social services, followed by retail, and hospitality/accommodation. Southwest Michigan First is the economic developer for the region and is a resource to help grow business. The seven county region includes Berrien, Branch, Calhoun, Cass, Kalamazoo, St. Joseph and Van Buren counties. Leaders in these counties work together to leverage the region's world-class research and academic institutions, historical legacy of innovation and entrepreneurship.

#### Political/Governmental

The county is governed by an elected board of commissioners. The primary function of the board is development and adoption of the annual budget; other functions include, but not limited to, development and approval of policy; monitoring of expenditures; adopting equalization of tax assessments; and setting compensation of elected officials, appointed officials and county employees.

The county government operates the jail, maintains rural roads, operates the major local courts, keeps files of deeds and mortgages, maintains vital records, administers public health regulations, and participates with the state in the provision of welfare and other social services.

### Sociological Factors

Residents find a wide variety of shopping facilities in the City of Kalamazoo as well as in the City of Portage. Westnedge Avenue, a main north-south thoroughfare across both Portage and Kalamazoo contains a strong commercial/retail area that extends across southern portions of Kalamazoo and through much of Portage. The Crossroads Mall is located off of Westnedge Avenue, as well as several smaller retail centers. Chain retail stores such as Meijer, Lowes, Target, and Home Depot are located along Westnedge Avenue, as well as many restaurants and smaller retail stores. Another strong commercial area exists along the West Main corridor that is concentrated along a two-mile stretch of the road to the east of US-131. More commercial growth is clustered along portions of Stadium Drive in western portions of Kalamazoo and Oshtemo Township.

An adequate variety of choice of religion may be found in the many houses of public worship available in the City of Kalamazoo and surrounding areas.

Within the subject market area, Consumers Energy Company supplies electricity and public gas. Throughout the City of Kalamazoo, public water and sewer is provided by the City of Kalamazoo.

The Bronson Methodist Hospital and the Borgess Medical Center service the medical needs of the Kalamazoo area with a total of 708 beds. The City of Kalamazoo and the City of Portage also have several clinics and nursing homes.

The subject is located within the Kalamazoo Public School District. This district enrolls more than 12,216 students in 18 elementary schools, 5 middle schools and 4 high schools. Kalamazoo Public Schools are also home to the Kalamazoo Promise. Started by a generous anonymous grant, the Kalamazoo Promise offers free in-state tuition to qualifying attendees at Michigan public universities and community colleges. Students who attend KPS from Kindergarten through graduation are eligible to have 100% of their tuition paid, while those who attend at least years 9-12 are eligible for up to 65% of their college tuitions paid. Post high school educational opportunities can be found in the City of Kalamazoo and include the Kalamazoo Valley Community College with an enrollment of 11,070 students offering two-year degree programs, Kalamazoo College with an enrollment of 12,702 students offering undergraduate degree programs, and Western Michigan University with an enrollment of 26,555 students offering undergraduate and graduate degree programs.

Recreation in the subject area is considered adequate. There are dozens of various sized lakes in Kalamazoo County. Gull Lake, the largest in the county is located approximately 10 miles northeast of the city. Several smaller lakes are located in the southern portion of the City of Portage. For bicycle riders, there are 42 miles of bikeway 13 parks. Over a half a dozen golf courses are located a short drive from Kalamazoo. Cultural facilities and programs include the Overlander Bandshell, Celery Flats Amphitheatre, and the Hayloft Theatre. Seasonal festivals include the Shakespeare Festival, Summer Entertainment Series and the Folk and Bluegrass Festival. Museums are available, such as the Kalamazoo Air Zoo and the Gilmore Car Museum.

### Conclusion

Kalamazoo County is an urban area experiencing some growth. The Cities of Kalamazoo, Portage and adjacent communities are well located along I-94 and US-131 and have seen development in recent years that is expected to continue. However, the amount of vacant land available in the commercial areas of Kalamazoo and Portage will limit that growth. Most growth is likely to occur in the nearby townships, such as Oshtemo, Texas and Comstock Townships. A considerable amount of development has taken place along Stadium Drive from 8<sup>th</sup> Street to US-131 and also along 9<sup>th</sup> Street just north of I-94.

### ***Neighborhood Description***

The subject is located in the City of Kalamazoo, Michigan, in central Kalamazoo County. The City of Kalamazoo has a mayor/council form of government. The City provides standard services such as street maintenance, refuse collection, and a recycling program. The City has a Department of Public Safety providing police and fire services. There is a Planning Commission and a Zoning Board of Appeals.

Information obtained from Michigan Economic Development Corporation indicates the following demographics for the area (2017). Kalamazoo has an estimated population of 76,336 slightly higher than the 2010 Census of 74,262. The city has a total 31,704 housing units with 12,964 owner occupied and 17,190 renter occupied. The total labor force is 40,285 with an unemployment rate of 3.88%. The median household income is \$38,153.

Neighborhoods and their land uses typically evolve through a four stage life cycle that consists of

1. Growth – a period during which the market area gains public favor and acceptance;
2. Stability – a period of equilibrium without marked gains or losses;
3. Decline – a period of diminishing demand; and
4. Revitalization – a period of renewal, redevelopment, modernization, and increasing demand.

The subject is located in the far southern portion of Kalamazoo, in the Milwood Neighborhood. The Milwood Neighborhood is quite irregular in shape, and is best described as all those portions of the City of Kalamazoo south of Cork Street and east of Portage Creek. The immediate subject neighborhood consists primarily of commercial and industrial properties, with some residential uses mixed in. The majority of commercial properties are clustered near the entrance to the airport, which is located on Portage Street, just south of I-94. Away from I-94 and the airport entrance, industrial properties become more dominant. The subject neighborhood is approximately 75% built-up, and has seen steady growth. Although an established industrial and commercial area, land values are typically considerably less than along Westnedge Avenue, located one mile west of the subject. Westnedge Avenue is a long established commercial and retail corridor and has seen strong growth.

The subject's immediate neighborhood is in a stage of stability.

In conclusion, the subject is located in an established commercial and industrial neighborhood within the city of Kalamazoo. Although the neighborhood is an established commercial and industrial area, strong competition from the more desirable (as seen from a retail and commercial standpoint) nearby Westnedge Avenue should keep market values from increasing greatly in the short term.

## Metropolitan Area Map



## Neighborhood Map



### ***Economic Overview***

Many economists forecast falling unemployment, rising wages, and solid economic growth for 2018 and 2019. The expectation is for slower growth with sluggish rates in the GDP for 2020 and beyond.

### ***National Overview***

CBRE *2019 U.S. Market Outlook* (CBRE 2019 US Market Outlook, 2019) Business and consumer confidence remains high and the US economic outlook is positive for 2019. The forecast of 2.7% GDP growth is slightly lower than 2018. A summary of the report indicated the following:

- Capital markets will remain flat with some moderate increases in certain retail segments. Cap rate compression will likely end with some high-growth in secondary markets. Investment volume is expected to be on par with 2018; even as interest rates rise, stable yields and available capital will attract investors.
- Office market expansion will continue with office-using employment growth. Construction levels will remain below previous highs, but greater market balance will be created by high levels of new supply. The new supply will help meet strong tenant demand. 37 million square feet of net absorption is expected in 2019; the 10<sup>th</sup> straight year of positive absorption.
- Industrial market demand continues to exceed supply and is driving vacancy rates down to an historic low of 4.3%. Major markets will capture demand with some secondary markets showing significant growth. Demand should remain strong in 2019. Lack of available logistics space will challenge expansion and relocation plans. Absorption may soften as asking rents rise.
- Retail market will see increased redevelopment and re-tenanting as mall owners reposition former department store space. Retail sales had the biggest gain since 2012 in 3<sup>rd</sup> quarter 2018, up 6.10% year over year. Reinvestment in physical stores will continue as will development of omnichannel strategies.
- Multifamily market will see robust net absorption with the favorable cyclical and secular trends. Construction starts will fall, vacancy will inch up and rent growth will be under the long-term average.

### ***REALTORS® Land Institute Survey – January 2018 (RLI Land Market Survey, 2018)***

Dollar volume of land sales increased 4% from October 2016 to September 2017. The following highlights were taken from the survey.

- Recreational and residential land accounted for about 48% of U.S. closed land transactions.
- Sales for all types of land increased with highest being residential at 5% and commercial at 4%.
- Land prices per acre for all land types increased 3%, led by residential at 5% and commercial and Greenfield development at 4%.
- U.S. land sales volumes are expected to increase by 3% (October 2017 to September 2018).
- U.S. land prices (in dollars per acre) are expected to sustain 3% increase (October 2017

to September 2018).

- Individual/family buyers accounted for 61% buyers and 78% sellers. Expansion farmers accounted for 1% of buyers; Investors accounted for 25% buyers and 12% sellers indicated strong investor demand.
- The acreage of U.S. land sold was typically 58 acres; residential lands were typically 4 acres and commercial lands were typically 5 acres.
- U.S. lands for sale were typically sold within 95 days slightly faster than the previous year 100 days.

#### State Overview

According to an article in *The Detroit Free Press* November 16, 2018, Michigan is entering its 10<sup>th</sup> year of economic expansion since starting to climb out of the most recent recession in 2009. Economists are forecasting continued expansion into 2020, however at a slower pace. Auto sales are expected to remain strong with Detroit's Big Three holding about 41% of sales. Economists are unsure of the impact trade and tariff disputes will have on the auto industry. Additionally, Michigan continues to fight the gap of talent in the workforce for high-paying high-demand fields.

The following excerpt is from Bradley Company's *State of the Market Study*. (<https://bradleyco.com/state-of-the-market-report-2019>)



# WEST MICHIGAN

## MARKET OVERVIEW

West Michigan is home to more than 130 international companies and well-known corporations such as: Amway, Bissell, Pfizer, Stryker Corporation, Steelcase, Herman Miller, Bell's Brewery, Arcadia Brewing, Meijer, and Kellogg's. Primarily made up of the cities of Grand Rapids, Holland, Kalamazoo, and Muskegon, West Michigan was formerly known as a furniture manufacturing mecca but is now one of the most diverse regions in the state.

The manufacturing, information technology (IT), life sciences, aerospace and defense, and food processing industries are the main sectors driving the growth of West Michigan. Of particular note, manufacturing companies make up roughly 15% of all jobs in the region and have been heavily investing capital into new equipment and technology to help propel their organizations into the future.

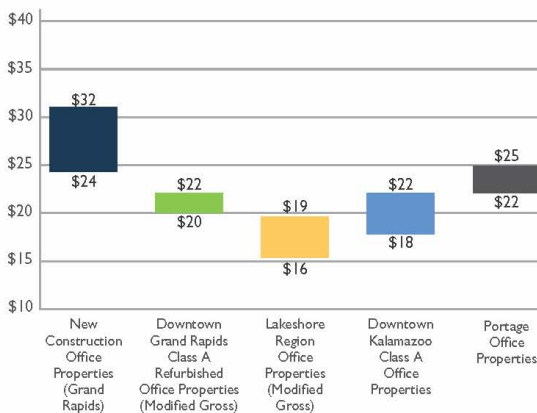
West Michigan's population growth, combined with new retail, hotel, and restaurant developments, continue to attract investments into the area. Ongoing economic development projects are also anticipated to continue to boost tourism in the region.

## OFFICE SECTOR ANALYSIS

With the new office inventory coming online in downtown Grand Rapids, we expect that the sublease market will grow in 2019 and offer attractive prices. The combination of new mixed-use construction, building renovation projects, acquisition and construction costs have been key drivers for the increase in lease rates within this region. Since 2016, more than 1.6 million square feet of office space has been added to the market, with 9.84% of that occurring in 2018.

As a result of new office product coming to market, lease rates for new construction have leveled off. Currently, newly constructed Class A office space in downtown Grand Rapids is averaging between \$24.00 and \$32.00 per-square-foot, compared to renovated Class A space which is leasing between roughly \$20.00 to \$22.00 per-square-foot (modified gross lease). For a modified gross lease of premium Class A office space in the Lakeshore region, asking rates range between \$16.00 to \$19.00 per square foot. As for the Kalamazoo market, lease rates for Class A office space in downtown Kalamazoo range between \$18.00 to \$22.00 per-square-foot, (modified gross lease) while rates in Portage range between \$22.00 to \$25.00 per-square-foot (triple net lease). The new Exchange

### OFFICE MARKET ASKING RATE RANGES



Source: Bradley Company

6

Building in downtown Kalamazoo however is testing asking rates for the market with rates ranging from \$22.00 to \$35.00 per square foot for a triple net lease which is on the higher end for the market.

Unlike the downtown Grand Rapids office market, lease rates for the suburban office market vary widely based on the submarket. Rates for general office properties typically range from \$12.50 to \$19.00 per-square-foot. However, new medical office properties range from \$18.50 to \$32.00 per square foot (modified gross lease).

The downtown Grand Rapids office market will continue to be impacted by parking limitations/rates in 2019. As several projects that are under construction will soon be completed, additional supply is expected to lower lease rates by 10%. 2018 brought a handful of sublease options offering a number of opportunities in the downtown area. We anticipate the availability of sublease space in the market to continue growing in 2019, as existing tenants move to newer buildings.

## INDUSTRIAL SECTOR ANALYSIS

West Michigan's industrial real estate market continues to thrive as numerous companies have begun or are planning to begin expansion projects. In 2018, the positive business climate resulted in the expansion of more than ten companies, increasing the region's industrial footprint by approximately 1 million square feet.

The largest project in terms of square-footage is the new Amazon Distribution Center which is under construction in Gaines Township just south of Grand Rapids. This project will be Amazon's first fulfillment center in West Michigan. The 850,000 square-foot facility is expected to bring 1,000 new jobs to the area once completed. With this project being a significant win for the region, we expect this to be an incentive for additional companies to locate in this area.

Regarding key metrics for this sector, since 2014, the vacancy rate has declined by approximately 450 basis points, hovering around a 1.5% vacancy rate in 2018. With continued demand and declining supply, asking rates have increased. Through 3Q 2018, asking rates increased by roughly 2.7% over a 12-month period to \$4.03 per square foot. Industrial flex space is asking the highest rates of any industrial property type at \$10.59 per square-foot, while asking rates for warehouse space are around \$3.72. We expect this trend to continue at least through the first half of 2019.

## RETAIL SECTOR ANALYSIS

The West Michigan region is experiencing heightened investments at shopping malls and grocery-anchored developments. In Grand Rapids, the availability of parking combined with a walkable environment has been a key driver of growth in neighborhoods that link to the Central Business District where asking rates have jumped from \$16.00 to \$22.00 per square-foot (NNN).

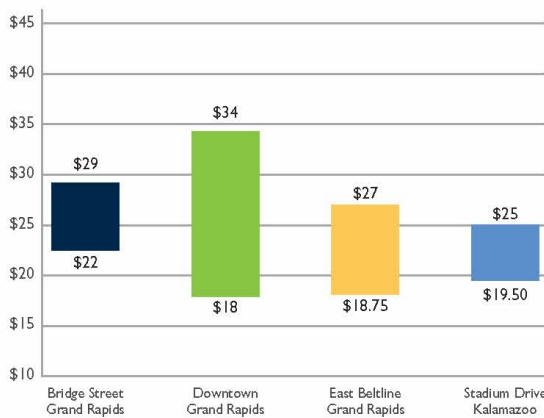
The Knapps Corner area along East Beltline is among the most desirable areas in the Grand Rapids market, where new retailers such as T.J. Maxx, Chow Hound, Orange Theory, and Hop Cat are now leasing space. With new projects such as the New Holland Brewery and Bridge Street Market recently opening along the Bridge Street corridor, expect the west side of downtown Grand Rapids to continue to be an area to watch for new construction and renovation projects in 2019. In 2018, Meijer opened its first smaller format (37,000 square-foot) urban grocery store called the Bridge Street Market. Meijer is planning to open six additional urban style format stores by 2021. Because the retail market is changing, shopping malls are forced to change and upgrade.



As for the Lakeshore region, an increase in tourism, along with renewed interest in several downtown markets, is helping rejuvenate the retail scene for this area. As an example, in downtown Muskegon, the NorthTown 794 redevelopment is in the process of turning a 21,000 square-foot former retail store into a three-story commercial hub that will include a brewery, a coffee shop, and multiple restaurants. Additionally, in the Lakeshore region, downtown Holland is currently experiencing \$30 - \$40 million worth of new investments that will bring in various retail concepts to the market in the coming quarters.

In Kalamazoo, we continue to see growth occurring around the main arteries off of U.S. 131 leading to the downtown Kalamazoo market. AVD is well underway on its \$100 million Westgate Development off W. Main Street, along with new developments occurring at the Corner@Drake development off Stadium Drive. In the downtown market, several large-scale mixed-use developments are underway, which is expected to add nearly 30,000 square feet of new retail space to the market by 2019. With 50% of the space available for lease, we can expect these developments to attract new retail concepts to the downtown market in 2019.

#### RETAIL MARKET ASKING RATES



Source: Bradley Company

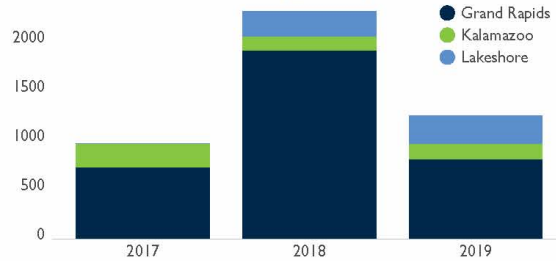
#### MULTIFAMILY SECTOR ANALYSIS

The West Michigan multifamily market consists of roughly 402 properties totaling more than 72,000 units. With the changing housing preferences of the growing Millennial population, the construction of new apartment units has exploded in the West Michigan market over the past several years. From 2015 to 2018, more than 4,400 new units have come online, and more impressively, 50% of those new units were constructed in 2018 alone. At the end of 2018, more than 1,200 apartment units were under construction and expected to be completed in 2019. There continues to be a healthy indication of unit absorption for the market.

The majority of new apartment units constructed in West Michigan have been in the Grand Rapids market. In 2018, 1,850 new units were added to the Grand Rapids area, representing 83% of new units in the market. More than 780 units are under construction and will be added to the Grand Rapids inventory in 2019, a result of both population growth and pent up demand.

In the Lakeshore region, much of the movement of new developments has been occurring in areas located within sight of waterfront, such as downtown Holland and Muskegon. In Kalamazoo, several large-scale projects are underway that will add 268 new apartment units, as well as office and retail space once completed.

#### APARTMENT CONSTRUCTION (# UNITS)



Source: Bradley Company

## 2019 FORECAST

- With the recent legalization of recreational marijuana, municipalities that have elected to allow marijuana will see continued upward prices for qualifying commercial and industrial (for growing) properties.
- Given newly built inventory coming online in the Grand Rapids downtown office market, expect the availability of older office space to grow, which in turn may cause a drop in rental rates.
- Growth in hospitality and multifamily properties across West Michigan is expected to continue into 2019.
- In the retail sector, most of the spaces created by vacating larger tenants in good areas will be filled by new uses, by subdivision for several tenants, and by creative non-retail uses.
- To meet the demand for industrial space, increased new development will occur through West Michigan.
- In Kalamazoo, with nearly 30,000 square feet of new retail space is coming on line, it is anticipated that new retail concepts will enter the downtown market in 2019.

#### SECTOR GROWTH OPPORTUNITIES

|                             |   |
|-----------------------------|---|
| Office Sublease Market      | ↑ |
| Industrial Property Demand  | ↑ |
| Retail Property Investment  | ↑ |
| Multifamily Unit Deliveries | ↑ |
| Hospitality Room Deliveries | ↑ |

A study prepared by Michigan State University Department of Agriculture, Food, and Resource Economics, (Report No. 651) September 2018 reported agriculture land values for Southern Lower Peninsula averaging \$5,121 per acre for tiled field cropland and \$4,092 per acre for non-tiled field crop land; irrigated land values averaged \$5,890 per acre. The long-term trend shows growth in price with periodic downturns related to commodity prices, interest rates and the general economy.

Values for farmland converted to another use (Southern Lower Peninsula) were reported at \$7,000 per acre for residential, 13,295 per acre for commercial/industrial and \$3,288 per acre for recreational land. These values are down from the previous study in 2017.

### Local Overview

Unlike other cities across the state, the City of Kalamazoo and its surroundings have weathered the downturn better than some areas. The Kalamazoo metropolitan area is well diversified, so its economy was not battered as badly by the slowdown of the big three automakers as cities on the east side of the state (Detroit, Flint and Saginaw).

As the economy continues to recover, there are signs of growth returning to the Kalamazoo area. Several retail stores have added space to the local market, including Earth Fare, Field and Stream, Costco, Dicks Sporting Goods and Menard's. Although the number of housing starts is still lower than what it was before the housing bust, a small number of new homes are sprouting up in various portions of the county. While the multi-family market has benefited from the housing bust in picking up tenants who are no longer able and/or eligible to own a home, no new multi-family space has been added to the market in the past several years. That will change soon, as a new 75-unit multi-family residential complex is slated to be added in the nearby City of Portage this year.

In conclusion, the regional and local economies continue to recover. The rate of growth is increasing. Most experts are optimistic that recovery in the real estate market will continue for the foreseeable future.

**Exposure Time**

Exposure time is defined in *The Dictionary of Real Estate Appraisal* 6<sup>th</sup> Edition as follows:

- “1. The time a property remains on the market.
2. The estimated length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal; Comment: Exposure time is a retrospective opinion based on an analysis of past events assuming a competitive and open market. (USPAP, 2016-2017 ed.)”

Market value estimates imply that an adequate marketing effort and reasonable time for exposure occurred prior to the effective date of the appraisal. In the case of disposition value, the time frame allowed for marketing the property rights is somewhat limited, but the marketing effort is orderly and adequate. With liquidation value, the time frame for marketing the property rights is so severely limited that an adequate marketing program cannot be implemented. (The Report of the Appraisal Institute Special Task Force on Value Definitions qualifies exposure time in terms of the three above-mentioned values.)

A study of vacant commercial and industrial land sales in south Kalamazoo and Portage was performed. The study went back two years. There were 7 sales which could be used to estimate exposure time. The days on market ranged from 28 to 340 with the average being 147.

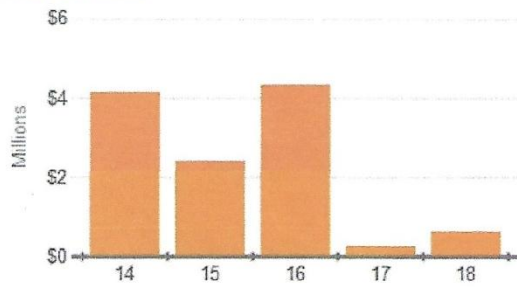
Improved property sales indicate that exposure time for sale of the property (i.e., the length of time the subject would have been exposed for sale in the market had it sold at the market value concluded in this analysis as of the date of this valuation) is estimated at 9 to 12 months.

*Proposed Water Main Easement  
Kalamazoo/Battle Creek International Airport  
Kalamazoo, Michigan*

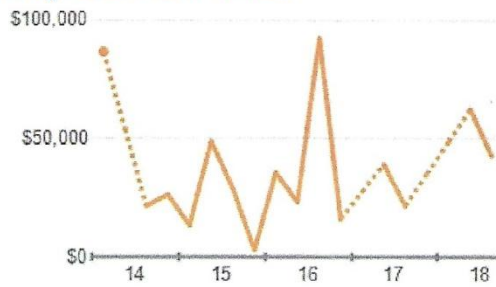
| Sales Volume        | Survey | Min   | Max   | Sales                 | Survey | Min   | Max   |
|---------------------|--------|-------|-------|-----------------------|--------|-------|-------|
| Transactions        | 43     | -     | -     | Sale Price Per SF     | -      | -     | -     |
| Sold SF             | 0      | -     | -     | Avg Sale Price (Mil.) | \$0.5  | \$0.0 | \$2.2 |
| Sales Volume (Mil.) | \$12   | \$0.0 | \$2.2 | Cap Rate              | -      | -     | -     |
| Avg SF              | -      | -     | -     | Percent Leased        | -      | -     | -     |

| For Sale                | Survey | Min | Max | Properties        | Survey | Min | Max |
|-------------------------|--------|-----|-----|-------------------|--------|-----|-----|
| Listings                | 2      | -   | -   | Existing SF       | -      | -   | -   |
| For Sale SF             | 0      | -   | -   | Vacancy Rate      | -      | -   | -   |
| For Sale Volume (Mil.)  | \$0.0  | -   | -   | Rent Per SF       | -      | -   | -   |
| Asking Price Per SF     | -      | -   | -   | 12 Mo. Absorption | -      | -   | -   |
| Avg Asking Price (Mil.) | \$0.0  | -   | -   | 12 Mo. Leasing SF | -      | -   | -   |

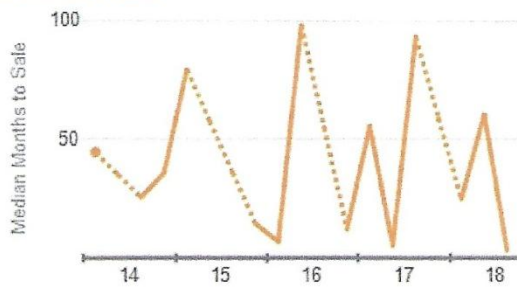
**Sales Volume**



**Average Sale Price Per Acre**



**Months to Sale**



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8/24/2018

**Site Data**

Proposed easement area is 42,599 square feet (0.98 acre) and is a rectangular shaped tract that is 20 feet wide and 2,130 feet in length. The easement extends from the Norfolk Southern Railroad tracks directly across from the termination of Milham Avenue to the east property line of the Kalamazoo Air Zoo. The site is level, at street grade, and drainage appears adequate. Typical utilities are available including municipal water and sewer.

Soil type is composed of Urban land-Kalamazoo complex, 0 to 6 percent slopes. The topography is level. Approximately 10% of the subject is covered by concrete and asphalt paving (airport runway and taxiway), while the remainder is covered by grassy vegetation.

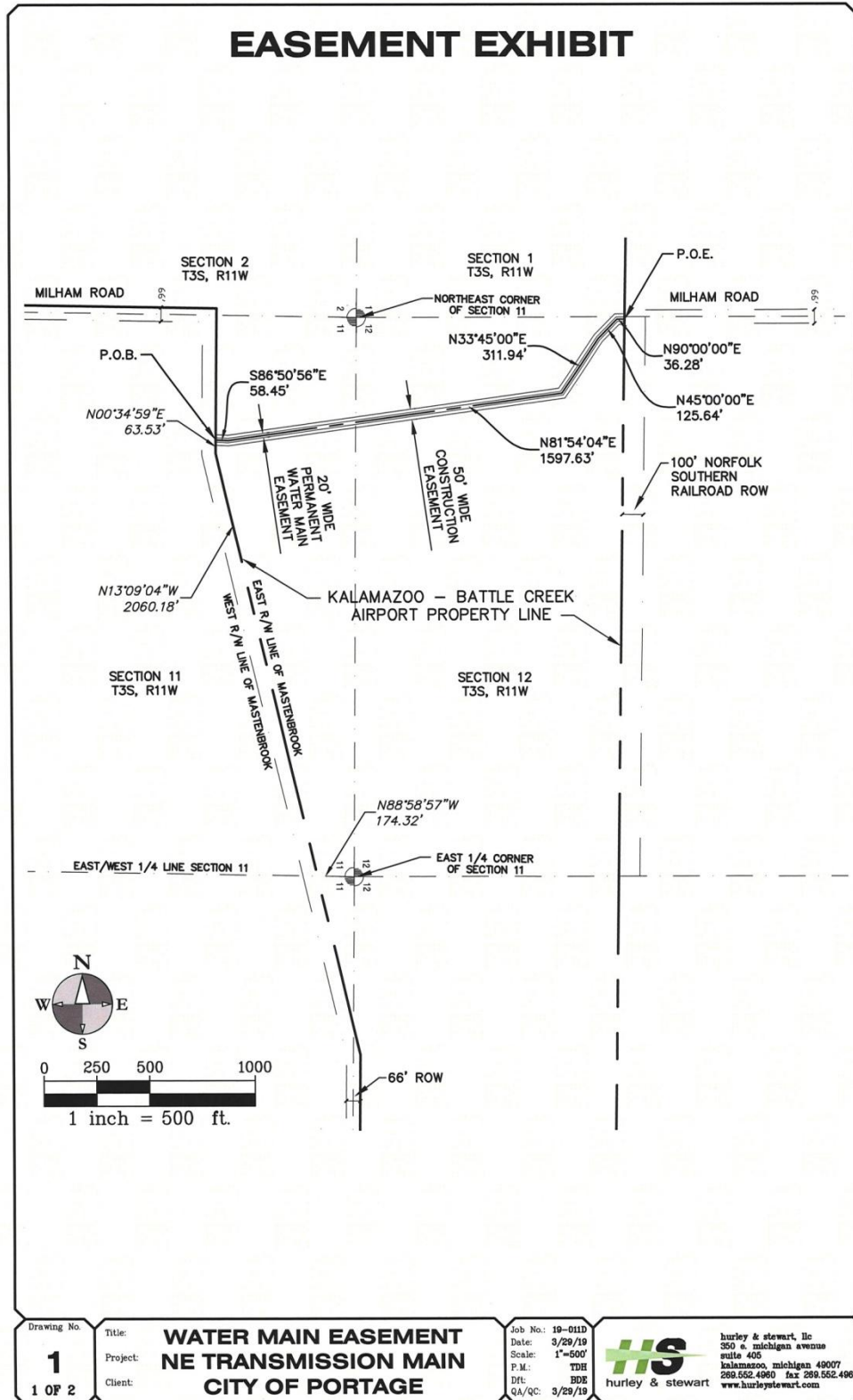
According to FEMA Flood map 26077C0310D dated 02/17/2010 the subject is located in Zone X. Zone X is an area designated to be outside 500-year floodplain. The appraiser is not an expert in this field and urges the client to seek professional assistance in determining whether or not flood insurance must be required as a condition of Federal or federally related financial assistance.

The subject is adjacent to Milham Road and Mastenbrook Drive. However, access to these roadways is blocked by a chain link fence.

I was not provided a Phase I Environmental Assessment. I did not see potential hazard on the site; visible obvious contamination was not present. However, this area is beyond my expertise. The value(s) reported in this appraisal are based on the assumption this property is free of any hazardous substance(s) that could be constructed as dangerous or otherwise harmful. It is further assumed, there is no temporary or lasting residual effects that would, in any way, restrict property usage or marketability. Should any inspection or investigation indicate that hazardous conditions exist restricting property usage or marketability, this appraisal together with the value(s) reported herein shall be considered withdrawn.

In conclusion, the parent parcel has no unusual topographical problems. It is of typical size and utility for the neighborhood and has good access and visibility. It is not located in a flood plain. There are no known factors that prevent the parent parcel from being developed to its highest and best use other than the restraints of its boundaries and size.

Drawing prepared by Hurly & Stewart Job No. 19-011D; 3/29/19



**Zoning**

As of the writing of the appraisal report the subject property is zoned by the City of Kalamazoo as M-1 – Limited Manufacturing District. Allowed uses in the M-1 District include colleges, community centers, government offices, adult oriented businesses, animal kennels, construction sales and service, restaurants (including drive-thru), taverns, convenience stores, gasoline stations, offices (including medical), retail sales, car washes, vehicle repair, boat and R.V. storage, automobile salvage yards, light industrial uses, manufacturing, research, warehouses and agricultural uses.

According to the zoning ordinance the following site requirements apply to the M-1 District.

|                    |                                                                                                                                     |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| Minimum lot size:  | 5,000 square feet                                                                                                                   |
| Minimum lot width: | None                                                                                                                                |
| Yard setback:      | No front yard<br>No rear yard (25 feet if abutting residential district)<br>No side yard (25 feet if abutting residential district) |
| Lot coverage:      | 80% maximum                                                                                                                         |
| Building height:   | None                                                                                                                                |

Zoning does not appear to have an adverse impact upon the subject property. For a full report of permitted uses or restrictions under this classification, an inspection of the complete ordinance should be made. In conclusion, the subject property currently is not improved with any buildings. It is not a buildable site given the small width.

## **HIGHEST AND BEST USE**

Highest and best use is defined by *The Dictionary of Real Estate Appraisal*, 6<sup>th</sup> Edition, published by “The Appraisal Institute” as:

- “1. The reasonably probable use of property that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity.
2. The use of an asset that maximizes its potential and that is possible, legally permissible, and financially feasible. The highest and best use may be for continuation of an asset’s existing use or for some alternative use. This is determined by the use that a market participant would have in mind for the asset when formulating the price that it would be willing to bid. (IVS).
3. The highest and most profitable use for which the property is adaptable and needed or likely to be needed in the reasonably near future. (Uniform Appraisal Standards of Federal Land Acquisitions).”

Thus, this definition implies that the appraiser estimates the highest and best use as if vacant and also as improved and that four criteria must be met, including legal permissibility, physical possibility, financial feasibility, and maximum productivity. These criteria are usually considered sequentially; a use may be financially feasible, but this is irrelevant if it is physically impossible or legally prohibited. Only when there is a reasonable possibility that one of the prior, unacceptable conditions can be changed is it appropriate to proceed with the analysis.

### ***Highest and Best Use As Vacant***

#### **Legally Permissible**

Currently, the subject property is zoned M-1 – Limited Manufacturing District. There are numerous permitted uses all related to light manufacturing and light industrial uses. There are no encroachments or deed restrictions which negatively encumber the site. It would be legally permissible to develop the parent parcel. The proposed easement area could not be separately developed under the present zoning given its lack of frontage.

#### **Physically Possible**

A constraint imposed on the use of the property is its physical limitations. The site contains soil of a type that is suited for building. The parent parcel has no known physical constraints. The proposed easement area could not be separately developed under the present zoning given its narrow shape and lack of frontage.

#### **Financial Feasibility**

Construction costs are high in this market at this time which is restricting new space from being developed. New construction may not be financially feasible at this time.



### Maximally Productive

The maximally productive use of the parent parcel is to hold for future development when the market improves and demand for new space is present. The maximally productive use of the proposed easement area is assemblage with an adjoining parcel.

### ***Highest and Best Use Conclusion***

Based on the above analysis, the highest and best use of the parent parcel that is legally permissible, physically possible, financially feasible and maximally productive is to hold for future development as market conditions improve and demand for new industrial space is present; further the highest and best use of the proposed easement area is assemblage with the adjoining parcel.

## **EFFECT OF TAKING**

As a result of the taking, the following are the effects to the remainder property including any physical changes and consequences, if any, brought about by the proposed public improvement, i.e. change in grade, exposure, drainage, etc.:

|                        |                                                                                                                                                                                                       |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Utilities:             | It is assumed for the purpose of this appraisal that any damage or any disconnection of public utilities caused during the process of taking will be cured / reconnected.                             |
| Grade Change:          | Based upon a review of the proposed plans, there will be no change in land elevation.                                                                                                                 |
| Access:                | Based on the location of the proposed easement area, the subject property should not experience any diminished access than what currently exists.                                                     |
| Shape / Building Site: | The proposed easement area is described as a mostly rectangular tract of land. The parent parcel will continue to have similar functional utility in the after state as compared to the before state. |
| Proximity:             | The subject parent parcel will not experience damage through a change in utility or desirability.                                                                                                     |

The subject easement is to be used for the placement of a water main. In order to protect the main, no structures may be built upon the land approximately ten (10) feet either side from the centerline of the main. The land could be used for other purposes, such as space to comply with setbacks and also could be traversed freely. Upon review and analysis of the remainder, taking into consideration potential physical changes and potential uses of the remaining parcel, it is the appraiser's opinion the easement will somewhat restrict the use of the land within the right-of-way/easement area upon completion of the proposed water main.

## **SUMMARY OF ANALYSIS AND VALUATION**

The cost and income capitalization approaches are not considered to be meaningful methods of appraising vacant land, and will not be developed in this appraisal. The sales comparison approach is the primary approach for valuing vacant land and is given sole consideration in determining value

According to *The Appraisal of Real Estate* 14th Edition as published by “The Appraisal Institute”, six procedures can be used to obtain land value indication:

1. Sales Comparison. Sales of similar, vacant parcels are analyzed, compared and adjusted to provide a value indication for the land being appraised. Sales comparison is the most common technique for valuing sites, and it is the preferred method when comparable sales are available.
2. Market Extraction. An estimate of the depreciated cost of the improvements is deducted from the total sale price of the property to arrive at the land value. This technique is most applicable when 1. The contribution of the improvements to total property value is generally small and relatively easy to identify (the technique is frequently used in rural areas). 2. The improvements are new, their value is known, and there is little or no depreciation from any causes.
3. Allocation. A ratio of site value to property value is extracted from comparable sales in competitive locations and applied to the value of the improved subject property or comparable properties to develop the site value. This technique is applicable when 1. Valuing one-unit residential lots where ample sales of both lots and improved homes are available for comparison purposes. This method tends to be less accurate for commercial properties, especially when the number of vacant land sales is inadequate. 2. For commercial properties or where relatively few sales are available, allocation can provide a check for reasonableness rather than a formal opinion of site value.
4. Direct Capitalization: Land Residual Technique. The net operating income attributable to the land is capitalized at a market-derived land capitalization rate to provide an estimate of value. This technique is most applicable in testing the feasibility of alternative uses of a particular site in highest and best use analysis or when land sales are not available.
5. Direct Capitalization: Ground Rent Capitalization. A market-derived capitalization rate is applied to the ground rent of the subject. This method is useful when comparable rents, rates, and factors can be developed from an analysis of sales of leased land.

6. Yield Capitalization: Discounted Cash Flow Analysis - Subdivision Analysis. Direct and indirect costs and entrepreneurial incentive are deducted from an estimate of the anticipated gross sales price of the finished lots and the net sales proceeds are discounted to present value at a market-derived rate over the development and absorption period. If entrepreneurial incentive is not deducted as a line-item expense, then the discount rate must reflect the full effect of any profit. This technique is applicable when subdivision development is the highest and best use of the land and there is market support for immediate absorption.

All six procedures are derived from the three basic approaches to value. Sales comparison and income capitalization (i.e., ground rent capitalization) can be directly applied to land valuation. Allocation and extraction procedures reflect the influence of the sales comparison and cost approaches; the land residual technique is based on the income capitalization and cost approaches. Subdivision development draws on elements of all three approaches.

The methods of land valuation involving market extraction, allocation, land residual technique, ground rent capitalization, and subdivision analysis cannot be applied to the subject due to the nature of the market and its conditions. In this appraisal the sales comparison procedure will be used.

### ***Sales Comparison Approach***

“The process of deriving a value indication for the subject property by comparing similar properties that have recently sold with the property being appraised, identifying appropriate units of comparison, and making adjustments to the sale prices (or unit prices, as appropriate) of the comparable properties based on relevant, market-derived elements of comparison. The sales comparison approach may be used to value improved properties, vacant land, or land being considered as though vacant when an adequate supply of comparables sales is available.”<sup>2</sup>

Therefore, the main objective of the sales comparison approach is to compare properties which have sold recently and are similar to the subject to arrive at an estimated value for a subject property. The appraiser utilizes the following in the sales comparison approach.

1. Research the competitive market for information on properties that are similar to the subject property and that have recently sold, are listed for sale, or are under contract. Consider the characteristics of the properties such as property type, date of sale, size, physical condition, location, and land use constraints. The goal is to find a set of comparable sales as similar as possible to the subject property to ensure they reflect the actions of similar buyers. Market analysis and highest and best use analysis set the stage for the selection of appropriate comparable sales.
2. Verify the information by confirming that the data obtained is factually accurate and that the transactions reflect arm's-length market considerations. Verification should elicit additional information about the market so that comparisons are credible.

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<sup>2</sup> *The Appraisal of Real Estate*, 14<sup>th</sup> Edition, as published by “The Appraisal Institute”, page 377.

3. Select the most relevant units of comparison (e.g., price per acre, price per square foot, price per front foot) and develop a comparative analysis for each unit. The goal here is to define and identify a unit of comparison that explains market behavior.
4. Look for differences between the comparable sale properties and the subject property using the appropriate elements of comparison. Then adjust the price of each sale property, reflecting how it differs, to equate it to the subject property or eliminate that property as a comparable. This step typically involves using the most similar sale properties and then adjusting for any remaining differences. If a transaction does not reflect the actions of a buyer who would also be attracted to the subject property, the appraiser should be concerned about comparability.
5. Reconcile the various value indications produced from the analysis of comparables to a value bracket and then to a single value indication.

Sales comparison is most reliable in estimating value when enough comparable properties, relative to the subject having a similar highest and best use, are available. There was sufficient data to indicate the value via the sales comparison approach within the subject market.

When valuing land it is often necessary to analyze differences in size and shape of comparable sale properties in order to apply uniform methods of valuation and to compare directly sites of varying size and shape. Care must be exercised in selecting the unit of comparison. Four basic units of comparison are used to value sites:

1. Front foot
2. Square foot
3. Acre or Section
4. Site (lot)

The basis of comparison for the subject will be price per acre.

Given the scope of this assignment (value of the part taken) it is appropriate to consider an estimate of value for the entire parent parcel with the indicated rate applied to the proposed acquisition area.

A search for comparable sales was undertaken in the Kalamazoo area. I was able to find sales of similar vacant land in the area. The sales were analyzed and compared to the subject in consideration of differences in lot size, location, time of sale, and other characteristics. The table below shows the comparable sales deemed most comparable in valuing the subject.

*Proposed Water Main Easement  
Kalamazoo/Battle Creek International Airport  
Kalamazoo, Michigan*

| Elements of Comparison  | Subject                                         | Sale No. 1                                      |       | Sale No. 2                        |       | Sale No. 3                      |      |
|-------------------------|-------------------------------------------------|-------------------------------------------------|-------|-----------------------------------|-------|---------------------------------|------|
| Location                | Kalamazoo/Battle Creek Airport<br>Kalamazoo, MI | 6501 Portage Rd<br>(Mastenbrook)<br>Portage, MI |       | 4550 Quality Court<br>Portage, MI |       | 9600 Shaver Road<br>Portage, MI |      |
| Date Sold               |                                                 | 9/30/2014                                       |       | 4/19/2018                         |       | 9/8/2017                        |      |
| Sale Price              |                                                 | \$1,290,000                                     |       | \$270,000                         |       | \$660,000                       |      |
| Property Rights         | Fee Simple                                      | Fee Simple                                      | \$0   | Fee Simple                        | \$0   | Fee Simple                      | \$0  |
| Sales Concessions       |                                                 | None                                            | \$0   | None                              | \$0   | None                            | \$0  |
| Terms                   |                                                 | Conventional                                    | \$0   | Cash                              | \$0   | Conventional                    | \$0  |
| Conditions of Sale      |                                                 | Arm's length                                    | \$0   | Arm's length                      | \$0   | Arm's length                    | \$0  |
| Expenditures            |                                                 | None                                            | \$0   | None                              | \$0   | None                            | \$0  |
| ADJ FOR SALE CONDITIONS |                                                 | \$1,290,000                                     |       | \$270,000                         |       | \$660,000                       |      |
| Location                | Good                                            | Similar                                         |       | Similar                           |       | Similar                         |      |
| Site Size               | 0.98 Acre                                       | 68.71 Acre                                      |       | 11.00 Acre                        |       | 22.34 Acre                      |      |
| Zoning                  | M-1 Industrial                                  | I-2 Industrial                                  |       | I-1 Industrial                    |       | I-1                             |      |
| Shape                   | Rectangular                                     | Irregular                                       |       | Irregular                         |       | Irregular                       |      |
| Available Utilities     | All public available                            | All public available                            |       | All public available              |       | All public available            |      |
| Street                  | Major Thoroughfare/Paved                        | 4-Lane/Paved                                    |       | Similar                           |       | Similar                         |      |
| Frontage                | 0 Ft.                                           | 2900 +- Ft.                                     |       | 226 +- Ft.                        |       | 903+- / 750+- Ft.               |      |
| Site Description        | Level/Clear                                     | Similar                                         |       | 5 Acres wetland                   |       | Similar                         |      |
| Other                   | None                                            | None                                            |       | None                              |       | None                            |      |
| UnAdj \$/Acre           |                                                 | \$18,775                                        |       | \$24,545                          |       | \$29,543                        |      |
| Time Adjustment         |                                                 | \$1,971                                         | 10.5% | \$982                             | 4.0%  | \$1,625                         | 5.5% |
| Time Adj \$/Acre        |                                                 | \$20,746                                        |       | \$25,527                          |       | \$31,168                        |      |
| ADJUSTMENTS             |                                                 |                                                 |       |                                   |       |                                 |      |
| Location                | Good                                            | \$0                                             | 0.0%  | \$0                               | 0.0%  | \$0                             | 0.0% |
| Site Size               | 0.98 Acre                                       | \$0                                             | 0.0%  | \$0                               | 0.0%  | \$0                             | 0.0% |
| Zoning                  | M-1 Industrial                                  | \$0                                             | 0.0%  | \$0                               | 0.0%  | \$0                             | 0.0% |
| Shape                   | Rectangular                                     | \$0                                             | 0.0%  | \$0                               | 0.0%  | \$0                             | 0.0% |
| Available Utilities     | All public available                            | \$0                                             | 0.0%  | \$0                               | 0.0%  | \$0                             | 0.0% |
| Street                  | Major Thoroughfare/Paved                        | \$0                                             | 0.0%  | \$0                               | 0.0%  | \$0                             | 0.0% |
| Frontage                | 0 Ft.                                           | \$0                                             | 0.0%  | \$0                               | 0.0%  | \$0                             | 0.0% |
| Site Description        | Level/Clear                                     | \$0                                             | 0.0%  | \$14,026                          | 45.0% | \$0                             | 0.0% |
| Other                   | None                                            | \$0                                             | 0.0%  | \$0                               | 0.0%  | \$0                             | 0.0% |
| TOTAL ADJUSTMENT        |                                                 | \$0                                             | 0.0%  | \$14,026                          | 45.0% | \$0                             | 0.0% |
| ADJUSTED \$/ACRE        |                                                 | \$20,746                                        |       | \$39,553                          |       | \$31,168                        |      |

According to *The Appraisal of Real Estate* 14<sup>th</sup> Edition as published by “The Appraisal Institute”, the basic elements of comparison include: real property rights conveyed; financing terms (i.e. cash equivalency); conditions of sale (i.e. motivation); expenditures made immediately after purchase; market conditions (i.e. time); location; physical characteristics – (e.g., size, soils, access); economic characteristics; legal characteristics (e.g. zoning, environmental, building codes, flood zones); and non-realty components of value.

The adjustments that are made in the following paragraphs are both the objective and subjective opinions of the appraiser based on information obtained through the market data search, discussion with industry experts and opinions derived after inspection and review of comparable data.

Explanation of Adjustments:

1. Property Rights – All sales were made in fee simple.
2. Sale Concessions – There were no reported concessions.
3. Terms – All the comparable sales were sold for cash or its equivalent. Therefore, no adjustments were required for financing.
4. Conditions of Sale – The sales were arm's-length transactions negotiated as fair sales under the definition of market value. No adjustments are required for conditions of sale.
5. Expenditures After Sale – None of the sales reportedly had expenditures after sale.
6. Time – An analysis of 43 vacant land sales in the Kalamazoo market between 1/1/2014 and today shows the price per acre has moved up and down but remained fairly constant over that time except for late 2017 and 2018. A small upward adjustment of 3% per year, calculated monthly was applied.
7. Location – The sales are in locations similar to the subject. No adjustments will be applied.
8. Size – Although the subject is .98 acres, the parent parcel is a large acreage parcel. The sales range in size from 11.00 acres to 68.71 acres. No adjustments were applied.
9. Zoning – The subject and comparables are similar as to zoning. No adjustment will be applied.
10. Frontage – These sales do not indicate the need for adjustment.
11. Shape – The sales do not indicate a need for adjustment.
12. Street – The subject and comparables are all similar as to street improvement.

13. Site Description – The subject and comparables are similar in terms of the land. Sale 2 had 6 acres of useable land at \$45,000, with the remaining 5 being wetlands. It was given an upward adjustment of 45%. Comparable 4 is lower than the road which suggests the need for fill. However, the site also gives some options as to multi-level buildings. No adjustments will be applied.

The adjusted range is \$29,746 to \$39,553 with an average of \$30,489. The subject is a long narrow parcel of land on the airport. For those reasons, a rate above the average is judged appropriate. It is my opinion a reasonable rate for the subject would be \$35,000 per acre.

Please see the following summary of value in fee via sales comparison, which will be used to indicate the value of the easement interest in the subject:

| Sales Comparison Summary         |          |
|----------------------------------|----------|
| Proposed Acquisition Area (acre) | 0.98     |
| Indicated Rate/SF                | \$35,000 |
| Final Indicated Value            | \$34,300 |
| ROUNDED                          | \$35,000 |

### Value of an Easement

The value of an easement usually represents a percentage of the underlying fee value. Acquisition of an easement can be tantamount to a taking of a fee interest and representing 100% of the fee value. By contrast, an easement may be so trivial as to constitute no more than 5% to 10% of the value of the fee. Evaluation of the easement is a two-step process:

1. Analysis of the language in the document covering acquisition of the easement to determine specifically what rights of use are to be acquired.
2. Estimating what percentage of the total fee value is represented by the easement rights.

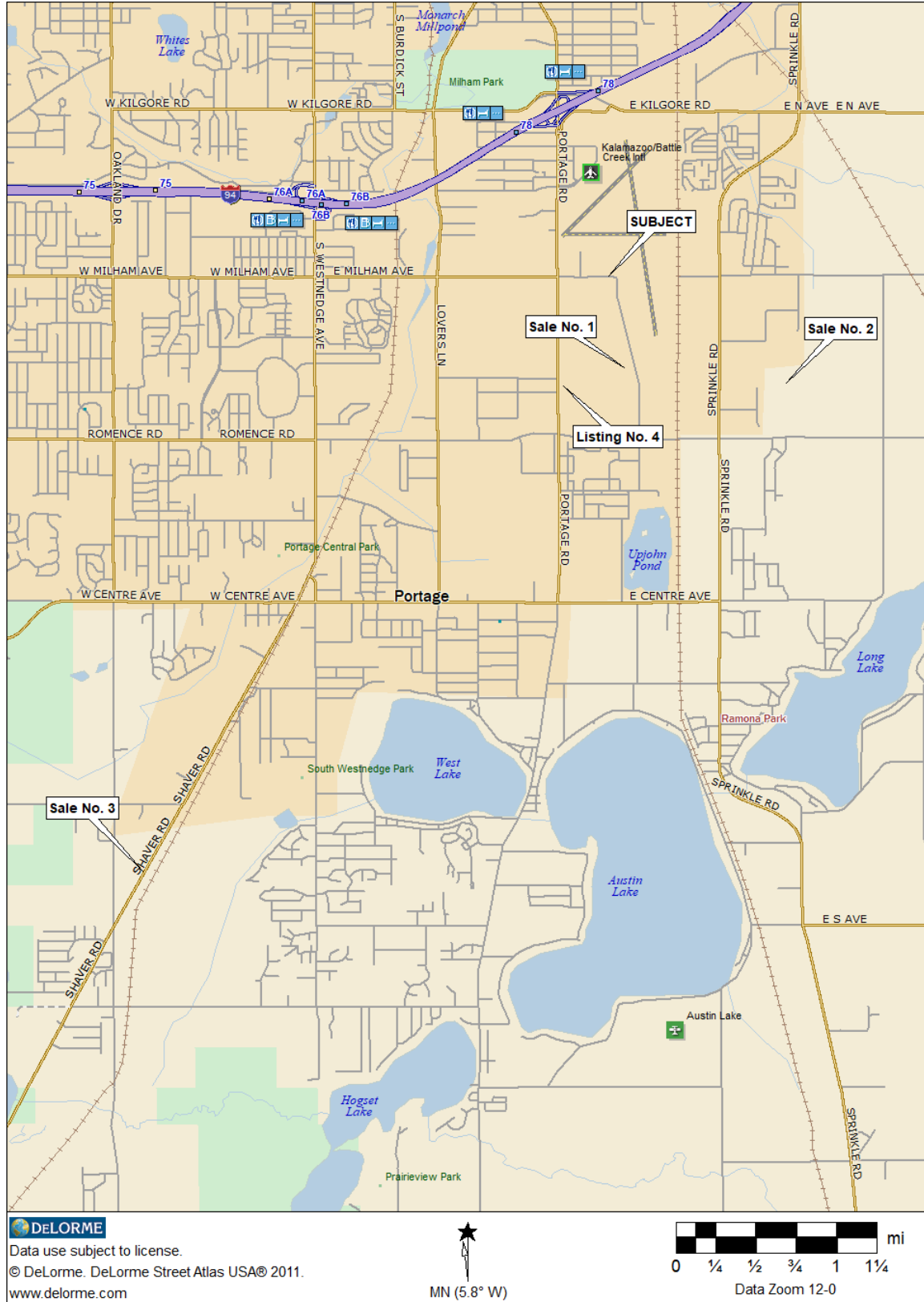
In the first step, the appraiser reviews the easement language and proposed construction plans. Factors analyzed include purpose of the easement, length of time of use, construction proposed, rights of re-entry for maintenance and other purposes, and location and physical limits of the easement area. Based on this analysis, the appraiser makes an estimate of the portion of the fee value being acquired. In making this determination, total property rights are allocated to two segments, the property owner's and the easement holder's rights; the two combined represent the total fee value.

Allocation of total fee value will depend on an analysis of the easement rights being acquired, compared with those remaining with the owner. The decision is based on the appraiser judgment following a complete analysis of the factual situation. The subject easement is to be used for the placement of a water main. In order to protect the main, no structures may be built upon the land approximately ten (10) feet either side from the centerline of the main. However, the subject's narrow width (20 feet) precludes it from being built upon. The land could be used for other purposes, such as space to comply with setbacks and also could be traversed freely. Because this easement will somewhat restrict the property owner's use and enjoyment of the subject it is the appraiser's opinion the value of the easement is 25% of the total fee value of the subject.

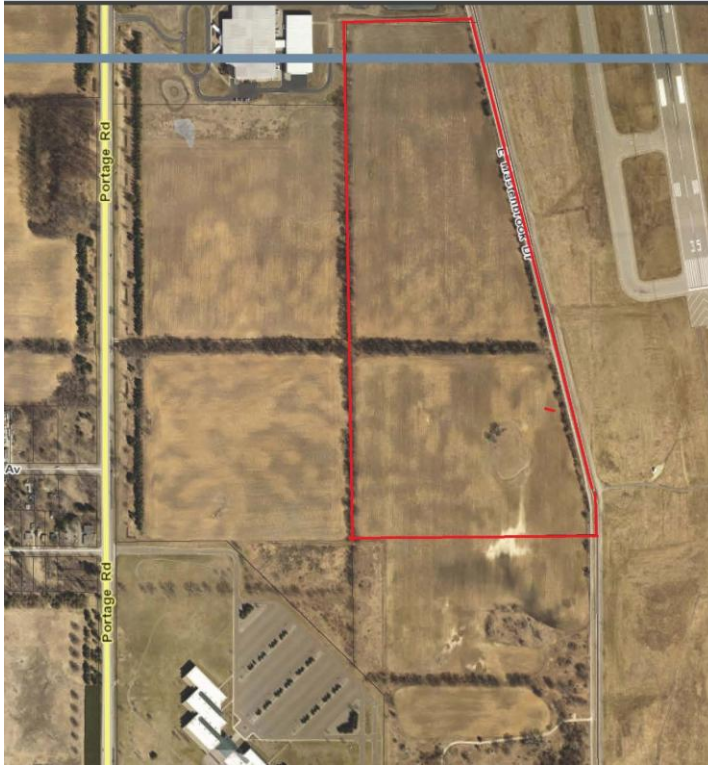
| Easement Value Summary         |          |
|--------------------------------|----------|
| Indicated Fee Simple Value     | \$35,000 |
| Impact of Easement to Fee      | 25.00%   |
| Final Indicated Easement Value | \$8,750  |
| Rounded                        | \$8,750  |



COMPARABLE LAND SALES LOCATION MAP



**Land Sale No. 1**



**Property Identification**

|                      |                                                         |
|----------------------|---------------------------------------------------------|
| <b>Record ID</b>     | 2021                                                    |
| <b>Property Type</b> | Industrial                                              |
| <b>Address</b>       | 6501 Portage, Portage, Kalamazoo County, Michigan 49002 |
| <b>Location</b>      | Rear of Portage W side Mastenbrook adjacent to airport  |
| <b>Tax ID</b>        | 00011-010-K                                             |

**Sale Data**

|                           |                                                                                                                     |
|---------------------------|---------------------------------------------------------------------------------------------------------------------|
| <b>Grantor</b>            | Pharmacia & Upjohn Company                                                                                          |
| <b>Grantee</b>            | County of Kalamazoo                                                                                                 |
| <b>Sale Date</b>          | September 30, 2014                                                                                                  |
| <b>Deed Book/Page</b>     | 2014-035232                                                                                                         |
| <b>Property Rights</b>    | Fee simple                                                                                                          |
| <b>Marketing Time</b>     | 865 DOM                                                                                                             |
| <b>Conditions of Sale</b> | Arm's length                                                                                                        |
| <b>Financing</b>          | Conventional                                                                                                        |
| <b>Verification</b>       | David Reid; 269-388-3690, August 23, 2018; Other sources:<br>CoStar 3098025; Assessor, Confirmed by George Bratcher |

|                        |             |
|------------------------|-------------|
| <b>Sale Price</b>      | \$1,290,000 |
| <b>Cash Equivalent</b> | \$1,290,000 |

**Land Sale No. 1 (Cont.)**

**Land Data**

|                    |                                      |
|--------------------|--------------------------------------|
| <b>Zoning</b>      | I-2, Industrial                      |
| <b>Topography</b>  | Level                                |
| <b>Utilities</b>   | All public                           |
| <b>Dimensions</b>  | 2915.76 x 1324.49 x 2836.34 x 711.36 |
| <b>Shape</b>       | Irregular                            |
| <b>Landscaping</b> | Minimal                              |

**Land Size Information**

|                        |                              |
|------------------------|------------------------------|
| <b>Gross Land Size</b> | 68.710 Acres or 2,993,008 SF |
| <b>Front Footage</b>   | 2915.76 ft Mastenbrook       |

**Indicators**

|                              |          |
|------------------------------|----------|
| <b>Sale Price/Gross Acre</b> | \$18,775 |
| <b>Sale Price/Gross SF</b>   | \$0.43   |

**Remarks**

Assessor records indicate invalid sale; however David Indicated the property was purchased through a Federal grant program and a fair market assessment was utilized to arrive at sale price.

**Land Sale No. 2**



**Property Identification**

|                      |                                                                   |
|----------------------|-------------------------------------------------------------------|
| <b>Record ID</b>     | 2022                                                              |
| <b>Property Type</b> | Industrial                                                        |
| <b>Address</b>       | 4550 Quality Court - 1, Portage, Kalamazoo County, Michigan 49002 |
| <b>Location</b>      | End of Cul-de-sac                                                 |
| <b>Tax ID</b>        | 00012-118-C                                                       |

**Sale Data**

|                           |                                                                                                                   |
|---------------------------|-------------------------------------------------------------------------------------------------------------------|
| <b>Grantor</b>            | DSL Enterprises Inc                                                                                               |
| <b>Grantee</b>            | Green Holdco, LLC                                                                                                 |
| <b>Sale Date</b>          | April 19, 2018                                                                                                    |
| <b>Deed Book/Page</b>     | 2018-013100                                                                                                       |
| <b>Property Rights</b>    | Fee simple                                                                                                        |
| <b>Marketing Time</b>     | 161 DOM                                                                                                           |
| <b>Conditions of Sale</b> | Arm's length                                                                                                      |
| <b>Financing</b>          | Cash                                                                                                              |
| <b>Verification</b>       | Matt Leighton; 269-207-6539, August 24, 2018; Other sources: MLS 17050711; Assessor, Confirmed by George Bratcher |

|                        |           |
|------------------------|-----------|
| <b>Sale Price</b>      | \$270,000 |
| <b>Cash Equivalent</b> | \$270,000 |

**Land Data**

|                   |                 |
|-------------------|-----------------|
| <b>Zoning</b>     | I-1, Industrial |
| <b>Topography</b> | Level           |
| <b>Utilities</b>  | All public      |
| <b>Shape</b>      | Irregular       |

**Land Sale No. 2 (Cont.)**

**Land Size Information**

|                          |                                    |
|--------------------------|------------------------------------|
| <b>Gross Land Size</b>   | 11.000 Acres or 479,160 SF         |
| <b>Useable Land Size</b> | 6.000 Acres or 261,360 SF , 54.55% |
| <b>Front Footage</b>     | 226 ft +/- Quality Court           |

**Indicators**

|                                |          |
|--------------------------------|----------|
| <b>Sale Price/Gross Acre</b>   | \$24,545 |
| <b>Sale Price/Gross SF</b>     | \$0.56   |
| <b>Sale Price/Useable Acre</b> | \$45,000 |
| <b>Sale Price/Useable SF</b>   | \$1.03   |

**Remarks**

According to Matt the parcel had 6 acres buildable and sale price was based on \$45,000 per buildable acre.

**Land Sale No. 3**



**Property Identification**

|                      |                                                        |
|----------------------|--------------------------------------------------------|
| <b>Record ID</b>     | 2023                                                   |
| <b>Property Type</b> | Industrial                                             |
| <b>Address</b>       | 9600 Shaver, Portage, Kalamazoo County, Michigan 49024 |
| <b>Location</b>      | W side between Vanderbilt and Oakland                  |
| <b>Tax ID</b>        | 00029-425-E                                            |

**Sale Data**

|                           |                                                                     |
|---------------------------|---------------------------------------------------------------------|
| <b>Grantor</b>            | Bouma-Betten Inc                                                    |
| <b>Grantee</b>            | John Chipman Customs, LLC                                           |
| <b>Sale Date</b>          | September 08, 2017                                                  |
| <b>Deed Book/Page</b>     | 2017-032018                                                         |
| <b>Property Rights</b>    | Fee simple                                                          |
| <b>Marketing Time</b>     | 7 DOM                                                               |
| <b>Conditions of Sale</b> | Arm's length                                                        |
| <b>Financing</b>          | Conventional                                                        |
| <b>Verification</b>       | Other sources: MLS 17047972; Assessor, Confirmed by George Bratcher |

|                        |           |
|------------------------|-----------|
| <b>Sale Price</b>      | \$660,000 |
| <b>Cash Equivalent</b> | \$660,000 |

**Land Data**

|                   |                 |
|-------------------|-----------------|
| <b>Zoning</b>     | I-1, Industrial |
| <b>Topography</b> | Level           |
| <b>Utilities</b>  | All public      |
| <b>Shape</b>      | Irregular       |

**Land Sale No. 3 (Cont.)**

**Land Size Information**

**Gross Land Size**

22.340 Acres or 973,130 SF

**Front Footage**

903 ft +/- Shaver; 750 ft +/- Oakland

**Indicators**

**Sale Price/Gross Acre**

\$29,543

**Sale Price/Gross SF**

\$0.68

### ***Correlation and Conclusion of Value***

This is an appraisal report which is intended to comply with the reporting requirements set forth under Standards Rule 2-2(a) of the *Uniform Standards of Professional Appraisal Practice* for an appraisal report. It presents summary discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation concerning the data, reasoning, and analyses is retained in the appraiser's file. The depth of discussion contained in this report is specific to the needs of the client and for the intended use stated. The appraiser is not responsible for unauthorized use of this report.

The property was subjected to all standard methods of evaluation. All pertinent data relative to estimating market value of the fee simple interest in the subject, including age, building and lot size, condition, location, zoning, sales of similar properties, trend of the neighborhood and other factors which tend to affect value were considered.

The cost and income capitalization approaches are not considered to be meaningful methods of appraising vacant land, and were not developed in this appraisal. The sales comparison approach is the primary approach for valuing vacant land and is given sole consideration in determining value.

The sales comparison approach is generally considered a good indicator of value because it measures actual transactions that have occurred in the marketplace. For the sales comparison approach to be considered reliable there must be sufficient data, although it was necessary to expand the search for comparable sales to other markets. It is noted, however, that no two properties are exactly alike. All sales that were utilized in this approach were carefully analyzed. The sales comparison approach provides a reliable estimate of value for the subject.

I have considered all of the data contained in this report. This information has been combined with a broad, general knowledge of the real estate market in arriving at a final opinion of value. According to my inspection of the subject and analysis of the market for similar properties, it is my carefully considered opinion the market value of the right-of-way/easement interest in the subject property as of July 11, 2019, is:

Eight Thousand Seven Hundred Fifty Dollars  
(\$8,750)



**ADDENDUM**

George E. Bratcher, Jr., MAI, ASA

**207 W. Columbia Avenue  
Battle Creek, Michigan 49015**

**(Office) (269) 965-1444  
(Fax) (269) 965-1505**

## **SUMMARY**

George E. Bratcher, Jr. is President of Bratcher & Associates. He has over 40 years of experience in the real estate area as an Assessor, Treasurer, Building Inspector, Zoning Administrator, Broker and Real Estate Appraiser. Mr. Bratcher's extensive experience in the public sector and the real estate industry combine to provide the necessary knowledge to advise clients on all types of real estate issues. Mr. Bratcher has had the opportunity to appraise many different types of real estate, from residential to heavy industrial properties. George has provided appraisal and consulting services for financial institutions, attorneys, and government entities, as well as individual property owners.

Mr. Bratcher holds the MAI designation from the Appraisal Institute, and the ASA designation from the American Society of Appraisers; he is also a Certified Assessment Evaluator (CAE) with the International Association of Assessing Officers. George is a former Level IV Assessor. He has an undergraduate degree in Public Administration from Siena Heights College and a Masters in Public Administration from Western Michigan University.

George holds the following Michigan licenses: Certified General Appraiser, Licensed Real Estate Broker, and Licensed Builder. He also holds a Certified General Appraiser license in the state of Indiana. He has completed all the necessary requirements, as well as continuing education requirements for his licensing and professional designations.

## **EXPERIENCE**

President; Bratcher & Associates, Battle Creek, Michigan; 1988-present; Independent real estate appraisal & consulting firm

Assessor; City of Battle Creek, Michigan; 1984-1988

Assessor/Treasurer/Building Commissioner/Zoning Administrator; City of Coldwater, Michigan; 1977-1982

Assessor; City of Albion, Michigan; 1975-1977

Senior Residential Appraiser; Ingham County Equalization Dept., Ingham County, Michigan; 1972-1975

## **EDUCATION**

Western Michigan University - Master Degree, Public Administration (1984)

Siena Heights College - Bachelor Degree, Public Administration (1983)

Lansing Community College - Certificate, Property Valuation and Assessment Administration (1975)

## **APPRAISAL COURSES SUCCESSFULLY COMPLETED**

### **SREA**

Course #101

### **AIREA**

Real Estate Appraisal Principles  
Basic Valuation Procedures  
Capitalization Theory & Techniques Part A  
Capitalization Theory & Techniques Part B  
Case Studies in Real Estate Valuation  
Standards of Professional Practices  
Narrative Report Writing

**APPRAISAL COURSES CONTINUED**

Appraisal Institute

Advanced Income Capitalization (510)  
Understanding Limited Appraisals and Reporting Options  
Appraising from Blue Prints  
REIT's and the Role of the Real Estate Professional  
Case Studies in Commercial Highest and Best Use  
Partial Interest Valuation – Undivided  
Valuation of Detrimental Conditions  
USPAP – Parts A and B (410) (420)  
Highest & Best Use & Market Analysis (520)  
Separating Real & Personal Property from Intangible Business Assets (SE800)  
Rates & Ratios: Making Sense of GIMs, OARs and DCF  
Real Estate Finance Statistics and Valuation Modeling  
Expanding Your Range of Services  
General Applications I320  
II550 Advanced Applications  
Business Practices and Ethics  
FHA and The Appraisal Process

IAAO

Course #1, Fundamentals of Real Property Appraisal  
Course #2, Income Approach to Valuation  
Course #202, Income Approach to Valuation II  
Course #207, Industrial Property Appraisal  
Course #301, Mass Appraisal of Residential Property  
Course #305, Computer Aided Mass Appraisal Model Building  
Course #4, Assessment Administration  
Seminar, The Effects of Non-Standard Financing on the Market Value of Real Estate  
Workshop 171; IAAO Standards of Professional Practice and Ethics

National USPAP Update – Current

Michigan Law – Current

Appraisal of Industrial Complexes Over 1,000,000 Sq. Ft.

Appraisal of Shopping Centers

Mortgage Equity for Appraisers

Environmental Screening Guidelines for Appraisers - American Real Estate & Appraisal Institute

**ENVIRONMENTAL COURSES SUCCESSFULLY COMPLETED**

NAERA - Course 101 and 102

Environmental Property Evaluation - COR Group, Inc.

**PROFESSIONAL AFFILIATIONS AND CERTIFICATIONS**

Member of the Appraisal Institute - 1998 (MAI Certificate No. 11365)

Certified General Appraiser - 1991 Michigan Department of Licensing and Regulatory Affairs (License No. 1201000203)

Certified General Appraiser – 2000 Indiana Professional Licensing Agency  
(License No. CG40000281)

Certified Environmental Risk Screener - National Association of Environmental Risk  
Auditors (C.E.R.S.) - 2001

Senior Member - American Society of Appraisers (ASA) - 1986

Certified Assessment Evaluator - International Association of Assessing Officers (CAE) - 1987

Real Estate Broker - Michigan Department of Occupational Regulation

Licensed Residential Builder - Michigan Dept of Occupational Regulation

Licensed private pilot - FAA

## **PARTIAL LIST OF COMPLETED PROJECTS**

Lead appraiser for land acquisition in:

- City of Newaygo - Wastewater Treatment Plant Expansion
- City of Alma - Industrial Park Expansion
- City of Battle Creek - Avigation Easement Appraisals Airport Expansion (Kal-Aero)

Supervised real estate acquisition phase of Emmett Street Overpass project for the City of Battle Creek. (1996)

Provided real estate appraisal for the City of Warren for the purchase and redevelopment of the former Detroit Arsenal Tank Plant. (1997)

Provided real estate appraisals for land acquisition in the Michigan Department of Transportation BL-94 extension project in Battle Creek. (1999)

Provided real estate appraisals for land acquisition in the Michigan Department of Transportation M-6 By Pass project in Grand Rapids. (2000)

Provided real estate appraisals as part of the team organized for land acquisition in the Michigan Department of Transportation Red Arrow Highway Project in Berrien County. (2000)

Provided real estate appraisals as part of the team organized for land acquisition in the Bureau of Aeronautics Southwest Michigan Regional Airport Runway Extension Project in Benton Harbor, Michigan (2003/2004/2005/2006/2007/2008/2009).

Provided real estate appraisal for FAA Land Release at the Pellston Regional Airport of Emmet County, Pellston, Michigan (2007).

Provided real estate appraisals for avigation easements for the South Haven Regional Airport Board, South Haven, Michigan (2007).

Provided real estate appraisals as part of the team organized for land acquisition in the road right-of-way project for the Firekeepers Casino Development, Battle Creek, Michigan (2008).

Provided real estate appraisals for avigation easements for the WK Kellogg Regional Airport, Battle Creek, Michigan (2009).

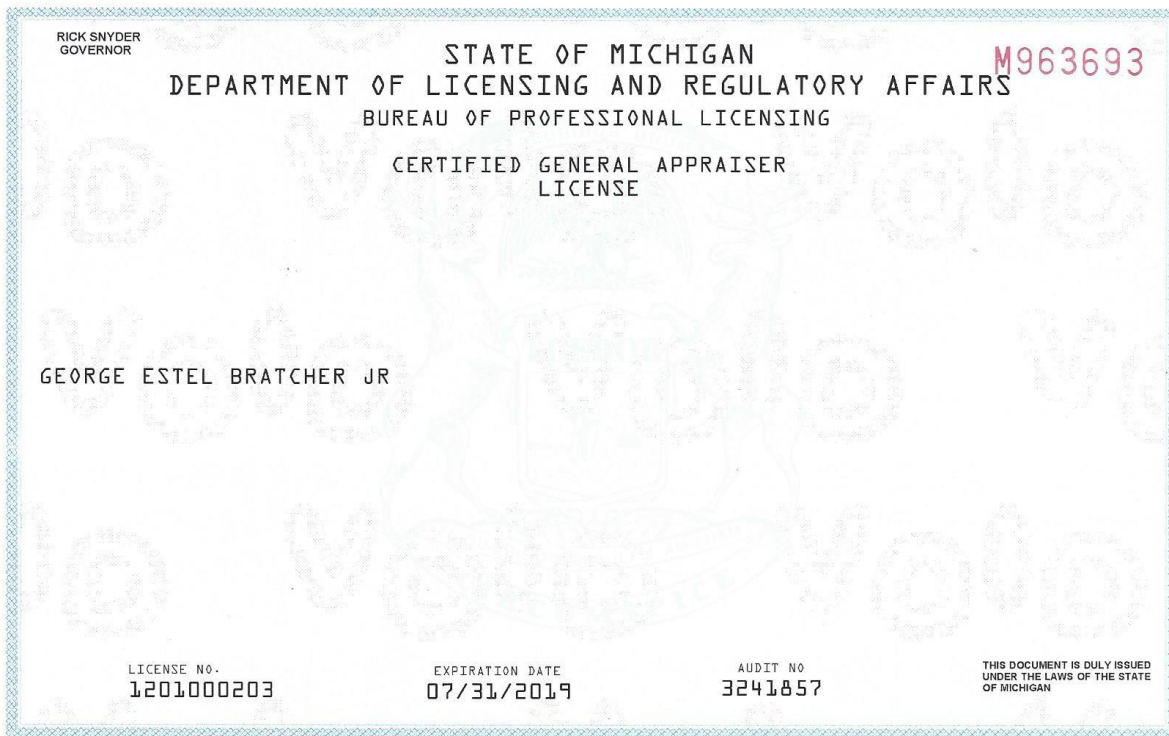
Provided real estate appraisal services for acquisition of properties located along the Kalamazoo River involved in the ruptured oil pipeline for Enbridge Energy (2010/2011).

Provided real estate appraisal services for Tecumseh Products regarding properties impacted by ground water contamination (2012)

## **LITIGATION EXPERIENCE**

Along with providing quality appraisals, Mr. Bratcher has been deposed on numerous occasions, with the property dispute settled before proceeding to an actual court case. Mr. Bratcher has testified as an expert witness in Ingham County District Court, in Calhoun County Circuit and District Courts, and in Federal Tax Court. During his assessing career, Mr. Bratcher appeared before the Michigan Tax Tribunal numerous times, and since 1972, has appeared before the Tribunal approximately 8 – 10 times. Litigation experience also includes the following projects.

- Marshall, MI- Flooded basements and their impact on property value.
- Tooele, UT- Value of avigation easements.
- East Lansing, MI- Loss in value of homes found to have been built on an abandoned landfill.
- Tecumseh, MI- Loss in value for properties impacted by Tecumseh Products contamination of ground water.
- Augusta, MI- Impact of Enbridge oil spill on property values.
- Battle Creek, MI- Moon Drain, Estimating value of drain easements.



7/16/2018

Payment Result

Your order has been submitted and all fees have been applied to your credit card. If you ordered a card, please allow 5 - 10 business days to receive your order in the mail.

If you selected **Free Certificate Printout** click **Print Receipt** at the bottom of the page. This page serves as your certificate and can be used to satisfy any legal posting requirements.

#### Official License Record



#### State of Indiana Official License Record

**Full Name:** George Bratcher, Jr  
**License Number:** CG40000281  
**License Type:** Certified General Appraiser  
**License Status:** Active  
**Issue Date:** 8/17/2000  
**Expiration Date:** 6/30/2020



June 15, 2020

Ms. Kendra Gwin, P.E.  
Director of Transportation and Utilities  
City of Portage  
7719 South Westnedge Avenue  
Portage MI 49002

RE: Proposal for Construction Engineering, Surveying, and Testing  
NE Transmission Main Thru Airport Property

Dear Kendra:

We understand that the City would like to move forward on the Water Main Project thru the Airport property. Below is a proposed fee for the construction engineering, surveying, and testing in coordination with the work that Kamminga & Roodvoets (K&R) will be doing. The proposal is based on the following schedule provided by Lowe Construction for the Jack and Bore portion and K&R for everything else. We understand that our current contract will be amended, and this work added. Below is a summary of the assumptions and tasks and attached is an hour breakdown that totals \$168,376 for the proposed work.

- Taxiway J&B – 12 working days (12/hrs per day)
- Runway J&B – 60 working days (12/hrs per day)
- Railroad J&B – 8 working days (12/hrs per day)
- Remaining construction for work outside the J&B areas
- Inspection, Construction Admin
- Testing, Final documentation for easements and As-Built plans
- 5 surveying trips
- Allowance for Testing
- Expenses

The contractor is anticipating a start date of late September early October for the Bore and Jack with the Water Main work being completed in the spring possibly.

Thank you again for providing H&S the opportunity to perform this work for you. If you have any questions, feel free to contact our office at 269-552-4960.

Sincerely,  
HURLEY & STEWART, LLC

Todd D. Hurley, P.E.

Enclosures

O:\PROPOSALS\Portage Proposals\NE Transmission Main Improvements\2020 Consturction Engineering NE Transmission Main.doc



June 16, 2020

Mr. Joe La Margo  
Portage City Manager  
7900 S. Westnedge Ave.  
Portage, MI 49002

Subject: Letter of Intent for the Following Project:  
City of Portage Release of Land for Runway 17/35 Extension Project

Dear Mr. La Margo:

This letter serves as a commitment between the City of Portage (City) and the Kalamazoo/Battle Creek International Airport (Airport of AZO) to facilitate a project that is of benefit to the airport, Portage and the region as a whole. The Airport is currently working to extend its main commercial runway to enhance safety while maintaining competitiveness as a transportation hub, improving quality of life for residents, and furthering economic development efforts in the area.

In January 2019, the Airport requested that the City transfer ownership of a city-owned portion of property that is located east of the Norfolk Southern Railroad, south of E. Milham Road and west of Sprinkle Road. A portion of this property will be required for the relocation of the railroad, which is a critical element of the Runway 17/35 Extension Project. As the design process is ongoing, the specific area has not yet been defined. Once environmental approval is received, the design will be completed, and a specific property description of the necessary land will be developed. At that time, the Airport will begin negotiations with the City to obtain the necessary property.

This letter of intent, once executed by both parties, will serve as an agreement between the parties committing that each will work collaboratively with the other to execute the Project as noted above.

Sincerely,

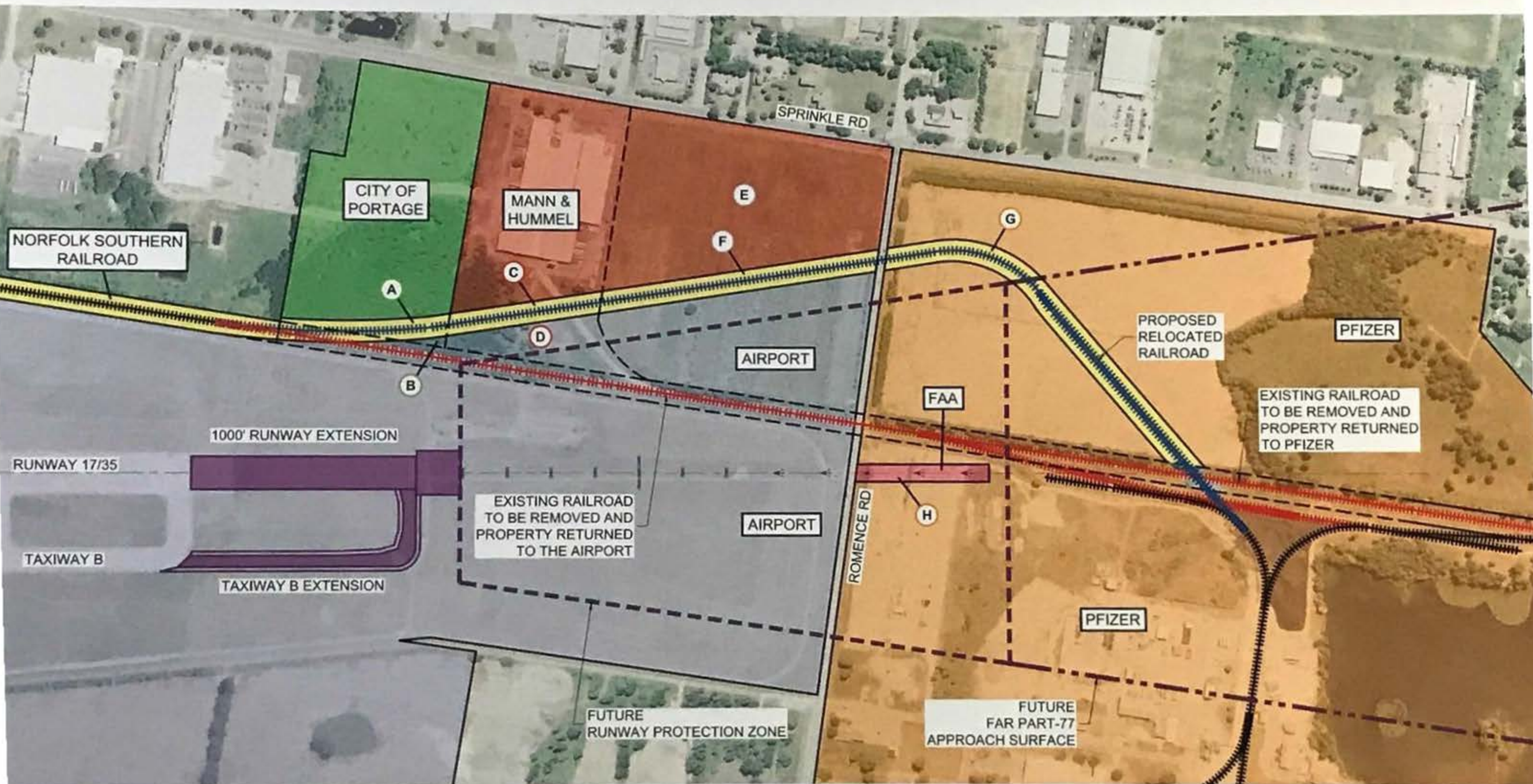
Craig Williams, A.A.E.  
Airport Director





# EXHIBIT A

## Proposed Property Acquisition / Easement and Railroad Relocation



NOTE: CITY OF PORTAGE, MANN & HUMMEL, AND PFIZER PARCEL BOUNDARIES HAVE BEEN ESTIMATED USING DATA FROM THE KALAMAZOO COUNTY GIS SYSTEM.

**CITY OF PORTAGE**

- (A)** AREA DEEDED TO NORFOLK SOUTHERN RAILROAD
- (B)** AREA DEEDED TO THE AIRPORT

**MANN & HUMMEL**

- (C)** AREA DEEDED TO NORFOLK SOUTHERN RAILROAD
- (D)** AREA DEEDED TO THE AIRPORT

**AIRPORT**

- (E)** AREA DEEDED TO MANN & HUMMEL
- (F)** AREA DEEDED TO NORFOLK SOUTHERN RAILROAD

**PFIZER**

- (G)** AREA DEEDED (TO BE DETERMINED)
- (H)** AREA DEEDED TO FAA FOR MALS CRITICAL AREA\*  
\*ACTUAL TYPE OF ACQUISITION TO BE DETERMINED



**TO:** Honorable Mayor and City Council

**FROM:** Joseph La Margo, City Manager



**SUBJECT:** City Fiber Optic Network Build and Maintenance Services - Bid Tabulation

**SUPPORTING PERSONNEL:** Devin Mackinder, Director of Technology Services  
Tom O'Brien, Purchasing Manager

**ACTION RECOMMENDED:** Award a contract to Q3 Technologies, of Kalamazoo, MI, for the Fiber Optic Network Build and Maintenance project at a total project cost of \$111,799.54 and authorize the City Manager to execute all documents related to this action.

Primary city buildings are connected via a multi-mode fiber optic infrastructure in the City Centre Area that is no longer capable of supporting current and growing bandwidth, speed, distance and redundancy requirements. The multi-mode fiber optic infrastructure was built over 20 years ago.

Through the Request for Proposals process, the city has selected Q3 Technologies, of Kalamazoo, MI, to build and maintain a modern gigabit+ single-mode fiber optic network to address current deficiencies and provide for at least a decade of growth. The city hired Technology Designer, Eric Rinehart, of Tower Pinkster, in the amount of \$3,900 to assist with specifications and design services and vendor selection.

Request for proposals were opened on June 3, 2020, and of the three proposals submitted, Q3 offered the city the lowest and best proposal for a total project cost of \$111,799.54, and included a three-year maintenance program in the annual amount of \$681. Western Tel-Com, Inc., of Holland, MI, and Adesta, of Willowbrook, IL, also submitted competitive proposals which were higher in project and maintenance costs.

The project timeline is expected to be June-September 2020, unless permits are required for work under the railroad line. This will not be determined until conduit work commences. A permit of this type may add an additional \$5-8,000 to the cost of the project. All three vendors indicated this potentiality in their proposals. No traffic diversions are expected for this project. The fiber network is expected to travel below ground utilizing existing conduit routes running along or underneath South Westnedge Avenue, Shaver Road, Currier Drive and Brown Avenue. A route map has been provided as an attachment for your review.

It is recommended that City Council award Q3 Technologies, of Kalamazoo, MI, the Fiber Optic Network Build and Maintenance project at a total project cost of \$111,799.54 and authorize the City Manager to execute all documents related to this action.

**FUNDING:** Cable Access and Technology Services Capital Improvement Projects accounts contain sufficient funding for this project.

**Attachments:**

1. Fiber Optic Network Route Map
2. Fiber Optic Network Bid Tabulation



**FIBER OPTIC NETWORK AND MAINTENANCE SERVICES  
BID TABULATION**

**Total**

Q3 Technologies, LLC  
5492 West H Avenue  
Kalamazoo, MI 49009

**\$111,709.54**

Western Tel-Com, Inc.  
4273 58th Street  
Holland, MI 49423

**\$123,450.00**

Adesta, LLC  
701 Willowbrook  
Willowbrook, IL 60527

**\$412,091.94**

**TO:** Honorable Mayor and City Council

**FROM:** Joseph La Margo, City Manager



**SUBJECT:** Towing and Impound Lot Services - Bid Tabulation

**SUPPORTING PERSONNEL:** Nicholas Arnold, Director of Public Safety - Police / Fire Chief

**ACTION RECOMMENDED:** Approve a one-year contract with McDonald's Towing and Rescue in the amount of \$104,385 for towing and impound lot services, with the option for four, one-year renewals, and authorize the City Manager to execute all documents on behalf of the city.

On May 21, 2020, bids were received from two area providers for towing and impound lot services. McDonald's Towing and Rescue, of Kalamazoo, Michigan, submitted the lowest bid charge per tow at \$45 (non-accident) and \$45 (accident), plus mileage billed at \$1.50 per mile after three miles, for an overall annual cost of \$104,385. The second lowest bid was received from Graham's Towing & Recovery, of Portage, Michigan, with a charge per tow of \$75 (non- accident) and \$250 (accident), plus mileage, with an overall annual cost of \$233,065 per year, nearly 125% more than the lowest bid. The industry-average charges for towing services range from \$75 to \$85 per tow, plus mileage. Annual costs were calculated based on the proposed rates (towing/accident, towing/non-accident, stuck calls and storage fees) and historical annual usage.

It is recommend that City Council approve a one-year contract with McDonald's Towing and Rescue in the amount of \$104,385 for towing and impound lot services, with the option for four, one-year renewals, and authorize the City Manager to execute all documents on behalf of the city.

**FUNDING:** Funding for these services is allocated in the FY 2019-2020 and FY 2020-2021 budgets.

**Attachments:** 1. Towing Bid Tabulation

|   |                                                                                                                                                                                                          |                                  |                |                                    |                            |                                    |
|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|----------------|------------------------------------|----------------------------|------------------------------------|
|   |                                                                                                                                                                                                          | TOWING & IMPOUND LOT SERVICES    |                |                                    |                            |                                    |
|   |                                                                                                                                                                                                          |                                  | BID TABULATION |                                    |                            |                                    |
|   |                                                                                                                                                                                                          | McDonald's Towing & Rescue, Inc. |                |                                    | Graham's Towing & Recovery |                                    |
|   | Description                                                                                                                                                                                              | Estimated Yearly Quantity        | Unit Price     | Price (Est. Quantity x Unit Price) | Unit Price                 | Price (Est. Quantity x Unit Price) |
| A | General Service Call                                                                                                                                                                                     | 238                              | \$15.00        | \$3,570.00                         | \$65.00                    | \$15,470.00                        |
| B | Towing (non-accident)                                                                                                                                                                                    |                                  |                |                                    |                            |                                    |
|   | Requiring standard type wrecker or flatbed vehicle to tow a vehicle from any place in the City of Portage to any place within three miles of direct route from point of pickup.                          | 357                              | \$45.00        | \$16,065.00                        | \$75.00                    | \$26,775.00                        |
|   | Per mile charge for towing beyond three miles from direct route from point of pickup to destination.                                                                                                     | 1060                             | \$1.50         | \$1,590.00                         | \$4.00                     | \$4,240.00                         |
| C | Towing (accident)                                                                                                                                                                                        |                                  |                |                                    |                            |                                    |
|   | Requiring standard type wrecker or flatbed vehicle to tow a vehicle of 1 ton size or smaller from any place in the City of Portage to any place within three miles of direct route from point of pickup. | 319                              | \$45.00        | \$14,355.00                        | \$250.00                   | \$79,750.00                        |
|   | Per mile charge for towing beyond three miles from direct route from point of pickup to destination.                                                                                                     | 1060                             | \$1.50         | \$1,590.00                         | \$8.00                     | \$8,480.00                         |
| D | Stuck Calls                                                                                                                                                                                              | 97                               | \$45.00        | \$4,365.00                         | \$150.00                   | \$14,550.00                        |
| E | Storage Fee per day per vehicle                                                                                                                                                                          | 4190                             | \$15.00        | \$62,850.00                        | \$20.00                    | \$83,800.00                        |
|   | TOTAL BID                                                                                                                                                                                                |                                  |                | \$104,385.00                       |                            | \$233,065.00                       |



**TO:** Honorable Mayor and City Council

**FROM:** Joseph La Margo, City Manager



**SUBJECT:** Preliminary Condominium Subdivision for Pennridge Trail, Phase 2

**SUPPORTING PERSONNEL:** Chris Forth, Acting Director of Community Development

**ACTION RECOMMENDED:** Approve the Preliminary Condominium Subdivision for Pennridge Trail, Phase 2, 1800 West Osterhout Avenue, subject to the three conditions outlined in the May 28, 2020 Department of Community Development staff report.

In June 2018, City Council approved the Planned Development (PD) rezoning and tentative plan/narrative for the Pennridge Trail Planned Development project that included a total of 137 single-family, detached/attached residential homes (63 single-family, detached homes and 74 attached duplex units) in several phases. In September 2018, City Council approved Phase 1 of the Pennridge Trail Subdivision, which included 22 single-family residential lots/units, and the first phase of the attached residential portion of the project, Pennridge North Condominiums, which included 11 attached duplexes (22 units total). Public infrastructure associated with the Pennridge Trail Subdivision, Phase 1 has been installed, inspected and accepted by the city and home construction is underway.

Phase 2 of the Pennridge Trail Subdivision proposes 23 single-family residential lots/units and construction of two new public streets, Schrier Lane and Alder Avenue, on approximately 8 acres. The Preliminary Condominium Subdivision for Pennridge Trail, Phase 2 has been designed in substantial compliance with the approved PD tentative plan/narrative.

In a report dated May 28, 2020, the Department of Community Development recommended the Preliminary Condominium Subdivision for Pennridge Trail, Phase 2 be approved subject to three conditions regarding submittal of the detailed engineering drawings for the public streets, utilities and storm water, and construction of the secondary emergency vehicle access drive prior to final approval of Phase 2. The Planning Commission convened a public hearing during their June 4, 2020 meeting to consider the Preliminary Condominium Subdivision. Mr. Brian Wood, of Westview Capital, LLC, attended virtually to support the application and explain the development project. No additional citizens spoke during the public hearing and no written communications were received. At the conclusion of the public hearing, the Planning Commission voted unanimously to recommend to City Council that the Preliminary Condominium Subdivision for Pennridge Trail, Phase 2 be approved subject to the three conditions outlined in the May 28, 2020 Department of Community Development staff report.



**FUNDING:** Not applicable.

**Attachments:**

1. Planning Commission transmittal dated June 11, 2020
2. Planning Commission meeting minutes dated June 4, 2020
3. Department of Community Development staff report dated May 28, 2020

**TO:** Honorable Mayor and City Council

**FROM:** Planning Commission

**DATE:** June 11, 2020

**SUBJECT:** Preliminary Condominium Subdivision of Pennridge Trail (Phase 2), 1800 West Osterhout Avenue

The Planning Commission convened a public hearing during the June 4, 2020 meeting to consider the Preliminary Condominium Subdivision of Pennridge Trail Phase 2. Mr. Brian Wood of Westview Capital, LLC was present to support the application and explain the development project. No additional citizens spoke during the public hearing and no written communications were received from area residents or interested citizens.

After careful consideration, a motion was made by Commissioner Patterson, seconded by Commissioner Harrell-Page, to recommend to City Council that the Preliminary Condominium Subdivision of Pennridge Trail (Phase 2), 1800 West Osterhout Avenue, be approved subject to the three conditions contained in the Department of Community Development report dated May 28, 2020. The motion was unanimously approved 9-0.

Sincerely,

  
Dan Corradini  
Chairman

S:\2019-2020 Department Files\Memos\City Council\2020 06 11 PC Pennridge Trail Subdivision (Phase 2), 1800 West Osterhout Avenue - preliminary condominium(PC) doc

## PLANNING COMMISSION

June 4, 2020

DRAFT

The City of Portage Planning Commission meeting of June 4, 2020 was called to order by Chairman Corradini at 7:00 p.m. Pursuant to the "Remote Attendance Rules for Meetings" and Michigan Governor Whitmer's Executive Order 2020-21, this meeting was held remotely with Commissioners, staff, applicants and the general public participating via telephone call-in.

### IN ATTENDANCE

Christopher Forth, Interim Director; Michael West, Senior City Planner and Randy Brown, City Attorney.

### ROLL CALL

Mr. West called the roll: Meyer (yes); Pezzoli (yes); Baldwin (yes); Harrell-Page (yes); Schimmel (yes); Corradini (yes); Joshi (yes); Fries (yes); and Patterson (yes). All Commissioners present.

### APPROVAL OF MINUTES

Chairman Corradini referred the Commission to the May 7, 2020 meeting minutes contained in the agenda. A motion was made by Commissioner Baldwin, seconded by Commissioner Schimmel, to approve the minutes as submitted. Upon a roll call vote: Patterson (yes); Fries (yes); Joshi (yes); Corradini (yes); Schimmel (yes); Harrell-Page (yes); Baldwin (yes); Pezzoli (yes); and Myer (yes), the motion was unanimously approved 9-0.

### PUBLIC HEARING

1. Preliminary Condominium Subdivision: Pennridge Trail (Phase 2), 1800 West Osterhout Avenue. Mr. West summarized the staff report dated May 28, 2020 regarding a request by Westview Capital, LLC to construct Phase 2 of the Pennridge Trail Subdivision. Mr. West provided a brief history of the 2018 PD rezoning and tentative plan/narrative approval for the overall 46.54 acre property, along with the previous approval and acceptance of Phase 1 of the Pennridge Trail Subdivision. Mr. West indicated that Phase 2 of the Pennridge Trail Subdivision proposes 23 single family residential lots/units and construction of two new public streets (Schrier Lane and Alder Avenue). Mr. West discussed various aspects of the development including a previous modification approved by City Council regarding vehicular access and the number of lots on public cul-de-sac street, sidewalk installation and screening/buffering along West Osterhout Avenue and the Penn-Central Railroad tracks. Mr. West stated the preliminary condominium subdivision for Pennridge Trail (Phase 2) has been designed in substantial compliance with the approved tentative plan/narrative and was recommended for approval subject to the three conditions outlined in the May 28, 2020 Department of Community Development report.

Brian Wood of Westview Capital, LLC called-in to support the application. The public hearing was then convened by Chairman Corradini. No citizens called-in to speak regarding the preliminary condominium subdivision. A motion was then made by Commissioner Baldwin, seconded by Commissioner Fries, to close the public hearing. Upon a roll call vote: Myer (yes); Pezzoli (yes); Baldwin (yes); Harrell-Page (yes); Schimmel (yes); Corradini (yes); Joshi (yes); Fries (yes); and Patterson (yes), the motion was unanimously approved 9-0.

After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Harrell-Page, to recommend to City Council that the Preliminary Condominium Subdivision for Pennridge Trail (Phase 2), 1800 West Osterhout Avenue, be approved subject to the three conditions outlined in the May 28, 2020 Department of Community Development report. Upon a roll call vote: Schimmel (yes); Corradini (yes); Joshi (yes); Fries (yes); Patterson (yes); Harrell-Page (yes); Baldwin (yes); Pezzoli (yes); and Myer (yes), the motion was unanimously approved 9-0.



**TO:** Planning Commission

**DATE:** May 28, 2020

**FROM:** Christopher Forth, Interim Director of Community Development

**SUBJECT:** Preliminary Condominium Subdivision for Pennridge Trail (Phase 2), 1800 West Osterhout Avenue

## I. INTRODUCTION:

Westview Capital, LLC has submitted the preliminary condominium subdivision for Phase 2 of the Pennridge Trail Planned Development (PD). Phase 2 of the Pennridge Trail Subdivision proposes 23 single family residential lots/units and construction of two new public streets (Schrier Lane and Alder Avenue) on approximately 8 acres.

As background information, the PD, planned development rezoning and tentative plan/narrative for the Pennridge Trail Planned Development received City Council approval in June 2018. The overall PD project includes a total of 137 single family detached/attached residential homes (63 single family detached homes and 74 attached duplex units) in multiple phases on the 46.54 acre tract of land with approximately 16 acres (34%) devoted to open space areas. In September 2018, City Council approved Phase 1 of the Pennridge Trail Subdivision, which included 22 single family residential lots/units and construction of Pennridge Drive (public street) from West Osterhout Avenue, along with the first phase of the attached residential portion of the project (Pennridge North Condominiums), which included 11 attached duplexes (22 units total) and construction of a private street extension from the north end of Pennridge Drive. Public infrastructure associated with the Pennridge Trail Subdivision (Phase 1) including public water, sewer, storm sewer, and public street has been installed, inspected and accepted by the city and individual home construction is underway.

Phase 2 of the Pennridge Trail Subdivision has been designed in substantial compliance with the approved tentative plan/narrative. A copy of the June 2018 approved tentative plan for the overall Pennridge Trail PD project is attached for reference.

| Applicant             | Sites/Area                            | Location                                                                                                |
|-----------------------|---------------------------------------|---------------------------------------------------------------------------------------------------------|
| Westview Capital, LLC | 23 lots-units/8.14 acres<br>(Phase 2) | Northeast ¼ of Section 32, North of West Osterhout Avenue and East of the Penn-Central railroad tracks. |

## II. BACKGROUND INFORMATION:

Article 6, Condominium Projects outlines the requirements for single family detached residential condominium subdivisions within the City of Portage pursuant to the authority conferred by the Michigan Condominium Act, PA 59 of 1978, as amended. Single family residential condominium projects must meet the Zoning Code requirements for the district in which the development is located including minimum lot size (area), width and setbacks unless otherwise approved by City Council. Additionally, all Required Improvements and Design Standards contained in Article 5, Division 4 of the Subdivision and Land Division Regulations are also applicable to the residential condominium subdivision project.

The following summarizes the requirements that are applicable to the preliminary condominium subdivision application.

- Zoning – The subject property is zoned PD, planned development and consistent with the approved tentative plan and narrative, lots/units within the site condominium portion of the project will maintain a minimum 60-foot width and a minimum 8,000 square foot area with the average lot/unit being approximately 9,720 square feet in size. Single family detached homes within the site condominium portion of the development will have a maximum lot coverage of 30% and will maintain minimum building setbacks of 25-feet (front), 25-feet (rear) and 5-feet (side) with a minimum 15-foot separation provided between homes. Additionally, the homes will maintain a minimum 40-foot rear setback from the outer perimeter of the property. Single family detached residential home sizes will range between 1,400 – 2,800 square feet of living area (excluding any basement area) with an attached two-car garage and deck or patio.

Section 42-803(i) of the Subdivision and Land Division Regulations establishes a provision for a maximum 20-lots on a cul-de-sac street. In conjunction with the PD rezoning and tentative plan/narrative approval in June 2018, City Council approved a modification to this standard allowing the 63 site condominium lots/units portion of the development to be located on a public cul-de-sac street subject to installation of an emergency access drive. This secondary emergency vehicle access drive will connect the Pennridge Trail Planned Development to the existing facility located to the north at 9801 Shaver Road. An easement between the two property owners has already been signed and recorded.

- Vehicular Access/Streets/Utilities – Phase 2 of the Pennridge Trail Subdivision will be accessed through two new public street extensions (Schrier Lane and Alder Avenue) from Pennridge Drive which provides to/from West Osterhout Avenue. A future public street extension from Pennridge Drive is also planned with Phase 3 of the Pennridge Trail Subdivision. The emergency access to 9801 Shaver Road will also be constructed.

Municipal water and sewer will be extended to serve the development. Storm water will be collected and conveyed to a private retention basin proposed along the northern portion of the overall property, within the area identified for future Phase 3. Storm water related piping and structures located within the public streets will be owned and maintained by the city, while storm water related piping, structures and the private retention basin located outside of the public streets will be owned and maintained by the condominium association with the appropriate easements and maintenance/indemnification agreement provided to the city.

- Sidewalks/Pedestrian Circulation – Section 42-804 of the Subdivision and Land Division Regulations establishes sidewalk requirements including installation of sidewalks along both sides of all streets. In conjunction with the PD rezoning and tentative plan/narrative approval in June 2018, City Council also approved a modification from this standard waiving the requirement for installation of a 5-foot wide concrete sidewalk along the West Osterhout Avenue frontage. Four-foot wide concrete sidewalks will be installed along both sides of the internal public streets.
- Screening/Buffering – Consistent with the approved PD tentative plan and Section 42-808 of the Subdivision Regulations, screening and buffering will be provided along West Osterhout Avenue, a major street (to the south) and along the Penn-Central Railroad tracks (to the west). As indicated on



the preliminary condominium subdivision drawing, a 4-5 foot tall undulating berm with an alternating double row of 6-8 foot tall evergreen trees will be installed within the common open space area located between West Osterhout Avenue and Lots 30-35. Additionally, the existing mature tree line located within the common open space area, between the Penn-Central Railroad tracks and Lots 35-45, will be preserved with construction of Phase 2. Additional details associated with this screening/buffering proposal will be provided with submittal of the detailed engineering drawings (Final Preliminary Condominium Subdivision).

### III. PUBLIC NOTICE REQUIREMENTS:

In accordance with the Michigan Planning Enabling Act (PA 33 of 2008, as amended), a public notice was published in the local newspaper and notice was mailed to owners of land located within 300-feet of the subject property 15 days prior to the date of the public hearing.

Submission of the preliminary condominium subdivision is intended to provide the community with the opportunity to examine existing and proposed conditions pertaining to the development of the subdivision. After review and approval by the City Council, the preliminary condominium subdivision approval is effective for 12 months. During the 12-month period, detailed engineering drawings (final preliminary condominium) will be prepared and submitted to City Council for review and approval. Following construction of the condominium improvements, the developer will request that City Council grant final condominium subdivision approval.

### IV. RECOMMENDATION:

The preliminary condominium subdivision has been reviewed within the context of the Comprehensive Plan, Land Development Regulations, approved PD tentative plan and other applicable ordinance requirements. Based on the above information and subject to any additional information received during the public hearing, staff advises the Planning Commission recommend to City Council that the Preliminary Condominium Subdivision for Pennridge Trail (Phase 2), 1800 West Osterhout Avenue, be approved subject to the following conditions:

1. Streets and Utilities – The proposed street system, municipal water and sanitary sewer are acceptable in concept. Final design, location and related issues will be addressed as part of the detailed engineering plan review (final preliminary condominium). Any public utility located outside of the street right-of-way will require that an easement(s) be conveyed to the city. Additionally, any boulevard entrance/median island and any other improvements proposed within the public street right-of-way will be owned and maintained by the condominium association with appropriate maintenance/indemnification agreements provided to the city.
2. Storm Water Retention – Storm water from the development will be collected and conveyed to a private retention basin located along the northern portion of the overall property. Final design and other related issues will be addressed as part of the detailed engineering plan review (final preliminary condominium plan). Storm water related piping and structures located within the public streets will be owned and maintained by the city, while storm water related piping, structures and the private retention basin located outside of the public streets will be owned and maintained by the condominium association. Appropriate easements and maintenance/indemnification agreements will be provided to the city.

3. Secondary Emergency Vehicle Access Drive – Prior to Final Condominium Subdivision approval of Pennridge Trail Phase 2, the secondary emergency vehicle access drive to the existing industrial facility located to the north at 9801 Shaver Road be constructed, inspected and approved by the city administrative departments.

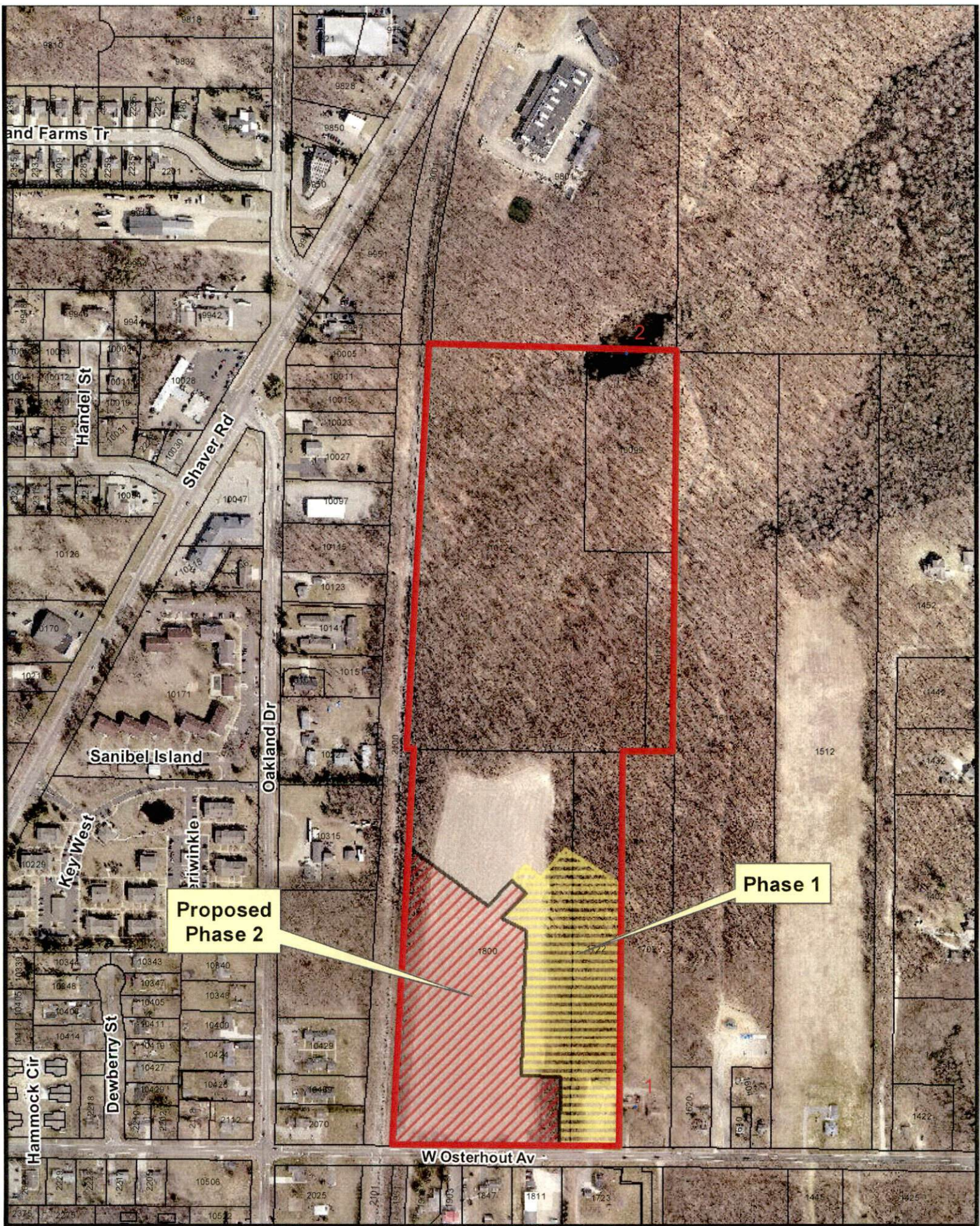
Attachments:      Zoning/Vicinity Map  
                         Aerial Photograph Map  
                         Preliminary Condominium Subdivision Plan (Pennridge Trail - Phase 2)  
                         Pennridge Trail Planned Development – June 2018 Approved Tentative Plan

S:\Commdev\2019-2020 Department Files\Board Files\PLANNING COMMISSION\PC Reports\Plats-Site Condos\2020 05 28 Preliminary Condominium Subdivision, Pennridge Trail Subdivision (Phase 2).doc









- Pennridge Trail Property Boundary
- Pennridge Trail Phase 2 (proposed)
- Pennridge Trail Phase 1

## Pennridge Trail Proposed Phase 2



1 inch = 400 feet



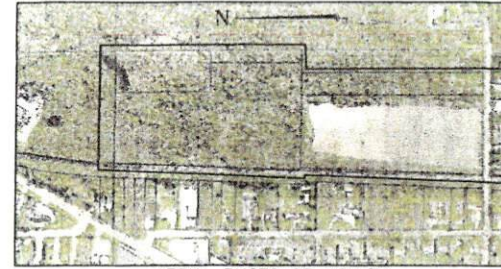
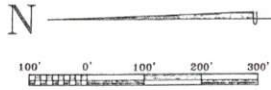




# TENTATIVE PLAN for PROPOSED 'PENNRIDGE TRAIL' CONDOMINIUM

NOTE: "PENNRIDGE TRAIL" IS A PROPOSED CONDOMINIUM AND PLANNED DEVELOPMENT.

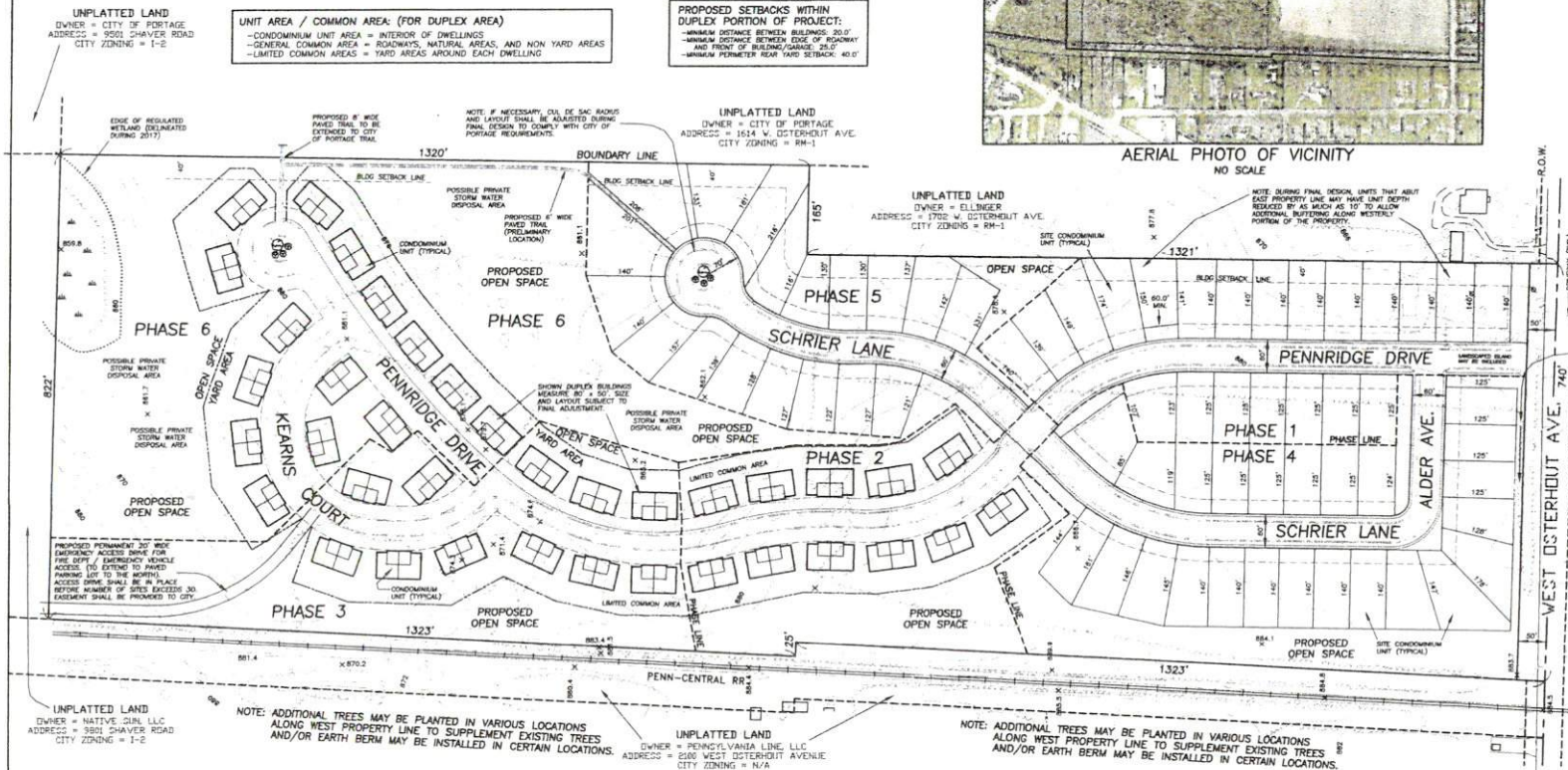
SUBJECT PROPERTY = 46.54 ACRES  
ADDRESS = 1800 W. OSTERHOUT AVE.  
CURRENT ZONING = I-1  
PROPOSED ZONING = PD



AERIAL PHOTO OF VICINITY  
NO SCALE



RECEIVED  
APR 11 2018  
PLANNED DEVELOPMENT



PROPOSED SETBACKS WITHIN  
SITE CONDO PORTION OF PROJECT:  
- MINIMUM SETBACK = 60' FROM R.O.W.  
- REQUIRED REAR SETBACK = 25'  
- REQUIRED SIDE SETBACK = 10'  
- MINIMUM LOT BETWEEN DWELLINGS = 10'  
- MINIMUM PERMITTER REAR YARD SETBACK = 40'  
- MINIMUM LOT AREA = 8000 SQUARE FEET

NOTE: CENTER TURN LANE  
SHALL BE PROVIDED WITHIN  
OSTERHOUT AVENUE.

NOTE: DURING FINAL DESIGN, SHOW 15' WIDE  
COMMON AREA MAY BE INCREASED IN WIDTH TO  
ALLOW FOR PARKING AND/OR  
BEARING IN THE COMMON AREA.

## GENERAL NOTES:

- 1) SUBJECT PROPERTY CONTAINS 46.54 ACRES AND IS CURRENTLY ZONED I-1.
- 2) SHOWN PROPERTY LINE LOCATIONS AND DIMENSIONS TAKEN FROM PREVIOUS SURVEY WORK BY THIS OFFICE.
- 3) EXISTING EASEMENTS, EASEMENTS AND EASEMENTS INFORMATION TAKEN FROM TOPOGRAPHIC MAP PREPARED BY OTHERS.
- 4) EXISTING 15' WIDE PUBLIC RIGHT-OF-WAY IS LOCATED ON THE APPROXIMATE CENTER LINE OF WEST OSTERHOUT AVENUE.
- 5) EXISTING 15' WIDE PUBLIC RIGHT-OF-WAY IS LOCATED ON THE NORTH SIDE OF WEST OSTERHOUT AVENUE.
- 6) SITE SHALL BE SERVED BY PROPOSED PUBLIC WATER MAINS AND SANITARY SEWERS (GRANITE SANITARY SEWERS).
- 7) ALL PROPOSED BUILDINGS SHALL HAVE A MINIMUM WIDTH OF 28.1 FEET BETWEEN OUTER LINE ON EACH SIDE OF ROAD. STREETS WITHIN SITE CONDO PORTION OF PROJECT SHALL BE PUBLIC. STREETS WITHIN TRAIL PORTION OF THE PROJECT SHALL BE PRIVATE (OWNED AND MAINTAINED BY THE PENNRIDGE TRAIL CONDOMINIUM ASSOCIATION).
- 8) ALL STREETS SHALL BE PAVED AND SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH CITY REQUIREMENTS.
- 9) POST FIRE CONSTRUCTION SHALL BE PROVIDED ON ONE SIDE OF THE STREET (DUPLEX PORTION) OR BOTH SIDES OF STREET (SITE CONDO PORTION), NO SIDEWALKS BEING PROPOSED ALONG OSTERHOUT AVENUE.
- 10) STREET NAMES ARE PRELIMINARY.
- 11) STORM SEWER SYSTEM SHALL BE EITHER PUBLIC OR PRIVATE. RUN-OFF SHALL BE DISPOSED OF BY A COMBINATION OF INFILTRATION AND DISCHARGE INTO ON SITE STORM BASINS. STORM WATER DISPOSAL SHALL COMPLY WITH CITY REQUIREMENTS. LOCATIONS OF STORM SEWER PIPES, CATCH BASINS, AND OTHER STORM WATER IMPROVEMENTS HAVE NOT BEEN DETERMINED AND HAVE NOT BEEN SHOWN. FINAL STORM WATER SYSTEM DESIGN SUBJECT TO CITY OF PORTAGE AND MUST BE PROVIDED.
- 12) SHOWN LAYOUT IS SUBJECT TO FINAL ADJUSTMENT.
- 13) SHOWN BUILDING FOOTPRINTS ARE NOT MADE BY SET. ACTUAL DWELLINGS MAY INCLUDE A DECK OR FOUR-SEASON ROOM AND MAY BE DEEPER THAN SHOWN. BUILDINGS WILL BE PRIMARILY SINGLE STORY DWELLINGS AND MAY INCLUDE A BASEMENT. DWELLINGS SHALL HAVE A MAXIMUM HEIGHT OF 25'.
- 14) DEVELOPMENT SHALL BE CONSTRUCTED IN SEVERAL PHASES. SHOWN PHASING SUBJECT TO FINAL ADJUSTMENT.
- 15) STREET LIGHTS, STREET SIGNS, TRAFFIC CONTROL, AND LANDSCAPING SHALL BE PROVIDED.
- 16) ALL ON SITE DWELLING CONSTRUCTION SHALL COMPLY WITH CITY OF PORTAGE AND STATE OF MICHIGAN CONSTRUCTION CODES (INCLUDING FLOODING DESIGN AND NEAR SHOREWATER) AS APPLICABLE.
- 17) EXISTING PAVEMENT SURFACE FOR OSTERHOUT AVENUE SHALL NOT BE DETERMINED UNLESS PRIOR APPROVAL HAS BEEN OBTAINED FROM THE CITY OF PORTAGE.
- 18) THE MAXIMUM NUMBER OF DWELLINGS ON SITE (PER FINAL PLAN) SHALL BE 140.
- 19) OFF-STREET PARKING SPACES MAY BE INCORPORATED IN CERTAIN AREAS.
- 20) SITE DOES CONTAIN ANY DESIGNATED FLOOD PLAIN AREAS.
- 21) TEMPORARY DRAINAGE SHALL BE PROVIDED WHERE REQUIRED.

## FIRE DEPT. NOTES

COMFORTABLE BUILDING CONSTRUCTION SHALL NOT  
CONSIDER UNITS. FIRE HYDRANTS ARE OPERABLE AND  
AN ALL WEATHER ROAD SURFACE IS IN PLACE.

THE FIRE FLOW FOR EACH BUILDING IS 1000 GPM FROM  
ONE HYDRANT WITHIN 400' OF ALL PORTIONS OF THE  
BUILDING. THIS FLOW IS BASED ON THE FLOW AREA OF  
ALL FLOORS INCLUDING BASEMENT FOR A BUILDING OF TYPE  
"B" CONSTRUCTION. A MINIMUM EXISTING FLOW OF 1000  
GPM IS REQUIRED. THE MINIMUM FIRE FLOW SHALL BE BASED ON  
THE SIZE AND TYPE OF CONSTRUCTION FOR THAT BUILDING.

FIRE APPROXIMATE ACCESS ROADS 26.1 TO 32 FEET WIDE SHALL  
BE POSTED ON ONE SIDE AS A FIRE LANE.

IT IS INTENDED THAT ALL STREETS WILL BE WIDE ENOUGH TO  
ALLOW PARKING ON ONE SIDE OF THE STREET FOR THE FIRE  
CODE.

SITE DATA:  
SITE AREA = 46.54 ACRES  
# OF DUPLEX BLDGS = 37 (74 UNITS)  
# OF SINGLE FAMILY UNITS = 63  
TOTAL # UNITS = 74 + 63 = 137  
NET DENSITY = 137 UNITS / 46.54 ACRES = 2.94 UNITS PER ACRE

OPEN SPACE:  
TOTAL OPEN SPACE = 16 ACRES  
% OPEN SPACE = 16 / 46.54 = 34%

| PHASE # | SITE<br>CONDO<br>UNITS | DUPLEX<br>UNITS | ANTICIPATED<br>CONSTRUCTION |
|---------|------------------------|-----------------|-----------------------------|
| 1       | 21                     | 0               | 2018-19                     |
| 2       | 0                      | 22              | 2019-21                     |
| 3       | 0                      | 0               | 2020-23                     |
| 4       | 24                     | 0               | 2021-24                     |
| 5       | 18                     | 0               | 2022-26                     |
| 6       | 0                      | 30              | 2023-28                     |

(PHASING AND SCHEDULE SUBJECT TO CHANGE)

## PARCEL DESCRIPTION:

A parcel of land situated in the Northeast quarter of Section 32, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan being more particularly described as follows:

Commencing at the East quarter corner of Section 32, Town 3 South, Range 11 West; thence S 90°00'00" W 165.00 feet along the South line of the Northeast quarter of said Section to the Place of Beginning, thence continuing S 90°00'00" W 739.77 feet along said South line to the East right-of-way line of the Pennsylvania Railroad (Formerly the New York Central Railroad), thence N 02°18'11" E 1323.26 feet along said East line to the North line of the South half of said Northeast quarter of Section 32; thence N 89°53'07" W 25.02 feet along said Pennsylvania Railroad right-of-way and said North line of the South half of said Northeast quarter of Section 32; thence N 02°18'11" E 1323.10 feet along said East right-of-way line of the Pennsylvania Railroad to the North line of said Northeast quarter of Section 32; thence S 89°45'14" E 822.30 feet along said North line to the East line of said Northeast quarter of Section 32; thence S 00°01'23" E 1320.49 feet along said East line to said North line of the South half of said Northeast quarter of Section 32; thence N 89°53'07" W 165.00 feet along said North line of the South half, thence S 00°01'23" E 1320.81 feet parallel with said East line of the Northeast quarter of Section 32 to the Place of Beginning, containing 47.39 acres of land, the restrictions of record.

## APPLICANT:

WESTVIEW CAPITAL, LLC  
2186 EAST CENTRE STREET  
PORTAGE, MI 49002  
(269) 321-2610

TENTATIVE PLAN  
"PENNRIDGE TRAIL" CONDOMINIUM  
PART OF THE NE 1/4 OF SEC. 32, T. 3 S., R. 11 W., CITY OF PORTAGE, MICHIGAN

Ingersoll, Watson & McMachen, Inc.

CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS

1209 East William Road - Portage, Michigan 49002 - Phone 269 344-6165 - Fax 269 344-6055

REVISED: 4/11/2018  
REVISED: 3/21/2018  
REVISED: 3/18/2018  
DATE: 2/02/2018  
SHEET: 1  
JOB NO.: 36676

Approved Tentative Plan (June 2018)

**TO:** Honorable Mayor and City Council

**FROM:** Joseph La Margo, City Manager



**SUBJECT:** Ordinance Amendment - Storm Water Illicit Discharges & Connections

**SUPPORTING PERSONNEL:** Kendra Gwin, Director of Transportation & Utilities

**ACTION RECOMMENDED:** Accept for first reading the proposed amendments to the City of Portage Code of Ordinances Chapter 64 Storm Water, Illicit Discharges and Connections; and Adopt Addendum No. 1 to Storm Water Design Criteria Manual.

On September 20, 2019, the city was issued a new National Pollution Discharge Elimination System (NPDES) storm water permit through the Michigan Department of Environment, Great Lakes and Energy (EGLE) effective October 1, 2019 through October 1, 2022. NPDES permits are required by federal law for cities and municipalities that maintain storm drainage systems in urban areas with populations greater than 10,000. One of the requirements of the permit is that the city maintain adequate and up-to-date ordinances and methods to control storm water runoff and amend ordinances and methods as necessary.

In February 2002, the current Storm Water, Illicit Discharges and Connections ordinance was adopted by City Council. To keep pace with current NPDES requirements, the existing Storm Water, Illicit Discharges and Connections ordinances has been updated to reflect current standards. Principally, the changes include:

- Increased authority to inspect, investigate, and monitor suspected illicit discharges.
- Enhanced performance standards to protect water quality and prevent adverse flooding by listing certain requirements and referring to the Storm Water Design Criteria Manual.
- Improved assurance of long-term operation and maintenance of private storm water systems by requiring storm water management plan and storm water best management practices operations and maintenance agreement prior to issuance of any permit for development.

In October 2003, the current Storm Water Design Criteria Manual was adopted by the City Council as recommended by the City Administration. The manual has proven to be a landmark document incorporating a method to maximize protection of groundwater and surface water while allowing for cost-effective storm water controls. To address some aspects of the latest federal storm water regulations requirements, Addendum No. 1 to the Storm Water Design Criteria Manual was created.

Addendum No. 1 includes:

- A water quality treatment performance standard.
- A channel protection performance standard.
- A review procedure for the evaluation of infiltration in areas of soil or groundwater contamination.

It is recommended that City Council accept for first reading the proposed amendment to the City of Portage Code of Ordinances Chapter 64 Storm Water, Illicit Discharges and Connections and consider final adoption on July 28, 2020; and that City Council adopt Addendum No. 1 to Storm Water Design Criteria Manual.

**FUNDING:** Not Applicable

**Attachments:**

1. Chapter 64 Storm Water Illicit Discharges and Connections - clean
2. Chapter 64 Storm Water Illicit Discharges and Connections - highlight and strike
3. Addendum No. 1 Storm Water Design Criteria Manual

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES  
OF THE CITY OF PORTAGE, MICHIGAN BY AMENDING CHAPTER 64, STORM WATER,  
ILLCIT DISCHARGES AND CONNECTIONS**

**THE CITY OF PORTAGE ORDAINS:**

**That Chapter 64 shall be amended as follows:**

**ARTICLE 1. - IN GENERAL**

**Sec. 64-1. - Statutory authority and title.**

This chapter is adopted in accordance with the Home Rule City Act, as amended, being MCL 117.1, et seq.; the Drain Code of 1956, as amended, being MCL 280.1, et seq.; the Land Division Act, as amended, being MCL 560.1, et seq.; the Revenue Bond Act, as amended, being MCL 141.101, et seq.; the Natural Resources and Environmental Protection Act, as amended, being MCL 324.101, et seq.; Section 401(p) of the Federal Water Pollution Control Act (also known as the Clean Water Act), as amended, being 33 USC 1342(p) and 40 CFR Parts 9, 122, 123, and 124; and other applicable state and federal laws.

The City shall administer, implement and enforce the provisions of this part. Any powers granted or duties imposed upon the City may be delegated by the City Manager to persons or entities acting in the beneficial interest of or in the employ of the City.

**Sec. 64-2. - Findings.**

The city finds that:

- (1) Illicit discharges contain pollutants that will significantly degrade the water bodies and water resources of the city.
- (2) Illicit discharges enter the MS4 and water bodies through either direct connections (e.g., wastewater piping either mistakenly or deliberately connected to the storm drains) or indirect connections (e.g., infiltration into the storm drain system or spills connected by drain inlets).
- (3) Establishing the measures for controlling illicit discharges and connections contained in this chapter and implementing the same will address many of the deleterious effects of illicit discharges.

**Sec. 64-3. - Purpose.**

It is the purpose of this chapter to establish minimum storm water management requirements and controls to accomplish, among others, the following objectives:

- (1) To regulate the contribution of pollutants to the MS4 and water bodies by storm water discharges by any user.
- (2) To prohibit illicit discharges and connection to the MS4 and water bodies.
- (3) To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this chapter.

**Sec. 64-4. - Applicability, exemptions, and general provisions.**

This chapter shall apply to all discharges entering the storm drain system generated on any developed and undeveloped lands, unless explicitly exempted.

## **Sec. 64-5. - Definitions.**

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section, unless the context in which they are used specifically indicates otherwise:

*Authorized enforcement agency:* Employees or designees of the director of the department of transportation and utilities designated to enforce this chapter.

*Best management practices (BMPs):* A practice, or combination of practices and design criteria that comply with the Michigan Department of Environmental Quality Guidebook of BMPs for Michigan Watersheds, or equivalent practices and design criteria that accomplish the purposes of this chapter (including, but not limited to, minimizing storm water runoff and preventing the discharge of pollutants into storm water) as determined by the city engineer.

*Chapter:* The six articles of storm water.

*City:* The City of Portage.

*Clean Water Act:* The Federal Water Pollution Control Act, 33 USC section 1251 et seq., as amended, and the applicable regulations promulgated thereunder.

*Director:* The director of the department of transportation and utilities.

*Discharger:* Any person or entity who directly or indirectly discharges storm water from any property. Discharger also means any employee, officer, director, partner, contractor, or other person who participates in, or is legally or factually responsible for, any act or omission which is or results in a violation of this chapter.

*Drain:* Any drain as defined in the Drain Code of 1956, as amended, being MCL 280.1, et seq., other than an established county or intercounty drain.

*Drainage:* The collection, conveyance, or discharge of groundwater and/or surface water.

*Drainageway:* MS4, drain, water body, or floodplain.

*EGLE:* Michigan Department of Environment, Great Lakes and Energy

*EPA:* The United States Environmental Protection Agency.

*Exempted discharges:* Discharges other than storm water as specified in section 64-7 of this chapter.

*Floodplain:* The area, usually low lands, adjoining the channel of a river, stream, or watercourse or lake, or other body of standing water, which has been or may be covered by floodwater.

*Hazardous materials:* Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

*Illicit connection:* Any method or means for conveying an illicit discharge into water bodies or the storm water system of the city.

*Illicit discharge:* Any discharge to water bodies that does not consist entirely of storm water, discharges pursuant to the terms of an NPDES permit, or exempted discharges as defined in this chapter.



*MS4*: Municipal separate storm sewer system, as defined by federal and state laws.

*National pollutant discharge elimination system (NPDES) storm water discharge permit*: A permit issued by the U.S. Environmental Protection Agency (EPA) (or a state under authority delegated pursuant to 33 USC section 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

*Nonstorm water discharge*: Any discharge to the storm drain system that is not composed entirely of storm water.

*Pollutant*: A substance discharged which includes, but is not limited to, the following: Any dredged spoil, solid waste, vehicle fluids, yard wastes, animal wastes, agricultural waste products, sediment, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological wastes, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, commercial, and agricultural waste, or any other contaminant or other substance defined as a pollutant under the Clean Water Act.

*Premises*: Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

*Property owner*: Any person having legal or equitable title to property or any person having or exercising care, custody, or control over any property.

*State of Michigan Water Quality Standards*: All applicable state rules, regulations, and laws pertaining to water quality, including the provisions of section 3106 of part 31 of 1994 PA 451, as amended.

*Storm drain*: A system of open or enclosed conduits and appurtenant structures intended to convey or manage storm water runoff, groundwater, and drainage.

*Storm water pollution prevention plan*: A document, which describes the best management practices (BMPs) and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems, and/or receiving waters to the maximum extent practicable.

*Storm water runoff*: The runoff and drainage of precipitation resulting from rainfall, snowmelt, or other natural event or process.

*Wastewater*: Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

*Water body*: A river, lake, stream, creek, or other watercourse or wetlands.

## **ARTICLE 2. - PROHIBITIONS AND EXEMPTIONS**

### **Sec. 64-6. - Prohibited discharges.**

- (a) No person shall discharge to a water body, directly or indirectly, any substance other than storm water or an exempted discharge. Any person discharging storm water shall effectively prevent pollutants from being discharged with the storm water, except in accordance with BMPs.
- (b) The city is authorized to require dischargers to implement pollution prevention measures, utilizing BMPs, necessary to prevent or reduce the discharge of pollutants into the storm water drainage system of the city.

- (c) Prohibition of illicit discharges: No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials including, but not limited, to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited, except for discharges specified in writing by the city as being necessary to protect public health, safety and welfare.
- (d) Prohibition of illicit connections:
  - (1) The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited.
  - (2) This prohibition expressly includes, without limitation, illicit connections made in the past regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
  - (3) A person is considered to be in violation of this chapter if the person connects a conduit conveying wastewater to the MS4, or allows such a connection to continue.
- (e) The prohibition shall not apply to any nonstorm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the U.S. EPA, provided the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

#### **Sec. 64-7. - Exempted discharges.**

The following nonstorm water discharges shall be permissible, provided they are not significant contributors to violations of Water Quality Standards.

- (1) Water supply line flushing.
- (2) Landscape irrigation.
- (3) Diverted stream flows.
- (4) Rising groundwater.
- (5) Uncontaminated groundwater infiltration to storm drains.
- (6) Uncontaminated pumped groundwater.
- (7) Discharges from potable water sources.
- (8) Foundation drains.
- (9) Air conditioning condensate.
- (10) Individual residential car washing.
- (11) Dechlorinated swimming pool water.
- (12) Street wash water.
- (13) Discharges or flows from emergency firefighting activities.
- (14) Discharges for which a specific federal or state permit has been issued.
- (15) Lawn watering runoff

- (16) Dye testing using EGLE approved dyes, so long as authorized by a EGLE Rule 97 Certificate of Approval, and preceded by a written notification to and approval from the Director of Transportation and Utilities.

**Sec. 64-8. - Storage of hazardous or toxic materials in drainageway.**

Except as permitted by law, it shall be unlawful for any person to store or stockpile, within a drainageway, any hazardous or toxic materials, unless adequate protection and/or containment has been provided so as to prevent any such materials from entering a MS4, drain, or water body.

**ARTICLE 3. - INSPECTION, MONITORING, REPORTING, AND RECORD KEEPING**

**Sec. 64-9. - Inspection and sampling.**

To assure compliance with the standards in this regulated area, the city may inspect and/or obtain storm water samples from storm water runoff facilities of any discharger to determine compliance with the requirements of this chapter. Upon request, the discharger shall allow the properly identified representative of the city to enter the premises of the discharger at all hours necessary for the purposes of such inspection or sampling. The city shall provide the discharger reasonable advance notice of such inspection and/or sampling, or monitoring including, but not limited to, smoke/dye testing, televising pipes, examination and/or copying of records that are required by this chapter to be maintained, sampling and excavation. The city or its properly identified representative may place on the discharger's property the equipment or devices used for such sampling or inspection. Unreasonable delays in allowing access to a facility is a violation of this chapter.

**Sec. 64-10. - Storm water monitoring facilities.**

A discharger of storm water runoff suspected of violating this chapter shall provide and operate equipment or devices for the monitoring of storm water runoff, so as to provide for inspection, sampling, and flow measurement of each discharge to a water body or a storm water runoff facility, when directed in writing to do so by the city. The city may require a discharger to provide and operate such equipment and devices if it is necessary or appropriate for the inspection, sampling, and flow measurement of discharges in order to determine whether adverse effects from, or as a result of, such discharges may occur. All such equipment and devices for the inspection, sampling, and flow measurement of discharges shall be installed and maintained in accordance with applicable laws, ordinances, and regulations.

**Sec. 64-11. - Accidental discharges.**

- (a) Any discharger who accidentally discharges into a water body any substance other than storm water or an exempted discharge shall immediately inform the city concerning the discharge. If such information is given orally, a written report concerning the discharge shall be filed with the city within five days. The written report shall specify the following:
- (1) The composition of the discharge and the cause thereof.
  - (2) The exact date, time, and estimated volume of the discharge.
  - (3) All measures taken to clean up the accidental discharge, and all measures proposed to be taken to reduce and prevent any recurrence.
  - (4) The name and telephone number of the person making the report, and the name of a person who may be contacted for additional information on the matter.
- (b) A properly reported accidental discharge shall be an affirmative defense to a civil infraction proceeding brought under this chapter against a legal action brought to obtain an injunction,

to obtain recovery of costs or to obtain other relief as a result of, or arising out of, the discharge. A discharge shall be considered properly reported only if the discharger complies with all the requirements of section 64-11(a).

**Sec. 64-12. - Record keeping requirement.**

Any person violating any part of this chapter or subject to monitoring under the chapter shall retain and preserve for no less than ten (10) years any and all books, drawings, plans, prints, documents, memoranda, reports, correspondence, and records, including records on magnetic or electronic media, and any and all summaries of such records relating to monitoring, sampling, and chemical analysis of any discharge or storm water runoff from any property.

**Sec. 64-13 – Right of Entry & Furnishing Information**

Representatives of the City, Michigan Department of Environment, Great Lakes and Energy (EGLE), Michigan Department of Transportation (MDOT) and Kalamazoo County Drain Commission (KCDC) shall have the right to enter at any reasonable time any property served by a storm water drainage facility for inspections, investigations, or monitoring. On request, the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the drainage system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presents of unlawful discharge.

**ARTICLE 4. - ENFORCEMENT**

**Sec. 64-14. - Sanctions for violation.**

- (a) Any person violating any provision of this chapter shall be responsible for a municipal civil infraction and subject to the penalties in section 1-7(e) of this Code. Each day such violation occurs or continues shall be deemed a separate offense, and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this chapter.
- (b) A notification of a violation shall be sent to any person violating any provision of this chapter. Notification of violation shall include a notice to cease the violation and corrective action which must be taken and a deadline for completion of such action. Failure to comply with the corrective action within the deadline or after an appeal pursuant to section 64-20 may be a basis to take enforcement action pursuant to section 64-15 or suspension of MS4 access as defined in section 64-19.
- (c) Any person who aids or abets a person in a violation of this chapter shall be subject to the sanctions provided in this section.

**Sec. 64-15. - Failure to comply; completion.**

In addition to any other remedies, should any owner fail to comply with the provisions of this chapter, the city may, after the giving of reasonable notice and opportunity for compliance as provided in section 64-14 (b), have the necessary work done, and the owner shall be obligated to promptly reimburse the city for all costs of such work.

**Sec. 64-16. - Emergency measures.**

When emergency measures are necessary to moderate a nuisance; to protect public safety, health, and welfare; and/or to prevent loss of life, injury, or damage to property, the city is

authorized to carry out or arrange for all such emergency measures. Property owners shall be responsible for the cost of such measures made necessary as a result of a violation of this chapter, and shall promptly reimburse the city for all of such costs.

**Sec. 64-17. - Cost recovery for damage to storm drain system.**

A discharger shall be liable for all costs incurred by the city as the result of causing a discharge that produces a deposit or obstruction, or causes damage to, or impairs a storm drain, or violates any of the provisions of this chapter. Costs include, but are not limited to, those penalties levied by the EPA or EGLE for violation of an NPDES permit, attorney fees, and other costs and expenses.

**Sec. 64-18. - Collection of costs; lien.**

Costs incurred by the city pursuant to sections 64-15, 64-16, and 64-17 shall be a lien on the premises, which shall be enforceable in accordance with Act No. 94 of the Public Acts of 1933, as amended from time to time. Any such charges which are delinquent for six months or more may be certified annually to the finance director, who shall enter the lien on the next tax roll against the premises, the costs shall be collected, and the lien shall be enforced in the same manner as provided for in the collection of taxes assessed upon the roll and the enforcement of a lien for taxes. In addition to any other lawful enforcement methods, the city shall have all remedies authorized by Act No. 94 of the Public Acts of 1933, as amended.

**Sec. 64-19. - Suspension of MS4 access.**

- (a) *Suspension due to illicit discharges in emergency situations.* The city may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge, which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4. If the violator fails to comply with a suspension order issued in an emergency, the city may take such steps as deemed necessary to prevent or minimize damage to the MS4 or the environment, or to minimize danger to persons.
- (b) *Suspension due to the detection of illicit discharge.* Any person discharging to the MS4 in violation of this chapter may have their MS4 access terminated, if such termination would abate or reduce an illicit discharge. The city will notify a violator of the proposed termination of its MS4 access. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section without the prior approval of the city.

**Sec. 64-20. - Appeals.**

A written appeal may be taken to the city manager or his designated representative by any person affected by a decision or action of the director or the enforcing agency taken under this article not later than 30 days after said action or decision. Such appeal shall identify the matter being appealed and the basis for the appeal. An appeal shall stay all proceedings in furtherance of the action appealed unless the director certifies to the city manager that by reason of the facts a stay would cause imminent peril to life or property. The city manager shall consider the appeal and make a decision whereby it affirms, rejects, or modifies the action being appealed. In considering any such appeal, the city manager may consider the recommendations of the city engineer and the comments of other persons having knowledge of the matter. In considering any such appeal, the city manager may grant a variance from the terms of this chapter so as to provide relief, in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied:

- (1) The application of the chapter provisions being appealed will present or cause practical difficulties for a facility; provided, however, that practical difficulties shall not include the need for the property owner to incur additional reasonable expenses in order to comply with the chapter; and
- (2) The granting of the relief requested will not substantially prevent the goals and purposes sought to be accomplished by this chapter, nor result in less effective management of storm water runoff.

## **ARTICLE 5. - PERFORMANCE AND DESIGN STANDARDS**

### **Sec. 64-21. - Responsibility to implement BMPs.**

The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan as necessary for compliance with requirements of the NPDES permit.

### **Sec. 64-22. Performance Standards.**

1. Storm water management areas and facilities, whether on-site or off-site, shall be designed, constructed, and maintained to prevent flooding and protect water quality. In order to be approved, all storm water management plans must meet the following performance standards:
  - (a) Runoff leaving the site shall be controlled to a non-erosive velocity, both during and after construction.
  - (b) Capture and treatment of runoff.
  - (c) Channel Protection Criteria.
  - (d) Flood Control.
2. Storm water storage facilities which protect water quality and prevent adverse flooding on-site and off-site shall be required for all sites. In order to improve the quality of storm water runoff and reduce the discharge of sediment into wetlands, watercourses, roadways, structures and other property within, and downstream of the City of Portage techniques and standards defined in the "Storm Water Design Criteria Manual – City of Portage, Michigan" or as approved by the Director of Transportation and Utilities shall be used.
3. Pipes, conduits, ditches, drains, or other conveyance facilities shall not discharge directly to the following receiving waters without providing the minimum treatment volume and channel protection criteria:
  - (a) Any natural watercourses, including lakes, ponds, rivers and streams.
  - (b) Wetlands with unique or natural wildlife or habitat characteristics as defined by a profession wetlands delineation specialist, biologist or ecologists.
  - (c) Wetlands which are within a 500 foot distance of any natural lake or pond.



- (d) Wetlands which are within a 100 foot distance of any river or stream.
4. Operation and Maintenance. All structural and vegetative best management practices installed as a performance standard for storm water management shall include a plan for maintaining maximum performance through the long-term operation and maintenance (O&M). The plan shall include a schedule for O&M procedures and recordkeeping provisions such as periodic inspections.
  5. Records Retention. Inspection and other records pertaining to the O&M of best management practices for storm water quality protection shall be maintained by the property owner and retained for a minimum of ten (10) years.
  6. No storm water management plan shall be approved if the Director of Transportation & Utilities finds that the action will or is likely to pollute, impair or destroy air, water or other natural resources or the public trust therein, provided that there is a feasible and prudent alternative consistent with the reasonable requirements of the public health, safety and welfare.

**Sec. 64-23. Design Standards.**

The City shall maintain design standards are referred to as “Storm Water Design Criteria Manual - City of Portage, Michigan” or as approved by the Director of Transportation and Utilities.

**Sec. 64-24. “Hot Spots” Properties.**

If the subject property is a potential “Hot Spot” area with the potential for significant pollutant loading or with the potential for contaminating public water supply (wells), additionally site-specific requirements may apply to address the contaminate(s) of concern. Example of typical “hot spots” areas included, but not limited to gas stations, commercial vehicle maintenance and repair, auto recyclers, recycling centers, and scrap yards. See City design standards related to address these properties in the “Storm Water Design Criteria Manual – City of Portage, Michigan” or as approved by the Director of Transportation and Utilities.

**Sec. 64-25 Contaminated Properties.**

If the subject property contains soil and/or groundwater contamination, site-specific requirements may apply. See EGLE Post-Construction Storm Water Runoff Controls Program Compliance Assistance Document (MDEQ, 2014) for specifics regarding storm water. In addition, see Appendix 13 Soil and Groundwater Contamination in the “Storm Water Design Criteria Manual – City of Portage, Michigan” or as approved by the Director of Transportation & Utilities.

**Sec. 64-26 – 64-39. Reserved**

**ARTICLES 6. STORM WATER MANAGEMENT PLAN AND POST CONSTRUCTION**

**Sec. 64-40. Storm water Management Plan.**

No building, grading, or sediment control permit shall be issued until a satisfactory storm water management plan (or a waiver thereof) shall have undergone a review and been approved by the City after determining that the plan or waiver is consistent with the requirements of this chapter. After review of the storm water management plan, and modifications to that plan as deemed necessary by City, a storm water management final plan must be submitted to the City for approval. Information required for the storm water management plan is provided in the “Storm Water Design Criteria Manual – City of Portage, Michigan”.

#### **Sec. 64-41. Maintenance and Repair of Storm water BMPs.**

- (a) Storm water Best Management Practices Operations & Maintenance Agreement: Prior to the issuance of any permit for development involving any storm water BMP, the applicant or owner of the site must execute a Storm water Best Management Practices Operations & Maintenance Agreement that shall be binding on all subsequent owners of land served by the storm water BMP. The agreement shall provide for access to the BMP and the land it serves at reasonable times for inspection by City or City's designee, as determined by the City and for regular or special assessments of property owners to ensure that the BMP is maintained in proper working condition to meet City storm water requirements. The agreement shall be recorded by City at the expense of the permit holder or property owners.
- (b) Maintenance Covenants: Maintenance of all storm water BMPs shall be ensured through the creation of a formal maintenance covenant that must be approved by the City and recorded prior to the storm water management final plan approval. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the storm water BMPs. The covenant shall also include plans for periodic inspections to ensure proper performance of the BMPs between scheduled cleanouts. Developer or entity responsible shall have the inspections performed by qualified persons or entities.
- (c) Requirements for Maintenance Covenants: All storm water BMPs must undergo, at the minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this chapter and accomplishment of its purposes. Developer or entity responsible shall have the inspections performed by qualified persons or entities. These needs may include (but are not limited to) removal of silt, litter, and other debris from all storm water treatment and conveyance facilities including ponds, infiltration basins, raingardens, catch basins, inlets, and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance or repair needs detected must be corrected by the developer or entity responsible under a written maintenance agreement within 30 days, or as determined by City, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the storm water BMPs.
- (d) Inspection of Storm water BMPs: Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of State or Federal water or sediment quality standards or the NPDES storm water permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in storm water BMPs, and evaluating the condition of storm water BMPs.
- (e) Records of Installation and Maintenance and Repair Activities: Parties responsible for the operation and maintenance of storm water BMPs shall be required to prepare an annual maintenance and inspection report including all records of the installation and of all maintenance and repairs conducted. The responsible parties shall retain the

report and records for at least ten (10) years or longer if the City Inspector deems it necessary. These report and records shall be made available to City during inspection of the facility and at other reasonable times upon request.

- (f) **Failure to Maintain Storm water BMPs:** If a responsible party fails or refuses to meet the requirements of the maintenance covenant or any provision of this chapter, the City, after reasonable notice, may correct a violation by performing all necessary work to place the BMP in proper working condition. In the event that the storm water BMP becomes a danger to public safety or public health, the City shall notify the party responsible for maintenance of the storm water BMP in writing. Upon receipt of that notice, the responsible person shall have thirty (30) days to effect maintenance and repair of the storm water BMP in an approved manner. After proper notice, the City may assess, jointly and severally, the owners of the storm water BMP or the property owners or the parties responsible for maintenance under any applicable written agreement for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes.

**Sec. 64-42. - Effective date.**

This Ordinance shall not become effective until 15 days after its adoption and publication.

**Sec. 64-43 – 64.50. Reserved.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Patricia M. Randall, Mayor

FIRST READING:

SECOND READING:

ORDINANCE #:

EFFECTIVE DATE:

**CERTIFICATION**

I, Erica Eklov, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Erica Eklov, City Clerk

PREPARED BY:

Randall L. Brown (P34116)

Portage City Attorney

1662 East Centre Avenue

Portage, MI 49002

(269) 323-8812

Approved as to Form:

Date: 6/12/2020

\_\_\_\_\_  
City Attorney

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES  
OF THE CITY OF PORTAGE, MICHIGAN BY AMENDING CHAPTER 64, STORM WATER,  
ILLICIT DISCHARGES AND CONNECTIONS THE CITY OF PORTAGE ORDAINS:**

**That Chapter 64 shall be amended as follows:**

**ARTICLE 1. - IN GENERAL**

**Sec. 64-1. - Statutory authority and title.**

This chapter is adopted in accordance with the Home Rule City Act, as amended, being MCL 117.1, et seq.; the Drain Code of 1956, as amended, being MCL 280.1, et seq.; the Land Division Act, as amended, being MCL 560.1, et seq.; the Revenue Bond Act, as amended, being MCL 141.101, et seq.; the Natural Resources and Environmental Protection Act, as amended, being MCL 324.101, et seq.; Section 401(p) of the Federal Water Pollution Control Act (also known as the Clean Water Act), as amended, being 33 USC 1342(p) and 40 CFR Parts 9, 122, 123, and 124; and other applicable state and federal laws.

The City shall administer, implement and enforce the provisions of this part. Any powers granted or duties imposed upon the City may be delegated by the City Manager to persons or entities acting in the beneficial interest of or in the employ of the City.

**Sec. 64-2. - Findings.**

The city finds that:

- (1) Illicit discharges contain pollutants that will significantly degrade the water bodies and water resources of the city.
- (2) Illicit discharges enter the MS4 and water bodies through either direct connections (e.g., wastewater piping either mistakenly or deliberately connected to the storm drains) or indirect connections (e.g., infiltration into the storm drain system or spills connected by drain inlets).
- (3) Establishing the measures for controlling illicit discharges and connections contained in this chapter and implementing the same will address many of the deleterious effects of illicit discharges.

**Sec. 64-3. - Purpose.**

It is the purpose of this chapter to establish minimum storm water management requirements and controls to accomplish, among others, the following objectives:

- (1) To regulate the contribution of pollutants to the MS4 and water bodies by storm water discharges by any user.
- (2) To prohibit illicit discharges and connection to the MS4 and water bodies.
- (3) To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this chapter.

**Sec. 64-4. - Applicability, exemptions, and general provisions.**

This chapter shall apply to all discharges entering the storm drain system generated on any developed and undeveloped lands, unless explicitly exempted.

## **Sec. 64-5. - Definitions.**

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section, unless the context in which they are used specifically indicates otherwise:

*Authorized enforcement agency:* Employees or designees of the director of the department of transportation and utilities designated to enforce this chapter.

*Best management practices (BMPs):* A practice, or combination of practices and design criteria that comply with the Michigan Department of Environmental Quality Guidebook of BMPs for Michigan Watersheds, or equivalent practices and design criteria that accomplish the purposes of this chapter (including, but not limited to, minimizing storm water runoff and preventing the discharge of pollutants into storm water) as determined by the city engineer.

*Chapter:* The ~~five~~ **six** articles of storm water.

*City:* The City of Portage.

*Clean Water Act:* The Federal Water Pollution Control Act, 33 USC section 1251 et seq., as amended, and the applicable regulations promulgated thereunder.

*Director:* The director of the department of transportation and utilities.

*Discharger:* Any person or entity who directly or indirectly discharges storm water from any property. Discharger also means any employee, officer, director, partner, contractor, or other person who participates in, or is legally or factually responsible for, any act or omission which is or results in a violation of this chapter.

*Drain:* Any drain as defined in the Drain Code of 1956, as amended, being MCL 280.1, et seq., other than an established county or intercounty drain.

*Drainage:* The collection, conveyance, or discharge of groundwater and/or surface water.

*Drainageway:* MS4, drain, water body, or floodplain.

**EGLE:** Michigan Department of Environment, Great Lakes and Energy

*EPA:* The United States Environmental Protection Agency.

*Exempted discharges:* Discharges other than storm water as specified in section 64-7 of this chapter.

*Floodplain:* The area, usually low lands, adjoining the channel of a river, stream, or watercourse or lake, or other body of standing water, which has been or may be covered by floodwater.

*Hazardous materials:* Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

*Illicit connection:* Any method or means for conveying an illicit discharge into water bodies or the storm water system of the city.

*Illicit discharge:* Any discharge to water bodies that does not consist entirely of storm water, discharges pursuant to the terms of an NPDES permit, or exempted discharges as defined in this chapter.

~~MDEQ: Michigan Department of Environmental Quality.~~

**MS4:** Municipal separate storm sewer system, as defined by federal and state laws.

**National pollutant discharge elimination system (NPDES) storm water discharge permit:** A permit issued by the U.S. Environmental Protection Agency (EPA) (or a state under authority delegated pursuant to 33 USC section 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

**Nonstorm water discharge:** Any discharge to the storm drain system that is not composed entirely of storm water.

**Pollutant:** A substance discharged which includes, but is not limited to, the following: Any dredged spoil, solid waste, vehicle fluids, yard wastes, animal wastes, agricultural waste products, sediment, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological wastes, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, commercial, and agricultural waste, or any other contaminant or other substance defined as a pollutant under the Clean Water Act.

**Premises:** Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

**Property owner:** Any person having legal or equitable title to property or any person having or exercising care, custody, or control over any property.

**State of Michigan Water Quality Standards:** All applicable state rules, regulations, and laws pertaining to water quality, including the provisions of section 3106 of part 31 of 1994 PA 451, as amended.

**Storm drain:** A system of open or enclosed conduits and appurtenant structures intended to convey or manage storm water runoff, groundwater, and drainage.

**Storm water pollution prevention plan:** A document, which describes the best management practices (BMPs) and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems, and/or receiving waters to the maximum extent practicable.

**Storm water runoff:** The runoff and drainage of precipitation resulting from rainfall, snowmelt, or other natural event or process.

**Wastewater:** Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

**Water body:** A river, lake, stream, creek, or other watercourse or wetlands.

## **ARTICLE 2. - PROHIBITIONS AND EXEMPTIONS**

### **Sec. 64-6. - Prohibited discharges.**

- (a) No person shall discharge to a water body, directly or indirectly, any substance other than storm water or an exempted discharge. Any person discharging storm water shall effectively prevent pollutants from being discharged with the storm water, except in accordance with BMPs.
- (b) The city is authorized to require dischargers to implement pollution prevention measures, utilizing BMPs, necessary to prevent or reduce the discharge of pollutants into the storm water drainage system of the city.



- (c) Prohibition of illicit discharges: No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials including, but not limited, to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited, except for discharges specified in writing by the city as being necessary to protect public health, safety and welfare.
- (d) Prohibition of illicit connections:
  - (1) The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited.
  - (2) This prohibition expressly includes, without limitation, illicit connections made in the past regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
  - (3) A person is considered to be in violation of this chapter if the person connects a conduit conveying wastewater to the MS4, or allows such a connection to continue.
- (e) The prohibition shall not apply to any nonstorm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the U.S. EPA, provided the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

#### **Sec. 64-7. - Exempted discharges.**

The following nonstorm water discharges shall be permissible, ~~provided they do not result in a violation of State of Michigan water quality standards:~~ provided they are not significant contributors to violations of Water Quality Standards.

- (1) Water supply line flushing.
- (2) Landscape irrigation.
- (3) Diverted stream flows.
- (4) Rising groundwater.
- (5) Uncontaminated groundwater infiltration to storm drains.
- (6) Uncontaminated pumped groundwater.
- (7) Discharges from potable water sources.
- (8) Foundation drains.
- (9) Air conditioning condensate.
- (10) Individual residential car washing.
- (11) Dechlorinated swimming pool water.
- (12) Street wash water.
- (13) Discharges or flows from emergency firefighting activities.
- (14) Discharges for which a specific federal or state permit has been issued.
- (15) Lawn watering runoff

- (16) Dye testing using EGLE approved dyes, so long as authorized by a EGLE Rule 97 Certificate of Approval, and preceded by a written notification to and approval from the Director of Transportation and Utilities.

**Sec. 64-8. - Storage of hazardous or toxic materials in drainageway.**

Except as permitted by law, it shall be unlawful for any person to store or stockpile, within a drainageway, any hazardous or toxic materials, unless adequate protection and/or containment has been provided so as to prevent any such materials from entering a MS4, drain, or water body.

**ARTICLE 3. - INSPECTION, MONITORING, REPORTING, AND RECORD KEEPING**

**Sec. 64-9. - Inspection and sampling.**

To assure compliance with the standards in this regulated area, the city may inspect and/or obtain storm water samples from storm water runoff facilities of any discharger to determine compliance with the requirements of this chapter. Upon request, the discharger shall allow the properly identified representative of the city to enter the premises of the discharger at all hours necessary for the purposes of such inspection or sampling. The city shall provide the discharger reasonable advance notice of such inspection and/or sampling, or monitoring including, but not limited to, smoke/dye testing, televising pipes, examination and/or copying of records that are required by this chapter to be maintained, sampling and excavation. The city or its properly identified representative may place on the discharger's property the equipment or devices used for such sampling or inspection. Unreasonable delays in allowing access to a facility is a violation of this chapter.

**Sec. 64-10. - Storm water monitoring facilities.**

A discharger of storm water runoff suspected of violating this chapter shall provide and operate equipment or devices for the monitoring of storm water runoff, so as to provide for inspection, sampling, and flow measurement of each discharge to a water body or a storm water runoff facility, when directed in writing to do so by the city. The city may require a discharger to provide and operate such equipment and devices if it is necessary or appropriate for the inspection, sampling, and flow measurement of discharges in order to determine whether adverse effects from, or as a result of, such discharges may occur. All such equipment and devices for the inspection, sampling, and flow measurement of discharges shall be installed and maintained in accordance with applicable laws, ordinances, and regulations.

**Sec. 64-11. - Accidental discharges.**

- (a) Any discharger who accidentally discharges into a water body any substance other than storm water or an exempted discharge shall immediately inform the city concerning the discharge. If such information is given orally, a written report concerning the discharge shall be filed with the city within five days. The written report shall specify the following:
- (1) The composition of the discharge and the cause thereof.
  - (2) The exact date, time, and estimated volume of the discharge.
  - (3) All measures taken to clean up the accidental discharge, and all measures proposed to be taken to reduce and prevent any recurrence.
  - (4) The name and telephone number of the person making the report, and the name of a person who may be contacted for additional information on the matter.
- (b) A properly reported accidental discharge shall be an affirmative defense to a civil infraction proceeding brought under this chapter against a legal action brought to obtain an injunction,

to obtain recovery of costs or to obtain other relief as a result of, or arising out of, the discharge. A discharge shall be considered properly reported only if the discharger complies with all the requirements of section 64-11(a).

#### **Sec. 64-12. - Record keeping requirement.**

Any person violating any part of this chapter or subject to monitoring under the chapter shall retain and preserve for no less than ~~three~~ **ten (10)** years any and all books, drawings, plans, prints, documents, memoranda, reports, correspondence, and records, including records on magnetic or electronic media, and any and all summaries of such records relating to monitoring, sampling, and chemical analysis of any discharge or storm water runoff from any property.

#### **Sec. 64-13 – Right of Entry & Furnishing Information**

Representatives of the City, Michigan Department of Environment, Great Lakes and Energy (EGLE), Michigan Department of Transportation (MDOT) and Kalamazoo County Drain Commission (KCDC) shall have the right to enter at any reasonable time any property served by a storm water drainage facility for inspections, investigations, or monitoring. On request, the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the drainage system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presents of unlawful discharge.

### **ARTICLE 4. - ENFORCEMENT**

#### **Sec. 64-~~13~~ 14. - Sanctions for violation.**

- (a) Any person violating any provision of this chapter shall be responsible for a municipal civil infraction and subject to the penalties in section 1-7(e) of this Code. Each day such violation occurs or continues shall be deemed a separate offense, and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this chapter.
- (b) A notification of a violation shall be sent to any person violating any provision of this chapter. Notification of violation shall include a notice to cease the violation and corrective action which must be taken and a deadline for completion of such action. Failure to comply with the corrective action within the deadline or after an appeal pursuant to section 64-~~19~~ 20 may be a basis to take enforcement action pursuant to section 64-~~14~~ 15 or suspension of MS4 access as defined in section 64-~~18~~ 19.
- (c) Any person who aids or abets a person in a violation of this chapter shall be subject to the sanctions provided in this section.

#### **Sec. 64-~~14~~ 15. - Failure to comply; completion.**

In addition to any other remedies, should any owner fail to comply with the provisions of this chapter, the city may, after the giving of reasonable notice and opportunity for compliance as provided in section 64-~~13~~ 14 (b), have the necessary work done, and the owner shall be obligated to promptly reimburse the city for all costs of such work.

#### **Sec. 64-~~15~~ 16. - Emergency measures.**

When emergency measures are necessary to moderate a nuisance; to protect public safety, health, and welfare; and/or to prevent loss of life, injury, or damage to property, the city is

authorized to carry out or arrange for all such emergency measures. Property owners shall be responsible for the cost of such measures made necessary as a result of a violation of this chapter, and shall promptly reimburse the city for all of such costs.

**Sec. 64-~~16~~ 17. - Cost recovery for damage to storm drain system.**

A discharger shall be liable for all costs incurred by the city as the result of causing a discharge that produces a deposit or obstruction, or causes damage to, or impairs a storm drain, or violates any of the provisions of this chapter. Costs include, but are not limited to, those penalties levied by the EPA or ~~MDEQ~~ EGLE for violation of an NPDES permit, attorney fees, and other costs and expenses.

**Sec. 64-~~17~~ 18. - Collection of costs; lien.**

Costs incurred by the city pursuant to sections ~~64-14~~, 64-15, ~~and~~ 64-16, ~~and~~ 64-17 shall be a lien on the premises, which shall be enforceable in accordance with Act No. 94 of the Public Acts of 1933, as amended from time to time. Any such charges which are delinquent for six months or more may be certified annually to the finance director, who shall enter the lien on the next tax roll against the premises, the costs shall be collected, and the lien shall be enforced in the same manner as provided for in the collection of taxes assessed upon the roll and the enforcement of a lien for taxes. In addition to any other lawful enforcement methods, the city shall have all remedies authorized by Act No. 94 of the Public Acts of 1933, as amended.

**Sec. 64-~~18~~ 19. - Suspension of MS4 access.**

- (a) *Suspension due to illicit discharges in emergency situations.* The city may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge, which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4. If the violator fails to comply with a suspension order issued in an emergency, the city may take such steps as deemed necessary to prevent or minimize damage to the MS4 or the environment, or to minimize danger to persons.
- (b) *Suspension due to the detection of illicit discharge.* Any person discharging to the MS4 in violation of this chapter may have their MS4 access terminated, if such termination would abate or reduce an illicit discharge. The city will notify a violator of the proposed termination of its MS4 access. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section without the prior approval of the city.

**Sec. 64-~~19~~ 20. - Appeals.**

A written appeal may be taken to the city manager or his designated representative by any person affected by a decision or action of the director or the enforcing agency taken under this article not later than 30 days after said action or decision. Such appeal shall identify the matter being appealed and the basis for the appeal. An appeal shall stay all proceedings in furtherance of the action appealed unless the director certifies to the city manager that by reason of the facts a stay would cause imminent peril to life or property. The city manager shall consider the appeal and make a decision whereby it affirms, rejects, or modifies the action being appealed. In considering any such appeal, the city manager may consider the recommendations of the city engineer and the comments of other persons having knowledge of the matter. In considering any such appeal, the city manager may grant a variance from the terms of this chapter so as to provide relief, in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied:

- (1) The application of the chapter provisions being appealed will present or cause practical difficulties for a facility; provided, however, that practical difficulties shall not include the need for the property owner to incur additional reasonable expenses in order to comply with the chapter; and
- (2) The granting of the relief requested will not substantially prevent the goals and purposes sought to be accomplished by this chapter, nor result in less effective management of storm water runoff.

## **ARTICLE 5. - PERFORMANCE AND DESIGN STANDARDS**

### **Sec. 64-20 21. - Responsibility to implement BMPs.**

The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan as necessary for compliance with requirements of the NPDES permit.

### **Sec. 64-22. Performance Standards.**

1. Storm water management areas and facilities, whether on-site or off-site, shall be designed, constructed, and maintained to prevent flooding and protect water quality. In order to be approved, all storm water management plans must meet the following performance standards:
  - (a) Runoff leaving the site shall be controlled to a non-erosive velocity, both during and after construction.
  - (b) Capture and treatment of runoff.
  - (c) Channel Protection Criteria.
  - (d) Flood Control.
2. Storm water storage facilities which protect water quality and prevent adverse flooding on-site and off-site shall be required for all sites. In order to improve the quality of storm water runoff and reduce the discharge of sediment into wetlands, watercourses, roadways, structures and other property within, and downstream of the City of Portage techniques and standards defined in the "Storm Water Design Criteria Manual – City of Portage, Michigan" or as approved by the Director of Transportation and Utilities shall be used.
3. Pipes, conduits, ditches, drains, or other conveyance facilities shall not discharge directly to the following receiving waters without providing the minimum treatment volume and channel protection criteria:
  - (a) Any natural watercourses, including lakes, ponds, rivers and streams.
  - (b) Wetlands with unique or natural wildlife or habitat characteristics as defined by a profession wetlands delineation specialist, biologist or ecologists.
  - (c) Wetlands which are within a 500 foot distance of any natural lake or pond.

- (d) Wetlands which are within a 100 foot distance of any river or stream.
4. Operation and Maintenance. All structural and vegetative best management practices installed as a performance standard for storm water management shall include a plan for maintaining maximum performance through the long-term operation and maintenance (O&M). The plan shall include a schedule for O&M procedures and recordkeeping provisions such as periodic inspections.
  5. Records Retention. Inspection and other records pertaining to the O&M of best management practices for storm water quality protection shall be maintained by the property owner and retained for a minimum of ten (10) years.
  6. No storm water management plan shall be approved if the Director of Transportation & Utilities finds that the action will or is likely to pollute, impair or destroy air, water or other natural resources or the public trust therein, provided that there is a feasible and prudent alternative consistent with the reasonable requirements of the public health, safety and welfare.

#### **Sec. 64-23. Design Standards.**

The City shall maintain design standards are referred to as “Storm Water Design Criteria Manual - City of Portage, Michigan” or as approved by the Director of Transportation and Utilities.

#### **Sec. 64-24. “Hot Spots” Properties.**

If the subject property is a potential “Hot Spot” area with the potential for significant pollutant loading or with the potential for contaminating public water supply (wells), additionally site-specific requirements may apply to address the contaminate(s) of concern. Example of typical “hot spots” areas included, but not limited to gas stations, commercial vehicle maintenance and repair, auto recyclers, recycling centers, and scrap yards. See City design standards related to address these properties in the “Storm Water Design Criteria Manual – City of Portage, Michigan” or as approved by the Director of Transportation and Utilities.

#### **Sec. 64-25 Contaminated Properties.**

If the subject property contains soil and/or groundwater contamination, site-specific requirements may apply. See EGLE Post-Construction Storm Water Runoff Controls Program Compliance Assistance Document (MDEQ, 2014) for specifics regarding storm water. In addition, see Appendix 13 Soil and Groundwater Contamination in the “Storm Water Design Criteria Manual – City of Portage, Michigan” or as approved by the Director of Transportation & Utilities.

#### **Sec. 64-26 – 64-39. Reserved**

### **ARTICLES 6. STORM WATER MANAGEMENT PLAN AND POST CONSTRUCTION**

#### **Sec. 64-40. Storm water Management Plan.**

No building, grading, or sediment control permit shall be issued until a satisfactory storm water management plan (or a waiver thereof) shall have undergone a review and been approved by the City after determining that the plan or waiver is consistent with the requirements of this chapter. After review of the storm water management plan, and modifications to that plan as deemed necessary by City, a storm water management final plan must be submitted to the City for approval. Information required for the storm water management plan is provided in the “Storm Water Design Criteria Manual – City of Portage, Michigan”.



#### **Sec. 64-41. Maintenance and Repair of Storm water BMPs.**

- (a) Storm water Best Management Practices Operations & Maintenance Agreement: Prior to the issuance of any permit for development involving any storm water BMP, the applicant or owner of the site must execute a Storm water Best Management Practices Operations & Maintenance Agreement that shall be binding on all subsequent owners of land served by the storm water BMP. The agreement shall provide for access to the BMP and the land it serves at reasonable times for inspection by City or City's designee, as determined by the City and for regular or special assessments of property owners to ensure that the BMP is maintained in proper working condition to meet City storm water requirements. The agreement shall be recorded by City at the expense of the permit holder or property owners.
- (b) Maintenance Covenants: Maintenance of all storm water BMPs shall be ensured through the creation of a formal maintenance covenant that must be approved by the City and recorded prior to the storm water management final plan approval. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the storm water BMPs. The covenant shall also include plans for periodic inspections to ensure proper performance of the BMPs between scheduled cleanouts. Developer or entity responsible shall have the inspections performed by qualified persons or entities.
- (c) Requirements for Maintenance Covenants: All storm water BMPs must undergo, at the minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this chapter and accomplishment of its purposes. Developer or entity responsible shall have the inspections performed by qualified persons or entities. These needs may include (but are not limited to) removal of silt, litter, and other debris from all storm water treatment and conveyance facilities including ponds, infiltration basins, raingardens, catch basins, inlets, and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance or repair needs detected must be corrected by the developer or entity responsible under a written maintenance agreement within 30 days, or as determined by City, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the storm water BMPs.
- (d) Inspection of Storm water BMPs: Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of State or Federal water or sediment quality standards or the NPDES storm water permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in storm water BMPs, and evaluating the condition of storm water BMPs.
- (e) Records of Installation and Maintenance and Repair Activities: Parties responsible for the operation and maintenance of storm water BMPs shall be required to prepare an annual maintenance and inspection report including all records of the installation and of all maintenance and repairs conducted. The responsible parties shall retain the

report and records for at least ten (10) years or longer if the City Inspector deems it necessary. These report and records shall be made available to City during inspection of the facility and at other reasonable times upon request.

- (f) Failure to Maintain Storm water BMPs: If a responsible party fails or refuses to meet the requirements of the maintenance covenant or any provision of this chapter, the City, after reasonable notice, may correct a violation by performing all necessary work to place the BMP in proper working condition. In the event that the storm water BMP becomes a danger to public safety or public health, the City shall notify the party responsible for maintenance of the storm water BMP in writing. Upon receipt of that notice, the responsible person shall have thirty (30) days to effect maintenance and repair of the storm water BMP in an approved manner. After proper notice, the City may assess, jointly and severally, the owners of the storm water BMP or the property owners or the parties responsible for maintenance under any applicable written agreement for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes.

**Sec. 64-42. Effective date.**

This Ordinance shall not become effective until 15 days after its adoption and publication.

**Sec. 64-43 – 64.50. Reserved.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Patricia M. Randall, Mayor

FIRST READING:  
SECOND READING:  
ORDINANCE #:  
EFFECTIVE DATE:

**CERTIFICATION**

I, Erica Eklov, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Erica Eklov, City Clerk

PREPARED BY:  
Randall L. Brown (P34116)  
Portage City Attorney  
1662 East Centre Avenue  
Portage, MI 49002  
(269) 323-8812

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# STORM WATER DESIGN CRITERIA MANUAL

## CITY OF PORTAGE, MICHIGAN

### ADDENDUM NO. 1

**DOCUMENT:** Storm Water Design Criteria Manual  
City of Portage, Michigan  
August 2003

**DATE OF ISSUE:** November 27, 2019

This addendum updates the referenced document to comply with the latest federal storm water regulations with regard to the water quality treatment and stream protection (now channel protection) performance standards. The following sections of the manual are hereby updated as indicated below:

## 2.0 INTRODUCTION TO THE MANUAL

### 2.1 BACKGROUND

➤ *The fourth paragraph is updated as follows:*

The National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) regulations require the City of Portage (City) to adopt an ordinance or other regulatory mechanism to address post-construction storm water runoff from new development and redevelopment projects, including preventing or minimizing water quality impacts. The City is required to obtain an individual permit under Section 402 of the Federal Clean Water Act, as amended, and under Water Resources Protection (Part 31, Act 451, PA 1994) of the Michigan Natural Resource and Environmental Protection Act (NREPA), as amended. The Post-Construction Storm Water Runoff Program of the MS4 permit requires among other things:

1. A water quality treatment performance standard to ensure specified reductions in total suspended solids.
2. A channel protection performance standard to address resource impairments resulting from increases in bankfull flow rates and volumes.
3. A review procedure for the evaluation of infiltration BMPs to meet water quality and channel protection standards in areas of soil or groundwater contamination.
4. Measures to address associated pollutants in identified "hot spots," which include land uses with the potential for significant pollutant loading that could result in the contamination of surface water or groundwater, including public water supplies.
5. A long-term operation and maintenance (O&M) plan and agreement allowing for the inspection of the BMP, including a mechanism for tracking the transfer of O&M responsibility and compliance.

The minimum standards in this manual adhere to the Post-Construction Storm Water Runoff Program requirements for new and redevelopments set forth in the *State of Michigan National Pollutant Discharge Elimination System Permit Application for Discharge of Storm Water to Surface Waters of the State from a Municipal Separate Storm Sewer System* (Michigan Department of Environmental Quality, 2013, Rev 10/2014).

### 3.0 GUIDELINES FOR DESIGN OF THE STORM WATER MANAGEMENT SYSTEM

#### 3.2 UNIFORM STORM WATER TREATMENT CRITERIA

➤ *Water Quality Volume, Stream Protection Volume, and Spill Containment Volume are updated as follows:*

**Table No. 4 – Summary of Uniform Storm Water Treatment Criteria**

| Treatment Criteria                        | Description                                                                                                                                                                                                                                      |
|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Water quality volume, $V_{wq}$ (cft)      | Treat the runoff generated from 1 inch of rain over the project site (i.e. the 90% annual nonexceedance storm) through BMPs designed to reduce post-development TSS loadings by 80%, or achieve a discharge concentration not to exceed 80 mg/L. |
| Channel protection volume, $V_{cp}$ (cft) | Retain onsite the increase between the pre-development and post-development runoff volume and rate for all storms up to and including the 2-year, 24-hour rainfall event.                                                                        |
| Flood control volume, $V_{fc}$ (cft)      | Infiltration: $V_{fc}$ = 2-year, 24-hour rainfall with zero outflow, or 3,630 cft/acre, whichever is greater.<br><br>Detention: $V_{fc}$ = 25-year storage volume released at 0.15 cfs per contributing catchment acre.                          |
| Spill containment volume, $V_{sp}$ (cft)  | $V_{sp}$ = 15% of $V_{wq}$                                                                                                                                                                                                                       |

##### 3.2.1 WATER QUALITY VOLUME

Treatment of the water quality volume is required for all sites to capture and treat the “first flush” of storm water runoff that typically carries with it the highest concentration of pollutants.

Capture and treatment of the runoff from the 90% annual nonexceedance storm is required for the project site. This storm is approximately equivalent to 1 inch of rain (1.00 inch for Michigan Climatic Zone 8 per MDEQ memo “90 Percent Annual Nonexceedance Storms” dated March 24, 2006).

Treatment of the runoff volume from the 90% annual nonexceedance storm with properly designed BMPs to reduce TSS loading by 80%, or achieve TSS discharge concentrations not to exceed 80 mg/L, is required by the MS4 permit.

*Note:* TSS is a surrogate for other pollutants normally found in storm water runoff. Control of TSS to meet this requirement is expected to achieve control of other pollutants to an acceptable level that protects water quality.

Natural areas of the site left undisturbed and BMPs that provide water quality treatment need not be included in the calculations.

Water quality volume can be provided through one of the following methods:

- Settling (Permanent Pool or Detention)
- Filtration
- Infiltration
- Absorption
- Chemical/Mechanical Treatment

**Permanent Pool.** The volume of a permanent pool incorporated into a storm water BMP and sized at 2.5 times the water quality volume.<sup>1</sup> This is the volume below the ordinary static water level (also known as dead storage).

**Detention.** The storage volume provided by detention of storm water.

**Filtration.** The volume of storm water runoff routed through a BMP that provides filtration (i.e. an underdrained BMP, a vegetated buffer).

**Infiltration.** The volume of storm water runoff infiltrated into the ground through a storm water BMP.

**Absorption and Chemical/Mechanical Treatment.** The volume of storm water runoff routed through a proprietary water quality device.

### 3.2.2 CHANNEL PROTECTION VOLUME

Channel protection is required for surface water discharges.

The post-development runoff rate and volume shall not exceed the pre-development rate and volume for all storms up to and including the 2-year, 24-hour storm. Onsite retention of the volume increase is required.

Pre-development is defined as the last land use prior to the planned new development or redevelopment.

*Note:* Volume control for channel protection is required to mitigate increases in runoff rates and volumes for the more frequent (bankfull) rainfall events that have the greatest influence on shaping stream channels. An increase in runoff volume can expose channels to critical erosive velocities for a longer duration, causing accelerated channel adjustments to occur.

Retention can be provided through infiltration, interception and evapotranspiration, or reuse.

### 3.2.5 REDEVELOPMENT

➤ *Revise Table 5 as follows:*

**Table No. 5 – Storm Water Treatment Required for Redevelopment**

| Treatment                                                                                                                                                                                                                                                                                              | Groundwater Discharge                                                                                                    | Surface Water Discharge                                                                                                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| Water quality volume, $V_{wq}$                                                                                                                                                                                                                                                                         | Yes                                                                                                                      | Yes, if reconstruction or additions to buildings, parking lots, roadways, and/or driveways results in >20,000 sft of impervious surface. <sup>+</sup> |
| Channel protection volume, $V_{cp}$                                                                                                                                                                                                                                                                    | No                                                                                                                       | Yes                                                                                                                                                   |
| Flood control volume, $V_{fc}$                                                                                                                                                                                                                                                                         | Yes                                                                                                                      | Yes                                                                                                                                                   |
| Spill containment volume, $V_{sp}$                                                                                                                                                                                                                                                                     | Yes, if<br>1. Storm water hot spot.<br>2. High-risk zoning district with >20,000 sft of impervious surface. <sup>+</sup> | Yes, if storm water hot spot.                                                                                                                         |
| <p>Note: The 20,000-sft limit is based on water quality modeling.</p> <p><sup>+</sup>Reconstruction is defined as removal of pavement, including subbase, and repaving (excludes overlays). Redevelopments conducted in phases will be regulated according to the total paved areas in all phases.</p> |                                                                                                                          |                                                                                                                                                       |

<sup>1</sup> Barrett, Michael (2005). *BMP Performance Comparisons: Examples from the International Stormwater BMP Database*, Center for Research in Water Resources, PRC#119, University of Texas, 2005 Water Environment Federation.

## 4.0 PERFORMANCE CRITERIA FOR URBAN BMP DESIGN

➤ *Revise section heading to read:*

### 4.1 DETERMINATION OF SURFACE RUNOFF AND CHANNEL PROTECTION VOLUME

➤ *Add the following at the end of this section:*

#### 4.1.3 CHANNEL PROTECTION VOLUME ( $V_{cp}$ )

Channel protection consists of retaining onsite the net increase in runoff volume between pre-development and post-development conditions for a 2-year, 24-hour storm using the Runoff Curve Number Method. Channel protection volume is calculated with the following equation:

$$V_{cp} = V_{t_{post}} - V_{t_{pre}}$$

where:

- $V_{cp}$  = minimum required channel protection volume (cubic feet)
- $V_{t_{post}}$  = runoff volume of the 2-year, 24-hour storm for post-development conditions
- $V_{t_{pre}}$  = runoff volume of the 2-year, 24-hour storm for pre-development conditions

#### 4.5 INFILTRATION BASINS

#### 4.6 DETENTION BASINS

#### 4.8 PROPRIETARY STORM WATER TREATMENT SYSTEMS

#### 4.9 WATER QUALITY SWALES

➤ *The content in the above sections is updated as follows:*

#### **WATER QUALITY VOLUME ( $V_{wq}$ )**

The Small Storm Hydrology Method shall be used to calculate the water quality treatment volume. The method was developed to estimate the runoff volume from urban land uses for relatively small storm events where the Rational and NRCS (formerly SCS) Methods prove less accurate. Water quality volume is calculated by the formula:

$$V_{wq} = ARv(1)(3630)$$

where:

- $V_{wq}$  = minimum required water quality volume (cubic feet)
- $A$  = area (acres); the developed portion of the site, both impervious and pervious
- $Rv$  = area-weighted volumetric runoff coefficient (from Table 8)
- $1$  = 90% non-exceedance storm rainfall amount (inches)
- $3630$  = factor to convert acre-inches to cubic feet

The Volumetric Runoff Coefficients ( $Rv$ ) provided in Table 8 are similar to the Rational runoff coefficient, but are exclusive to the rainfall amount (1-inch).



**Table 8 – Runoff Coefficients for Small Storm Hydrology Method**

| Rainfall Amount<br>(inches)                                                                                                                                                                                   | Volumetric Runoff Coefficient, $R_v$ |                  |       |                           |                        |                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|------------------|-------|---------------------------|------------------------|------------------------------|
|                                                                                                                                                                                                               | Directly Connected Impervious Area   |                  |       | Disturbed Pervious Area   |                        |                              |
|                                                                                                                                                                                                               | Flat<br>Roofs/<br>Unpaved            | Pitched<br>Roofs | Paved | Sandy<br>Soils<br>(HSG A) | Silty Soils<br>(HSG B) | Clayey<br>Soils<br>(HSG C&D) |
| 1.0                                                                                                                                                                                                           | 0.815                                | 0.965            | 0.980 | 0.035                     | 0.120                  | 0.2015                       |
| Source: Adapted from SEMCOG (2008). <i>Low Impact Development Manual for Michigan</i> , Table 9.3. (R. Pitt (2003). <i>The Source Loading and Management Model (WinSLAMM): Introduction and Basic Uses</i> ). |                                      |                  |       |                           |                        |                              |

**4.6.2.2. STREAM PROTECTION VOLUME ( $V_{sp}$ )**

➤ *Omit this section.*

**PRETREATMENT CRITERIA (INCLUDING SPILL CONTAINMENT VOLUME AND SEDIMENT FOREBAY)**

➤ *All references to capacity of Pretreatment BMP being 30% of Water Quality Volume are updated to 15%.*

**FIGURES**

➤ *All references to capacity of Pretreatment BMP being 30% of Water Quality Volume are updated to 15%.*

**APPENDIX 2 REQUIRED STORM WATER TREATMENT WORKSHEETS FOR NEW DEVELOPMENTS AND REDEVELOPMENTS**

➤ *Worksheets are updated to include revised water quality and channel protection volume standards as follows:*

**REQUIRED TREATMENT VOLUME WORKSHEET  
 FOR  
 NEW DEVELOPMENTS**

|                                |           |
|--------------------------------|-----------|
| Water Quality Volume Required? | Yes _____ |
|--------------------------------|-----------|

- Water quality volume is required for all sites.

|                                     |           |          |
|-------------------------------------|-----------|----------|
| Channel Protection Volume Required? | Yes _____ | No _____ |
|-------------------------------------|-----------|----------|

If the following is checked “yes,” channel protection volume is required.

- Discharge to a surface water. Yes \_\_\_\_\_ No \_\_\_\_\_

|                                |           |          |
|--------------------------------|-----------|----------|
| Flood Control Volume Required? | Yes _____ | No _____ |
|--------------------------------|-----------|----------|

If the following is checked “yes,” flood control volume is not required.

- Direct discharge to a lake. Yes \_\_\_\_\_ No \_\_\_\_\_

|                                    |           |          |
|------------------------------------|-----------|----------|
| Spill Containment Volume Required? | Yes _____ | No _____ |
|------------------------------------|-----------|----------|

If any of the following are checked “yes,” spill containment volume is required.

- Surface water discharge from a storm water hot spot. Yes \_\_\_\_\_ No \_\_\_\_\_
- Groundwater discharge from a high-risk zoning district in GCR Areas B and C. Yes \_\_\_\_\_ No \_\_\_\_\_
- Groundwater discharge in GCR Area A. Yes \_\_\_\_\_ No \_\_\_\_\_

### REQUIRED TREATMENT VOLUME WORKSHEET FOR REDEVELOPMENTS

|                                |                              |                             |
|--------------------------------|------------------------------|-----------------------------|
| Water Quality Volume Required? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
|--------------------------------|------------------------------|-----------------------------|

If any of the following are checked "yes," water quality volume is required.

- Groundwater discharge. Yes ☐ No ☐
- Surface water discharge from reconstruction or addition to a building, parking lot, roadway, and /or driveway with greater than 20,000 square feet of impervious surface.\* Yes ☐ No ☐

|                                     |                              |                             |
|-------------------------------------|------------------------------|-----------------------------|
| Channel Protection Volume Required? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
|-------------------------------------|------------------------------|-----------------------------|

If the following is checked "yes," channel protection volume is required.

- Discharge to a surface water. Yes ☐ No ☐

|                                |                              |                             |
|--------------------------------|------------------------------|-----------------------------|
| Flood Control Volume Required? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
|--------------------------------|------------------------------|-----------------------------|

If the following is checked "yes," flood control volume is not required.

- Direct discharge to a lake. Yes ☐ No ☐

|                                    |                              |                             |
|------------------------------------|------------------------------|-----------------------------|
| Spill Containment Volume Required? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
|------------------------------------|------------------------------|-----------------------------|

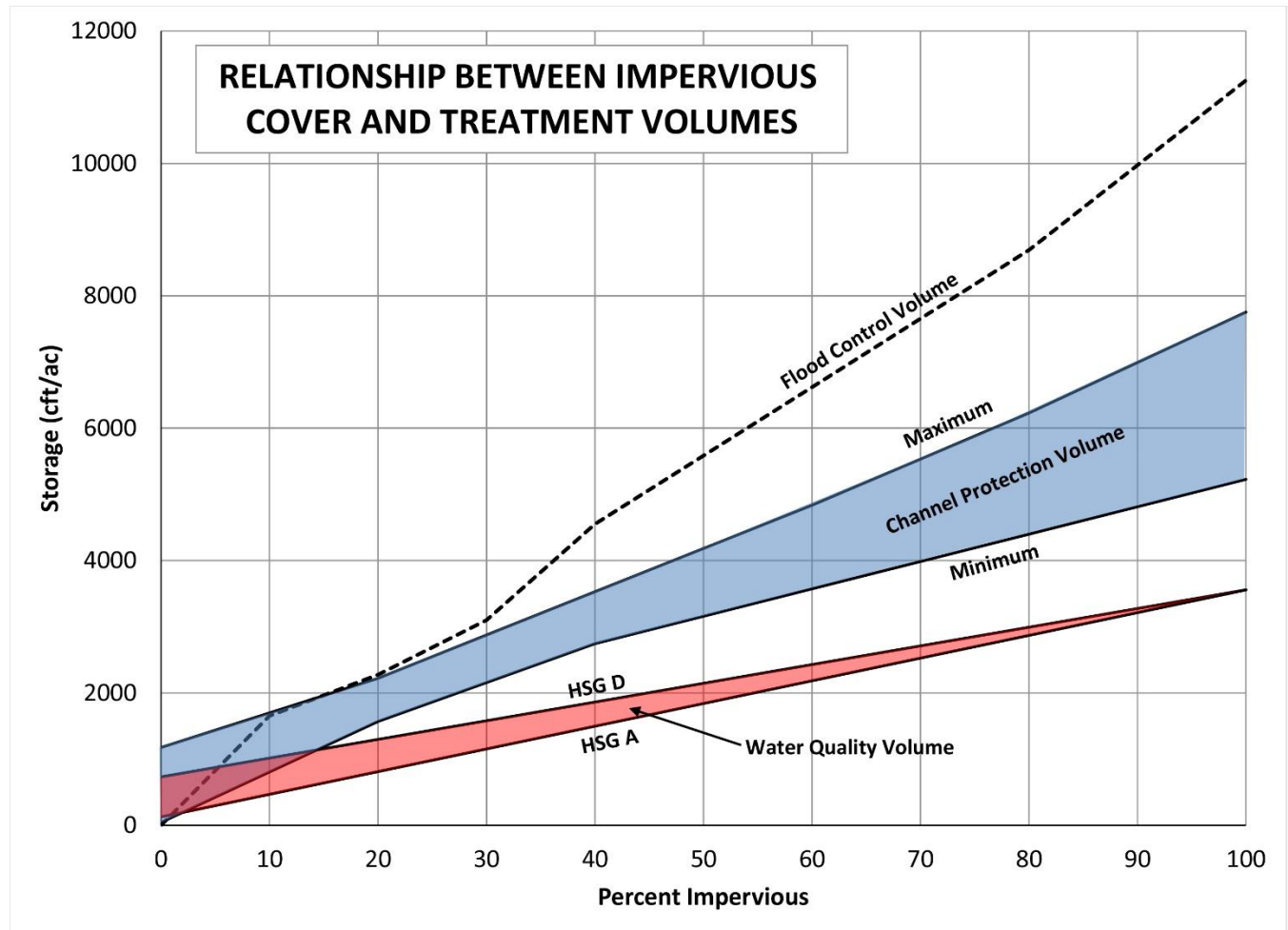
If any of the following are checked "yes," spill containment volume is required.

- Site is a storm water hot spot. Yes ☐ No ☐
- Groundwater discharge from a high-risk zoning district with greater than 20,000 square feet of impervious surface.\* Yes ☐ No ☐

\*Reconstruction is defined as removal of pavement, including subbase, and repaving (excludes overlays).  
 Phased redevelopments are regulated by the total square feet of paved area in all phases.

## APPENDIX 4 DESIGN PARAMETERS

➤ Diagram is updated to show revised water quality and channel protection volume standards.



## APPENDIX 12 STORM WATER MANAGEMENT PLAN

➤ *Appendix 12 is added to the manual. Content follows.*

### Storm Water Management Plan

No building, grading, or sediment control permit shall be issued until a satisfactory storm water management plan (or a waiver thereof) shall have undergone a review and been approved by the City after determining that the plan or waiver is consistent with the requirements of this document. After review of the storm water management plan, and modifications to that plan as deemed necessary by City, a storm water management final plan must be submitted to the City for approval. The storm water management plan shall at a minimum include the following:

- A. **Contact Information:** The name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the property or properties affected.
- B. **Topographic Base Map:** 1" = 200' topographic base map of the site which extends a minimum of 100 feet beyond the limits of the proposed development and indicates existing surface water drainage including streams, ponds, culverts, ditches, and wetlands; current land use including all existing structures; locations of utilities, roads, and easements; significant natural and manmade features not otherwise shown; and areas of any known contamination.
- C. **Calculations:** Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms.
- D. **Soils Information:** If a storm water BMP depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles. The number and location of required soil borings or soil sites shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the BMP.
- E. **Maintenance and Repair Plan:** The design and planning of all storm water management facilities shall include detailed maintenance and repair procedures to ensure their continued function. These plans will identify the parts or components of a storm water BMP that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.
- F. **Landscaping Plan:** The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.
- G. **Storm Water Best Management Practices Operations & Maintenance Agreement:** Proof of a recorded Storm Water Best Management Practices Operations & Maintenance Agreement binding on all subsequent owners of land served by storm water BMPs to ensure maintenance and repair in accordance with the specifications of this document.
- H. **Due Care Plan:** The applicant must present a detailed plan for addressing soil and groundwater contamination encountered at the site during construction. Sites with known contamination must have a site evaluation completed prior to design of the stormwater management system.

## APPENDIX 13 SOIL AND GROUNDWATER CONTAMINATION

*Appendix 13 is added to the manual. Content follows.*

### All Sites

All sites must include the following paragraph on the construction drawings:

“Soil and Groundwater Contamination

If soil or groundwater contamination is encountered or suspected during construction the following steps shall be followed:

1. Contractor shall stop work immediately and notify Owner and/or Owner’s representative.
2. Owner and/or Owner’s representative shall notify the City.
3. Owner shall engage the services of a Qualified Environmental Consultant (Consultant).
4. Consultant shall conduct a site assessment and report to the above parties.
5. Consultant shall develop a plan to address any contamination which may be found during construction.
6. The Consultant together with the Design Engineer shall complete a site evaluation process following the document entitled *Implementing Stormwater Infiltration Practices at Vacant Parcels and Brownfield Sites* (EPA, 2013) to determine if the stormwater management system requires redesign and resubmittal to the City for review and approval.
7. Owner and/or Owner’s representative shall submit to the City supporting documentation of the site evaluation process. A revised stormwater review package must also be submitted if it becomes necessary to change the design of the stormwater management system.
8. Michigan Department of Environment, Great Lakes, and Energy (EGLE) Remediation and Redevelopment Division (RRD) staff shall be notified as applicable.”

### Sites with Known Contamination

Contaminated sites, also referred to as “Brownfield” sites, include properties with soil or groundwater contamination under Part 201 Environmental Remediation and Part 213 Leaking Underground Storage Tanks (Act 451, PA 1994).

Contaminated sites must be evaluated before an infiltration approach can be approved so as not to exacerbate existing conditions. The following steps must be followed for sites with known contamination:

1. Include a qualified environmental consultant on the design team.
2. Show areas of known contamination on the site map.
3. Specify on the drawings how contractor is to address any contamination which may be found during construction, as directed in the previous section.
4. The site evaluation process must follow the document entitled *Implementing Stormwater Infiltration Practices at Vacant Parcels and Brownfield Sites* (EPA, 2013).
5. Submit supporting documentation of the site evaluation process with the stormwater review package.
6. Contact EGLE RRD staff for consultation as necessary.



# Storm Water/Final Plan Information

Address:

Project Name:

These requirements are intended to assist the applicant in the storm water plan review process. The applicant is responsible for being sufficiently familiar with the Storm Water Design Criteria Manual of the City of Portage.

## Plan Preparation and Guidelines

Yes No N/A

- ☐ ☐ ☐ 1. All plans will be drawn on uniform sheets no greater than 24" x 36".
- ☐ ☐ ☐ 2. All plans will be drawn to an engineering scale not to exceed 1" = 50' or less than 1" = 20', with a north arrow oriented to the top of the sheet.
- ☐ ☐ ☐ 3. All plans and notations will be clear, legible, and accurately scaled.
- ☐ ☐ ☐ 4. If more than one sheet per set, all required plans stapled along the left margin into sets. Please fold to a size not greater than 8½" x 14".

COMMENTS

## General

Yes No N/A

- ☐ ☐ ☐ 1. Development name/subdivision number.
- ☐ ☐ ☐ 2. Description of location (including section and fractional portion thereof, Town and Range, township, city or village, and county, Michigan).
- ☐ ☐ ☐ 3. Location map.
- ☐ ☐ ☐ 4. Name, address, and telephone number of proprietor.
- ☐ ☐ ☐ 5. Name, address, and telephone number of engineer or surveyor.
- ☐ ☐ ☐ 6. North arrow and scale.

COMMENTS

## Parcel Boundaries

Yes No N/A

- ☐ ☐ ☐ 1. Development boundary.
- ☐ ☐ ☐ 2. Identification of all adjoining parcels (for subdivisions show lot number, subdivision name, liber, and page numbers; for metes-and-bounds parcels show permanent parcel number).
- ☐ ☐ ☐ 3. Overall property description metes and bounds (with ties to government corner).
- ☐ ☐ ☐ 4. Lot dimensions (scaled or computed).
- ☐ ☐ ☐ 5. Lot numbers.
- ☐ ☐ ☐ 6. Building setback lines.

COMMENTS

## Topographical

Yes No N/A

- ☐ ☐ ☐ 1. Existing buildings.
- ☐ ☐ ☐ 2. Proposed buildings.
- ☐ ☐ ☐ 3. Existing roads (with name, ROW width, and type of surface).
- ☐ ☐ ☐ 4. Proposed roads (with name, ROW width, and type of surface).
- ☐ ☐ ☐ 5. Proposed paved areas (include tabulation of total paved area).
- ☐ ☐ ☐ 6. Existing contours (no greater than a 2-foot interval inside the plat; no greater than a 10-foot interval outside the plat).
- ☐ ☐ ☐ 7. Proposed contours.
- ☐ ☐ ☐ 8. Typical grading plan (detail, statement, or drainage arrows).
- ☐ ☐ ☐ 9. Soils data, soil boring logs, and locations (include ground elevation and water table information).
- ☐ ☐ ☐ 10. Location of all buildings on adjacent properties within 200 feet.
- ☐ ☐ ☐ 11. Areas of known contamination.

COMMENTS

## Drainage

Yes No N/A

COMMENTS

- |                          |                          |                          |                                                                                                                                 |       |
|--------------------------|--------------------------|--------------------------|---------------------------------------------------------------------------------------------------------------------------------|-------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1. Offsite watershed areas (with boundaries and acreage to be shown on location map).                                           | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2. All existing drainage courses and structures (with proper labeling as to type, size, and invert elevations).                 | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 3. County drains (proof of permission to connect).                                                                              | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4. Proposed drainage systems (clearly identify all open and enclosed portions).                                                 | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 5. Floodplain contour (existing and proposed).                                                                                  | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 6. Wetlands (existing and proposed).                                                                                            | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 7. Buffers provided.                                                                                                            | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 8. Proposed storm water facilities (detention/infiltration).                                                                    | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 9. Landscaping for storm water facilities.                                                                                      | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 10. Note specifying that all work shall be completed in accordance with City of Portage Contract Conditions and Specifications. | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 11. Professional engineer's seal for all public improvement projects.                                                           | _____ |

## Storm Water Management System Design

Yes No N/A

COMMENTS

- |                          |                          |                          |                                                                                               |       |
|--------------------------|--------------------------|--------------------------|-----------------------------------------------------------------------------------------------|-------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1. Calculation of runoff (boundaries of contributing areas to each structure shall be shown). | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2. Effective layout.                                                                          | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 3. Inlet capacity/spacing.                                                                    | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4. Adequate size/slopes.                                                                      | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 5. Pipe material, length, diameter, and slope.                                                | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 6. Submergence.                                                                               | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 7. Invert and rim elevations for each structure.                                              | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 8. High water level in relation to low top-of-casting elevation (hydraulic grade line).       | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 9. Storm water facilities appropriately selected.                                             | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 10. Minimum basement floor elevations/openings in structures.                                 | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 11. Ensure proper siting.                                                                     | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 12. Required volume/release rate.                                                             | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 13. Pretreatment.                                                                             | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 14. Adequate volume provided (high water levels indicated).                                   | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 15. Hydraulic calculations for transfer or outlet pipe.                                       | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 16. Overflow spillway.                                                                        | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17. Outlet structure dimensions.                                                              | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 18. Dimensions of storm water facility shown in plan and profile.                             | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 19. Side slopes.                                                                              | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 20. Soil erosion controls.                                                                    | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 21. Contaminated soil and groundwater procedures.                                             | _____ |

## Easements

Yes No N/A

COMMENTS

- |                          |                          |                          |                                                             |       |
|--------------------------|--------------------------|--------------------------|-------------------------------------------------------------|-------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1. Utility easements (with dimensions and type of utility). | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2. Existing and proposed drainage easements.                | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 3. Offsite drain easements or rights-of-way.                | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4. Buffer conservation easements.                           | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 5. Recorded easement forms.                                 | _____ |

## Maintenance

Yes No N/A

COMMENTS

- |                          |                          |                          |                                 |       |
|--------------------------|--------------------------|--------------------------|---------------------------------|-------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1. Recordable maintenance plan. | _____ |
|--------------------------|--------------------------|--------------------------|---------------------------------|-------|

**TO:** Honorable Mayor and City Council

**FROM:** Joseph La Margo, City Manager



**SUBJECT:** City Council Vacancy Process

**SUPPORTING PERSONNEL:** Adam Herringa, Deputy City Manager  
Erica Eklov, City Clerk

**ACTION RECOMMENDED:** Approve the process proposed by the City Administration to fill the upcoming City Council vacancy created by the resignation of Councilmember Richard Ford, and set a special meeting on July 14, 2020 at 6:00 p.m., or as soon thereafter as can be heard, to review applications for the vacancy and determine which candidates to interview.

With the resignation of Councilmember Richard Ford effective June 30, 2020, a vacancy on the City Council for a term ending November 2021 will exist. The City Charter (Chapter 3 Section 13) provides that the City Council must fill a vacancy in an elective office by appointment within sixty (60) days of acceptance of a resignation. The City Charter further provides that the appointment term will end on the first Monday following a regular city election. As such, City Council must make an appointment to fill the vacancy on or before August 29, 2020, which is sixty days from the official acceptance of the resignation. The appointment will expire in November 2021.

While a variety of appointment procedures have been utilized by City Council in the past, it recommended that City Council utilize a process by which City Council receives and reviews applications/resumes and interviews potential candidates. Should this process be acceptable to City Council, the City Administration recommends the following schedule:

- June 24: City Administration provides notice of the vacancy and selection process.
- June 25: The vacancy and request for resumes/applications is advertised via news release, city website and Facebook.
- June 25 - July 8: City Clerk accepts resumes of interested applicants.
- July 10: Resumes delivered to City Council for review.
- July 14: Review of Board and Commission applications and determination of which candidates to interview.
- July 21: Interview of Candidates (a Special Meeting will need to be held).

- July 28: Selection of Candidate.

Regarding the July 14, 2020 Board and Commission Interview session, the following interviews are scheduled:

5:15 p.m. - Youth Advisory Committee (see below)  
5:40 p.m. - Planning Commission  
5:50 p.m. - Construction Board of Appeals  
6:00 p.m. - Historic District Commission

The Youth Advisory Committee portion has historically transpired quite quickly, which will likely set the entire interview session ahead of schedule. As such, there is time for City Council to conduct a review of applicants following conclusion of the Historic District Commission interview and prior to the 7:00 p.m. Regular Meeting. Such is the rationale behind the recommended action to set the proposed special meeting beginning at 6:00 p.m. "or as soon thereafter as can be heard".

It is recommended that City Council approve of the process outlined above to fulfill the upcoming City Council vacancy.

**FUNDING:** N/A

**Attachments:** None

**TO:** Honorable Mayor and City Council

**FROM:** Joseph La Margo, City Manager



**SUBJECT:** Confirm the Appointment of Meshia Rose as Director of Assessing

**SUPPORTING PERSONNEL:** Adam Herringa, Deputy City Manager

**ACTION RECOMMENDED:** Confirm the appointment of Meshia Rose as Director of Assessing.

Meshia Rose currently serves as the Deputy City Assessor in the Office of the City Assessor. The City of Portage has a contract with Mr. Ed VanderVries to serve as the official City Assessor. The contract with Mr. VanderVries was necessary to comply with State of Michigan requirements that a Level IV Assessor certify tax rolls. His contract will expire in March 2021. Ms. Rose has obtained Level III certification and should obtain Level IV certification in assessing by the end of this calendar year. The performance of Ms. Rose has been exceptional. To recognize her commitment to the City of Portage and success thus far, I will be changing her title to that of Director of Assessing with an effective date of July 1, 2020. For clarity, it should be noted that this represents a title change and not additional staff.

Ms. Rose began her employment with the City of Portage as Administrative Assistant in the Office of the City Assessor in 2015. In 2016 she was promoted to Property Appraiser I and then to Deputy City Assessor. Ms. Rose has an Associate's Degree in Business Administration from Davenport University and will resume her pursuit of a Bachelors degree following completion of the studies necessary to obtain her Level IV certification.

It is recommended that City Council confirm the appointment of Meshia Rose as Director of Assessing.

**FUNDING:** Funds for this position are budgeted in the General Fund.

**Attachments:** None

# ***Minutes of Boards & Commissions***



**City of Portage**  
**Historic District Commission**  
Wednesday, March 4, 2020

Meeting Called to Order: 8:25 a.m.

Members Present: Duniphin, Lopez, Maytnier, vanLonkhuyzen, Grunert, Custer, Barton, Meyle.

Members Absent: Grunert moved, seconded by Duniphin, to excuse Commissioner Nemeth; motion passed 6-0.

Staff: Kyle Mucha, Zoning & Codes Administrator

Guest(s): None.

Approval of Minutes: Grunert moved, seconded by Custer, to approve the November 6, 2019 meeting minutes as submitted; motion approved 8-0.

Announcement: Council Address is scheduled for May 12, 2020 at 7:00 p.m.

Old Business:

New Business:

- a. Staff member Mucha provided a communication from the Portage Youth Advisory Committee to the Commission, indicating that the Historic District Commission has been invited to attend the annual Green-A-Thon event, scheduled for April 19, 2020, as a participant. Mucha informed the Commission that a response to the Portage Youth Advisory Committee is requested by April 8, 2020.
- b. 8009 Coss Drive – Michael Kasten: Request to Demolish School House. Mucha summarized the application received from Mr. Kasten to demolish the District 6 School House, located at 8009 Coss Drive. Mr. Kasten indicated the building is no longer rentable as office space and has been unoccupied since 2015. Mr. Kasten also indicated the building is not up to current Building & Fire Codes, nor does it meet standards set forth in the American with Disabilities Act. Mr. Kasten has expressed that the maintenance of the building is no longer financial feasible.

Lopez moved, seconded by Meyle to form a Study Committee to review the application submitted by Mr. Kasten to demolish the District 6 School House. The Study Committee will be made up of all current members of the Historic District Commission. Motion passed 8-0.

Discussion followed regarding a previous application to demolish the school house in 2016 by Mr. Kasten. Commissioners Duniphin, Grunert and vanLonkhuyzen indicated that further information would be needed in order for the Study Committee to fulfil its due diligence prior to a preliminary report being produced in response to Mr. Kasten's application. Grunert moved, seconded by Custer, to request the following information from the applicant: further details regarding the alleged financial hardship of maintaining the school house; quotes/estimates to demolish the school house; and an estimate to move the school house to the Celery Flats Historical Area. In addition, further information is requested from the City of Portage Building & Fire Departments regarding the claim that the building does not meet current Building & Fire Codes. Motion passed 8-0.

Member Comments:

- a. Duniphin provided information for consideration by the Commission as it pertained to the annual Historical Preservation Event. The event is scheduled for May 9, 2020 from 11:00 a.m. to 2:00 p.m. at Portage Celery Flats. Duniphin indicated a partnership will take place with Steve Rossio (local historian) to help promote the unique characteristics of the one-room school house located at Celery Flats. Duniphin indicated this year's event will be smaller than years past in terms of vendors and activities. Duniphin will be working with city staff to invite local food vendors/food trucks to the event.
- b. Commissioner vanLonkhuyzen informed the Commission that a potential application will be forthcoming in late spring or summer regarding a porch remodel at their property.
- c. Commissioner Lopez provided information regarding the statewide preservation conference being held in May in Kalamazoo.
- d. Commissioner Grunert informed the Commission that after June of this year, he will no longer be a resident of the City of Portage. Mucha requested that Commissioner Grunert inform the City Clerk of this change.

Adjournment: There being no further comments or business, vanLonkhuyzen adjourned the Historic District at 9:30 a.m.

Respectfully submitted,



Kyle Mucha  
Zoning & Codes Administrator

## PLANNING COMMISSION

May 7, 2020

The City of Portage Planning Commission meeting of May 7, 2020 was called to order by Chairman Corradini at 7:00 p.m. Pursuant to the "Remote Attendance Rules for Meetings" and Michigan Governor Whitmer's Executive Order 2020-21, this meeting was held remotely with Commissioners, staff, applicants and the general public participating via telephone call-in.

### IN ATTENDANCE

Michael West, Senior City Planner and Randy Brown, City Attorney.

### ROLL CALL

Mr. West called the roll: Meyer (yes); Pezzoli (yes); Baldwin (yes); Joshi (yes); Harrell-Page (yes); Schimmel (yes); Corradini (yes); Fries (yes); and Patterson (yes). All Commissioners present.

### APPROVAL OF MINUTES

Chairman Corradini referred the Commission to the April 16, 2020 meeting minutes contained in the agenda. A motion was made by Commissioner Fries, seconded by Commissioner Baldwin, to approve the minutes as submitted. Upon a roll call vote: Patterson (yes); Fries (yes); Joshi (yes); Corradini (yes); Schimmel (yes); Harrell-Page (yes); Baldwin (yes); Pezzoli (yes); and Myer (yes), the motion was unanimously approved 9-0.

### PUBLIC HEARING

1. Final Report: Conceptual Plan Amendment for Trade Centre Commercial Planned Development, 300-1150 Trade Centre Way. Mr. West summarized the staff report dated April 30, 2020 regarding a request by Trade Centre Holdings, LLC to amend two previously approved conceptual plans to allow construction of a new 4-story hotel building and associated site improvements on a new approximate 2-acre parcel that includes portions of 750, 850 and 950 Trade Centre Way. Mr. West stated the 30-acre tract of land is zoned CPD, commercial planned development and includes nine parcels ranging between 300-1150 Trade Centre Way. Mr. West stated the applicant was proposing to amend two previously approved conceptual plans to allow construction of a new 4-story tall hotel building. Mr. West stated the proposal involves another partnership between the developer and the City of Portage, along with an exchange of land and modification of property lines, whereby the existing city storm water basin located on the 850 Trade Centre Way parcel will be relocated to the northwest to allow construction of the new hotel building. In conjunction with the conceptual plan amendment and consistent with previous approvals within the Trade Centre CPD, Mr. West stated the applicant was also requesting a height modification and a conflicting land use screening waiver. Mr. West indicated the conceptual plan amendment, and associated height modification and conflicting land use screening waiver, were recommended for approval with the findings contained in the staff report.

Greg Dobson of American Village Builders (applicant representative) called-in to support the application and discuss the proposed new hotel project. Mr. Dobson thanked staff for all their assistance and the Planning Commission for conducting the virtual meeting. Mr. Dobson briefly summarized the proposed hotel project, the history of the Trade Centre CPD and efforts to reach out to the residential neighbors to the west and north.

The public hearing was then reconvened by Chairman Corradini. No citizens called-in to speak regarding the proposed conceptual plan amendment and new hotel project. A motion was then made by Commissioner Baldwin, seconded by Commissioner Schimmel, to close the public hearing. Upon a roll call vote: Myer (yes);

Pezzoli (yes); Baldwin (yes); Harrell-Page (yes); Schimmel (yes); Corradini (yes); Joshi (yes); Fries (yes); and Patterson (yes), the motion was unanimously approved 9-0.

After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Myer, to recommend to City Council that the Conceptual Plan Amendment for Trade Centre CPD, 300-1150 Trade Centre Way, be approved including the requested building height modification to allow construction of the proposed hotel building to a height up to 65-feet and the requested screening waiver. The motion included a finding that consistent with Section 42-414.G of the Zoning Code and based on information provided by the applicant: 1) strict adherence of the height and screening requirements would be inconsistent with the planned development as a whole; 2) the objectives of the requirements can be satisfactorily met without strict adherence; 3) the requested height modification and screening waiver will not be detrimental to the public welfare or injurious to other surrounding properties; and 4) because of the particulars of the development plan it would be unreasonable to require strict adherence to these requirements. Upon a roll call vote: Schimmel (yes); Corradini (yes); Joshi (yes); Fries (yes); Patterson (yes); Harrell-Page (yes); Baldwin (yes); Pezzoli (yes); and Myer (yes), the motion was unanimously approved 9-0.

### **SITE/FINAL PLANS**

1. **Specific Plan: Trade Centre Hotel, 850 Trade Centre Way.** Mr. West summarized the April 30, 2020 staff report regarding a request by Trade Centre Holdings, LLC to construct a new 4-story, 62,318 square foot hotel building and associated site improvements on a new approximate 2-acre parcel at 850 Trade Centre Way. Mr. West stated the applicant has requested concurrent review of the conceptual plan amendment and specific plan in order to expedite the development review process and meet construction deadlines. Mr. West next discussed the access arrangement and the removal of the Trade Centre Way cul-de-sac bulb, the relocation and reconstruction of the combined city/private storm water system, and proposed landscaping and outdoor lighting at the site. Mr. West stated the specific plan was recommended for approval subject to the three conditions identified in the staff report.

Greg Dobson of American Village Builders (applicant representative) called-in to support the application and discuss the proposed new hotel project. The Commission, Mr. Dobson and Mr. West next discussed various aspects of the proposed hotel project including the distance measurement between the hotel building and the nearest residence to the north, the relocation of the MDOT storm water box culvert and economic impacts the virus may have on the hotel project.

A motion was made by Commissioner Myer, seconded by Commissioner Harrell-Page, to approve the Specific Plan for Trade Centre Hotel, 850 Trade Centre Way, subject to the following conditions: 1) City Council review and approval of the Conceptual Plan Amendment; 2) Review and approval of the storm water basin controlled rate discharge to the adjacent wetland area and Portage Creek by the Michigan Department of Environment Great Lakes & Energy; and 3) Finalization of engineering related details associated with the storm water system and public water main extension. Upon a roll call vote: Myer (yes); Pezzoli (yes); Baldwin (yes); Harrell-Page (yes); Schimmel (yes); Corradini (yes); Joshi (yes); Fries (yes); and Patterson (yes), the motion was unanimously approved 9-0.

### **NEW BUSINESS:**

None.

### **OLD BUSINESS:**

None.

### **STATEMENT OF CITIZENS/COMMISSIONERS**

Commissioner Joshi thanked the City Council for pursuing an ordinance that will prohibit the clear cutting of trees with the site development proposals.

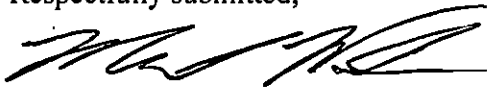
Commissioner Baldwin stated it was National Nurse's Week and also the Year of the Nurse and encouraged people to thank nurses that they may know for their service during this national health crisis.

Chairman Corradini indicated that he worked the recent elections and wanted to thank the City Clerk (Erica Eklov) and Deputy City Manager (Adam Herringa), along with the many volunteers, for all their hard work during these challenging times.

**ADJOURNMENT:**

There being no further business to come before the Commission, the regularly scheduled meeting was adjourned at 7:35 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael West', is written over a horizontal line.

Michael West, AICP  
Senior City Planner

T:\COMMDEV\2019- 2020 Department Files\Board Files\Planning Commission\Minutes\PCMin05072020.docx

## MATERIALS TRANSMITTED

Friday, June 5, 2020

1. Communication from the City Manager regarding the Delinquent Water and Sewer Bills, **Agenda Item A.4.** – Information Only
2. 2019 Portage Department of Public Safety Annual Report – Information Only



---

Joseph S. La Margo, City Manager

cc Adam Herringa, Deputy City Manager  
Michael Carroll, Deputy City Manager

**TO:** Honorable Mayor and City Council

**FROM:** Joseph S. La Margo, City Manager



**SUBJECT:** Delinquent Water and Sewer Bills

**SUPPORTING PERSONNEL:** Lauren VanderVeen, Interim Finance Director

Attached is a listing of citizens and businesses with unpaid water and sewer bills as of June 1, 2020. An updated listing of delinquent accounts will be provided on Tuesday, June 9, 2020 to account for payments made to these accounts received between Monday, June 1, 2020 at 4:10 PM and Tuesday, June 9, 2020.

**Attachments:** Delinquent UB to Tax List



**TO:** Honorable Mayor and City Council

**FROM:** Joseph S. La Margo, City Manager



**SUBJECT:** 2019 Portage Department of Public Safety Annual Report

**SUPPORTING PERSONNEL:** Nicholas Arnold, Director of Public Safety

Attached is the Portage Department of Public Safety Annual Report for 2019. A hard copy is available in City Council mailboxes at City Hall.

**Attachments:** Portage Department of Public Safety Annual Report 2019

# *Portage Department of Public Safety*

## *Annual Report*



2019



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# CITY PROFILE



## ELECTED OFFICIALS

Mayor  
Mayor Pro Tem  
Council Members

Patricia Randall  
Jim Pearson  
Richard J. Ford  
Chris Burns  
Lori Knapp  
Claudette Reid  
Terry R. Urban

## APPOINTED OFFICIALS

City Manager  
Deputy City Manager  
Deputy City Manager

Joseph La Margo  
Adam Herringa  
Mike Carroll

## CITY DEMOGRAPHICS

County  
Population  
Area  
Major Employers

Kalamazoo  
48,072  
35.2 Square Miles  
Pfizer  
Stryker  
Portage Public Schools

## CITY HIGHLIGHTS

- City incorporated in December 1963.
- Council-Manager form of government.
- Located midway between Detroit (142 miles) and Chicago (147 miles).
- Over 2,000 acres of park and recreational space.
- Bountiful natural resources, including seven lakes, state game areas, significant open spaces and wetlands.
- 17 parks, including 3 dedicated to nature preservation.
- More than 57 miles of bikeways and multi-use trails.

# MESSAGE FROM THE DIRECTOR



As the Director of Public Safety for the City of Portage, every day I have the honor to serve alongside some of the finest police officers, firefighters, civilians, and volunteers in the country. These are dedicated and wonderful men and women who are responsible for delivering nationally recognized public safety services to a city of over 47,000 people, covering nearly 35 square miles. Each and every day, they are committed to providing professional and caring community service to the citizens that live, work and visit our city.

Our mission is to deliver superior public safety services that make people's lives better. We work in partnership with our diverse community to safeguard the lives, rights and property of the people we serve.

With unwavering dedication, our first responders provide innovative professional public safety services to all of the members of this community. We strive to accomplish this by maintaining our honor, courage, commitment, leadership and teamwork while always conducting ourselves with the highest ethical standards.

The Police Division is a full-service law enforcement agency that provides a variety of law enforcement services, such as 24-hour-a-day patrol, school resource and community policing officers, and various other service teams.

The Fire Division is second-to-none in its commitment to service excellence in fire suppression, emergency medical services, fire prevention, rescue, training, emergency management and support systems for the citizens of Portage. We strive daily to make Portage a safer place to live, work and visit. These first responders also focus a large amount of time each year providing the public with child safety seat instruction, fire safety and prevention education, and station house tours, to name a few.

It is through the public's trust and support that the Public Safety Department can provide a safe and healthy environment for our community to thrive. I am proud of the men and women of this agency and feel fortunate to serve the community alongside them as we work in partnership with our community members to keep the City of Portage safe.

In closing, I feel blessed to have been chosen to be a part of such a fine organization. With the many challenges that face public safety today, I am extremely proud of our ability to adapt and remain steadfast in our commitment to providing the best possible police, fire, and EMS services to our city.

*Nicholas J. Arnold*

Nicholas J. Arnold  
Public Safety Director



Commission on  
Fire Accreditation  
International



## OFFICE OF THE DIRECTOR



*The administrative function of the department is responsible for the management of all aspects of departmental activity. Responsibilities include community relations, budget preparation, resource allocation, purchasing, labor relations, research and development, planning, and City emergency preparedness.*

The Office of the Director is comprised of the Public Safety Director – Police/Fire Chief, an administrative assistant, and a part-time records clerk. The Office of the Director is responsible for the organization, budgeting, fiscal management, directing, and planning for the entire department, as well as internal investigations.

## PUBLIC SAFETY DIRECTOR—POLICE/FIRE CHIEF



Director of Public Safety  
Nicholas J Arnold

Nicholas J. Arnold is the Director of Public Safety and Police/Fire Chief. His responsibilities include overseeing and establishing the objectives of the agency's executive officers, community outreach and professional standards for both the Police and Fire Divisions.

Director Arnold joined the Portage Department of Public Safety in April of 2014 as the Senior Deputy Police Chief over Operations. Prior to this, he had over 25 years of experience as a police officer and firefighter, working for the City of Huntington Woods, where he retired at the rank of Deputy Chief.

Director Arnold has a Bachelor of Science degree in Criminal Justice from Lake Superior State University and is a graduate from Northwestern University Center for Public Safety School of Police Staff and Command. He is also a graduate of the U.S. Department of Justice Federal Bureau of Investigations National Academy.

## ADMINISTRATIVE ASSISTANT



Administrative Assistant  
Barbara Garlow

Barbara Garlow is the Administrative Assistant for the Office of the Director. Her primary responsibilities include providing administrative support to the Director and Senior Deputy Chiefs on a daily basis, and proactively anticipating the needs of the office.

Barbara was hired in September 2011 as a part-time Administrative Assistant at the Department of Public Safety—Fire Division. She went on to fill a full-time role as Administrative Assistant at the Department of Public Services from 2012-2018; returning to the Department of Public Safety in August 2018.

Barbara graduated from Kalamazoo Valley Community College with an Associates Degree in Applied Science for Administrative Assistant. She holds certification as a Legal Office Assistant and is also a certified Microsoft Office Specialist.

## ADMINISTRATIVE RECORDS CLERK



Records Clerk (PT)  
Tammy Scott-Farnsworth

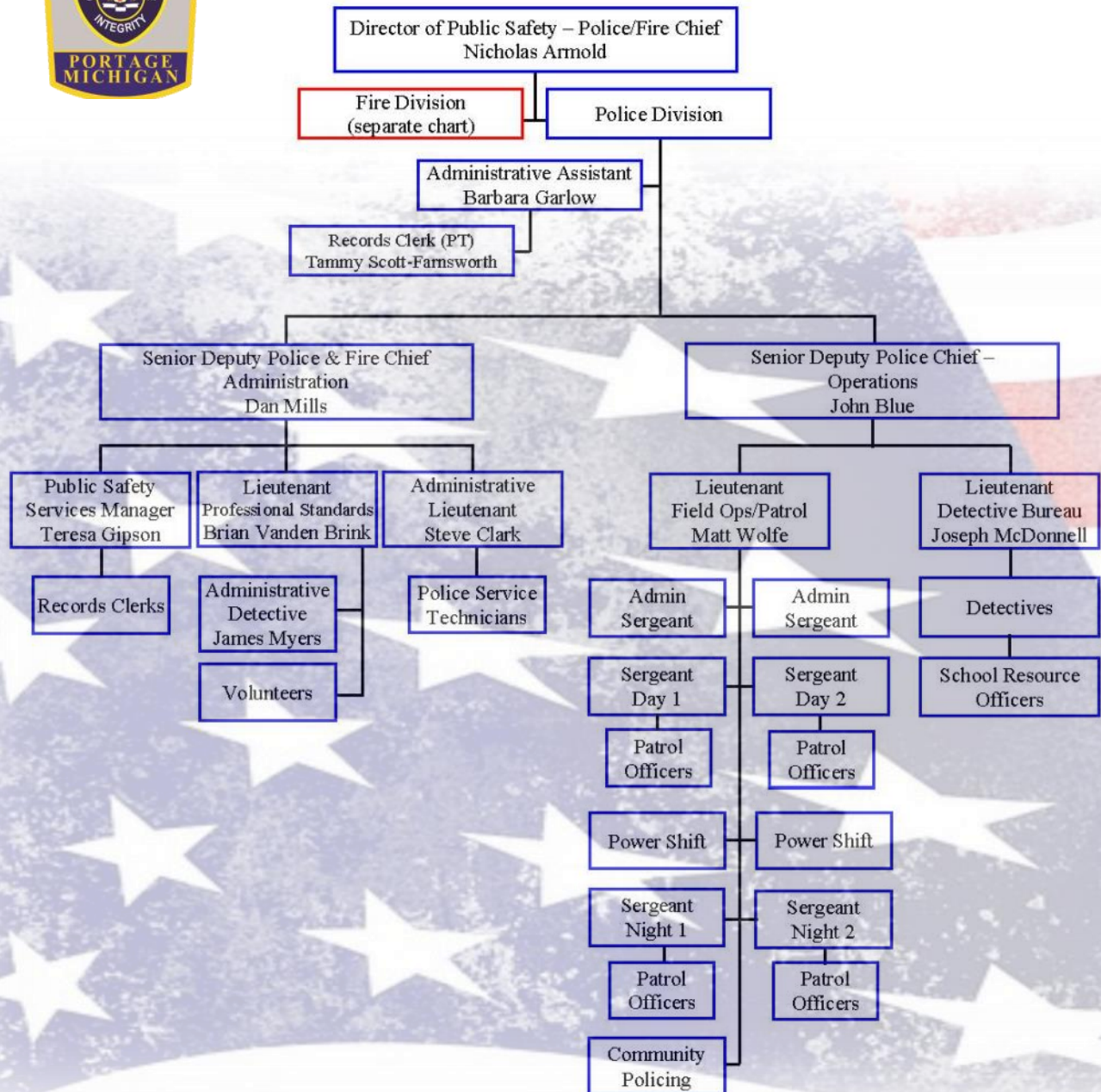
Tammy Scott-Farnsworth joined the Police Division in September 2013 after retiring from the U.S. Postal Service. She serves as the part-time Records Clerk for the Administrative Division, reporting to the Administrative Assistant. Her primary responsibilities include general office work, copying, typing, mail distribution and assisting the Records Section as time allows.

Tammy holds an Associates Degree from Kalamazoo Valley Community College.



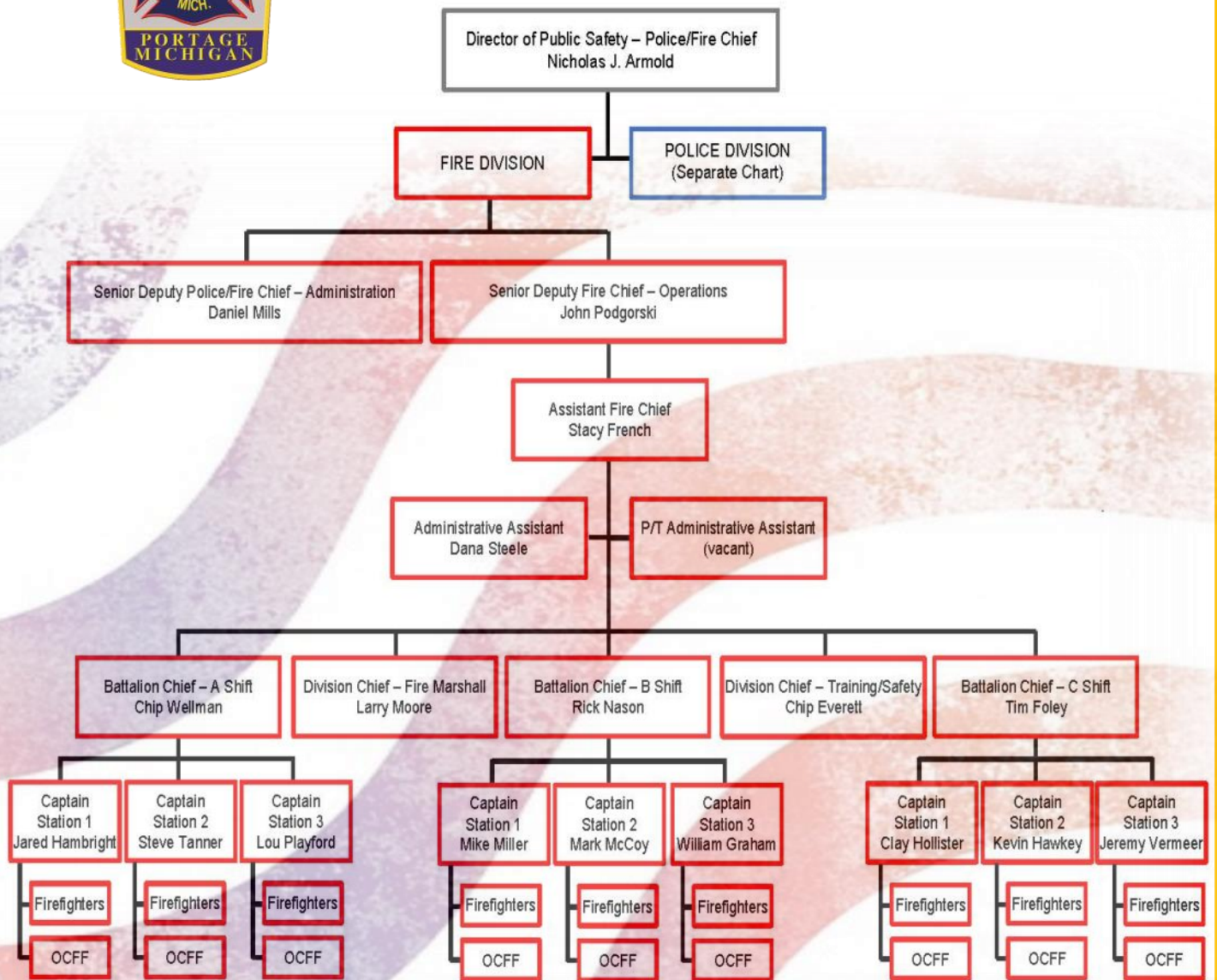


# POLICE DIVISION ORGANIZATIONAL CHART





# FIRE DIVISION ORGANIZATIONAL CHART





## POLICE DIVISION



*The Police Division is a full-service law enforcement agency that provides a variety of law enforcement services, such as 24-hour-a-day patrol, school resource and community policing officers, and various other service teams. Reducing crime and improving the quality of life for our citizens are two of our highest operational priorities. We understand that building, cultivating and maintaining the community's trust and developing community partnerships are the key elements in our crime reduction efforts. We are committed to the ideals of "partnership-based policing," which can only be accomplished by developing close working relationships with our neighborhoods and businesses.*

## 2019 POLICE DIVISION PROFILE

- The Police Division is responsible for patrolling 34.5 square miles. This consists of over 211.96 miles of roadway, including 10.83 miles of expressway.
- The Police Division is authorized a total of 58 full-time and 2 part-time sworn officers. In 2019, the division had 57 full-time and 1 part-time sworn officer positions filled.
- The Police Division responded to 35,808 calls for service in 2019 and investigated 1,680 part 1 and 2,637 part 2 crimes.
- The most frequently occurring crimes in Portage in 2019 were Violation of Court Orders (280), Larceny (673), Retail Fraud (669), Assault (521), and Fraud (364). Of those crimes, officers arrested 2,306 adults on 2,558 charges and 148 juveniles on 161 charges.

## MISSION STATEMENT

The Portage Police Division is committed to providing all people within our jurisdiction quality police service. This service will be provided with respect, fairness and compassion, guided by Constitutional guarantees, so that no group or individual is the recipient of undue or unjust enforcement. With community service as our foundation, we are directed to enhance the quality of life, investigate problems as well as criminal incidents, seek solutions, and foster a sense of security in our community to fulfill our mission.

The Portage Police Division is dedicated to providing a quality work environment and the development of its members through effective training and leadership.

### VALUES

As members of the Portage Police Division, we value:

- Respect and dignity for all human life.
- Reverence for the fundamental freedoms safeguarded by the Constitution of the United States.
- Honesty and integrity through ethical behavior.
- Appreciation for diversity among the members of our community.
- Accountability to ourselves and the community while providing services with courtesy, compassion, and empathy.

### GOALS

In order to fulfill our mission, we have adopted and will pursue the following goals:

- The protection of life and property.
- The prevention and suppression of crime.
- The detection, identification and apprehension of criminals.
- The safe and accident-free flow of pedestrian, bicycle and vehicular traffic.

## CODE OF ETHICS

Each member of the Portage Police Division has signed a pledge to abide by a code of ethics:

*As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.*

*I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed, both in my personal and official life, I will be exemplary in obeying the law and the regulations of my Division. Whatever I see or hear of a confidential nature that is confided to me in my official capacity will be kept secret unless revelation is necessary in the performance of my duty.*

*I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my*

*decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.*

*I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.*

*I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.*

*I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession -- law enforcement.*



## HISTORY



- December 31, 1963** *City of Portage Chartered*
- August 1964** *Richard Wilde Hired as First Police Chief*
- 1966** *Reserve Police Unit Established*
- August 1967** *David Sharp Promoted to Police Chief*
- January 1970** *Youth Section Established*
- September 1970** *Department Assumes School Crossing Guard Responsibilities*
- January 21, 1971** *Department Moved to Present Police/Court Building*
- March 31, 1975** *George E. VonBehren Hired as Police Chief*
- 1977** *City Emergency Preparedness Plan Developed by Police Department*
- September 1979** *Police/Fire Central Dispatch Established*
- 1985** *Michigan Association of Chiefs of Police Traffic Safety Award*
- 1985** *Department Computerizes Records*
- September 1988** *Police/School Liaison Program Instituted*
- November 1988** *Volunteer Parking Enforcement Program Implemented*
- October 1989** *D.A.R.E. Program Instituted*
- March 1990** *Old City Hall Remodeled and Field Operations Relocated*
- 1995** *Michigan Association of Chiefs of Police Traffic Safety Award*
- November 6, 1995** *Richard J. White Hired as Police Chief*
- September 1996** *Crime Prevention Program Instituted*
- 1998** *Police Computers Upgraded to a PC Network*
- 1998** *Police Citizens Academy Implemented*
- September 1999** *Formal Application Made to Become C.A.L.E.A. Accredited*
- 1999** *Kalamazoo County District Courts Consolidated*
- January 2001** *D.A.R.E. Program Transferred to Sheriff's Department*
- October 2001** *State of Michigan Law Enforcement Information Network (LEIN)  
Certificate of Excellence*

- July 2003** *C.A.L.E.A. Certification Received*
- April 2004-2005** *Remodel of the Annex and Headquarters Building*
- March 2006** *Received C.A.L.E.A. Reaccreditation*
- October 2007** *Electronic Citations Implemented*
- August 2008** *Digital Mobile Video Recording Implemented*
- October 2008** *Bicycle Patrol Implemented*
- November 2008** *Electronic Accidents Implemented*
- March 2009** *C.A.L.E.A. Reaccreditation*
- January 1, 2011** *Prisoner Holding Facility Closed*
- February 2011** *Records Department Upgraded to a Digital Dictation System*
- July 7, 2011** *Police and Fire Departments Consolidated into Public Safety*
- March 2012** *C.A.L.E.A. Reaccreditation*
- March 2015** *C.A.L.E.A. Reaccreditation*
- July 2015** *Motorcycle Patrols Implemented*
- December 2015** *Canine Program Implemented*
- March 2016** *Fire Department Accredited by Commission on Fire Accreditation International*
- August 2016** *Application Made to Michigan Law Enforcement Accreditation Commission (MLEAC)*
- March 2, 2017** *Nicholas J. Arnold Promoted to Public Safety Director – Police/Fire Chief*
- February 2018** *Michigan Association of Chiefs of Police Award*
- July 2018** *C.A.L.E.A. Reaccreditation*
- July 2018** *C.A.L.E.A. Communications Accreditation Award*
- October 2018** *Dispatch Center Decommissioned*
- November 7, 2019** *K9 Zorro End of Watch*





## ADMINISTRATIVE SERVICES



*The Administrative Services Division is commanded by a deputy police chief and is responsible for the maintenance and dissemination of police reports, training, accreditation, professional standards, property and evidence, budgeting, capital improvement projects, public safety communications, and facilities.*

### SENIOR DEPUTY POLICE/FIRE CHIEF—ADMINISTRATION



Senior Deputy Chief  
Dan Mills

Daniel J. Mills is the Senior Deputy Chief of Administration. His responsibilities include overseeing Professional Standards, Training, Technical Services, Public Safety Communications, Records, Property and Evidence, Crossing Guards, Emergency Operations, Fleet Maintenance, and Purchasing for both the Police and Fire Divisions.

Deputy Chief Mills was hired in September 2004 as the Deputy Police Chief of Operations for the Portage Police Department. In 2009, he was promoted to Senior Deputy Chief of Administration. Deputy Chief Mills came to Portage after a decorated 18-year career with the Grand Rapids Police Department which began in 1986. Before joining the Grand Rapids Police Department he also served as a public safety officer at Aquinas College and Hope College, and also spent time as a Western Michigan University Police Officer.

Deputy Chief Mills has a Bachelor of Arts Degree from Aquinas College. Over the course of his career, Deputy Chief Mills has had various assignments including patrol, criminal and civil investigations, supervised narcotics, vice, special operations, canine, civil forfeiture, and was Internal Affairs Commander and Administrative Lieutenant for the downtown and south service areas in the Grand Rapids Police Department before his appointment as Deputy Chief. Deputy Chief Mills is a graduate of the F.B.I. National Academy, Session 234.

## ADMINISTRATIVE SECTION

The Administrative Section is led by Administrative Lieutenant Steve Clark and is responsible for Police Service Technicians, Equipment and Quartermaster, Fleet Maintenance, Physical Plant, Planning and Research, and Contract Compliance.

## INFORMATION CENTER

The Portage Police Division Information Center is staffed during normal business hours by Police Service Technicians Jenny Evans and Diane Malz. Information Center personnel are responsible for handling all citizen contact within the lobby, fielding all non-emergency incoming telephone calls, scheduling fleet maintenance, taking non-criminal fingerprints, issuing permits to purchase handguns, as well as registration of handguns. During 2019, Information Center personnel issued 148 permits to purchase handguns and 1,142 registrations for handguns for the City of Portage.

## PROPERTY AND EVIDENCE UNIT

The Property and Evidence Unit receives all evidence and property found by, turned in to, or collected by police personnel. Certified Evidence Specialist Diane Malz is responsible for ensuring and maintaining the safe, secure storage of all evidence and property.

Bar coding began in 2007 and aids in managing and auditing property in the property room. All property and evidence items submitted are also entered into a computer database. Case research is then done so final disposition of items can be determined. The unit works with several other agencies, such as the state and area agency crime labs, where evidence items are sometimes transferred for further testing or analysis.

All property is maintained and released according to International Association for Property and Evidence (IAPE) and accreditation standards. A complete evidence and property audit is conducted at least once a year. The property room is under 24/7 surveillance and has additional security for entry. During 2019, 3,081 items were logged into property and 2,964 items were properly disposed of in evidence; a ratio of .96 to 1. The property dispositions were achieved by returning items to their owners, sending items to auction, or destroying items of no value.



## DEPARTMENT TECHNOLOGY

The computer network extends to over 40 desktop computers and 20 mobile computers. An extensive computerized records management system (RMS) is maintained on a Windows platform, with numerous interfaced modules, including:

- Identix Live Scan mug shots, which transmits both the photo image to the statewide database, as well as photos to our RMS. The “stand alone” feature submits fingerprints electronically to the State.
- Computerized Lineups
- LEIN/NCIC Interface with RMS
- Gun Registrations & Permits
- Property Room Bar Coding
- Bicycle Registrations
- Data Analysis & Crime Mapping

Additional network applications include Pictometry and Talon (LEIN/NCIC access), as well as interfaces to statewide sex offender files and statewide mug shots.

The City of Portage enacted an ordinance in 2012 that requires all secondhand and pawn dealers in the city to submit their transactions electronically. An internet-based database was created for that purpose and allows all police agencies to query for stolen items that have been subsequently sold or pawned.

Mobile computers are installed in all marked patrol vehicles. The technology provides the ability to see the status of all in-service units, inquiry capability into the RMS database, display information for active and pending calls for service, and LEIN/NCIC capability. Coverage extends well beyond the city limits. Wireless card access provides full network capability, providing accessibility similar to that of a desktop user.

Computerized traffic tickets interfaced with the 8th District Court were implemented in 2007 as part of a countywide initiative. A small thermal printer is mounted in the front seat area, and an offender copy is printed in the vehicle. Electronic accident entry was implemented in 2008 as part of a statewide initiative, with an interface to the State.

The Police and Fire Divisions operate primarily on VHF frequencies, each having one primary and one tactical frequency. County and statewide 800 MHz radio interoperability is achieved through the use of the ACU-1000, which is a computer/radio system that interfaces disparate frequencies.

## COMMUNICATION CENTER

In October 2014, the City of Kalamazoo, City of Portage, County of Kalamazoo, Charter Township of Kalamazoo, and Western Michigan University collaborated to create the Kalamazoo County Consolidated Dispatch Authority (KCCDA). The KCCDA was formed to merge all public safety dispatch operations into one county-wide consolidated dispatch operation.

On October 30, 2018, KCCDA became operational, effectively closing all area Public Safety Answering Points (PSAP's), including the Portage Communication Center. As of that date, KCCDA has been providing police and fire communications for the Portage Department of Public Safety. KCCDA dispatchers are responsible for receiving police and fire emergency and non-emergency calls and dispatching the appropriate units.



## RECORDS

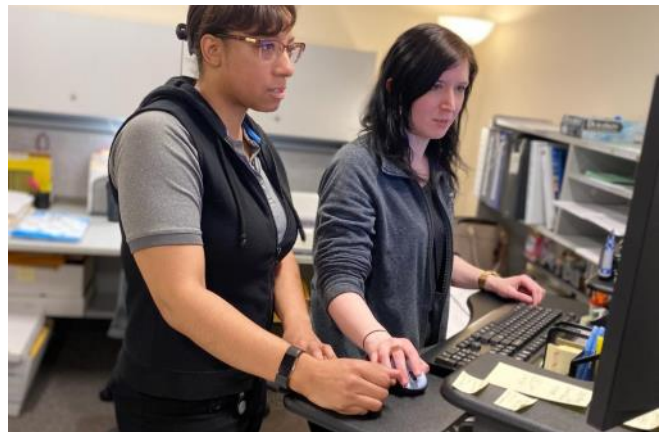
The Portage Police Division Records Section is led by Public Safety Services Manager Teresa Gipson and is staffed by three full-time and four part-time Records Clerks, as well as six full time Records Clerk II's. The Records Section is responsible for data entry and storage of all Police Division records, processing Freedom of Information Act (FOIA) requests for both police and fire, and state reporting of crimes, arrests, and accidents.

The Microsoft Windows based records management system (RMS) aids the department in precise recordkeeping and allows for retrieval of information for release and compiling complex, in-depth statistical data. Records personnel are able to scan ancillary documents into a case file, and, as a result, an entire case can be viewed and/or printed from any computer in the Police Division, greatly decreasing the need for photocopying by records staff.

### 2019

#### Records Staff Processed:

|       |                  |
|-------|------------------|
| 2,595 | FOIA Requests    |
| 1,603 | Accidents        |
| 8,412 | Cases            |
| 2,306 | Adult Arrests    |
| 148   | Juvenile Arrests |
| 954   | Alarms           |



## PROFESSIONAL STANDARDS UNIT

The Professional Standards Unit is commanded by Lieutenant Brian Vanden Brink and an administrative detective. The Professional Standards Unit is responsible for the accreditation process, internal affairs investigations, inspections, training, and oversight of volunteers.



In order to maintain a high level of excellence, the Portage Department of Public Safety continues to maintain status as an accredited police agency. The Department is one of ten in the State of Michigan to have earned accredited status for Police from the Commission on Accreditation for Law Enforcement Agencies (CALEA).

The Portage Department of Public Safety accepts and investigates all complaints, internal or external, made against any agency employee or policy. Minor complaints are most often referred back to the supervisor of the employee involved. The supervisor investigates the complaint and documents the findings, which are then referred back to the Office of the Director. More serious complaints may be assigned to the Professional Standards Unit for investigation.

Professional standards of our agency are also maintained by conducting both physical and staff inspections. Physical inspections ensure that department policies and procedures are sufficient to provide guidance to all employees and that they are compliant.

## ANNUAL REVIEW OF INTERNAL AFFAIRS INVESTIGATIONS

Pursuant to CALEA Standard 52.1.5, the Portage Police Division completes and publishes an annual statistical summary of internal affairs investigations. Portage Police Policy 300-4 governs the internal affairs function and the processing of complaints made against employees. This policy requires that all complaints be accepted and investigated, including those that are made anonymously.

|                            |                                      | 2015 | 2016 | 2017 | 2018 | 2019 |
|----------------------------|--------------------------------------|------|------|------|------|------|
| <b>Method Received</b>     | Internal                             | 10   | 8    | 9    | 2    | 7    |
|                            | External                             | 12   | 10   | 16   | 1    | 2    |
| <b>Method Processed</b>    | Supervisory Review                   | 7    | 3    | 8    | 1    | 0    |
|                            | Internal Affairs                     | 15   | 15   | 17   | 2    | 9    |
| <b>Nature of Complaint</b> | Rude/Unprofessional                  | 4    | 4    | 3    | 0    | 1    |
|                            | Insubordination                      | 0    | 0    | 2    | 0    | 0    |
|                            | Dispatch/Policy Violation            | 4    | 0    | 2    | 0    | n/a  |
|                            | Rules & Regulations/Policy Violation | 3    | 5    | 4    | 1    | 6    |
|                            | Inadequate/Improper Investigation    | 0    | 0    | 1    | 1    | 0    |
|                            | Use of Force                         | 1    | 0    | 3    | 1    | 2    |
|                            | Other                                | 10   | 9    | 10   | 0    | 0    |
| <b>Findings</b>            | Not Sustained/Unfounded              | 12   | 7    | 9    | 1    | 2    |
|                            | Sustained                            | 10   | 11   | 16   | 2    | 5    |
|                            | Policy Failure                       | 0    | 0    | 0    | 0    | 2    |
|                            | *Investigation Suspended             | n/a  | n/a  | n/a  | n/a  | 2    |

## TRAINING DIVISION

The Police Training Division is coordinated by Lieutenant Brian Vanden Brink, a 29 year veteran of the Portage Police Division. His duties include training coordination for the entire division and managing volunteer resources.

With the state of economics and budgetary concerns, the goal of the Training Division is to identify, coordinate and schedule training opportunities which are economical and fiscally responsible. To meet this goal, training administration must continually develop and utilize local resources when possible to reduce the cost of training by eliminating travel and lodging expenses.

The department is a member of the West Michigan Criminal Justice Training Consortium. The membership fee of \$3,245 is based on the number of sworn officers in the department. Participation in the Training Consortium provides an economical solution for various training topics.

To further this goal, the Training Lieutenant liaisons with other departments' training divisions to develop mutual and combined local training opportunities. For example, Portage Police participated in countywide firearms training by providing two instructors one day each month. During 2019, officers completed training in the areas of:

- Legal Update
- Hazardous Material
- All Hazard Plan
- Supervisor Development
- Domestic Violence
- Criminal Investigations
- Criminal Intelligence
- Michigan Mental Health Code
- Accreditation
- Ethics
- Use of Force
- Crimes Against Children
- Biased Based Policing
- De-escalation
- Sexual Harassment

The Training Division provides annual in-service training in the areas of Firearms, Defensive Tactics, and Use of Force. Each month, varying topics are chosen and distributed to staff electronically. The employee is allowed 2-3 weeks to complete the training. The training administration continues to identify individual training needs and provide opportunities for employee specialization, promotion, and job effectiveness. In 2019, police officers received approximately 4,132 hours, or 517 days, of training.

## VOLUNTEERS

The Training Division also coordinates all volunteer activities and numerous other volunteers. Several volunteers donate their time to the clerical and recordkeeping function of the Police Division. In 2019, these individuals provided over 1,200 hours of service.



## CHAPLAIN SERVICES

Chaplain Services began in 2014 with one chaplain who volunteered his time to support both the Police and Fire Divisions. Due to a growing need, a second chaplain was added in 2018.

Public Safety Chaplains receive training in this ministry and have donated many hours of their time working with all Public Safety staff. They have also offered spiritual assistance to crime and accident victims, and have demonstrated tremendous caring and compassion by offering continued support to those in need.





## CITYWIDE CRIME STATISTICS

| CRIME                           | 2015         | 2016         | 2017         | 2018        | 2019        | % Change<br>2018-2019 | % Change<br>2015-2018 |
|---------------------------------|--------------|--------------|--------------|-------------|-------------|-----------------------|-----------------------|
| <b>PART 1 OFFENSES</b>          |              |              |              |             |             |                       |                       |
| Murder/Non-negligent Homicide   | 1            | 0            | 1            | 2           | 0           | -100%                 | -100%                 |
| Criminal Sexual Conduct         | 15           | 19           | 24           | 20          | 31          | 55%                   | 106%                  |
| Robbery                         | 21           | 13           | 15           | 15          | 14          | -7%                   | -33%                  |
| Aggravated/Felonious Assault    | 45           | 54           | 55           | 73          | 91          | 25%                   | 102%                  |
| Arson                           | 4            | 5            | 3            | 4           | 7           | 75%                   | 75%                   |
| Burglary                        | 165          | 140          | 182          | 173         | 163         | -6%                   | -1%                   |
| Larceny                         | 646          | 591          | 638          | 683         | 673         | -1%                   | 4%                    |
| Motor Vehicle Theft             | 36           | 23           | 60           | 76          | 68          | -10%                  | 6%                    |
| Retail Fraud                    | 577          | 535          | 635          | 537         | 633         | 18%                   | 10%                   |
| <b>TOTAL PART 1</b>             | <b>1,510</b> | <b>1,380</b> | <b>1,613</b> | <b>1583</b> | <b>1680</b> | <b>6%</b>             | <b>11%</b>            |
| <b>PART 2 OFFENSES</b>          |              |              |              |             |             |                       |                       |
| Negligent Homicide              | 1            | 0            | 0            | 0           | 0           | 0%                    | -100%                 |
| Kidnapping                      | 2            | 3            | 2            | 3           | 2           | -33%                  | 0%                    |
| Stalking                        | 38           | 49           | 49           | 28          | 43          | 54%                   | 13%                   |
| Extortion                       | 0            | 0            | 0            | 0           | 0           | 0%                    | 0%                    |
| Forgery/Counterfeiting          | 35           | 44           | 46           | 84          | 87          | 4%                    | 149%                  |
| Fraud                           | 274          | 363          | 369          | 416         | 364         | -12%                  | 3%                    |
| Embezzlement                    | 30           | 28           | 33           | 28          | 48          | 71%                   | 100%                  |
| Recovered Stolen Property       | 18           | 24           | 29           | 21          | 19          | -9%                   | 6%                    |
| Malicious Damage to Property    | 292          | 202          | 190          | 173         | 189         | 9%                    | -35%                  |
| Drug Offenses                   | 359          | 305          | 242          | 228         | 118         | -48%                  | -67%                  |
| Obscene Material                | 4            | 9            | 10           | 1           | 2           | 100%                  | -50%                  |
| Weapons Offenses                | 37           | 34           | 27           | 40          | 20          | -50%                  | -46%                  |
| Retail Fraud (misc. categories) | 11           | 24           | 12           | 20          | 36          | 80%                   | 227%                  |
| Non-aggravated Assault          | 383          | 434          | 384          | 408         | 430         | 5%                    | 12%                   |
| Illegal Entry                   | 33           | 32           | 30           | 38          | 34          | -11%                  | 3%                    |
| Bad Checks                      | 27           | 25           | 30           | 36          | 36          | 0%                    | 33%                   |
| Sex Offenses                    | 14           | 11           | 27           | 12          | 21          | 75%                   | 50%                   |
| Family Offenses                 | 18           | 15           | 15           | 16          | 37          | 131%                  | 106%                  |
| Liquor Violations               | 78           | 68           | 58           | 37          | 19          | -49%                  | -76%                  |
| Hindering and Obstructing       | 106          | 90           | 112          | 114         | 102         | -10%                  | -4%                   |
| Obstructing Justice             | 1229         | 706          | 680          | 508         | 280         | -45%                  | -77%                  |
| Disorderly/Public Peace         | 312          | 323          | 312          | 311         | 279         | -10%                  | -11%                  |
| Hit & Run Accidents             | 104          | 55           | 49           | 55          | 56          | 2%                    | -46%                  |
| Driving While Intoxicated       | 162          | 137          | 138          | 140         | 124         | -11%                  | -23%                  |
| Trespassing                     | 146          | 132          | 135          | 153         | 133         | -13%                  | -9%                   |
| Runaway                         | 50           | 41           | 55           | 53          | 21          | -60%                  | -58%                  |
| Other Part 2                    | 210          | 199          | 162          | 200         | 150         | -25%                  | -29%                  |
| <b>TOTAL PART 2</b>             | <b>3,973</b> | <b>3,353</b> | <b>3,196</b> | <b>3123</b> | <b>2650</b> | <b>-15%</b>           | <b>-33%</b>           |
| <b>GRAND TOTAL OFFENSES</b>     | <b>5,483</b> | <b>4,733</b> | <b>4,809</b> | <b>4705</b> | <b>4330</b> | <b>-8%</b>            | <b>-21%</b>           |



## FIELD OPERATIONS

*The Field Operations Division is responsible for the coordination and oversight of Crime Prevention, Daily Field Operations (including Patrol Activities and Criminal Investigations), Field Training and overall supervision of Police Officers, Crime Scene and Accident Investigation Services, and Oversight of Special Operations.*

The Field Operations Division is commanded by a senior deputy chief. The division is divided into two sections: the Patrol Section and the Detective Bureau.

## SENIOR DEPUTY POLICE CHIEF—OPERATIONS



Senior Deputy Chief  
John C. Blue

John Blue is the Senior Deputy Police Chief of Operations, and oversees the day-to-day activities of all operational elements including: patrol operations, criminal investigations, narcotics unit, crime scene services the school resource officer program, and community policing. He conducts performance appraisals, and is responsible for recommending awards and discipline of employees. He is responsible for investigating all types of complaints directed at the Police Division and its personnel. Deputy Chief Blue also addresses training issues, procedures, policy review, revision and implementation of departmental policy and procedure, and reports directly to the Public Safety Director.

Deputy Chief Blue was appointed to the position of Senior Deputy Police Chief of Operations in March of 2017. He has over 32 years of law enforcement experience, starting his career in 1987 with the Kalamazoo County Sheriff's Office. In 1988, he was offered a position with the City of Portage. Throughout his career, Deputy Chief Blue has worked in many facets of police work, including patrol officer, SWAT operator and supervisor, manager and state accreditation assessor, detective bureau supervisor, patrol sergeant, and lieutenant.

Deputy Chief Blue received his Bachelor of Science degree in 1987 and Master of Public Administration and Educational Leadership degrees in 2007, from Western Michigan University.

Deputy Chief Blue recently completed a 6-month Executive Fellowship with the FBI (Washington) and was assigned to the Active Shooter Initiative/Task Force. Deputy Chief Blue has presented and instructed nationally. He also instructed at the Kalamazoo Valley Police Academy and was Adjunct Professor at Western Michigan University. Deputy Chief Blue sits of several committees including the Kalamazoo County Opioid Task Force and the Kalamazoo County Disaster Committee.

## PATROL



Regarded as the most fundamental function of police service, patrol officers make up the largest portion of the agency. When the Portage Police Department was formed in 1964, all officers were assigned to patrol. As the demands and agency grew, detective positions and specialized assignments started being added in 1966.

The Patrol Section is responsible for the daily coordination of patrol officer activities providing coverage to the community, and responding to calls for police service. The Patrol Section is commanded by Patrol Lieutenant Matt Wolfe, who reports to the Deputy Chief of Operations.

Today, the Patrol Division is comprised of two primary shifts. Each shift works in a 12-hour complimentary cycle, allowing for 24-hour coverage. Patrol also has a “Powershift” comprised of several officers who provide additional overlap coverage. Within each of the two primary shifts, officers and sergeants are further divided into teams, with two teams per shift, allowing for more individual team unity and supervision as each team is supervised by a sergeant. During each shift, patrol officers are either assigned to specific districts or city-wide support, based on staffing numbers. A patrol officer’s duties involve both crime prevention and suppression activities. In addition to responding to calls, emphasis is placed on self-initiated activities, such as citizen and business contacts, high visibility patrols, and directed patrols in high activity areas.

### **DART UNIT (Data Analysis & Response Team)**

In October 2019, the Portage Department of Public Safety launched a new Patrol initiative which significantly changes how police patrolling occurs throughout the City of Portage. The department has assigned two officers to specifically conduct traffic enforcement as part of the Data Driven Approaches to Crime and Safety (DDACTS) program. These officers conduct high-visibility traffic enforcement in designated “hot spot” areas of the city that have high occurrences of property crimes and traffic crashes that occur in the same area. The goal of the focused enforcement in the area is to reduce key crime categories, as well as crashes, through a more effective use of personnel resources.



## K9 UNIT



In 2016, the Portage Department of Public Safety established a canine program with the introduction of Canine Officer Zorro. He was a dual-purpose canine, specializing in: patrol work, drug detection, tracking suspects who have fled from police, searching for missing or endangered persons, building searches for suspects involved in certain high-risk crimes, area searches for articles/evidence, handler protection, and criminal apprehension. Zorro was also utilized for public relations and educational demonstrations throughout the city. Zorro and his handler, Officer Jordan Wentworth, are NAPCH certificated (National Association of Professional Canine Handlers).

In 2019, Canine Zorro developed a sudden illness and passed away on November 7. During his tenure serving the citizens of Portage, Zorro and Officer Wentworth had numerous deployments, including drug detection, missing persons tracking, suspect tracking, high-risk incident support, vehicle and article searches, and criminal apprehension.

Officer Wentworth will be selecting and training Officer Zorro's replacement in 2020. The training will consist of several months of practical work and skill development.

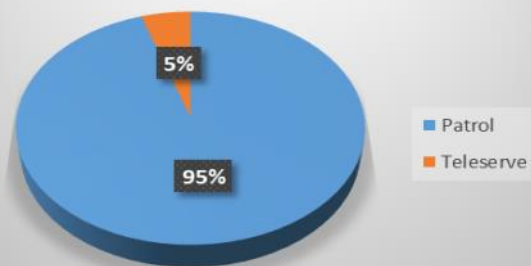
## TELESERVE

Individuals reporting certain crimes may make a report by telephone or by internet, which eliminates the need for an officer to respond, freeing patrol officers to work more effectively on quality of life issues and directed patrol efforts. Desk officers assigned to Teleserve support the district patrol officers by investigating reports by telephone, in-person at the police department, and by other electronic means. Teleserve officers conduct followup investigations, obtain medical reports and other case documents, obtain photographs and other evidence, book prisoners, obtain warrants, assist non-sworn personnel with station duties, and other duties assigned by team leaders.

In 2019, Teleserve officers handled approximately five percent of the initial daily caseload and calls for service between the hours of 8:00 a.m. and 4:00 p.m. Teleserve services allow patrol officers to concentrate their efforts on resolving neighborhood quality of life issues and crime prevention activities.



**Teleserve Activity  
2019**



## CRIME SCENE SERVICES UNIT

The Portage Police Division Crime Scene Services Unit is a specialized team of officers who are trained in processing crime scenes and investigating major accidents. The team is currently comprised of six Crime Scene Technicians and three Accident Reconstructionists.

Crime Scene Technicians identify, collect, and document evidence at a crime scene. Over the last three years, the unit and its members have been credited with 234 "hits" on latent prints and DNA that was collected at crime scenes. A "hit" is a match made to an otherwise unidentified person at a crime scene.

The Crime Scene Unit utilizes a wide variety of equipment to document, process and collect evidence at a variety of incidents and crime scene investigations. Equipment includes a latent print fuming chamber, print dusting stations, alternate light source, digital cameras, FARO® 3D Laser Scanner and a crime scene processing vehicle. Crime Scene Technicians are routinely called to process crime scenes, death investigations, serious and fatal traffic investigations. In 2019, 488 personnel hours were dedicated to processing 174 crime and crash scenes and other investigations.



## ACCIDENT RECONSTRUCTION

The department has three Accident Reconstructionists. They are called to the scene of major traffic crash investigations to document and reconstruct elements of the crash. They work jointly with crime scene technicians, using a sophisticated FARO 3D Laser Scanner to map scenes, creating computer-based, three-dimensional representations. Also utilized is a Vericom unit that analyzes drag factors used in reconstruction of crashes.





## DETECTIVE BUREAU



The Detective Bureau (DB) is the investigative arm of the Police Division. The team is comprised of five Detectives, two School Resource Officers, one Community Policing Officer, and one narcotics officer assigned to a multi-jurisdictional task force (KVET/SWET). The Detective Bureau is commanded by Lieutenant Joseph McDonnell who reports to the Deputy Chief of Operations.

Portage Police detectives average 15 to 20 active cases per month. Assignments and duties of the detectives include:

- Major case investigations (Part 1 crimes) including Homicide, Robbery, Home Invasion, Identity Theft, Financial Crimes, Auto Theft, Felonious and Aggravated Assault, Sexual Assault, Child Abuse, Elder Abuse, Vice Crimes, Narcotics, and Computer Crimes.
- Fatal accident investigations.
- Silent Observer tips.
- Conducting surveillance and special operations.
- Solicitor permit investigations.
- Crime analysis (conducting data analysis to establish crime patterns and trends so resources can be focused at target areas).
- Coordinating with area agencies on joint operations and task force investigations.
- Conducting background investigations.
- Initiating extradition notifications.
- Processing and distributing intelligence reports.
- Maintaining membership on investigative boards (Child Death Review, Domestic Violence, Child Abuse and Neglect, and Fraud Investigators).



## KALAMAZOO METRO SWAT

Kalamazoo Metro Special Weapons and Tactics (SWAT) is a multi-jurisdictional team currently made up of SWAT officers from the Portage Department of Public Safety, Kalamazoo Department of Public Safety, Western Michigan University Police, Kalamazoo Township Police and the Kalamazoo County Sheriff's Department. The Kalamazoo Metro SWAT team responds to high-risk and critical incidents within Kalamazoo County and at the mutual aid request of jurisdictions within the Southwest Michigan 5th District.

During 2019, Portage Department of Public Safety SWAT officers, acting as part of the Kalamazoo Metro SWAT team, were utilized at 70 incidents. These incidents included high-risk arrest warrants, barricaded subjects and high-risk search warrants, among other types of operations.

The Kalamazoo Metro SWAT team produces an annual training schedule which includes training in firearms, entry, hostage rescue tactics, barricaded gunman tactics, bus and vehicle assaults, active shooter response, and less lethal and chemical munitions. Officers assigned to the Kalamazoo Metro SWAT team train on a monthly basis. The Kalamazoo Metro SWAT team also shares its expertise with the Portage Department of Public Safety by providing firearms training, including handgun and patrol rifle use and qualification, less lethal training and qualification, and scenario-based training.



## DRUG LAW ENFORCEMENT—PUNT/KVET

The Portage Uniformed Narcotics Team (PUNT) was formed to specifically investigate complaints involving controlled substances. Officers assigned to the team focus on conducting more intensive drug investigations by utilizing intelligence gathering, surveillance, and uniformed and plainclothes operations. The unit is comprised of at least one patrol officer from each of patrol team, a detective, a community policing officer, and a sergeant. The unit is commanded by the Detective Lieutenant.

One Portage Department of Public Safety officer is also assigned to the Kalamazoo Valley Enforcement Team (KVET). This is a multi-jurisdictional team that focuses on investigations of controlled substance violations in the Kalamazoo area and throughout southwest Michigan.

## SCHOOL RESOURCE OFFICERS (SRO)

Since 1988, the Portage Police Department has provided a police officer to the Portage Public School system. Since its inception, the SRO program has expanded to include a second officer. The two officers are assigned respectively to the two Portage high schools and also have responsibilities within the three middle schools and eight elementary schools.

These officers are assigned to the SRO position for up to three years and are selected among qualified candidates. The officers not only provide a visible presence, but are also members of the school administration, teach prevention classes, mentor, and are present at school functions.



The SRO program is a member of the National Association of School Resource Officers (NASRO) and has had officers become certified as national practitioners.

## COMMUNITY POLICING OFFICER (CPO)

The Community Policing Officer, assigned to the Patrol Section, has many diverse responsibilities and functions. The CPO position is a three-year assignment, and the officer is selected from the patrol ranks. The Community Policing Officer meets weekly with the Senior Deputy Chief of Field Operations, who, as part of DDACTS (Data Driven Approaches to Crime and Traffic Safety), conducts a crime brief with each supervisory team in an effort to solve crimes and prevent further crimes from occurring. These facts and statistics are shared with team leaders and other supervisors who are responsible for implementing strategies to resolve community concerns and issues.

The Community Policing Officer's duties include: Neighborhood Watch coordination, working with apartment complex managers, developing and participating in programs for seniors, crime analysis, conducting safety presentations, and coordinating larceny and retail fraud intervention programs.

The Community Policing Officer is also a board member on several community groups, including the Safe Kids Coalition and Project Lifesaver. The Community Policing Officer also assists with coordination of the police website and writing safety articles for media publication.





## EDUCATION FOR EMPLOYMENT (EFE) and INTERNSHIPS

In 2019, the Portage Department of Public Safety – Police Division continued its partnership with the Kalamazoo Regional Educational Service Agency (KRESA) and universities in the state to participate in the Education for Employment and Internship programs.

Education for Employment (EFE) is an award-winning career and technical education center without walls that offers a wide range of programs to 10th through 12th grade students. EFE programs reflect “real world” applications and maintain the rigorous requirements of the Michigan Merit Curriculum, as well as state, national, and industry technical standards and requirements.

In 2019, PDPS accepted Isaac Bos for the EFE program. The home-school student received credit towards his diploma, and the program provided him a chance to witness and experience the general functions of an operating police department. In addition to riding along with officers, Isaac assisted with special events and attended meetings with detectives. The student was also trained on how to conduct vehicle inspections for the patrol fleet.



March 25, 2019: Governor Whitmer town hall meeting at Portage North Middle School

In 2019, former Michigan State University intern and Portage native, Alexandra Riesgraf, attended Police Academy as a PDPS Police Trainee at Lansing Community College—the first trainee sponsored through academy by Portage. She graduated LCC Police Academy in May 2019, and went on to successfully complete her Field Training.





## FIRE DIVISION

### 2019 FIRE DIVISION PROFILE

- The City of Portage has approximately 21,000 residential units, over 2,400 commercial properties, and a population of over 49,000.
- The number of calls for service by the Fire Division in 2019 was 5,097.
- Over 3,000 company inspections are now being completed on an annual basis.
- Over 80 public education events were provided this year for the citizens of Portage, which included 9,000 adults and 11,500 children.

### OVERVIEW OF OPERATIONS

Rescues, including that of household medical calls, continue to result in the greatest call volume, consisting of approximately 60% of all calls.

Overall incident responses for 2019 were similar to those experienced in 2018. Emergency medical service calls increased 9%, while fire incidents decreased by 9%, when compared to previous years. Residential fires constitute the greatest number of fires that occur within the City of Portage. Over 54% of all calls occur between the hours of 10:00 a.m. and 8:00 p.m.

| FIRE<br>RESPONSE | 2016 | 2017 | 2018 | 2019 | AVERAGE |
|------------------|------|------|------|------|---------|
|                  | 4972 | 5543 | 5483 | 5097 | 5273    |



## MISSION STATEMENT

The Portage Fire Division is committed to increasing survivability of life and property threatened by hostile environments, circumstances, and events.

## CODE OF ETHICS

Each employee is expected to abide by the following *Firefighter Code of Ethics*, as developed by the *National Society of Executive Fire*.

- *Always conduct yourself, on and off duty, in a manner that reflects positively on yourself, your department, and the fire service in general.*
- *Accept responsibility for your actions and for the consequences of your actions.*
- *Support the concept of fairness and the value of diverse thoughts and opinions.*
- *Avoid situations that would adversely affect the credibility or public perception of the fire service profession.*
- *Be truthful and honest at all times and report instances of cheating or other dishonest acts that compromise the integrity of the fire service.*
- *Conduct your personal affairs in a manner that does not improperly influence the performance of your duties or bring discredit to your organization.*
- *Be respectful and conscious of each member's safety and welfare.*
- *Recognize that you serve in a position of public trust that requires stewardship in the honest and efficient use of publicly-owned resources, including uniforms, facilities, vehicles, and equipment, and that these are protected from misuse and theft.*
- *Exercise professionalism, competence, respect, and loyalty in the performance of your duties and use information, confidential or otherwise, gained by virtue of your position, only to benefit those you are entrusted to serve.*
- *Avoid financial investments, outside employment, outside business interests, or activities that conflict with or are enhanced by your official position or have the potential to create the perception of impropriety.*
- *Never propose or accept personal rewards, special privileges, benefits, advancement, honors or gifts that may create a conflict of interest, or the appearance thereof.*
- *Never engage in activities involving alcohol or other substance use or abuse that can impair your mental state or the performance of your duties and compromise safety.*
- *Never discriminate on the basis of race, religion, color, creed, age, marital status, national origin, ancestry, gender, sexual preference, medical condition or handicap.*
- *Never harass, intimidate or threaten fellow members of the service or the public and stop or report the actions of other firefighters who engage in such behaviors.*
- *Responsibly use social networking, electronic communications, or other media technology opportunities in a manner that does not discredit, dishonor or embarrass my organization, the fire service, and the public. Also understand that failure to resolve or report inappropriate use of this media equates to condoning this behavior.*





# HISTORY



- October 1940** *Portage Fire Department Established*
- October 1940** *First Fire Station Constructed at 7721 South Westnedge Avenue*
- May 1, 1941** *Ernest Hall Appointed First Fire Chief*
- April 28, 1942** *Jacob Mein Hired as Fire Chief*
- May 1, 1942** *Emergency Response Services Began*
- May 5, 1942** *First Alarm Response*
- December 31, 1963** *City of Portage Chartered*
- 1975** *Fire Department Master Plan developed (Rolf Jensen & Associates, Inc.)*
- 1975** *Fire Station 2 Constructed on Oakland Drive*
- 1977** *Minimum Staffing of Seven Established by City Administration*
- 1984** *Fire Station 1 Moved to Current Location*
- 1994** *Fire Station 3 Constructed at Sprinkle Road*
- 2013** *Fire Accreditation Process Initiated*
- March 15, 2016** *Accredited Agency Status with Commission on Fire Accreditation International (CFAI) Received*
- 2019** *New Fire Station No. 2 Ground Breaking*

## SENIOR DEPUTY FIRE CHIEF—OPERATIONS



Senior Deputy Fire Chief  
John Podgorski

Deputy Chief John Podgorski was hired by the Portage Fire Department in 2002 as the Administrative Deputy. In 2005, he was assigned to Operations Deputy where he oversaw the daily scheduling of personnel and other operational responsibilities. Prior to his time at Portage, Deputy Chief Podgorski was the Fire Chief at Bridgeport Charter Township in Saginaw County for over 11 years.

Deputy Chief Podgorski received a Bachelor of Science from Northwood University in Midland, Michigan, and a Master's Degree in Public Administration from Western Michigan University. In addition to his other training, he is a graduate of the National Fire Academy-Executive Officer Program and is a credentialed Chief Fire Officer through the Center of Public Safety Excellence.

Deputy Chief Podgorski coordinates and oversees daily activities of fire operations, fire prevention, fire investigations and inspections as they relate to both the on-call and career staff. He administers the annual budget and capital improvements budget for the Fire Division and reports directly to the Public Safety Director.

## ASSISTANT FIRE CHIEF



Assistant Fire Chief  
Stacy French

Assistant Fire Chief Stacy French began his career with the Fire Department in 1998 as a career firefighter. In 2000, he was promoted to the position of Captain/Training Officer. In 2011, French was promoted to Assistant Fire Chief where he oversees the Fire Marshal Division and the Training Division. He also assists in development of the budget, capital improvement projects, and operational policy.

In addition to a Bachelor of Science and Master of Arts from Sienna Heights, he completed his Interdisciplinary Ph.D. in Evaluation through Western Michigan University in 2016. His certifications include Professional Emergency Manager from the State of Michigan Emergency Management and Homeland Security. He is a graduate of the National Fire Academy-Executive Officer Program and credentialed through the Center for Public Safety Excellence as a Chief Fire Officer.



## ADMINISTRATIVE ASSISTANT



Administrative Assistant  
Dana Steele

Dana Steele joined the Fire Division in November 2014. Her primary responsibilities include providing support to the Senior Deputy Chief, Assistant Chief, Fire Marshal and Training Officer on a daily basis, while also supporting the firefighters with the processing of payroll, training requests, and purchasing requests. Dana also assists the citizens and businesses of Portage with answering questions about services that are provided by the Fire Division.

Dana is a graduate of Georgian Court University where she earned a Bachelor of Arts degree in Sociology and Religious Studies.

## ADMINISTRATIVE ASSISTANT (part-time)



Administrative Assistant (PT)  
Amanda Herrick

Amanda Herrick joined the Fire Division in July 2018 and served in a part-time role for the division. Her primary responsibilities included answering phones, assisting people at the counter, making car seat installation appointments, computerizing vehicle maintenance records, filing, and general office work.

Amanda is a transplant from Houston, Texas, and a graduate of the University of Houston-Downtown where she earned a Bachelor of Arts degree in English Literature and Composition. She is currently enrolled in the Higher Education and Student Affairs Master's program at Western Michigan University.

Amanda resigned from the department in September 2019 to focus on her graduate classes at Western Michigan University. In February 2020, the vacant position was filled by Nicole Barlow.





## DIVISION CHIEF TRAINING/SAFETY CHIP EVERETT



Fire Training Officer  
Chip Everett

Chip Everett began his career with the Fire Department in 2015 as a Captain in the Operations Division and was selected as the Training Officer in August 2018. His primary responsibility is the training and safety program at the Fire Division; he is also involved with managing the accreditation process. Division Chief Everett previously served as the Training Officer for Oshtemo Township from 2010 to 2015. He began his firefighting career with Oshtemo Township as a paid-on-call firefighter in 1999 and rose through the ranks to Training Officer.

Division Chief Everett earned a Master's Degree in Public Administration from Western Michigan University and is a credentialed Fire Officer III and Fire Instructor I through the Michigan Firefighter Training Council. He holds EMT-P and EMS-IC licenses from the Michigan Department of Health and Human Services. He is also credentialed as a Chief Training Officer by the Center for Public Safety Excellence. In 2019, Division Chief Everett completed the National Fire Academy's Executive Fire Officer (EFO) program.

## DIVISION CHIEF FIRE MARSHAL LARRY MOORE



Fire Marshal  
Larry Moore

Fire Marshal Larry Moore began his career with the Department of Public Safety Fire Division as Fire Marshal in 2012. In 2014, he pursued an opportunity to work in the Operations Division where he last served as Captain until his promotion into the current administrative role in August 2019.

Moore has served as the department Accreditation Manager and assisted the Fire Division to attain accredited status in 2016. His primary responsibilities include the oversight of the department fire inspection program, fire code review for new building construction, and community fire prevention education. He also serves as an incident safety officer and a cause-and-origin investigator for all significant fires that occur within the city.

Fire Marshal Moore has 23 years of fire service experience with both career and combination organizations. His educational background includes an Associate's Degree in Fire Science, a Bachelor's Degree in Public Safety Administration, and he is near completion of a Master's Degree in Organizational Leadership. In addition to college, he has attended classes at the National Fire Academy in Emmetsburg, Maryland and has attained several professional qualifications in fire inspections, investigations, and building and life safety code enforcement.

## FIRE DIVISION SECTION HEADS

**Captain Mark McCoy, Captain William Graham, and Captain Mike Miller** oversee station maintenance and repair, maintain station appearance, and assist fire administration with short and long term planning of facility maintenance. In 2019, extensive HVAC upgrades were made at Station 1.

**Captain Mike Miller** oversees the Self-Contained Breathing Apparatus (SCBA) program. Responsibilities include maintaining records, annual testing, and maintenance to of the SCBA units.

**Captain Steve Tanner** oversees the Hose section. Responsibilities include maintaining records and providing maintenance to all fire service hose. The maintenance program, along with the efforts of the entire division, extends the service life of the hose. Every year, each section of hose must be pressurized and tested which encompasses over 22,500 feet or 3 miles of hose each year. This alone saves the city approximately \$6,000 each year by providing this service in-house.

**Captain Mark McCoy** oversees the Facilities. Responsibilities include maintaining records, ordering and maintaining station supplies, coordinating contractor work, overseeing station captain, and assisting fire administration with short- and long-term planning of facility maintenance.

**Captain Louie Playford** oversees the Extinguisher program. Responsibilities include maintaining records and providing maintenance to all public safety extinguishers. This includes hydrostatic testing, filling and repair and/or replacement of parts. Providing this service in-house, in lieu of sending these units out, provides a significant cost-savings to the city and timely refilling of the units. In 2019, several fire extinguishers were replaced due to age.

**Captain Louie Playford** also oversees the Small Tools program. Responsibilities include maintaining records and providing maintenance to all small tools utilized by the Fire Division. His efforts and mechanical aptitude provide a significant cost-savings to the city, both in the maintenance that is provided and in-house repairs that are completed. In addition, a new ventilation saw was purchased to replace an existing unit that was not serviceable any longer.

**Battalion Chief Chip Wellman** oversees the Apparatus and Radio Program and is assisted by Captain Miller. Responsibilities include maintaining records, scheduling of apparatus maintenance, chairing committees for new apparatus, equipment and programming/maintenance of all radios and pagers. Several new pagers were purchased to replace those units not serviceable any longer.

**Battalion Chief Tim Foley** oversees the Personal Protective Equipment (PPE), or commonly referred to as turn-out gear, and is assisted by Captain Hollister. Responsibilities include oversight of inspections, maintenance, and data entry into our database system. Several sets of turn-out gear were purchased for the newly hired personnel.

**Battalion Chief Rick Nason** oversees the records management software for the Fire Division, including but not limited to, state-mandated uploads to state data collection sites, analysis of data and report generation. With the assistance of Chief Chip Everett, they both put in countless hours in the programming of the new software and training of personnel.





## RESOURCES



## APPARATUS

The primary function of the apparatus section is to maintain vehicles for emergency and support responses. The fleet currently includes three engines, one rescue pumper, two trucks, two basic life support rescue units, one command unit, one brush truck, one multi-purpose vehicle, and a cargo trailer carrying technical rescue equipment. Five additional four-wheel drive vehicles are maintained in order to meet the support staff and administrative functions of the Fire Division.

Emergency Vehicle Products provides Emergency Vehicle Technician (EVT) certified technicians to perform scheduled and unscheduled maintenance of apparatus and assists with the annual mandatory testing of ladders and fire pumps. This, in conjunction with the daily apparatus checks by fire personnel, ensures emergency vehicles are always in a state of readiness.

## PERSONAL PROTECTIVE EQUIPMENT

Members of the Fire Division are protected by state-of-the-art Personal Protective Equipment (PPE). In addition to the expected protection the PPE provides at fires, it protects firefighters from chemicals, weather, blood-borne pathogens, and hazards at accidents and technical rescues. The protective equipment is maintained by following guidelines established by the National Fire Protective Agency. The PPE receives an annual “advanced” professional inspection and cleaning by an outside agency.

## FIRE HOSE

The Fire Division tested 22,500 feet of fire hose (equal to 3 miles) in 2019. Fire hose is one of the most important tools used by firefighters in the fire service today, as it was in the past and will continue to be in the future. Water continues to be the most reliable firefighting agent because of its availability and low cost. Without hose, the main extinguishing agent (water) would not be able to be moved from the fire hydrants to the fire apparatus, then to the fire. Fire hose used by the Fire Division meets all National Fire Protection Agency requirements.

## STATION 1



7810 Shaver Road

Located at the corner of Shaver Road and South Westnedge Avenue, Station 1 is recognized as the central station where the Fire Administration Office and Training Room are located. The training room is also used as the Emergency Coordination Center (ECC) and backup for the County Emergency Operations Center (EOC).

Primary duties performed from this station include repair of small tools and refilling portable oxygen bottles.

Minimum staffing at this station is three: (1) Battalion Chief, (1) Captain, (1) Firefighter, and assigned on-call. *Maximum staffing is five: (1) Battalion Chief, (1) Captain, and (3) Firefighter and assigned on-call.*

Apparatus assigned to Station No.1: Engine 1211 (Rescue-Pumper), Vehicle 1281 (Battalion Chiefs), Critical Response Unit, Truck 1241 (Pierce 100' aerial), 1271 Brush Truck, Rescue 1251.

## STATION 2



6101 Oakland Drive

Station 2 is located at 6101 Oakland Drive, just south of Milham Avenue. Additional duties performed from this station include hose repair and testing. This station contains the Class A and B foam-filling station.

Minimum staffing at this station is two: (1) Captain, (1) Firefighter, and assigned on-call.

Apparatus assigned to Station 2: Engine 1212 and 1222 (pumpers), and Engine 1252.

The current Station No. 2 is scheduled to be replaced in 2020. A ground breaking ceremony took place on August 22, 2019.

## STATION 3



8503 Sprinkle Road

Station 3 is located at the corner of Zylman and Sprinkle Road. Additional duties performed from this station include filling cascade air systems from both Texas Township Fire Department and South County Fire Authority, and repair of Self-Contained Breathing Apparatus (SCBA). Station 3 is the fill center for SCBA air bottles.

Minimum staffing at this station is two: (1) Captain, (1) Firefighter, and assigned on-call.

Apparatus assigned to Station No. 3: Engine 1213 (pumper), Truck 1243 (E-One 100' aerial), and County Hazmat truck and trailer (temporarily re-assigned to Comstock Fire Station 9-1 to allow for relocation of Utility 1298 and the Michigan 5<sup>th</sup> District Technical Rescue Trailer which is typically assigned to Station 2.



## TRAINING DIVISION



The Portage Fire Training Division is headed by Division Chief of Training Chip Everett. The Training Division is supported by a Training Committee made up of various Fire Division members representing each shift. This group also recruits other members of the Fire Division who have specific areas of expertise in order to provide the best training and safe operations possible. The Training Division also participates in the Division Safety Committee, comprised of members from all three shifts, an on-call firefighter representative, a Police Division representative, and a representative from the Human Resources Department.

It is the Mission of the Training and Safety Division to provide the highest level of skill and knowledge based learning opportunities in order to maintain and raise the performance abilities and safe operations of Portage firefighters and officers.

## TRAINING OPPORTUNITIES

Overall in 2019, a total of 467 training classes were offered with 6,042 hours of accumulated training delivered. The annual training program covers fire suppression, emergency medical services, technical rescue, hazardous materials, and occupational safety and health. Training is provided on a weekly basis to all three shifts on the various discipline topics.

Many Fire Division members attended training presented by outside instructors or at other venues. These included the International Association of Fire Chiefs Conference, Fire Department Training Network facilities, Fire Department Instructors Conference, Homeland Security Conference, and the National Fire Academy, as a sampling.

The Fire Division participated in live fire drills throughout the year at the Kalamazoo Regional Training Facility. This type of real life training helps to reinforce the monthly drills into a complete exercise. Firefighters and officers were presented with a real life type event and all had the opportunity to run through several drills, getting essential hands-on experience with pulling hose lines, advancing them through a structure and to the seat of the fire.

The Fire Department Training Network (FDTN) group is a valuable resource that the Portage Fire Division was able to use in 2019 to provide lesson plans and training guides. Several members also attended various on-site training programs which provided enhanced training on fire ground operations.

## 2019 TRAINING GOALS ACHIEVED

- Worked collaboratively with Pride Care ambulance services to meet the required EMS Continuing Education for each member of the department in order to maintain EMS licenses.
- Provided opportunities to work with neighboring departments in order to build better teamwork, operational awareness, and interoperability with our initial and mutual aid partners (Texas Township, Pavilion, South Kalamazoo County Fire Authority, and Pfizer Fire Brigade).
- Conducted the Basic Disaster Life Support program for all personnel.
- Training on the new VHF radio system now utilized by all Kalamazoo County Fire Departments.
- Participated with the Kalamazoo County Fire Chiefs Association Fire Academy.
- Hosted the Medical First Responder Program for the Kalamazoo County Fire Chiefs Association.
- Implemented a new online training record management system which also allows for online program delivery.
- Participation with the Kalamazoo County Fire Chiefs Association Training Committee.
- Coordinated a wellness/fitness program for all members.





## TECHNICAL RESCUE



“Technical Rescue” is a term that is given to particular emergencies that are unique in nature and require a particular level of specialized training. These incidents usually require highly focused expertise and unique equipment in order to manage and mitigate the situation. Several members of the Fire Division have taken specialized training in technical rescue concentrations. These highly specialized forms of rescues may include confined space, high angle, trench rescue, ice rescue, and structural collapse.

The Portage team continues to represent the City of Portage on the 5th District Technical Rescue Team. Members from throughout Kalamazoo County work on the 5th District team and are subdivided into divisions. The ‘North’ division contains members from Portage and the Kalamazoo Department of Public Safety who provide an engine daily. The 5th District Team meets quarterly for specified training.

One of the biggest accomplishments for 2019 was the groundbreaking for the new Fire Station 2. Administration worked with the technical rescue team on the design of several technical rescue props and enhancements that will allow for in house training. One training enhancement includes a below grade confined space tube system with three separate access points to allow members to train in a realistic manner. There will also be numerous anchor points to allow for rope access training. In November 2020, Portage plans to host the quarterly 5th District team training sessions at this new station.





## ROPE & TOWER RESCUE

Rope rescue involves the use of ropes, anchoring and belaying devices, rappelling equipment and the use of mechanical advantages for hauling systems, as well as other specialized equipment in order to reach a victim and raise or lower them to safety. High angle rescues may include workers who cannot get themselves down (such as a worker trapped on a communication tower).



## CONFINED SPACE RESCUE

Confined spaces are areas that are large enough for a human to enter, yet not meant for continuous occupancy, nor continuous work. They typically include restricted or complicated entry points. Every school tunnel, manufacturing hopper, lift station and countless other locations throughout the city would be considered a “confined space.”



## STRUCTURAL COLLAPSE RESCUE

This type of rescue involves the location of, extrication and medical stabilization of victims that are trapped in void spaces of buildings that have collapsed. In Portage, this type of incident might be the result of a natural disaster, such as a tornado, which has the potential to cause large amounts of structural damage to homes in a concentrated area. Smaller scenes might involve vehicles colliding with buildings, new construction incidents, or building explosions.



## TRENCH RESCUE

A trench is an excavation or depression in the ground that is generally deeper than it is wide, and narrower than its length. Rescue operations in these types of environments are very dangerous, with rescuers often becoming secondary victims. Trenches are found throughout the city and may vary from a few feet to over 20-feet deep. Oshtemo Fire Department (OFD) is the lead agency in Kalamazoo County for trench rescue operations and Portage would work collaboratively with OFD during any rescue operations.



## GRAIN BIN RESCUE

Grain bin type silos are often associated with the farming community, however, this isn't always the case. Concrete companies also use a similar structure to house and manage the products used to make concrete and other building materials. Workers who enter these structures put themselves at a tremendous risk as these are also confined spaces where the product inside can easily ‘engulf’ the worker. Rescuers must use special equipment and skill in order to effect this type of rescue.

## ICE/WATER RESCUE

Portage has an extensive amount of water (lakes, ponds, swamps, etc.) in which people may become injured or in need of removal. It could be open water or frozen ice that someone has fallen through. This type of rescue involves the use of suits that protect the rescuer from the extreme cold of the water. Our personnel train twice annually on ice/water rescue (class room and practical). For the last seven years, Battalion Chief Nason and Captain Miller have taught this class at the South Kalamazoo County Fire Authority's fire academy, in cooperation with Texas Township Fire Department, who also provides an instructor. This cooperation within the county ensures that all new recruits are trained to technician level.



## ACCREDITATION

On March 15, 2016, the Portage Department of Public Safety – Fire Division received Accredited Agency status with the Commission on Fire Accreditation International (CFAI) for meeting the criteria established through the CFAI's voluntary self-assessment and accreditation program. In 2020, the department will be working throughout the year on re-accreditation with an on-site inspection from a peer assessment group. This on-site is planned for late fall 2020, with the hopes of re-accreditation in March 2021.

The Portage Department of Public Safety Fire Division is one of approximately 200 agencies nationwide to achieve Accredited Agency status with the CFAI and the Center for Public Safety Excellence, Inc. (CPSE). Only two other agencies in the State of Michigan are accredited through the CFAI, the Detroit Metro Airport Fire Authority and the City of Grand Rapids Fire Department. The City of Portage is the first municipal public safety agency in the State of Michigan to have both Police and Fire agencies accredited.



Commission on  
Fire Accreditation  
International

The Fire Division's achievement of Accredited Agency status demonstrates commitment to provide the highest quality of service to the Portage community. The CFAI process is a proactive mechanism to plan for the future and identify areas for improvement on the quality of service the Portage Department of Public Safety provides. For example, by examining and making changes to call-processing methods, the Fire Division is able to respond in a shorter time period to medical-related responses.

## PERSONNEL CREDENTIALING

The Commission on Professional Credentialing (CPC) assists emergency services officers in their professional development by providing guidance on career planning. CPC offers several designations, including Chief Fire Officer (CFO), Chief EMS Officer (CEMSO), Chief Training Officer (CTO), Fire Marshal (FM), and Fire Officer (FO). A professional designation is recognition of broad career, educational and professional accomplishments. Designations offered by the CPC are internationally-recognized, third-party verification of professional competence in fire and emergency services. Achieving a designation requires a strong educational background, diverse participation in emergency services at the local, state and national level, and demonstrated involvement in the broader community, all validated by emergency services peers.

Six Fire Division employees have received, and continue to maintain, their professional designations. These include FO, FM, CTO, and CFO.





The Fire Prevention section is headed by Division Chief Fire Marshal Larry Moore. The section is responsible for building and site inspections, fire protection plan review, fire code enforcement, public education, and fire prevention.

## FIRE MARSHAL INSPECTIONS

- 56 Camp Fire Permits
- 60 Camp Fire Renewals
- 3 Fire Code Consultations
- 2 Special Event Inspection
- 57 Final Occupancy Inspections
- 5 Fire Lane Inspection
- 3 Fire Marshal Follow-up Attempts
- 38 FOIA'S
- 13 Fire Marshal violation follow ups
- 22 Knox Box Maintenances
- 55 Fire Protection Inspections
- 35 Referrals to Fire Marshal
- 21 Spot Inspections
- 3 Tent or Membrane Structure Inspections
- 5 Water Main Finals

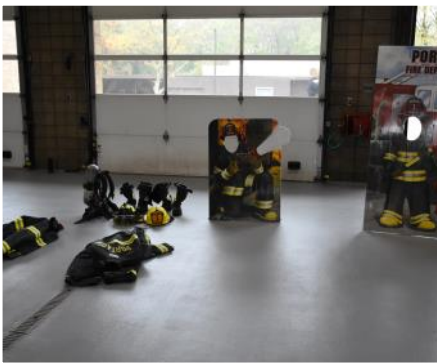
## ENGINE COMPANY INSPECTIONS

In 2019, engine companies made a total of 1,791 inspection visits to commercial and multi-family residential occupancies. These included 1,432 Annual Inspections and 359 Re-inspections.

## PLAN REVIEWS

An electronic plan review software called BlueBeam was implemented in 2018. This software streamlines the plan review process and allows for increased customer service to developers. After seeing the power of the software and experiencing it firsthand, several other city departments have also implement the software. This has proven to be a great step toward reducing the paper burden of the traditional plan review process.

- 60 Site Plans
- 134 Building Plans
- 53 Fire Protection Plans
- 3 Special Events



## EVENTS

### Luau at Ramona Park

This was the second year for the Luau at Ramona park. The Fire Division provided on-site apparatus displays and interacted with the public. The event reached over 4,500 people.

### Monster Mash

The Monster Mash was a Halloween event held at Ramona Park and hosted by the City of Portage Parks & Recreation Department. This event had over 3,500 people in attendance, with over half of them being children. Fire Division personnel provided stickers and handouts to the kids from the back of Rescue 1251 in a trunk-or-treat fashion.

### Pig Out at Public Safety

The Pig Out at Public Safety was held in August with 650 people attending. The cooperative event with the Police Division featured free backpacks and school supplies for attendees. The Parks & Recreation Department has also begun to participate in the event, bringing music and entertainment to attendees, in addition to school supplies and park passes.

### 5th Annual Fire Prevention Open House

This annual event focuses on fire safety. Approximately 300 people attended the event.

### Fire Prevention Puppet Shows

The Fire Prevention Division completed another year of Puppets. Fire Safety Puppet Shows were presented to eight elementary schools. There were 18 presentations over five days (39 classes, 48 adults, and 789 students).

## CAR SEAT INSTALLATIONS

The Portage Fire Division is staffed with eight certified car seat technicians. During 2019, technicians installed 212 car seats and provided education to 265 adults on the proper installation and use of the seats. This ensures that car seats continue to be properly secured in the vehicle and children are properly restrained in the seat in the event of an accident.

The Portage Fire Division has, and continues to, outperform every other car seat installation facility in Kalamazoo County. Portage maintains a certain amount of flexibility with utilizing On-Call firefighters and a volunteer as car seat technicians. On numerous occasions, the Fire Division has learned of parents or guardians who in immediate need of someone to properly secure their child seat. On many of those occasions, we have been able to accommodate the install with very short notice.



## PUBLIC RELATIONS

The Fire Division was able to deliver fire safety related education to 5,249 adults and 9,247 children throughout calendar year 2019. Several large events helped the division reach this many people, including Monster Mash, the annual Public Safety Open House, in-school puppet shows and station tours.



*Fire Prevention Puppet Show*







## ANNUAL AWARDS

The Portage Department of Public Safety hosted it's annual Employee Recognition Ceremony in City Council Chambers at Portage City Hall on April 24, 2019.

Awards were presented to department employees based on recommendations from the employees peers.

## EMPLOYEE OF THE YEAR

Employees of the year are recognized who promote a positive image and distinguish themselves by professionalism, self-initiative, work and ethical standards beyond what is normally expected.

*Non-Sworn Employee of the Year*

Public Safety Services Manager Teresa Gipson

*Sworn Employee of the Year*

Officer Jordan Wentworth

*Career Firefighter of the Year*

Firefighter Nick Haverkamp

## VOLUNTEER OF THE YEAR

Public Safety Chaplain Clayton Smith



## MERITOUS SERVICE

Detective Jim Lord  
Detective Bryan Taffee  
Officer Brent Reynhout  
Officer John Zesiger

Training Officer Chip Everett  
Battalion Chief Rick Nason  
Admin Assistant Dana Steele

## OUTSTANDING INNOVATION

Officer Nate Slavin (School Resource Officer)

## UNIT CITATION

Training Officer Chip Everett  
Captain Mark McCoy  
Captain Mike Miller

Firefighter Nick Haverkamp  
Firefighter Brian Klok

## LETTER OF COMMENDATION

Battalion Chief Rick Nason  
Sergeant Aaron Ham  
Detective Randy Dylhoff  
Detective Derek Hess  
Officer Greg Burke  
Officer Scott Bogard  
Officer Sydnie Cooper  
Officer Carlin Gabrielli

Officer Henry Kite  
Officer Mike Kline  
Officer John Maney II  
Officer Brandon McMillan  
Officer Andrea Tackett  
Officer Jordan Wentworth  
Officer John Zesiger

















## ***FREQUENTLY CALLED NUMBERS***

|                                                                 |              |
|-----------------------------------------------------------------|--------------|
| CITY CLERK .....                                                | 329-4511     |
| CITY MANAGER .....                                              | 329-4400     |
| COMMUNITY DEVELOPMENT (CODE ENFORCEMENT) .....                  | 329-4466     |
| DISTRICT COURT .....                                            | 384-8171     |
| DISTRICT LIBRARY .....                                          | 329-4544     |
| FINANCE (TAX AND BILLING INFORMATION) .....                     | 329-4455     |
| <b>FIRE DIVISION</b> .....                                      | 329-4487     |
| FIRE MARSHAL .....                                              | 329-4486     |
| FIRE TRAINING OFFICER .....                                     | 329-4483     |
| PARKS AND RECREATION .....                                      | 329-4522     |
| <b>POLICE, FIRE OR MEDICAL EMERGENCY</b> .....                  | <b>9-1-1</b> |
| <i>Kalamazoo County Consolidated Dispatch Authority (KCCDA)</i> |              |
| KCCDA ( <i>non-emergency</i> ) .....                            | 488-8911     |
| <b>POLICE DIVISION</b>                                          |              |
| INFORMATION CENTER .....                                        | 329-4567     |
| PATROL SERGEANTS .....                                          | 329-4566     |
| RECORDS .....                                                   | 329-4568     |
| COMMUNITY POLICING .....                                        | 324-9255     |
| PUBLIC SERVICES .....                                           | 329-4444     |
| SENIOR CITIZEN SERVICES .....                                   | 329-4555     |
| TRANSPORTATION & UTILITIES .....                                | 329-4422     |



**MATERIALS TRANSMITTED**

Tuesday, June 9, 2020

1. Communication from the City Manager regarding the updated Delinquent UB to Tax List,  
**Agenda Item A.6.** – Information Only



---

Joseph S. La Margo, City Manager

cc Adam Herringa, Deputy City Manager  
Michael Carroll, Deputy City Manager

**TO:** Honorable Mayor and City Council

**FROM:** Joseph S. La Margo, City Manager



**SUBJECT:** Delinquent Water and Sewer Bills - UPDATED

**SUPPORTING PERSONNEL:** Lauren VanderVeen, Interim Finance Director

An updated listing of delinquent accounts showing payments received between Monday, June 1, 2020 at 4:10 PM and Tuesday, June 9, 2020 is attached.

**Attachments:** Delinquent UB to Tax List –UPDATED as of June 9, 2020



**TO:** Honorable Mayor and City Council

**FROM:** Joseph La Margo, City Manager



**SUBJECT:** 2020 Downtown Development Authority Amended Tax Increment Finance Plan/Amended Development Plan

**SUPPORTING PERSONNEL:** Chris Forth, Acting Director of Community Development

**ACTION RECOMMENDED:** Subsequent to the public hearing for the 2020 Downtown Development Authority Amended Tax Increment Finance Plan/Amended Development Plan and Development Agreement, accept the Amended Tax Increment Finance Plan/Amended Development Plan and Development Agreement, as well as the Resolution of intent to vacate a portion of a public street and to transfer property.

The City Administration has been working with Trade Centre, LLC on a project to construct a new hotel between the two existing office buildings located at 750 and 950 Trade Centre Way. This project would add to the success of the Trade Centre area and foster new growth and development in the Downtown Development Authority (DDA) district. The project would provide important long-term economic benefits in the form of new tax base and future employment opportunities within the City of Portage.

The 2020 Amended Tax Increment Finance Plan/2020 Amended Development Plan (2020 Amended Plan) has been prepared to facilitate the development of the new hotel which consists of three elements:

1. **Exchange of land between the City of Portage and Trade Center, LLC, the developer.** A portion of the land area to be occupied by the new hotel is owned by the city. Therefore, the city is proposing to transfer to the developer the southern .73 acres of 850 Trade Centre Way. In exchange, the developer will transfer to the city the northern .87 acres of 950 Trade Centre Way. The .87 acres transferred to the city will then be combined to the northern portion of 850 Trade Centre Way retained by the city to form one parcel of land, which will be the new location for the relocated stormwater retention basin. Since acquiring the southern .73 acres of 850 Trade Centre Way from the city is not large enough to accommodate the hotel and off-street parking area, the developer will combine the west portion of 750 Trade Centre Way and east portion of 950 Trade Centre Way with the .73 acres acquired from the city.
2. **Removal and relocation of existing stormwater retention basin.** The existing storm retention basin and associated drainage system improvements will be removed to accommodate the new

hotel and off-street parking area. A new stormwater retention basin and associated improvements will be constructed on the new parcel of land located to the northwest and will be owned and maintained by the city. The developer will convey to the City of Portage an easement to access this new stormwater retention basin location.

3. **Removal of the Trade Centre Way cul-de-sac turnaround.** To meet the off-street parking needs of the hotel, the northern, approximate-one-half, of the Trade Centre Way cul-de-sac turnaround area will be removed and this land area will be transferred to the developer. In exchange for this land area, the developer will provide to the City of Portage an easement that will allow city vehicles and the public to turnaround on the newly created hotel property.

The cost to complete the public infrastructure improvements is estimated at \$653,228, which will initially be paid by the developer and the City Administration agreed to reimburse up to \$600,000. The additional \$53,228 is to be paid by the developer.

The 2020 Amended Development Plan identifies two financial sources to reimburse the developer for these up-front costs:

1. City of Portage Water Fund - \$150,000 has been budgeted in FY 2020-21 to rehabilitate the existing stormwater basin. As a result of the relocation, the developer will essentially act as the contractor on behalf of the city to rehabilitate the basin. The \$150,000 is proposed to be provided to the developer for a city project already scheduled to be completed.
2. Tax Increment Financing - A portion of the hotel building is located within the DDA district. Consequently, approximately 43% of the hotel's taxable value is eligible for tax capture utilizing tax increment financing. Based on the estimated annual amount to be captured, 12 years (or until 2031) is needed to capture \$450,000. Over the 12 years, it is estimated the entire new hotel facility will generate approximately \$517,000 for the City of Portage, of which \$229,000 will be captured and reimbursed to the developer.

A new development agreement with the principal property owners has also been prepared with the assistance of Bond Counsel and City Attorney and is attached.

Given the success of the two existing hotels, the developer engaged experts in the field of hotel market evaluation and analysis and concluded a third hotel at Trade Centre would be very successful. The addition of the third hotel at Trade Centre will support the lodging needs of strong and growing businesses of some of the top companies in Portage, like Stryker and Pfizer to name a few. The traffic volumes along this section of I-94, which are approaching 90,000 vehicles per day, also support the addition of another hotel. While many businesses including lodging and hospitality have been greatly impacted during the pandemic, the developer believes the current state of affairs is temporary. Construction is planned to commence in March 2021 and be completed by or before Spring 2022. The developer is hopeful and confident the situation will improve and believe the hotel will open once the pandemic passes. The developer will continue to monitor market conditions and impact of the pandemic and will complete a final check of the marketplace before they invest construction dollars into the project, consistent with other projects. However, the developer will still move forward with the site improvements to create a shovel ready site.

During the April 23, 2020 meeting, the DDA met to review and discuss the 2020 Amended Tax Increment Finance Plan/2020 Amended Development Plan. After the meeting, the DDA voted 8-0-1 to approve the Resolution and authorize the transmission of the 2020 Amended Tax Increment Finance

Plan/2020 Amended Development Plan to City Council.

With regard to the vacation of the northern portion of Trade Centre Way cul-de-sac turnaround and exchange of land between the city and developer, the resolution was placed on file following the May 12, 2020 meeting for public comment. No public comment was received.

This new economic initiative provides an opportunity for a cooperative, public-private partnership to encourage development and redevelopment activities with accompanying tax base growth and job creation. With the current economic challenge, this initiative to encourage private investment is essential and will benefit all of Kalamazoo County. For these reasons, this project is supported by the City Administration.

**FUNDING:** Over the 12-year tax increment financing period, the City of Portage will forego approximately \$229,000 in tax revenue.

**Attachments:**

1. Resolution of intent to vacate a portion of a public street and to transfer property
2. Department of Community Development staff report dated April 17, 2020 with attachments
3. April 23, 2020 DDA meeting minutes (draft)

**CITY OF PORTAGE, MICHIGAN  
RESOLUTION OF INTENT TO VACATE A PORTION OF A PUBLIC STREET AND TO  
TRANSFER PROPERTY  
20-1**

Minutes of a regular meeting of the City Council for the City of Portage, Michigan held on \_\_\_\_\_, 2020 at 7:00 p.m. local time at City Hall in the City of Portage, Michigan.

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The following resolution was offered by:

COUNCILMEMBER: \_\_\_\_\_ and supported by

COUNCILMEMBER: \_\_\_\_\_

**WHEREAS**, it appears necessary and desirable to vacate a portion of the Trade Center Way cul de sac ("Turnaround") and to transfer the abutting property to the north owned by the City having a common address of 850 Trade Centre Way. (Collectively the "Property") as shown in the map and legal description attached as Exhibit A.

**WHEREAS**, the Property will be transferred to 850 Trade Centre, LLC and 950 Trade Centre, LLC (collectively the "Developer") in exchange for the transfer of certain property owned by the Developer to the City (the "Exchange"). The terms of such Exchange is contained in a Development Agreement ("Agreement") to be executed by the Developer and the City.

**WHEREAS**, the Agreement and resulting Exchange will facilitate a quality development ("Project") of the remainder of Developer's property located at 950 Trade Centre Way;

**WHEREAS**, such Project is a desirable improvement to the area and a more productive and efficient use of both the Property and Developer's land;

**WHEREAS**, the market value of the city Property being transferred to the Developer is similar to the market value of the property being received by the City;

**WHEREAS**, the Property is not needed for future public right-of-way or utilities;

**WHEREAS**, the City Council has determined that the transfer of the Property pursuant to the Agreement and as part of the Project is for the health, welfare, comfort and safety of the City.

**WHEREAS**, the Agreement provides for the relocation of a storm water retention pond presently situated on the Property to the Developer's land as part of the Project.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council intends to vacate and transfer the Property described in the attached Exhibit A to the Developer pursuant to the Agreement and in furtherance of completion of the Project.

**BE IT FURTHER RESOLVED** that any final action of the Council of the transfer of the Property shall be subject to the terms and conditions contained in the Agreement.

**BE IT FURTHER RESOLVED** that notice, in substantially the form attached as Exhibit B, be published in a newspaper of general circulation within the City not less than 20 days before final action of the City Council.

#### CERTIFICATION

STATE OF MICHIGAN     )  
                                      )  
COUNTY OF KALAMAZOO )

I, the undersigned, the duly qualified City Clerk of the City of Portage, Kalamazoo County, Michigan, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted at a regular meeting of the City Council of said City, held on the \_\_\_\_ day of \_\_\_\_\_, 2020, the original of which is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this \_\_\_\_ day of \_\_\_\_\_, 2020.

Prepared by:  
RANDALL L. BROWN  
City Attorney  
1662 East Centre Avenue  
Portage, Michigan 49002  
Phone: (269) 323-8812

\_\_\_\_\_  
Erica Eklov, City Clerk

Approved as to form

Date: 4/30/2020  
RS  
\_\_\_\_\_  
City Attorney

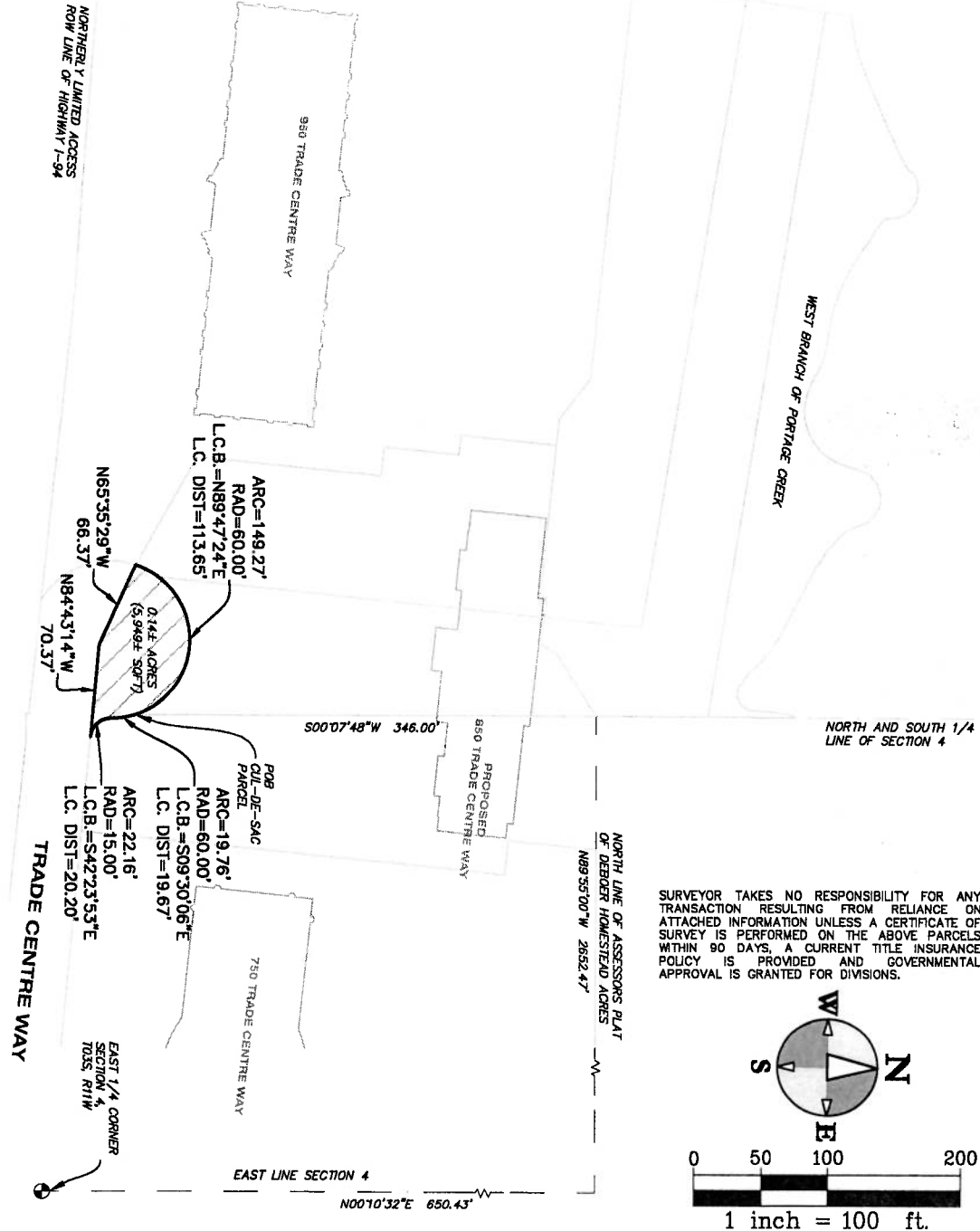
Z:\WODY\PORTAGE\RESOLUTIONS\Resolution for Trade Centre transfer.docx



## **EXHIBIT “A”**

# SKETCH OF LEGAL DESCRIPTION

## CITY OF PORTAGE TO 850 TRADE CENTRE WAY



|                         |                                         |                  |                                                                                                                                                                                                                                     |
|-------------------------|-----------------------------------------|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Drawing No.<br><b>1</b> | Title:<br><b>C.O.P. TO 850 T.C.W.</b>   | Job No.: 19-007D |  <b>hurley &amp; stewart llc</b><br>2800 n. 11th street<br>kalamazoo, michigan 49009<br>269.662.4960 fax 269.662.4961<br>www.hurleystewart.com |
|                         | Project:<br><b>850 TRADE CENTRE WAY</b> | Date: 04/29/20   |                                                                                                                                                                                                                                     |
| Client:                 | <b>H&amp;G II, LLC</b>                  | Scale: AS NOTED  |                                                                                                                                                                                                                                     |
|                         |                                         | P.M.: TAK        |                                                                                                                                                                                                                                     |
|                         |                                         | Dft: BDE         |                                                                                                                                                                                                                                     |
|                         |                                         | QA/QC: 04/29/20  |                                                                                                                                                                                                                                     |

# SKETCH OF LEGAL DESCRIPTION

## CITY OF PORTAGE TO 850 TRADE CENTRE WAY

### CUL-DE-SAC PARCEL

PART OF TRADE CENTRE WAY, LYING IN THE NORTH HALF OF SECTION 4, TOWN 03 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, COUNTY OF KALAMAZOO, STATE OF MICHIGAN AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 4, TOWN 03 SOUTH, RANGE 11 WEST, THENCE ALONG THE EAST LINE OF SAID SECTION, NORTH 00 DEGREES 10 MINUTES 32 SECONDS EAST 650.43 FEET TO THE NORTH LINE OF THE ASSESSOR'S PLAT OF DEBOER HOMESTEAD ACRES ACCORDING TO THE PLAT THEREOF (SAID NORTH LINE BEING PREVIOUSLY REFERRED TO AS THE NORTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 4); THENCE ALONG SAID NORTH PLAT LINE AND THE EXTENSION THEREOF, NORTH 89 DEGREES 55 MINUTES 00 SECONDS WEST 2652.47 FEET TO THE NORTH AND SOUTH QUARTER LINE OF SECTION 4; THENCE ALONG SAID NORTH AND SOUTH QUARTER LINE, SOUTH 00 DEGREES 07 MINUTES 48 SECONDS WEST 346.00 FEET TO THE NORTHERLY RIGHT OF WAY OF TRADE CENTRE WAY AND THE POINT OF BEGINNING; THENCE ALONG SAID NORTHERLY RIGHT OF WAY, SOUTHERLY 19.76 FEET ALONG THE ARC OF A 60.00 FOOT RADIUS CURVE TO THE RIGHT, THE CHORD OF WHICH BEARS SOUTH 09 DEGREES 30 MINUTES 06 SECONDS EAST 19.67 FEET; THENCE SOUTHEASTERLY 22.16 FEET ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE LEFT, THE CHORD OF WHICH BEARS SOUTH 42 DEGREES 23 MINUTES 53 SECONDS EAST 20.20 FEET; THENCE NORTH 84 DEGREES 43 MINUTES 14 SECONDS WEST 70.37 FEET; THENCE NORTH 65 DEGREES 35 MINUTES 29 SECONDS WEST 66.37 FEET TO THE WESTERLY RIGHT OF WAY OF TRADE CENTRE WAY; THENCE EASTERLY 149.27 FEET ALONG THE ARC OF A 60.00 FOOT RADIUS, NON-TANGENTIAL, CURVE TO THE RIGHT, THE CHORD OF WHICH BEARS NORTH 89 DEGREES 47 MINUTES 24 SECONDS EAST 113.65 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINS 0.14 +/- ACRES (5,949 +/- SQUARE FEET). SUBJECT TO EASEMENTS AND RESTRICTIONS APPARENT AND OF RECORD.

Drawing No.

**2**

Title:

Project:

Client:

**C.O.P. TO 850 T.C.W.  
850 TRADE CENTRE WAY  
H&G II, LLC**

Job No.: 19-007D

Date: 04/28/20

Scale: AS NOTED

P.L.: TAK

Dt: BDE

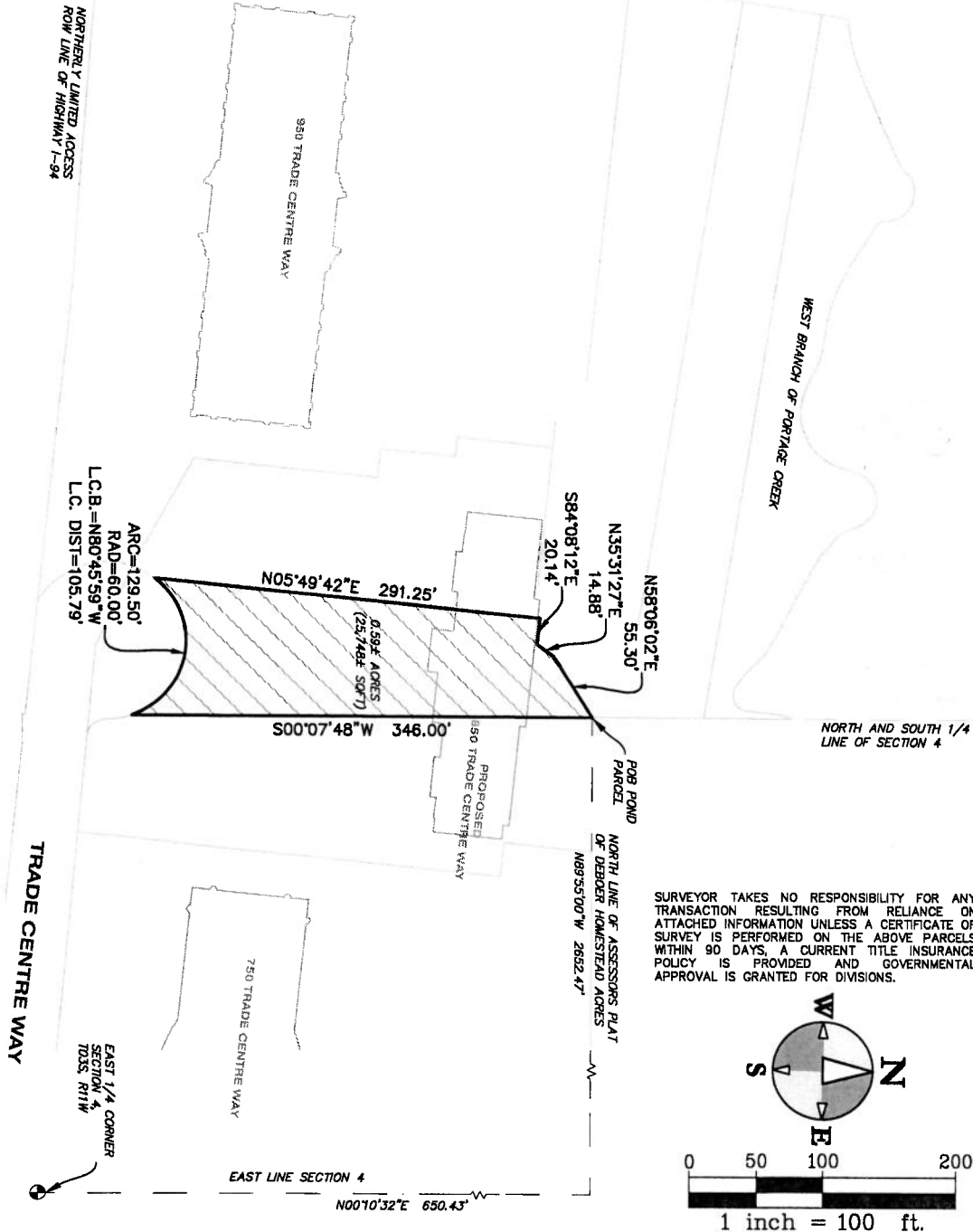
QA/QC: 04/28/20



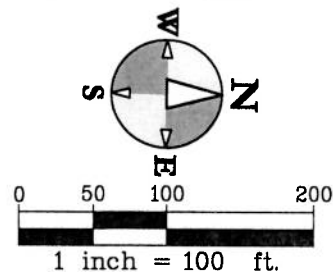
**hurley & stewart, llc**  
2800 s. 11th street  
kalamazoo, michigan 49009  
269.562.4960 fax 269.562.4961  
www.hurleystewart.com

# SKETCH OF LEGAL DESCRIPTION

## CITY OF PORTAGE TO 850 TRADE CENTRE WAY



SURVEYOR TAKES NO RESPONSIBILITY FOR ANY TRANSACTION RESULTING FROM RELIANCE ON ATTACHED INFORMATION UNLESS A CERTIFICATE OF SURVEY IS PERFORMED ON THE ABOVE PARCELS WITHIN 90 DAYS. A CURRENT TITLE INSURANCE POLICY IS PROVIDED AND GOVERNMENTAL APPROVAL IS GRANTED FOR DIVISIONS.



Drawing No.

**1**

Title:

Project:

Client:

**C.O.P. TO 850 T.C.W.  
850 TRADE CENTRE WAY  
H&G II, LLC**

Job No.: 19-007D

Date: 04/28/20

Scale: AS NOTED

P.M.: TAK

Dft: BDE

QA/QC: 04/29/20



**hurley & stewart llc**  
2800 s. 11th street  
kalamazoo, michigan 49008  
269.562.4960 fax 269.562.4961  
www.hurleystewart.com

# SKETCH OF LEGAL DESCRIPTION

## CITY OF PORTAGE TO 850 TRADE CENTRE WAY

### POND PARCEL

PART OF THE NORTHWEST QUARTER OF SECTION 4, TOWN 03 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, COUNTY OF KALAMAZOO, STATE OF MICHIGAN AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 4, TOWN 03 SOUTH, RANGE 11 WEST; THENCE ALONG THE EAST LINE OF SAID SECTION, NORTH 00 DEGREES 10 MINUTES 32 SECONDS EAST 650.43 FEET TO THE NORTH LINE OF THE ASSESSOR'S PLAT OF DEBOER HOMESTEAD ACRES ACCORDING TO THE PLAT THEREOF (SAID NORTH LINE BEING PREVIOUSLY REFERRED TO AS THE NORTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 4); THENCE ALONG SAID NORTH PLAT LINE AND THE EXTENSION THEREOF, NORTH 89 DEGREES 55 MINUTES 00 SECONDS WEST 2652.47 FEET TO THE NORTH AND SOUTH QUARTER LINE OF SECTION 4 AND THE POINT OF BEGINNING; THENCE ALONG SAID NORTH AND SOUTH QUARTER LINE, SOUTH 00 DEGREES 07 MINUTES 48 SECONDS WEST 346.00 FEET TO THE NORTHERLY RIGHT OF WAY OF TRADE CENTRE WAY; THENCE NORTHWESTERLY 129.50 FEET ALONG THE ARC OF A 60.00 FOOT RADIUS CURVE TO THE LEFT, THE CHORD OF WHICH BEARS NORTH 80 DEGREES 45 MINUTES 59 SECONDS WEST 105.79 FEET; THENCE NORTH 05 DEGREES 49 MINUTES 42 SECONDS EAST 291.25 FEET; THENCE SOUTH 84 DEGREES 08 MINUTES 12 SECONDS EAST 20.14 FEET; THENCE NORTH 35 DEGREES 31 MINUTES 27 SECONDS EAST 14.88 FEET; THENCE NORTH 58 DEGREES 06 MINUTES 02 SECONDS EAST 55.30 FEET TO THE NORTH AND SOUTH QUARTER LINE OF SECTION 4 AND THE POINT OF BEGINNING. PARCEL CONTAINS 0.59 +/- ACRES (25,748 +/- SQUARE FEET). SUBJECT TO EASEMENTS AND RESTRICTIONS APPARENT AND OF RECORD.

Drawing No.

**2**

Title:

Project:

Client:

**C.O.P. TO 850 T.C.W.  
850 TRADE CENTRE WAY  
H&G II, LLC**

Job No.: 19-007D

Date: 04/29/20

Scale: AS NOTED

P.L.: TAK

D.F.: BDE

QA/QC: 04/29/20



**hurley & stewart, llc**  
2800 s. 11th street  
kalamazoo, michigan 49009  
269.552.4990 fax 269.552.4991  
[www.hurleystewart.com](http://www.hurleystewart.com)



**EXHIBIT B**

**CITY OF PORTAGE, MICHIGAN  
NOTICE OF INTENTION TO VACATE A PORTION OF A PUBLIC STREET AND TO  
TRANSFER PROPERTY  
IN THE CITY OF PORTAGE, MICHIGAN**

PLEASE TAKE NOTICE that on the \_\_\_\_ day of \_\_\_\_\_, 2020, the City Council of the City of Portage adopted a Resolution of Intent to Vacate a Portion of a Public Street and to Transfer Property stating the City's intent to transfer the Property described in the Resolution as part of an Exchange of properties of similar value.

PLEASE TAKE FURTHER NOTICE that said Resolution 20-1 and the Development Agreement containing the terms and conditions of the transfer and Exchange of the Property is on file with the City Clerk and open for public inspection. Said Resolution and Development Agreement will be so held by the City Clerk for twenty-eight (28) days from the above date and may be inspected at the Clerk's office during regular working hours. Any person(s) objecting to this transfer should make their objection known to the City Council within twenty-eight (28) days of the publication of this notice. After said twenty-eight (28) day period, the City Council may take final action to approve the Development Agreement as well as the Resolution.

Dated: \_\_\_\_\_, 2020

\_\_\_\_\_  
Erica Eklov, City Clerk

**TO:** Downtown Development Authority Board of Directors**DATE:** April 17, 2020**FROM:** Christopher Forth, Authority Director**SUBJECT:** 2020 Amended Tax Increment Finance Plan/2020 Amended Development Plan

The City Administration has been in the discussions with the developer of the Trade Center Way project, Trade Centre, LLC, whose principals are Joe Gesmundo and Roger Hinman, involving a project to construct a new hotel between the two existing office buildings (750 and 950 Trade Centre Way) located at the west end of Trade Centre Way. This project will continue the success of the Trade Centre area, which will foster new growth and development in the Downtown Development Authority district (DDA) providing important long term economic benefits in the form of new tax base and future employment opportunities within the City of Portage.

The 2020 Amended Tax Increment Finance Plan/2020 Amended Development Plan (2020 Amended Plan) has been prepared to facilitate the development of the new hotel along South Westnedge Avenue, north of I-94, within the DDA. There are three elements identified in the 2020 Amended Plan:

1. Exchange of land between the City of Portage and Developer. A portion of the land area to be occupied by the new hotel is owned by the city. As a result, and in order to facilitate development of the proposed hotel, an exchange of land needs to occur between the city and developer. As such, the city is proposing to transfer to the developer the southern .73 acres of 850 Trade Centre Way (see attached aerial photograph). The city will retain the northern portion of this parcel of land. In exchange for this property, the developer will transfer to the city the northern .87 acres of 950 Trade Centre Way. The .87 acres transferred to the city will then be combined to the northern portion of 850 Trade Centre Way retained by the city to form one parcel of land, which will be the new location for the relocated storm water retention basin as described in No. 2 below.

Acquiring the southern .73 acres of 850 Trade Centre Way from the city is not large enough to accommodate the hotel and off-street parking area. In order to create a larger parcel, the developer will combine the west portion of 750 Trade Centre Way and east portion of 950 Trade Centre Way with the .73 acres acquired from the city. Included in Appendix 6 of the 2020 Amended Development Plan are several maps that illustrate the exchange and assemblage of land for the new hotel site.

2. Removal and Relocation of Existing Storm Water Retention Basin. The existing storm retention basin and associated drainage system improvements (e.g. pond liner and infrastructure piping) will be removed to accommodate the new hotel and off-street parking area. A new storm water retention basin and associated improvements will be constructed on the new parcel of land located to the northwest. The existing storm water retention basin will be located to this new parcel of land as shown on the attached aerial photograph. This new retention basin will be owned and maintained by the city. The developer will convey to the City of Portage an easement to access this new storm water retention basin location.

3. Removal of the Trade Centre Way cul-de-sac turnaround. In an effort to meet the off-street parking needs of the hotel, the northern approximate one-half of the Trade Centre Way cul-de-sac turnaround area will be removed and this land area transferred to the developer. In exchange for this land area, the Developer will provide to the City of Portage an easement that will allow city vehicles and the public to turnaround on the newly created hotel property.

The cost to complete the public infrastructure improvements is estimated at \$653,228, which will initially be paid by the developer. However, during initial discussions with the developer, the City Administration agreed to reimburse up to \$600,000. The additional \$53,228 is to be paid by the developer.

The 2020 Amended Development Plan identifies two financial sources to reimburse the developer for these up-front costs:

1. City of Portage Water Fund. \$150,000 has been budgeted in FY2020-21 to rehabilitate the existing storm water basin. As a result of the relocation, the developer will essentially act as the contractor on behalf of the city to “rehabilitate” the basin. The \$150,000 is proposed to be provided to the developer for a city project already scheduled to be completed.
2. Tax Increment Financing. As shown on the attached aerial photograph, a portion of the hotel building is located within the DDA district. Consequently, approximately 43% of the hotel’s taxable value is eligible for tax capture utilizing tax increment financing. The City Assessor has estimated the value of the portion of the building located in the DDA district in year one at \$1.7 million, which will generate \$38,396 eligible for tax capture in the first year. Based on the estimated annual amount to be captured, 12 years (or until 2031) is needed to capture \$450,000.

The 2020 Amended Plan is required by the Downtown Development Authority Act (PA 57 of 2018) and is to be considered by the board and then submitted to the City Council for approval. The 2020 Amended Plan is formatted to provide the information required by statute and includes district boundaries, description of the area, public improvements to be constructed, various estimated schedules, estimated project costs, anticipated private development projects, explanation of the tax increment finance procedure, duration of the program, financial information and so forth. The 2020 Amended Plan has been prepared in consultation with Attorney John Axe, Bond Counsel.

A new development agreement with the principal property owners has also been prepared with the assistance of Bond Counsel and City Attorney that is similar to the April 2011 Development Agreement executed with the City of Portage. The Phase IV Development Agreement (Agreement) includes definitions, terms and references to the planned actions that are to be taken by the parties involving land acquisition and conveyances, the planned public improvements the method of financing, events of defaults and remedies, notices, miscellaneous provisions and related details.

This new economic initiative again provides an opportunity for a cooperative, public-private partnership to encourage development and redevelopment activities with accompanying tax base growth and job creation. With the current economic challenge in the State of Michigan and in the southwest Michigan region, this initiative to encourage private investment is essential and will benefit all of Kalamazoo County. Consequently, it is recommended the Authority approve the accompanying resolution transmitting to the City Council the 2020 Amended Plan and Development Agreement, as recommended

herein, and. Council will formally receive the 2020 Amended Plan on May 12, 2020 and be requested to set the required public hearing on June 9, 2020.

The City Administration and Attorney Axe will be available at the upcoming “virtual” meeting to assist the Board of Directors.

Attachments: Aerial Vicinity Map  
Resolution  
2020 Amended Development Plan  
Development Agreement

T:\COMMDEV\2019- 2020 Department Files\Board Files\DDA\850 Trade Center\DDA Plan Amendment\2020 04 13 CF DDA Board 4th Amendment.docx





- Tentative city retention parcel
- Tentative hotel parcel
- Proposed Hotel
- Proposed relocated retention basin
- Municipal Boundaries
- DDA boundary

# Aerial Photography Trade Centre Way



1 inch = 200 feet



**CITY OF PORTAGE  
DOWNTOWN DEVELOPMENT AUTHORITY**

At a scheduled virtual meeting of the Board of the City of Portage Downtown Development Authority (the "Authority") held on April 23, 2020 at 8:00 a.m. Eastern Daylight Savings Time, there were:

PRESENT: Milks, Chrystal, Robinette, Quinn, Patterson, MacDonald, Hansen, Samuel and La Margo

ABSENT: Boyer

The following preamble and resolution were offered by Hansen and seconded by Quinn:

**RESOLUTION APPROVING AND AUTHORIZING  
TRANSMISSION OF 2020 AMENDED DEVELOPMENT PLAN  
AND 2020 AMENDED TAX INCREMENT FINANCING PLAN AS WELL AS THE  
PHASE IV DEVELOPMENT AGREEMENT TO THE  
CITY COUNCIL**

WHEREAS, the City of Portage Downtown Development Authority (the "Authority") has been duly incorporated by the City of Portage (the "City") pursuant to Act No. 57 of the Public Acts of Michigan of 2018, as amended (the "Act") and the Board of the Authority has been duly appointed and sworn into office, and

WHEREAS, the Board has received and reviewed an Amended Development Plan (the "2020 Amended Development Plan") meeting the requirements of the Act which is a part of an Amended Tax Increment Financing Plan (the "2020 Amended Tax Increment Financing Plan") together (the "Plan") (which includes the PHASE IV Development Agreement) meeting the requirements of the Act, and

WHEREAS, this Board approves the Plan, a copy of which is attached to this resolution as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF PORTAGE DOWNTOWN DEVELOPMENT AUTHORITY as follows:

1. The 2020 Amended Development Plan and the 2020 Amended Tax Increment Financing Plan (together the "Plan") together with the Phase IV Development Agreement attached hereto as Exhibit A are hereby approved for submission to the City Council of the City of Portage as required by the Act.

2. The City Council of the City of Portage is requested to call a public hearing on the Plan as required by the Act.

3. The Secretary of the Authority is authorized to transmit the Plan to the City Council of the City of Portage.

The results of a roll-call vote on the foregoing resolution were as follows:

YES: Milks, Chrystal, Robinette, Quinn, Patterson, Hansen, Samuel and La Margo

NO: None

ABSTAIN: MacDonald

THE RESOLUTION WAS THEREUPON DECLARED ADOPTED.

#### SECRETARY'S CERTIFICATE

The undersigned, being the duly qualified and acting Secretary of the Board of the City of Portage Downtown Development Authority, hereby certifies that (1) the foregoing is a true and complete copy of a resolution adopted by the Board at a scheduled meeting held on April 23, 2020, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records of the proceedings of the Board in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended), and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

  
Matthew Milks, Secretary



# **CITY OF PORTAGE DOWNTOWN DEVELOPMENT AUTHORITY**

**2020 Amended Development Plan/  
Tax Increment Finance Plan**

**Phase IV Development Agreement**

EXHIBIT A

**2020 Amended Tax Increment Finance Plan  
/2020 Amended Development Plan**

**City of Portage  
Downtown Development Authority**

April 23, 2020

**Department of Community  
Development**

7900 South Westnedge Avenue  
Portage, Michigan 49002  
(269) 329-4477  
(269) 329-4506 Fax

**Reviewed by:  
Clark Hill PLC**

500 Woodward  
Suite 3500  
Detroit, Michigan 48226  
(313) 309-9452

DOWNTOWN DEVELOPMENT AUTHORITY BOARD

Terry V. Patterson, President

Benjamin J. Boyer, Vice President

Matthew Milks, Secretary

Jeff Chrystal

Walter Hansen

Dorothy Robinette

Rich MacDonald

Stanley Samuel

Michael Quinn

Joseph La Margo



**CITY OF PORTAGE OFFICIALS**

CITY COUNCIL

Patricia Randall, Mayor

James Pearson, Mayor Pro Tem

Richard Ford

Claudette Reid

Christopher Burns

Terry Urban

Lori Knapp

CITY MANAGER

Joseph La Margo

CITY CLERK

Erica Eklov

FINANCE DIRECTOR

William Furry

INTERIM COMMUNITY DEVELOPMENT DIRECTOR

Christopher Forth

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### Appendices

- Appendix 1, Legal Description and DDA District Map
- Appendix 2, Existing Street, Water and Sewer Map
- Appendix 3, Existing Land Use Map
- Appendix 4, Future Land Use Map
- Appendix 5, 2020 Land Exchange Maps
- Appendix 6, Preliminary Site Plan
- Appendix 7, Estimated Impact on Taxing Jurisdictions
- Appendix 8, City of Portage DDA Ordinance
- Appendix 9, Development Agreement

## **PART I: DEVELOPMENT PLAN**

**A. DESIGNATION OF BOUNDARIES OF THE DEVELOPMENT AREA IN  
RELATION TO HIGHWAYS, STREETS, STREAMS, OR OTHERWISE.**

The property to which the Development Plan applies is the north portion of the South Westnedge Avenue Commercial Corridor in the City of Portage. The area includes approximately 97 acres of land and is bounded by Kilgore Road on the north, the city of Kalamazoo wellfield to the west, I-94 to the south and the business zoning districts to the east of South Westnedge Avenue on the east.

The legal description of the boundaries of the development area is attached hereto as Appendix 1 and included in this appendix is a map showing the area.

B. THE LOCATION AND EXTENT OF EXISTING STREETS AND OTHER PUBLIC FACILITIES WITHIN THE DEVELOPMENT AREA AND DESIGNATION OF THE LOCATION, CHARACTER, AND EXTENT OF THE CATEGORIES OF PUBLIC AND PRIVATE LAND USES NOW EXISTING AND PROPOSED FOR THE RECREATIONAL, COMMERCIAL, INDUSTRIAL, EDUCATIONAL, AND OTHER USES AND A LEGAL DESCRIPTION OF THE DEVELOPMENT AREA.

See Appendix 1, Legal Description and DDA District Map

See Appendix 2, Existing Street, Water and Sewer Map

See Appendix 3, Existing Land Use Map

See Appendix 4, Future Land Use Map



C. DESCRIPTION OF EXISTING IMPROVEMENTS IN THE DEVELOPMENT AREA TO BE DEMOLISHED, REPAIRED, OR ALTERED, A DESCRIPTION OF ANY REPAIRS AND ALTERATIONS; AND AN ESTIMATE OF THE TIME REQUIRED FOR COMPLETION.

**1998** DDA TAX INCREMENT FINANCE PLAN / DEVELOPMENT PLAN -  
INFRASTRUCTURE IMPROVEMENT PROJECTS (COMPLETED)

|                                                                                                                                                                                                                                                                                          | <u>Original<br/>Estimated<br/>Time Required<br/>for Completion</u> | <u>Original<br/>Estimated<br/>Cost</u> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|----------------------------------------|
| <u>Roadway Improvements</u>                                                                                                                                                                                                                                                              |                                                                    |                                        |
| 1. Andy Avenue Extension                                                                                                                                                                                                                                                                 | 12 months                                                          | \$487,000                              |
| Construct a new 1400 feet long and thirty-six foot wide public street intersecting South Westnedge Avenue at the Andy Avenue signalized intersection, with necessary storm water facilities. Repave 1000 feet of DeHaan Street with intersection improvements at South Westnedge Avenue. |                                                                    |                                        |
| 2. DeHaan Drive Sanitary Sewer Relocation                                                                                                                                                                                                                                                | 12 months                                                          | \$307,000                              |
| Relocate approximately 2100 feet of existing sanitary sewer trunk main located west of DeHaan Drive to the south, paralleling the I-94 right-of-way.                                                                                                                                     |                                                                    |                                        |
| 3. South Westnedge Avenue Property Acquisition                                                                                                                                                                                                                                           | 12 Months                                                          | \$850,000                              |

Purchase the property addressed along South Westnedge Avenue and DeHaan Drive which is necessary for the extension of Andy Avenue.

Note: Additional right-of-way and/or easements was provided by property owners for minimal consideration in order to construct the necessary public street and to relocate the sanitary sewer.

With regard to the identified projects, the Andy Avenue extension (renamed to be Market Place) and repaving of DeHaan Drive (renamed Trade Centre Way) was completed in 1999. The DeHaan Drive sanitary sewer relocation was subsequently completed in 1999. Finally, after lengthy litigation concerning the acquisition of land necessary for the construction of Market Place, the acquisition was completed in 2001. Bonds were subsequently sold in 2001 in the amount of \$3,100,000 to finance street improvements of \$521,342; sanitary sewer relocation of \$292,429; and property acquisition of \$2,286,229. (Lead underwriter is Morgan Stanley Dean Witter).

## **2003 DDA TAX INCREMENT FINANCE PLAN / DEVELOPMENT PLAN - (COMPLETED)**

Not applicable to the 2003 amendment because there were no existing improvements in the development area to be demolished, repaired, or altered.

**2011** AMENDED DDA TAX INCREMENT FINANCE PLAN / DEVELOPMENT PLAN -  
(COMPLETED)

Widening (repair; alteration) of South Westnedge Avenue to facilitate safe and efficient traffic flow will be accomplished. Water main replacement activities are planned as part of the public infrastructure work.

The realignment of a portion of Trade Centre Way and West Fork Crossing intersection (repair; alteration) is planned to ensure safe and efficient traffic flow. This alteration will necessitate street and utility removal and reconstruction and cooperation between the City of Portage and the State of Michigan regarding right-of-way and subsequent construction actions will be necessary.

The 2011 activities are explained in the following sections D and E.

**2020 DDA TAX INCREMENT FINANCE PLAN / DEVELOPMENT PLAN - PUBLIC  
INFRASTRUCTURE IMPROVEMENT PROJECTS (Proposed)**

|                                                                                                                                                                                                                                                                                                                                                                      | Estimated time<br>Required for<br>Completion | Estimated<br>Cost |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|-------------------|
| 1. Storm Water Retention Basin Demolition.                                                                                                                                                                                                                                                                                                                           | 6-24 months                                  | \$161,778         |
| Demolition and removal of storm water pond and drainage system, removal of pond liner, removal of infrastructure piping to be abandoned. Soil removal, soil addition, site balancing and compaction.                                                                                                                                                                 |                                              |                   |
| 2. Storm Water Retention Basin Construction                                                                                                                                                                                                                                                                                                                          | 6-24 months                                  | \$422,112         |
| Design, engineering, soil testing, surveying, and staking to facilitate construction of a new public storm water pond and drainage system. Includes site clearing, dewatering, excavation, soil removal and additions, soil balancing, new pond liner, rip rap, relocation and connection of piping infrastructure, water main utility work, compaction and seeding. |                                              |                   |
| 3. Removal of Trade Center Way (portion thereof)                                                                                                                                                                                                                                                                                                                     | 6-24 months                                  | \$69,338          |
| Removal of concrete curbing, sidewalk, asphalt in the public right of way involving the cul-de-bulb of Trade Center Way.                                                                                                                                                                                                                                             |                                              |                   |
| 4. Transfer of property                                                                                                                                                                                                                                                                                                                                              | 6 months                                     | N/A               |
| Transfer of property between the City of Portage and developer involving a portion of 850 Trade Center Way (city-owned) and 950 Trade Center Way (developer-owned)                                                                                                                                                                                                   |                                              |                   |
| The preliminary site plan and property exchange/ property line adjustments are further described on Page 24 and illustrated in Appendix 5 and Appendix 6, respectively.                                                                                                                                                                                              |                                              |                   |

D. THE LOCATION, EXTENT, CHARACTER, AND ESTIMATED COST OF THE IMPROVEMENTS, INCLUDING REHABILITATION, CONTEMPLATED FOR THE DEVELOPMENT AREA AND AN ESTIMATE OF THE TIME REQUIRED FOR COMPLETION.

**1998** DDA TAX INCREMENT FINANCE PLAN / DEVELOPMENT PLAN -  
INFRASTRUCTURE IMPROVEMENT PROJECTS (COMPLETED)

|                                                                                                                                                                                                                                                                                          | <u>Estimated<br/>Time Required<br/>for Completion</u> | <u>Estimated<br/>Cost</u> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|---------------------------|
| <u>Public Improvements</u>                                                                                                                                                                                                                                                               |                                                       |                           |
| 1. Andy Avenue Extension                                                                                                                                                                                                                                                                 | 12 months                                             | \$487,000                 |
| Construct a new 1400 feet long and thirty-six foot wide public street intersecting South Westnedge Avenue at the Andy Avenue signalized intersection, with necessary storm water facilities. Repave 1000 feet of DeHaan Street with intersection improvements at South Westnedge Avenue. |                                                       |                           |
| 2. DeHaan Drive Sanitary Sewer Relocation                                                                                                                                                                                                                                                | 12 months                                             | \$307,000                 |
| Relocate approximately 2100 feet of existing sanitary sewer trunk main located west of DeHaan Drive to the south, paralleling the I-94 right-of-way.                                                                                                                                     |                                                       |                           |
| 3. South Westnedge Avenue Property Acquisition                                                                                                                                                                                                                                           | 12 Months                                             | \$850,000                 |
| Purchase the property addressed along South Westnedge Avenue and DeHaan Drive which is necessary for the extension of Andy Avenue.                                                                                                                                                       |                                                       |                           |

Note: Additional right-of-way and/or easements will be provided by property owners for minimal consideration in order to construct the necessary public street and to relocate the sanitary sewer.

With regard to the identified projects, the Andy Avenue extension (Market Place) and repaving of DeHaan Drive (Trade Centre Way) was completed in 1999. The DeHaan Drive sanitary sewer relocation was subsequently completed in 1999. Finally, after lengthy litigation concerning the acquisition of land necessary for the construction of Market Place, the acquisition was completed in 2001. Bonds were subsequently sold in 2001 in the amount of \$3,100,000 to finance street improvements of \$521,342; sanitary sewer relocation of \$292,429; and property acquisition of \$2,286,229. (Lead underwriter is Morgan Stanley Dean Witter).



**2003** DDA TAX INCREMENT FINANCE PLAN / DEVELOPMENT PLAN - PROPERTY  
ACQUISITION AND PUBLIC IMPROVEMENT PROJECTS (COMPLETED)

|                                                                                                                                                                                                                                  | <u>Estimated<br/>Time Required<br/>for Completion</u> | <u>Estimated<br/>Cost</u>              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|----------------------------------------|
| <u>Public Improvements</u>                                                                                                                                                                                                       |                                                       |                                        |
| 1. The acquisition of 5.44 acres of land for public street right-of-way and stormwater retention                                                                                                                                 | Fall 2003\$                                           | \$909,000                              |
| 2. The construction of an approximate 2200-foot long, 36-foot wide public cul-de-sac street, with pavement, curb and gutter, sidewalk, conduit for the installation of telecommunications fibre, street lighting and landscaping | Fall 2003/<br>Spring 2004                             | \$689,000                              |
| 3 The construction of public water main from the Milham Well Field to the DDA under I-94, to be looped with public water utilities in Holiday Lane                                                                               | Fall 2003/<br>Spring 2004                             | \$300,000                              |
| 4. To facilitate "way finding" by customers from South Westnedge and West Fork Crossing the financing and construction of identification sign at South Westnedge and orientation sign at West Fork Crossing                      | Summer 2004                                           | \$30,000                               |
| 5. The acquisition of 2.81 acres of land in the DeHaan Drive and West Fork Crossing vicinity of the DDA for stormwater or other public use                                                                                       | 2004                                                  | \$500,000                              |
| 6. The annual maintenance, monitoring Of the retention facility mitigation facility                                                                                                                                              | Annually<br>(Not Bonded)                              | \$5,000<br>(\$100,000 over<br>20 yrs.) |

Note: The public right-of-way and stormwater retention area to be purchased by the City of Portage through the DDA is shown on the accompanying map and is generally situated adjacent to and lying immediately north of I-94.

## **2011 AMENDED DDA TAX INCREMENT FINANCE PLAN / DEVELOPMENT PLAN - PROPERTY ACQUISITION AND PUBLIC IMPROVEMENT PROJECTS (Completed)**

To further encourage private sector investment and the further development within the DDA and along South Westnedge Avenue when the DDA was established in 1998, public street, stormwater, and water main replacement projects identified in the South Westnedge Enhancement Projects (SWEPS) program are planned.

Additionally, to foster new private sector investment and the development of office, motel/accommodations, restaurant/retail and office uses in the Trade Centre that was also envisioned when the DDA was established, eligible activities will be financed and constructed as part of the 2011 amended DDA Tax Increment Finance Plan / Development Plan.

The following public improvements and projects are proposed:

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <u>Estimated<br/>Time Required<br/>for Completion</u> | <u>Estimated<br/>Cost</u> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|---------------------------|
| <u>Public Improvements</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                       |                           |
| 1. SWEPS project improvements:                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                       |                           |
| a) The widening of portions of South Westnedge Avenue from north of Market Place to Kilgore Road including related land acquisition, design, and street and utility construction activities.                                                                                                                                                                                                                                                                                             | FY2018/FY2020                                         | \$1,250,000               |
| b) Traffic signal upgrades, overhead utility relocation activities, and access management activities along South Westnedge Avenue in the DDA district to facilitate safe and efficient traffic flow.                                                                                                                                                                                                                                                                                     |                                                       |                           |
| 2. Agreement to Purchase. The City agrees to purchase approximately 8,400 sq. ft. from the Developer to be used for public roadway purposes. Closing on the sale shall occur at a mutually agreeable time but not later than FY2011. At closing Developer agrees to provide City a Special Warranty Deed conveying title to such property, a survey showing the location of such property and an owner's policy of title insurance in the amount of the purchase price of such property. | FY2011                                                | \$191, 623                |
| 3. Trade Centre Way/West Fork Crossing/South Westnedge Avenue improvements:                                                                                                                                                                                                                                                                                                                                                                                                              | FY2011                                                | \$1,148,377               |
| a) Trade Centre Way will be realigned and improved from South Westnedge Avenue west 900 feet to just west of West Fork Crossing.                                                                                                                                                                                                                                                                                                                                                         |                                                       |                           |

(3. continued)

The realignment will include curb and gutter, storm sewer, utility relocation, boulevards, first class road landscaping, lighting, fencing and related construction.

- b) West Fork Crossing will be realigned and improved to intersect with realigned Trade Centre Way easterly of the existing street intersection. The realignment and improvement will match existing West Fork Crossing street cross section characteristics. Private storm drainage will be relocated to adjacent property.
- b) The Trade Centre Way and West Fork Crossing intersection will be reconstructed incorporating additional right-of-way from the State of Michigan. The intersection improvement will match existing Trade Centre Way and West Fork Crossing cross section characteristics. Excess public street right-of-way not necessary for reconstruction of Trade Centre Way and West Fork Crossing shall be vacated or disposed of by the City. Former State of Michigan right-of-way will be retained by the City for transportation purposes.
- c) A portion of South Westnedge Avenue south of Trade Centre Way will be reconstructed to Facilitate left turn-in and right turn-in movements from South Westnedge Avenue to Trade Centre Way and right turnout movements from Trade Centre Way to South Westnedge Avenue. The improvements will match existing South Westnedge Avenue cross section characteristics.

Note: The Costs To Be Paid By City of Portage of this 2011 Plan Amendment, includes the:

- 1. SWEPS project improvements; and
- 2. The Phase III Development Agreement with Trade Center Holdings, LLC and includes a planned land purchase and Trade Centre Way/West Fork Crossing/South Westnedge Avenue improvements contemplated to facilitate private investment to be accomplished by Trade Center Holdings, LLC.

**2020** AMENDED DDA TAX INCREMENT FINANCE PLAN / DEVELOPMENT PLAN -  
PROPERTY EXCHANGE AND PUBLIC IMPROVEMENT PROJECTS **(PROPOSED)**

**SEE EXPLANATIONS ON PAGE 12**

**E. A STATEMENT OF THE CONSTRUCTION OR STAGES OF CONSTRUCTION PLANNED AND THE ESTIMATED TIME OF COMPLETION OF EACH STAGE.**

**1998 DDA TAX INCREMENT FINANCE PLAN / DEVELOPMENT PLAN -**  
**INFRASTRUCTURE IMPROVEMENT PROJECTS (COMPLETED)**

|                                                                                                                                                                                                                                                                                          | <u>Estimated<br/>Time Required<br/>for Completion</u> | <u>Estimated<br/>Cost</u> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|---------------------------|
| <u>Roadway Improvements</u>                                                                                                                                                                                                                                                              |                                                       |                           |
| 1. Andy Avenue Extension                                                                                                                                                                                                                                                                 | 12 months                                             | \$487,000                 |
| Construct a new 1400 feet long and thirty-six foot wide public street intersecting South Westnedge Avenue at the Andy Avenue signalized intersection, with necessary storm water facilities. Repave 1000 feet of DeHaan Street with intersection improvements at South Westnedge Avenue. |                                                       |                           |
| 2. DeHaan Drive Sanitary Sewer Relocation                                                                                                                                                                                                                                                | 12 months                                             | \$307,000                 |
| Relocate approximately 2100 feet of existing sanitary sewer trunk main located west of DeHaan Drive to the south, paralleling the I-94 right-of-way.                                                                                                                                     |                                                       |                           |
| 3. South Westnedge Avenue Property Acquisition                                                                                                                                                                                                                                           | 12 Months                                             | \$850,000                 |
| Purchase the property addressed along South Westnedge Avenue and DeHaan Drive which is necessary for the extension of Andy Avenue.                                                                                                                                                       |                                                       |                           |

Note: Additional right-of-way and/or easements will be provided by property owners for minimal consideration in order to construct the necessary public street and to relocate the sanitary sewer.

With regard to the identified projects, the Andy Avenue extension (Market Place) and repaving of DeHaan Drive was completed in 1999. The DeHaan Drive sanitary sewer relocation was subsequently completed in 1999. Finally, after lengthy litigation concerning the acquisition of land necessary for the construction of Market Place, the acquisition was completed in 2001. Bonds were subsequently sold in 2001 in the amount of \$3,100,000 to finance street improvements \$521,342; sanitary sewer relocation \$292,429; and property acquisition \$2,286,229). (Lead underwriter is Morgan Stanley Dean Witter).



**2003** DDA TAX INCREMENT FINANCE PLAN / DEVELOPMENT PLAN - PROPERTY  
ACQUISITION AND PUBLIC IMPROVEMENT PROJECTS (COMPLETED)

|                                                                                                                                                                                                                                  | <u>Estimated<br/>Time Required<br/>for Completion</u> | <u>Estimated<br/>Cost</u>              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|----------------------------------------|
| <u>Public Improvements</u>                                                                                                                                                                                                       |                                                       |                                        |
| 1. The acquisition of 5.44 acres of land for public street right-of-way and stormwater retention                                                                                                                                 | Fall 2003\$                                           | \$909,000                              |
| 2. The construction of an approximate 2200-foot long, 36-foot wide public cul-de-sac street, with pavement, curb and gutter, sidewalk, conduit for the installation of telecommunications fibre, street lighting and landscaping | Fall 2003/<br>Spring 2004                             | \$689,000                              |
| 3. The construction of public water main from the Milham Well Field to the DDA under I-94, to be looped with public water utilities in Holiday Lane                                                                              | Fall 2003/<br>Spring 2004                             | \$300,000                              |
| 4. To facilitate "way finding" by customers from South Westnedge and West Fork Crossing the financing and construction of identification sign at South Westnedge and orientation sign at West Fork Crossing                      | Summer 2004                                           | \$30,000                               |
| 5. The acquisition of 2.81 acres of land in the DeHaan Drive and West Fork Crossing vicinity of the DDA for stormwater or other public use                                                                                       | 2004                                                  | \$500,000                              |
| 6. The annual maintenance, monitoring Of the retention facility mitigation facility                                                                                                                                              | Annually<br>(Not Bonded)                              | \$5,000<br>(\$100,000 over<br>20 yrs.) |

Note: The public right-of-way and stormwater retention area to be purchased by the City of Portage through the DDA is shown on the accompanying map and is generally situated adjacent to and lying immediately north of I-94.

## 2011 AMENDED DDA TAX INCREMENT FINANCE PLAN / DEVELOPMENT PLAN - PROPERTY ACQUISITION AND PUBLIC IMPROVEMENT PROJECTS (Completed)

To further encourage private sector investment and the further development within the DDA and along South Westnedge Avenue when the DDA was established in 1998, public street, stormwater, and water main replacement projects identified in the South Westnedge Enhancement Projects (SWEPS) program are planned.

Additionally, to foster new private sector investment and the development of office, motel/accommodations, restaurant/retail and office uses in the Trade Centre that was also envisioned when the DDA was established, eligible activities will be financed and constructed as part of the 2011 amended DDA Tax Increment Finance Plan / Development Plan.

The following public improvements and projects are proposed:

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <u>Estimated<br/>Time Required<br/>for Completion</u> | <u>Estimated<br/>Cost</u> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|---------------------------|
| <u>Public Improvements</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                       |                           |
| 1. SWEPS project improvements:                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                       |                           |
| c) The widening of portions of South Westnedge Avenue from north of Market Place to Kilgore Road including related land acquisition, design, and street and utility construction activities.                                                                                                                                                                                                                                                                                             | FY2018/FY2020                                         | \$1,250,000               |
| d) Traffic signal upgrades, overhead utility relocation activities, and access management activities along South Westnedge Avenue in the DDA district to facilitate safe and efficient traffic flow.                                                                                                                                                                                                                                                                                     |                                                       |                           |
| 2. Agreement to Purchase. The City agrees to purchase approximately 8,400 sq. ft. from the Developer to be used for public roadway purposes. Closing on the sale shall occur at a mutually agreeable time but not later than FY2011. At closing Developer agrees to provide City a Special Warranty Deed conveying title to such property, a survey showing the location of such property and an owner's policy of title insurance in the amount of the purchase price of such property. | FY2011                                                | \$191, 623                |
| 3. Trade Centre Way/West Fork Crossing/South Westnedge Avenue improvements:                                                                                                                                                                                                                                                                                                                                                                                                              |                                                       |                           |
| a) Trade Centre Way will be realigned and improved from South Westnedge Avenue west 900 feet to just west of West Fork Crossing.                                                                                                                                                                                                                                                                                                                                                         | FY2011                                                | \$1,148,377               |

(3. continued)

The realignment will include curb and gutter, storm sewer, utility relocation, boulevards, first class road landscaping, lighting, fencing and related construction.

- b) West Fork Crossing will be realigned and improved to intersect with realigned Trade Centre Way easterly of the existing street intersection. The realignment and improvement will match existing West Fork Crossing street cross section characteristics. Private storm drainage will be relocated to adjacent property.
- c. The Trade Centre Way and West Fork Crossing intersection will be reconstructed incorporating additional right-of-way from the State of Michigan. The intersection improvement will match existing Trade Centre Way and West Fork Crossing cross section characteristics. Excess public street right-of-way not necessary for reconstruction of Trade Centre Way and West Fork Crossing shall be vacated or disposed of by the City. Former State of Michigan right-of-way will be retained by the City for transportation purposes.
- d) A portion of South Westnedge Avenue south of Trade Centre Way will be reconstructed to Facilitate left turn-in and right turn-in movements from South Westnedge Avenue to Trade Centre Way and right turnout movements from Trade Centre Way to South Westnedge Avenue. The improvements will match existing South Westnedge Avenue cross section characteristics.

Note: The Costs To Be Paid By City of Portage of this 2011 Plan Amendment, includes the:

- 3. SWEPS project improvements; and
- 4. The Phase III Development Agreement with Trade Center Holdings, LLC and includes a planned land purchase and Trade Centre Way/West Fork Crossing/South Westnedge Avenue improvements contemplated to facilitate private investment to be accomplished by Trade Center Holdings, LLC.

F. A DESCRIPTION OF ANY PARTS OF THE DEVELOPMENT AREA TO BE  
LEFT AS OPEN SPACE AND THE USE CONTEMPLATED FOR THE SPACE.

Not Applicable

- G. A DESCRIPTION OF ANY PORTIONS OF THE DEVELOPMENT AREA THAT THE AUTHORITY DESIRES TO SELL, DONATE, EXCHANGE, OR LEASE TO OR FROM THE MUNICIPALITY AND THE PROPOSED TERMS.

**2011** PLAN AMENDMENT (COMPLETED)

The public facilities to be constructed and acquired by the issuance of bonds in this 2020 Plan Amendment by the Authority will be retained and/or transferred to the City of Portage. The public facilities will be constructed and acquired by the city, using as revenues to retire bonds to be issued by the city, payments from the Authority to the city, which will be provided for in a contract between the city and the Authority.



## **2020 PLAN AMENDMENT (PROPOSED)**

In order to facilitate development of the proposed hotel, an exchange of land needs to occur between the City of Portage and 750 Trade Centre, LLC, 850 Trade Centre, LLC and 950 Trade Centre, LLC (collectively the "Developer"). As such, the City of Portage will transfer to the Developer the southern .73 acres of 850 Trade Centre Way. The City of Portage will retain the northern portion of this parcel of land. The Developer will transfer to the City of Portage the northern .87 acres of 950 Trade Centre Way. The .87 acres transferred to the City of Portage will then be combined to the northern portion of 850 Trade Centre Way retained by the city. The existing storm water retention basin will be located to this new parcel of land. The Developer will convey to the City of Portage an easement to access this new storm water retention basin location.

Included with the property transfer is removal of the northern approximate one-half of the Trade Centre Way cul-de-sac turnaround area. In exchange for this land area, the Developer will provide to the City of Portage an easement that will allow city vehicles and the public to turnaround on the newly created hotel property.

Included in Appendix 6 are several maps that illustrate the land exchange, creation of the new storm water retention parcel and the new hotel parcel. Below is a brief description of each map contained in Appendix 6:

1. Drawing No. 1: This drawing illustrates the three parcels of land that are included in this plan amendment. Two parcels are owned by the Developer (750 and 950 Trade Centre Way) and one parcel is owned by the City of Portage (850 Trade Centre Way)
2. Drawing No. 2: Property shaded in green is that .73-acre portion of 850 Trade Centre Way the city will convey to the Developer. The existing storm water retention basin is located on this property, which is proposed to be relocated.
3. Drawing No. 3: Property shaded in pink is currently owned by the Developer but will be conveyed to the City of Portage. The storm water retention basin will be relocated to this parcel.
4. Drawing No. 4: The property shaded in purple will be the property owned by the City of Portage after the transaction is complete.
5. Drawing No. 5: The property shaded in tan will be a new parcel that will be occupied by the proposed hotel. It's a combination of the .73-acres city-owned parcel (850 Trade Centre Way) transferred to the Developer, the west portion of 750 Trade Centre Way and the east portion of 950 Trade Centre Way.
6. Drawing No. 6: The light green shaded area shows the property split from 750 Trade Centre Way and 950 Trade Centre Way to create the new hotel parcel as described No. 5 above.

7. Drawing No. C-2: This drawing shows the storm water basin at its new location and the site layout for the new hotel.

H. **A DESCRIPTION OF DESIRED ZONING CHANGES AND CHANGES IN STREETS, STREET LEVELS, INTERSECTIONS, AND UTILITIES.**

**1998 DDA TAX INCREMENT FINANCE PLAN/DEVELOPMENT PLAN (COMPLETED)**

Zoning Changes

Approximately 60 acres of land was rezoned to CPD, commercial planned development and OS-1, office service by the City of Portage in June 1998. No additional zoning changes are contemplated.

Street Changes

As part of the original Tax Increment Finance / Development Plan, Andy Avenue extension (now Market Place) was completed. DeHaan Drive was resurfaced.

A new public cul-de-sac street was constructed that is identified on the preceding pages of D. and E. in the Amended 2003 Plan.

Street Intersections

No additional intersection improvements were undertaken.

Utilities

No additional sanitary sewer utilities were undertaken.

New public utilities were constructed to serve the planned development and future development within the DDA in the Amended 2003 Plan. These public utilities include public water mains, stormwater facilities and street appurtenances (landscaping, sidewalks, street lighting, traffic control and related facilities).

## **2003 TAX INCREMENT FINANCE PLAN/DEVELOPMENT PLAN (COMPLETED)**

### Zoning Changes

No additional zoning changes are contemplated.

### Street Changes

A new public cul-de-sac street was constructed that is identified on the preceding pages of D. and E. in the Amended 2003 Plan.

### Street Intersections

Consistent with the street changes above, related intersection work at DeHaan Drive (now Trade Centre Way) was completed as generally described on pages of D. and E in the Amended 2003 Plan.

### Utilities

New public utilities were constructed to serve the planned development and future development within the DDA in the Amended 2003 Plan. These public utilities include public water mains, stormwater facilities and street appurtenances (landscaping, sidewalks, street lighting, traffic control and related facilities).

## 2011 AMENDED TAX INCREMENT FINANCE PLAN/DEVELOPMENT PLAN (COMPLETED)

### Zoning Changes

No additional zoning changes are contemplated.

### Street Changes

Reconstruction of part of South Westnedge Avenue has occurred.

A realigned intersection of two public streets will be constructed that is explained on the preceding pages of D. and E. in the 2020 Amended Plan.

In the future, additional improvements including widening along South Westnedge Avenue are planned as part of the SWEPS program.

### Street Intersections

Consistent with the street changes above, related intersection work at Trade Centre Way and West Fork Crossing will be completed as generally described on pages of D. and E.

### Utilities

New public utilities will be constructed to serve the planned development and future development within the DDA in the 2020 Amended Plan. These public utilities include street and street appurtenances (landscaping, sidewalks, street lighting, fencing, undergrounding of overhead utilities where possible), stormwater facilities as needed, traffic control and related facilities.



## **2020 AMENDED TAX INCREMENT FINANCE PLAN/DEVELOPMENT PLAN (PROPOSED)**

### Zoning Changes

No additional zoning changes are contemplated.

### Street Changes

The northern approximate one-half of the Trade Centre Way cul-de-sac turnaround area will be removed and this land area transferred to the Developer. In exchange for this land area, the Developer will provide to the City of Portage an easement that will allow city vehicles and the public to turnaround on the newly created hotel property.

### Street Intersections

No changes to any street intersections are contemplated.

### Utilities

Demolition and removal of the existing storm water retention basin and drainage system, removal of pond liner, removal of infrastructure piping. A new storm water retention basin and associated improvements will be constructed on the new parcel of land located to the northwest.

**I. AN ESTIMATE OF THE COST OF THE DEVELOPMENT, A STATEMENT OF THE PROPOSED METHOD OF FINANCING THE DEVELOPMENT, AND THE ABILITY OF THE AUTHORITY TO ARRANGE THE FINANCING.**

It is anticipated that the 2020 Amended Plan will cost an additional \$653,228, which does not include annual maintenance of the relocated storm water retention basin. The costs associated with the public infrastructure improvements are summarized below:

|           |                                                                                                                                                       |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| \$150,000 | Paid for or reimbursed from the City of Portage Water Fund. This \$150,000 had already been budgeted to rehabilitate the existing storm water basin.  |
| \$450,000 | Reimbursed by the DDA to Developer with tax increment revenue generated by the project.                                                               |
| \$53,228  | Paid for by Developer (any amount over \$600,000 in total)                                                                                            |
| \$653,228 | Total Cost associated with relocation of the storm water retention basin and removal of the northern portion of the Trade Centre Way turnaround area. |

J. DESIGNATION OF THE PERSON OR PERSONS, NATURAL OR CORPORATE, TO WHOM ALL OR A PORTION OF THE DEVELOPMENT IS TO BE LEASED, SOLD, OR CONVEYED, IN ANY MANNER, AND FOR WHOSE BENEFIT THE PROJECT IS BEING UNDERTAKEN IF THAT INFORMATION IS AVAILABLE TO THE AUTHORITY.

Additional public improvements will be undertaken to foster economic development and job creation in the Trade Centre Way area within the DDA. Joseph Gesmundo and Roger Hinman, being principals in 750 Trade Center, LLC, 850 Trade Centre, LLC, and 950 Trade Centre, LLC are referenced and 2020 Phase IV Development Agreement with terms with this entity.

Other property owners/developers may also express interest in land purchase and subsequent development of office, motel/accommodations and/or retail development, which will also be consistent with applicable city requirements.

- K. THE PROCEDURES FOR BIDDING FOR THE LEASING, PURCHASING, OR CONVEYING, IN ANY MANNER, OF ALL OR A PORTION OF THE DEVELOPMENT UPON ITS COMPLETION, IF THERE IS NO EXPRESS OR IMPLIED AGREEMENT BETWEEN THE AUTHORITY AND PERSON, NATURAL OR CORPORATE, THAT ALL OR A PORTION OF THE DEVELOPMENT WILL BE LEASED, SOLD, OR CONVEYED, IN ANY MANNER, TO THOSE PERSONS.

Not applicable

- L. ESTIMATES OF THE NUMBER OF PERSONS RESIDING IN THE DEVELOPMENT AREA AND THE NUMBER OF FAMILIES AND INDIVIDUALS TO BE DISPLACED. IF OCCUPIED RESIDENCES ARE DESIGNATED FOR ACQUISITION AND CLEARANCE BY THE AUTHORITY, A DEVELOPMENT PLAN SHALL INCLUDE A SURVEY OF THE FAMILIES AND INDIVIDUALS TO BE DISPLACED, INCLUDING THEIR INCOME AND RACIAL COMPOSITION; A STATISTICAL DESCRIPTION OF THE HOUSING SUPPLY IN THE COMMUNITY, INCLUDING THE NUMBER OF PRIVATE AND PUBLIC UNITS IN EXISTENCE OR UNDER CONSTRUCTION; THE CONDITION OF THOSE UNITS IN EXISTENCE; THE NUMBER OF OWNER-OCCUPIED AND RENTER-OCCUPIED UNITS; THE ANNUAL RATE OF TURNOVER OF THE VARIOUS TYPES OF HOUSING; THE RANGE OF RENTS AND SALE PRICES; AN ESTIMATE OF THE TOTAL DEMAND FOR HOUSING IN THE COMMUNITY AND THE ESTIMATED CAPACITY OF PRIVATE AND PUBLIC HOUSING AVAILABLE TO DISPLACED FAMILIES AND INDIVIDUALS.

Not Applicable



M. PLAN FOR ESTABLISHING PRIORITY FOR THE RELOCATION OF PERSONS DISPLACED BY THE DEVELOPMENT IN ANY NEW HOUSING IN THE DEVELOPMENT AREA.

Not Applicable

- N. PROVISION FOR THE COSTS OF RELOCATING PERSONS DISPLACED BY THE DEVELOPMENT AND FINANCIAL ASSISTANCE AND REIMBURSEMENT OF EXPENSES, INCLUDING LITIGATION EXPENSES AND EXPENSES INCIDENT TO THE TRANSFER OF TITLE, IN ACCORDANCE WITH THE STANDARDS AND PROVISIONS OF THE FEDERAL UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970.

Not Applicable

- . A PLAN FOR COMPLIANCE WITH ACT NO. 227 OF THE PUBLIC ACTS OF 1972, BEING SECTIONS 213.321 TO 213.332 OF THE MICHIGAN COMPLIED LAWS.

Not Applicable

P. OTHER MATERIAL THAT THE AUTHORITY, LOCAL PUBLIC AGENCY,  
OR GOVERNING BODY CONSIDERS PERTINENT.

None

## **PART II - TAX INCREMENT FINANCING PLAN**



## **A. DETAILED EXPLANATION OF THE TAX INCREMENT PROCEDURE.**

Tax increment financing permits the Authority to capture tax revenues attributable to increases in the value of real and personal property resulting from the acquisition and construction of eligible property as defined in the Act. Property value increases, in the case of the development within the district boundaries, will be attributable to the construction of projects.

At the time the tax increment financing plan is approved by the City Council, the value of the eligible property to which the plan pertains (the initial value) is established. The initial value is the taxable value of the eligible property on that date.

In each subsequent year for the duration of the tax increment financing plan the "current value" of the eligible property will be determined. The current value for each year is the taxable value of the eligible property for that year.

The amount by which the current value exceeds the initial value in any one year is the captured value. For the duration of the tax increment financing plan, the local taxing jurisdictions will continue to receive tax revenues based upon the initial value. The Authority, however, receives that portion of the tax levy of the City of Portage, Portage District Library, Kalamazoo County and Kalamazoo Valley Community College (as taxing jurisdictions) paid each year on the captured value of the eligible property included in the tax increment financing plan; provided, however, that the Authority does not receive any part of millage specifically levied for the payment of principal of and interest on obligations approved by the electors or obligations pledging the unlimited taxing power of the local governmental unit.

For example, in year one a tax increment financing plan relating to eligible property having a taxable value of \$500,000 is established. The initial value is \$500,000. Assume that the tax rate applicable to the eligible property is 52 mills and, of the 52 mills, 2 mills are levied for the payment of principal and interest on obligations described above. In year one, the taxes on the eligible property will be 52 mills times \$500,000 or \$26,000. None of those taxes will be paid to the Authority. In year two, because of the construction of eligible property, the taxable value of the eligible property is \$750,000. The current value in year two is \$750,000 and the captured value in year two is \$250,000 (\$750,000 less than the initial value of \$500,000). If there were no agreements for the sharing of captured value, the Authority would receive tax increments of \$13,000 (52 mills times \$250,000). The taxing jurisdictions would receive \$26,500 (52 mills time \$500,000 which represents the initial value, plus 2 mills times \$250,000 which represents the captured value). In each subsequent year for the duration of the tax increment financing plan a similar computation would be made.

If agreements to share captured value were in place the calculations would be adjusted to reflect the terms of those agreements.

B. **MAXIMUM AMOUNT OF BONDED INDEBTEDNESS TO BE INCURRED.**

NONE

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**C. DURATION OF THE PROGRAM.**

The development plan and the tax increment financing plan are to continue for the period of time needed to complete the plan and collect and disburse tax increments as may be needed to reimburse the Developers for their expenses making the necessary improvements to relocate the storm water system.

It is anticipated that the program identified in the amended plan will extend through the year 2031.

**[SEE CHART ON NEXT PAGE]**

**Tax Increment Revenue Reimbursement Allocation Table**  
**Reimbursement Example**

Estimated DDA Capture                      \$ 486,955  
 Developer Reimbursement                      \$ 450,000

Estimated Total Years of Plan:                      12  
 Estimated Tax Revenue waived by COP: \$ 229,344  
 Estimated Tax Revenue by COP: \$ -

|                                       | 2020       | 2021       | 2022       | 2023       | 2024       | 2025       | 2026       | 2027       | 2028      | 2029      | 2030      | 2031      | TOTAL      |
|---------------------------------------|------------|------------|------------|------------|------------|------------|------------|------------|-----------|-----------|-----------|-----------|------------|
| Total Local Incremental Revenue       | \$ 38,396  | \$ 38,780  | \$ 39,168  | \$ 39,559  | \$ 39,955  | \$ 40,354  | \$ 40,758  | \$ 41,165  | \$ 41,577 | \$ 41,993 | \$ 42,413 | \$ 42,837 | \$ 486,955 |
| Administrative Fee (5%)               | \$ -       | \$ -       | \$ -       | \$ -       | \$ -       | \$ -       | \$ -       | \$ -       | \$ -      | \$ -      | \$ -      | \$ -      | \$ -       |
| Local TIR Available for Reimbursement | \$ 38,396  | \$ 38,780  | \$ 39,168  | \$ 39,559  | \$ 39,955  | \$ 40,354  | \$ 40,758  | \$ 41,165  | \$ 41,577 | \$ 41,993 | \$ 42,413 | \$ 42,837 | \$ 486,955 |
| Reimbursements                        | \$ 450,000 | \$ -       | \$ -       | \$ -       | \$ -       | \$ -       | \$ -       | \$ -       | \$ -      | \$ -      | \$ -      | \$ -      | \$ -       |
| Developer                             | \$ 450,000 | \$ 38,396  | \$ 38,780  | \$ 39,168  | \$ 39,559  | \$ 40,354  | \$ 40,758  | \$ 41,165  | \$ 41,577 | \$ 41,993 | \$ 42,413 | \$ 42,837 | \$ 450,000 |
| City of Portage                       | \$ -       | \$ -       | \$ -       | \$ -       | \$ -       | \$ -       | \$ -       | \$ -       | \$ -      | \$ -      | \$ -      | \$ -      | \$ -       |
| Total Reimbursement Balance           | \$ 411,604 | \$ 372,824 | \$ 333,657 | \$ 294,098 | \$ 254,143 | \$ 213,789 | \$ 173,031 | \$ 131,865 | \$ 90,288 | \$ 48,295 | \$ 5,882  | \$ 0      | \$ -       |
| Total Annual Developer Reimbursement  | \$ 38,396  | \$ 38,780  | \$ 39,168  | \$ 39,559  | \$ 39,955  | \$ 40,354  | \$ 40,758  | \$ 41,165  | \$ 41,577 | \$ 41,993 | \$ 42,413 | \$ 42,837 | \$ 450,000 |

D. **STATEMENT OF THE ESTIMATED IMPACT OF TAX INCREMENT  
FINANCING ON THE ASSESSED VALUES OF ALL TAXING  
JURISDICTION IN WHICH THE DEVELOPMENT AREA IS LOCATED.**

See Appendix 7



**E. STATEMENT AS TO WHETHER PLAN PROVIDES FOR THE USE OF SOME  
OR ALL OF THE CAPTURED VALUE.**

The use of all of the captured value is contemplated.

F. METHOD FOR EXCLUDING GROWTH IN PROPERTY VALUE RESULTING  
SOLELY FROM INFLATION.

Not Applicable

## APPENDICES

## APPENDIX 1

5



# Downtown Development Authority Vicinity Map



1 inch = 700 feet  
Date Printed: April 9, 2020



A parcel of land located in the northwest quarter of section three and the northeast quarter of section four, township three south, range eleven west, more particularly described as follows:

Commencing at the west quarter post of said section three; thence east along the east-west quarter line of said section three 131.69 feet to a point 34.31 feet west of the southeast corner of lot 19 of the Assessor's Plat of DeBoer Homestead Acres and the place of beginning; thence northwesterly 100.00 feet to the northwest corner of said lot 19; thence northerly 66.00 feet along the west line of lot 18 of said Assessor's Plat to the northwest corner of said lot 18; thence northerly 66.00 feet along the west line extended of said lot 18 to the southwest corner of lot 17 of said Assessor's Plat; thence continuing northerly 264.00 feet more or less along the west line of lots 14, 15, 16, and 17 of said Assessor's Plat to the northwest corner of said lot 14; thence westerly 80.00 feet more or less to the intersection of the south right-of-way line of DeHaan Drive with the west right-of-way line of South Westnedge Avenue; thence westerly 590.00 feet more or less along the south right-of-way line of DeHaan Drive to the intersection of the south right-of-way line of DeHaan Drive with the east right-of-way line of Clara Drive; thence southwesterly 280.00 feet more or less along the east right-of-way line of Clara Drive; thence westerly 50.00 feet more or less to the southeast corner of lot 108 of said Assessor's Plat; thence westerly 63.40 feet more or less along the south line of said lot 108; thence south 58 degrees 3 minutes 8 seconds west, 119.84 feet; thence south 72 degrees 5 minutes 59 seconds west, 163.48 feet; thence north 89 degrees 2 minutes 44 seconds west, 250.80 feet; thence north 84 degrees 28 minutes 18 seconds west, 1,241.33 feet more or less to the south line of said Assessor's Plat; thence westerly 21.00 feet more or less along the south line of said Assessor's Plat to the southwest corner of lot 98 of said Assessor's Plat; thence north 0 degrees 20 minutes 0 seconds west, 419.30 feet along the north-south quarter line of said section four; thence easterly 1,763.82 feet to the northwest corner of lot 68 of said Assessor's Plat; thence northeasterly 481.00 feet more or less along the center line of the west branch of Portage Creek; thence northeasterly 188.00 feet more or less along said creek; thence northerly along said creek to a point on the east-west eighth line of said section four 458.64 feet west of the east line of said section four; thence westerly 50.00 feet along said east-west eighth line; thence northerly 289.06 feet parallel with the east line of said section four; thence north 85 degrees 16 minutes 20 seconds west, 549.72 feet; thence north 58 degrees 41 minutes 0 seconds west, 317.39 feet to the west line of the east half of the northeast quarter of said section four; thence north 0 degrees 0 minutes 3 seconds west, 527.79 feet along the west line of the east half of the northeast quarter of said section four to a point 480.37 feet south of the north line of said section four, said point also being in the south line of lot 17 of Kilgore Plat; thence east along the south line of Kilgore Plat 869.44 feet to the southwest corner of lot 5 of said plat; thence north along the west line of lot 5, 125.00 feet; thence east 154.00 feet to the east line of lot 4 of said plat; thence north 322.37 feet to the north line of section four; thence easterly 304.00 feet to the northeast corner of said section four, this point also being the northwest corner of said section three; thence continuing easterly 951.78 feet along the north line of the northwest quarter of said section three to the west line extended of lot 121 of Ridgebrook No. 1; thence southerly 50.00 feet along the west line extended of said lot 121 to the northwest corner of said lot 121; thence continuing southerly 157.09 feet along the west line of said lot 121 to the southwest corner of said lot 121; thence southwesterly 173.82 feet along the north line of lot 122 of Ridgebrook No. 1 to the northwest corner of said lot 122 and the easterly right-of-way line of Old Kilgore Road; thence southerly 1,255.74 feet along the westerly line and the westerly line extended of Ridgebrook No. 1 to a point in the north line of lot 64 of Terrace Heights; thence westerly 183.95 feet along the north line of lots 64, 65 and 66 of Terrace Heights to the northwest corner of said lot 66; thence southerly 132.00 feet along the west line of said lot 66 to the southwest corner of said lot 66 and the north right-of-way line of Andy Avenue; thence westerly 264.00 feet along the north right-of-way line of Andy Avenue to the west line of Terrace Heights; thence southerly 858.00 feet along the west line of Terrace Heights to the southwest corner of lot 9 of Terrace Heights and a point in the north line of lot 53 of said Assessor's Plat; thence westerly 165.00 feet along the north line of lots 53, 54 and 55 of said Assessor's Plat to the northwest corner of said lot 55; thence southerly 198.00 feet along the west line and the west line extended of said lot 55 to the northwest corner of lot 20 of said Assessor's Plat; thence continuing southerly 132.00 feet along the west line of said lot 20 to the southwest corner of said lot 20 and the southeast corner of said lot 19; thence westerly 34.31 feet along the east-west quarter line of said section three and along the south line of said lot 19 to the place of beginning.

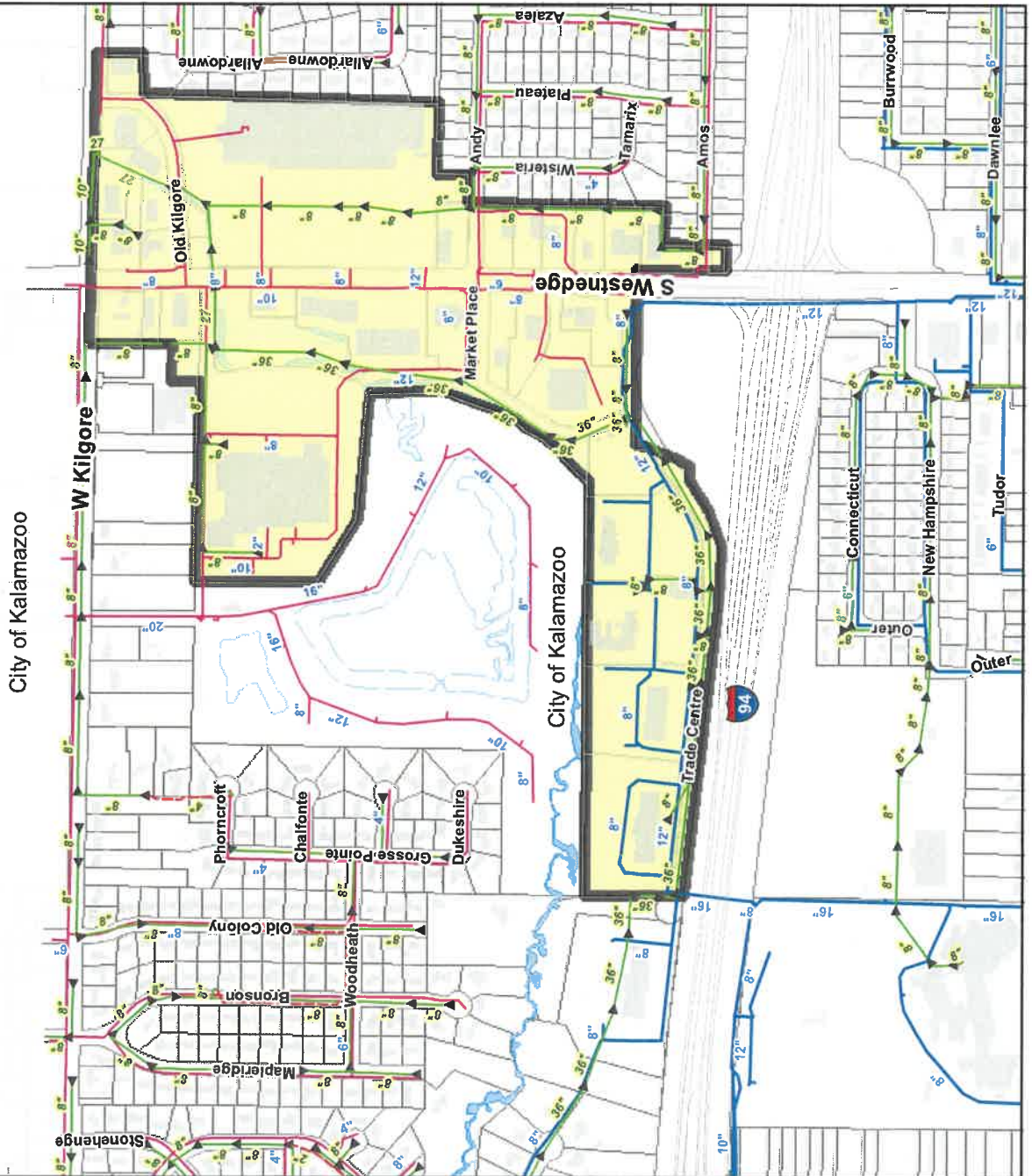


## APPENDIX 2



# Downtown Development Authority Existing Street, Water and Sewer Map

- Legend**
- DDA Area
  - Sewer**
    - GRAVITY
    - FORCE
  - Water**
    - City of Kalamazoo
    - City of Portage



1 inch = 700 feet  
Date Printed: April 9, 2020

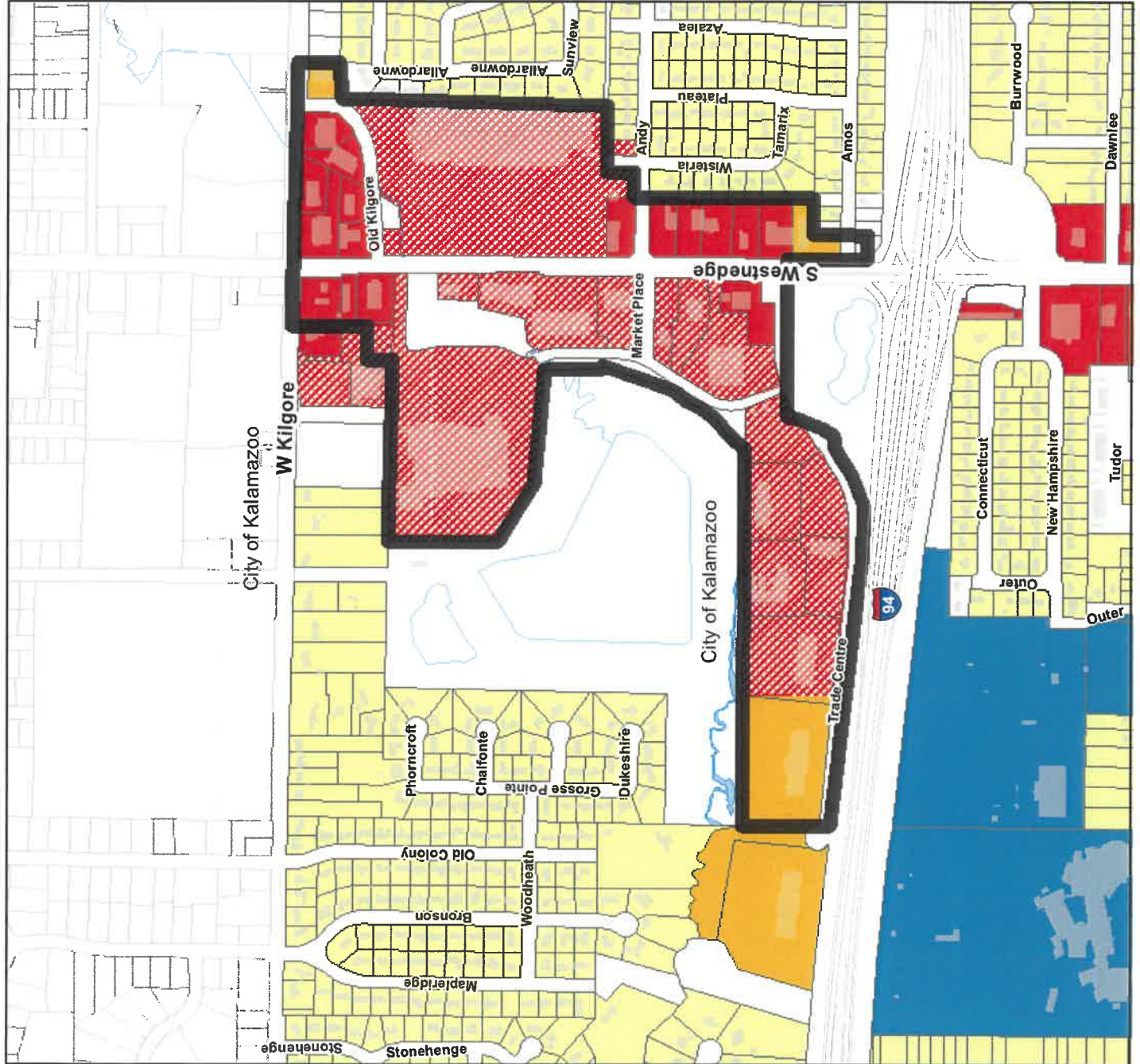
## APPENDIX 3



## Downtown Development Authority Existing Land Use

### Legend

- DDA Area
- Single-Family
- Local Business
- General Business
- Office
- Regional Business
- Light Industrial
- Public/Institutional
- Vacant/Undeveloped



1 inch = 700 feet  
Date Printed: April 8, 2020

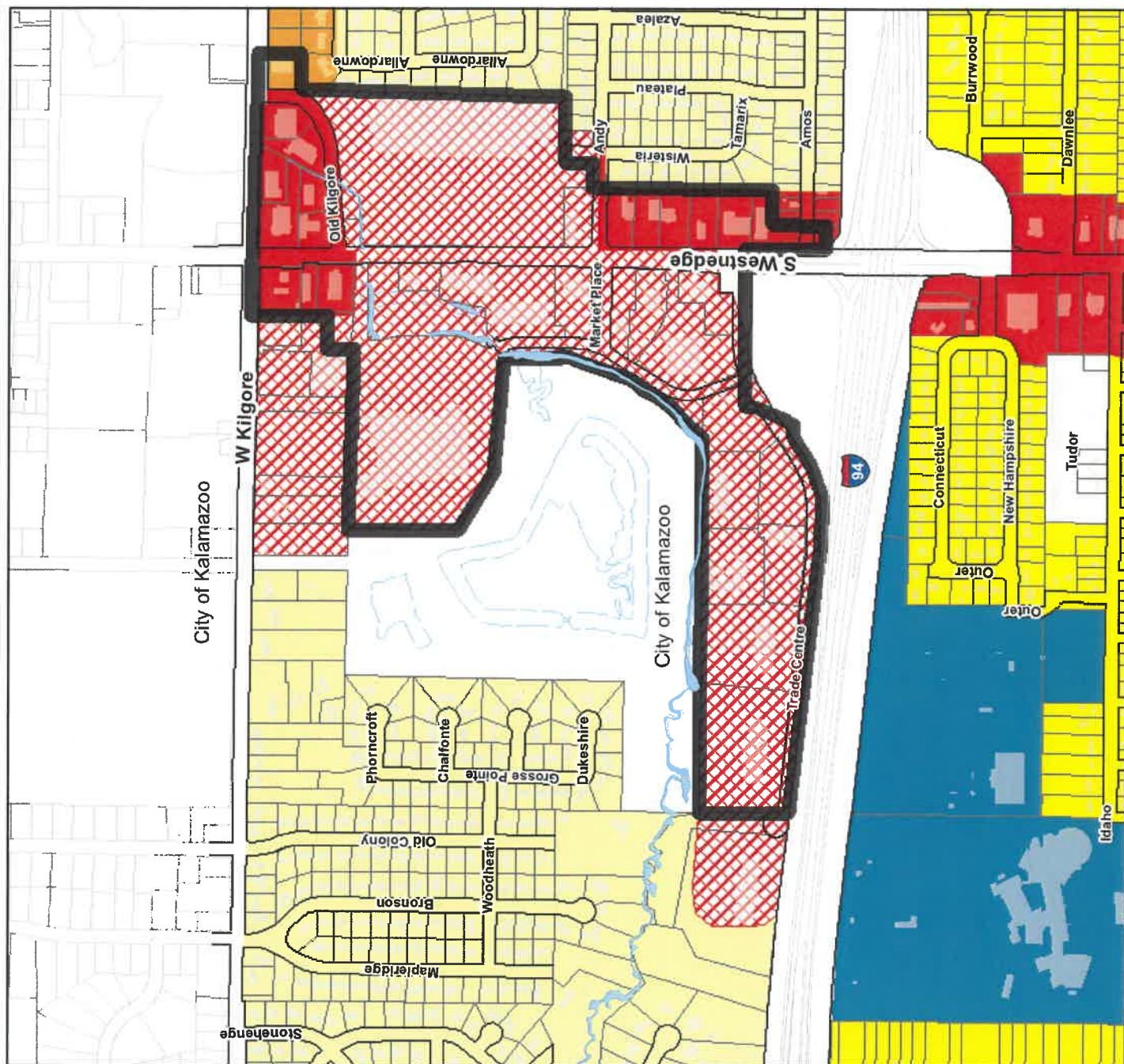
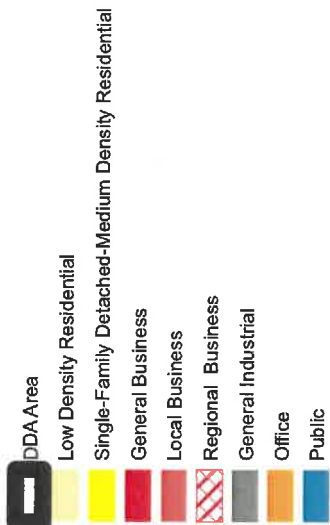
## APPENDIX 4





# Downtown Development Authority Future Land Use

## Future Land Use



1 inch = 700 feet  
Date Printed: April 8, 2020



## APPENDIX 5

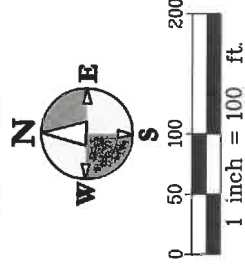
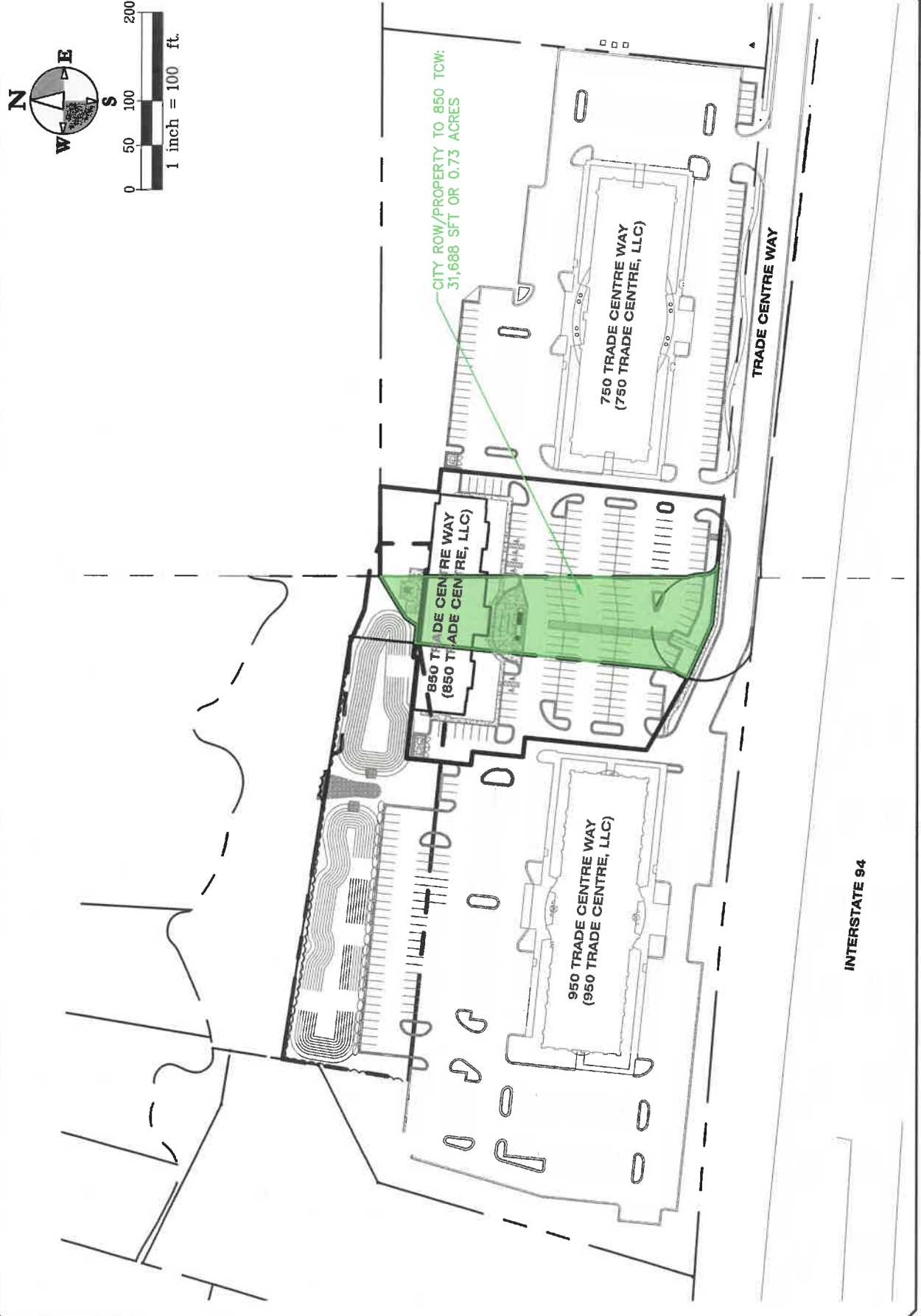


## APPENDIX 6

DRAWING LOCATION: H:\19-007D (850 Trade Centre)\Parcel Map\Existing Parcels.dwg LAST SAVED BY: AFRAZIER ON 2/19/2020



DRAWING LOCATION: H:\19-007D (850 Trade Centre)\REFERENCE\Parcel Maps\Existing Parcels.dwg LAST SAVED BY: AFRAZIER ON 2/19/2020



|                                                                                                                                                |                                        |                         |
|------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|-------------------------|
| <b>2</b><br>Drawing No.                                                                                                                        | <b>Title:</b> COP ROW/PROP. CONVEYANCE | <b>Client:</b> H&G, LLC |
|                                                                                                                                                | <b>Project:</b> 850 TRADE CENTRE WAY   |                         |
| <b>hurley &amp; stewart</b><br>2800 s. 11th street, llc<br>kalamazoo, michigan 49009<br>269.552.4960 fax 269.552.4961<br>www.hurleystewart.com |                                        |                         |
| <b>Job No.:</b> 19-007D<br><b>Date:</b> 2/20/20<br><b>Scale:</b> AS NOTED<br><b>P.M.:</b> TDH<br><b>ART:</b> JAC<br><b>QA/QC:</b> 2/20/20      |                                        |                         |



DRAWING LOCATION: H:\19-007D (850 Trade Centre)\REFERENCE\Parcel Maps\Existing Parcels.dwg LAST SAVED BY: ARAZIER ON 2/19/2020





|          |             |        |          |         |                                                                                   |                                                                                                 |                                                                                                                                                             |
|----------|-------------|--------|----------|---------|-----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>4</b> | Drawing No. | Title: | Project: | Client: | <b>RETAINED CITY PARCEL</b><br><b>850 TRADE CENTRE WAY</b><br><b>H&amp;G, LLC</b> | Job No.: 19-007D<br>Date: 2/20/20<br>Scale: AS NOTED<br>P.M.: TDH<br>Drf: APR<br>QA/QC: 2/20/20 | <b>hurley &amp; stewart</b><br><b>HS</b><br>2800 E. 11th Street<br>Indianapolis, Indiana 46009<br>269.552.4960 Fax 269.552.4961<br>www.hurleyandstewart.com |
|          |             |        |          |         |                                                                                   |                                                                                                 |                                                                                                                                                             |

DRAWING LOCATION: H:\19-007D (850 Trade Centre)\REFERENCE\Parcel Map9\Existing Parcels.dwg LAST SAVED BY: AFRADIER ON 2/19/2020



Drawing No. **5**

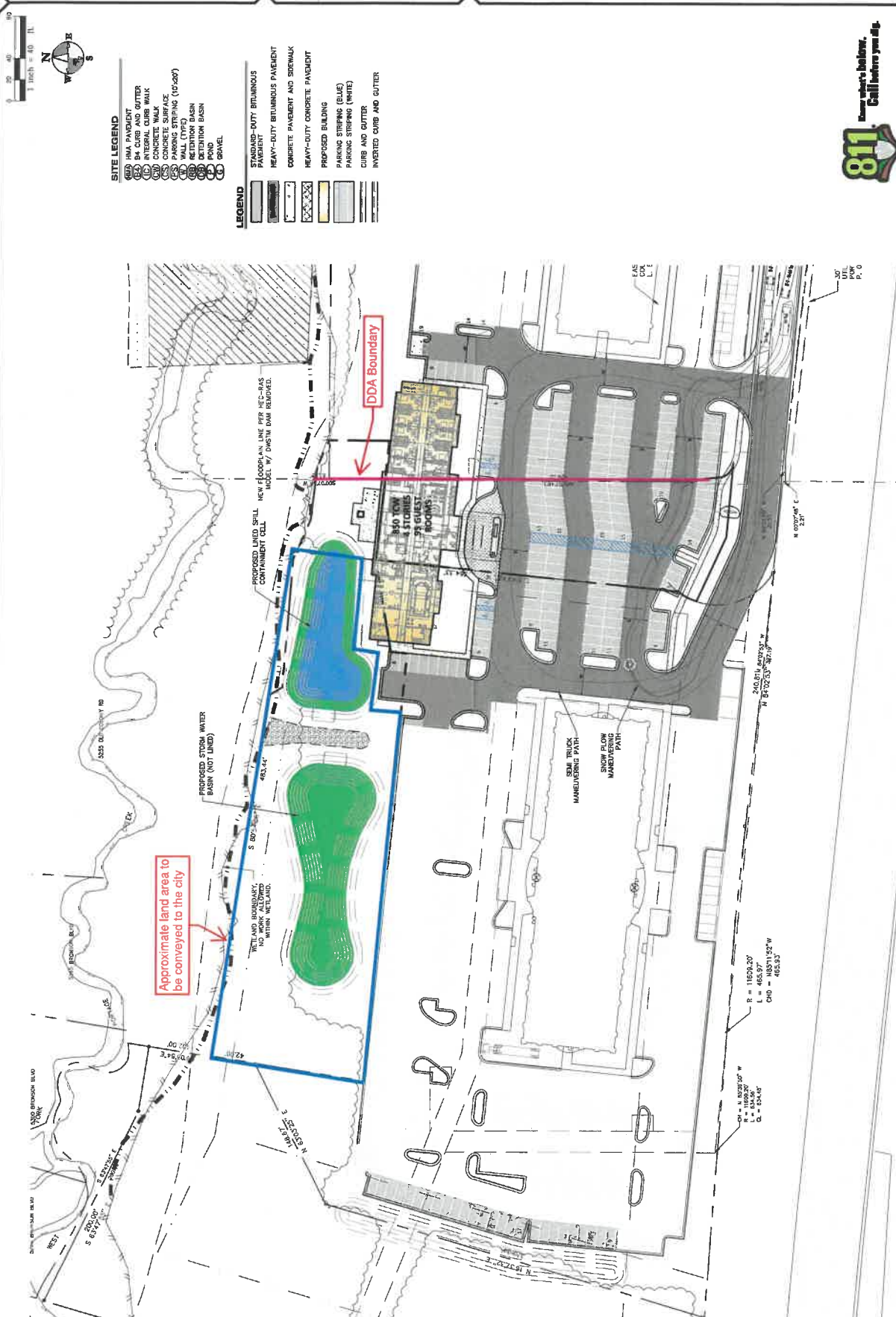
Title: **PROPOSED 850 TCW PARCEL**  
Project: **850 TRADE CENTRE WAY**  
Client: **H&G, LLC**

Job No.: 19-007D  
Date: 2/20/20  
Scale: AS NOTED  
P.M.: TDH  
Drf: AFR  
QA/QC: 2/20/20

**hurley & stewart**  
www.hurleystewart.com  
269.562.4960 fax 269.562.4961  
kalamazoo, michigan 49008  
2800 w. 11th street  
hurley & stewart, llc









## APPENDIX 7

Tax Increment Revenue Capture Estimates- DDA

Proposed Hotel  
43% Taxable Value Captured

Estimated Taxable Value (TV) Increase Rate: 1.0%

| Plan Year                                 | 1            | 2            | 3            | 4            | 5            | 6            | 7            | 8            | 9            | 10           | 11           | 12           | TOTAL |
|-------------------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-------|
| Calendar Year                             | 2020         | 2021         | 2022         | 2023         | 2024         | 2025         | 2026         | 2027         | 2028         | 2029         | 2030         | 2031         |       |
| *Base Taxable Value                       | \$ -         | \$ -         | \$ -         | \$ -         | \$ -         | \$ -         | \$ -         | \$ -         | \$ -         | \$ -         | \$ -         | \$ -         |       |
| Estimated New TV                          | \$ 1,699,575 | \$ 1,716,571 | \$ 1,733,736 | \$ 1,751,074 | \$ 1,768,585 | \$ 1,786,270 | \$ 1,804,133 | \$ 1,822,174 | \$ 1,840,396 | \$ 1,858,800 | \$ 1,877,388 | \$ 1,896,162 |       |
| Incremental Difference (New TV - Base TV) | \$ 1,699,575 | \$ 1,716,571 | \$ 1,733,736 | \$ 1,751,074 | \$ 1,768,585 | \$ 1,786,270 | \$ 1,804,133 | \$ 1,822,174 | \$ 1,840,396 | \$ 1,858,800 | \$ 1,877,388 | \$ 1,896,162 |       |

| Local Capture        | Millage Rate | 1         | 2         | 3         | 4         | 5         | 6         | 7         | 8         | 9         | 10        | 11        | 12        | TOTAL      |
|----------------------|--------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|
| City of Portage      | 10.6400      | \$ 18,083 | \$ 18,264 | \$ 18,447 | \$ 18,631 | \$ 18,818 | \$ 19,006 | \$ 19,196 | \$ 19,388 | \$ 19,582 | \$ 19,778 | \$ 19,975 | \$ 20,175 | \$ 229,344 |
| KVCC                 | 2.8089       | \$ 4,774  | \$ 4,822  | \$ 4,870  | \$ 4,919  | \$ 4,968  | \$ 5,017  | \$ 5,068  | \$ 5,118  | \$ 5,169  | \$ 5,221  | \$ 5,273  | \$ 5,326  | \$ 60,545  |
| County Operating     | 4.6810       | \$ 7,956  | \$ 8,035  | \$ 8,116  | \$ 8,197  | \$ 8,279  | \$ 8,362  | \$ 8,445  | \$ 8,530  | \$ 8,615  | \$ 8,701  | \$ 8,788  | \$ 8,876  | \$ 100,998 |
| CCTA Transit         | 0.7500       | \$ 1,275  | \$ 1,287  | \$ 1,300  | \$ 1,313  | \$ 1,326  | \$ 1,340  | \$ 1,353  | \$ 1,367  | \$ 1,380  | \$ 1,394  | \$ 1,408  | \$ 1,422  | \$ 16,166  |
| KCTA Transit         | 0.3145       | \$ 535    | \$ 540    | \$ 545    | \$ 551    | \$ 556    | \$ 562    | \$ 567    | \$ 573    | \$ 579    | \$ 585    | \$ 590    | \$ 596    | \$ 6,779   |
| Portage Library      | 1.5000       | \$ 2,549  | \$ 2,575  | \$ 2,601  | \$ 2,627  | \$ 2,653  | \$ 2,679  | \$ 2,706  | \$ 2,733  | \$ 2,761  | \$ 2,788  | \$ 2,816  | \$ 2,844  | \$ 32,332  |
| County Public Safety | 1.4472       | \$ 2,460  | \$ 2,484  | \$ 2,509  | \$ 2,534  | \$ 2,559  | \$ 2,585  | \$ 2,611  | \$ 2,637  | \$ 2,663  | \$ 2,690  | \$ 2,717  | \$ 2,744  | \$ 31,194  |
| County Housing       | 0.0988       | \$ 170    | \$ 171    | \$ 173    | \$ 175    | \$ 177    | \$ 178    | \$ 180    | \$ 182    | \$ 184    | \$ 186    | \$ 187    | \$ 189    | \$ 2,151   |
| County Senior        | 0.3500       | \$ 595    | \$ 601    | \$ 607    | \$ 613    | \$ 619    | \$ 625    | \$ 631    | \$ 638    | \$ 644    | \$ 651    | \$ 657    | \$ 664    | \$ 7,544   |
| Local Total          | 22.5914      | \$ 38,396 | \$ 38,780 | \$ 39,168 | \$ 39,559 | \$ 39,955 | \$ 40,354 | \$ 40,758 | \$ 41,165 | \$ 41,577 | \$ 41,993 | \$ 42,413 | \$ 42,837 | \$ 486,955 |

| Non-Capturable Millages                                 | Millage Rate | 1          | 2          | 3          | 4          | 5          | 6          | 7          | 8          | 9          | 10         | 11         | 12         | TOTAL        |
|---------------------------------------------------------|--------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|--------------|
| Portage School Debt                                     | 7.3500       | \$ 12,492  | \$ 12,617  | \$ 12,743  | \$ 12,870  | \$ 12,999  | \$ 13,129  | \$ 13,260  | \$ 13,393  | \$ 13,527  | \$ 13,662  | \$ 13,799  | \$ 13,937  | \$ 158,428   |
| Library Additional                                      | 0.5000       | \$ 850     | \$ 858     | \$ 867     | \$ 876     | \$ 884     | \$ 893     | \$ 902     | \$ 911     | \$ 920     | \$ 929     | \$ 939     | \$ 948     | \$ 10,777    |
| County Juvenile Home Debt                               | 0.1851       | \$ 315     | \$ 318     | \$ 321     | \$ 324     | \$ 327     | \$ 331     | \$ 334     | \$ 337     | \$ 341     | \$ 344     | \$ 348     | \$ 351     | \$ 3,990     |
| KRESA Misc                                              | 7.0378       | \$ 11,961  | \$ 12,081  | \$ 12,202  | \$ 12,324  | \$ 12,447  | \$ 12,571  | \$ 12,697  | \$ 12,824  | \$ 12,952  | \$ 13,082  | \$ 13,213  | \$ 13,345  | \$ 151,700   |
| KRESA Debt                                              | 0.3650       | \$ 620     | \$ 627     | \$ 633     | \$ 639     | \$ 646     | \$ 652     | \$ 659     | \$ 665     | \$ 672     | \$ 678     | \$ 685     | \$ 692     | \$ 7,868     |
| State Education Tax (SET)                               | 6.0000       | \$ 10,197  | \$ 10,299  | \$ 10,402  | \$ 10,506  | \$ 10,612  | \$ 10,718  | \$ 10,825  | \$ 10,933  | \$ 11,042  | \$ 11,153  | \$ 11,264  | \$ 11,377  | \$ 129,329   |
| School Operating Tax                                    | 17.7005      | \$ 30,083  | \$ 30,384  | \$ 30,688  | \$ 30,995  | \$ 31,305  | \$ 31,618  | \$ 31,934  | \$ 32,253  | \$ 32,576  | \$ 32,902  | \$ 33,231  | \$ 33,563  | \$ 381,532   |
| Total Non-Capturable Taxes                              | 39.1384      | \$ 66,519  | \$ 67,184  | \$ 67,856  | \$ 68,534  | \$ 69,220  | \$ 69,912  | \$ 70,611  | \$ 71,317  | \$ 72,030  | \$ 72,751  | \$ 73,478  | \$ 74,213  | \$ 843,624   |
| Total Taxes                                             | 61.7298      | \$ 104,914 | \$ 105,964 | \$ 107,023 | \$ 108,094 | \$ 109,174 | \$ 110,266 | \$ 111,369 | \$ 112,483 | \$ 113,607 | \$ 114,743 | \$ 115,891 | \$ 117,050 | \$ 1,330,578 |
| Total Tax Increment Revenue (TIR) Available for Capture |              | \$ 38,396  | \$ 38,780  | \$ 39,168  | \$ 39,559  | \$ 39,955  | \$ 40,354  | \$ 40,758  | \$ 41,165  | \$ 41,577  | \$ 41,993  | \$ 42,413  | \$ 42,837  | \$ 486,955   |

Footnotes:  
\*Personal Property tax increment, if any, will be captured however is not contemplated in this table

## APPENDIX 8

CITY OF PORTAGE  
ORDINANCE NO. 98-14

AN ORDINANCE ENTITLED "AN ORDER TO ESTABLISH A DOWNTOWN DEVELOPMENT AUTHORITY IN THE CITY OF PORTAGE PURSUANT TO ACT 197 OF MICHIGAN, 1975, TO DETERMINE THE NECESSITY THEREOF; TO PROVIDE FOR THE CREATION OF THE AUTHORITY; TO DEFINE THE BOUNDARIES OF THE DOWNTOWN DEVELOPMENT DISTRICT; TO PROVIDE FOR THE ESTABLISHMENT OF THE BOARD OF DIRECTORS FOR THE AUTHORITY; TO PROVIDE FOR THE POWERS OF THE AUTHORITY; TO PROVIDE DEFINITIONS; TO PROVIDE FOR THE FISCAL YEAR OF THE AUTHORITY; TO PROVIDE FOR THE SEVERABILITY OF THE ORDINANCE; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR THE NOTICE AND EFFECTIVE DATE THEREOF"; TO PRESCRIBE ITS POWER AND DUTIES; TO CORRECT AND PREVENT DETERIORATION IN THE CENTRAL BUSINESS DISTRICT; TO AUTHORIZE THE ACQUISITION AND DISPOSAL OF REAL AND PERSONAL PROPERTY; TO AUTHORIZE THE CREATION AND IMPLEMENTATION OF DEVELOPMENT PLAN IN THE DISTRICT; TO PROMOTE THE ECONOMIC GROWTH IN THE DISTRICT; TO PROVIDE FOR A BOARD; TO PRESCRIBE ITS POLICIES AND DUTIES; TO AUTHORIZE, TO LEVY AND COLLECTION OF TAXES; TO AUTHORIZE THE ISSUANCE OF BONDS AND OTHER EVIDENCES OF INDEBTEDNESS; AND TO AUTHORIZE THE USE OF TAX INCREMENT FINANCING; TO PROVIDE FOR THE PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the City of Portage (the "City") has established a downtown development authority known as the Downtown Development Authority of the City of Portage (the "Authority") and has designated a downtown district (the "District") pursuant to Act No. 197 of the Public Acts of 1975, as amended, ("Act 197"); and

WHEREAS, pursuant to Act 197, a public hearing was held on April 21, 1998 which is a date prior to the adoption of the Ordinance.

THE CITY OF PORTAGE ORDAINS:

ARTICLE I  
INCORPORATION, BOUNDARIES, AND  
DETERMINATION OF NEED

Section 1. This Ordinance shall serve as the permanent Articles of Incorporation of the Downtown Development Authority of the City of Portage.

Section 2. Pursuant to Public Act No. 197 of the Michigan Public Acts of 1975, as amended, (the "Act"), there is hereby established the Downtown Development Authority of the City of Portage.

Section 3. The boundaries of the Downtown District shall be as set forth in Appendix A.

Section 4. The following words shall have the meaning set forth, unless the context clearly indicates otherwise:

(a) "Authority" means the Downtown Development Authority of the City of Portage created by this Ordinance.

(b) "Board" or "Board of Directors" means the Board of Directors of the Authority, the governing body of the Authority.

(c) "Business District" means an area in the downtown of the City of Portage zoned and used principally for business.

(d) "The Chief Executive Officer" means the City Manager of the City.

(e) "Development Area" means that area to which a Development Plan is applicable.

(f) "Development Plan" means that information and those requirements for development as required by Act 197.

(g) "Development Program" means the implementation of the Development Plan.

(h) "Downtown District" means the area in the Business District described in Appendix A.

(i) "Governing Body" means the City Council of the City of Portage.

(j) "Operations" means office maintenance, including salaries and expenses of employees, office supplies, consultation fees, design costs, and other expenses incurred in the daily management of the Authority and its activities.

(k) "Public Facility" means a street, plaza, pedestrian mall, and any improvements thereto including street furniture and beautification, parks, parking facilities, recreational facilities, right-of-way, structure, waterway, bridge, lake, pond, canal, utility line or pipe, building and access routes to any of the foregoing, designed and dedicated to use by the public generally, or used by public agency.

(l) "City" means the City of Portage, Kalamazoo County, Michigan.

(m) "City Council" means the City Council of the City of Portage.



Section 5. The City Council hereby determines that it is necessary for the best interests of the City to halt property value deterioration and increase property tax valuation where possible in the business district of the City, to eliminate the causes of that deterioration and to promote economic growth by establishing a Downtown Development Authority pursuant to Act 197.

Section 6. Creation of Authority. There is hereby created pursuant to Act 197 a Downtown Development Authority for the City. The Authority shall be a public body corporate and shall be known and exercise its powers under the title of "Downtown Development Authority of the City of Portage." The Authority may adopt a seal, may sue and be sued in any court of this state and shall possess all of the powers necessary to carry out the purpose of its incorporation as provided by this Ordinance and Act 197.

## ARTICLE II THE BOARD

Section 1. Board of Directors. The Authority shall be under the supervision and control of the Board of Directors consisting of the chief executive of the City and not less than eight (8) or more than twelve (12) members as determined by the City Council. The members shall be appointed by the chief executive officer of the City, subject to the approval by the City Council. Not less than a majority of the members shall be persons having an interest in property located in the Downtown District. Not less than one of the members shall be a resident of the Downtown District, if the Downtown District has 100 or more persons residing with it. Of the members first appointed, an equal number, as near as is practical, shall be appointed for one year, two years, three years and four years. Members shall hold office until the members' successor is appointed. Thereafter, each member shall serve for a term of four years. An appointment to fill a vacancy shall be made by the chief executive officer of the City for the unexpired term only. Members of the Board shall serve without compensation, but shall be reimbursed for actual and necessary expenses.

Section 2. The President of the Board of Directors shall be elected by the Board of Directors.

Section 3. Before assuming the duties of office, a member shall qualify by taking and subscribing to the Constitutional Oath of Office.

Section 4. The Officers of the Authority shall be as follows:

- a. A President
- b. A Vice President
- c. A Secretary
- d. A Treasurer

Section 5. The Board of Directors by resolution adopted by a majority of its members at a regular or special meeting shall elect the officers to terms of office set forth in the Resolution. The Board may elect one or more assistant secretaries and assistant treasurers of the Authority. Officers and members of the Board shall acknowledge their acceptance of the position by filing an acknowledgment thereof with the secretary of the Authority.

Section 6. The offices of Secretary and Treasurer may be vested in one person, if approved by the Board, in which event such person shall be the "Secretary-Treasurer."

### ARTICLE III MEETINGS

Section 1. The Board shall perform and conduct all business public meetings held in compliance with Act 267 of the Public Acts of 1976, being Sections 15.261 to 15.275 of the Michigan Compiled Laws Annotated, which is also known as the Open Meeting Act.

Section 2. The Board shall adopt any rules necessary governing its procedure and the holding of regular meetings subject to the approval of the governing body.

Section 3. Special Meetings may be held when called in the manner provided for in the Rules of the Board, as long as said meetings comply with the Open Meetings Act.

### ARTICLE IV FREEDOM OF INFORMATION ACT, EXPENSES AND FINANCIAL RECORDS

Section 1. All writings, items of records prepared, owned or used, in the possession of or retained by the Board in the performance of their official function shall be made available to the public in compliance with the Freedom of Information Act, Act 442 of the Public Acts of 1976, being Sections 15.231, 15.246 of Michigan Compiled Laws Annotated.

Section 2. All expense items of the authority shall be publicized monthly and the financial records will always be open to the public.

### ARTICLE V POWERS OF THE AUTHORITY

Section 1. The Authority shall have all the powers expressed granted or reasonably implied by Act 197 as presently in effect or as hereafter amended.

## ARTICLE VI

No enumeration of the powers granted to the Authority in this Ordinance shall be interpreted as a limitation of the powers granted to the Authority, it being the intention of this Ordinance to grant to the Authority all powers granted to a downtown development authority by Act 197.

## ARTICLE VII BOUNDARY AREA OF THE DOWNTOWN DISTRICT

The boundary of the Downtown District shall be as set forth in Appendix A.

## ARTICLE VIII BUDGET - FISCAL YEAR

Section 1. The fiscal year of the Authority shall begin on July 1 of each year and end on June 30 of the succeeding year, or such other fiscal year as may hereafter be adopted by the City.

Section 2. The Board of Directors shall annually prepare a budget and shall submit it to the City Council on the same date that the proposed budget for the City is required by law to be submitted to the City Council. The Board shall not finally adopt a budget for any fiscal year until the budget has been approved by the City Council. The Board may, however, temporarily adopt a budget in connection with the operation of any improvements which have been financed by revenue bonds where required to do so by the Ordinance authorizing the revenue bonds.

Section 3. The Authority shall submit financial reports to the City Council at the same time and on the same basis as departments of the City are required to submit reports. The Authority shall be audited annually by the same independent auditors auditing the City and copies of the Audit report shall be filed with the City Council.

## ARTICLE IX SECTION HEADINGS SEVERABILITY - REPAIR

Section headings are provided for convenience only and are not intended to be part of this Ordinance. If any portion of this Ordinance shall be held to be unlawful, the remaining portions shall remain in full force and effect. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

ARTICLE X  
DISSOLUTION OF AUTHORITY UPON COMPLETION  
OF PURPOSES; TITLE OF PROPERTY

Section 1. The Authority shall be dissolved by Ordinance of the City Council after it has completed the purposes for which it was organized.

Section 2. The property and assets of Authority remain and after the satisfaction of the Authority shall belong to the City.

ARTICLE XI  
PUBLICATION; EFFECTIVE DATE

Section 1. This Ordinance shall be published once after its adoption in full in the Kalamazoo Gazette, a newspaper of general circulation in the City and the City Clerk shall file a certified copy of the Ordinance with the Michigan Secretary of State promptly after its adoption.

Section 2. This Ordinance shall take effect immediately on the date of publication.

INTRODUCED: June 16, 1998

ADOPTED: July 7, 1998

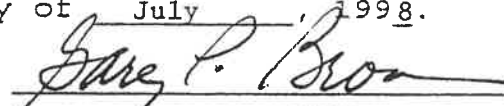
EFFECTIVE: Upon Publication

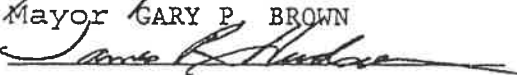
PUBLISHED: July 11, 1998

ORDINANCE NO. 98-14

CERTIFICATION

The foregoing ordinance is hereby certified to be the authentic record of the ordinance which was duly adopted by the City Council of the City of Portage on the 7<sup>th</sup> day of July, 1998 and published on the 11th day of July, 1998.

  
Mayor GARY P. BROWN

  
Clerk JAMES R. HUDSON

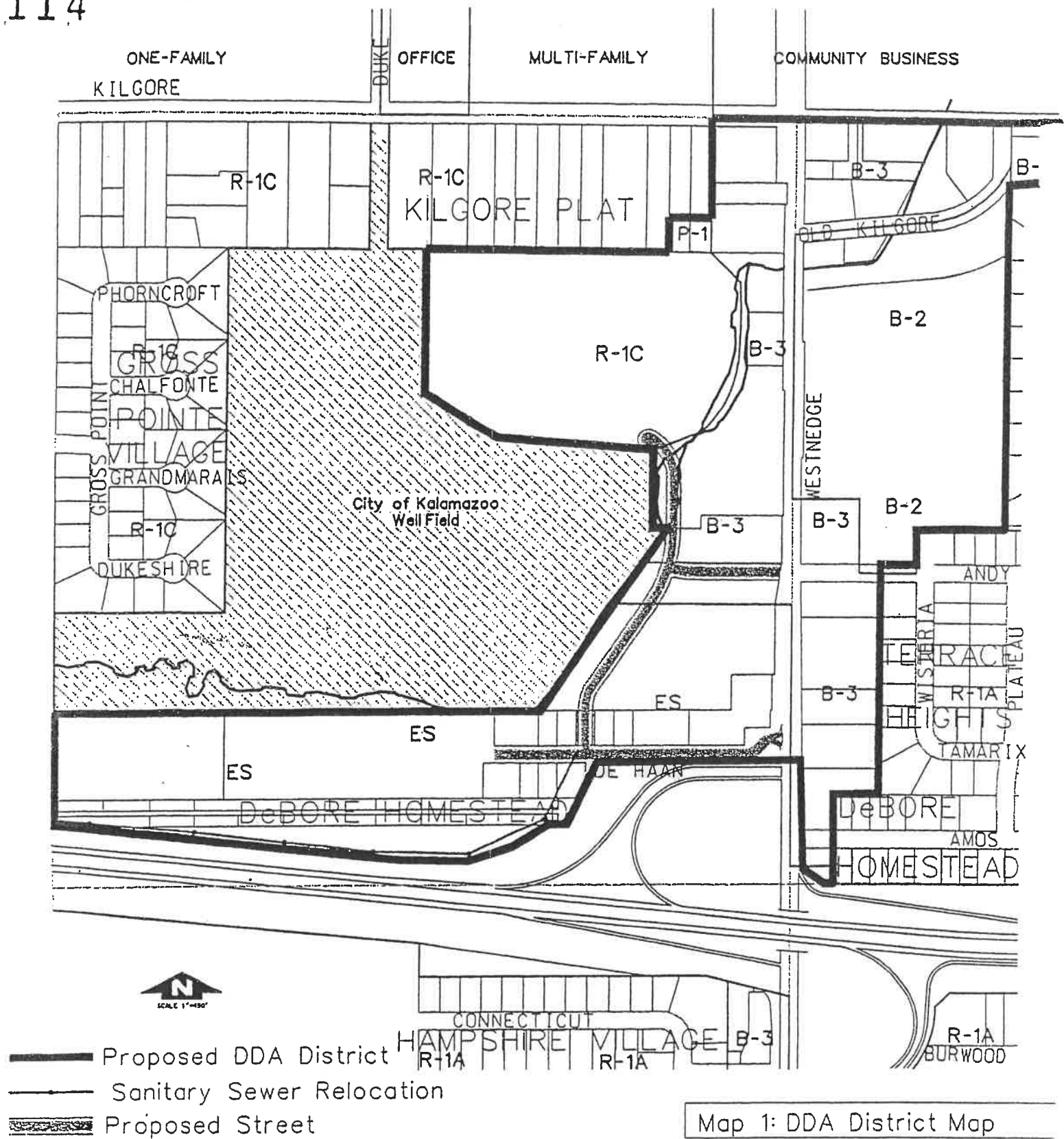
Subscribed and sworn to before me this 7th day of July 1998.

  
A. Joyce Kuzmitowicz, NOTARY  
Kalamazoo County, Michigan  
My Commission Expires: 4-17-2000

A parcel of land located in the northwest quarter of section three and the northeast quarter of section four, township three south, range eleven west, more particularly described as follows:

Commencing at the west quarter post of said section three; thence east along the east-west quarter line of said section three 131.69 feet to a point 34.31 feet west of the southeast corner of lot 19 of the Assessor's Plat of DeBoer Homestead Acres and the place of beginning; thence northwesterly 100.00 feet to the northwest corner of said lot 19; thence northerly 66.00 feet along the west line of lot 18 of said Assessor's Plat to the northwest corner of said lot 18; thence northerly 66.00 feet along the west line extended of said lot 18 to the southwest corner of lot 17 of said Assessor's Plat; thence continuing northerly 264.00 feet more or less along the west line of lots 14, 15, 16, and 17 of said Assessor's Plat to the northwest corner of said lot 14; thence westerly 80.00 feet more or less to the intersection of the south right-of-way line of DeHaan Drive with the west right-of-way line of South Westnedge Avenue; thence westerly 590.00 feet more or less along the south right-of-way line of DeHaan Drive to the intersection of the south right-of-way line of DeHaan Drive with the east right-of-way line of Clara Drive; thence southwesterly 280.00 feet more or less along the east right-of-way line of Clara Drive; thence westerly 50.00 feet more or less to the southeast corner of lot 108 of said Assessor's Plat; thence westerly 63.40 feet more or less along the south line of said lot 108; thence south 58 degrees 3 minutes 8 seconds west, 119.84 feet; thence south 72 degrees 5 minutes 59 seconds west, 163.48 feet; thence north 89 degrees 2 minutes 44 seconds west, 250.80 feet; thence north 84 degrees 28 minutes 18 seconds west, 1,241.33 feet more or less to the south line of said Assessor's Plat; thence westerly 21.00 feet more or less along the south line of said Assessor's Plat to the southwest corner of lot 98 of said Assessor's Plat; thence north 0 degrees 20 minutes 0 seconds west, 419.30 feet along the north-south quarter line of said section four; thence easterly 1,763.82 feet to the northwest corner of lot 68 of said Assessor's Plat; thence northeasterly 481.00 feet more or less along the center line of the west branch of Portage Creek; thence northeasterly 188.00 feet more or less along said creek; thence northerly along said creek to a point on the east-west eighth line of said section four 458.64 feet west of the east line of said section four; thence westerly 50.00 feet along said east-west eighth line; thence northerly 289.06 feet parallel with the east line of said section four; thence north 85 degrees 16 minutes 20 seconds west, 549.72 feet; thence north 58 degrees 41 minutes 0 seconds west, 317.39 feet to the west line of the east half of the northeast quarter of said section four; thence north 0 degrees 0 minutes 3 seconds west, 527.79 feet along the west line of the east half of the northeast quarter of said section four to a point 480.37 feet south of the north line of said section four, said point also being in the south line of lot 17 of Kilgore Plat; thence east along the south line of Kilgore Plat 869.44 feet to the southwest corner of lot 5 of said plat; thence north along the west line of lot 5, 125.00 feet; thence east 154.00 feet to the east line of lot 4 of said plat; thence north 322.37 feet to the north line of section four; thence easterly 304.00 feet to the northeast corner of said section four, this point also being the northwest corner of said section three; thence continuing easterly 951.78 feet along the north line of the northwest quarter of said section three to the west line extended of lot 121 of Ridgebrook No. 1; thence southerly 50.00 feet along the west line extended of said lot 121 to the northwest corner of said lot 121; thence continuing southerly 157.09 feet along the west line of said lot 121 to the southwest corner of said lot 121; thence southwesterly 173.82 feet along the north line of lot 122 of Ridgebrook No. 1 to the northwest corner of said lot 122 and the easterly right-of-way line of Old Kilgore Road; thence southerly 1,255.74 feet along the westerly line and the westerly line extended of Ridgebrook No. 1 to a point in the north line of lot 64 of Terrace Heights; thence westerly 183.95 feet along the north line of lots 64, 65 and 66 of Terrace Heights to the northwest corner of said lot 66; thence southerly 132.00 feet along the west line of said lot 66 to the southwest corner of said lot 66 and the north right-of-way line of Andy Avenue; thence westerly 264.00 feet along the north right-of-way line of Andy Avenue to the west line of Terrace Heights; thence southerly 858.00 feet along the west line of Terrace Heights to the southwest corner of lot 9 of Terrace Heights and a point in the north line of lot 53 of said Assessor's Plat; thence westerly 165.00 feet along the north line of lots 53, 54 and 55 of said Assessor's Plat to the northwest corner of said lot 55; thence southerly 198.00 feet along the west line and the west line extended of said lot 55 to the northwest corner of lot 20 of said Assessor's Plat; thence continuing southerly 132.00 feet along the west line of said lot 20 to the southwest corner of said lot 20 and the southeast corner of said lot 19; thence westerly 34.31 feet along the east-west quarter line of said section three and along the south line of said lot 19 to the place of beginning.





(Map Shows Existing Zoning Districts)

## APPENDIX 9

**PHASE IV**

**DEVELOPMENT AGREEMENT**

**THIS PHASE IV DEVELOPMENT AGREEMENT**, is made and entered into effective as of the \_\_\_\_ day of \_\_\_\_\_, 2020, by and among the CITY OF PORTAGE, (the “City” or “Seller”), a Michigan Municipal Corporation, and 950 Trade Centre, LLC, 750 Trade Centre, LLC and 850 TRADE CENTRE, LLC, all of which are Michigan limited liability companies (“Developer”).

**RECITALS**

A. On August 18, 2003, Developer’s affiliate and predecessor in interest H & G, LLC, Trade Centre H, LLC and Trade Centre G, LLC, purchased a parcel of land consisting of approximately 32 acres which is described in attached Appendix A as the “Development Parcel.” Developer, by and through its affiliates, has constructed 3 office buildings on a portion of the Development Parcel commonly known as the 650, 750 and 950 Trade Centre parcels respectively. The original Development Agreement was entered into on September 24, 2003 and has been subsequently amended twice. A Phase III Development Agreement between the City and Trade Centre Holdings, LLC and H & G 2, LLC, was entered into on or about June 7, 2011 and approved by the City on July 11, 2011. The 950 Trade Centre Way parcel, the 850 Trade Centre Way parcel and the 750 Trade Centre Way parcel are all labeled on the attached Appendix C.

B. The City owns property located within the Development Parcel having a common address of 850 Trade Centre Way, Portage, MI 49002. The City desires under this Development Agreement, to convey an approximately 0.8 acre portion of the 850 Trade Centre parcel and a portion of the Trade Centre Way cul-de-sac to Developer (the “850 Trade Centre Site”). The 850 Trade Centre Site to be conveyed to Developer by the City is shown and described on Appendix B.

C. In exchange for the transfer of the 850 Trade Centre Site to Developer, Developer shall transfer at closing, a portion of the 950 Trade

Centre parcel to the City which property shall be maintained by the City as a storm water detention pond and related storm water apparatus and shall serve properties within the Development Parcel including the 850, 950 and 750 Trade Centre Way parcels. The “950 Trade Centre Storm Water Site” to be conveyed to the City from Developer is shown and described on Appendix B.

D. Following the exchange of properties between Developer and the City, the Developer has plans to construct a four-story hotel building, parking areas and related improvements for a Hotel Project (defined below) to be located on (i) the 850 Trade Centre Site and (ii) portions of the 750 Trade Centre and 950 Trade Centre parcels. The City acknowledges that lot line adjustments will be required in order to ensure that the buildings and appropriate parking fall within each parcel. This notwithstanding, it is the intention of the Developer that the 950, 850 and 750 Trade Centre Way parcels will be benefitted by access agreements for cross access and parking.

E. To facilitate and assist Developer’s development of the 850 Trade Centre Site and the Hotel Project (defined below), the City shall reimburse Developer for the costs it incurs for the Storm Water Drainage Relocation Project (defined below), the cost of which is being initially paid for by Developer and then reimbursed by the City to Developer through a one-time payment from the City water department to Developer and the use of Tax Increment Revenues (defined below) as further detailed in Article 3 of this Development Agreement.

F. The City and Developer desire to document the terms and conditions of the exchange of their respective properties, Developer’s development of the Hotel Project, and the reimbursement of the Storm Water Drainage Relocation Costs from the City to Developer all in the manner set forth herein.

## **AGREEMENT**

**NOW, THEREFORE**, for and in consideration of the agreement of the City to assist in this development and the mutual covenants and agreements of the Parties contained herein, the receipt, adequacy and sufficiency of which is hereby acknowledged, the City and Developer agree as follows:

## **ARTICLE 1** **DEFINITIONS AND COVENANTS**

In addition to certain terms defined in other sections of this Agreement, the City and the Developer agree that the following definitions and covenants shall apply to this Development Agreement:

1.1 "City Ordinances" means all ordinances, enactments, rules, regulations and policies of the City, including, but not limited to, zoning and land use ordinances and requirements (specifically including the zoning ordinance for the Developmental Parcel); building codes, ordinances, uses and requirements; safety and health ordinances and requirements; site plan and building plan review and approval guidelines, procedures, requirements and conditions; ordinances, rules and regulations governing utilities, roads, curb cuts, site improvements, sidewalks, lighting and similar improvements; ordinances and rules assessing tap-in fees, connection charges, use fees, and any other fees, charges and expenses; and police, safety and traffic rules and regulations.

1.2 "Cross-Access and Parking Declaration" means a recordable document to be drafted by Developer's counsel whereby Developer shall grant unto itself and its invitees, tenants and guests, certain cross-parking and cross-access rights upon the 750, 850 and 950 Trade Centre Way parcels respectively.

1.3 "Property Exchange" means the City and Developer agreement in Article 2 of this Phase IV Development Agreement to exchange the land depicted and described in Appendix B. The "Exchange Property" collectively means the 950 Trade Centre Storm Water Site to be conveyed to the City and the 850 Trade Centre Site to be conveyed from Developer to the City. Developer and City agree that the Exchange Property are generally similar in shape, size and location and therefore no additional consideration is being considered.

1.4 "850 Trade Centre Hotel Site" means all of the 850 Trade Centre Site, as well as portions of the 750 and 950 Trade Centre Way properties. The proposed 850 Trade Centre Hotel Site is sketched and depicted on the last drawing shown on Appendix C attached hereto. The City shall review and consider the 950 Trade Centre parcel and 750 Trade Centre parcel lot line adjustments necessary to develop the 850 Trade Centre Hotel Site consistent with Appendix C.

1.5 "Hotel Project" or "Project" means the development of a 92-97 room Springhill Suites by Marriott.

1.6 "Downtown Development Authority" or "DDA" means the City of Portage Downtown Development Authority, a public body corporate that was created by the City to assist the City in preventing deterioration of its business district; to create and implement development plans in order to



promote economic growth of the downtown district, and take other actions necessary to create and implement such development plans.

[removed old 1.7 section and then renumbered hereafter]

1.7 "Phase IV Development Agreement" means this Development Agreement by and among the City and Developer.

1.8 "Effective Date" means the date written above.

1.9 "Storm Water Relocation Project" means Developer's commitment to perform certain work related to relocating the existing storm water detention pond and other storm water and utility infrastructure from the 850 Trade Centre Site onto the 950 Trade Centre Storm Water Site. An engineering drawing attached hereto as Appendix D (attach Appendix D) generally depicts the work to be performed related to the Storm Water Relocation Project. The Storm Water Drainage Relocation Project shall be designed by Developer's civil engineer and carried out by Developer's contractor, the cost of which shall be initially paid for by Developer and then reimbursed by the City to Developer through the use of Tax Increment Revenues (defined below), as further detailed in Article 3 of this Development Agreement.

1.10 "Storm Water Drainage Easement" means an easement agreement to be executed and recorded upon closing of this Development Agreement wherein the City and Developer agree to grant each other easement rights whereby Developer grants City an easement for the new "Trade Centre Storm Water System" on, over, under and across various portions of the 850 and 950 Trade Centre parcels for its access to and maintenance of such System and the City grants for the benefit of the 750 Trade Centre, 850 Trade Centre and 950 Trade Centre parcels, and their successors and assigns, use of and permanent use of the Trade Centre Storm Water System in perpetuity. The Storm Water Drainage Easement shall include language requiring the City to continuously maintain the 950 Storm Water System and all related storm water infrastructure in a good, safe, and operable manner. This easement is conditioned on the 850 Trade Centre Hotel Site being in continued existence and that the storm water system is being used consistent with its intended purpose and design. At closing, the Developer will grant to the City and Public a reciprocal easement for a vehicular turnaround and a City snow-plow turnaround as shown and described in Appendix E (Insert Reference to Diagram on an Appendix).

1.11 "Storm Water Drainage Relocation Costs" means all costs associated with the Storm Water Relocation Project as further described herein and per the plans attached as Appendix D.

1.12 “Storm Water Drainage Relocation Cost Estimate” means not to exceed six hundred thousand dollars and 00/100 (\$600,000.00).

1.13 “Laws” means all laws, statutes, orders, ordinances, codes, rules, regulations or standards of any federal or state or similar governmental agency or authority having jurisdiction thereof, including, without limitation, building and use codes and requirements, Americans with Disabilities Act, handicap and similar legislation, safety and health laws and requirements, and environmental laws.

1.14 “Party” or “Parties” means either the City or Developer, individually, or the City and the Developer collectively which are the Parties to the Development Agreement.

1.15 “Person” means an individual, corporation, partnership (either general or limited), trust, limited liability company, limited liability partnership, entity or other form of organization, or one or more of them, as the context may require.

1.16 “Tax Increment Revenue” or “TIR” means the amount of ad valorem property taxes and specific local taxes attributable to the Hotel Project and the new 850 Trade Centre Hotel Site through the application of the levy of applicable taxing jurisdictions upon the captured assessed value of real and personal property in the City of Portage Tax Increment Financing Authority District, as applicable, the DDA Tax Increment Financing Authority related to the project by virtue of the inclusion of a portion of the 750 Trade Centre Parcel. (Balance of Sentence was removed)

## **ARTICLE 2**

### **LAND EXCHANGE**

2.1. Recitals: The above recitals are acknowledged as true and correct, and are incorporated by reference into this paragraph.

2.2. Land Exchange: Subject to the terms and conditions of this Agreement, on the date of closing the parties shall consummate the Property Exchange whereby the City shall transfer the 850 Trade Centre Site to Developer and Developer shall transfer the 950 Trade Centre Storm Water Site to the City. Both parcels to be transferred are shown and described on Appendix B.

2.4. Title Insurance: Title commitments and title policies for the Property Exchange shall be issued by Sun Title Agency, LLC (the Title Company”) in the latest form approved by the American Land Title Association. Each Party shall provide any surveys, affidavits and

certificates required by the Title Company if either Party elects to have the title policy without exceptions or with additional endorsements.

2.5. Survey: The Exchange Property may be surveyed by Developer's civil engineer and surveyor, Hurley & Stewart, and if surveyed, paid for by Developer.

2.6. City Representations and Warranties as to the 850 Trade Centre Site: City, to the best of its knowledge, represents and warrants to Developer, as of the date of this Agreement and until the closing date, as follows:

A. There are no pending or threatened condemnation proceedings against any part of the 850 Trade Center Site;

B. There are no claims, litigation, proceedings, inquiries, investigations, or disputes pending or threatened regarding the 850 Trade Centre Site;

C. The 850 Trade Centre Site is free and clear of all violations of applicable Laws";

D. The persons signing this Agreement on behalf of the City have full power and authority to enter into this Agreement, and to perform, or through performance by City employees who assist Seller, all of Seller's obligations under this Agreement;

E. There are no contracts, written or oral, which affect the 850 Trade Centre Site in any manner other than this Agreement; and

F. There is no pending or proposed special assessment affecting or which may affect any part of the 850 Trade Centre Site.

G. Neither the execution nor delivery by the City of this Development Agreement nor the consummation of the transaction contemplated hereby is in violation of any provision of any existing Laws, order or decree of any court or governmental entity, charter or governing documents, or any agreement to which the City is a party or by which the City is bound.

H. The City agrees to perform all of the duties as specified for the City set forth in this Agreement.

Without waiving any rights under governmental immunity, the City shall hold Developer harmless from and against any loss, including, without

limitation, actual attorney fees, incurred by reason of City's breach of any of the above representations and warranties.

2.7. Developer Representations and Warranties to City as to the 950 Trade Centre Storm Water Site: Developer, to the best of its knowledge, represents and warrants to Developer, as of the date of this Agreement and until the closing date, as follows:

A. There are no pending or threatened condemnation proceedings against any part of the 950 Trade Centre Storm Water Site;

B. There are no claims, litigation, proceedings, inquiries, investigations, or disputes pending or threatened regarding the 950 Trade Centre Storm Water Site;

C. The 950 Trade Centre Storm Water Site is free and clear of all violations of applicable Laws;

D. The persons signing this Agreement on behalf of the Developer shall have full power and authority to enter into this Agreement;

E. Neither the execution nor delivery of this Development Agreement, or the consummation of the transactions contemplated herein by the Developer is in violation of any provision of any existing Laws, order or decree of any court or governmental entity, the Developer's Organizational Documents, or any agreement to which the Developer is a party, or by which it is bound.

F. No representation or warranty by the Developer, or any written statement or certificate furnished to the City pursuant hereto or in connection with the transactions contemplated hereby, contains or will contain any untrue statement of a material fact or will omit to state any fact necessary to make the statements contained herein or therein not misleading.

G. The Developer has no notice of and there is no pending or, to the best of the Developer's knowledge, threatened litigation, administrative action or examination, claim or demand before any court or any federal, state or municipal governmental department, commission, board, bureau, agency or instrumentality thereof which would affect the Developer or its principals from carrying out the covenants and promises made herein.

H. To the best of Developer's knowledge, the Developer is financially able to complete the Hotel Project. The Developer certifies that any and all financial information provided to the City is true and accurate

in all material respects and does not omit any information which would cause such to be misleading or untrue in any material respect.

Without waiving any rights under governmental immunity, Developer shall hold City harmless from and against any loss, including, without limitation, actual attorney fees, incurred by reason of Developer's breach of any of the above representations and warranties.

2.8. Contingencies: The consummation of the Property Exchange shall be contingent upon the following:

A. The results of all inspections by the Developer on the 850 Trade Centre Site Developer are satisfactory to Developer and properly performed (e.g., environmental inspections, soil tests, etc.).

B. All representations and warranties of the City and the Developer set forth in this Agreement remain true as of the closing date.

C. The DDA has committed by this agreement in writing to reimbursing Developer from TIR for the balance of the Developer's Storm Water Drainage Relocation Costs including interest at the average interest costs (total TIR shall not exceed \$450,000) the City would pay if it had issued municipal bonds in the summer of 2020 for the Storm Water Relocation project after receipt of the one-time payment from the City water fund.

D. Intentionally deleted.

E. Developer shall have obtained all necessary governmental and quasi-governmental and non-governmental approvals needed to develop the Hotel Project and permit the use of the Exchange Property for the development of the Hotel Project, including, for example and not limitation, a special use permit, site plan approvals, zoning variances and/or rezoning, building permits, and any and all other permits, consents and final approvals and authorizations necessary to develop, construct and utilize the Exchange Property for the Project.

F. Developer and City have agreed upon and will execute at closing the new Storm Water Drainage Easement granting Developer ongoing use of the new Trade Centre Storm Water System.

G. There shall have been in the period between the date of execution of this Agreement and the date of closing: (a) no material adverse change in the condition of the Exchange Property, Developer's incentives or financing sources for the Project, or Developer's construction costs or

budgets for the Project that would materially impair the economic viability of the Project. (b) No materially adverse change in the City's bond rating, general fund and special revenue fund budgets and real and personal property values in the City have not been materially and adversely affected between the date of exertion of the Development Agreement and Closing.

If Developer reasonably determines that one or more of the foregoing contingencies have not been met at any time prior to closing (the "Contingency Period"), and Developer is not willing to waive such contingency - then its sole remedy is to terminate this Agreement by prompt written notice to Seller. Upon such termination, neither Seller nor Developer shall have any further liability to the other under this Agreement.

2.9. Closing: The closing of the sale shall take place on or before July 1, 2020 or ten (10) business days following written notice from Developer that all of the contingencies have been satisfied or waived by Developer and the City. Closing shall take place at the office of Sun Title Agency, LLC at 925 S. Burdick Street, Kalamazoo, MI 49001, unless the parties agree upon another more convenient location. However, Developer or the City shall have the right to extend the closing date for an additional 30 days to complete necessary due diligence, or to satisfy any contingency.

The Title Company shall prepare warranty deeds for the Exchange Property reasonably satisfactory to City and Developer. Each party shall pay the routine closing costs normally charged, respectively, except each party will equally share the fee charged by the title company for conducting the closing.

2.10. Possession: Developer shall be entitled to sole and exclusive possession of the 850 Trade Centre Site upon closing and receipt of the warranty deed to the Exchange Property. The City shall be entitled to use of and access to the 950 Trade Centre Storm Water Site, as soon as the Storm Water Relocation Project is completed by Developer in accordance with the terms and with the conditions of the new Storm Water Drainage Easement.

2.11. Taxes: The 850 Trade Centre Site is currently exempt from property tax. Each party shall be responsible for and pay all past due real estate taxes and assessments at or prior to closing with regard to the property it is conveying. Taxes for the year of closing shall be prorated as of the date of closing based upon the amount of such year's taxes if the amount of such taxes is known at the time of closing. To the extent the amount of such year's taxes are not known, the parties will use the most recently available information and shall prorate taxes as of closing in accordance with the calendar year method.



2.12. Environmental: During the Contingency Period, Developer and the City may, at its option and own expense, conduct an environmental due diligence that may result in a Baseline Environmental Assessment ("BEA") within the meaning of Part 201 of the Natural Resources and Environmental Protection Act, Act 451 of 1994 as amended (Part 201).

2.13 Additional Acts. Developer and the City agree to execute and deliver such additional documents and to perform such additional acts as may become necessary to effectuate the transfers contemplated by this Agreement.

2.14. Fire, Or Other Casualty: If any condemnation proceedings are initiated or threatened against the Exchange Property or if the Exchange Property is damaged as a result of fire or other casualty prior to the closing, either City or Developer shall have the right:

A. To terminate this Agreement by a written notice to the other Party within 10 days after receipt of notice of such proceedings or damage, in which case neither the City nor Developer shall have any further liability to the other under this Agreement; or

B. To proceed to closing as provided in this Agreement, agreeing to take the Exchange Property in its then-current condition.

### **ARTICLE 3**

#### **DEVELOPER AND CITY ENTITY COMMITMENTS; TIR REIMBURSEMENT**

##### 3.1 Developer Commitments:

A. Upon closing on the Property Exchange, and the fulfillment of all of the commitments from the City and its DDA, the Developer shall construct the Hotel Project in a good and workmanlike manner employing a quality contractor, construction manager or design/builder ("General Contractor") possessing the requisite experience and competency to construct such Improvements.

B. As part of the Hotel Project, the Developer agrees to undertake the Storm Water Relocation Project relocating the 850 Trade Centre storm water drainage and retention system to the 950 Trade Centre parcel as a replacement for the existing system located on the 850 Trade Centre parcel.

D. The Developer shall use its best efforts to conduct construction activities of Hotel Project and Storm Water Relocation Project

with minimal disruption to residents and owners of property neighboring the Project.

E. The Developer hereby indemnifies, defends and holds the City, and DDA, and their boards, commissions, authorities, council, council members, elected and appointed officials, employees and volunteers, attorneys, consultants and advisors, agents and representatives ("Indemnified Parties") harmless from and against any and all claims, causes of action, in law or in equity, suits, arbitrations, administrative or governmental proceedings, demands, rights, contracts, agreements, promises, liens, encumbrances, liabilities, personal injuries and deaths, damages, losses, costs or expenses of any nature whatsoever (collectively "Indemnified Claims") which may be imposed upon, incurred by or asserted against the Indemnified Parties arising out of the construction, ownership, maintenance and operation of the Hotel Project or the Storm Water Drainage Project related to the Developer's use of such Trade Centre Storm Water System, including any environmental problems relating to the Developers use of the same system unless the lined pond portion of said system is fenced in (as an alternative to the fence the Developer may indemnify the City against such claims) or any failure of the Developer to comply with the provisions of this Phase IV Development Agreement. Notwithstanding the foregoing, this Indemnity shall not apply to Indemnified Claims resulting from the ultra vires acts of City, or DDA or officials and employees based on willful and intentional conduct, which is arbitrary and capricious and constitutes bad faith.

F. The Developer acknowledges and agrees that all of the obligations of the Developer under this Phase IV Development Agreement shall be covenants running with the land and binding upon the Developer, its successors and assigns for the benefit of the City and their respective successors and assigns.

G. The Developer shall permit the City to cite or to use any renderings or photographs of the Project as an example of private/public partnership.

H. Execute the Storm Water Detention Easement Agreement.

I. The Developer shall execute and record the Cross-Access and Parking Declaration.

J. The Developer shall execute and record the Storm Water Drainage Easement.

3.2. City Commitments: The City's commitments to Developer are further described as follows:

A. The City agrees to reimburse Developer all of the Storm Water Relocation Costs ( up to \$600,000) incurred by Developer through (i) direct reimbursement of \$150,000.00 payment from the City Water Fund and (ii) capture up to \$450,000 by its DDA through the use of TIR.

B. Cooperate and utilize its best efforts to assist Developer in obtaining any governmental approvals necessary for the Project, including but not limited to, the reimbursement of the Storm Water Detention Relocation Costs, determining the assessed/taxable value of the 850 Trade Centre Hotel Site, lot line adjustments necessary for the 850 Trade Centre Site and the 750 and 950 Trade Centre parcels shown in Appendix C.

C. The City represents and warrants that it has the full authority to enter into and perform this Phase IV Development Agreement in accordance with its terms, without breaching or defaulting on any obligation or commitment that it has to any third parties.

D. The City covenants and agrees that on or prior to the closing date it shall execute any and all documents necessary to amend or terminate any and all agreements to which the City is a party regarding the 850 Trade Centre Site so as to eliminate and extinguish any right, title interest, obligations or responsibilities of the City or its related entities regarding the Property.

E. Execute the Storm Water Detention Easement Agreement.

3.3. TIR Reimbursement Period. The DDA shall capture and reimburse Developer that amount of TIR generated from local real and personal property taxes allowed by law on the Property, beginning on December 31 in the year Developer has completed the Hotel Project and continuing until full reimbursement of the Developer's Storm Water Drainage Relocation Costs.

#### **ARTICLE 4**

#### **EVENTS OF DEFAULT AND REMEDIES**

4.1 Default by Developer. Each of the following shall constitute an Event of Default of the Developer under this Development Agreement:

4.1.1 Failure to Comply. The Developer's failure to perform any of its obligations under this Phase IV Development Agreement, which remain uncured for a period of thirty (30) days following written notice by the City, unless the default cannot be cured through the exercise of good faith and due diligence

(including the expenditure of necessary funds), in which event the Developer shall be entitled to an additional period of time to cure as reasonably determined by the City, but in no event beyond ninety (90) days, provided and so long as the Developer has diligently commenced the cure within such thirty (30) day period, completion of the cure within the thirty (30) days was not avoidable by the exercise of due diligence, and the Developer continues to prosecute the cure with due diligence and in good faith.

4.1.2 Failure to Pay Taxes or Special Assessments. The Developer fails to pay all real estate taxes and special assessments, involving the 850 Trade Centre Hotel Site.

4.1.3 Assignment or Transfer Violation. In the event the Developer makes any assignment or transfer in violation of Article 5.

4.1.4 Closure, Bankruptcy or Reorganization. The Developer ceases doing business, makes a general assignment for the benefit of creditors, files a voluntary petition in bankruptcy or for reorganization, files an answer admitting the allegations in any creditor-filed petition for bankruptcy or reorganization, applies for or permits the appointment of a receiver, fails to have any bankruptcy, reorganization or liquidation proceedings instituted against it dismissed within sixty (60) days of filing, is unable to meet its obligations as they become due or otherwise seeks the relief of any federal or state bankruptcy or insolvency laws.

4.2 Other Defaults. Upon an Event of Default by Developer, the City shall be entitled to the following remedies:

4.2.1. Enforce Obligations. Specifically enforce the obligations of the Developer under this Phase IV Development Agreement.

4.2.2. Suspend Rights. Suspend the Developer's rights under this Phase IV Development Agreement, without releasing the Developer of its obligations under this Development Agreement, until such Event of Default is cured.

4.2.3. Recover all Damages. Recover all damages resulting from the Developer's breach of this Phase IV Development Agreement.

4.2.4. Withhold Performance of Obligations. Withhold the performance of any obligations of the City under this Phase IV

Development Agreement, including but not limited to, providing any authorizations, approvals or consents, issuing any building permits, certificates of occupancy, licenses, or similar certificates, making any inspections or taking any other actions required of the City under this Phase IV Development Agreement, City Ordinances or Laws.

4.2.5. Other Remedies. Be entitled to all other remedies available at law or in equity.

4.3 Default Remedies of the Developer. If the City fails to timely perform any of its covenants or obligations under this Phase IV Development Agreement, it shall be deemed in default. Upon an event of default, the Developer shall deliver written notice of default to the City. The City shall have thirty (30) days from receipt of the notice of default to cure the default, unless the nature of the default is such that it cannot be cured within this thirty (30) day period. In that event, if the City fails to commence to cure the default within this thirty (30) day period or fails to then diligently proceed to cure the default, the City shall be deemed in default. If the default is not so cured, the Developer shall be entitled to the following remedies, any or all of which it may elect, at its sole option: (1) the Developer may seek specific performance of this Phase IV Development Agreement; (2) the Developer may perform the City's obligations and receive reimbursement from the City for all of its costs incurred to do so; (3) the Developer may recover all damages resulting from the City's breach of this Phase IV Development Agreement; (4) the Developer may withhold its performance of its obligations under this Phase IV Development Agreement; and (5) the Developer may pursue any and all other remedies that may be available to it by law or in equity.

4.4 Non-Liability of City and DDA Officials and Employees. No City or DDA official, officer, employee, board member, council member, elected or appointed official, attorney, consultant, advisor, agent or representative, shall be personally liable to the Developer for any default or breach by the City of any obligation under this Phase IV Development Agreement or in any manner arising out of the performance of this Phase IV Development Agreement by any Party or any project referred to herein.

## **ARTICLE 5**

### **TRANSFER, ASSIGNMENT OR MORTGAGE**

5.1 Transfer Restrictions. Developer shall have the right, with written notice of the City to transfer all or any portion of the 850 Trade Centre Hotel Site; provided however, the transferee of the 850 Trade Centre Hotel Site shall affirmatively assume and accept all of Developer's

obligations under this Phase IV Development Agreement, if any remain unfulfilled.

## **ARTICLE 6**

### **NOTICES**

6.1 All notices, consents, approvals, requests and other communications, herein collectively called "Notices," required or permitted under this Phase IV Development Agreement shall be given in writing, signed by an authorized representative of the City or Developer and mailed by certified or registered mail, return receipt requested, personally delivered, sent by overnight courier or sent by facsimile transmission to a Party as follows:

|                 |                                                                                                                                                                                                                                                                                                                            |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| To City:        | Joseph S. La Margo<br>City Manager,<br>7900 South Westnedge Avenue<br>Portage, MI 49024<br>Phone 269-227-3209<br>Facsimile _____                                                                                                                                                                                           |
| With copies to: | Christopher Forth, Director<br>Department of Community Development<br>7900 South Westnedge Avenue<br>Portage, MI 49024                                                                                                                                                                                                     |
| To Developer:   | 850 Trade Centre, LLC<br>950 Trade Centre, LLC<br>750 Trade Centre, LLC<br>c/o Roger Hinman<br>750 Trade Centre Way<br>Portage, Michigan 49024<br>ph. (269) 342-8600<br>fx. (269) 342-1949<br><br>c/o Joseph L. Gesmundo<br>4200 West Centre Avenue<br>Portage, Michigan 49024<br>ph. (269) 323-8360<br>fx. (269) 327-3172 |

6.2 All such notices, certificates or other communications shall be deemed served upon the date of personal delivery, the day after delivery to a recognized overnight courier, the date of the transmission by facsimile



or other electronic means is verified or two days after mailing by registered or certified mail. Any Party may by notice given under this Phase IV Development Agreement designate any further or different addresses or recipients to which subsequent notices, certificates or communications hereunder shall be sent.

## **ARTICLE 7**

### **MISCELLANEOUS**

7.1 Duration. This Phase IV Development Agreement shall be effective upon execution by the City and Developer and shall continue in full force and effect with respect to the Hotel Project and the TIR reimbursement unless terminated by mutual consent.

7.2 Entire Agreement. This Phase IV Development Agreement (including the Recitals which are incorporated into this Agreement), the documents referenced herein and the attached appendices set forth all of the covenants, agreements, stipulations, promises, conditions and understandings between the Developer and City concerning the Hotel Project. The parties further acknowledge and agree that this Phase IV Development Agreement is entirely independent of the Phase I, II and III Development Agreement and that a breach of one agreement shall not constitute a breach of the other agreement. The City nor any of their respective board and commission members, elected and appointed officials, employees and volunteers, attorneys, consultants, advisors, agents and representatives, and boards, commissions and authorities, have made any covenant, agreement, stipulation, promise, condition or understanding, warranty or representation, either oral or written, other than set forth herein. The Developer shall have no rights or remedies except as expressly set forth herein. The City shall have no rights or remedies except as expressly set forth herein .

7.3 Amendment. This Phase IV Development Agreement shall not be modified, altered or amended except by written agreement duly executed by the Developer, City as authorized by the City Council, (if substantial rights or obligations of the City are involved.)

7.4 Third-Party Beneficiaries. Except for the rights and obligations of Permitted Transferees, no term or provision of this Phase IV Development Agreement is intended to be, or shall be, for the benefit of any Person not a Party hereto, and no such Person shall have any right or cause of action hereunder.

[Removed old 7.5 and renumbered balance of sections]

7.5 Invalidity of Particular Provision. The invalidity of any article, section, subsection, clause or provision of this Phase IV Development Agreement shall not affect the validity of the remaining articles, sections, subsections, clauses or provisions hereof which shall remain valid and be enforced to the fullest extent permitted by law.

7.6 Captions. The captions in this Phase IV Development Agreement are inserted only as a matter of convenience and for reference and in no way define, limit, enlarge or describe the scope or intent of this Phase IV Development Agreement nor in any way shall affect this Phase IV Development Agreement or the construction of any provision hereof.

7.7 Waivers. A Party may not waive any default, condition, promise, obligation or requirement applicable to the other Party hereunder, unless such waiver is in writing signed by an authorized representative of such Party and expressly stated to constitute such waiver. No failure by the City or Developer to insist upon strict performance of any covenant, agreement, term or condition of this Phase IV Development Agreement or to the exercise any right or remedy in the event of default, shall constitute a waiver of any such default in such covenant, agreement, term or condition.

7.8 Conflicts. In the event of any conflict between this Phase IV Development Agreement and any exhibit, or any other document executed pursuant to or in furtherance of this Phase IV Development Agreement, this Phase IV Development Agreement shall control, unless such other agreement is signed by the City and expressly provides to the contrary.

7.9 Cumulative Remedies. Except as set forth in Article 7, the rights and remedies of the Parties set forth in this Phase IV Development Agreement are not exclusive and are in addition to all other rights and remedies provided by law or in equity.

7.10 Time is of the Essence. Time is of the essence with respect to all time and notice deadlines set forth in this Phase IV Development Agreement.

7.11 Governing Law. This Phase IV Development Agreement shall be governed by, construed and enforced in accordance with, the laws of the State of Michigan. The Developer agrees, consents and submits to the personal jurisdiction of any competent court of jurisdiction in Kalamazoo County, Michigan, for any action brought against it arising out of this Phase IV Development Agreement. The Developer also agrees that it will not commence any action against the City because of any matter whatsoever arising out of, or relating to, the validity, construction, interpretation and enforcement of this Phase IV Development Agreement,

in any courts other than those in the County of Kalamazoo, State of Michigan.

7.12 Successors and Assigns. The covenants, conditions and agreements in this Phase IV Development Agreement shall be binding upon and inure to the benefit of the Developer, City their respective legal representatives, successors and assigns.

7.13 Legal Fees. In the event any Party commences litigation or other action to enforce such Party's rights or the other Party's obligations under this Phase IV Development Agreement the Prevailing Party shall be entitled to recover reasonable attorneys fees, witness fees, expert fees, costs and expenses in connection therewith. Prevailing Party shall mean the Party who obtains an order of enforcement, similar remedy or a judgment or award against the other Party or in the event of a counterclaim or cross claim, a judgment which exceeds any claim, counterclaim, judgment or award of the other Party.

7.14 No Merger. None of the provisions of this Phase IV Development Agreement shall be merged by reason of the execution and delivery of the covenant deed by the City to the Developer and neither such deed nor the conveyance shall be deemed to affect, alter or impair the provisions of this Phase IV Development Agreement.

7.1 Joint Drafting. This Phase IV Development Agreement has been negotiated by the Parties and each Party has joined in and contributed to the drafting of this Phase IV Development Agreement. Accordingly, there shall be no presumption favoring or burdening any one or more of the Parties hereto based upon draftsmanship.

7.16 Counterparts. This Phase IV Development Agreement may be executed in any number of counterparts, each of which shall be an original, but all such counterparts shall together constitute one and the same instrument. Delivery of an executed counter part of this agreement by facsimile transmission or by electronic mail in PDF form shall be effective as deliver of a manually executed counterpart hereof. The parties agree to accept a digital image of this document, as executed, as a true and correct original and admissible as best evidence for the purposes of State law, Federal Rule of Evidence 1002, and the like statutes and regulations.

7.17 During any period of reimbursement by City DDA of TIR, in the event the Developer files an appeal with the Michigan Tax Tribunal related to the taxable value of the 850 Trade Centre Hotel Site, the DDA may do either of the following:

- i. Remit tax reimbursement payments based upon the lowest taxable value being sought pursuant to the appeal until

resolution of the appeal **and** hold any Tax Increment Revenue that is collected but not remitted as a result of a tax appeal in a separate account of the DDA until the pending appeal is adjudicated; and once any tax appeals are adjudicated, either return the escrowed funds to the local unit in compliance with any tax appeal rulings, or make the TIR payments pursuant this Agreement, or

- ii. If the Developer's taxable value being sought in an appeal with the Michigan Tax Tribunal is less than \$3,952,500.00, as increased by CPI for each year after the occupancy permit is issued the DDA may determine that the Developer is ineligible to receive any further reimbursement under this Agreement and hold any Tax Increment Revenue that is collected but not remitted as a result of this provision in a separate account of the City until the pending appeal is adjudicated.
- iii. In no event will the Developer be required to return reimbursement payments made by the DDA to Developer. No sanctions hereunder will accrue to Developer in the event it files an action in the Michigan Tax Tribunal with respect to the property in order to correct a clerical error of the Assessor, such as an error in addition or subtraction.

IN WITNESS WHEREOF, the City and the Developer by and through their duly authorized representatives, have executed this Development Agreement as of the day and year first above written.

In the Presence of:

**THE CITY OF PORTAGE,  
a Municipal Corporation**

\_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_

Its: \_\_\_\_\_

APPROVED AS TO FORM

DATE 4/16/2020

P

CITY ATTORNEY

**750 TRADE CENTRE, LLC  
a Michigan limited liability  
company**

By: \_\_\_\_\_

Roger E. Hinman, Manager

By: \_\_\_\_\_

Joseph L. Gesmundo, Manager

**850 TRADE CENTRE, LLC  
a Michigan limited liability  
company**

By: \_\_\_\_\_

Roger E. Hinman, Manager

By: \_\_\_\_\_

Joseph L. Gesmundo, Manager

**950 TRADE CENTRE, LLC  
a Michigan limited liability  
company**

By: \_\_\_\_\_

Roger E. Hinman, Manager

By: \_\_\_\_\_

Joseph L. Gesmundo, Manager

## Appendix A -- Original Development Parcel

### LEGAL DESCRIPTION:

PART OF THE NORTH HALF OF SECTION 4, T. 3 SOUTH, R. 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN DESCRIBED AS, COMMENCING AT THE EAST QUARTER POST OF SAID SECTION 4; THENCE NORTH 00 DEGREES 10' 32" EAST (RECORDED AS NORTH 11) ON THE EAST LINE OF SAID SECTION 4 A DISTANCE OF 657.43 FEET (RECORDED AS 658.5 FEET) TO THE NORTH LINE OF THE ASSESSOR'S PLAT OF DEBOER HOMESTEAD ACRES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 14 OF PLATS, PAGE 96, KALAMAZOO COUNTY RECORDS; SAID NORTH LINE BEING PREVIOUSLY REFERRED TO AS "THE NORTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTH 1/4 OF SECTION 4," SAID SECTION 4, THENCE NORTH 89 DEGREES 55' 00" WEST ON SAID NORTH PLAT LINE AND ON AN EXTENSION OF SAID NORTH PLAT LINE 1,051.21 FEET TO THE POINT OF BEGINNING OF "THE LAND HERETO DESCRIBED, SAID POINT OF BEGINNING BEING 160.00 FEET NORTH 89 DEGREES 55' 00" WEST OF THE NORTHWEST CORNER OF LOT 66, SAID DEBOER HOMESTEAD ACRES; THENCE SOUTH 89 DEGREES 55' 00" EAST ON AN EXTENSION OF THE NORTH LINE OF DE HAAN DRIVE 168.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 66; THENCE SOUTH 66° 50' 00" TO THE NORTHWEST CORNER OF LOT 69, SAID DEBOER HOMESTEAD ACRES; THENCE SOUTH 89 DEGREES 55' 00" EAST ON THE SOUTH LINE OF SAID DE HAAN DRIVE 168.00 FEET TO A POINT THAT IS 10.00 FEET NORTH 89 DEGREES 55' 00" WEST OF THE NORTHEAST CORNER OF LOT 71, SAID DEBOER HOMESTEAD ACRES; THENCE SOUTH 45° 00' 00" FEET TO THE NORTHERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF HIGHWAY 1-94; THENCE SOUTH 24 DEGREES 25' 45" WEST ON SAID NORTHERLY RIGHT-OF-WAY LINE 139.40 FEET TO A POINT ON THE SOUTH LINE OF LOT 84, SAID DEBOER HOMESTEAD ACRES; THENCE SOUTH 66 DEGREES 52' 47" WEST ON SAID NORTHERLY RIGHT-OF-WAY LINE 48.32 FEET TO THE NORTHEAST CORNER OF LOT 108, SAID DEBOER HOMESTEAD ACRES; THENCE SOUTH ON THE EAST LINE OF SAID LOT 108 AND ON SAID NORTHERLY RIGHT-OF-WAY LINE 40.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 108; THENCE NORTH 89 DEGREES 55' 00" WEST ON THE SOUTH LINE OF SAID LOT 108 AND ON SAID NORTHERLY RIGHT-OF-WAY LINE 29.97 FEET (RECORDED AS 02.47 FEET); THENCE SOUTH 18 DEGREES 28' 33" WEST (RECORDED AS SOUTH 18 DEGREES 48' 12" WEST) ON SAID NORTHERLY RIGHT-OF-WAY LINE 151.88 FEET (RECORDED AS 119.84 FEET); THENCE SOUTH 72 DEGREES 31' 24" WEST (RECORDED AS SOUTH 71 DEGREES 51' 03" WEST) ON SAID NORTHERLY RIGHT-OF-WAY LINE 163.48 FEET; THENCE NORTH 88 DEGREES 37' 19" WEST (RECORDED AS NORTH 89 DEGREES 17' 40" WEST) ON SAID NORTHERLY RIGHT-OF-WAY LINE 350.80 FEET; THENCE NORTH 84 DEGREES 02' 53" WEST (RECORDED AS NORTH 84 DEGREES 43' 14" WEST) ON SAID NORTHERLY RIGHT-OF-WAY LINE 1,241.55 FEET TO A POINT ON THE SOUTH LINE OF LOT 98, SAID DEBOER HOMESTEAD ACRES; THENCE NORTH 89 DEGREES 55' 00" WEST ON THE SOUTH LINE OF SAID LOT 98 A DISTANCE OF 21.53 FEET TO THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 4, SAID POINT BEING 218.22 FEET NORTH 00 DEGREES 07' 48" EAST OF THE CENTER OF SAID SECTION 4; THENCE NORTH 00 DEGREES 07' 48" EAST (RECORDED AS NORTH 00 DEGREES 15' 44" WEST) ON SAID QUARTER LINE 2.21 FEET TO THE NORTHERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF HIGHWAY 1-94; THENCE NORTH 84 DEGREES 02' 53" WEST (RECORDED AS NORTH 84 DEGREES 25' 45" WEST) ON SAID NORTHERLY RIGHT-OF-WAY LINE 327.19 FEET (RECORDED AS 327.73 FEET); THENCE NORTHWESTERLY 634.55 FEET ON AN 11,609.20 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS NORTH 85 DEGREES 36' 50" WEST 634.48 FEET (RECORDED AS NORTH 15 DEGREES 59' 42" WEST 633.33 FEET) TO A POINT ON THE EAST LINE OF BALA CYNWYD NO. 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 32 OF PLATS, PAGE 35, KALAMAZOO COUNTY RECORDS; THENCE NORTH 16 DEGREES 37' 32" EAST (RECORDED AS NORTH 16 DEGREES 05' 43" EAST AND NORTH 16 DEGREES 10' EAST) ON THE EAST LINE OF SAID BALA CYNWYD NO. 2 A DISTANCE OF 638.16 FEET (RECORDED AS 639.77 FEET) TO A POINT DESCRIBED AS THE NORTHEAST CORNER OF BALA CYNWYD NO. 2; THENCE SOUTH 63 DEGREES 47' 35" EAST ON A MEANDER LINE 306.00 FEET TO A MEANDER CORNER; THENCE SOUTH 30 DEGREES 34' 06" EAST 864.77 FEET TO A MEANDER CORNER ON THE NORTH AND SOUTH QUARTER

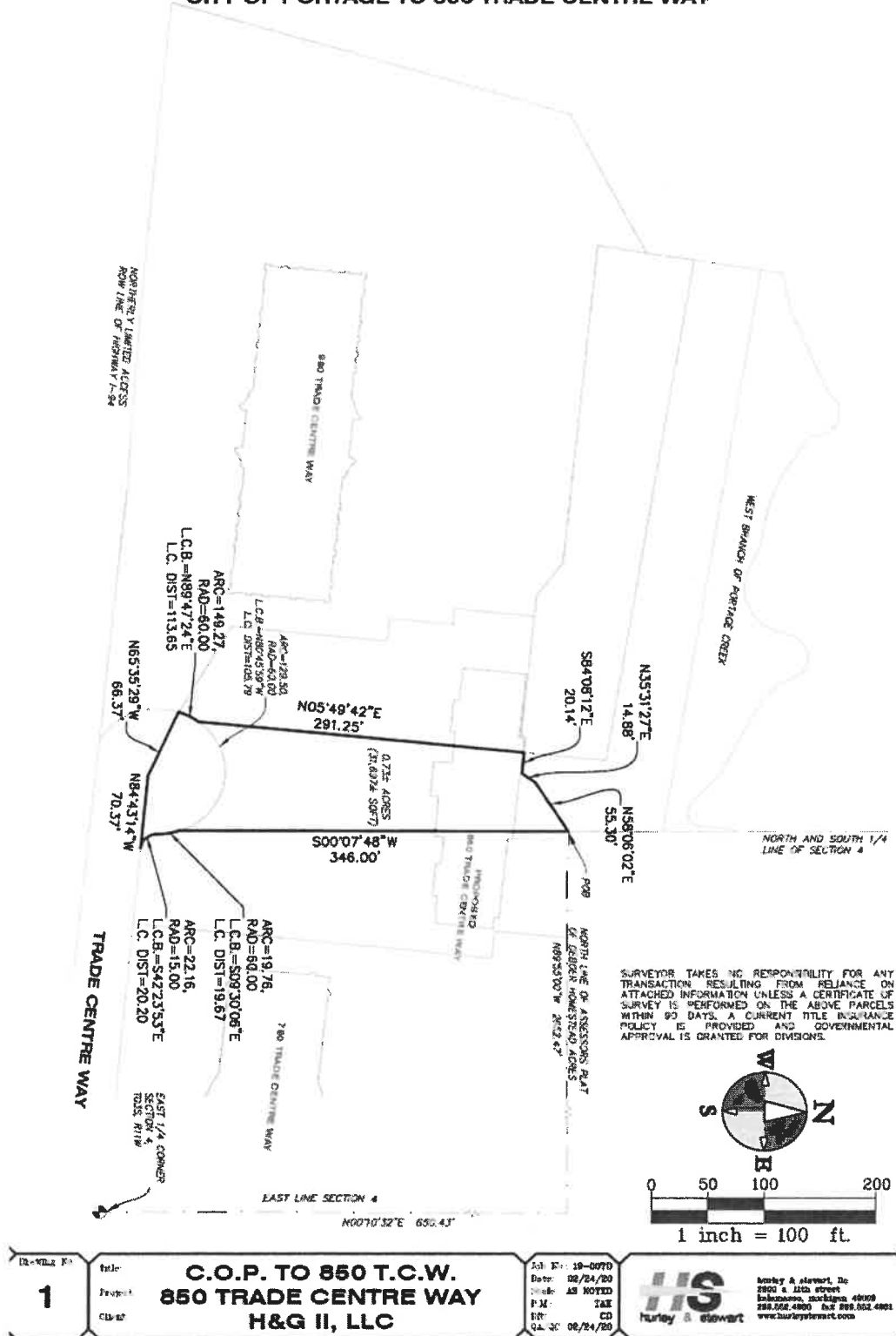
LINE OF SAID SECTION 4, THENCE SOUTH 00 DEGREES 07' 48" WEST (RECORDED AS SOUTH 00 DEGREES 18' 00" EAST) ON SAID QUARTER LINE 8.23 FEET; THENCE SOUTH 89 DEGREES 55' 00" EAST ON THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID DEBOER HOMESTEAD ACRES 1,401.25 FEET TO THE POINT OF BEGINNING, ALSO AT THAT LAND LYING NORTH OF SAID MEANDER LINE SOUTH OF THE CENTERLINE OF THE WEST BRANCH OF PORTAGE CREEK, WEST OF THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 4 AND EAST OF THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID BALA CYNWYD NO. 2 CONTAINING 72.36 ACRES MORE OR LESS.

\*THIS SURVEY WAS PERFORMED WITH AN ERROR OF CLOSURE NO GREATER THAN 1 IN 10,000.

ASSUMED THE NORTH LINE OF SAID DEBOER HOMESTEAD ACRES TO BE AN NORTH 89 DEGREES 55' 00" WEST PER SAID RECORDED PLAT.



Appendix B – Exchange Property  
City to 850 Trade Centre, LLC  
**SKETCH OF LEGAL DESCRIPTION**  
CITY OF PORTAGE TO 850 TRADE CENTRE WAY



## SKETCH OF LEGAL DESCRIPTION CITY OF PORTAGE TO 850 TRADE CENTRE WAY

PART OF THE NORTH HALF OF SECTION 4, TOWN 03 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, COUNTY OF KALAMAZOO, STATE OF MICHIGAN AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 4, TOWN 03 SOUTH, RANGE 11 WEST; THENCE ALONG THE EAST LINE OF SAID SECTION, NORTH 00 DEGREES 10 MINUTES 32 SECONDS EAST 650.43 FEET TO THE NORTH LINE OF THE ASSESSOR'S PLAT OF DEBOER HOMESTEAD ACRES ACCORDING TO THE PLAT THEREOF (SAID NORTH LINE BEING PREVIOUSLY REFERRED TO AS THE NORTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 4); THENCE ALONG SAID NORTH PLAT LINE AND THE EXTENSION THEREOF, NORTH 89 DEGREES 55 MINUTES 00 SECONDS WEST 2652.47 FEET TO THE NORTH AND SOUTH QUARTER LINE OF SECTION 4 AND THE POINT OF BEGINNING; THENCE ALONG SAID NORTH AND SOUTH QUARTER LINE, SOUTH 00 DEGREES 07 MINUTES 48 SECONDS WEST 346.00 FEET TO THE NORTHERLY RIGHT OF WAY OF TRADE CENTRE WAY; THENCE NORTHWESTERLY 129.50 FEET ALONG THE ARC OF A 60.00 FOOT RADIUS CURVE TO THE LEFT, THE CHORD OF WHICH BEARS NORTH 80 DEGREES 45 MINUTES 59 SECONDS WEST 105.79 FEET; THENCE NORTH 05 DEGREES 49 MINUTES 42 SECONDS EAST 291.25 FEET; THENCE SOUTH 84 DEGREES 08 MINUTES 12 SECONDS EAST 20.14 FEET; THENCE NORTH 35 DEGREES 31 MINUTES 27 SECONDS EAST 14.88 FEET; THENCE NORTH 58 DEGREES 06 MINUTES 02 SECONDS EAST 55.30 FEET TO THE NORTH AND SOUTH QUARTER LINE OF SECTION 4 AND THE POINT OF BEGINNING.

ALSO, PART OF TRADE CENTRE WAY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST QUARTER CORNER OF SECTION 4, TOWN 03 SOUTH, RANGE 11 WEST, THENCE ALONG THE EAST LINE OF SAID SECTION, NORTH 00 DEGREES 10 MINUTES 32 SECONDS EAST 650.43 FEET TO THE NORTH LINE OF THE ASSESSOR'S PLAT OF DEBOER HOMESTEAD ACRES ACCORDING TO THE PLAT THEREOF (SAID NORTH LINE BEING PREVIOUSLY REFERRED TO AS THE NORTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 4); THENCE ALONG SAID NORTH PLAT LINE AND THE EXTENSION THEREOF, NORTH 89 DEGREES 55 MINUTES 00 SECONDS WEST 2652.47 FEET TO THE NORTH AND SOUTH QUARTER LINE OF SECTION 4; THENCE ALONG SAID NORTH AND SOUTH QUARTER LINE, SOUTH 00 DEGREES 07 MINUTES 48 SECONDS WEST 346.00 FEET TO THE NORTHERLY RIGHT OF WAY OF TRADE CENTRE WAY AND THE POINT OF BEGINNING; THENCE ALONG SAID NORTHERLY RIGHT OF WAY, SOUTHERLY 19.76 FEET ALONG THE ARC OF A 60.00 FOOT RADIUS CURVE TO THE RIGHT, THE CHORD OF WHICH BEARS SOUTH 09 DEGREES 30 MINUTES 06 SECONDS EAST 19.67 FEET; THENCE SOUTHEASTERLY 22.16 FEET ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE LEFT, THE CHORD OF WHICH BEARS SOUTH 42 DEGREES 23 MINUTES 53 SECONDS EAST 20.20 FEET; THENCE NORTH 84 DEGREES 43 MINUTES 14 SECONDS WEST 70.37 FEET; THENCE NORTH 65 DEGREES 35 MINUTES 29 SECONDS WEST 66.37 FEET TO THE WESTERLY RIGHT OF WAY OF TRADE CENTRE WAY; THENCE EASTERLY 149.27 FEET ALONG THE ARC OF A 60.00 FOOT RADIUS, NON-TANGENTIAL, CURVE TO THE RIGHT, THE CHORD OF WHICH BEARS NORTH 89 DEGREES 47 MINUTES 24 SECONDS EAST 113.65 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 0.73 +/- ACRES (31,687 +/- SQUARE FEET)

SUBJECT TO EASEMENTS AND RESTRICTIONS APPARENT AND OF RECORD.

18-0070-00

**2**

File:

Project:

City:

**C.O.P. TO 850 T.C.W.  
850 TRADE CENTRE WAY  
H&G II, LLC**

File #: 18-0070

File: 02-24-20

Code: AS NOTED

P.M. TAN

By: CO

date: 02/24/20



Survey & Stewart, Inc.  
2800 E. 21st Street  
East Lansing, Michigan 48809  
517.342.1990 Fax 517.342.4991  
www.surveyandstewart.com



## SKETCH OF LEGAL DESCRIPTION

### 950 TRADE CENTRE WAY TO CITY OF PORTAGE

PART OF THE NORTHWEST QUARTER OF SECTION 4, TOWN 03 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, COUNTY OF KALAMAZOO, STATE OF MICHIGAN AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

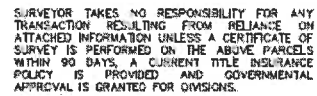
COMMENCING AT THE EAST QUARTER CORNER OF SECTION 4, TOWN 03 SOUTH, RANGE 11 WEST; THENCE ALONG THE EAST LINE OF SAID SECTION, NORTH 00 DEGREES 10 MINUTES 32 SECONDS EAST 850.43 FEET TO THE NORTH LINE OF THE ASSESSOR'S PLAT OF DEBOER HOMESTEAD ACRES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN LIBER 14 OF PLATS, PAGE 6, KALAMAZOO COUNTY RECORDS, SAID NORTH LINE BEING PREVIOUSLY REFERRED TO AS THE NORTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 4; THENCE ALONG SAID NORTH PLAT LINE AND THE EXTENSION THEREOF, NORTH 89 DEGREES 55 MINUTES 00 SECONDS WEST 2652.47 FEET TO THE NORTH AND SOUTH QUARTER LINE OF SECTION 4; THENCE SOUTH 58 DEGREES 06 MINUTES 02 SECONDS WEST 55.30 FEET; THENCE SOUTH 35 DEGREES 31 MINUTES 27 SECONDS WEST 14.88 FEET; THENCE NORTH 84 DEGREES 08 MINUTES 12 SECONDS WEST 20.14 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 84 DEGREES 08 MINUTE 12 SECONDS WEST 15.99 FEET; THENCE SOUTH 05 DEGREES 52 MINUTES 29 SECONDS WEST 4.50 FEET; THENCE NORTH 84 DEGREES 08 MINUTES 08 SECONDS WEST 134.75 FEET; THENCE NORTH 53 DEGREES 08 MINUTES 50 SECONDS WEST 38.61 FEET; THENCE NORTH 84 DEGREES 10 MINUTES 18 SECONDS WEST 303.69 FEET; THENCE NORTH 09 DEGREES 05 MINUTES 54 SECONDS EAST 85.30 FEET TO THE SOUTH LINE OF LANDS DESCRIBED IN DEED RECORDED IN DOCUMENT 2004-007762 KALAMAZOO COUNTY RECORDS; THENCE ALONG SAID SOUTH LINE, SOUTH 80 DEGREES 54 MINUTES 06 SECONDS EAST 483.44 FEET; THENCE ALONG THE WESTERLY LINE OF LANDS DESCRIBED IN SAID DEED, SOUTH 05 DEGREES 49 MINUTES 42 SECONDS WEST 73.08 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 0.87 +/- ACRES (37,919 +/- SQUARE FEET)

SUBJECT TO EASEMENTS AND RESTRICTIONS APPARENT AND OF RECORD.

## SKETCH OF LEGAL DESCRIPTION

### RESULTING 750 TRADE CENTER WAY PARCEL



Job No. 19-0077D  
Date 02/27/20  
Scale AS NOVED  
P.M. T&R  
B.S. SDE  
QA QC 02/27/20



**hurdley & stewart, llc**  
2800 s. lith street  
kalamazoo, michigan 49005  
269.562.4960 fax 269.562.4961  
[www.hurdleystewart.com](http://www.hurdleystewart.com)

## **SKETCH OF LEGAL DESCRIPTION RESULTING 750 TRADE CENTER WAY PARCEL**

PART OF THE NORTHEAST QUARTER OF SECTION 4, TOWN 03 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, COUNTY OF KALAMAZOO, STATE OF MICHIGAN AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 4, TOWN 03 SOUTH, RANGE 11 WEST; THENCE ALONG THE EAST LINE OF SAID SECTION, NORTH 00 DEGREES 10 MINUTES 32 SECONDS EAST 650.43 FEET TO THE NORTH LINE OF THE ASSESSOR'S PLAT OF DEBOER HOMESTEAD ACRES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN UBER 14 OF PLATS, PAGE 6, KALAMAZOO COUNTY RECORDS, SAID NORTH LINE BEING PREVIOUSLY REFERRED TO AS THE NORTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 4; THENCE ALONG SAID NORTH PLAT LINE AND THE EXTENSION THEREOF, NORTH 89 DEGREES 55 MINUTES 00 SECONDS WEST 2034.03 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 05 DEGREES 51 MINUTES 51 SECONDS WEST 433.25 FEET (PREVIOUSLY DESCRIBED AS 443.28 FEET) TO THE NORTHERLY RIGHT OF WAY OF TRADE CENTRE WAY; THENCE ALONG SAID NORTH RIGHT OF WAY, NORTH 84 DEGREES 43 MINUTES 14 SECONDS WEST 488.03 FEET; THENCE NORTH 05 DEGREES 51 MINUTES 52 SECONDS EAST 320.33 FEET; THENCE NORTH 84 DEGREES 08 MINUTES 08 SECONDS WEST 26.00 FEET; THENCE NORTH 05 DEGREES 51 MINUTES 52 SECONDS EAST 65.86 FEET TO THE WESTERLY EXTENSION OF THE NORTH LINE OF DEBOER HOMESTEAD ACRES; THENCE ALONG SAID WESTERLY EXTENSION, SOUTH 89 DEGREES 55 MINUTES 00 SECONDS EAST 516.63 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 4.64± ACRES (202,322± SQFT).

SUBJECT TO EASEMENTS AND RESTRICTIONS APPARENT AND OF RECORD.



[illegible]

## SKETCH OF LEGAL DESCRIPTION RESULTING 950 TRADE CENTER WAY PARCEL

PART OF THE NORTHWEST QUARTER OF SECTION 4, TOWN 03 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, COUNTY OF KALAMAZOO, STATE OF MICHIGAN AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

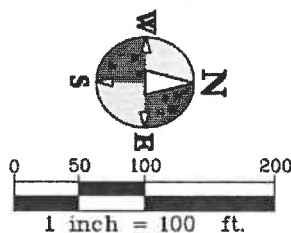
COMMENCING AT THE EAST QUARTER CORNER OF SECTION FOUR, TOWN 03 SOUTH, RANGE 11 WEST, THENCE ALONG THE EAST LINE OF SAID SECTION, NORTH 00 DEGREES 10 MINUTES 32 SECONDS EAST 650.43 FEET TO THE NORTH LINE OF THE ASSESSOR'S PLAT OF DEBOER HOMESTEAD ACRES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN UBER 14 OF PLATS, PAGE 6, KALAMAZOO COUNTY RECORDS, SAID NORTH LINE BEING PREVIOUSLY REFERRED TO AS THE NORTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 4; THENCE ALONG SAID NORTH PLAT LINE AND THE EXTENSION THEREOF, NORTH 89 DEGREES 55 MINUTES 00 SECONDS WEST 2652.47 FEET TO THE NORTH AND SOUTH QUARTER LINE OF SECTION 4; THENCE SOUTH 58 DEGREES 06 MINUTES 02 SECONDS WEST 55.30 FEET; THENCE SOUTH 35 DEGREES 31 MINUTES 27 SECONDS WEST 14.88 FEET; THENCE NORTH 84 DEGREES 08 MINUTES 12 SECONDS WEST 20.14 FEET; THENCE SOUTH 05 DEGREES 49 MINUTES 42 SECONDS WEST 291.25 FEET TO THE WESTERLY RIGHT OF WAY OF TRADE CENTRE WAY, THENCE ALONG SAID WESTERLY RIGHT OF WAY, SOUTHWESTERLY 19.77 FEET ALONG THE ARC OF A 60.00 FOOT RADIUS CURVE TO THE LEFT, THE CHORD OF WHICH BEARS SOUTH 27 DEGREES 57 MINUTES 25 SECONDS WEST 19.68 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WESTERLY RIGHT OF WAY, SOUTHEASTERLY 82.97 FEET ALONG THE ARC OF A 60.00 FOOT RADIUS CURVE TO THE LEFT, THE CHORD OF WHICH BEARS SOUTH 21 DEGREES 05 MINUTES 51 SECONDS EAST 76.51 FEET TO THE NORTHERLY LIMITED ACCESS RIGHT OF WAY LINE OF HIGHWAY I-94; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE, NORTH 84 DEGREES 02 MINUTES 53 SECONDS WEST 240.81 FEET; THENCE NORTHWESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE, 465.96 FEET ALONG THE ARC OF A 11609.20 FOOT RADIUS CURVE TO THE LEFT, THE CHORD OF WHICH BEARS NORTH 85 DEGREES 11 MINUTES 52 SECONDS WEST 465.93 FEET; THENCE NORTH 16 DEGREES 37 MINUTES 32 SECONDS EAST 370.34 FEET; THENCE NORTH 63 DEGREES 03 MINUTES 25 SECONDS EAST 148.67 FEET; THENCE SOUTH 09 DEGREES 05 MINUTES 54 SECONDS WEST 43.30 FEET; THENCE SOUTH 84 DEGREES 10 MINUTES 18 SECONDS EAST 303.69 FEET; THENCE SOUTH 53 DEGREES 08 MINUTES 50 SECONDS EAST 38.61 FEET; THENCE SOUTH 84 DEGREES 08 MINUTES 08 SECONDS EAST 20.35 FEET; THENCE SOUTH 05 DEGREES 51 MINUTES 52 SECONDS WEST 72.09 FEET; THENCE SOUTH 84 DEGREES 10 MINUTES 18 SECONDS EAST 15.00 FEET; THENCE SOUTH 05 DEGREES 51 MINUTES 52 SECONDS WEST 56.82 FEET; THENCE SOUTH 84 DEGREES 08 MINUTES 08 SECONDS EAST 21.98 FEET; THENCE SOUTH 05 DEGREES 49 MINUTES 42 SECONDS WEST 138.14 FEET; THENCE SOUTH 60 DEGREES 21 MINUTES 02 SECONDS EAST 94.10 FEET TO THE WESTERLY RIGHT OF WAY OF TRADE CENTRE WAY AND THE POINT OF BEGINNING.

PARCEL CONTAINS 5.06± ACRES (220,466± SQFT).

SUBJECT TO EASEMENTS AND RESTRICTIONS APPARENT AND OF RECORD.

[illegible]

SURVEYOR TAKES NO RESPONSIBILITY FOR ANY TRANSACTION RESULTING FROM RELIANCE ON ATTACHED INFORMATION UNLESS A CERTIFICATE OF SURVEY IS PERFORMED ON THE ABOVE PARCELS WITHIN 90 DAYS. A CURRENT TITLE INSURANCE POLICY IS PROVIDED AND GOVERNMENTAL APPROVAL IS GRANTED FOR DIVISIONS.



Job No 19-0070  
Date: 02/27/20  
Suck AS NOVID  
FM TAK  
DT HDE  
QA-QC 02/27/20



**hurley & stewart**

**Sunday & Stewart, Inc.**  
2800 S. 11th Street  
Kalamazoo, Michigan 49008  
268.352.4900 fax 268.562.4881  
[www.harfystewart.com](http://www.harfystewart.com)

## **SKETCH OF LEGAL DESCRIPTION RESULTING 850 TRADE CENTER WAY PARCEL**

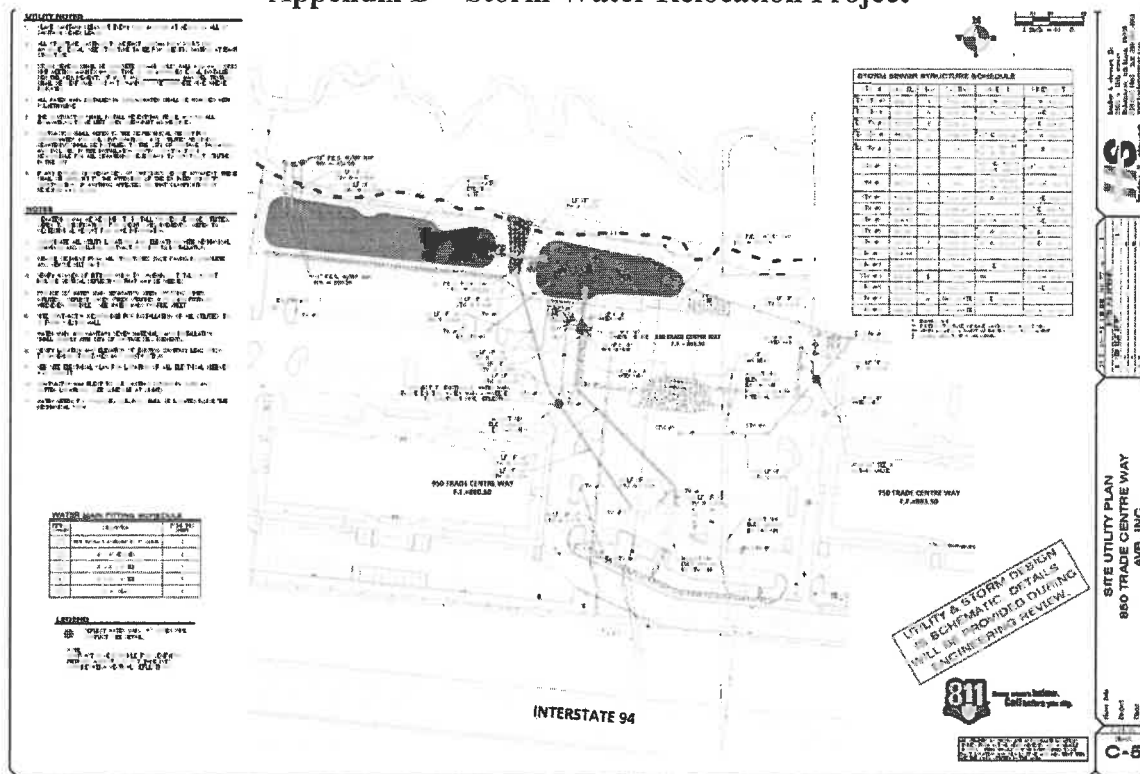
PART OF THE NORTH HALF OF SECTION 4, TOWN 03 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, COUNTY OF KALAMAZOO, STATE OF MICHIGAN AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 4, TOWN 03 SOUTH, RANGE 11 WEST; THENCE ALONG THE EAST LINE OF SAID SECTION, NORTH 00 DEGREES 10 MINUTES 32 SECONDS EAST 650.43 FEET TO THE NORTH LINE OF THE ASSESSOR'S PLAT OF DEBOER HOMESTEAD ACRES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN LIBER 14 OF PLATS, PAGE 6, KALAMAZOO COUNTY RECORDS, SAID NORTH LINE BEING PREVIOUSLY REFERRED TO AS THE NORTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 4; THENCE ALONG SAID NORTH PLAT LINE AND THE EXTENSION THEREOF, NORTH 89 DEGREES 55 MINUTES 00 SECONDS WEST 2550.66 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 05 DEGREES 51 MINUTES 52 SECONDS WEST 85.86 FEET; THENCE SOUTH 84 DEGREES 08 MINUTES 08 SECONDS EAST 26.00 FEET; THENCE SOUTH 05 DEGREES 51 MINUTES 52 SECONDS WEST 320.33 FEET TO THE NORTH RIGHT OF WAY OF TRADE CENTRE WAY; THENCE ALONG SAID NORTH RIGHT OF WAY, NORTH 84 DEGREES 42 MINUTES 57 SECONDS WEST 72.43 FEET; THENCE NORTH 84 DEGREES 43 MINUTES 31 SECONDS WEST 70.37 FEET; THENCE NORTH 85 DEGREES 35 MINUTES 29 SECONDS WEST 66.37 FEET; THENCE NORTH 60 DEGREES 21 MINUTES 02 SECONDS WEST 94.10 FEET; THENCE NORTH 05 DEGREES 49 MINUTES 42 SECONDS EAST 138.14 FEET; THENCE NORTH 84 DEGREES 08 MINUTES 08 SECONDS WEST 21.98 FEET; THENCE NORTH 05 DEGREES 51 MINUTES 52 SECONDS EAST 56.82 FEET; THENCE NORTH 84 DEGREES 10 MINUTES 18 SECONDS WEST 15.00 FEET; THENCE NORTH 05 DEGREES 51 MINUTES 52 SECONDS EAST 72.09 FEET; THENCE SOUTH 84 DEGREES 08 MINUTES 08 SECONDS EAST 114.40 FEET; THENCE NORTH 05 DEGREES 52 MINUTES 29 SECONDS EAST 4.50 FEET; THENCE SOUTH 84 DEGREES 08 MINUTES 12 SECONDS EAST 36.13 FEET; THENCE NORTH 35 DEGREES 31 MINUTES 27 SECONDS EAST 14.88 FEET; THENCE NORTH 58 DEGREES 06 MINUTES 02 SECONDS EAST 55.30 FEET TO THE INTERSECTION OF THE NORTH AND SOUTH QUARTER LINE OF SECTION 4 WITH THE WESTERLY EXTENSION OF THE NORTH LINE OF THE ASSESSOR'S PLAT OF DEBOER HOMESTEAD ACRES; THENCE ALONG SAID WESTERLY EXTENSION, SOUTH 89 DEGREES 55 MINUTES 00 SECONDS EAST 101.81 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 2.35± ACRES (102,228± SQFT).

SUBJECT TO EASEMENTS AND RESTRICTIONS APPARENT AND OF RECORD.

## Appendix D – Storm Water Relocation Project



## SKETCH OF LEGAL DESCRIPTION

### PUBLIC VEHICLE ACCESS EASEMENT





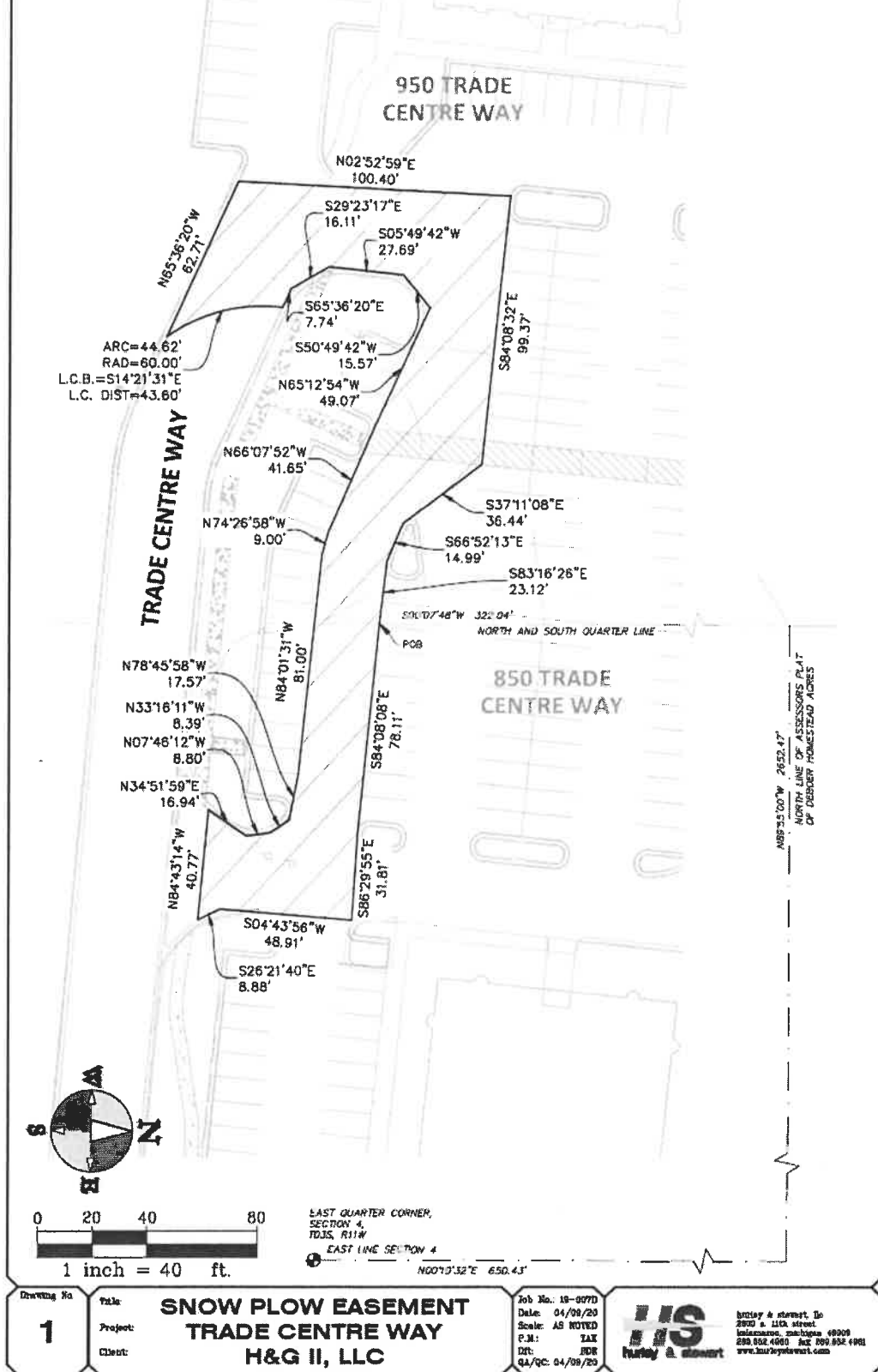
# SKETCH OF LEGAL DESCRIPTION

## PUBLIC VEHICLE ACCESS EASEMENT

### EASEMENT DESCRIPTION

PART OF THE NORTH HALF OF SECTION 4, TOWN 03 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, COUNTY OF KALAMAZOO, STATE OF MICHIGAN, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE EAST QUARTER CORNER OF SECTION 4, TOWN 03 SOUTH, RANGE 11 WEST; THENCE ALONG THE EAST LINE OF SAID SECTION, NORTH 00 DEGREES 10 MINUTES 32 SECONDS EAST 650.43 FEET TO THE NORTH LINE OF THE ASSESSOR'S PLAT OF DEBOER HOMESTEAD ACRES ACCORDING TO THE PLAT THEREOF (SAID NORTH LINE BEING PREVIOUSLY REFERRED TO AS THE NORTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 4); THENCE ALONG SAID NORTH PLAT LINE AND THE EXTENSION THEREOF, NORTH 89 DEGREES 55 MINUTES 00 SECONDS WEST 2652.47 FEET TO THE NORTH AND SOUTH QUARTER LINE OF SECTION 4; THENCE ALONG SAID NORTH AND SOUTH QUARTER LINE, SOUTH 00 DEGREES 07 MINUTES 48 SECONDS WEST 157.21 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 84 DEGREES 08 MINUTES 08 SECONDS EAST 123.15 FEET; THENCE SOUTH 04 DEGREES 43 MINUTES 56 SECONDS WEST 211.63 FEET; THENCE SOUTH 26 DEGREES 21 MINUTES 40 SECONDS EAST 8.88 FEET TO THE NORTHERLY RIGHT OF WAY OF TRADE CENTRE WAY; THENCE ALONG SAID NORTHERLY RIGHT OF WAY, NORTH 84 DEGREES 43 MINUTES 14 SECONDS WEST 40.77 FEET; THENCE NORTH 34 DEGREES 51 MINUTES 59 SECONDS EAST 18.94 FEET; THENCE NORTH 07 DEGREES 46 MINUTES 12 SECONDS WEST 8.80 FEET; THENCE NORTH 33 DEGREES 16 MINUTES 11 SECONDS WEST 8.39 FEET; THENCE NORTH 78 DEGREES 45 MINUTES 58 SECONDS WEST 17.57 FEET; THENCE NORTH 84 DEGREES 01 MINUTES 31 SECONDS WEST 81.00 FEET; THENCE NORTH 74 DEGREES 26 MINUTES 58 SECONDS WEST 9.00 FEET; THENCE NORTH 66 DEGREES 07 MINUTES 52 SECONDS WEST 41.65 FEET; THENCE NORTH 65 DEGREES 12 MINUTES 54 SECONDS WEST 49.07 FEET; THENCE SOUTH 50 DEGREES 49 MINUTES 42 SECONDS WEST 15.57 FEET; THENCE SOUTH 05 DEGREES 49 MINUTES 42 SECONDS WEST 27.69 FEET; THENCE SOUTH 29 DEGREES 23 MINUTES 17 SECONDS EAST 16.11 FEET; THENCE SOUTH 65 DEGREES 36 MINUTES 20 SECONDS EAST 7.74 FEET TO THE WESTERLY RIGHT OF WAY OF TRADE CENTRE WAY; THENCE ALONG SAID WESTERLY RIGHT OF WAY, 44.62 FEET ALONG THE ARC OF A 60.00 FOOT RADIUS CURVE TO THE LEFT, THE CHORD OF WHICH BEARS SOUTH 14 DEGREES 21 MINUTES 31 SECONDS EAST 43.60 FEET; THENCE NORTH 65 DEGREES 36 MINUTES 20 SECONDS WEST 62.71 FEET; THENCE NORTH 02 DEGREES 52 MINUTES 59 SECONDS EAST 50.39 FEET; THENCE NORTH 47 DEGREES 57 MINUTES 07 SECONDS WEST 38.60 FEET; THENCE NORTH 05 DEGREES 51 MINUTES 52 SECONDS EAST 149.16 FEET; THENCE SOUTH 84 DEGREES 08 MINUTES 08 SECONDS EAST 141.94 FEET; THENCE NORTH 73 DEGREES 53 MINUTES 51 SECONDS EAST 28.28 FEET; THENCE SOUTH 84 DEGREES 08 MINUTES 08 SECONDS EAST 5.59 FEET TO THE POINT OF BEGINNING. EASEMENT CONTAINS 1.28 +/- ACRES (55,576 +/- SQUARE FEET).

# SKETCH OF LEGAL DESCRIPTION SNOW PLOW EASEMENT



## SKETCH OF LEGAL DESCRIPTION

### SNOW PLOW EASEMENT

#### EASEMENT DESCRIPTION

PART OF THE NORTH HALF OF SECTION 4, TOWN 03 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, COUNTY OF KALAMAZGO, STATE OF MICHIGAN, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE EAST QUARTER CORNER OF SECTION 4, TOWN 03 SOUTH, RANGE 11 WEST; THENCE ALONG THE EAST LINE OF SAID SECTION, NORTH 00 DEGREES 10 MINUTES 32 SECONDS EAST 650.43 FEET TO THE NORTH LINE OF THE ASSESSOR'S PLAT OF DEBOER HOMESTEAD ACRES ACCORDING TO THE PLAT THEREOF (SAID NORTH LINE BEING PREVIOUSLY REFERRED TO AS THE NORTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 4); THENCE ALONG SAID NORTH PLAT LINE AND THE EXTENSION THEREOF, NORTH 89 DEGREES 55 MINUTES 00 SECONDS WEST 2652.47 FEET TO THE NORTH AND SOUTH QUARTER LINE OF SECTION 4; THENCE ALONG SAID NORTH AND SOUTH QUARTER LINE, SOUTH 00 DEGREES 07 MINUTES 48 SECONDS WEST 322.04 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 84 DEGREES 08 MINUTES 08 SECONDS EAST 78.11 FEET; THENCE SOUTH 86 DEGREES 29 MINUTES 55 SECONDS EAST 31.81 FEET; THENCE SOUTH 04 DEGREES 43 MINUTES 56 SECONDS WEST 48.91 FEET; THENCE SOUTH 26 DEGREES 21 MINUTES 40 SECONDS EAST 8.88 FEET TO THE NORTHERLY RIGHT OF WAY OF TRADE CENTRE WAY; THENCE ALONG SAID NORTHERLY RIGHT OF WAY, NORTH 84 DEGREES 43 MINUTES 14 SECONDS WEST 40.77 FEET; THENCE NORTH 34 DEGREES 51 MINUTES 59 SECONDS EAST 16.94 FEET; THENCE NORTH 07 DEGREES 46 MINUTES 12 SECONDS WEST 8.80 FEET; THENCE NORTH 33 DEGREES 16 MINUTES 11 SECONDS WEST 8.39 FEET; THENCE NORTH 78 DEGREES 45 MINUTES 58 SECONDS WEST 17.57 FEET; THENCE NORTH 84 DEGREES 01 MINUTES 31 SECONDS WEST 81.00 FEET; THENCE NORTH 74 DEGREES 26 MINUTES 58 SECONDS WEST 9.00 FEET; THENCE NORTH 66 DEGREES 07 MINUTES 52 SECONDS WEST 41.85 FEET; THENCE NORTH 65 DEGREES 12 MINUTES 54 SECONDS WEST 49.07 FEET; THENCE SOUTH 50 DEGREES 49 MINUTES 42 SECONDS WEST 15.57 FEET; THENCE SOUTH 05 DEGREES 49 MINUTES 42 SECONDS WEST 27.69 FEET; THENCE SOUTH 29 DEGREES 23 MINUTES 17 SECONDS EAST 16.11 FEET; THENCE SOUTH 65 DEGREES 36 MINUTES 20 SECONDS EAST 7.74 FEET TO THE WESTERLY RIGHT OF WAY OF TRADE CENTRE WAY; THENCE ALONG SAID WESTERLY RIGHT OF WAY, 44.82 FEET ALONG THE ARC OF A 60.00 FOOT RADIUS CURVE TO THE LEFT, THE CHORD OF WHICH BEARS SOUTH 14 DEGREES 21 MINUTES 31 SECONDS EAST 43.60 FEET; THENCE NORTH 65 DEGREES 36 MINUTES 20 SECONDS WEST 62.71 FEET; THENCE NORTH 02 DEGREES 52 MINUTES 59 SECONDS EAST 100.40 FEET; THENCE SOUTH 84 DEGREES 08 MINUTES 32 SECONDS EAST 99.37 FEET; THENCE SOUTH 37 DEGREES 11 MINUTES 08 SECONDS EAST 36.44 FEET; THENCE SOUTH 66 DEGREES 52 MINUTES 13 SECONDS EAST 14.99 FEET; THENCE SOUTH 83 DEGREES 16 MINUTES 26 SECONDS EAST 23.12 FEET TO THE NORTH AND SOUTH QUARTER LINE AND THE POINT OF BEGINNING. EASEMENT CONTAINS 0.27 +/- ACRES (11,653 +/- SQUARE FEET).

## PORTAGE DOWNTOWN DEVELOPMENT AUTHORITY

 **DRAFT**

Thursday, April 23, 2020

The Portage Downtown Development Authority April 23, 2020 virtual meeting on was called to order at 8:00 a.m.

### MEMBERS PRESENT:

Matt Milks, Jeff Chrystal, Dorothy Robinett, Michael Quinn, Terry Patterson, Rich MacDonald Walter Hansen, Stanley Samuel and Joe La Margo

### MEMBERS EXCUSED:

Benjamin Boyer

### IN ATTENDANCE:

Christopher Forth, Interim Director of Community Development; William Furry, Director of Finance; and John Axe, Bond Counsel

### APPROVAL OF MINUTES:

The minutes of the June 25, 2019 meeting were introduced for approval. A motion was offered by Hansen and seconded by Samuel to approve the meeting minutes as presented. Upon a roll call vote, Milks (yes), Chrystal (yes), Robinett (yes), Quinn (yes), Patterson (yes), MacDonald (yes), Hansen (yes), Samuel (yes) and La Margo (yes). The motion was approved 9-0.

### BUSINESS:

1. Election of Officers. President Patterson indicated the current slate of officers includes himself as President; Boyer, Vice-President; Chrystal, Treasurer; and Milks, Secretary. There was discussion of the continuation of the current officers. A motion was offered by Hansen, seconded by Robinett that Patterson serve as President; Boyer as Vice-President; Chrystal as Treasurer and Milks as Secretary. Upon a roll call vote, Milks (yes), Chrystal (yes), Robinett (yes), Quinn (yes), Patterson (yes), MacDonald (yes), Hansen (yes), Samuel (yes) and La Margo (yes). The motion was approved 9-0.

2. Resolution Approving the FY2018-19 Annual Financial Report. Mr. Furry summarized the communication to the Board concerning the annual reports included in the agenda, noting that revenue exceeded expenditures and net transfers by \$74,719. The fund balance at the end of FY2018-2019 was \$348,285. Mr. Furry noted expenditures will exceed revenues for approximately 2-3 years and then revenues will begin to exceed expenditures; however, during this 2-3 year time period, the fund balance will remain positive. After additional discussion, a motion was made by Hansen, seconded by La Margo to approve the resolution and authorize the transmission of the FY2018-19 Annual Financial Report on the status of the tax increment financing plan. Upon a roll call vote, Milks (yes), Chrystal (yes), Robinett (yes), Quinn (yes), Patterson (yes), MacDonald (yes), Hansen (yes), Samuel (yes) and La Margo (yes). The motion was approved 9-0.

3. 2020 Amended Tax Increment Finance Plan/2020 Amended Development Plan. Mr. Forth summarized the staff report involving plans by the developer, Trade Center, LLC to construct a new, 4-story hotel at the

 **DRAFT**

west end of Trade3 Centre Way north of I-94, within the DDA. Mr. Forth noted there are three elements to the plan and include 1) an exchange of land between the City of Portage and Trade Centre, LLC; 2) removal and relocation of the existing storm water retention basin located at 850 Trade Centre Way; and 3) removal of the north portion of the Trade Centre Way turnaround area to accommodate additional off-street parking for the new hotel. Mr. Forth noted the developer will provide an easement to the city that will allow vehicles to utilize the off-street parking lot for turnaround purposes.

Mr. Forth indicated the City Administration agreed to reimburse up to \$600,000 for the public improvement costs. These reimbursement funds will include \$150,000 from the water fund. The city had already budgeted these funds in FY2020-21 to rehabilitate the existing storm water basin. As a result of the relocation, the developer will essentially act as the contractor on behalf of the city to “rehabilitate” the basin. The remaining \$450,000 will be provided through tax increment financing. Mr. Forth noted that only a portion of the hotel building is located within the DDA district. Consequently, approximately 40% of the hotel’s taxable value is eligible for tax capture utilizing tax increment financing. The other approximately 60% of value will be disbursed to the local taxing jurisdictions, include the City of Portage.

Board member Samuel asked who will maintain the relocated retention basin. Mr. Forth indicated the City of Portage will own and maintain the basin. The developer will provide and access easement to the retention basin. Board member Robinett asked who will pay for the public infrastructure improvements. Mr. Forth stated the developer will pay the upfront costs and then will be reimbursed from water fund and through tax increment financing. Board member Samuel also asked about the applicability of environmental conditions as a requirement for reimbursement. Mr. Forth indicated under a Brownfield Redevelopment project, environmental conditions would need to exist for tax capture but the same requirements do not apply to a Downtown Development Authority District. Board member Hansen asked for clarification on the amount of tax capture. Mr. Forth stated approximately 40% will be captured and reimbursed to the developer and the other approximate 60% will be disbursed to the local taxing jurisdictions. Mr. MacDonald provide a brief overview/history of the DDA and Trade Centre development project. Mr. MacDonald recognized and emphasized the importance of public/private partnerships that benefit the region. President Patterson concurred. President Patterson noted there a several new hotels in the Kalamazoo area and inquired why they’re in demand. Mr. MacDonald indicated business growth in the area and the business traveler. Mr. MacDonald stated the two other DDA hotels outperform the other hotels in the area.

There being no further discussion, a motion was made by Hansen, seconded by Quinn to approve the resolution and authorize the transmission of the 2020 Amended Tax Increment Finance Plan/2020 Amended Development Plan to City Council. Upon a roll call vote, Milks (yes), Chrystal (yes), Robinett (yes), Quinn (yes), Patterson (yes), MacDonald (abstain), Hansen (yes), Samuel (yes) and La Margo (yes). The motion was approved 8-0-1.

#### STATEMENT OF CITIZENS:

No citizen comments were received.

#### ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 8:25 a.m.

Respectfully Submitted,

Christopher Forth, AICP  
Interim Director of Community Development

**TO:** Honorable Mayor and City Council

**FROM:** Joseph La Margo, City Manager



**SUBJECT:** Conceptual Plan Amendment for Trade Centre Commercial Planned Development, 300-1150 Trade Centre Way

**SUPPORTING PERSONNEL:** Chris Forth, Acting Director of Community Development

**ACTION RECOMMENDED:** Subsequent to the public hearing, consider the Conceptual Plan Amendment for Trade Centre Commercial Planned Development, 300-1150 Trade Centre Way, including the requested building height modification to allow construction of the proposed hotel building to a height up to 65-feet and the requested screening waiver, with the findings contained in the April 30, 2020 Department of Community Development staff report.

An application has been submitted by Trade Centre Holdings, LLC requesting to amend two conceptual plans originally approved in 2002 and 2004 by combining them into one plan and adding a new hotel and associated site improvements on a new, approximate two-acre parcel. The overall 30-acre tract of land, commonly known as Trade Centre Commercial Planned Development, is zoned commercial planned development, CPD, and includes parcels addressed as 300, 400, 450, 500, 550, 650, 750, 850, 950 and 1150 Trade Centre Way.

In addition to combining the two existing conceptual plans into one, the applicant is proposing to construct a new four-story, 59-foot-tall hotel building and associated site improvements on a new approximate two-acre parcel that includes portions of 750, 850 and 950 Trade Centre Way. This proposal involves another partnership with the City of Portage whereby the existing City of Portage storm water basin located on the 850 Trade Centre Way parcel will be relocated to the northwest to allow for construction of the new hotel building and associated parking facilities. An exchange of land between the City of Portage and Trade Centre Holdings, LLC and modification of property lines involving 750, 850 and 950 Trade Centre Way is also proposed for this project to come to fruition. This project also involves an amendment to the Downtown Development Authority Plan.

In conjunction with the proposed conceptual plan amendment, and similar to the previously approved multi-story hotel and office buildings within the Trade Centre CPD, the applicant is also requesting one



modification and one waiver:

1. A height modification to allow construction of the four-story hotel to a height of up to 65-feet. Section 42-350.B(6) of the Zoning Code establishes a building height of 30 feet and one-story when the zoning lot abuts a single-family residential zoning district. The Planning Commission can approve a building height up to the height normally permitted in the district (35 feet) and City Council approval is necessary for a building height that exceeds 35 feet.
2. A conflicting land use screening waiver for the remaining northern portion of the development where there is abutting single-family residential zoning, a City of Kalamazoo well field and Portage Creek and single-family residences to the north. Section 42-573.E of the Zoning Code requires construction of a six-foot-tall, landscaped berm between the development and property either zoned or used for residential purposes that can be modified/waived with City Council approval.

In a report dated April 30, 2020, the Department of Community Development discussed the proposed conceptual plan amendment including the requested height modification, screening waiver, surrounding land use pattern, distances and topographic differences between the proposed hotel building and single-family residences to the north/northwest, traffic, access and environmental related issues. Based on the analysis contained in the report, staff is supportive of the proposed Conceptual Plan Amendment for Trade Centre Commercial Planned Development including the requested building height modification to allow construction of the proposed hotel building to a height up to 65 feet and the requested screening waiver.

The Planning Commission convened public hearings during their April 16, 2020 and May 7, 2020 meetings to consider the proposed conceptual plan amendment. Greg Dobson, of AVB, the applicant's representative, phoned into to these virtual meetings to support the application and explain the proposed hotel project. One citizen, Tony Ettwein, who resides at 5265 Bronson Boulevard, called in during the April 16 meeting regarding the conceptual plan amendment and the proposed new hotel development. Mr. Ettwein and his wife also submitted a written communication in support of the proposed project. No additional citizens called in during the public hearings and no additional citizen communications were received regarding this proposed conceptual plan amendment.

After careful consideration, the Planning Commission voted unanimously 9-0 to recommend to City Council that the Conceptual Plan Amendment for Trade Centre Commercial Planned Development, 300-1150 Trade Centre Way, be approved including the requested building height modification to allow construction of the proposed hotel building to a height up to 65-feet and the requested screening waiver.

**FUNDING:** Not applicable

**Attachments:**

1. Planning Commission transmittal dated May 15, 2020
2. Planning Commission meeting minutes dated April 16 and May 7, 2020
3. Department of Community Development staff report dated April 30, 2020 with attachments
4. Proposed elevation drawing

**TO:** Honorable Mayor and City Council

**FROM:** Planning Commission

**DATE:** May 15, 2020

**SUBJECT:** Conceptual Plan Amendment for Trade Centre Commercial Planned Development,  
300-1150 Trade Centre Way

The Planning Commission convened a public hearing during the April 16<sup>th</sup> and May 7, 2020 meetings to consider the request submitted by Trade Centre Holdings, LLC to amend previously approved conceptual plans to allow construction of a new 4-story hotel building and associated site improvements on a new approximate 2-acre parcel that includes portions of 750, 850 and 950 Trade Centre Way. The overall 30-acre tract of land (commonly known as Trade Centre Commercial Planned Development) is zoned CPD, commercial planned development and includes parcels addressed as 300, 400, 450, 500, 550, 650, 750, 850, 950 and 1150 Trade Centre Way. Greg Dobson of AVB (applicant representative) called-in during both of these virtual meetings to support the application and explain the proposed hotel project. One citizen (Tony Ettwein, 5265 Bronson Boulevard) called-in during the April 16<sup>th</sup> meeting to comment on the conceptual plan amendment and the proposed new hotel development. Mr. Ettwein and his wife also submitted a written communication in support of the proposed project.

After careful consideration, a motion was made by Commissioner Patterson, seconded by Commissioner Myer, to recommend to City Council that the Conceptual Plan Amendment for Trade Centre CPD, 300-1150 Trade Centre Way, be approved including the requested building height modification to allow construction of the proposed hotel building to a height up to 65-feet and the requested screening waiver. The motion included a finding consistent with Section 42-414.G of the Zoning Code and as outlined in the April 30, 2020 Department of Community Development staff report. The motion was unanimously approved 9-0.

Sincerely,

  
Dan Corradini  
Chairman



waive the second public hearing and make a formal recommendation to City Council to approve Ordinance Amendment #19/20-A, Adult Use Marihuana. Mr. West then asked Assistant City Attorney Bear to provide a more detailed overview of the proposed amendments.

Assistant City Attorney Bear provided a summary of State legislation and local ordinance development associated with medical marihuana, followed by a summary of adult use marihuana State legislation. Assistant City Attorney Bear reviewed in detail the proposed amendments to Section 42-262 (B-3, general business district), Section 42-280 (I-1, light industrial district) and Section 42-281 (I-2, heavy industrial district). Assistant City Attorney Bear, Mr. West and the Commission next discussed various aspects of the proposed ordinance amendment including the requirement for separate HVAC systems and odor mitigation, compliance with ADA requirements, delivery services, no drive-thru service and separation requirements from schools, child care centers, etc. and the phrase "adjacent to or abutting a residential zoning district".

The public hearing was then opened by Chairman Corradini. One citizen (Omar Catani, 5747 South Westnedge Avenue) spoke regarding the proposed adult use marihuana ordinance amendments. Mr. Catani asked about the partitioning requirement when a provisioning center and retailer are located at the same location, and the rationale for the determining the boundary lines for the zoning lot "as those line existed on December 31, 2017. Assistant City Attorney Bear and Mr. West responded. No additional citizens called-in to speak regarding the proposed adult use marihuana ordinance amendments. A motion was then made by Commissioner Harrell-Page, seconded by Commissioner Schimmel, to close the public hearing. Upon a roll call vote: Harrell-Page (yes); Patterson (yes); Fries (yes); Joshi (yes); Corradini (yes); Schimmel (yes); Baldwin (yes); Pezzoli (yes); and Myer (yes), the motion was unanimously approved 9-0.

After a brief discussion, a motion was made by Commissioner Joshi, seconded by Commissioner Myer, to waive the second public hearing and recommend to City Council that Ordinance Amendment #19/20-A, Adult Use Marihuana be approved. Upon a roll call vote: Joshi (yes); Meyer (yes); Harrell-Page (yes); Pezzoli (yes); Baldwin (yes); Corradini (yes); Patterson (yes); Fries (yes); and Schimmel (yes), the motion was unanimously approved 9-0.

4. Preliminary Report: Conceptual Plan Amendment for Trade Centre Commercial Planned Development, 300-1150 Trade Centre Way. Mr. West summarized the staff report dated April 9, 2020 regarding a request by Trade Centre Holdings, LLC to amend two previously approved conceptual plans to allow construction of a new 4-story hotel building and associated site improvements on a new approximate 2-acre parcel that includes portions of 750, 850 and 950 Trade Centre Way. Mr. West stated the 30-acre tract of land is zoned CPD, commercial planned development and includes parcels addressed as 300, 400, 500, 550, 650, 750, 850, 950 and 1150 Trade Centre Way. Mr. West stated the first conceptual plan was approved in 2002 (amended in 2012) and involved an approximate 20-acre tract of land that includes parcels 200 400, 500, 550, 650 and 750 Trade Centre Way. Mr. West stated the second conceptual plan was approved in 2004 and involved a 12-acre tract of land that includes parcels 850, 950 and 1150 Trade Centre Way. Mr. West stated the applicant was proposing to amend these two previously approved conceptual plans to allow construction of a new 4-story, 59-foot tall hotel building and associated site improvements on a new approximate 2-acre parcel that includes portions of 750, 850 and 950 Trade Centre Way. Mr. West stated the proposal involves another partnership between the developer and the City of Portage, along with an exchange of land and modification of property lines, whereby the existing city storm water basin located on the 850 Trade Centre Way parcel will be relocated to the northwest to allow construction of the new hotel building. In conjunction with the conceptual plan amendment and consistent with previous approvals, Mr. West stated the applicant was also requesting a height modification and a waiver from the conflicting land use screening requirements.

Greg Dobson of American Village Builders (applicant representative) called-in to support the application and discuss the proposed new hotel project. Mr. Dobson thanked staff for all their assistance during the application review process and also thanked the Planning Commission for conducting the virtual meeting during these challenging times. Mr. Dobson next summarized the history of the Trade Centre CPD and the partnership between Joe Gesmundo and Roger Hinman. Mr. Dobson reviewed development projects which have been completed to date within the CPD including three multi-story office buildings, two multi-story hotels and one restaurant building. Mr. Dobson summarized the proposed new hotel project and discussed efforts to reach out



to the residential neighbors to the west and north. Mr. Dobson discussed the “site line” studies performed between the proposed hotel building and the residences located to the north, northeast and northwest, and the sound mitigation study previously prepared for the adjacent multi-story office buildings. Mr. Dobson discussed the careful planning which has occurred with each development project to preserve the adjacent wetlands, floodplain and natural area along the Portage Creek. The Commission and applicant next discussed various aspects of the proposed project.

The public hearing was then opened by Chairman Corradini. One citizen (Tony Ettwein, 5265 Bronson Boulevard) spoke regarding the conceptual plan amendment and the proposed new hotel development. Mr. Ettwein expressed concern about the screening provision and the visibility of the proposed hotel from his residence. Mr. Ettwein stated that discussions with Mr. Dobson have been very positive and Mr. Dobson has agreed to consult with him and his wife, both pre-construction and post-construction, to ensure their concerns were addressed. No additional citizens called-in to speak regarding the proposed conceptual plan amendment and new hotel project. A motion was then made by Commissioner Schimmel, seconded by Commissioner Harrell-Page, to adjourn the public hearing for the Conceptual Plan Amendment for Trade Centre Commercial Planned Development, 300-1150 Trade Centre Way, to the May 7, 2020 meeting. Upon a roll call vote: Joshi (yes); Meyer (yes); Harrell-Page (yes); Pezzoli (yes); Baldwin (yes); Corradini (yes); Patterson (yes); Fries (yes); and Schimmel (yes), the motion was unanimously approved 9-0.

**NEW BUSINESS:**

None.

**OLD BUSINESS:**

None.

**STATEMENT OF CITIZENS/COMMISSIONERS**

Commissioner Patterson encouraged citizens to continue to follow Planning Commission and City Council meetings even after the Governor’s Executive Order is lifted stating it was an excellent way of staying informed of city activities and projects.

Commissioners Pezzoli and Fries thanked Chairman Corradini and Mr. West for coordinating this virtual meeting and for the pre-meeting preparation.

Commissioner Joshi reminded everyone of the upcoming May 5<sup>th</sup> election and strongly encouraged everyone to register on-line before April 20<sup>th</sup> since there will be no precincts open for this election.

Commissioner Baldwin thanked all the front-line workers including health care personnel, law enforcement, fire department, EMTs and others for all their hard work during this national health crisis.

**ADJOURNMENT:**

There being no further business to come before the Commission, the regularly scheduled meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Michael West, AICP  
Senior City Planner

## **PLANNING COMMISSION**

**May 7, 2020**

The City of Portage Planning Commission meeting of May 7, 2020 was called to order by Chairman Corradini at 7:00 p.m. Pursuant to the "Remote Attendance Rules for Meetings" and Michigan Governor Whitmer's Executive Order 2020-21, this meeting was held remotely with Commissioners, staff, applicants and the general public participating via telephone call-in.

### **IN ATTENDANCE**

Michael West, Senior City Planner and Randy Brown, City Attorney.

### **ROLL CALL**

Mr. West called the roll: Meyer (yes); Pezzoli (yes); Baldwin (yes); Joshi (yes); Harrell-Page (yes); Schimmel (yes); Corradini (yes); Fries (yes); and Patterson (yes). All Commissioners present.

### **APPROVAL OF MINUTES**

Chairman Corradini referred the Commission to the April 16, 2020 meeting minutes contained in the agenda. A motion was made by Commissioner Fries, seconded by Commissioner Baldwin, to approve the minutes as submitted. Upon a roll call vote: Patterson (yes); Fries (yes); Joshi (yes); Corradini (yes); Schimmel (yes); Harrell-Page (yes); Baldwin (yes); Pezzoli (yes); and Myer (yes), the motion was unanimously approved 9-0.

### **PUBLIC HEARING**

1. Final Report: Conceptual Plan Amendment for Trade Centre Commercial Planned Development, 300-1150 Trade Centre Way. Mr. West summarized the staff report dated April 30, 2020 regarding a request by Trade Centre Holdings, LLC to amend two previously approved conceptual plans to allow construction of a new 4-story hotel building and associated site improvements on a new approximate 2-acre parcel that includes portions of 750, 850 and 950 Trade Centre Way. Mr. West stated the 30-acre tract of land is zoned CPD, commercial planned development and includes nine parcels ranging between 300-1150 Trade Centre Way. Mr. West stated the applicant was proposing to amend two previously approved conceptual plans to allow construction of a new 4-story tall hotel building. Mr. West stated the proposal involves another partnership between the developer and the City of Portage, along with an exchange of land and modification of property lines, whereby the existing city storm water basin located on the 850 Trade Centre Way parcel will be relocated to the northwest to allow construction of the new hotel building. In conjunction with the conceptual plan amendment and consistent with previous approvals within the Trade Centre CPD, Mr. West stated the applicant was also requesting a height modification and a conflicting land use screening waiver. Mr. West indicated the conceptual plan amendment, and associated height modification and conflicting land use screening waiver, were recommended for approval with the findings contained in the staff report.

Greg Dobson of American Village Builders (applicant representative) called-in to support the application and discuss the proposed new hotel project. Mr. Dobson thanked staff for all their assistance and the Planning Commission for conducting the virtual meeting. Mr. Dobson briefly summarized the proposed hotel project, the history of the Trade Centre CPD and efforts to reach out to the residential neighbors to the west and north.

The public hearing was then reconvened by Chairman Corradini. No citizens called-in to speak regarding the proposed conceptual plan amendment and new hotel project. A motion was then made by Commissioner Baldwin, seconded by Commissioner Schimmel, to close the public hearing. Upon a roll call vote: Myer (yes);



Pezzoli (yes); Baldwin (yes); Harrell-Page (yes); Schimmel (yes); Corradini (yes); Joshi (yes); Fries (yes); and Patterson (yes), the motion was unanimously approved 9-0.

After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Myer, to recommend to City Council that the Conceptual Plan Amendment for Trade Centre CPD, 300-1150 Trade Centre Way, be approved including the requested building height modification to allow construction of the proposed hotel building to a height up to 65-feet and the requested screening waiver. The motion included a finding that consistent with Section 42-414.G of the Zoning Code and based on information provided by the applicant: 1) strict adherence of the height and screening requirements would be inconsistent with the planned development as a whole; 2) the objectives of the requirements can be satisfactorily met without strict adherence; 3) the requested height modification and screening waiver will not be detrimental to the public welfare or injurious to other surrounding properties; and 4) because of the particulars of the development plan it would be unreasonable to require strict adherence to these requirements. Upon a roll call vote: Schimmel (yes); Corradini (yes); Joshi (yes); Fries (yes); Patterson (yes); Harrell-Page (yes); Baldwin (yes); Pezzoli (yes); and Myer (yes), the motion was unanimously approved 9-0.

### **SITE/FINAL PLANS**

1. Specific Plan: Trade Centre Hotel, 850 Trade Centre Way. Mr. West summarized the April 30, 2020 staff report regarding a request by Trade Centre Holdings, LLC to construct a new 4-story, 62,318 square foot hotel building and associated site improvements on a new approximate 2-acre parcel at 850 Trade Centre Way. Mr. West stated the applicant has requested concurrent review of the conceptual plan amendment and specific plan in order to expedite the development review process and meet construction deadlines. Mr. West next discussed the access arrangement and the removal of the Trade Centre Way cul-de-sac bulb, the relocation and reconstruction of the combined city/private storm water system, and proposed landscaping and outdoor lighting at the site. Mr. West stated the specific plan was recommended for approval subject to the three conditions identified in the staff report.

Greg Dobson of American Village Builders (applicant representative) called-in to support the application and discuss the proposed new hotel project. The Commission, Mr. Dobson and Mr. West next discussed various aspects of the proposed hotel project including the distance measurement between the hotel building and the nearest residence to the north, the relocation of the MDOT storm water box culvert and economic impacts the virus may have on the hotel project.

A motion was made by Commissioner Myer, seconded by Commissioner Harrell-Page, to approve the Specific Plan for Trade Centre Hotel, 850 Trade Centre Way, subject to the following conditions: 1) City Council review and approval of the Conceptual Plan Amendment; 2) Review and approval of the storm water basin controlled rate discharge to the adjacent wetland area and Portage Creek by the Michigan Department of Environment Great Lakes & Energy; and 3) Finalization of engineering related details associated with the storm water system and public water main extension. Upon a roll call vote: Myer (yes); Pezzoli (yes); Baldwin (yes); Harrell-Page (yes); Schimmel (yes); Corradini (yes); Joshi (yes); Fries (yes); and Patterson (yes), the motion was unanimously approved 9-0.

### **NEW BUSINESS:**

None.

### **OLD BUSINESS:**

None.

### **STATEMENT OF CITIZENS/COMMISSIONERS**



Commissioner Joshi thanked the City Council for pursuing an ordinance that will prohibit the clear cutting of trees with the site development proposals.

Commissioner Baldwin stated it was National Nurse's Week and also the Year of the Nurse and encouraged people to thank nurses that they may know for their service during this national health crisis.

Chairman Corradini indicated that he worked the recent elections and wanted to thank the City Clerk (Erica Eklov) and Deputy City Manager (Adam Herringa), along with the many volunteers, for all their hard work during these challenging times.

**ADJOURNMENT:**

There being no further business to come before the Commission, the regularly scheduled meeting was adjourned at 7:35 p.m.

Respectfully submitted,

Michael West, AICP  
Senior City Planner

T:\COMMDEV\2019- 2020 Department Files\Board Files\Planning Commission\Minutes\PCMin05072020.docx

**TO:** Planning Commission**DATE:** April 30, 2020**FROM:** Christopher Forth, Interim Director of Community Development**SUBJECT:** Final Report: Conceptual Plan Amendment for Trade Centre Commercial Planned Development, 300-1150 Trade Centre Way**I. INTRODUCTION/BACKGROUND:**

An application has been submitted by Trade Centre Holdings, LLC requesting to amend previously approved conceptual plans to allow construction of a new 4-story hotel building and associated site improvements on a new approximate 2-acre parcel that includes portions of 750, 850 and 950 Trade Centre Way. The overall 30-acre tract of land (commonly known as Trade Centre Commercial Planned Development) is zoned CPD, commercial planned development and includes parcels addressed as 300, 400, 450, 500, 550, 650, 750, 850, 950 and 1150 Trade Centre Way.

In 2002, City Council approved the original CPD conceptual plan submitted by Furniture Row USA, LLC for the approximate 20-acre tract of land currently addressed as 300, 400, 450, 500, 650 and 750 Trade Centre Way. The original conceptual plan proposed construction of two hotels, one retail furniture store, two specialty retail buildings and two restaurants. In 2003, H & G, LLC acquired the property and constructed Phase 1 of the development which included a three-story, 50-foot tall, 83,000 square foot office building (Trade Centre I) and associated site improvements along the western portion of the property at 750 Trade Centre Way. This office building replaced the two specialty retail buildings previously identified on the original conceptual plan. In 2012, City Council approved an amendment to the originally approved conceptual plan that changed the overall development plan to include two hotels, one additional office building and three restaurant/retail buildings and related site improvements on the 20-acre tract of land. To date, the additional office building (650 Trade Centre Way), the two hotels (400 and 500 Trade Centre Way) and one restaurant building 550 Trade Centre Way) have been constructed, while two vacant parcels (300 and 450 Trade Centre Way) remain for future construction of restaurant or retail buildings.

In 2004, City Council approved a separate CPD conceptual plan submitted by Trade Centre, LLC for an approximate 12-acre tract of land located at the western terminus of Trade Centre Way, currently addressed as 850, 950 and 1150 Trade Centre Way. This conceptual plan proposed construction of a four-story, 65-foot tall 106,000 square foot office building. This project involved a partnership with the City of Portage whereby the Trade Centre II office building would occupy approximately 9.4 acres and the remaining 2.6 acres (850 Trade Centre Way) would be conveyed to the city for public road and storm water purposes. The office building and associated site improvements were constructed in 2006/2007 on the 950 Trade Centre Way parcel, while the 1150 Trade Centre Way parcel was retained in vacant open space.

As detailed in the application materials, the applicant is proposing to amend these previously approved CPD conceptual plans and combine the two conceptual plans into one to allow construction of a new 4-story, 59-foot tall hotel building and associated site improvements on a new approximate 2-acre parcel that includes portions of 750, 850 and 950 Trade Centre Way. This proposal involves another



partnership with the City of Portage whereby the existing City of Portage storm water basin located on the 850 Trade Centre Way parcel will be relocated to the northwest to allow for construction of the new hotel building and associated parking facilities. An exchange of land between the City of Portage and Trade Centre Holdings, LLC and modification of property lines involving 750, 850 and 950 Trade Centre Way is also proposed in order for this project to come to fruition. This project also involves an amendment to the Downtown Development Authority Plan.

## **II. COMMERCIAL PLANNED DEVELOPMENT PROCEDURES/REQUIREMENTS:**

For development projects within the CPD zone, the Zoning Code requires that City Council approve a conceptual plan for development after a public hearing and after Planning Commission review and recommendation. The conceptual plan is intended to show the overall development of the area including proposed uses, number and location of building sites, parking, location of streets/driveways and so forth. The specific (site) plan shows the proposed development details and characteristics for each individual site. The Zoning Code stipulates that the Planning Commission subsequently reviews and approves the specific (site) plan. If a specific (site) plan is not received by the time required in an approved program of development, or two years after approval of the conceptual plan, whichever is less, the conceptual plan approval shall expire.

While specific (site) plans for the two Trade Centre Office Buildings at 750 and 950 Trade Centre Way were submitted and approved in 2003 and 2006, future development of the intervening 850 Trade Centre Way parcel was not envisioned at this time or identified in the two previously approved conceptual plans. Therefore, the applicant is submitting a combined, amended conceptual plan/narrative for the overall 30-acre tract of land (300-1150 Trade Centre Way) which details the proposal to construct the new hotel building on the 850 Trade Centre Way parcel.

## **III. PUBLIC HEARING/COMMENTS:**

The Planning Commission convened a virtual meeting and public hearing to consider the conceptual plan amendment at the April 16, 2020 meeting. Greg Dobson of American Village Builders (applicant representative) called-in to support the application and discuss the proposed new hotel project. One citizen (Tony Ettwein, 5265 Bronson Boulevard) also called-in to speak regarding the conceptual plan amendment and the proposed new hotel development. Mr. Ettwein expressed concern about the visibility of the proposed hotel from his residence, however, stated conversations with Mr. Dobson have been very positive and Mr. Dobson has agreed to consult with him and his wife, both pre-construction and post-construction, to ensure their concerns were addressed. No additional citizens called-in to speak regarding the proposed conceptual plan amendment.

## **IV. FINAL ANALYSIS:**

Section 42-414.A of the Zoning Code establishes standards and objectives of review for conceptual plans that the Planning Commission and City Council are to consider as part of the recommendation/approval process. The following information summarizes the proposed conceptual plan amendment as requested by the applicant.

Surrounding Land Uses/Property Issues – Consistent with the CPD ordinance and previous projects within the Trade Centre CPD, the proposed conceptual plan amendment has been designed to minimize impacts on surrounding properties through site design, access, building use/location and



relate details. The portion of the CPD development proposed for the amendment (primarily the 850 Trade Centre Way parcel) is situated adjacent to the 50-acre City of Kalamazoo wellfield property, the Portage Creek and privately owned residential properties to the north/northwest including 5255 Old Colony Road and 5265 and 5300 Bronson Boulevard. This area is characterized by natural wetlands, floodplain, Portage Creek, mature trees and associated natural vegetation. The nearest single family residence (5255 Old Colony Road) is situated in excess of 300 feet to the north of the proposed hotel building. Additionally, this residence along with other residences located to the north, northwest and northeast, are situated approximately 35 feet higher in elevation than the proposed hotel building.

Traffic and Access Issues – The capacity of the adjacent street network to accommodate land development within and adjacent to the Trade Centre CPD site and the Downtown Development Area (DDA) has been carefully considered over the past several years. In preparation of establishing the DDA and changing the area zoning, a planning level traffic study was prepared in 1998 by Traffic Engineering Consultants, PC that evaluated the entire 60-acre area. This study assumed a land use matrix and anticipated traffic generation that is consistent with the existing and proposed development pattern within the surrounding area. Another traffic study was completed in 2009 by Abonmarche Consultants that specifically evaluated the Trade Centre CPD area, redesign/reconstruction of the South Westnedge Avenue and I-94 interchange area and concluded with several recommendations regarding the design of South Westnedge Avenue/Trade Centre Way intersection that were subsequently implemented.

Significant investment has been made to the surrounding public street network (Trade Centre Way, West Fork Crossing, Marketplace and South Westnedge Avenue) in and around the DDA to support existing and planned development projects. As such, traffic generation from the existing and proposed uses within the Trade Centre CPD project area can be accommodated by the adjacent street network.

Environmental Issues – As part of the land transfer/development agreement with the city and in conjunction with the proposed hotel site construction, the existing city storm water basin will be relocated to the northern portion of the existing 850 Trade Centre Way parcel. While the treatment cell and infiltration basin will be adjacent to the Portage Creek, all construction activities will occur outside of designated wetland and floodplain areas. All necessary permits and approvals for the overall discharge to the adjacent wetland area and Portage Creek will be obtained from the Michigan Department of Environment, Great Lakes and Energy (EGLE).

Modifications. In conjunction with the proposed conceptual plan amendment and similar to the previously approved multi-story hotel and office buildings within the Trade Centre CPD, the applicant is requesting one modification and one waiver:

- 1) Height modification to allow construction of the four-story hotel to a height up to 65-feet. Section 42-350.B(6) of the Zoning Code establishes a building height 30-feet and one-story when the zoning lot abuts a single family residential zoning district. The Planning Commission can approve a building height up to the height normally permitted in the district (35 feet) and City Council approval is necessary for a building height that exceeds 35 feet.
- 2) Conflicting land use screening waiver for the remaining northern portion of the development where abutting single family residential zoning (City of Kalamazoo wellfield, Portage Creek and single family residences) to the north. Section 42-573.E of the Zoning Code requires



construction of a six-foot tall landscaped berm between the development and property either zoned or used for residential purposes that can be modified/waived with City Council approval.

With regard to the proposed building height modification and screening waiver, the presence of the 50-acre City of Kalamazoo, combined with the setback distances, elevation differences and the presence of the Portage Creek and associated natural area (wetland, floodplain, mature trees and associated vegetation) will mitigate potential adverse impacts to the existing residences located to the north, northeast and northwest. The proposed hotel building will also be consistent and compatible in height, mass and orientation with the existing previously approved multi-story office buildings located immediately to the east and west, and the multi-story hotel buildings located further to the east. As indicated in the attached materials, the applicant is continuing to design the layout of the proposed hotel site, similar to the previous two hotel sites, so as to provide scenic views of the large natural wetland areas.

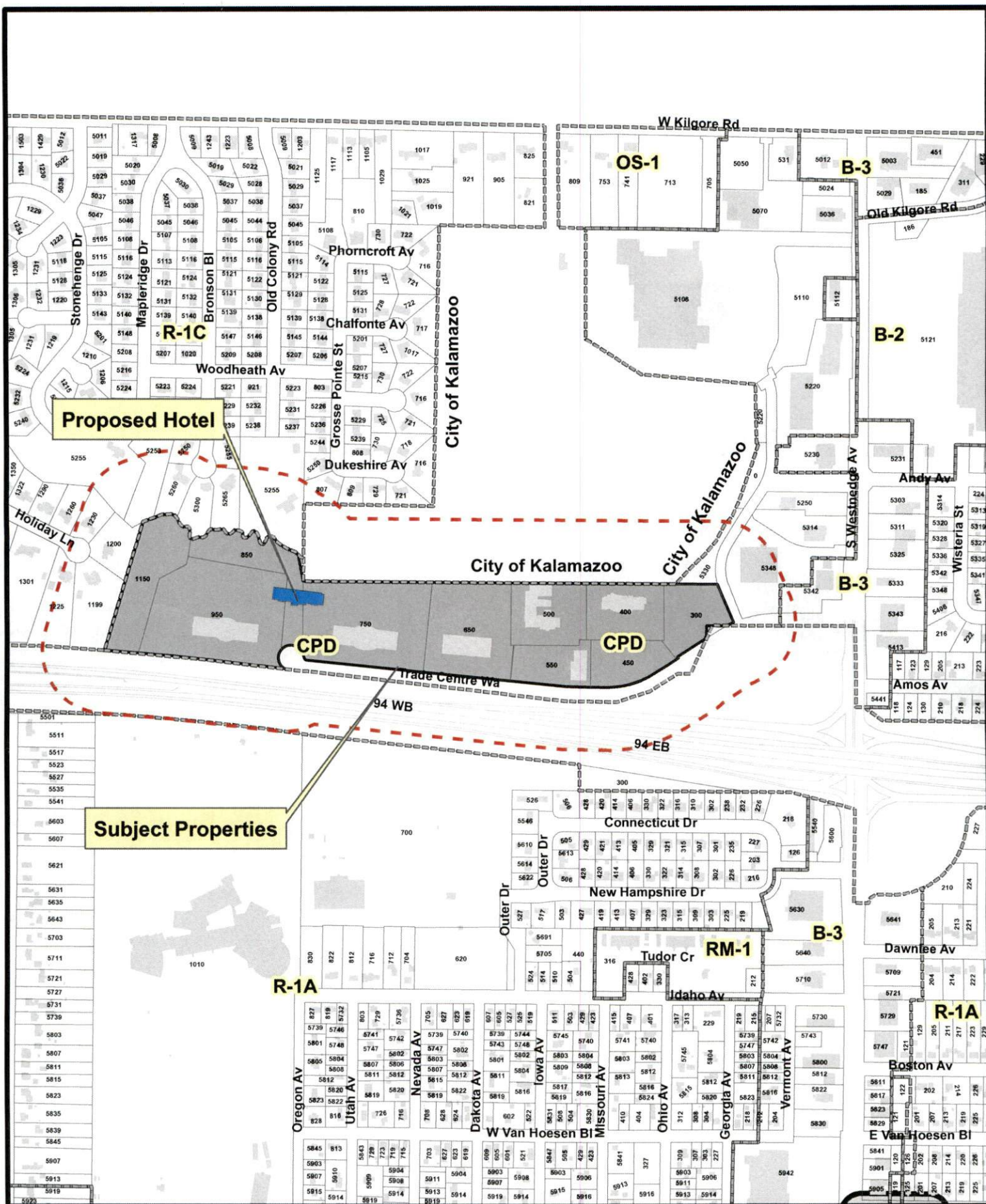
Integration of the Development – Consistent with the previously approved conceptual plans and previous buildings constructed within the Trade Centre CPD, the proposed hotel building will continue the cohesive and integrated architectural theme of the overall development. Orientation of the hotel will be aesthetically pleasing from I-94 and Trade Centre Way and will overlook the natural wetland/floodplain area located to the north, along Portage Creek. Exterior building finishes will consist of concrete and unit masonry materials and a mixture of stone/wood with a color scheme that will integrate positively with the existing Trade Center I and II office buildings to the east and west, and the mass of the two existing hotel buildings located further to the east. Site landscaping will continue the unifying theme of the Trade Centre CPD that emphasize the adjacent Portage Creek and associated wetland/floodplain vegetation. The proposed hotel site will also be integrated through interior vehicular and pedestrian interconnections and a reciprocal easement agreement (REA) that will ensure the property is developed in a cohesive manner. Building elevations for the proposed hotel are attached for Commission review.

## **V. RECOMMENDATION:**

Subject to any additional comments that may be received during the public hearing, staff advises the Planning Commission to recommend to City Council the Conceptual Plan Amendment for Trade Centre CPD, 300-1150 Trade Centre Way, be approved including the requested building height modification to allow construction of the proposed hotel building to a height up to 65-feet and the requested screening waiver. Consistent with Section 42-414.G of the Zoning Code and based on information provided by the applicant, 1) strict adherence of the height and screening requirements would be inconsistent with the planned development as a whole, 2) the objectives of the requirements can be satisfactorily met without strict adherence, 3) the requested height modification and screening waiver will not be detrimental to the public welfare or injurious to other surrounding properties and 4) because of the particulars of the development plan it would be unreasonable to require strict adherence to these requirements.

Attachments:    Zoning/Vicinity Map  
                      Aerial Photograph  
                      Conceptual Plan Amendment (narrative and conceptual plan drawings)  
                      Color elevation drawing (proposed hotel)  
                      April 13, 2020 Communication from Molly & Tony Ettwein, 5265 Bronson Boulevard

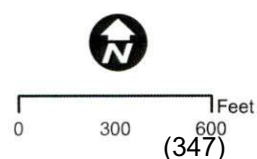




# Legend

- Proposed Hotel
- 300' Notification Boundary
- Zoning Boundary
- Subject Properties

## Conceptual Plan Amendment 300-1150 Trade Centre Way







- Legend**
- Proposed hotel
  - Tentative city retention parcel
  - Tentative hotel parcel
  - Conceptual Plan Area

# Aerial Photo 300-1150 Trade Centre Way



0 200 400 Feet  
(348)





BUILD SOMETHING BETTER.

April 2, 2020

Mr. Michael K. West, AICP, Assistant City Planner  
City of Portage  
7900 South Westnedge Avenue  
Portage, Michigan 49002

**RE: Conceptual Plan Amendment for Trade Way Commercial Planned  
Development**

Dear Mike:

What follows is our revision to the 2002 conceptual plan approval, amended in 2012 for 750, 650, 550, 500, 450, 400 and 300 Trade Centre Way and the 2004 conceptual plan approval for 1150, 950 and 850 Trade Centre Way. The purpose of this amendment is to allow for the development of a hotel building at 850 Trade Centre Way, in between 950 Trade Centre Way and 750 Trade Centre Way. Other facets of the planned development have been previously approved and are unchanged.

The original conceptual plan was approved by Portage City Council in 2002 with an update in 2012. Prior to 2002, out-of-town developers had envisioned the property for hotel, restaurant and retail use; three uses we still propose today. Further, they had requested modifications for screening, setbacks and height, all to accommodate a hotel. In 2003 we developed an 83,000 square foot, Class A office building at 750 Trade Centre Way. In 2004 a separate conceptual plan was submitted for the westernmost 11.98 +/- parcel to develop the parcel as an office building site. Over the subsequent years a substantial amount of development has taken place. In 2006/07 a 110,000 square foot Class A office building on the 950 Trade Centre Way Site was constructed. In 2014, construction started on a Courtyard by Marriott hotel. In 2016, construction started on a Hilton Garden Inn. In 2017/2018 a 100,000 square foot Class A office

building was opened at 650 Trade Centre Way. A 10,000 SF +/- Black Rock restaurant was opened in 2018.

The proposed amendment involves the 750 Trade Centre Way and the 950 Trade Centre Way parcels which are both currently owned by the developer. Additionally, the amendment involves the 850 Trade Centre Way parcel, which is presently owned by the City of Portage. A portion of the City of Portage land is being deeded to the developer under a separate development agreement.

We are requesting one modification and a waiver like what has been requested in this planned development in the past: a height modification request, and a screening waiver in accordance with City of Portage Land Development Regulations.

Statement of Purpose: The purpose of this conceptual plan amendment is to allow for the development office buildings, hotels, restaurants and retail space in a manner is that consistent with the high quality that has been established in the Trade Centre development. We are requesting to revise the Commercial Planned Development conceptual plan for the Trade Centre and the 750, 850 and 950 Trade Centre way parcel areas as noted herein.

General Development Plan: The concept plan indicates the existing buildings (3 office buildings, two hotels and a restaurant) along with one additional four-story hotel and two additional restaurant or retail buildings. While this plan is conceptual in nature, we expect the following approximate sizes and square footages for each use. The 4-story hotel will occupy a 2.0 acre +/- site, as the 950, 850 and 750 Trade Centre Way sites are reconfigured. The building will be of an architectural and structural character that will express an architectural character that integrates well into the existing development. In addition, the landscaping will be upscale through the development and will emphasize the adjacent West Fork of the Portage Creek where appropriate. We intend to orient the buildings so that they are aesthetically pleasing from I-94 and Trade Centre Way. The exterior building finishes will be mainly split face block, brick, pre-cast or synthetic materials such as DRIVIT which have the appearance of masonry.



Some natural stones or woods may be integrated into the design for architectural diversity. The color schemes for the primary building surfaces will be limited to those that integrate well with the existing Trade Centre office buildings. The masses of the hotel building will be broken up with banding and color differentiation and movement in the elevation.

Property Map: We have attached a conceptual plan per the CPD requirements.

Developer: The developer is H & G, L.L.C, (Roger Hinman, Principal of The Hinman Company and Joe Gesmundo, Principal of AVB) of 4200 W. Centre Avenue, Portage, MI, 49024 and 750 Trade Centre Way, Portage, MI 49024. The land owner entities are Trade Centre Holdings, LLC, H & G, LLC, 950 Trade Center, LLC, 750 Trade Centre, LLC, 650 Trade Center, LLC and Trade Center H, LLC, Trade Center G, LLC, and 1150 Trade Centre Way of 750 Trade Centre Way, Portage, MI, 49024. All the noted entities are owned 50/50 by Joe Gesmundo and Roger Hinman.

Holdings: The 750 Trade Centre Way and the 950 Trade Centre Way parcels which are both currently owned by the developer. Additionally, the amendment involves 850 Trade Centre Way parcel, which is presently owned by the City of Portage. A portion of the City of Portage land is being deeded to the developer under a separate development agreement. The 750, 850 and 950 Trade Centre Way parcels will all be reconfigured to allow for a new 850 Trade Centre Way parcel where the hotel building will be developed.

Property Lines, Streets and Utilities: The attached conceptual plan provides the adjacent tract property lines, the public streets, easements, and the locations of the underground water and sanitary sewer. Utilities are in place and ready to serve the development.

Topography: The topography of the Property is relatively flat.

Use, Height & Setbacks: The 650 Trade Centre office building is five stories and is less than the previously approved 78 feet to the top of the screen wall (tallest point on the building). The existing hotel buildings at 400 and

500 Trade Centre Way are four stories and do not exceed 59 feet tall. The 950 and 750 Trade Centre Way office buildings do not exceed 65 feet to the top of the screen wall and the proposed four-story hotel will also not exceed 65 feet.

We are therefore requesting, in accordance with Section 42-414(G) of the Land Development Regulations of the City of Portage, a height modification request to allow the construction of the proposed hotel to a height not to exceed 65 feet above the existing elevation of the land. When considering this request please note the following factors which mitigate the impact of the height of this building.

- The property to the north and west contains many mature trees that will further screen the homes to the west and north from our proposed building. Further the residential property to the north is 30 to 35 feet higher in grade higher than the conceptual plan property.
- The proposed hotel building will be approximately 300 feet from the nearest residence, located on 5255 Old Colony.
- Expert testimony provided by William Clark, Ph.D., during development of the 950 Trade Centre building, indicated that the additional building mass reduces road noise impact on the residential properties to the north. Some resident comments have also indicated that the construction of the 950 Trade Centre building has reduced the sound impact of I-94.

We are also requesting a waiver from the screening requirement from the adjacent property to the north. It is our desire to allow the hotel guests to overlook the adjacent natural wetland properties. Like the existing hotels at 400 and 500 Trade Centre way, the new hotel at 850 Trade Centre Way will be designed with an outdoor open space and plaza to specifically orient to the natural views. In addition, please also note the following.

- The property north and east of the proposed hotel is the City of Kalamazoo wellfield.



- The area north of the 850 Trade Centre Way hotel development is mainly wetlands and floodplains.
- Additionally, we are relocating the existing storm water area from the existing 850 parcel to the area immediately north of the 950 Trade Centre Way parcel and office building.

Development Staging: What follows is our anticipated staging of the development. However, no final commitments exist beyond the new hotel building.

- Hotel Building #3 – Fall of 2020 to Fall 2021
- Restaurant/Retail #1 – Summer 2020 to Fall of 2021
- Restaurant/Retail #2 – Summer 2021 to Fall of 2022

Development Integration & Independence: Each building proposed herein is designed to be a part of a cohesive development while maintaining the ability to fully stand on its own merits. Additionally, the buildings will be benefited by a reciprocal easement agreement (the “REA”) to allow for the integrated development of the property. The REA document ensures that utility corridors and connections can be made and vehicular and pedestrian connections can be made and maintained between parcels.

Common Open Space: The common open space within the Trade Centre development is best demonstrated by viewing the attached conceptual plan. To outline the conceptual plan, common open space includes the Westnedge and Trade Centre Way entry statement, sign, and boulevard, the landscaping along the entire Trade Centre both north and sides, the relocated storm retention area north of 950 Trade Centre Way. Additionally, for aesthetics, the developer mows the I-94 right of way between I-94 and the decorative fence (which is also owned and maintained as common space by the developer). This common area maintenance program would be one of many common areas that have been maintained by the developer successfully over the last 40 years. These common areas facilitate a natural and well-maintained feel to the entire development and is a unifying theme for the development.

Water & Sanitary Sewer: The water and sanitary sewer already run through the development, mainly along Trade Centre Way. The proposed buildings would be served by tying directly into these existing utilities. The storm system was previously permitted by the MDEQ and the City of Portage. We presently anticipate maintaining all storm water east of 650 Trade Centre Way underground, with overflows of said underground system being release to the West Fork of Portage Creek according to the flows approved by the MDEQ permit. If above ground storm water detention becomes necessary, such storm water volume would be proposed in a manner similar to the storm water area between the 750 and 950 Trade Centre Way buildings. The western portion of the Trade Centre is served by the existing storm area on the 850 Trade Centre Way parcel. As this storm water area is moved north and west from its current location, we are confident it will continue to receive the positive feedback that it has over the years. This storm water area has been an enhancement to our overall development and is commented on often by current and prospective tenants for its attractiveness and natural feel.

Traffic & Parking: Traffic will be routed to the development along Trade Center Way, West Fork Crossing and Westnedge Avenue. Trade Centre Way is designed for the proposed development activities. The width of Trade Centre Way is 32 feet. Parking will all be accommodated around the buildings as can be seen on the attached conceptual plan.

Covenants, Restrictions, Easements: The attached conceptual plan provides the proposed property lines and the location of Trade Centre Way. The civil engineering plans include the locations of the underground water and sanitary sewer. The main utilities are in place and ready to serve the development. In addition, as previously noted, easements will be provided to allow for cross access between the sites, public utilities and for public turn around over the reconfigured 850 Trade Centre Way parcel.

Natural Features: The property is bordered on the west by the natural land buffer area, on the north by the West Fork of Portage Creek and the City of Kalamazoo well field, on the east by West Fork Crossing and on the South by Trade Centre Way and I-94. The land buffer area to the west is restricted from development. With its exposure to I-94, the property is



exposed to a significant amount of visual inspection daily. The main natural features have been created in our re-development of this property in the form of landscaping and storm water features. The development is also benefited by the City of Kalamazoo well field to the north.

It should be noted that there are existing wetlands on the north edge of the property, immediately adjacent to Portage Creek. A small portion of this northern edge of the property is also within the floodplain. We have designed the hotels as well as the existing hotels and the existing office buildings to overlook the natural wetlands to the north. We believe this is an especially appealing feature of these properties even though they are positioned so close to I-94. Further, the proposed hotel will not encroach on the wetlands. The proposed concept plan is compliant with previous MDEGLE storm water discharge permits and MDEGLE staff has indicated that no new permits are therefore required.

In summary we at H & G look forward to working with both the City of Portage and our neighbors in a positive manner. Please direct any questions to me at (269) 329-3636 or [gdobson@avbinc.com](mailto:gdobson@avbinc.com).

Sincerely,

A handwritten signature in blue ink, appearing to read "Greg Dobson", with a stylized flourish at the end.

Greg Dobson

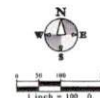
C: Joseph L. Gesmundo, Roger E. Hinman, Rich MacDonald



VICINITY MAP  
NOT TO SCALE



PORTAGE, MI



1 inch = 100 ft.

## MIXED USE DEVELOPMENT MASTER PLAN

# TRADE CENTRE DEVELOPMENT

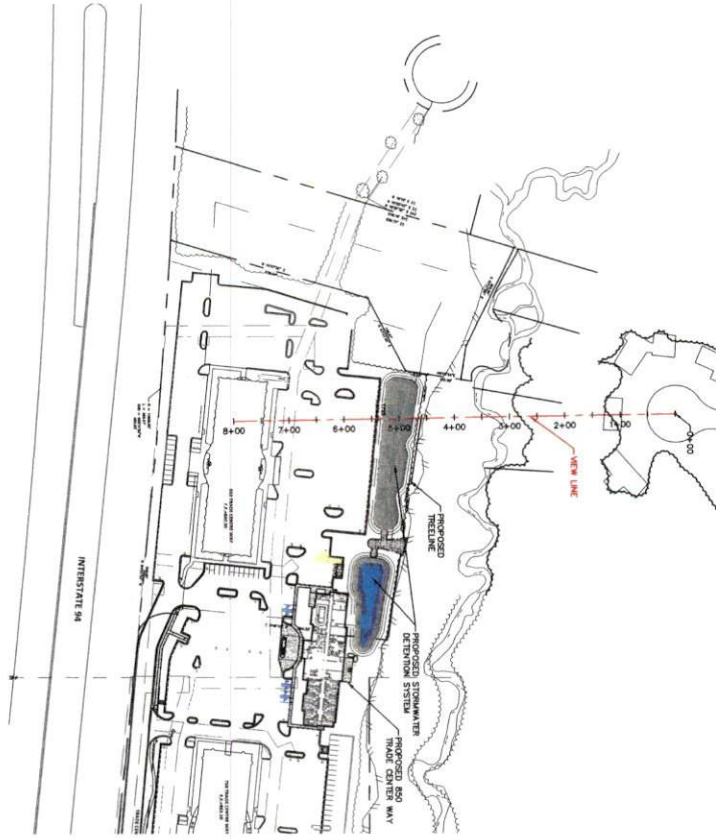
MARCH 30, 2020



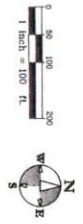








| STATION | EXISTING ELEVATION | PROPOSED ELEVATION |
|---------|--------------------|--------------------|
| 8+00    | 894.0              | 894.0              |
| 7+50    | 893.0              | 893.0              |
| 7+00    | 892.0              | 892.0              |
| 6+50    | 891.0              | 891.0              |
| 6+00    | 890.0              | 890.0              |
| 5+50    | 889.0              | 889.0              |
| 5+00    | 888.0              | 888.0              |
| 4+50    | 887.0              | 887.0              |
| 4+00    | 886.0              | 886.0              |
| 3+50    | 885.0              | 885.0              |
| 3+00    | 884.0              | 884.0              |
| 2+50    | 883.0              | 883.0              |
| 2+00    | 882.0              | 882.0              |
| 1+50    | 881.0              | 881.0              |
| 1+00    | 880.0              | 880.0              |
| 0+50    | 879.0              | 879.0              |



| STATION | EXISTING ELEVATION | PROPOSED ELEVATION |
|---------|--------------------|--------------------|
| 8+00    | 894.0              | 894.0              |
| 7+50    | 893.0              | 893.0              |
| 7+00    | 892.0              | 892.0              |
| 6+50    | 891.0              | 891.0              |
| 6+00    | 890.0              | 890.0              |
| 5+50    | 889.0              | 889.0              |
| 5+00    | 888.0              | 888.0              |
| 4+50    | 887.0              | 887.0              |
| 4+00    | 886.0              | 886.0              |
| 3+50    | 885.0              | 885.0              |
| 3+00    | 884.0              | 884.0              |
| 2+50    | 883.0              | 883.0              |
| 2+00    | 882.0              | 882.0              |
| 1+50    | 881.0              | 881.0              |
| 1+00    | 880.0              | 880.0              |
| 0+50    | 879.0              | 879.0              |

Sheet Title:  
Project:  
Client:

**LINE OF SIGHT PLAN**  
**850 TRADE CENTRE WAY**  
**H&G II, LLC**

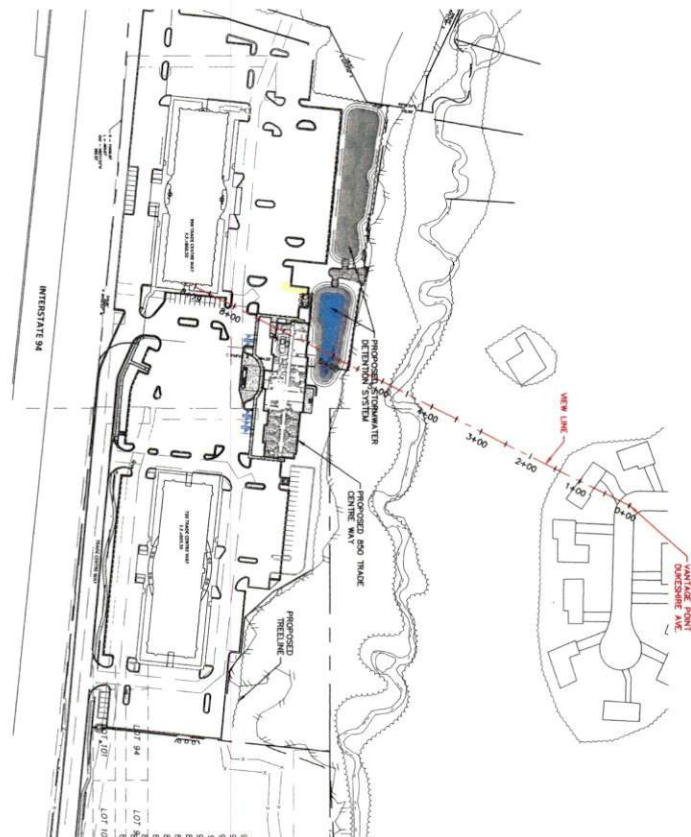
Job No: 19-0070 P.M.TOR DEL JLU QA/QC 4/9/20  
ISSUED FOR/REVISIONS  
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**HS**  
hurley & stewart  
2800 s 11th street  
kalamazoo, michigan 49009  
269.552.4960 fax 269.552.4961  
www.hurleystewart.com





| STATION | ELEVATION | REMARKS        |
|---------|-----------|----------------|
| 0+00    | 895.0     | EXISTING GRADE |
| 0+10    | 892.8     | EXISTING GRADE |
| 0+20    | 889.4     | EXISTING GRADE |
| 0+30    | 880.6     | EXISTING GRADE |
| 0+40    | 873.3     | EXISTING GRADE |
| 0+50    | 867.4     | EXISTING GRADE |
| 0+60    | 856.6     | EXISTING GRADE |
| 0+70    | 854.4     | EXISTING GRADE |
| 0+80    | 852.8     | EXISTING GRADE |
| 0+90    | 851.0     | EXISTING GRADE |
| 1+00    | 850.6     | EXISTING GRADE |
| 1+10    | 873.3     | EXISTING GRADE |
| 1+20    | 867.4     | EXISTING GRADE |
| 1+30    | 856.6     | EXISTING GRADE |
| 1+40    | 854.4     | EXISTING GRADE |
| 1+50    | 852.8     | EXISTING GRADE |
| 1+60    | 851.0     | EXISTING GRADE |
| 1+70    | 851.0     | EXISTING GRADE |
| 1+80    | 851.0     | EXISTING GRADE |
| 1+90    | 851.1     | EXISTING GRADE |
| 2+00    | 851.4     | EXISTING GRADE |
| 2+10    | 851.5     | EXISTING GRADE |
| 2+20    | 851.8     | EXISTING GRADE |
| 2+30    | 852.5     | EXISTING GRADE |
| 2+40    | 854.0     | EXISTING GRADE |
| 2+50    | 854.1     | EXISTING GRADE |
| 2+60    | 854.3     | EXISTING GRADE |
| 2+70    | 852.5     | EXISTING GRADE |
| 2+80    | 852.5     | EXISTING GRADE |
| 2+90    | 853.8     | EXISTING GRADE |
| 3+00    | 858.4     | EXISTING GRADE |
| 3+10    | 858.7     | EXISTING GRADE |
| 3+20    | 858.8     | EXISTING GRADE |
| 3+30    | 858.9     | EXISTING GRADE |
| 3+40    | 859.0     | EXISTING GRADE |
| 3+50    | 859.3     | EXISTING GRADE |
| 3+60    | 859.5     | EXISTING GRADE |
| 3+70    | 860.5     | EXISTING GRADE |
| 3+80    | 860.5     | EXISTING GRADE |
| 3+90    | 860.5     | EXISTING GRADE |
| 4+00    | 860.5     | EXISTING GRADE |



| STATION | ELEVATION | REMARKS        |
|---------|-----------|----------------|
| 0+00    | 891.0     | EXISTING GRADE |
| 0+10    | 891.1     | EXISTING GRADE |
| 0+20    | 892.2     | EXISTING GRADE |
| 0+30    | 893.4     | EXISTING GRADE |
| 0+40    | 894.0     | EXISTING GRADE |
| 0+50    | 893.8     | EXISTING GRADE |
| 0+60    | 891.5     | EXISTING GRADE |
| 0+70    | 888.3     | EXISTING GRADE |
| 0+80    | 885.0     | EXISTING GRADE |
| 0+90    | 881.8     | EXISTING GRADE |
| 1+00    | 878.5     | EXISTING GRADE |
| 1+10    | 875.2     | EXISTING GRADE |
| 1+20    | 871.8     | EXISTING GRADE |
| 1+30    | 868.3     | EXISTING GRADE |
| 1+40    | 864.4     | EXISTING GRADE |
| 1+50    | 860.4     | EXISTING GRADE |
| 1+60    | 856.4     | EXISTING GRADE |
| 1+70    | 852.7     | EXISTING GRADE |
| 1+80    | 851.0     | EXISTING GRADE |
| 1+90    | 851.0     | EXISTING GRADE |
| 2+00    | 851.3     | EXISTING GRADE |
| 2+10    | 851.8     | EXISTING GRADE |
| 2+20    | 852.4     | EXISTING GRADE |
| 2+30    | 853.5     | EXISTING GRADE |
| 2+40    | 854.0     | EXISTING GRADE |
| 2+50    | 852.9     | EXISTING GRADE |
| 2+60    | 852.5     | EXISTING GRADE |
| 2+70    | 854.6     | EXISTING GRADE |
| 2+80    | 855.4     | EXISTING GRADE |
| 2+90    | 858.7     | EXISTING GRADE |
| 3+00    | 859.1     | EXISTING GRADE |
| 3+10    | 859.4     | EXISTING GRADE |
| 3+20    | 859.6     | EXISTING GRADE |
| 3+30    | 860.1     | EXISTING GRADE |
| 3+40    | 860.4     | EXISTING GRADE |
| 3+50    | 860.5     | EXISTING GRADE |
| 3+60    | 860.5     | EXISTING GRADE |
| 3+70    | 860.5     | EXISTING GRADE |
| 3+80    | 860.5     | EXISTING GRADE |
| 3+90    | 860.5     | EXISTING GRADE |
| 4+00    | 860.5     | EXISTING GRADE |

April 13, 2020

Dear Members of City of Portage Planning Commission:

This letter is in response to the April 2, 2020 notification of proposed changes to the 2004 conceptual plan approved for 1150, 950 and 850 Trade Centre Way, specifically an amendment to allow for the development of a hotel building at 850 Trade Centre Way.

Nine years ago, prior to purchasing our home at 5265 Bronson Blvd., we performed our due diligence by visiting City Hall to review the conceptual plan for the Trade Centre Development, to determine where future development would take place because our property backs up to Portage Creek directly behind the existing Trade Center offices. We noted that the location for future office buildings, hotels, and restaurants on the property were all to the east of 950 & 750 Trade Centre Way.

We were surprised to receive this notice of a proposed amendment to the conceptual plan, as this hotel will be directly in our sight line from all windows at the back of our home, which look out onto Portage Creek. Although our lot extends straight toward 950 Trade Centre, our home, which is on a cul-de-sac at the end of Bronson Blvd., is directly oriented toward the proposed 850 Trade Centre property. Our view to 850 is obscured when there are leaves on the trees five months of the year, however the remainder of the year we will look directly at a high-density-use 4-story building rather than the long view toward I-94 and Portage Northern High School. From our perch on the hill overlooking the Trade Centre buildings, that is quite a profound change.

Greg Dobson of AVB reached out to us last week to answer the questions we had, as well as to listen to any of our concerns. Those concerns included the fragile nature of the wetlands at this specific location and Portage Creek, which runs through it. It was important for us to confirm to what extent this creek-side development will impact the habitat. Additionally, in our experience, hotel properties tend to degrade over time and more attention is given to the side that the general public views rather than what neighbors see from the back.

After meeting with Greg, we are satisfied that attention has been paid to the environmental impact this proposed building will have on the wetlands and Portage Creek. While we are cognizant that we do not 'own' the view that we have enjoyed over the years, Greg has assured us that the structure's façade has been designed to be as unobtrusive as possible from the rear. Going forward, Greg confirmed that AVB is willing to consider reasonable remedies with regard to screening if necessary.

We appreciate that Greg was willing to facilitate a dialogue to address our concerns. From our vantage point across the creek, 750 & 950 Trade Centre have always been well maintained, and we have enjoyed observing the activities associated with those offices.

Sincerely,

The block contains two handwritten signatures in black ink. The first signature is 'Molly J. Ettwein' and the second is 'Tony Ettwein'. Both are written in a cursive, flowing style.

Molly & Tony Ettwein  
5265 Bronson Blvd  
Portage, MI 49024  
Ettwein@charter.net



CONCEPTUAL ELEVATIONS

SOUTH



WEST



EAST



NORTH

