CITY OF MUSKEGON

CITY COMMISSION MEETING

APRIL 14, 2020 @ 5:30 P.M.

MUSKEGON CITY COMMISSION CHAMBERS

933 TERRACE STREET, MUSKEGON, MI 49440

AGENDA

- □ **CALL TO ORDER:**
- □ **ROLL CALL:**
- □ **HONORS AND AWARDS:**
- □ **CONSENT AGENDA:**
  - **A. Approval of Minutes** City Clerk
  - **B. Televising Commission Meetings** City Clerk
  - **C. Fireworks Display Permit for Muskegon Country Club** City Clerk
  - **D. Amity Avenue Bridge** Public Works
  - **E. Concession Agreement – "The Beach Cove"** Public Works
  - **F. National Fish & Wildlife Fund Grant** Public Works
  - **G. P & N Lakeshore Drive Amendment #2** Public Works
  - **H. E-Bikes** Public Safety
  - **I. Site Condo No. 2 Agreement** Development Services
  - **J. Tax Incentive Policy and Guidelines** Economic Development
- □ **PUBLIC HEARINGS:**
  - **A. Public Hearing on Foundry Square Brownfield Plan, 372 Morris Avenue** Economic Development
- □ **UNFINISHED BUSINESS:**
- □ **NEW BUSINESS:**
  - **A. Nelson Neighborhood Rezonings** Planning
  - **B. Amendment to the Zoning Ordinance** Planning
  - **C. Resolution Regarding Muskegon Public Schools 2020 Bond Proposals**

□ ANY OTHER BUSINESS:

□ PUBLIC COMMENT:

► **Reminder: Individuals who would like to address the City Commission shall do the following:**
► Fill out a request to speak form attached to the agenda or located in the back of the room.
► Submit the form to the City Clerk.
► Be recognized by the Chair.
► Step forward to the microphone.
► State name and address.
► Limit of 3 minutes to address the Commission.
► (Speaker representing a group may be allowed 10 minutes if previously registered with City Clerk.)

□ CLOSED SESSION:

□ ADJOURNMENT:

ADA POLICY: THE CITY OF MUSKEGON WILL PROVIDE NECESSARY AUXILIARY AIDS AND SERVICES TO INDIVIDUALS WHO WANT TO ATTEND THE MEETING UPON TWENTY-FOUR HOUR NOTICE TO THE CITY OF MUSKEGON. PLEASE CONTACT ANN MARIE MEISCH, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TTY/TDD DIAL 7-1-1-22 TO REQUEST A REPRESENTATIVE TO DIAL (231) 724-6705.

WATCH MUSKEGON

Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: April 14, 2020	Title: Approval of Minutes
Submitted By: Ann Marie Meisch, MMC	Department: City Clerk
Brief Summary: To approve the minutes of the March 24, 2020 Regular City Commission meeting.	
Detailed Summary: N/A	
Amount Requested: N/A	Amount Budgeted: N/A
Fund(s) or Account(s): N/A	Fund(s) or Account(s): N/A
Recommended Motion: To approve the minutes.	
For City Clerk Use Only: Commission Action:	

CITY OF MUSKEGON

CITY COMMISSION MEETING

MARCH 24, 2020 @ 5:30 P.M.

MUSKEGON CITY COMMISSION CHAMBERS

933 TERRACE STREET, MUSKEGON, MI 49440

MINUTES

The Regular Commission Meeting of the City of Muskegon was held electronically with the Mayor, Vice Mayor and Commissioners participating via Zoom – a remote conferencing service, Clerk staff present at 933 Terrace Street, Muskegon, MI at 5:30 p.m., Tuesday, March 24, 2020.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen J. Gawron, Vice Mayor Eric Hood, Commissioners Ken Johnson, Dan Rinsema-Sybenga, Willie German, Jr., Teresa Emory, and Michael Ramsey, City Manager Frank Peterson, City Attorney John Schrier, and City Clerk Ann Meisch.

2020-17 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQEUST: To approve the minutes of the February 19, 2020 Special City Commission meeting, the February 25, 2020 regular meeting, and March 9, 2020 Worksession meeting.

STAFF RECOMMENDATION: To approve the minutes.

B. 1639 5th Street Sale Community and Neighborhood Services

SUMMARY OF REQEUST: To approve the resolution and instruct the Community and Neighborhood Services department to complete the sales transaction with Cassandra Wallace for the rehabilitated home at 1639 5th Street for a purchase price of $90,000.

The hoe was acquired through the Muskegon County Land Bank. Proceeds from the sale will be used to continue the rehabilitation of affordable homes through the HOME program and provide funding for our Homebuyer's Assistance Program.

STAFF RECOMMENDATION: To approve the resolution and direct the Community and Neighborhood Services staff to complete the sale.

C. <u>Brownfield Development and Reimbursement Agreement – The Docks (Damfino Development, LLC)</u> Economic Development

SUMMARY OF REQEUST: Requesting approval of the Brownfield Development and Reimbursement Agreement for the Damfino Development LLC (The Docks) Brownfield.

The Brownfield Plan Amendment for Damfino Development LLC (The Docks) was approved by the commission on December 10, 2019. This agreement outlines how the Brownfield Redevelopment Authority will reimburse the developer for eligible costs for the 240 residential site condominiums at 1490 Edgewater for the next 30 years from property tax increments. The $20,097,500 in eligible costs includes $3 million for the city's public infrastructure to support the development. Reimbursement of the developer vs. the city will be done on a prorated basis, 82.5 percent to the developer and 17.5 percent to the city. The Muskegon Brownfield Redevelopment Authority approved this agreement at its March 10, 2020 meeting.

STAFF RECOMMENDATION: Approval of the Damfino Development LLC brownfield Development and Reimbursement Agreement and authorize the city clerk and mayor to sign the same.

D. <u>Resolution Setting Foundry Square, LLC Brownfield Public Hearing</u> Economic Development

SUMMARY OF REQEUST: The Brownfield Redevelopment Authority recommended approval of Brownfield Plan Amendment for Foundry Square LLC (372 Morris Avenue) and now the city commission needs to schedule a public hearing on that plan for April 14, 2020.

Foundry Square LLC – a partner ship of Great Lakes Development Group of Muskegon and Rockford Construction Co. of Grand Rapids – submitted a Brownfield Plan Amendment for the property at 372 Morris Avenue. The Brownfield Redevelopment Authority approved the plan on March 10, 2020. The city commission needs to set a public hearing on the plan for April 14, 2020. The resolution of approval by the Brownfield Redevelopment Authority and a resolution setting the April 14 public hearing are attached.

STAFF RECOMMENDATION: To approve the resolution setting a public hearing for April 14, 2020 on the Foundry Square Brownfield Plan Amendment and notify the appropriate taxing units.

E. <u>Act 51 Map Changes</u> Engineering

SUMMARY OF REQEUST: Staff is requesting authorization to approve the decertification and addition of streets on the MDOT ACT 51 Map.

Staff has reviewed the current MDOT ACT 51 map and has found that 25 streets need to be decertified and 2 streets need to be added to the map. MDOT

needs a resolution from our governing body to approve any changes to the map.

Currently the City receives approximately $5,136,000 for 75.64 miles of major roads, 112.97 miles of local roads and 18.88 miles of state roads. The proposed changes to the amp will remove 0.20 miles of major roads and 1.07 miles of local roads. This difference will bring in 0.166% less revenue.

Staff is asking for approval of the changes to the ACT 51 Map and will need a signed Street Add Certification and Street Decertification form to submit to MDOT in order to complete changes.

STAFF RECOMMENDATION: Approve changes to the ACT 51 Map and sigh Street Add Certification and Street Decertification forms to submit to MDOT to complete changes.

F. <u>Amity Avenue Bridge</u> Public Works

SUMMARY OF REQEUST: Staff is requesting authorization to apply for State of Michigan FY 2022 local bridge funds for a project to remove the Amity Avenue Bridge and rebuild an at-grade road through the area. A resolution of support is required to include with the application.

STAFF RECOMMENDATION: Approve the resolution of support and authorize the Mayor and Clerk to sign and commit to funding the required match and engineering costs in future fiscal years if the project is selected.

THIS ITEM WAS REMOVED.

G. <u>Highway Aggregates, Materials, and Concrete</u> Public Works

SUMMARY OF REQEUST: Award supply of aggregates, highway maintenance materials and concrete for 2020 to selected bidders.

Bids were solicited for aggregates, highway maintenance materials and concrete for purchase in 2020. Purchases will be made from recommended bidders listed in blue on attached spreadsheets. Purchases are contingent upon product availability, timely deliveries, and prices as quoted.

STAFF RECOMMENDATION: Awards bids for aggregates, highway maintenance materials and concrete purchases for 2020 as presented.

H. <u>Sheridan & Olthoff Reconstruction</u> Engineering

SUMMARY OF REQEUST: Staff is requesting authorization to approve a contract to reconstruct Olthoff Drive from Black Creek Road to east end and Sheridan Road from Olthoff Drive north to city limits of the City of Muskegon, Muskegon County.

Staff solicited bids to reconstruct 0.98 miles of HMA pavement reconstruction including HMA surface removal, aggregate conditioning, concrete curb and gutter, HMA paving and pavement markings. The location of the project is

Olthoff Drive from Black Creek to east end and Sheridan Road from Olthoff Drive to city limits of the City of Muskegon, Muskegon County.

Below are bids received on March 17, 2020:

Asphalt Paving, Inc: $738,820.00

McCormick Sand: $795,872.10

Michigan Paving and Materials: $845,425.70

Rieth-Riley Construction :$968,737.50

Staff recommends the contract be awarded to Asphalt Paving, Inc. to reconstruct Olthoff and Sheridan roads according to the bid documents in the City of Muskegon.

Amount Reqeusted: $738,820 Fund or Account: 202-91842-5346

Amount Budgeted: $850,000 Fund or Account: 202-91842-5346

STAFF RECOMMENDATION: Award the contract to Asphalt Paving, Inc. To reconstruct Olthoff and Sheridan Roads according to the bid documents.

I. <u>Mulch Installation Contract</u> Public Works

SUMMARY OF REQEUST: Staff is asking permission to hire Superior Ground Cover to apply mulch in various locations in the Downtown area.

Staff is asking permission to hire Superior Ground Cover for $26,649.00 to apply mulch to flower/plant beds on Western Avenue, the Farmers Market and Indian Cemetery.

STAFF RECOMMENDATION: Authorize staff to hire Superior Ground Cover to apply mulch at various locations in the Downtown area.

J. <u>Equipment Purchase</u> Public Works

SUMMARY OF REQEUST: The Water & Sewer Department is requesting permission to purchase one (1) Trailer Mounted Six Inch Trash Pump and Well Point System for Northern Dewatering Inc., the lowest responsible bidder.

Two companies submitted bids for this purchase as follows:

Northern Dewatering, Inc. $53,613.16

Mersino $60,017.30

This equipment will replace the old six-inch pump and point system currently being used. The newer technology will allow us to save on rental costs which have been upwards of $20,000 over the last few years.

Amount Requested: $53,613.16

Amount Budgeted: $50,000.00

STAFF RECOMMENDATION: Authorize staff to purchase Trash Pump and

Dewatering Equipment from Northern Dewatering Inc. for $53,613.16.

K. <u>NEZ Certificates</u> Planning

SUMMARY OF REQEUST: Applications for Neighborhood Enterprise Zone (NEZ) certificates have been received from Terrace Point Landing, LLC for the new construction of homes at 334, 336, 671, 673, 675, and 677 Terrace Point.

STAFF RECOMMENDATION: To approve the Neighborhood Enterprise Zone Certificate for 334, 336, 671, 673, 675, and 677 Terrace Point.

L. <u>Equipment Purchase</u> Public Works – Water Filtration

SUMMARY OF REQEUST: Filtration plant is requesting approval to purchase one (1) ball valve with control and one (1) isolation valve for high service pump #2.

The ball valve will replace the original malfunctioning valve on high service pump #2 and an isolation valve will be necessary to install this ball valve. We have Pratt valves on all other high service pumps and would like to have identical valves on all pumps for ease of maintenance. Pratt is the only regional dealer and we will procure installation services at a later date.

The funding will come from budgeted item for Harvey Pump #2 for $80,000 and budget reallocations will be done in the third quarter

Amount Requested: $67,343.70 Fund or Account: 591-60558-5400

Amount Budgeted: $80,000.00 Fund or Account: 591-60558-5400

STAFF RECOMMENDATION: Authorize staff to purchase ball valve and isolation valve for high service pump #2 from Pratt for $67,343.70.

N. <u>Emergency Purchasing Procedure</u> City Manager

SUMMARY OF REQEUST: City Staff is seeing authorization to temporarily increase the City Manager's purchasing limit to $50,000.

City staff is seeking emergency approval to process all purchase up to $50,000 by increasing the City Manager's authorized purchases from $15,000 to $50,000 until April 30th.

STAFF RECOMMENDATION: Increase authorized purchases for the City Manager from $15,000 to $50,000 until April 30, 2020.

Item F will be discussed at a later date.

Motion by Vice Mayor Hood, second by Commissioner Johnson, to approve the consent agenda as presented, except Item M.

ROLL VOTE: Ayes: Rinsema-Sybenga, Emory, Johnson, Gawron, Hood, Ramsey, and German

Nays: None

MOTION PASSES

2020-18 ITEMS REMOVED FROM CONSENT AGENDA:

M. <u>Emergency Small Business Loans</u> City Manager

SUMMARY OF REQEUST: City staff is seeking authorization to temporarily streamline economic assistance to businesses previously impacted by the prolonged Lakeshore Drive reconstruction project and would like to operate over the next two months allowing Administrative approval of emergency small business loans up to $10,000 as part of the revolving loan program.

City staff is seeking temporary emergency approval to enter into small business loans up to $10,000 each. The specific approvals are as follows:

Authorize the City Manager and Finance Director to approve emergency small business loans. The maximum loan amount would be $10,000; the maximum amount available would be $150,000. The terms would follow the normal revolving loan program interest rate criteria of Prime plus 2%. All loans would be amortized over a 36-month period, with interest incurring after 120 days and payments starting after 120 days. The fund has in excess of $1 Million to lend. If brought to full amortization, the loans would generate approximately $33,000 in interest for the fund.

Amount Request: $150,000 Fund or Account: Revolving Loan Fund.

STAFF RECOMMENDATION: Authorize the City Manager to approve emergency small business loans from the revolving loan fund, with a maximum loan amount of $10,000, and a maximum available of $150,000 until May 30, 2020.

Motion by Commissioner German, second by Commissioner Johnson, to authorize the City Manager to approve emergency small business loans from the revolving loan fund, with a maximum loan amount of $10,000, and a maximum available of $150,000 until May 30, 2020.

ROLL VOTE: Ayes: Rinsema-Sybenga, Emory, Johnson, Gawron, Hood, Ramsey, and German

Nays: None

MOTION PASSES

PUBLIC COMMENT: Public comments were received.

ADJOURNMENT: The City Commission meeting adjourned at 6:00 p.m.

Respectfully Submitted,

Ann Marie Meisch – MMC, City Clerk

WATCH MUSKEGON

Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: April 14, 2020	Title: Televising Commission Meetings
Submitted By: Ann Meisch	Department: City Clerk
Brief Summary: The agreement with Lakeshore Creative Services expires in April. Staff would like to extend the agreement for one year. Currently the agreement is for $350 per meeting. Because the length of meetings are longer than staff first indicated in the quote, it is requested the fee be increased to $450 per meeting. This includes operating our television station as well as social media platforms.	
Detailed Summary:	
Amount Requested:$450 per meeting	Amount Budgeted:
Fund(s) or Account(s):	Fund(s) or Account(s):
Recommended Motion: To extend the agreement with Lakeshore Creative Services for one year to film Commission Meetings at a rate of $450 per meeting.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	

WATCH MUSKEGON

Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: April 14, 2020	Title: Fireworks Display Permit for Muskegon Country Club
Submitted By: Ann Meisch, City Clerk	Department: City Clerk
Brief Summary: Melrose Pyrotechnics, Inc. is requesting approval of a fireworks display permit for July 2, 2020 at the Muskegon Country Club, 2801 Lakeshore Drive. The fire Marshall will inspect the fireworks on the day of the event.	
Detailed Summary:	
Amount Requested:	Amount Budgeted:
Fund(s) or Account(s):	Fund(s) or Account(s):
Recommended Motion: To approve the fireworks display permit for Melrose Pyrotechnics, contingent upon inspection of the fireworks and approval of the insurance.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	

APPLICATION FOR FIREWORKS DISPLAY PERMIT

Michigan Department of Energy, Labor, & Economic Growth
Bureau of Fire Services
P.O. Box 30700
Lansing, MI 48909
(517) 241-8847

2020

Authority: 1988 PA 358 Compliance: Voluntary Penalty: Permit will not be issued	The Department of Energy, Labor & Economic Growth will not discriminate against any individual or group because or race, sex, religion, age, national origin, color, material status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the American with Disabilities Ace, you may make your needs known to this agency.

☒ PUBLIC DISPLAY ☐ AGRICULTURAL PEST CONTROL Date of Application *1/23/2020*

Name of Applicant
Melrose Pyrotechnics, Inc.

Address
PO Box 302, Kingsbury, IN 46345

Age (18 or over)

If a Corporation, Name of President
Michael Cartolano

Address
PO Box 302, Kingsbury, IN 46345

If a Non-resident Applicant: Name of MI *Attorney or Resident Agent*
Michael Falk

Address
9019 West Belding Rd, Suite 3, Belding, MI 48809

Phone No.
(616) 794-0205

Name of Pyrotechnic Operator
Randy Loveland

Address
9019 West Belding Rd, Suite 3, Belding, MI 48809

Age (18 or over)
65

No. Years Experience / No. Displays
19 years / 300+

Where
Michigan

Name of Assistant:
Brian Loper

Address
9019 West Belding Rd, Suite 3, Belding, MI 48809

Age
53

Name of Other Assistant:
Dave Enbody

Address
9019 West Belding Rd, Suite 3, Belding, MI 48809

Age
44

Exact Location of Proposed Display
Muskegon Country Club, 2801 Lakeshore Drive, Muskegon MI 49441

Date of Proposed Display *July 2, 2020*

Time of Proposed Display *Dusk*

No. Of Fireworks	Kind of Fireworks to be Displayed
Approximately 600	*Aerial display shells ranging in size from 1 ¼ inches to 5 inches in diameter.*

Manner & Place of Storage Prior to Display (Subject to Approval of Local Fire Authorities)

No storage necessary, delivered on date of display

Amount of Bond of Insurance (to be set by local gov't)	Name of Bonding Corporation or Insurance Company
$5,000,000.00	*Britton-Gallagher & Associates*

Address of Bonding Corporation or Insurance Company
One Cleveland Center, Floor 30; 1375 East 9th Street, Cleveland, Ohio 44114

Signature of Applicant

Michael Falk

For Melrose Pyrotechnics, Inc.

FIREWORKS DISPLAY PERMIT

Michigan Department of Energy, Labor, & Economic Growth
Bureau of Fire Services
P.O. Box 30700
Lansing, MI 48909
(517) 241-8847

2020

Authority: 1988 PA 358 Compliance: Voluntary Penalty: Permit will not be issued	The Department of Energy, Labor & Economic Growth will not discriminate against any individual or group because or race, sex, religion, age, national origin, color, material status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the American with Disabilities Ace, you may make your needs known to this agency.

This permit is not transferable. It authorizes the resident wholesale dealer or jobber named below to have in his or her possession fireworks of any type, for sale only to holders of permits for public display or agriculture control.

☒ PUBLIC DISPLAY ☐ AGRICULTURAL PEST CONTROL

Issued To *Melrose Pyrotechnics, Inc.*		Age (18 or over)
Address *9019 West Belding Road, Suite 3, Belding, MI 48809*		
Name of Organization, Group, Firm, or Corporation *Muskegon Country Club*		
Address *2801 Lakeshore Drive, Muskegon MI 49441*		
Number and Types of Fireworks *Approximately 600 aerial display shells ranging in size from 1 1/4 inches to 5 inches in diameter.*		
Exact Location of Display *2801 Lakeshore Drive, Muskegon MI 49441*		
City, Village, Township *Muskegon, MI*	Date *July 2, 2020*	Time *Dusk*
Bond or Insurance Filed? ☒ Yes ☐ No		Amount *$5,000,000.00*

Issued by action of : ☐ council ☐ commission ☐ board of the

☐ city ☐ village ☐ township of _____
(Name of City, Village, Township)

on the _____ day of _____, _____

_____
(Signature and Title of Council/Commission/Board Representative)

WATCH MUSKEGON

Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: April 14, 2020	Title: Amity Avenue Bridge
Submitted By: Leo Evans	Department: Public Works

Brief Summary:

Staff is requesting authorization to apply for State of Michigan FY2023 local bridge funds for a project to remove the Amity Avenue Bridge and rebuild an at-grade road through the area. A resolution of support is required to include with the application.

Detailed Summary:

Staff applied for this same project last year for State of Michigan FY2022 funding and we were the first project in the region not selected. Staff feels that resubmitting the project for consideration is still our best option within this program.

Costs are estimated at approximately $431,000 for the project, with the city requesting to provide matching funds of $90,000 towards the construction costs (21%) plus engineering costs (estimated at $100,000). The costs for this project would be borne in future fiscal years and if the project is selected the necessary matching funds will be allocated in the future budget cycles.

Amount Requested: $190,000	Amount Budgeted: $190,000
Fund(s) or Account(s): 203-TBD-5346/5355	Fund(s) or Account(s): 203-TBD-5346/5355

Recommended Motion:

Approve the resolution of support and authorize the Mayor and Clerk to sign and commit to funding the required match and engineering costs in future fiscal years if the project is selected.

Check if the following Departments need to approve the item first:

Police Dept. ☐

Fire Dept. ☐

IT Dept. ☐

For City Clerk Use Only:

Commission Action:

City of Muskegon

RESOLUTION

SUPPORT OF
APPLICATION FOR BRIDGE PRESERVATION FUNDS

WHEREAS, Muskegon City Commissioners desire to promote safety and fiscal responsibility for the residents and visitors of our great city; and

WHEREAS, Muskegon City Commissioners acknowledge there is no longer a need for the bridge carrying Amity Street over the abandoned railroad; and

WHEREAS, Muskegon City Commissioners agree that removing the Amity bridge and rebuilding the roadway on fill reduces the future costs of maintenance; and

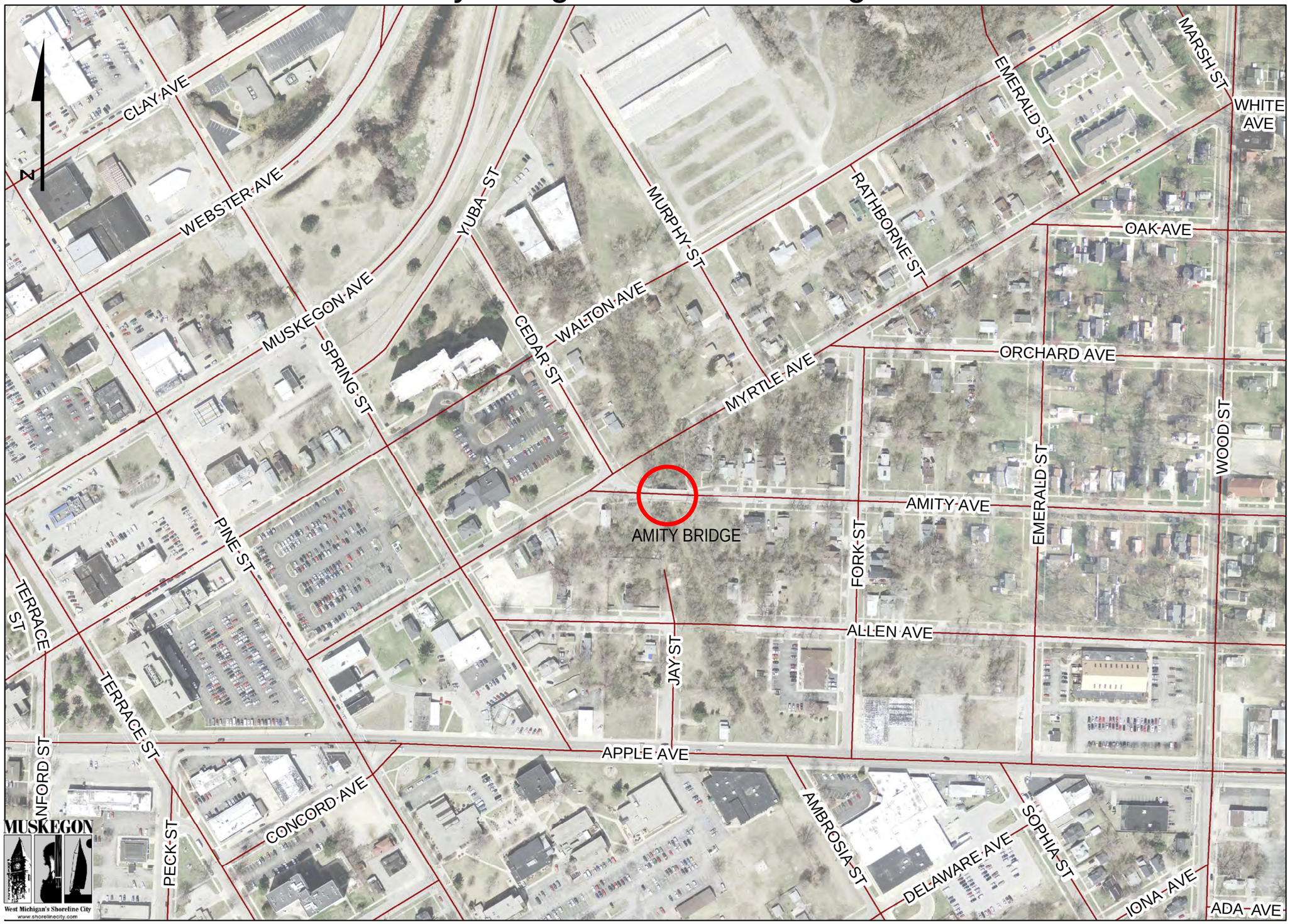
NOW, THEREFORE LET IT BE RESOLVED, that Muskegon City Commissioners support the application for federal and state bridge preservation funds and commit to funding required match dollars for removal of the bridge.

Dated this _____ of _____ 20__.

_____
Stephen J. Gawron
Mayor

_____
Ann Marie Meisch
City Clerk

Amity Bridge and surrounding area



Engineering Department ©

0 190 380 760 1,140 1,520 Feet

CITY OF MUSKEGON
APPLICATION FOR
MICHIGAN DEPARTMENT OF TRANSPORTATION LOCAL BRIDGE FUNDS
AMITY STREET OVER ABANDONED RAILROAD (SN 7699)

I. INTRODUCTION

The Amity Street Bridge over an Abandoned Railroad grade is the only priority for funding for the City of Muskegon. The City of Muskegon is requesting funding for a bridge removal project in the 2023 fiscal year. The City proposes to increase the local funding match by approximately 21%. A brief description of the bridge follows:

- Unknown original construction date, the bridge is a five-span, bridge with an overall length of 100.7 feet.
- The bridge has a clear width of 24 feet and an out-to-out of 31.8 feet.
- The superstructure consists of steel beams with a concrete deck.
- The abutments are concrete cantilever.
- Four-foot sidewalks along each side.
- The bridge railing is an aluminum tube.
- The average daily traffic is 1972 vehicles per day.

II. GENERAL CONDITION OF THE BRIDGE

The following major deficiencies were noted on a 2018 inspection of the Amity Street Bridge:

- The bridge is in fair to poor condition.
- Expansion joints are leaking and loose.
- Beam ends are heavily rusted over the abutments with section loss.
- Areas of full paint failure.
- Water leaking through full depth cracks in the deck.
- Areas of deck spalling along the surface.
- Steel sheet piling retaining walls are failing.
- Slope erosion has exposed the abutment footing along the west side.

III. NARRATIVE SUPPORTING THE APPLICATION

A. Contact Person for the City of Muskegon is:

Mr. Leo Evans, P.E.
Director of Public Works
1350 E. Keating Street
Muskegon, MI 49442
Phone: (231) 724-6920

B. Removal Discussion

The bridge needs preventative maintenance work or complete removal since

the railroad below has long been abandoned. The City wishes to remove the bridge rather than continual maintenance of the structure. The land beneath the bridge is owned by the Michigan Department of Natural Resources. They have granted the City permission to remove the bridge and replace it with an embankment. It is estimated that the preventative maintenance work will cost an estimated $483,000 versus removal with embankment and road work cost of $431,000. The preventative maintenance work would include a shallow deck overlay, zone beam painting, beam end repairs, expansion joint replacement, railing replacement, sidewalk healer/sealer, slope repair, and approach guardrail.

C. Economic Importance

The economic importance of the Amity Street Bridge includes the following:

- Neighborhood vehicular and pedestrian access to downtown.
- Alternative east-west route for Apple Avenue.

D. Existing Detour Impact

There is no existing detour for this bridge.

E. Impact of Closed Structure

If the bridge was closed, motorists and emergency vehicles would have to take a 0.25-mile detour.

F. Structure Maintenance

Unknown maintenance work occurred in 1969.

IV. COST BREAKDOWN

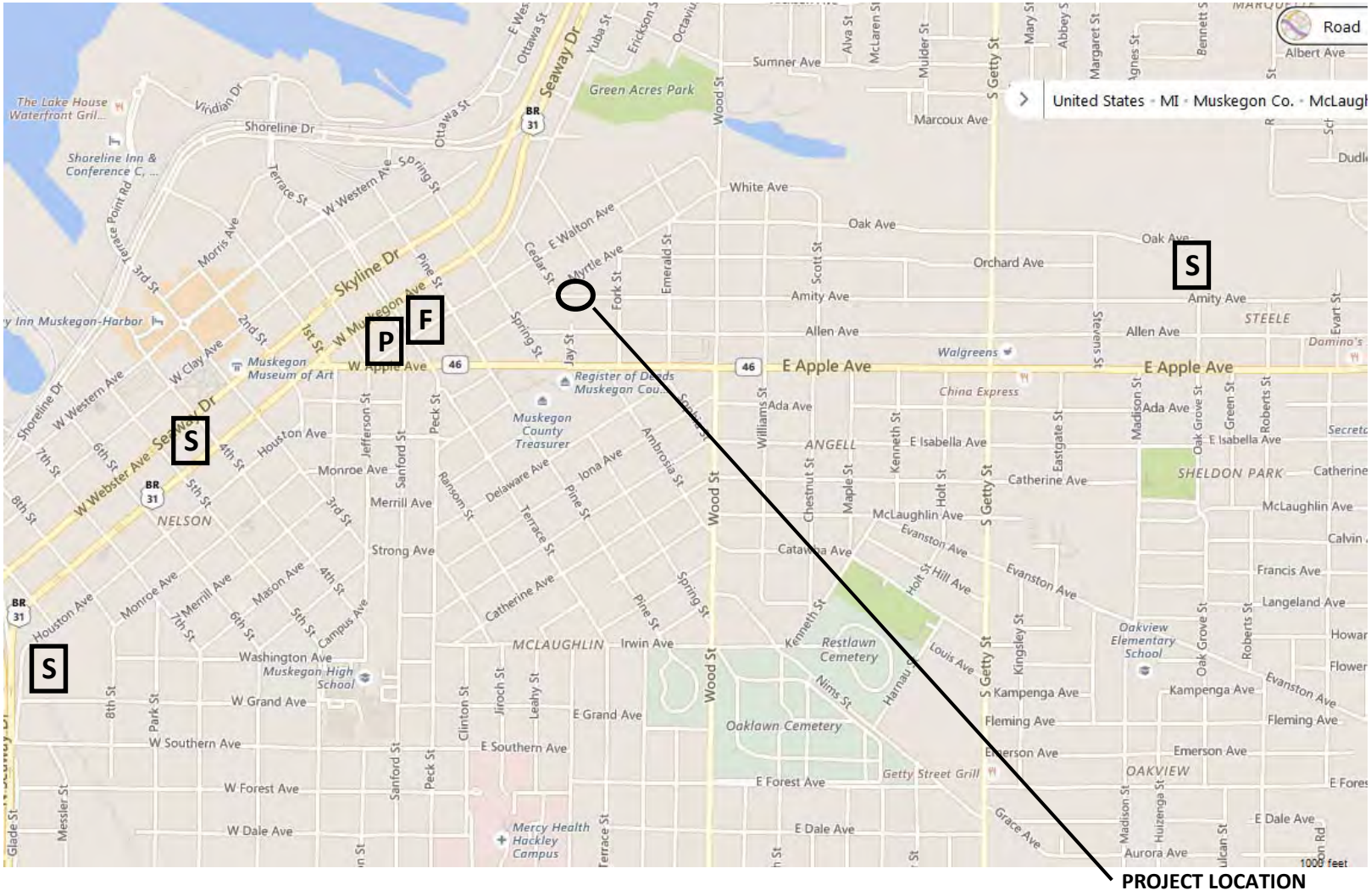
The following is the estimated removal cost for the Amity Street Bridge, SN 7699.

ITEM	ESTIMATED COST
Approach Construction	$290,000.00
Structure Construction	$141,000.00
Total (A&B)	$431,000.00
Local Funding Match	**$90,000.00**

Note: The City of Muskegon will provide a match of nearly 21%, up to $90,000 of the estimated construction cost.

V. PRIORITY LIST

SN 7699 Amity Street over Abandoned Railroad: Rehabilitation



LOCATION MAP

AMITY STREET OVER ABANDONED RAILROAD

CITY OF MUSKEGON, MUSKEGON COUNTY, T10N,R17W

LEGEND: P - POLICE, F – FIRE DEPARTMENT, S- SCHOOL

NO DETOUR

2020

LAP - BRIDGE COST ESTIMATE WORKSHEET

- CPM, REHAB, REPLACE -

REV. 2/1/2020

DATE: 3/18/2020

OWNER: MUSKEGON FISCAL YEAR: 2023 ENGINEER: Leo Evans

REGION: Grand

TSC: Muskegon PR: #N/A MP: #N/A

	Out to Out	Curb to Curb
LENGTH	WIDTH	WIDTH
100.7	31.8	24.0

STRUCTURE ID: 7699

BRIDGE ID: #NAME?

LOCATION: AMITY ST over C O RAILROAD

PRIMARY WORK ACTIVITY

OTHER WORK:

DECK AREA: 3,202 SFT

CLEAR ROADWAY: 2,417 SFT

STR. TYPE: Steel

Multi-Stringer, W or I-Bear

Note: Unit costs were adjusted based on actual recent bid prices from similar projects

WORK ACTIVITY		Michigan Bridge Design Manual	QUANTITY	UNIT	UNIT COST	TOTAL
NEW BRIDGE		(increase deck area based on design standards and hydraulic requirements)				
Single or Multiple Spans, Grade Separation		(add demo, approach, MOT)		SFT	$220.00 /SFT	
Single Span, Over Water	Length < 40ft	(add demo, approach, MOT)		SFT	$300.00 /SFT	
Single Span, Over Water	Length 40-70ft	(add demo, approach, MOT)		SFT	$275.00 /SFT	
Single Span, Over Water	Length 70-100ft	(add demo, approach, MOT)		SFT	$250.00 /SFT	
Multiple Spans, Over Water	Length > 100ft	(add demo, approach, MOT)		SFT	$220.00 /SFT	
Precast Culvert	Length < 40ft	(add demo, approach, MOT)		SFT	$350.00 /SFT	
NEW SUPERSTRUCTURE						
New Superstructure, Grade Separation		(incl. remove exist deck/super; add MOT & approach)		SFT	$170.00 /SFT	
New Superstructure, Over Water		(incl. remove exist deck/super; add MOT & approach)		SFT	$175.00 /SFT	
WIDENING						
Structure Widening, _____ ft		(incl. deck/super/sub widening, add approach transition)		SFT	$270.00 /SFT	
NEW DECK						
New Bridge Deck & Barrier		(incl. remove exist deck/railing, add approach, MOT)		SFT	$75.00 /SFT	
DEMOLITION						
Entire Structure, Grade Separation			3,202.0	SFT	$33.00 /SFT	$105,666
Entire Structure, Over Water				SFT	$46.00 /SFT	
DECK REPAIR / TREATMENTS						
Bridge Railing Replacement		(incl. removal and replacement)		FT	$400.00 /FT	
Concrete Brush Block / Curb Patch		(incl. hand chipping and formwork)		FT	$24.00 /FT	
Concrete Barrier Patch		(incl. hand chipping and formwork)		SFT	$45.00 /SFT	
Concrete Deck Patch		(incl. hand chipping)		SFT	$30.00 /SFT	
Deep Overlay		(incl. joint repl & hydro)		SFT	$33.00 /SFT	
Epoxy Overlay		(incl. warranty)		SYD	$35.00 /SYD	
Expansion Joint Gland Replacement		(remove and replace elastomeric gland)		FT	$85.00 /FT	
Expansion Joint Replacement		(incl. removal)		FT	$600.00 /FT	
Full Depth Patch				SFT	$76.00 /SFT	
Healer / Sealer		(penetrates cracks in bridge deck)		SYD	$15.00 /SYD	
HMA Overlay with WP membrane				SYD	$60.00 /SYD	
Overlay Removal		(Epoxy: $8/syd | Latex: $16/syd | HMA: $40/syd)		SYD	$40.00 /SYD	
Reseal Bridge Joints				FT	$16.00 /FT	
Shallow Overlay		(incl. joint repl & hydro)		SFT	$22.00 /SFT	
SUPERSTRUCTURE REPAIR						
Bearing Realignment / Replacement		(incl. temporary supports)		EA	$5,000.00 EA	
Heat Straightening		(incl. clean and coat)		EA	$50,000.00 EA	
Pack Rust Repair		(greater than 3/8" separation)		FT	$500.00 /FT	
Paint - Complete		(incl. clean & coat)		SFT	$20.00 /SFT	
Paint - Partial / Spot / Zone		(incl. clean & coat - $20k minimum)		SFT	$40.00 /SFT	
PCI Beam End Blockout		(incl. temporary supports)		EA	$7,200.00 EA	
Pin & Hanger Replacement		(incl. temporary supports)		EA	$8,000.00 EA	
Structural Steel Repair		(based on 6ft length; for stiffeners use $1,200 ea)		EA	$3,000.00 EA	
SUBSTRUCTURE REPAIR						
Substructure Patching		(measured x 2) replace if repair area > 30%		CFT	$300.00 /CFT	
Substructure Replacement		(incl. temporary supports, excavation)		CFT	$180.00 /CFT	
Substructure Horizontal Surface Sealer				SYD	$40.00 /SYD	
Temporary Supports		(add $1,200 for ea steel beam - stiffeners)		EA	$2,500.00 EA	
MISCELLANEOUS						
Articulating Concrete Block System (ACB)				SYD	$150.00 /SYD	
Concrete Surface Coating				SYD	$28.00 /SYD	
Culvert Cleanout				FT	$30.00 /FT	
Epoxy Crack Injection		(structural crack repair)		FT	$50.00 /FT	
Metal Mesh Panels		(48" width, max 6'-6" length)		SFT	$20.00 /SFT	
Pressure Relief Joint		(use when approach concrete roadway exceeds 1,000ft)		FT	$100.00 /FT	
Riprap		(assume 10ft distance around perimeter of substructure)		SYD	$175.00 /SYD	
Silane Treatment		(penetrating sealer for concrete surfaces)		SFT	$4.50 /SFT	
Slope Protection Repairs				SYD	$100.00 /SYD	
Other						
				BASE STRUCTURE CONSTRUCTION BUDGET		**$105,666**
CONTINGENCY	(10% - 20%) (use higher contingency for small projects)		10	%	$106,000.00	$11,000
MOBILIZATION	(estimate at 10%)		10	%	$117,000.00	$12,000
INFLATION	(assume 3% per year, beginning in 2021)		9	%	$129,000.00	$12,000
				STRUCTURE CONSTRUCTION BUDGET		**$141,000**
ROAD WORK						
Approach Pavement, 12" RC		(incl. removal; add curb, gutter, guardrail) 20' ea. end		SYD	$175.00 /SYD	
Approach Curb & Gutter		(incl. removal) 20' ea. quadrant		FT	$56.00 /FT	
Guardrail Anchorage to Bridge		(each quadrant)		EA	$1,600.00 /EA	
Guardrail		(incl. removal) < 200ft beyond reference line		FT	$28.00 /FT	
Guardrail Terminal		(each quadrant)		EA	$2,300.00 /EA	
Roadway Approach Work		(beyond approach pavement)	1.0	LSUM	$205,000.00 LSUM	$205,000
Utilities				LSUM	LSUM	
TRAFFIC CONTROL	*Unit Cost to be determined by Region or TSC Traffic & Safety*					
Part Width Construction				LSUM	LSUM	
Crossovers				EA	$300,000.00 /EA	
Temporary Traffic Signals				set	$25,000.00 /set	
RR Flagging				LSUM	LSUM	
Detour		min. $10,000	1.0	LSUM	$15,000.00 LSUM	$15,000
				BASE ROAD/TRAFFIC CONSTRUCTION BUDGET		**$220,000**
CONTINGENCY	(10% - 20%) (use higher contingency for small projects)		10	%	$220,000.00	$22,000
MOBILIZATION	(estimate at 10%)		10	%	$242,000.00	$24,000
INFLATION	(assume 3% per year, beginning in 2021)		9	%	$266,000.00	$24,000
				RELATED ROAD/TRAFFIC CONSTRUCTION BUDGET		**$290,000**
				TOTAL CONSTRUCTION BUDGET (Does not include PE or CE)		**$431,000**

APPROACH WORK ESTIMATE ONLY

Engineer's Opinion of Costs

Project Number:	Muskegon App	**Project Engineer:**	LAPS
Estimate Number:	1: Amity St Embankment Estimate	**Date Created:**	4/4/2018
Project Type:	Miscellaneous	**Date Edited:**	3/13/2020
Location:	City of Muskegon	**Fed/State #:**	
Description:	Amity St Estimate	**Fed Item:**	
		Control Section:	

Line	Pay Item	Description	Quantity	Units	Unit Price	Total
Category: 0000						
0001	2010001	Clearing	0.750	Acre	$15,000.000	$11,250.000
0002	2050010	Embankment, CIP	12,300.000	Cyd	$10.000	$123,000.000
0003	2050016	Excavation, Earth	400.000	Cyd	$5.000	$2,000.000
0004	3010002	Subbase, CIP	300.000	Cyd	$15.000	$4,500.000
0005	3020001	Aggregate Base	278.000	Ton	$14.000	$3,892.000
0006	5010033	HMA, 13A	121.000	Ton	$85.000	$10,285.000
0007	8020038	Curb and Gutter, Conc, Det F4	500.000	Ft	$22.000	$11,000.000
0008	8030044	Sidewalk, Conc, 4 inch	3,000.000	Sft	$8.500	$25,500.000
0009	8160102	Slope Restoration, Type C	2,500.000	Syd	$5.000	$12,500.000

Category 0000 Total: $203,927.00

Estimate Total: $203,927.00

APPROACH WORK ESTIMATE ONLY

FOR COMPARATIVE PURPOSE ONLY

2020

LAP - BRIDGE COST ESTIMATE WORKSHEET

- CPM, REHAB, REPLACE -

REV. 2/1/2020

DATE: 3/13/2020

OWNER: MUSKEGON FISCAL YEAR: 2023 ENGINEER: Leo Evans

REGION: Grand

TSC: Muskegon PR: #N/A MP: #N/A

	Out to Out WIDTH	Curb to Curb WIDTH
LENGTH		
100.7	31.8	24.0

STRUCTURE ID: 7699

BRIDGE ID: #NAME?

LOCATION: AMITY ST over C O RAILROAD

PRIMARY WORK ACTIVITY: Overlay - Deep

OTHER WORK: Partial Painting, exp joints, Healer/sealer

DECK AREA: 3,202 SFT

CLEAR ROADWAY: 2,417 SFT

STR. TYPE: Steel

Multi-Stringer, W or I-Bear

Note: Unit costs were adjusted based on actual recent bid prices from similar projects

WORK ACTIVITY		Michigan Bridge Design Manual	QUANTITY	UNIT	UNIT COST	TOTAL
NEW BRIDGE		(increase deck area based on design standards and hydraulic requirements)				
Single or Multiple Spans, Grade Separation		(add demo, approach, MOT)		SFT	$220.00 /SFT	
Single Span, Over Water	Length < 40ft	(add demo, approach, MOT)		SFT	$300.00 /SFT	
Single Span, Over Water	Length 40-70ft	(add demo, approach, MOT)		SFT	$275.00 /SFT	
Single Span, Over Water	Length 70-100ft	(add demo, approach, MOT)		SFT	$250.00 /SFT	
Multiple Spans, Over Water	Length > 100ft	(add demo, approach, MOT)		SFT	$220.00 /SFT	
Precast Culvert	Length < 40ft	(add demo, approach, MOT)		SFT	$350.00 /SFT	
NEW SUPERSTRUCTURE						
New Superstructure, Grade Separation		(incl. remove exist deck/super; add MOT & approach)		SFT	$170.00 /SFT	
New Superstructure, Over Water		(incl. remove exist deck/super; add MOT & approach)		SFT	$175.00 /SFT	
WIDENING						
Structure Widening, _____ ft		(incl. deck/super/sub widening, add approach transition)		SFT	$270.00 /SFT	
NEW DECK						
New Bridge Deck & Barrier		(incl. remove exist deck/railing, add approach, MOT)		SFT	$75.00 /SFT	
DEMOLITION						
Entire Structure, Grade Separation				SFT	$33.00 /SFT	
Entire Structure, Over Water				SFT	$46.00 /SFT	
DECK REPAIR / TREATMENTS						
Bridge Railing Replacement		(incl. removal and replacement)	202.0	FT	$400.00 /FT	$80,800
Concrete Brush Block / Curb Patch		(incl. hand chipping and formwork)		FT	$24.00 /FT	
Concrete Barrier Patch		(incl. hand chipping and formwork)		SFT	$45.00 /SFT	
Concrete Deck Patch		(incl. hand chipping)		SFT	$30.00 /SFT	
Deep Overlay		(incl. joint repl & hydro)	2,417.0	SFT	$33.00 /SFT	$79,761
Epoxy Overlay		(incl. warranty)		SYD	$35.00 /SYD	
Expansion Joint Gland Replacement		(remove and replace elastomeric gland)		FT	$85.00 /FT	
Expansion Joint Replacement		(incl. removal)	64.0	FT	$600.00 /FT	$38,400
Full Depth Patch				SFT	$76.00 /SFT	
Healer / Sealer		(penetrates cracks in bridge deck)	90.0	SYD	$15.00 /SYD	$1,350
HMA Overlay with WP membrane				SYD	$60.00 /SYD	
Overlay Removal		(Epoxy: $8/syd | Latex: $16/syd | HMA: $40/syd)		SYD	$40.00 /SYD	
Reseal Bridge Joints				FT	$16.00 /FT	
Shallow Overlay		(incl. joint repl & hydro)		SFT	$22.00 /SFT	
SUPERSTRUCTURE REPAIR						
Bearing Realignment / Replacement		(incl. temporary supports)		EA	$5,000.00 EA	
Heat Straightening		(incl. clean and coat)		EA	$50,000.00 EA	
Pack Rust Repair		(greater than 3/8" separation)		FT	$500.00 /FT	
Paint - Complete		(incl. clean & coat)		SFT	$20.00 /SFT	
Paint - Partial / Spot / Zone		(incl. clean & coat - $20k minimum)	570.0	SFT	$40.00 /SFT	$22,800
PCI Beam End Blockout		(incl. temporary supports)		EA	$7,200.00 EA	
Pin & Hanger Replacement		(incl. temporary supports)		EA	$8,000.00 EA	
Structural Steel Repair		(based on 6ft length; for stiffeners use $1,200 ea)	5.0	EA	$3,000.00 EA	$15,000
SUBSTRUCTURE REPAIR						
Substructure Patching		(measured x 2) replace if repair area > 30%		CFT	$300.00 /CFT	
Substructure Replacement		(incl. temporary supports, excavation)		CFT	$180.00 /CFT	
Substructure Horizontal Surface Sealer				SYD	$40.00 /SYD	
Temporary Supports		(add $1,200 for ea steel beam - stiffeners)		EA	$2,500.00 EA	
MISCELLANEOUS						
Articulating Concrete Block System (ACB)				SYD	$150.00 /SYD	
Concrete Surface Coating				SYD	$28.00 /SYD	
Culvert Cleanout				FT	$30.00 /FT	
Epoxy Crack Injection		(structural crack repair)		FT	$50.00 /FT	
Metal Mesh Panels		(48" width, max 6'-6" length)		SFT	$20.00 /SFT	
Pressure Relief Joint		(use when approach concrete roadway exceeds 1,000ft)		FT	$100.00 /FT	
Riprap		(assume 10ft distance around perimeter of substructure)		SYD	$175.00 /SYD	
Silane Treatment		(penetrating sealer for concrete surfaces)		SFT	$4.50 /SFT	
Slope Protection Repairs				SYD	$100.00 /SYD	
Other						
				BASE STRUCTURE CONSTRUCTION BUDGET		**$238,111**
CONTINGENCY	(10% - 20%) (use higher contingency for small projects)		15	%	$238,000.00	$36,000
MOBILIZATION	(estimate at 10%)		10	%	$274,000.00	$27,000
INFLATION	(assume 3% per year, beginning in 2021)		9	%	$301,000.00	$27,000
				STRUCTURE CONSTRUCTION BUDGET		**$328,000**
ROAD WORK						
Approach Pavement, 12" RC		(incl. removal; add curb, gutter, guardrail) 20' ea. end		SYD	$175.00 /SYD	
Approach Curb & Gutter		(incl. removal) 20' ea. quadrant	200.0	FT	$56.00 /FT	$11,200
Guardrail Anchorage to Bridge		(each quadrant)	4.0	EA	$1,600.00 /EA	$6,400
Guardrail		(incl. removal) < 200ft beyond reference line		FT	$28.00 /FT	
Guardrail Terminal		(each quadrant)	4.0	EA	$2,300.00 /EA	$9,200
Roadway Approach Work		(beyond approach pavement)	1.0	LSUM	$75,000.00 LSUM	$75,000
Utilities				LSUM	LSUM	
TRAFFIC CONTROL	*Unit Cost to be determined by Region or TSC Traffic & Safety*					
Part Width Construction				LSUM	LSUM	
Crossovers				EA	$300,000.00 /EA	
Temporary Traffic Signals				set	$25,000.00 /set	
RR Flagging				LSUM	LSUM	
Detour		min. $10,000	1.0	LSUM	$15,000.00 LSUM	$15,000
				BASE ROAD/TRAFFIC CONSTRUCTION BUDGET		**$116,800**
CONTINGENCY	(10% - 20%) (use higher contingency for small projects)		10	%	$117,000.00	$12,000
MOBILIZATION	(estimate at 10%)		10	%	$129,000.00	$13,000
INFLATION	(assume 3% per year, beginning in 2021)		9	%	$142,000.00	$13,000
				RELATED ROAD/TRAFFIC CONSTRUCTION BUDGET		**$155,000**
				TOTAL CONSTRUCTION BUDGET (Does not include PE or CE)		**$483,000**

FOR COMPARATIVE PURPOSE ONLY

MICHIGAN DEPARTMENT OF TRANSPORTATION

STR 7699 BRIDGE SAFETY INSPECTION REPORT

Facility	Latitude / Longitude	MDOT Structure ID	Structure Condition
AMITY ST	43.2361 / -86.2394	614461800071R01	Fair Condition(5)
Feature	**Length / Width / Spans**	**Owner**	
C O RAILROAD	100.7 / 31.8 / 5	City: MUSKEGON(4618)	
Location	**Built / Recon. / Paint / Ovly.**	**TSC**	**Operational Status**
0.02 E OF MYRTLE AVE	1900 / 1969 / /	Muskegon(21)	A Open, no restriction(A)
Region / County	**Material / Design**	**Last NBI Inspection**	**Scour Evaluation**
Grand(3) / Muskegon(61)	3 Steel / 02 Multi Str Non Comp	08/31/2018 / S2KS	N Not Over Waterway

NBI INSPECTION S2KS

Inspector Name	Agency / Company Name	Insp. Freq.	Insp. Date
Ryan Worden	Scott Civil Engineering	24	08/31/2018

GENERAL NOTES

Fair. Remove overgrown trees from sidewalk areas. Repair west bearings and beam ends.

DECK

	08/14	08/16	08/18	
1. Surface (SIA-58A)	5	5	5	The concrete deck has transverse cracks throughout the deck, spaced every 6'-10'. Most spalls along the deck have been patched with HMA. Noted some delaminated areas around spalled areas. Spalls scattered along the centerline full length of the deck. (08/18) Concrete deck has transverse cracks throughout deck, spaced every 6'-10'. Most spalls along the deck have been patched with HMA. Noted some delaminated areas around spalled areas. Approx 5% of deck area spalled/delaminated. Mostly confined to midspan and west end of deck. (08/16) Concrete deck has transverse cracks throughout deck, spaced every 6'-10'. All spalls in deck have been patched with HMA. Noted some delaminated areas around spalled areas. Approx 10% of deck area spalled/delaminated. Mostly confined to midspan and west end of deck. (08/14)
2. Expansion Joints	4	4	4	Joints reference lines. Water flows under the cover plate onto beam ends. Loose cover plate at SW corner on sidewalk. Deck spalling along cover plates, worst at west joint. (08/18) Joints reference lines. Water flows under cover plate onto beam ends. Loose cover plate at SW corner on sidewalk. Some deck spalling along coverplates. (08/16) Joints reference lines. Water flows under cover plate onto beam ends. Loose cover plate at SW corner on sidewalk. Some deck spalling along coverplates. (08/14)
3. Other Joints	N	N	5	Centerline construction joint has some spalling along the deck surface. (08/18) (08/16) (08/14)
4. Railings	5	5	5	3 tube aluminum, anchor bolts rusted. Missing anchor bolt at a post along south rail near the east end. (08/18) 3 tube aluminum, bolts rusted. Missing anchor bolt at a post along south rail near the east end. (08/16) 3 tube aluminum, bolts rusted (08/14)
5. Sidewalks or Curbs	5	5	5	Very narrow sidewalks. Some transverse cracking and spalls at the joints. Brush overgrown at the ends causes pedestrians to walk into the street. (08/18) Very narrow sidewalks. Some transverse cracking and spalls at the joints. Brush overgrown at the ends causes pedestrians to walk into the street. (08/16) Very narrow sidewalks. Some transverse cracking and spalls at the joints. Brush overgrown at the ends causes pedestrians to walk into the street. (08/14)
6. Deck Bottom Surface (SIA-58B)	5	5	5	Bottom of the deck has transverse cracks with efflorescence, more in center spans. Bottom of deck soffit cracked under sidewalk joint. (08/18) Bottom of deck has transverse cracks with efflorescence, mainly in center spans. Bottom of deck soffit cracked under sidewalk joint. (08/16) Bottom of deck has transverse cracks with efflorescence, mainly in center spans. Bottom of overhang cracked under sidewalk joint. (08/14)
7. Deck (SIA-58)	5	5	5	Deck has full depth cracks, with spalled & delaminated concrete on top. Estimate 5% of deck spalled/patched. Water is making its way through the cracks. (08/18) Deck has full depth cracks, with spalled & delaminated concrete on top. Estimate 5% of deck cracked. Water is making its way through the cracks. (08/16) Deck has full depth cracks, with spalled & delaminated concrete on top. Estimate 5% of deck cracked. Water is making its way through the cracks. (08/14)

STR 7699	BRIDGE SAFETY INSPECTION REPORT		
Facility	**Latitude / Longitude**	**MDOT Structure ID**	**Structure Condition**
AMITY ST	43.2361 / -86.2394	614461800071R01	Fair Condition(5)
Feature	**Length / Width / Spans**	**Owner**	
C O RAILROAD	100.7 / 31.8 / 5	City: MUSKEGON(4618)	
Location	**Built / Recon. / Paint / Ovly.**	**TSC**	**Operational Status**
0.02 E OF MYRTLE AVE	1900 / 1969 / /	Muskegon(21)	A Open, no restriction(A)
Region / County	**Material / Design**	**Last NBI Inspection**	**Scour Evaluation**
Grand(3) / Muskegon(61)	3 Steel / 02 Multi Str Non Comp	08/31/2018 / S2KS	N Not Over Waterway

8. Drainage				off ends (08/18) off ends (08/16) off ends (08/14)

SUPERSTRUCTURE

	08/14	08/16	08/18	
9. Stringer (SIA-59)	5	5	5	The end +/- 3' of beams at abuts are rusted with scale from leaking joint. The remaining length of the beams is in good shape. East end of beams has rust scale under leaking joint. West beam ends have pack rust/ laminar rust to bottom flanges and heavy scale to webs and top flanges. Section loss has occurred to bottom flanges at leaking deck cracks. Spot rusting at leaking cracks in center span. (08/18) The end +/- 3' of beams at abuts are rusted with scale from leaking joint. Remaining length of the beams are in good shape. east end of beams have rust scale under leaking joint. West beam ends have pack rust/ laminar rust to bottom flanges and heavy scale to webs and top flanges. Section loss has occurred to bottom flanges at leaking deck cracks. Spot rusting at leaking cracks in center span. (08/16) The end +/- 3' of beams at abuts are rusted with scale from leaking joint. Remaining length of the beams are in good shape. east end of beams have rust scale under leaking joint. West beam ends have pack rust/ laminar rust to bottom flanges and heavy scale to webs and top flanges. Section loss has occurred to bottom flanges at leaking deck cracks. spot rusting at leaking cracks in center span. (08/14)
10. Paint (SIA-59A)	4	4	4	paint failed at beam ends and spot locations where cracks are leaking. (08/18) paint failed at beam ends and spot locations where cracks are leaking. (08/16) paint failed at beam ends and spot locations where cracks are leaking. (08/14)
11. Section Loss	2	2	2	estimate 5% or less loss under leaking cracks. West end loss estimated at 10%. (08/18) estimate 5% or less loss under leaking cracks. West end loss estimated at 10%. (08/16) estimate 5% or less loss under leaking cracks. West end loss estimated at 10%. (08/14)
12. Bearings	3	3	3	Westend bearings have laminar rust with section loss. Most bolts are gone. Anchor bolts in place at the east end. East end fascia bearing has heavy scale. (08/18) Westend bearings have laminar rust with section loss. Most bolts are gone. Anchor bolts in place at eastend. Eastend fascia bearing has heavy scale. (08/16) Westend bearings have laminar rust with section loss. bolts are gone. Anchor bolts in place at eastend. Eastend fascia bearing has heavy scale. (08/14)

SUBSTRUCTURE

	08/14	08/16	08/18	
13. Abutments (SIA-60)	7	7	7	footing exposed along west abutment. No undermining noted. (08/18) footing exposed along west abutment. No undermining noted. (08/16) footing exposed along west abutment. No undermining noted. (08/14)
14. Piers (SIA-60)	6	6	6	Steel bent piers with minor rust. Some welded repairs to hole sway bracing to column connection. Some lower lacing bars were welded, one cut top of the column at pier 1E. Columns bolted to concrete foundations. Cap is bolted to columns. (08/18) Steel bent piers with minor rust. Some welded repairs to hole sway bracing to column connection. Some lower lacing bars were welded. Columns bolted to concrete foundations. Cap is bolted to columns. (08/16) Steel bent piers with minor rust. Some welded repairs to hole sway bracing to column connection. Some lower lacing bars were welded. Columns bolted to concrete foundations. Cap is bolted to columns. (08/14)
15. Slope Protection	N	N	N	(08/18) (08/16) no slope protections, no erosion, although west abutment footing is exposed. (08/14)

STR 7699 **BRIDGE SAFETY INSPECTION REPORT**

Facility	Latitude / Longitude	MDOT Structure ID	Structure Condition
AMITY ST	43.2361 / -86.2394	614461800071R01	Fair Condition(5)
Feature	**Length / Width / Spans**	**Owner**	
C O RAILROAD	100.7 / 31.8 / 5	City: MUSKEGON(4618)	
Location	**Built / Recon. / Paint / Ovly.**	**TSC**	**Operational Status**
0.02 E OF MYRTLE AVE	1900 / 1969 / /	Muskegon(21)	A Open, no restriction(A)
Region / County	**Material / Design**	**Last NBI Inspection**	**Scour Evaluation**
Grand(3) / Muskegon(61)	3 Steel / 02 Multi Str Non Comp	08/31/2018 / S2KS	N Not Over Waterway

16. Channel (SIA-61)	N	N	N	Over abandoned railroad. (08/18) Over abandoned railroad. (08/16) over abandoned railroad (08/14)
17. Scour Inspection		N	N	N/A (08/18) N/A (08/16) (08/14)

APPROACH

	08/14	08/16	08/18	
18. Approach Pavement	5	5	5	HMA with cracks sealed. Some wedging at abutment reference lines. (08/18) HMA with cracks sealed. Some wedging at abutment reference lines. (08/16) HMA with cracks sealed. Some wedging at abutment reference lines. (08/14)
19. Approach Shoulders Sidewalks	3	3	3	NW sidewalk has 3" settlement, NE sidewalk has asphalt wedging. SE quad continues to erode from behind steel sheeting wall sidewalk settled more since last inspection, the adjacent curb has also settled. Both southside sidewalks are undermined. Approach C&G has settled. Exposed slope in the NW & SE quad need a safety rail. (08/18) NW sidewalk has 3" settlement, NE sidewalk has asphalt wedging. SE quad continues to erode from behind steel sheeting wall sidewalk settled more since last inspection, the adjacent curb has also settled. Both southside sidewalks are undermined. Approach C&G has settled. Exposed slope in the NW & SE quad need a safety rail. (08/16) NW sidewalk has 3" settlement, NE sidewalk has asphalt wedging. SE quad continues to erode from behind steel sheeting wall sidewalk settled more about 4" now. Both southside sidewalks are undermined. Approach C&G has settled. Exposed slope in the NW & SE quad need a safety rail. (08/14)
20. Approach Slopes				Slopes are vegetated. Steel sheeting in NW & SE quads are rusted and leaning outward. SE quad soil behind the sheeting has settled. Holes in SE sheeting allowing the soil to wash from under sidewalk. Trees and brush overgrowing sidewalk in each quad cause pedestrians to walk into the street. (08/18) Slopes are vegetated. Steel sheeting in NW & SE quads are rusted and leaning outward. SE quad soil behind the sheeting has settled. Trees and brush overgrowing sidewalk in each quad cause pedestrians to walk into street. (08/16) Slopes are vegetated. Steel sheeting in NW & SE quads are rusted and leaning outward. SE quad soil behind the sheeting has settled. Trees and brush overgrowing sidewalk in each quad cause pedestrians to walk into street. (08/14)
21. Utilities				None noted (08/18) None noted (08/16) None noted (08/14)
22. Drainage Culverts				none noted (08/18) none noted (08/16) none noted (08/14)

MISCELLANEOUS

Guard Rail

Item	Rating
36A. Bridge Railings	0
36B. Transitions	0
36C. Approach Guardrail	0
36D. Approach Guardrail Ends	0

Other Items

Item	Rating
71. Water Adequacy	N
72. Approach Alignment	4
Temporary Support	0 No Temporary Supports
High Load Hit (M)	No
Special Insp. Equipment	
Underwater Insp. Method	0

False Decking (Timber) Removed to Complete Inspection N/A - No False Decking

Critical Feature Inspections (SIA-92)

STR 7699	BRIDGE SAFETY INSPECTION REPORT		
Facility	**Latitude / Longitude**	**MDOT Structure ID**	**Structure Condition**
AMITY ST	43.2361 / -86.2394	614461800071R01	Fair Condition(5)
Feature	**Length / Width / Spans**	**Owner**	
C O RAILROAD	100.7 / 31.8 / 5	City: MUSKEGON(4618)	
Location	**Built / Recon. / Paint / Ovly.**	**TSC**	**Operational Status**
0.02 E OF MYRTLE AVE	1900 / 1969 / /	Muskegon(21)	A Open, no restriction(A)
Region / County	**Material / Design**	**Last NBI Inspection**	**Scour Evaluation**
Grand(3) / Muskegon(61)	3 Steel / 02 Multi Str Non Comp	08/31/2018 / S2KS	N Not Over Waterway

	Freq	Date
92A. Fracture Critical		
92B. Underwater		
92C. Other Special		
92D. Fatigue Sensitive		

MICHIGAN DEPARTMENT OF TRANSPORTATION

STR 7699 — STRUCTURE INVENTORY AND APPRAISAL

Facility	Latitude / Longitude	MDOT Structure ID	Structure Condition
AMITY ST	43.2361 / -86.2394	614461800071R01	Fair Condition(5)
Feature	**Length / Width / Spans**	**Owner**	
C O RAILROAD	100.7 / 31.8 / 5	City: MUSKEGON(4618)	
Location	**Built / Recon. / Paint / Ovly.**	**TSC**	**Operational Status**
0.02 E OF MYRTLE AVE	1900 / 1969 / /	Muskegon(21)	A Open, no restriction(A)
Region / County	**Material / Design**	**Last NBI Inspection**	**Scour Evaluation**
Grand(3) / Muskegon(61)	3 Steel / 02 Multi Str Non Comp	08/31/2018 / S2KS	N Not Over Waterway

Bridge History, Type, Materials

27 - Year Built	1900	
106 - Year Reconstructed	1969	
202 - Year Painted		
203 - Year Overlay		
43 - Main Span Bridge Type	3	02
44 - Appr Span Bridge Type		
77 - Steel Type	0	
78 - Paint Type	0	
79 - Rail Type	3	
80 - Post Type	0	
107 - Deck Type	1	
108A - Wearing Surface	1	
108B - Membrane	0	
108C - Deck Protection	0	

Structure Dimensions

34 - Skew	0
35 - Struct Flared	0
45 - Num Main Spans	5
46 - Num Apprs Spans	0
48 - Max Span Length	28.9
49 - Structure Length	100.7
50A - Width Left Curb/SW	3
50B - Width Right Curb/SW	3
33 - Median	0
51 - Width Curb to Curb	24
52 - Width Out to Out	31.8
112 - NBIS Length	Y

Inspection Data

90 - Inspection Date	08/31/2018	
91 - Inspection Freq	24	
92A - Frac Crit Req/Freq	N	
93A - Frac Crit Insp Date		
92B - Und Water Req/Freq	N	
93B - Und Water Insp Date		
92C - Oth Spec Insp Req/Freq	N	
93C - Oth Spec Insp Date		
92D - Fatigue Req/Freq	N	
93D - Fatigue Insp Date		
176A - Und Water Insp Method	0	
58 - Deck Rating	5	
58A/B - Deck Surface/Bottom	5	5
59 - Superstructure Rating	5	
59A - Paint Rating	4	
60 - Substructure Rating	6	
61 - Channel Rating	N	
62 - Culvert Rating	N	

Navigation Data

38 - Navigation Control	N
39 - Vertical Clearance	0
40 - Horizontal Clearance	0
111 - Pier Protection	
116 - Lift Brdg Vert Clear	0

Route Carried By Structure(ON Record)

5A - Record Type	1	
5B - Route Signing	5	
5C - Level of Service	0	
5D - Route Number	00000	
5E - Direction Suffix	0	
10L - Best 3m Unclr-Lt	0	0
10R - Best 3m Unclr-Rt	99	99
PR Number		
Control Section		
11 - Mile Point	0	
12 - Base Highway Network	0	
13 - LRS Route-Subroute	0000008658 09	
19 - Detour Length	3	
20 - Toll Facility	3	
26 - Functional Class	19	
28A - Lanes On	2	
29 - ADT	1972	
30 - Year of ADT	2004	
32 - Appr Roadway Width	29.9	
32A/B - Ap Pvt Type/Width	5	29.99
42A - Service Type On	1	
47L - Left Horizontal Clear	0.0	
47R - Right Horizontal Clear	24.0	
53 - Min Vert Clr Ov Deck	99	99
100 - STRAHNET	0	
102 - Traffic Direct	2	
109 - Truck %	0	
110 - Truck Network	0	
114 - Future ADT	2009	
115 - Year Future ADT	2024	
Freeway	0	

Structure Appraisal

36A - Bridge Railing	0
36B - Rail Transition	0
36C - Approach Rail	0
36D - Rail Termination	0
67 - Structure Evaluation	5
68 - Deck Geometry	4
69 - Underclearance	4
71 - Waterway Adequacy	N
72 - Approach Alignment	4
103 - Temporary Structure	
113 - Scour Criticality	N

Miscellaneous

37 - Historical Significance	5
98A - Border Bridge State	
98B - Border Bridge %	
101 - Parallel Structure	N
EPA ID	
Stay in Place Forms	
143 - Pin & Hanger Code	
148 - No. of Pin & Hangers	

Route Under Structure (UNDER Record)

5A - Record Type		
5B - Route Signing		
5C - Level of Service		
5D - Route Number		
5E - Direction Suffix		
10L - Best 3m Unclr-Lt		
10R - Best 3m Unclr-Rt		
PR Number		
Control Section		
11 - Mile Point		
12 - Base Highway Network		
13 - LRS Route-Subroute		
19 - Detour Length		
20 - Toll Facility		
26 - Functional Class		
28B - Lanes Under		
29 - ADT		
30 - Year of ADT		
42B - Service Type Under	2	
47L - Left Horizontal Clear		
47R - Right Horizontal Clear		
54A - Left Feature		
54B - Left Underclearance	99	99
54C - Right Feature		
54D - Right Clearance	99	99
Under Clearance Year		
55A - Reference Feature	R	
55B - Right Horiz Clearance	99.9	
56 - Left Horiz Clearance	0	
100 - STRAHNET		
102 - Traffic Direct		
109 - Truck %		
110 - Truck Network		
114 - Future ADT		
115 - Year Future ADT		
Freeway		

Proposed Improvements

75 - Type of Work		
76 - Length of Improvement		
94 - Bridge Cost		
95 - Roadway Cost		
96 - Total Cost		
97 - Year of Cost Estimate		

Load Rating and Posting

31 - Design Load	5
41 - Open, Posted, Closed	A
63 - Fed Oper Rtg Method	1
64F - Fed Oper Rtg Load	52.8
64MA - Mich Oper Rtg Method	1
64MB - Mich Oper Rtg	77.5
64MC - Mich Oper Truck	18
65 - Inv Rtg Method	1
66 - Inventory Load	31.6
70 - Posting	5
141 - Posted Loading	
193 - Overload Class	N

MICHIGAN DEPARTMENT OF TRANSPORTATION

STR 7699 — WORK RECOMMENDATIONS

Facility	Latitude / Longitude	MDOT Structure ID	Structure Condition
AMITY ST	43.2361 / -86.2394	614461800071R01	Fair Condition(5)
Feature	**Length / Width / Spans**	**Owner**	
C O RAILROAD	100.7 / 31.8 / 5	City: MUSKEGON(4618)	
Location	**Built / Recon. / Paint / Ovly.**	**TSC**	**Operational Status**
0.02 E OF MYRTLE AVE	1900 / 1969 / /	Muskegon(21)	A Open, no restriction(A)
Region / County	**Material / Design**	**Last NBI Inspection**	**Scour Evaluation**
Grand(3) / Muskegon(61)	3 Steel / 02 Multi Str Non Comp	08/31/2018 / S2KS	N Not Over Waterway

WORK RECOMMENDATIONS — S2KS

Inspector Name	Agency / Company Name	Insp. Freq.	Insp. Date
Ryan Worden	Scott Civil Engineering	24	08/31/2018

RECOMMENDATIONS & ACTION ITEMS

Recommendation Type	Priority	Description
Brush Cut	H	Cut brush around bridge
Slope Repair	H	repair failing sheet walls and seal any wall gaps allowing erosion and settlement of approach sidewalk.
Joint Repair	H	Replace joints & paint beam ends, concrete overlay deck
Deck Patching	H	Continue to patch deck, seal cracks in concrete.
Zone Paint	H	Beam ends and bearings clean and coat, spot paint areas under cracks.

Bridge section

Sidewalk in the SE quadrant continues to undermine and settle

Deck spalls and patches mostly along center of the deck

Sidewalk spalling and settlement in the NW quadrant

Spalling along west expansion joint

Bridge elevation

Pier 1W elevation

West abutment elevation

Leaking west expansion joint causing rusting at beam ends and bearings

More transverse cracks in the center span

East expansion joint leaking onto beam ends

Soil and debris covering bearing at east abutment south end

WATCH MUSKEGON

Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: April 14, 2020	Title: Concession Agreement
Submitted By: Doug Sayles	Department: Public Works

Brief Summary:

Staff is asking permission to extend the contractual agreement for/with "The Beach Cove" concession at Pere Marquette Park.

Detailed Summary:

Staff is asking permission to enter into a contractual Concession Agreement for 2020, 2021, 2022 and 2023 with Morse Michel of Moji, Inc. for Operating a Concession ("The Beach Cove") at Pere Marquette Park. The agreement also call for a renewal of said contract by staff beyond 2023 for additional years if both parties agree. Concession sells various retail food items, beach novelties and beach rental items Concession revenue is 10% of gross receipts. Over the last three years the concession stand has generated $14,427.61 in revenue for the City which has been and will continue to be reinvested in the park.

A draft copy of the agreement is attached that still needs final review and approval from staff.

Amount Requested:	Amount Budgeted:
Fund(s) or Account(s):	Fund(s) or Account(s):

Recommended Motion:

Authorize staff to enter into a contractual Concession Agreement with Morse Michael to operate a Concession ("The Beach Cove") at the PM Park Bath house/restroom building.

Check if the following Departments need to approve the item first:

Police Dept. ☐

Fire Dept. ☐

IT Dept. ☐

For City Clerk Use Only:

Commission Action:

DEPARTMENT OF PUBLIC WORKS
1350 E. KEATING
MUSKEGON, MI 49442

CONCESSION AGREEMENT

AGREEMENT made the 31st day of March, 2020, between the City of Muskegon Department of Public Works, Muskegon, Michigan, hereinafter referred to as the "City", and Morse Michael, "The Beach Cove" Concession and Moji Inc., 2160 Lakeshore Drive, Muskegon, MI 49441, (231-955-7130), hereinafter called "Concessionaire".

IT IS THEREFORE AGREED:

1. Activity: Concessionaire hereby agrees that it will operate a concession at Pere Marquette Park, which is the property of the City of Muskegon. Concessionaire shall contract for and carry out and be responsible for all obligations thereunder for the place, suppliers, and advertising for the concession. Concessionaire shall apply for and pay premiums for insurance to fully protect the public, and the City, from any and all liability that may arise or be incurred as consequence of the concession. Concessionaire shall have such insurance in the amount of $1,000,000.00. A copy of the Certificate of Insurance naming the City as additional insured shall be supplied to the City. The certificate shall provide that no cancellation shall be effective without a 30 day notice to the City.

2. The concession activity shall be limited to the following activity: Retail sales of hand packed ice cream, soft serve ice cream, pop, candy, hot dogs, pretzels and nachos. Selling of misc. beach novelties i.e. beach balls, sand toys, floats, sun screen, beach blankets, ect. Rental of beach chairs, umbrellas, skim/boogie boards and sport tubes. Operate as Lost and Found location for Pere Marquette Beach and as "Life Jacket Loaner Program" liaison for the Muskegon Community Water Safety Task Force.

3. Hold Harmless: Concessionaire shall indemnify, defend and save the City harmless from and against any and all claims, actions, damages, liability, attorney fees, and expense in connection with the loss of life, bodily injury and/or damage to property arising from any occurrence in or about the premises occupied or utilized by Concessionaire or any part thereof or resulting in whole or part from any intentional or negligent act or omission of the Concessionaire, it's employees, invitees, licenses or contractors.

4. Obligations: The City shall provide the following services for the concessionaire Power, outside park garbage cans, and or a picnic table(s)-(chained down) to be placed in front and or side of building.

5. Fee to City: No later than November 31st, in all calendar year(s) of said contract and or as described in (a) below, Concessionaire will render an accounting of its activities to the City and at that time pay all fees/commissions/debts owed to the City of Muskegon.

   (a). Concessionaire shall pay the City ten percent (10%) of gross receipts or "in-kind services" or a donation to a fund for Park improvements equal to ten percent (10%) of gross receipts, for the duration of Concessionaire's operation. Such payment shall in no way benefit any member, officer, or director of the City, but shall be applied to expenses of the City in the execution of its general purposes. Concessionaire may retain the balance of receipts to devote to the execution of its general purposes.

6. Conditions: Concessionaire shall in no way obligate or change City properties, or charge City without its consent in writing, nor shall Concessionaire assign its rights or obligations hereunder without the written consent of the City. The Concessionaire understands that the City does not provide exclusivity with concession contracts, and that other concessions could be within the above named facility. The location of the Concession may also need to change for special events within the property and Concessionaire shall limit its' location to within 500 feet of any other Concession/Vendor. Furthermore, any current or existing Maintenance/Lease Agreements, within City Parks/Facilities, have the option to negotiate to allow additional Concessionaires within its' individual Park/Facility. The City shall have the final decision to allow such agreements to be put in place. Both the Concessionaire and the City shall comply with all the laws of the United States and the State of Michigan, all ordinances of the City of Muskegon, and all rules and regulations of the Police and Fire Departments, or other municipal authorities within the County of Muskegon, and will obtain and pay all necessary permits and licenses applicable to each, and will not suffer to be done anything during the term of this agreement in violation of any such laws, ordinances, rules or requirements.

7. Terms: This agreement shall be and remain in force for concession operations from April 1, 2020, until and including through October 31, 2023, and set to renew annually automatically after 2023, except that either party may cancel same by giving, to the other, thirty (30) days notice in writing.

DRAFT

IN WITNESS WHEREOF, the parties, by their duly authorized officers have executed this agreement.

DEPARTMENT OF PUBLIC WORKS WITNESSES:

By: _____ _____

CONCESSIONAIRE

By: _____ _____

DRAFT

WATCH MUSKEGON

Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: April 14, 2020	Title: National Fish & Wildlife Fund Grant
Submitted By: Leo Evans	Department: Public Works

Brief Summary:

Staff is requesting authorization to apply for a grant through the National Fish and Wildlife Fund (NFWF) Coastal Resiliency Program to assist in developing a sustainable and resilient coastline of Lake Michigan along Beach Street.

Detailed Summary:

Staff is seeking to apply for a $250,000 grant through the National Fish and Wildlife Fund Coastal Resiliency Program to complete a detailed site assessment, and 50% design plans for a long term repair of the Lake Michigan Coastline along Beach Street.

The area has been substantially damaged by the high lake levels and erosion on Lake Michigan and a long term sustainable solution is needed to ensure that the recreational uses of the shoreline are preserved, along with the critical road and water main infrastructure. The NFWF Coastal Resiliency Grant that we are proposing to apply for would allow for detailed survey and engineering work to be started that will identify sustainable long term solutions for protecting the shoreline and infrastructure. The grant proposal would utilize a combination of engineered hard surface protections and green infrastructure to restore habitat create long term resiliency. The grant and associated project would lay the groundwork for completing design and constructing a long term sustainable solution in future years.

Staff from Ramboll has volunteered to assist at no cost in the pre-proposal submittal documents which determine our eligibility for the project. A draft of the pre-prosal submittal is attached.

The proposed 1:1 match will be achieved through in-kind services that we are already providing to operate and maintain Pere Marquette Park and the Water Filtration Plant. No cash would be required from any parties during this first stage of the project if selected.

The grant pre-proposal is due on Wednesday, April 8th and will be submitted by staff prior to the Commission Meeting. The grant opportunity became known to staff at a time that did not allow for review and discussion at City Commission prior to submittal. However given the lack of financial commitment at this stage and the previously discussed need at this site staff determined it was appropriate to apply by the deadline and follow up with discussion at the Commission level.

Amount Requested: $0	Amount Budgeted: $0

Fund(s) or Account(s): N/A	Fund(s) or Account(s): N/A

Recommended Motion:

Approve the resolution of support and authorize the Mayor and Clerk to sign and commit to funding the required match and engineering costs in future fiscal years if the project is selected.

Check if the following Departments need to approve the item first:

Police Dept. ☐

Fire Dept. ☐

IT Dept. ☐

For City Clerk Use Only:

Commission Action:

Pre-proposal Project Narrative

Part I – Project Overview

a. Priority Addressed: Project Site(s) Assessment and Preliminary Design

b. Project Type: The Great Lakes basin experienced record high water levels during 2019. This was due in large part to above average precipitation and runoff into the basin during the spring. The elevated water levels and associated wave action have resulted in millions of dollars of damage to coastal communities in Michigan alone. Examples along the coast of Lake Michigan include beach erosion, damage to infrastructure of stormwater and utilities, undermined recreational trails, flooding of city streets from overflowing storm drains, and damage to fuel lines. Homeowners have been significantly affected as they either demolish homes that are at risk of falling into Lake Michigan from atop sandy bluffs, engage in shoreline stabilization activities (often the installation of armor stone revetment), or simply watch their homes fall into the lake. The U.S. Army Corps of Engineers has warned that coastal communities prepare for similar or greater water levels relative to last year as the Great Lakes basin water levels have been setting record highs again during 2020. The current project area is within a Lake Michigan coastal community that has experienced beach erosion that is endangering the structural integrity of a road and utility infrastructure. The utility infrastructure is a water main that distributes water to two neighboring communities. The property owner, the City of Muskegon (the City), has sought the consultation of an engineering firm that has recommended remedies including steel piling, armor stone revetment, water main relocation, and beach nourishment program. These remedy types are widely used within the Great Lakes basin, but often diminish or fail to provide ecological value to animal and plant communities. The proposed restoration will use a combination of traditional and innovative design approaches to shift the paradigm from solely employing hardened or grey remedies to a blend of green and grey. Some innovative approaches we are proposing include using high resolution remote sensing techniques such as a digital elevation model to inform every stage of the design.

Figure 1: Exposed asphalt was exposed during the 2019 events eroding the beach and endangering road and utility infrastructure. Image taken from Abonmarche's February 2020 Coastal Protection Strategy Evaluation for Beach Street Shoreline.

c. Project support and engagement: The City has taken the initiative to explore remedies that provide ecological uplift and is the primary community leader for this project. It is expected that the City will be the major match contributor with in-kind contributions. The City spends approximately $0.5M a year on maintenance, upkeep, capital, safety, and other projects related to Pere Marquette Park (the project property). Partners include the West Michigan Regional Water Authority (WMRWA) and the communities that WMRWA serves, the City of Norton Shores and Fruitport Township. These communities represent approximately 30,000 people that are served by a 36-inch water main that runs along Beach Street, on the shores of Lake Michigan. The project team has initiated contact with the Beachwood-Bluffton Neighborhood Association (BBNA) a 501(c) nonprofit organization. BBNA is an active neighborhood association that includes Pere Marquette Park and the area south of the water filtration plant. It is anticipated that the BBNA will support pre- and post-restoration monitoring, such as vegetation, invertebrate, and wildlife surveys. The improvements proposed herein will provide improved ecological habitat while protecting the primary water infrastructure for the project partners and maintaining safe access to Pere Marquette Park and nearby communities. The project also will also help protect and provide additional resiliency for the Muskegon Water Filtration Plant, which provides water regionally to approximately 90,000 people from the City and neighboring communities. Additional benefits include supporting a vibrant park

on the shore of Lake Michigan that is a popular tourist destination and an economic draw for the region; tourism in Muskegon County generates $300 million annually.

d. Project Location: The project is located at Pere Marquette Park along the Lake Michigan coastline in the City of Muskegon, Muskegon County, Michigan. The City of Muskegon is the largest populated city on the western shores of Michigan and is home to approximately 38,131 yearly residents. Pere Marquette Park is a favorite recreational destination for City residents and neighboring communities. Pere Marquette Park offers the nearest and most accessible Great Lakes beaches to the most economically vulnerable communities within the County. The project area is located along 2,200 feet of Beach Street between the City of Muskegon Water Filtration Plant and Norman F. Kruse Park. Portions of the project area have been classified by the State of Michigan as a Critical Dune Zone through the State of Michigan Critical Dune Areas Program. Critical Dune Zones in this region provide essential habitat for federal and state-listed threatened and endangered species such as the Karner blue butterfly and Pitcher's thistle. The project area is surrounded by vegetated coastal dune systems within various nearby State and County parks: Pioneer County Park, Muskegon State Park, and Pere Marquette Park to the north and to the south the Muskegon Dog Beach, Norman F. Kruse Park, and the former Nugent Sand Mining area (a 377-acre parcel) currently under consideration for acquisition and recreational development by the County.

Figure 2: Coastal erosion along Lake Michigan north of the Project Area. Image courtesy of Rep Bill Huizenga.

Part II – Overview of proposed methods, outcomes, and activities.

1. **Methods**: The team will use an integrated approach that combines green and grey-solutions and associated best practices to protect critical infrastructure, restore critical dune habitat, and provide long-term resiliency. This integrated approach recognizes the need for hardened infrastructure, as originally proposed by the City to protect the road and watermain under high-water conditions, while also recognizing the limitations of such infrastructure to provide habitat and aesthetic value. Green remediation methods that may be integrated into the long-term, permanent remedy include 1) artificial reef structures appropriately spaced along the shore to assist with wave-energy attenuation to reduce erosive forces along the coastline and provide fishery habitat and opportunities for recreational fishing; 2) beach and dune nourishment paired with biostabilization measures such as native vegetation, rootwad structures, and vegetated riprap to stabilize dune systems and provide critical habitat to a variety of native species; and 3) blending of inorganic (i.e., rock) and vegetated (e.g., tree or root wad structures) riprap to provide added habitat when stabilizing the shoreline. Utilizing multiple lines of defense will be key to providing long-term habitat resiliency along with critical-infrastructure protection.
2. **Project Outcome(s)**: We proposed to develop a plan and associated 50% design that includes the following outcomes:
    - Develop Designs that use a combination of green and grey solutions to provide protection for the critical infrastructure along Beach Street.
    - Develop Designs that restore the critical lakeshore dune habitat within the project area through beach nourishment and stabilizing the dune using a combination of nature-based solutions.
    - Ensure that the proposed design plans provide long-term resiliency for the Lake Michigan flooding and wave action to better protect critical infrastructure, critical dune habitat, and a popular tourist destination.
    - Ensure that the proposed design plans provide long-term resiliency under high and low-water lake conditions, recognizing that the Great Lakes watershed is a dynamic system that must function under a range of water elevations.
    - Document the planning and design process so it can be shared and used as a model for future natural shorelines solutions within the Great Lakes Basin.
3. **Proposed Activities**: In order to achieve multiple objectives, the proposed activities for this project include the following components:

    1) An Analysis of Existing Conditions and Ecological Survey will be required to understand site complexity. This analysis will be used to compare the site to nearby reference areas that demonstrated greater resilience through the recent and ongoing highwater levels.

2) A topographic and bathymetric survey as well as a grain size analysis and hydrodynamic model will be required to inform the design and effectively choose the best design method to achieve project outcomes.

3) Using the February 24, 2020 Abonmarche Coastal Protection Strategy Evaluation and Alternative Analysis as a baseline, we will compare various green and green-grey coastal protection strategies and their associated costs in a high-level alternatives analysis report. The report will be presented to stakeholders and regulatory agencies and will inform the preferred design alternative.

4) Preliminary designs will be developed based on the preferred design alternative, and will include proposed grading chances, proposed engineering and biostabilization solutions, and planting plans.

5) The final preferred design alternative will be developed into a preliminary 60% design, including 60% Design Plans and specifications, and cost estimates.

C:\Users\SCOPPFRANZ\OneDrive - Ramboll\Documents\ArcGIS\Projects\MyProject3\MyProject3.aprx

PROJECT: 169000XXXX | DATED: 4/1/2020 | DESIGNER: SCOPPFRANZ

KEY MAP

COASTAL PROTECTION AND DUNE RESTORATION FOR BEACH STREET SHORELINE

Project Area

City of Muskegon, Muskegon County, Michigan

FIGURE 01

Map Scale: 1:;
Map Center:

0 1,000 2,000 Feet

RAMBOLL US CORPORATION
A RAMBOLL COMPANY

RAMBOLL

Project Area

Lake Michigan 2020 Water Levels

Approximate Location of the Water Main in the Project Area

0 500 1,000 US Feet

COASTAL PROTECTION AND DUNE RESTORATION FOR BEACH STREET SHORELINE

City of Muskegon, Muskegon County, Michigan

FIGURE 02

RAMBOLL US CORPORATION
A RAMBOLL COMPANY

WATCH MUSKEGON

Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: April 14, 2020	Title: P&N Lakeshore Drive Amendment #2
Submitted By: Leo Evans	Department: Public Works

Brief Summary:

Authorize staff to sign an amendment to the professional services agreement with Prein and Newhof relative to the Lakeshore Drive project for $78,650.

Detailed Summary:

The original project schedule anticipated that the work would be completed on September 13, 2019. Work was not completed for the season until December 06, 2019 with approximately 1 additional week of work in the Spring of 2020 to fully complete the project items. This amendment allows for Prein & Newhof to be compensated for the additional engineering and inspection time required to complete the project.

Discussions with the Contractor and MDOT for this project are still ongoing and if there are any liquidated damages assessed against the Contractor for delays in the project those recouped funds will be used to cover this expense in the interim the amount was included in the reforecast of the current budget under the water fund.

Amount Requested: $78,650	Amount Budgeted: $78,650 (In reforecast)
Fund(s) or Account(s): 591-91711-5346	Fund(s) or Account(s): 591-91711-5346

Recommended Motion:

Authorize staff to sign Amendment #2 with Prein and Newhof for the Lakeshore Drive project.

Check if the following Departments need to approve the item first:

Police Dept. ☐

Fire Dept. ☐

IT Dept. ☐

For City Clerk Use Only:

Commission Action:

Prein&Newhof
Engineers ▪ Surveyors ▪ Environmental ▪ Laboratory

Project No. 2180199

Professional Services Agreement Amendment

Amendment Number : 02

Project Name: Lakeshore Drive Reconstruction, McCracken to Laketon

P&N Representative: Dan Sorek, PE

Client: City of Muskegon

Client Representative: Leo Evans, PE

AGREEMENT: The Agreement Amendment modifies the original agreement for professional services dated: March 28, 2018

Client hereby requests and authorizes a change in services in accordance with the following:

SCOPE OF SERVICES MODIFICATION:

1. Additional time needed for construction administration and field observation due to construction extending beyond original contract time and into 2020.

Original construction completion by contractor: 9/13/2019
Actual construction completion by contractor: 12/06/2019
Additional weeks = 12
One additional week in Spring 2020 of field observation and construction administration
Total Additional Number of Weeks = 13

Construction observation - Average 55 hours per week @$90/hr x 13 weeks = $64,350
Construction administration (office) - 10 hrs per week @$110/hr (avg) x 13 weeks = $14,300

Total = $78,650

SCHEDULE OF SERVICES MODIFICATION:

No revision in project schedule.

BUDGET MODIFICATION:

Construction observation - Average 55 hours per week @$90/hr x 13 weeks = $64,350
Construction administration (office) - 10 hrs per week @$110/hr (avg) x 13 weeks = $14,300

Total = $78,650

Original Contract = $389,900
Previous Changes = $279,000 (Amendment #01)
Amendment #02 = $78,650

New Total of $747,550

METHOD OF COMPENSATION:

- ☐ **Lump Sum for Defined Scope of Services**
- ☒ **Hourly Billing Rates plus Reimbursable Expenses**
- ☐ **Other:**

ADDITIONAL PROVISIONS (IF ANY):

None

Prepared by:	**Accepted for:**
Prein&Newhof, Inc.	**Client**_____
By: _____	**By:** _____
Print Name: _____	**Print Name:** _____
Title: _____	**Title:** _____
Date: _____	**Date:** _____

WATCH MUSKEGON

Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: April 14, 2020	Title: E-Bikes
Submitted By: Jeffrey Lewis	Department: Public Safety
Brief Summary: MUPD requests funds from its capital outlay budget for the purchase of (2) two electric assist bikes and a (1) one bike carrier to assist in addressing the spike of crime being seen during the COVID-19 crisis. Cost for this purchase is $4,564.00 per bike and $549.00 for the bike carrier (includes shipping). Total funds needed; $9,677.00.	
Detailed Summary: MUPD has seen significant increases in Burglaries, Larcenies, Assaults and other various crimes during this COVID-19 crisis. These increases have been tracked both monthly and from last year in March. In response, we are instituting High Intensity Patrols to thwart these crimes. The purchase of these electric bikes and the bike carrier will assist us in this prevention effort due to the fact that they are quiet, can cover more ground due to their speed and can get into areas without being seen as easily. Our officers have practiced on these bikes and they are easy to maneuver and will be an effective way to prevent or stop many crimes in progress.	
Amount Requested: $9,677.00	Amount Budgeted:
Fund(s) or Account(s): 101-40301-5720	Fund(s) or Account(s):
Recommended Motion: Approve the purchase of (2) Two E-Bikes and (1) One Bike Carrier from Great Lakes Segway	
Check if the following Departments need to approve the item first: Police Dept. ☒ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	

WATCH MUSKEGON

Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: April 14, 2020	Title: E-Bikes
Submitted By: Jeffrey Lewis	Department: Public Safety
Brief Summary: MUPD requests funds from its capital outlay budget for the purchase of (2) two electric assist bikes and a (1) one bike carrier. Cost for this purchase is $4,564.00 per bike and $549.00 for the bike carrier (includes shipping). Total funds needed; $9,677.00	
Detailed Summary:	
Amount Requested: $9,677.00	Amount Budgeted:
Fund(s) or Account(s): 101-40301-572[illegible]	Fund(s) or Account(s):
Recommended Motion: Approve the purchase of (2) Two E-Bikes and (1) One Bike Carrier from Great Lakes Segway	
Check if the following Departments need to approve the item first: Police Dept. ☒ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	

SEE REVISION

MUSKEGON POLICE DEPARTMENT
CITY OF MUSKEGON
TELEPHONE BID TABULATION FORM

Date: **3/23/20** Employee: **Capt. A. Rush**

	Bidder #1	Bidder #2	Bidder #3
Vendor	**Great Lakes Segway**		
Address	**239 E. Walled Lake Dr, Walled Lake, MI 48390**		
Telephone Number	**248-896-2600**		
Fax Number			
Accept Mastercard	**Various Payment Options**		
Quoted By	**Owner - John E. Smith**		

Description & Quantity	Unit Price	Total	Unit Price	Total	Unit Price	Total
2 - Recon Commando Bikes extra battery (750 watts), shipping and delivery	**$3,499.00 x 2 +$549.00 (carrier)**	**$6,998.00 $7,547.00**				
* **2 - Recon Ranger Interceptor, extra battery (1000 watts), shipping and delivery** 2	**$4,564.00 x 2 +$549.00 (carrier)**	**$9,128.00 $9,677.00**				
1 - Recon Bike Car Carrier 12	**$499.99 ($549.00 w/ shipping)**					

Bidder #1 approved by _____

3/25/20

Great Lakes Segway
239 E. Walled Lake Dr
Walled Lake, MI 48390
248-896-2600
info@greatlakessegway.com
greatlakessegway.com

Estimate

ADDRESS
Andrew Rush
Muskegon Police Department
980 Jefferson St.
Muskegon, MI 49440

SHIP TO
Andrew Rush
Muskegon Police Department
980 Jefferson St.
Muskegon, MI 49440

ESTIMATE # 1180
DATE 03/17/2020

ACTIVITY	QTY	RATE	AMOUNT
Units:Recon Ranger Interceptor - New New Ranger Interceptor bike (1,000w motor)	2	4,015.00	8,030.00
Parts and Accessories:Ebike Battery New ebike batteries (spares)	2	399.00	798.00
Shipping and Delivery:Vendor Shipping Cost to ship from vendor to GLS	2	75.00	150.00
Shipping and Delivery:Delivery Delivery and initial bike overview and training (advanced training separate)	1	150.00	150.00
Parts and Accessories:eBike - Bike Rack Bike rack	1	499.00	499.00
Shipping and Delivery:Delivery Bike rack delivery	1	50.00	50.00

TOTAL **$9,677.00**

Accepted By

Accepted Date

RECON

ALL-TERRAIN POWER BIKES MADE MILITARY TOUGH

INTERCEPTOR

POWER BIKE PATROL ADVANTAGES

COVERAGE: Expand patrol area and cover more ground

MOBILITY: Maneuver through tight areas, crowds and different terrain

SPEED: Faster response times with speeds up to 30 mph

STRENGTH: Boost from the motor allows officers to arrive on scene less fatigued

FUNCTIONALITY: Nearly any officer can ride a power bike

EASE: Easy to use and minimal training

COST EFFECTIVENESS: All these advantages at a cost not much higher than a standard patrol mountain bike

SPECIFICATIONS

FRAME	AL6061
MOTOR	1000 Watt Mid Drive
BATTERY	48V/11.6 Lithium Ion
SHIFTER	Shimano Altus 8 Gear
WHEEL	26"
TIRES	4 1/2" Kenda
CHARGER	AC 100-240 V

FRONT FORK	Air Suspension
BRAKES	Hydraulic Disc
LCD DISPLAY	Color, Smart LCD
COLOR OPTIONS	Flat Dark Earth, Black
SPEED	*Up to 25-30 mph
RANGE	*Up to 30-50 miles

*Varies based on weight, terrain and use of pedal assist

PolicePowerBikes.com | 888.485.2584

The RECON **Police Interceptor** is our flagship power bike, featuring state of the art technology. A best in class 1,000 watt mid driven, high torque, motor powered by a 48V/11.6 ah lithium ion battery and riding on 4" Fat Boy all terrain tires.

POLICE INTERCEPTOR

INFORMATION

POLICE INTERCEPTOR

COMMANDO

SORTIE

SCOUT

SEARCH

Sub

The Recon Interceptor Power Bike has the power to take on the most extreme terrain. Depending on terrain, pedal assist mode, and programming the Ranger is capable of up to 50 miles with peak speeds of 30 mph plus between charges or battery swaps. If you are seeking peak performance in an ultimate silent all terrain machine, select the Interceptor. The LCD Color Display harnesses the power of the 1,000 watt mid drive motor.

The display features: Full Color, Automatic Night Mode, Up to 9 levels of Pedal Assist, Choice of Percentage or Voltage Display of Battery Remaining, USB Charger, Accurate Battery Gauge, Watt or Amp Display Monitor, Clock, Speed, Odometer, Password Lock, Error Code List & Memory.

The Interceptor is is also capable of pulling a trailer which attaches to the rear hub. This gives you the option of hauling life saving equipment anywhere.

The Interceptor is available with a host of options including a lights and siren package.

BACK TO TOP

HOME
ABOUT
MODELS
GALLERY
CONTACTS

LOCATION

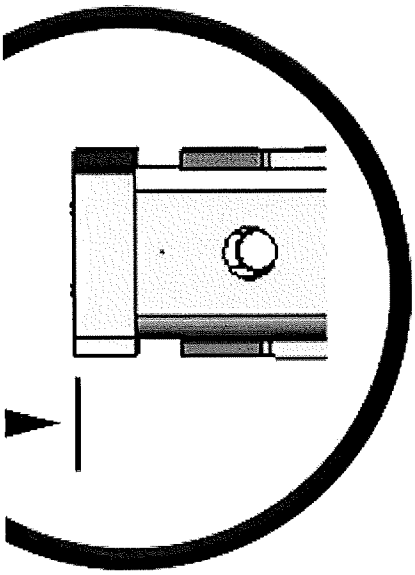
327 Ley Road,
Fort Wayne, Indiana 46825
Map

CONTACTS

Telephone: 1.888.485.2589
Fax: 260.486.6232
E-mail: info@reconpowerbikes.com

FOLLOW US

rements taken
ıce of the hitch



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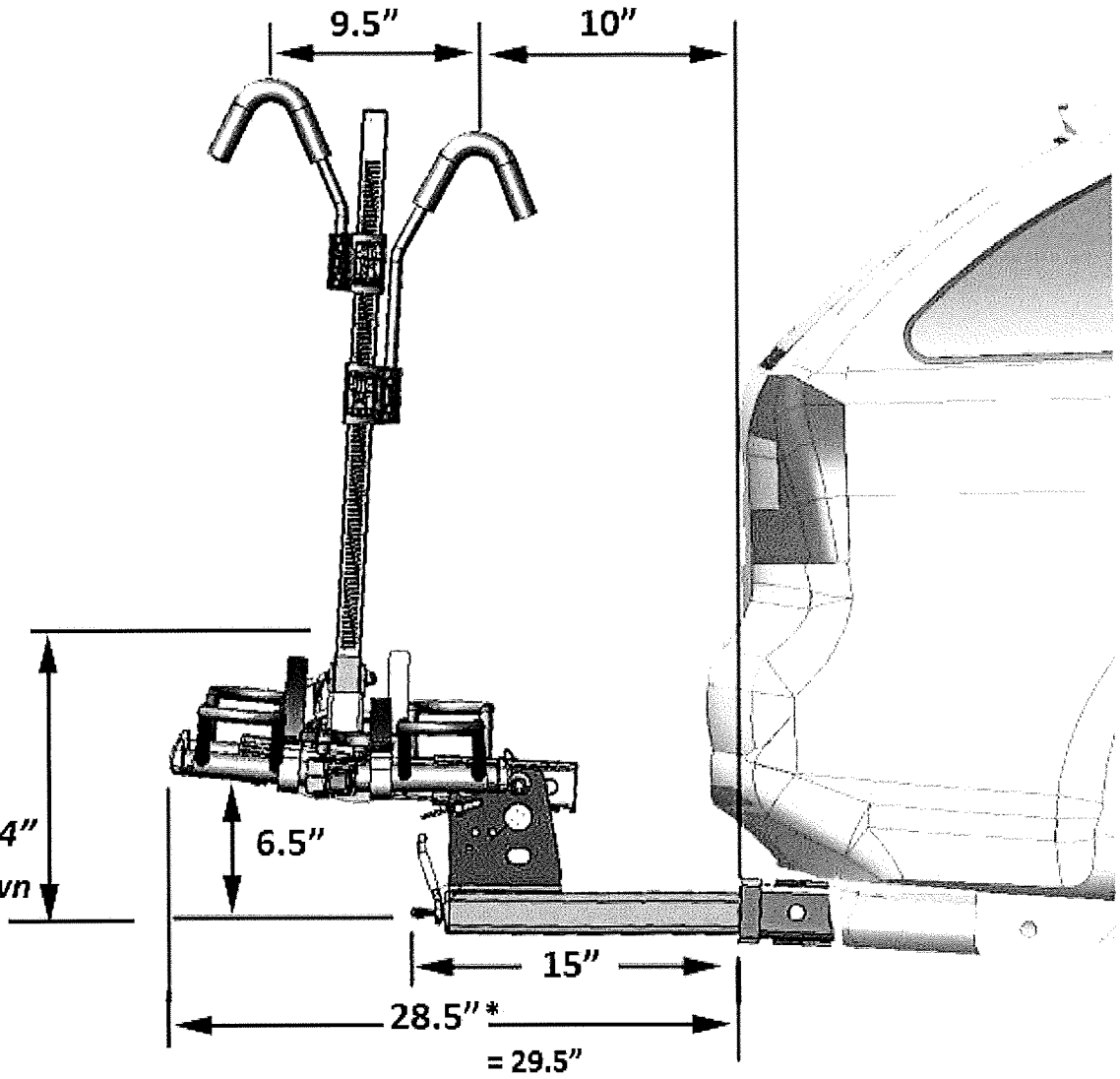
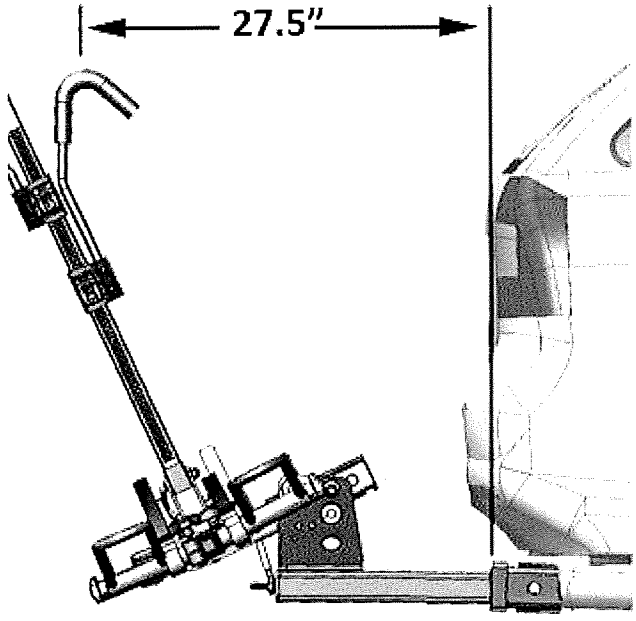
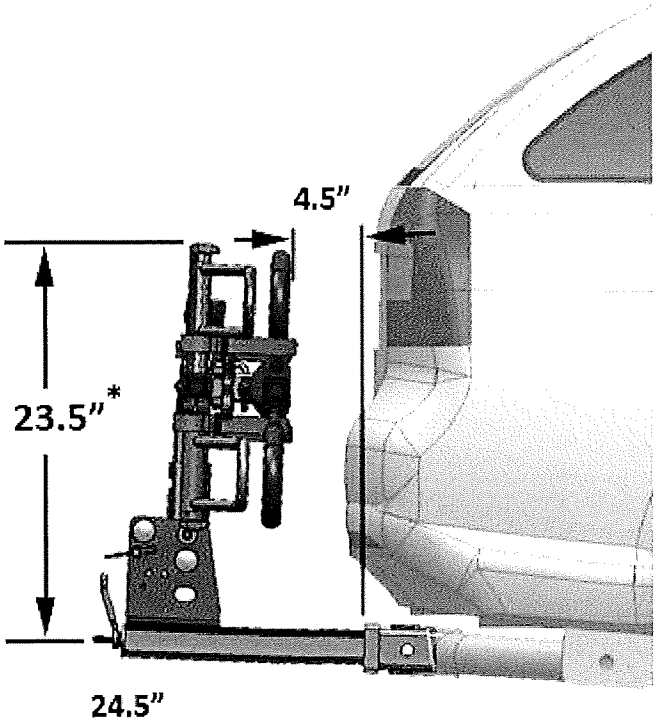






WATCH MUSKEGON

Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: April 14, 2020	Title: Site Condo No. 2 Agreement
Submitted By: LeighAnn Mikesell	Department: Development Services
Brief Summary: Staff is requesting authorization to sign an easement and maintenance agreement that outlines responsibilities related to operating and maintaining the common area and providing public access to the same.	
Detailed Summary: As property owners within the downtown area designated as Downtown Development Center No. 2, the city has partial ownership of the common area which includes the splash pad and plaza in front of the downtown post office. See the hatched area on the attached map. I am on the site condo board and serve as the president. The city accepted responsibility to maintain the splash pad in the spring of 2018 when the Community Foundation for Muskegon County divested themselves of it. This agreement outlines rights and responsibilities associated with the common area.	
Amount Requested: None	Amount Budgeted: N/A
Fund(s) or Account(s): N/A	Fund(s) or Account(s): N/A
Recommended Motion: Approve the easement and maintenance agreement with Downtown Muskegon Development Center No. 2 Association and authorize the mayor and clerk to sign.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	

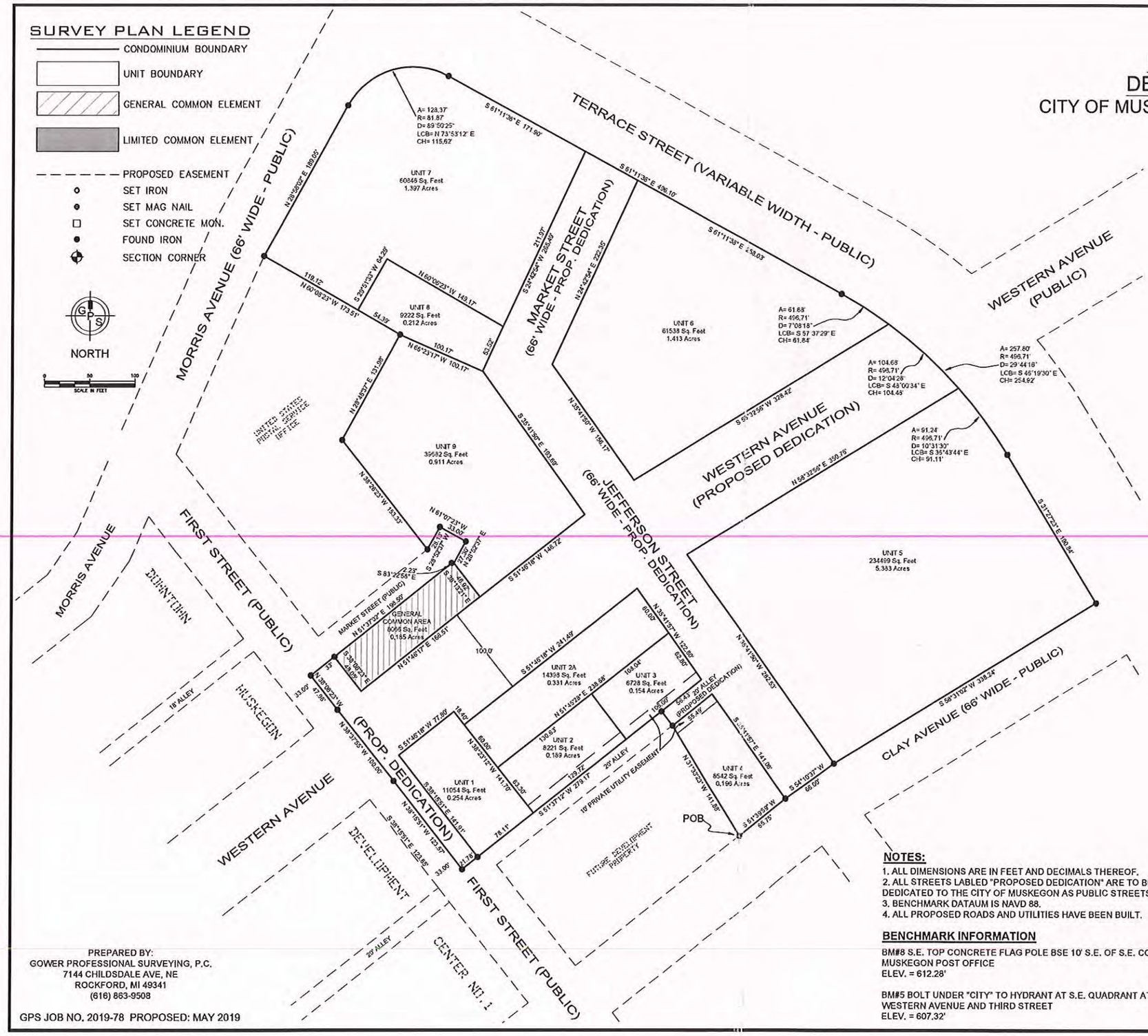
REPLAT No.1
DOWNTOWN MUSKEGON
DEVELOPMENT CENTER No.2
CITY OF MUSKEGON, MUSKEGON COUNTY, MICHIGAN

SURVEY PLAN LEGEND

- CONDOMINIUM BOUNDARY
- UNIT BOUNDARY
- GENERAL COMMON ELEMENT
- LIMITED COMMON ELEMENT
- PROPOSED EASEMENT
- SET IRON
- SET MAG NAIL
- SET CONCRETE MON.
- FOUND IRON
- SECTION CORNER

NORTH

SCALE IN FEET 0 50 100



SURVEYOR'S CERTIFICATE

I, CHRISTOPHER J. GOWER, PROFESSIONAL SURVEYOR OF THE STATE OF MICHIGAN, HEREBY CERTIFY:

THAT THE SUBDIVISION PLAN KNOWN AS MUSKEGON COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 162 AS SHOWN ON THE ACCOMPANYING DRAWINGS, REPRESENTS A SURVEY ON THE GROUND MADE UNDER MY DIRECTION AND THAT THERE ARE NO EXISTING ENCROACHMENTS UPON THE LAND AND PROPERTY HEREIN DESCRIBED.

THAT THE REQUIRED MONUMENTS AND IRON MARKERS HAVE BEEN LOCATED IN THE GROUND AS REQUIRED BY RULES PROMULGATED UNDER SECTION 142 OF NUMBER 59 OF THE PUBLIC ACTS OF 1978, AS AMENDED.

THAT THE ACCURACY OF THE SURVEY IS WITHIN LIMITS REQUIRED BY RULES PROMULGATED UNDER SECTION 142 OF ACT NUMBER 59 OF THE PUBLIC ACTS OF 1978, AS AMENDED.

THAT THE BEARINGS AS SHOWN, ARE NOTED ON SURVEY PLAN AS REQUIRED BY THE RULES PROMULGATED UNDER SECTION 142 OF ACT NUMBER 59 OF THE PUBLIC ACTS OF 1978, AS AMENDED.

DATE: 5/24/2019

CHRISTOPHER J. GOWER, P.S.
PROFESSIONAL SURVEYOR
REGISTRATION No. #47951

STATE OF MICHIGAN
CHRISTOPHER J. GOWER
PROFESSIONAL SURVEYOR
No. 47951
LICENSED PROFESSIONAL SURVEYOR

GOWER PROFESSIONAL SURVEYING, P.C.
7144 CHILDSDALE AVENUE, NE
ROCKFORD, MICHIGAN 49341

NOTES:

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. ALL STREETS LABLED "PROPOSED DEDICATION" ARE TO BE DEDICATED TO THE CITY OF MUSKEGON AS PUBLIC STREETS.
3. BENCHMARK DATAUM IS NAVD 88.
4. ALL PROPOSED ROADS AND UTILITIES HAVE BEEN BUILT.

BENCHMARK INFORMATION

BM#8 S.E. TOP CONCRETE FLAG POLE BSE 10' S.E. OF S.E. CORNER OF MUSKEGON POST OFFICE
ELEV. = 612.28'

BM#5 BOLT UNDER "CITY" TO HYDRANT AT S.E. QUADRANT AT WESTERN AVENUE AND THIRD STREET
ELEV. = 607.32'

BASIS OF BEARINGS

REPLAT No.1 DOWNTOWN MUSKEGON DEVELOPMENT CENTER No.1 SITE CONDOMINIUM
PREPARED BY BARRY WILLIS #36002

PREPARED BY:
GOWER PROFESSIONAL SURVEYING, P.C.
7144 CHILDSDALE AVE, NE
ROCKFORD, MI 49341
(616) 863-9508

GPS JOB NO. 2019-78 PROPOSED: MAY 2019

SURVEY PLAN
SHEET
3

©2019 GOWER PROFESSIONAL SURVEYING, P.C.

EASEMENT AND MAINTENANCE AGREEMENT – SPLASH PAD

THIS EASEMENT AGREEMENT ("**Agreement**") has been made as of April 7, 2020 ("**Effective Date**"), by and between Downtown Muskegon Development Center No. 2 Association, a Michigan Corporation, of 601 Terrace Street, Muskegon, Michigan 49441 ("**Grantor**"), and the City of Muskegon, a Michigan municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49442 ("**Grantee**").

Recitals

A. The General Common Element Downtown Muskegon Development Center No. 2, a Site Condominium according to Master Deed recorded June 9, 2006, in Liber 3703, Page 106, in the office of Muskegon County Register of Deeds and designated as Muskegon County Condominium Subdivision Plan No. 162, ("Grantor Parcel") is commonly known as the Splash Pad.

B. Grantor desires to grant Grantee an easement for ingress and egress to the Splash Pad for purposes of City's operation and maintenance and public access to the splash pad.

C. Grantor and Grantee and their respective heirs, personal representatives, distributees, executors, administrators, successors and assigns are referred to in this Agreement collectively as "**Parties**" and individually as "**Party**."

Agreement

In consideration of the facts described above and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, Grantor and Grantee agree as follows:

1. **Grant Easement**. Grantor grants for the benefit of the Grantee and the public in general, a perpetual, non-exclusive easement ("**Easement**") over, across and through the Grantor Parcel for the construction, maintenance and use of a Splash Pad, and all replacements thereof to be located on the Grantor Parcel and depicted on **Exhibit A** attached to this Agreement, subject to easements, restrictions, encumbrances, and reservations affecting it.

2. **Enjoyment of Property**. Grantee must conduct its activities under this Agreement so as not to interfere unreasonably with Grantor's peaceful enjoyment of Grantor Parcel.

3. **Obstructions**. The Easement is to remain open and unobstructed by any buildings, fences, trees, barriers, banners, or other structures, so as to permit the Parties and Public unimpeded access across the Easement to the Splash Pad.

4. **Improvements**. Grantee is obligated to undertake all routine maintenance and repairs of the Splash Pad. Grantee may upgrade or otherwise make improvements to the Splash Pad only upon the advance written consent of Grantor, which consent may not be unreasonably withheld, delayed or conditioned. The costs of any maintenance, operation, upgrades, or improvements will be paid as the Parties may agree in writing. To the extent the Parties do not agree as to the cost sharing, no improvement need be made and either Party may terminate this Agreement pursuant to Paragraph 13.

5. **Encumbrances**. The Easement is made subject to all covenants, conditions, restrictions, encumbrances, and easements of record as of the date this Agreement is recorded. Grantee acknowledges that Grantor may grant other easements over and across the Grantor Parcel so long as such easements do not interfere with the use of the Splash Pad or access to it.

6. **Property Taxes**. The owner of the Grantor Parcel will pay all real property taxes and special assessments levied against Grantor Parcel, without any reimbursement from the Grantee for any portion thereof.

7. **Insurance and Indemnification**. Each Party will carry insurance to protect it in connection with the ownership, use, and Maintenance of the Easement and Splash Pad. Each Party will furnish to the other party, if requested, evidence of the insurances described in this Paragraph.

8. **Compliance with Laws**. Each Party will comply with all applicable laws, codes, ordinances, rules, and regulations (collectively, "**Applicable Laws**") governing the maintenance and use of the Splash Pad and access.

9. **Damage.** If either Party, or any agent, contractor or tenant of either Party, causes any damage to the Easement or the Grantor Parcel, then the responsible party will immediately cause and pay for the repair of such damage.

10. **Default.** If a Party fails to comply with any provision herein, including, without limitation, the obligation to pay any maintenance costs or property taxes and assessments ("**Defaulting Party**"), then the other Party ("**Non-Defaulting Party**") may upon ten (10) days' prior written notice to the Defaulting Party, cure the default by the payment of money or performance of other action for the account of the Defaulting Party. The foregoing right to cure may not be exercised if within ten (10) days of the written notice: (i) the Defaulting Party cures the default; or (ii) if the default is curable, but cannot reasonably be cured within that time period, the Defaulting Party begins to cure such default within such time period and thereafter diligently pursues such cure to completion. The ten (10) day notice period will not be required if, using reasonable judgment, the Non-Defaulting Party gives reasonable notice of its intent to cure to the Defaulting Party. Within ten (10) days following written demand, including copies of paid invoices, the Defaulting Party must reimburse the Non-Defaulting Party any sum reasonably expended by the Non-Defaulting Party to cure the default. The Non-Defaulting Party also has the right to restrain by injunction any violation or threatened violation by the Defaulting Party of any of the terms, covenants, or conditions hereof, or to obtain a decree to compel performance if any such term, covenant, or condition is not adequate. In addition to all other rights and

remedies, the Non-Defaulting Party may place a lien on the Defaulting Party's Parcel for such amount owed, together with interest at the maximum legal rate, plus attorneys' fees necessary for collection. The Non-Defaulting Party may, in addition to, or instead of, foreclosure, obtain a personal judgment against the owner of the Defaulting Party's Parcel who failed to pay the real property taxes and special assessments. All remedies are cumulative and will be deemed additional to any and all other remedies to which the Parties may have at law or in equity.

11. **Notices**. All notices, requests, claims, demands, and other communications hereunder must be in writing and delivered by personal delivery, a recognized overnight courier service, or postage prepaid registered mail, return receipt requested to the parties at their addresses first indicated above or to such other address or such additional recipient as any Party may have furnished to the others in writing in accordance herewith. All notices will only be effective upon receipt or refusal.

12. **Duration and Effect**. The Easement burden the Grantor Parcel and benefit the Grantee and the general public. This Agreement will continue in effect perpetually and constitute an easement and a covenant running with the land; but nothing contained in this Agreement will be construed as a conveyance by Grantor of its rights in the fee to Grantor Parcel. Grantor will automatically be released from all liability thereafter arising under this Agreement upon conveyance of Grantor's entire interest in the Grantor Parcel.

13. **Amendments**. This Agreement may be amended, modified or terminated (in whole or in part) from time to time by written document executed and acknowledged by all of the Parties and duly recorded in the Muskegon County Register of Deeds, Michigan, or in such other office as may from time to time by law be charged with the duty of maintaining the public records of Muskegon County, Michigan, and will not otherwise be amended, modified or terminated during the term hereof. Either Party may terminate the Agreement on 60 days written notice.

14. **Parties Bound**. The terms and conditions of this Agreement bind and benefit each Party and their respective heirs, personal representatives, distributees, executors, administrators, successors, and assigns.

15. **Governing Law**. This Agreement is governed by and will be construed in accordance with the laws of the State of Michigan.

16. **Entire Agreement**. This Agreement contains the entire understanding of Grantor and Grantee and the parties acknowledge that there have been no representations or understandings other than those expressly set forth in this Agreement.

17. **Counterparts**. This Agreement may be executed in one or more counterparts, each such counterpart being deemed an original and all such counterparts taken together constituting but one and the same instrument.

The Grantor and Grantee signed this Easement and Maintenance Agreement as of the date first set forth above.

DOWNTOWN MUSKEGON DEVELOPMENT COMPANY NO. 2

By _____, Member/Manager

Grantor

STATE OF MICHIGAN)
) ss:
COUNTY OF Muskegon)

The foregoing instrument was acknowledged before me April 7, 2020, by Aaron Mulka, as Member/Manager, of Downtown Muskegon Development Company No. 2, a liability company, for the limited liability company.

_____

Notary public, State of Michigan, County of Muskegon
My commission expires 5/13/25
Acting in the County of Muskegon

THE CITY OF MUSKEGON

By _____
Stephen J. Gawron, Its Mayor

Grantee

STATE OF MICHIGAN)
) ss:
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____, 2020, by Stephen J. Gawron, as Mayor of the CITY OF MUSKEGON, a Michigan municipal corporation, for the corporation.

_____

Notary public, State of Michigan, County of _____
My commission expires _____
Acting in the County of _____

EXHIBIT A

Site Plan

See attached.

This instrument was prepared by and return to:
John C. Schrier
Parmenter Law
601 Terrace Street, Ste. 200
Muskegon, MI 49443-0786
Telephone: 231-722-5401

19429930

EASEMENT AND MAINTENANCE AGREEMENT – SPLASH PAD

THIS EASEMENT AGREEMENT ("**Agreement**") has been made as of _____, 2020 ("**Effective Date**"), by and between Downtown Muskegon Development Center No. 2 Association, a Michigan Corporation, of 601 Terrace Street, Muskegon, Michigan 49441 ("**Grantor**"), and the City of Muskegon, a Michigan municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49442 ("**Grantee**").

Recitals

A. The General Common Element Downtown Muskegon Development Center No. 2, a Site Condominium according to Master Deed recorded June 9, 2006, in Liber 3703, Page 106, in the office of Muskegon County Register of Deeds and designated as Muskegon County Condominium Subdivision Plan No. 162, ("Grantor Parcel") is commonly known as the Splash Pad.

B. Grantor desires to grant Grantee an easement for ingress and egress to the Splash Pad for purposes of City's operation and maintenance and public access to the splash pad.

C. Grantor and Grantee and their respective heirs, personal representatives, distributees, executors, administrators, successors and assigns are referred to in this Agreement collectively as "**Parties**" and individually as "**Party**."

Agreement

In consideration of the facts described above and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, Grantor and Grantee agree as follows:

1. **Grant Easement**. Grantor grants for the benefit of the Grantee and the public in general, a perpetual, non-exclusive easement ("**Easement**") over, across and through the Grantor Parcel for the construction, maintenance and use of a Splash Pad, and all replacements thereof to be located on the Grantor Parcel and depicted on **Exhibit A** attached to this Agreement, subject to easements, restrictions, encumbrances, and reservations affecting it.

2. **Enjoyment of Property**. Grantee must conduct its activities under this Agreement so as not to interfere unreasonably with Grantor's peaceful enjoyment of Grantor Parcel.

3. **Obstructions**. The Easement is to remain open and unobstructed by any buildings, fences, trees, barriers, banners, or other structures, so as to permit the Parties and Public unimpeded access across the Easement to the Splash Pad.

4. **Improvements**. Grantee is obligated to undertake all routine maintenance and repairs of the Splash Pad. Grantee may upgrade or otherwise make improvements to the Splash Pad only upon the advance written consent of Grantor, which consent may not be unreasonably withheld, delayed or conditioned. The costs of any maintenance, operation, upgrades, or improvements will be paid as the Parties may agree in writing. To the extent the Parties do not agree as to the cost sharing, no improvement need be made and either Party may terminate this Agreement pursuant to Paragraph 13.

5. **Encumbrances**. The Easement is made subject to all covenants, conditions, restrictions, encumbrances, and easements of record as of the date this Agreement is recorded. Grantee acknowledges that Grantor may grant other easements over and across the Grantor Parcel so long as such easements do not interfere with the use of the Splash Pad or access to it.

6. **Property Taxes**. The owner of the Grantor Parcel will pay all real property taxes and special assessments levied against Grantor Parcel, without any reimbursement from the Grantee for any portion thereof.

7. **Insurance and Indemnification**. Each Party will carry insurance to protect it in connection with the ownership, use, and Maintenance of the Easement and Splash Pad. Each Party will furnish to the other party, if requested, evidence of the insurances described in this Paragraph.

8. **Compliance with Laws**. Each Party will comply with all applicable laws, codes, ordinances, rules, and regulations (collectively, "**Applicable Laws**") governing the maintenance and use of the Splash Pad and access.

9. **Damage.** If either Party, or any agent, contractor or tenant of either Party, causes any damage to the Easement or the Grantor Parcel, then the responsible party will immediately cause and pay for the repair of such damage.

10. **Default.** If a Party fails to comply with any provision herein, including, without limitation, the obligation to pay any maintenance costs or property taxes and assessments ("**Defaulting Party**"), then the other Party ("**Non-Defaulting Party**") may upon ten (10) days' prior written notice to the Defaulting Party, cure the default by the payment of money or performance of other action for the account of the Defaulting Party. The foregoing right to cure may not be exercised if within ten (10) days of the written notice: (i) the Defaulting Party cures the default; or (ii) if the default is curable, but cannot reasonably be cured within that time period, the Defaulting Party begins to cure such default within such time period and thereafter diligently pursues such cure to completion. The ten (10) day notice period will not be required if, using reasonable judgment, the Non-Defaulting Party gives reasonable notice of its intent to cure to the Defaulting Party. Within ten (10) days following written demand, including copies of paid invoices, the Defaulting Party must reimburse the Non-Defaulting Party any sum reasonably expended by the Non-Defaulting Party to cure the default. The Non-Defaulting Party also has the right to restrain by injunction any violation or threatened violation by the Defaulting Party of any of the terms, covenants, or conditions hereof, or to obtain a decree to compel performance if any such term, covenant, or condition is not adequate. In addition to all other rights and

remedies, the Non-Defaulting Party may place a lien on the Defaulting Party's Parcel for such amount owed, together with interest at the maximum legal rate, plus attorneys' fees necessary for collection. The Non-Defaulting Party may, in addition to, or instead of, foreclosure, obtain a personal judgment against the owner of the Defaulting Party's Parcel who failed to pay the real property taxes and special assessments. All remedies are cumulative and will be deemed additional to any and all other remedies to which the Parties may have at law or in equity.

11. **Notices**. All notices, requests, claims, demands, and other communications hereunder must be in writing and delivered by personal delivery, a recognized overnight courier service, or postage prepaid registered mail, return receipt requested to the parties at their addresses first indicated above or to such other address or such additional recipient as any Party may have furnished to the others in writing in accordance herewith. All notices will only be effective upon receipt or refusal.

12. **Duration and Effect**. The Easement burden the Grantor Parcel and benefit the Grantee and the general public. This Agreement will continue in effect perpetually and constitute an easement and a covenant running with the land; but nothing contained in this Agreement will be construed as a conveyance by Grantor of its rights in the fee to Grantor Parcel. Grantor will automatically be released from all liability thereafter arising under this Agreement upon conveyance of Grantor's entire interest in the Grantor Parcel.

13. **Amendments**. This Agreement may be amended, modified or terminated (in whole or in part) from time to time by written document executed and acknowledged by all of the Parties and duly recorded in the Muskegon County Register of Deeds, Michigan, or in such other office as may from time to time by law be charged with the duty of maintaining the public records of Muskegon County, Michigan, and will not otherwise be amended, modified or terminated during the term hereof. Either Party may terminate the Agreement on 60 days written notice.

14. **Parties Bound**. The terms and conditions of this Agreement bind and benefit each Party and their respective heirs, personal representatives, distributees, executors, administrators, successors, and assigns.

15. **Governing Law**. This Agreement is governed by and will be construed in accordance with the laws of the State of Michigan.

16. **Entire Agreement**. This Agreement contains the entire understanding of Grantor and Grantee and the parties acknowledge that there have been no representations or understandings other than those expressly set forth in this Agreement.

17. **Counterparts**. This Agreement may be executed in one or more counterparts, each such counterpart being deemed an original and all such counterparts taken together constituting but one and the same instrument.

The Grantor and Grantee signed this Easement and Maintenance Agreement as of the date first set forth above.

DOWNTOWN MUSKEGON DEVELOPMENT COMPANY NO. 2

By_____
_____, Member/Manager

Grantor

STATE OF MICHIGAN)
) ss:
COUNTY OF _____)

The foregoing instrument was acknowledged before me _____, 2020, by _____, as Member/Manager, of Downtown Muskegon Development Company No. 2, a liability company, for the limited liability company.

_____

Notary public, State of Michigan, County of _____
My commission expires _____
Acting in the County of _____

THE CITY OF MUSKEGON

By_____
Stephen J. Gawron, Its Mayor

Grantee

STATE OF MICHIGAN)
) ss:
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____, 2020, by Stephen J. Gawron, as Mayor of the CITY OF MUSKEGON, a Michigan municipal corporation, for the corporation.

_____

Notary public, State of Michigan, County of _____
My commission expires _____
Acting in the County of _____

This instrument was prepared by and return to:
John C. Schrier
Parmenter Law
601 Terrace Street, Ste. 200
Muskegon, MI 49443-0786
Telephone: 231-722-5401

19429930

EXHIBIT A

Site Plan

See attached.

WATCH MUSKEGON

Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: 4/14/2020	Title: Tax Incentive Policy and Guidelines
Submitted By: LeighAnn Mikesell	Department: Economic Development
Brief Summary: The Tax Incentive Committee has created a policy document for Commission approval that reflects the findings and recommendations in the previously reviewed committee report.	
Detailed Summary: In an effort to standardize and control the rate and term of tax abatements granted in the City of Muskegon, the Tax Incentive Committee (comprised of staff from Economic Development, Planning, and Finance) has created the attached policy to guide our recommendations to the City Commission when tax abatements are requested. This system incentivizes companies that reflect community goals and values, while keeping Muskegon competitive in the region for attraction and expansion of business base.	
Amount Requested: N/A	Amount Budgeted: N/A
Fund(s) or Account(s):	Fund(s) or Account(s): N/A
Recommended Motion: Motion to approve the Tax Incentive Policy and Guidelines as presented.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	

TAX INCENTIVES POLICY

INFORMATION PACKET AND GUIDELINES

OVERVIEW:

A company that is in the planning phase of a major business attraction or expansion project that will include a capital investment in real and/or personal property may be eligible for a number of statutorily provided and locally approved tax incentives or abatements. The City of Muskegon strives to apply these incentives with maximum return on investment for the developer and community. The process for requesting and receiving an eligible tax incentive for a development or expansion project has been simplified in the following policy guidelines and forms.

The City of Muskegon maintains this policy with the objectives of:

- increasing employment opportunities for our residents,
- diversifying and stabilizing the tax base of the community,
- reducing functional obsolescence of existing buildings and lots,
- encouraging expansion of our existing business base,
- providing for improved housing and commercial amenities for the community,
- encouraging attractive, viable building sites and
- enhancing our economic development tools to attract and retain businesses

POLICY ELIGIBILITY CRITERIA:

1. A tax abatement shall not be granted until there is compliance with the associated state statute; and
2. Leasehold property shall not qualify for a real property tax abatement unless applicant is responsible for payment of the property taxes, and can demonstrate timely payment of property taxes upon the City's request; and
3. A tax abatement shall be issued for a term reflective of the points earned in the City's scoring matrix; and
4. A tax abatement shall not be issued unless an Applicant completes the attached application form and provides all necessary documents to ensure accurate scoring by the Tax Incentive Review Committee.

APPLICATION PROCESS:

Once a company has determined that it meets the minimum criteria for consideration of a tax abatement, then a company may begin the process of formally applying for the relevant incentive. The process is as follows:

1. Letter of Intent submitted on applicant's letterhead to the Planning Director (No improvements shall be considered for abatement if made or permitted prior to the approval of the abatement application).
2. Complete any relevant Michigan Department of Treasury Forms. Include with the form:
    a. Cost Sheet for anticipated improvements in real property.
    b. Lease Agreement showing building terms and applicants' tax liability (if applicable).
3. Submit application form and attachments to the City of Muskegon Planning Department.

4. Tax Incentive Review Committee verifies completion and eligibility of Applicant's documents for submission and makes recommendation to the City Commission regarding approval and length of the requested abatement.
5. City Commission Public Hearings are scheduled.
6. City Commission votes on establishment of the District and approval of the associated abatement (City Commission may also vote to reject any application for abatement).
7. Resolution submitted to State Tax Commission for final approval and issuance of certificates where necessary.
8. Projected investment must be complete within two years or risk liability for any abated values.

LENGTH OF THE TAX ABATEMENT:

The City Commission has approved the use of the following matrices to calculate the length of the associated tax abatement. The points in this scoring system are tied to community goals endorsed by elected officials and staff, thereby rewarding and incentivizing specific development types and values with additional potential years of abatement:

Cognate	Value	Cognate	Value
PA 198		**PA 210, 255, 146**	
Taxable Value	0-5	**Taxable Value**	0-5
Job Creation	0-3	**Location**	0-2
Resident Hiring	0-2	**New Business**	0-1
		Resident Owned/Managed	0-2
TOTAL	0-10	**TOTAL**	0-10

PA 198 IFEC Scoring Guide

1-7 Points: 9-Year 50% Abatement

7-10 Points: 12 Year 50% Abatement

PA 210 Tax Abatement Scoring Guide

1-5 Points: 3 Years frozen taxable values

6-8 Points: 6 Years frozen taxable values

9-10 Points: 10 Years frozen taxable values

PA 255 Tax Abatement Scoring Guide

1-5 Points: 4 Year Abatement

6-8 Points: 8 Year Abatement

9-10 Points: 12 Year Abatement

PA 146 Tax Abatement Scoring Guide

1-5 Points: 4 Years frozen taxable values

6-8 Points: 8 Years frozen taxable values

9-10 Points: 12 Years frozen taxable values

TAX ABATEMENT APPLICATION FEE:

The City Commission has authorized the implementation of a non-refundable application fee of $1,000.00 for Public Act 146, Public Act 255, and Public Act 210 abatement applications. Public Act 198 tax abatement applications carry a non-refundable application fee equal to 2% of the abated taxes, not to exceed $1,722.

REQUIREMENTS AFTER TAX ABATEMENT IS APPROVED:

By the December 31 that is two years after the December 31 of the year that the abatement is approved, the applicant will supply the Planning Director with a letter confirming that the purchases, employment numbers, renovations, and/or other applicable cognates are complete. If these figures have not been reached, a letter of explanation must be submitted to the Planning Director, for review by City Commission, which may then cancel the abatement, or offer a new abatement with reduced values and years.

For assistance with your business attraction and retention needs, please contact the City Economic Development Office at 231-724-6870. For assistance with the associated process and application, please contact the City Planner's Office at 231-724-6702.

Tax Incentive Policy Scoring Guide

INDUSTRIAL FACILITIES EXEMPTION (PUBLIC ACT 198)

TAXABLE VALUE: The City will consider the estimated additional tax base that the development will generate based on plan review, assessor's analysis and permit fees. 1 point awarded for $250,000 - $499,999 in taxable value, 2 points awarded for $500,000 to $749,999, 3 points awarded for $750,000 to $999,999, and 4 points awarded for taxable value creation over $1,000,000. Any improvement resulting in $5,000,000 or more in new taxable value will be automatically awarded the full 12 year abatement. Additionally, any construction of a new industrial facility will be automatically awarded the full 12 year abatement.

JOB CREATION: Up to 3 additional points can be earned by creating new full time jobs in the City Limits. 1 point will be earned for 10 newly created jobs, 2 points for 11-24 jobs, and the full 3 points for 25+ jobs. Any development creating 100 or more jobs in the first three years will automatically qualify for the full 12 year abatement.

RESIDENT HIRING: An additional point will be awarded if the proposed development will commit to employing 10% of its full time staff from within the city limits, and an additional 2 points will be awarded if the proposed development will commit to employing 20% of its full time staff from within the city limits.

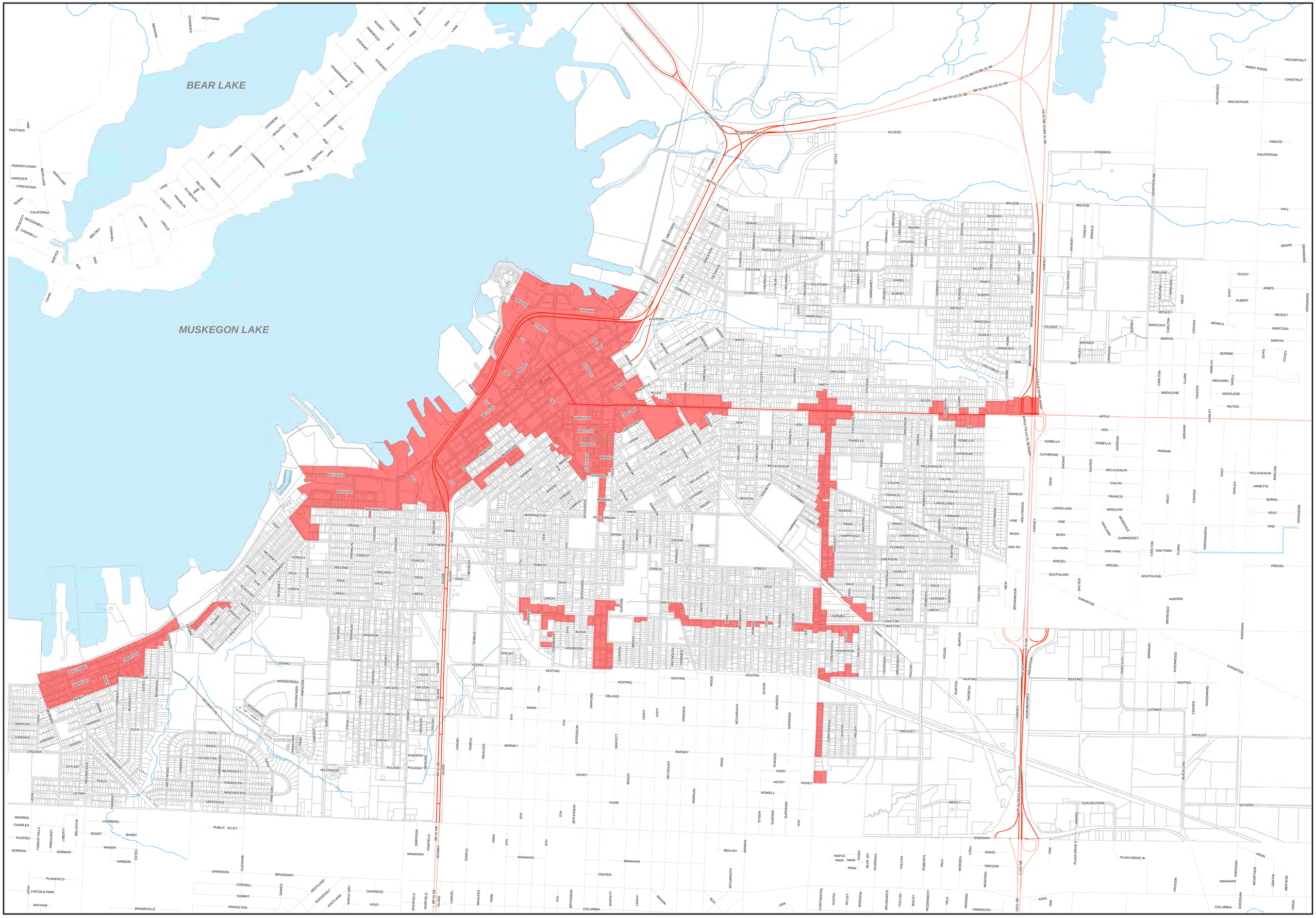
COMMERCIAL REHABILITATION TAX ABATEMENT (PUBLIC ACT 210)
COMMERCIAL REDEVELOPMENT DISTRICT ABATEMENT (PUBLIC ACT 255)
OBSOLETE PROPERTY REHABILITATION ACT (PUBLIC ACT 146)

TAXABLE VALUE: The City will consider the estimated additional tax base that the development will generate based on plan review, assessor's analysis and permit fees. 1 point awarded for $150,000 to $249,999 in taxable value, 2 points awarded for $250,000 to $499,999, 3 points awarded for $500,000 to $749,999, and 4 points awarded for $750,000 to $999,999, and 5 points for taxable value creation over $1,000,000. Any development creating a taxable value over $5,000,000 will automatically receive the full abatement.

LOCATION: An additional two points will be awarded to a development if it is proposed in one of the City's identified Commercial or Residential Redevelopment Areas (map attached).

NEW BUSINESS: An additional point will be awarded if the development is being proposed by a commercial entity or housing developer that is new to the City of Muskegon.

RESIDENT OWNER: An additional two points will be awarded if the proposed business or development is owned or managed by a City of Muskegon resident.


BEAR LAKE
MUSKEGON LAKE
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FLEMING
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RUDDIMAN
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CENTRAL
OAKMERE
MOULTON
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TOSTENABE
HUETHER
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PENNSYLVANIA
BEAR LAKE
MARYLAND
HANOVER
LANCASTER
TERRA
CALIFORNIA
PRESCOTT
MCCONNELL
CASANELLI
DUNTEA
BAY
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CHAIK
MELOSKY
CHANNEL
MILOJAN
CIRCLE
LYNCOTT
FRANKLIN
FLYNOOTH
MILLER
GARBER
LAKE
OAKMERE
LINDERMAN
CAUSEWAY
BROADWAY
BR 31 NB TO US 31 NB
US 31 SB TO BR 31 SB
M-120/I-96 BR 31/NB
ACCESS
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OTTAWA
BYRON
BUTLER
CROSS
ADAMS
MARSHALL
LANGLEY
CAMPBELL
LEONARD
GLEN
MARQUETTE
CHARLES
JACKSON
WESTERN
BRUSSE
EATON
OCTAVIA
GEORGE
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SCHOOL
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LIGHTON
OAKHILL
MEEKING
MORGAN
OAKSTON
KRAFT
BROADMOOR
HARVEY
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FOREST
DONALD
SHONAT
STEBBINS
QUARTER LINE
ROBLANE
SUELANE
MARILANE
WESLEY
MARCOUX
DUDLEY
LAWRENCE
HOME
MILLCREST
OAK
VILLAGE
WAGNER
RILEY
CARRIAGE
SURREY
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CENTER
CARLTON
MARVIN
MONICA
JEROME
QUAIL
COVEY
DENSMORE
RENAE
HALL
DAUTERSON
FAMLEE
ALLENWOOD
MACARTHUR
WINDY RIDGE
HICKORYNUT
CHESTNUT
VIRGINIA
KENDALE
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PINE
RIVER
TERRACE POINT
EASTERN
SPRING
MARION
MARTIN
MAITLAND
EMERALD
WHITE
MYRTLE
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ORCHARD
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SCOTT
KENNETH
STEVENS
ISABELLA
CATHERINE
MCLAUGHLIN
CALVIN
FRANCIS
LANGELAND
HOWARD
FLOWER
BENTON
KENNETH
MANGIN
IRWIN
EVANSTON
KAMPENGA
FLEMING
EMERSON
HUIZENGA
VULCAN
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CRESTON
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BROADMOOR
HOLLYWOOD
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INGRAM
WINSLOW
SUMMERSET
MOSSDALE
OAKLAWN
FAIRSWORTH
CLARK
BURKE
KENT
DENSMORE
OAKLEA
BARLOW
ANNETTE
MCLAUGHLIN
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ISABELLA
CATHERINE
MADALENE
SIDELL
ORCHARD
CLARK
CARLTON
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SUN DOLPHIN
HARRIS
PLAZA DRIVE E
PLAZA DRIVE W
PENN
KRUGER
MCARTHUR
GRIFFIN
MERTESE
SHERIDAN
EVANSTON
WEENONGO
AURORA
PORT CITY
BARBARA
INTERWOOD
WOODWARD
LATIMER
REMEMBRANCE
INDUSTRIAL
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OREGON
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WOODCREEK
PARSLOW
ROYALE GLEN
WILSON
LYMAN
HANCOCK
HACKLEY
HENRY
BARCLAY
VINCENT
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CREEKVIEW PARK
RIDGEWOOD
MCGRAW PK
GLEN
RIDGE
LEXINGTON
CUMBERLAND
BEARSSLEY
RANDOLPH
WINCHESTER
MONTAGUE
WILDWOOD
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SHERIDAN
HENRY
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WINDSOR
NIVADA
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KINNEY
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OAKCREST
HARRISON
WINER
HARDING
MORTON
CROZIER
CUTLER
PHILO
LETART
LEON
WARREN
CHARLES
HUGHES
NORMAN
FOREST HILLS
PINEHURST
LIBERTY
BELLEVUE
LINDBERG
BUNDT
PUBLIC ALLEY
MANOR
HARBOR
ESTES
GARRISON
BROADWAY
GLENSIDE
CORNELL
SUMMIT
PRINCETON
BONNEVILLE
PLAINFIELD
LINCOLN PARK
MAYFAIR
LEON
WESTLAND
ROOSEVELT
EASTLAND
MAPLE GRV
OAKRIDGE
POST
SHEFFIELD
FAIRFIELD
SEAWAY
EMERSON
PARK
MANAHAN
PUBLIC ALLEY
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WESTWOOD
WICKHAM
PINE GRV
DORIEN
GREENWOOD
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MCARTHUR
GRIFFIN
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SHERIDAN
MANAHAN
COLUMBIA
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Environmental Building Standards Committee Recommendation

April 4, 2020

REVIEW

Current energy code standards equate to LEED baseline certification. If we want to incentivize construction that meets a higher standard, we can only include stricter or higher level certification.

Costs to reach higher levels of LEED certification far outweigh any tax abatement we could offer, and therefore would not result in the incentive we were hoping to provide.
LEED construction is 3.3 – 8.5% more than standard construction plus certification fees from $20,000 to $60,000. If we average the value of all the IFT abatements currently within the city, a company can count on about $4,000 per year in reduced taxes paid to the city. If the points awarded to the developer provide another 3 years of abatement, they can expect to save $12,000. That amount does not cover the certification fees, let alone the additional construction costs.

Only 6 states have municipalities that offer tax refunds/abatements/credit. The Cincinnati program has been under scrutiny and is being redesigned. Chatham County, Georgia offers full property tax abatement for 5 years, then reduces the abatement by 20% for the next 5 years for any commercial building that reaches gold certification. Current incentives given by a municipality within Michigan only apply to municipal buildings. In other local agencies throughout the country, policies are more related to providing faster permit reviews, a density bonus, or cash toward construction costs. A density bonus would not be applicable in Muskegon at this time since we have so much vacant land ready for construction. Any program that offers cash toward construction would be developed outside the tax incentive policy. Ideas related to faster permit reviews and the possibility of adding certain green practices to our building code such as material conservation, use of recycled material, or a requirement to use LED lights were presented to Public Safety.

We can make a larger impact on the environment (reducing carbon emissions) by using proper planning principles and developing a walkable, bikable, transit friendly city. Reducing the need for and use of cars will provide a significant and lasting impact on the environment. An EPA study entitled "Location Efficiency and Building Type – Boiling It Down to BTUs" compared four factors: drivable versus walkable location; conventional construction versus green building; single-family versus multifamily housing; and conventional versus hybrid automobiles. The study made it clear that none of the factors contributed as much as walkability. It showed specifically how, in drivable locations, transportation energy use consistently tops household energy use, in some cases by more than 2.4 to 1. The most green home in sprawl still loses out to the least green home in a walkable neighborhood. A quote from Dan Malouff, "LEED architecture without good urban design is like cutting down the rainforest using hybrid-powered bulldozers."

RECOMMENDATION

- **Approve the tax incentive policy without inclusion of points for green building practices.**
- Continue to incorporate good planning principles when guiding potential developers and approving site plans.
- Work with Safebuilt to develop building code modifications to require material conservation, the use of recycled materials when available, and the inclusion of LED lighting.
- Work with Safebuilt to accelerate permit review processes for buildings that are LEED certified.

Environmental Building Standards Supporting Data

April 4, 2020

Michigan Energy Code

- Incorporates the International Energy Conservation Code (IECC) – this is a model code that regulates minimum energy conservation requirements for new buildings.

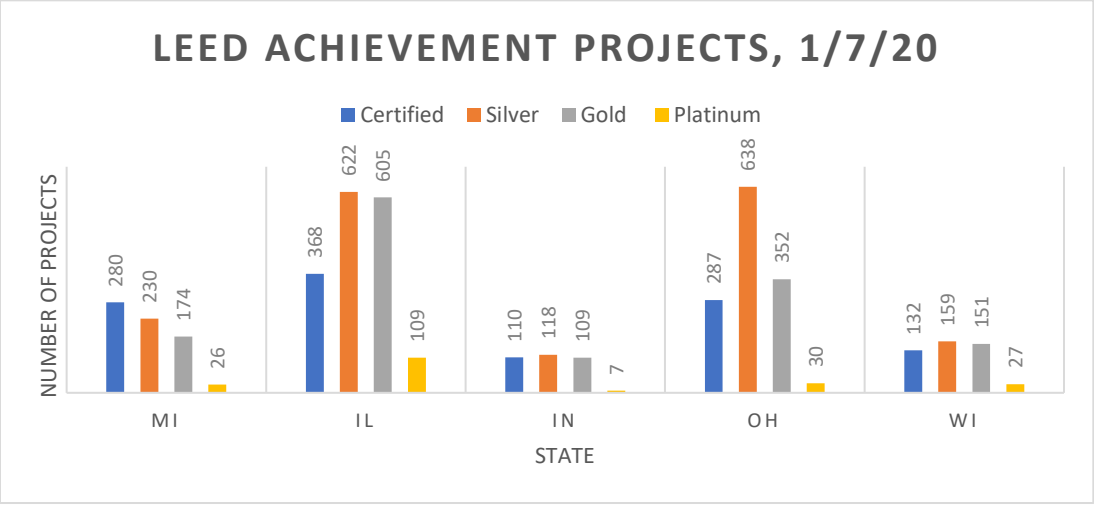
- The Michigan Energy Code is intended to provide flexibility to permit the use of innovative approaches and techniques.

LEED (Leadership in Energy Environmental Design program) is a green design mission which promotes design and construction practices with the idea that an increase in energy efficiency will lead to a decrease in expenditure.

- Companies pay LEED to critique a building's green design based off criteria developed by the U.S. Green Building Council (USGBC) and labeling it Certified, Silver, Gold, or Platinum. If the building does not meet the USGBC's criteria, LEED will deny certification.

- USGBC - launched an online data visualization resource that highlights real-time green building data for each state in the U.S. It highlights LEED projects, LEED-credentialed professionals, and USGBC membership in each state. https://www.usgbc.org/resources/state-market-brief

- LEED project data below only includes commercial rating systems. USGBC green building data from each state – LEED-credentialed professionals, member organizations and LEED projects.

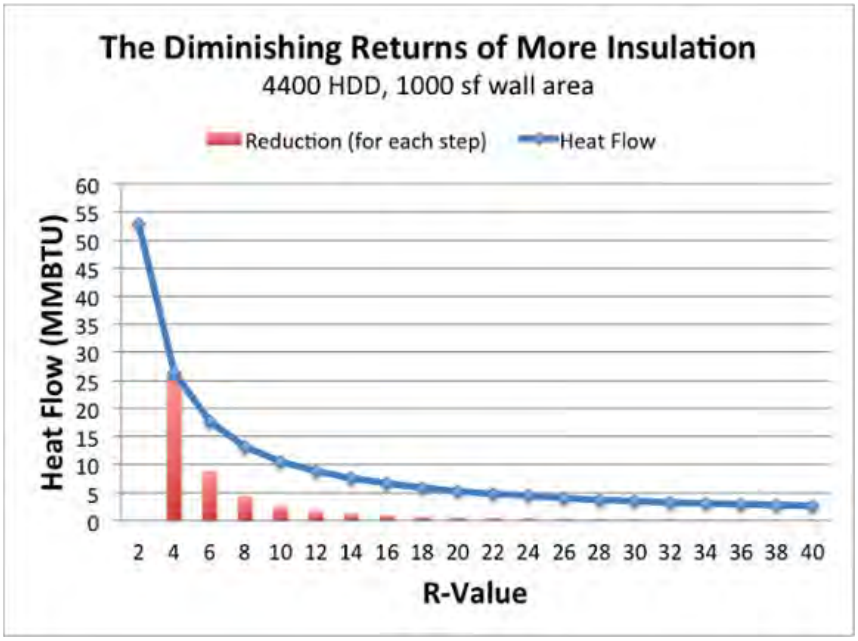


EPA's Energy STAR program

- This program helps to calculate the returns on energy efficiency investments by way of various calculators based on cash flow opportunity, financial value and building upgrade values.

Energy Vanguard

- A diminishing return can take place whereby adding additional energy efficient materials to a structure results in smaller increments of efficiency.



- Examples of incentives offered across the U.S. - Financial incentives / Expedited permitting / Property tax reductions or abatements for significant periods of time / Density bonuses / Accelerated building permit processing / Free publicity

- The cost to obtain LEED certification can depend upon a variety of factors and expectations. The U.S. Green Building Council (USGBC) indicates the cost to obtain LEED certification can depend on factors/expectations:

    - Type and size of project / timing of introduction of LEED as a design goal or requirement / level of LEED certification desired / composition and structure of the design and construction teams / the process used to select LEED credits / clarity of the project implementation documents / base case budgeting assumptions

- Fees charged by the U.S. Green Building Council to earn LEED are expensive - $20,000 to $60,000.

- One of the first LEED cost studies was published in October 2003 by KEMA, an energy consulting company. The total project cost LEED certification premiums identified in the KEMA study continue to be among the most commonly cited:

    - LEED Certified – 0-2.5 percent
    - LEED Silver – 0-3.3 percent
    - LEED Gold – 0.3-5.0 percent
    - LEED Platinum – 4.5-8.5 percent

WATCH MUSKEGON

Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: April 14, 2020	Title: Public Hearing on Foundry Square Brownfield Plan, 372 Morris Ave.
Submitted By: Dave Alexander	Department: Economic Development
Brief Summary: To hold a public hearing on the request for a Brownfield Plan Amendment for 372 Morris Ave. submitted by Foundry Square LLC and to consider the attached resolution.	
Detailed Summary: Foundry Square LLC, Great Lakes Development Group and Rockford Construction are proposing a $34 million mixed-use urban development on seven acres at 372 Morris Ave. Plans include an 82-room hotel, four-story 240-space parking deck, a 40,000-square foot entertainment center in the first phase and mixed commercial-residential development in a second phase. The developer has proposed a Brownfield Plan Amendment that would capture $13.3 million of local, school and state education property taxes. The plan shows $1.75 million of environmental costs supported by the Michigan Department of Environment, Great Lakes & Energy and $10.56 million for redevelopment costs through the Michigan Strategic Fund. The largest eligible cost is $8.4 million for the parking deck. Public right of way infrastructure of roads, water and sewer with the extension of Second Street into the development will be completed by the developer to city specifications. The plan anticipates paying off eligible costs in 2045 with the remaining five years of the 30-year plan's tax increments placed in the city's Local Brownfield Revolving Fund. There is an annual $10,000 administrative fee to the Brownfield Redevelopment Authority and the plan does not request reimbursement on interest for any borrowing to complete eligible costs. The Muskegon Brownfield Development Authority approved the plan March 10. The Michigan Strategic Fund will need to approve the plan.	
Amount Requested: N/A	Amount Budgeted: N/A
Fund(s) or Account(s):	Fund(s) or Account(s):
Recommended Motion: To close the public hearing and approve the Brownfield Plan Amendment at 372 Morris for Foundry Square LLC with the attached resolution, authorizing the Mayor and City Clerk to sign.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐	

For City Clerk Use Only:

Commission Action:

RESOLUTION APPROVING THE BROWNFIELD PLAN AMENDMENT

Foundry Square, 372 Morris Ave.

City of Muskegon

County of Muskegon, Michigan

Minutes of a Regular Meeting of the City Commission of the City of Muskegon, County of Muskegon, Michigan (the "City"), held as a virtual public meeting on the 14th day of April, 2020 at 5:30 p.m., prevailing Eastern Time.

PRESENT:

ABSENT:

The following preamble and resolution were offered by Commissioner _____ and supported by Commissioner _____.

WHEREAS, in accordance with the provisions of Act 381, Public Acts of Michigan, 1996, as amended ("Act 381"), the City of Muskegon Brownfield Redevelopment Authority (the "Authority") has prepared and approved a Brownfield Plan Amendment to add Foundry Square, 372 Morris Ave. and

WHEREAS, the Authority has forwarded the Brownfield Plan Amendment to the City Commission requesting its approval of the Brownfield Plan Amendment; and

WHEREAS, the City Commission has provided notice and a reasonable opportunity to the taxing jurisdictions levying taxes subject to capture to express their views and recommendations regarding the Brownfield Plan Amendment, as required by Act 381; and

WHEREAS, not less than 10 days has passed since the City Commission provided notice of the proposed Brownfield Plan to the taxing units; and

WHEREAS, the City Commission held a public hearing on the proposed Brownfield Plan on April 14, 2020.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. That the Brownfield Plan constitutes a public purpose under Act 381.
2. That the Brownfield Plan meets all the requirements of Section 13(1) of Act 381.

3. That the proposed method of financing the costs of the eligible activities, as identified in the Brownfield Plan and defined in Act 381, is feasible and the Authority has the authority to arrange the financing.
4. That the costs of the eligible activities proposed in the Brownfield Plan are reasonable and necessary to carry out the purposes of Act 381.
5. That the amount of captured taxable value estimated to result from the adoption of the Brownfield Plan is reasonable.
6. That the Brownfield Plan in the form presented is approved and is effective immediately.
7. That all resolutions or parts of resolutions in conflict herewith shall be and the same are hereby rescinded.

Be it Further Resolved that the Mayor and City Clerk are hereby authorized to execute all documents necessary or appropriate to implement the provisions of the Brownfield Plan.

AYES:

NAYS:

RESOLUTION DECLARED APPROVED.

_____
Ann Marie Meisch, City Clerk

_____
Stephen J Gawron, Mayor

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, at a regular virtual meeting held on April 14, 2020 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and altered under Michigan Governor's Executive Order 2020-15 (COVID-19), and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

_____

Ann Marie Meisch, City Clerk

CITY OF MUSKEGON
BROWNFIELD REDEVELOPMENT AUTHORITY
ACT 381 BROWNFIELD PLAN AMENDMENT

FOR

THE FOUNDRY SQUARE, LLC PROJECT
372 Morris Avenue

March 5, 2020

Prepared by
Great Lakes Development Group and Rockford Construction

Approved by the City of Muskegon Brownfield Redevelopment Authority on:
Approved by the City of Muskegon City Commission on:

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- Attachment B: Brownfield Plan Amendment Resolution
- Attachment C: Development and Reimbursement Agreement

1.0 INTRODUCTION

1.1 Proposed Redevelopment and Future Use for Each Eligible Property

The proposed Foundry Square project will transform an approximately 7-acre vacant site in downtown Muskegon (a qualified local governmental unit) into a vibrant, mixed-use block featuring lodging, entertainment, dining, commercial and residential units. The site is currently utilized as a surface parking lot, but was historically developed with various industrial buildings, including a manufactured gas plant; all of the buildings were razed by the early-1990s.

Components of this redevelopment project include:

1. Four-story hotel with approximately 82 rooms (9,100 sf footprint / 36,400 gross square feet);
2. Four-story parking deck containing 240 spaces (30,000 sf footprint / 120,000 gross square feet), which also features a ground level commercial bay (6,027 square feet);
3. Two-story family entertainment center (20,000 sf footprint / 40,000 gross square feet) with a publicly accessible plaza;
4. Residential and mixed-use buildings (currently in conceptual design phase) that total approximately 101,600 gross square feet; and
5. Public street (extension of 2nd Street, approx. 21,000 sf) with parking spaces, sidewalks (approx. 11,000 sf), landscaping and public utilities (425-725 lf).

The project site plan is shown on Figure 1a (attached). The total project investment is approximately $34 million, with $13.4 million in brownfield eligible costs (63% of eligible cost is the parking deck). Approximately 140 new jobs are expected to be created (hotel, entertainment, retail). The project is expected to begin in Summer 2020 with construction of the hotel, followed by the parking deck, family entertainment center, and residential / commercial buildings. Total project duration is anticipated to be approximately 5 years (completion in 2025).

1.2 Eligible Property Information

The property has been determined to be a "facility" as defined in Part 201 of the Natural Resources and Environmental Protection Act, Act 451 of Michigan Public Act of 1994, as amended (Part 201). The Baseline Environmental Assessment (BEA) is included as Attachment A.

The property is located at 372 Morris Avenue in downtown Muskegon. The site is bounded by Morris Street to the east, 1st Street to the north, 3rd Street to the south, and Shoreline Drive to the west. Figure 1b is a property location map, and the legal description is shown on Figure 2 (attached).

2.0 INFORMATION REQUIRED BY SECTION 13(2) OF THE STATUTE

2.1 Description of Costs to Be Paid for With Tax Increment Revenues

Tax increment revenues from available local taxes, school operating taxes and state education taxes will be used to reimburse eligible activities at the property including BEA activities, due care activities, response activities, demolition activities, site preparation activities, and private and public infrastructure improvements, totaling $13.4 million.

The table below shows estimated costs of the eligible activities which qualify for reimbursement from tax increment financing.

EGLE Eligible Activities Costs	
EGLE Eligible Activities	**Cost**
Department Specific Activities	
Site Assessment and BEA Activities	$60,000
Due Care	$841,800
Preparation of a due care plan	*$15,000*
Installation of vapor mitigation systems	*$826,800*
Response Activities	$688,200
Transport and disposal of contaminated soils	*$688,200*
EGLE Eligible Activities Sub-Total	**$1,590,000**
Contingency (10%)*	**$151,500**
Brownfield Plan and Work Plan Preparation	**$15,000**
EGLE Eligible Activities Total Costs	**$1,756,500**

**Not applied to previously completed site assessment activities, BEA, or due care plan.*

MSF Eligible Activities Costs	
MSF Eligible Activities	**Cost**
Demolition Sub-Total	**$76,898**
Removal of existing pavement	*$76,898*
Infrastructure Improvements Sub-Total	**$8,945,316**
Public Infrastructure	
Road construction (extension of 2nd Street)	$85,745
Sanitary, storm, and water line installation in ROW	$237,499
Sidewalk, curb, and gutter construction in ROW	$143,072
Lighting and streetscape improvements in ROW	$93,000
Private Infrastructure	
Parking deck	$8,400,000
Site Preparation Sub-Total	**$1,541,600**
Excavation of unsuitable soils	$344,100
Relocation of active overhead electrical lines	$250,000

Temporary facility (job trailer, portable toilets)	$185,000
Temporary site control (power, lighting, fencing, security)	$190,000
Temporary traffic control (barricades, signals)	$187,500
Temporary erosion control (silt fence, track-out mats)	$120,000
Surveying and staking	$65,000
Engineering and testing	$200,000
MSF Eligible Activities Sub-Total	**$10,563,814**
Contingency (10%)	**$1,056,381**
Brownfield Plan and Work Plan Preparation	**$15,000**
MSF Eligible Activities Total Costs	**$11,635,195**
TOTAL EGLE AND MSF ELIGIBLE COSTS	**$13,391,695**

2.2 Summary of Eligible Activities

The following eligible activities are proposed for the property:

Site Assessment and BEA Activities

Environmental site assessment activities and a BEA report were previously completed.

Due Care

A due care plan was previously prepared for the property; vapor mitigation systems are also anticipated beneath each of the proposed building footprints.

Response Activities

Contaminated soils generated during excavation activities will be transported and disposed in a licensed disposal facility.

Demolition

Existing surface pavement will be removed from the site.

Infrastructure Improvements

Public infrastructure improvements include construction of a new road (extension of 2nd Street), sidewalks, curb, gutter, lighting, streetscape improvements, and sanitary, storm and water line installation all in the public right-of-way. Private infrastructure improvements include construction of a 240-space parking deck that will be available for public use.

Site Preparation

Site preparation activities include excavation of unsuitable soils, relocation of active overhead electrical lines, temporary facility (job trailer, portable toilets), temporary site control (power, lighting, fencing, security), temporary traffic control (barricades, signals), temporary erosion control (silt fence, track-out mats), survey and staking, and engineering and testing.

Contingencies

A 10% contingency is included for those activities not already completed to accommodate unexpected conditions encountered during the project.

Brownfield Plan and Work Plan Preparation
Costs associated with preparation of the brownfield plan and work plan are also included in the eligible costs.

2.3 Estimate of Captured Taxable Value and Tax Increment Revenues
An estimate of captured taxable value and tax increment revenues for the property is shown on Table 1.

2.4 Method of Financing and Description of Advances Made by the Municipality
The project developer(s) will fund the eligible activities and be reimbursed the costs of eligible activities with tax increment revenues to be captured from available local taxes, school operating taxes and state education tax millage.

2.5 Maximum Amount of Note or Bonded Indebtedness
There will be no note or bonded indebtedness for eligible activities on the eligible property.

2.6 Duration of Brownfield Plan Amendment
The estimated duration of this Brownfield Plan Amendment is 30 years. It is estimated that redevelopment of the Property will be completed in 2025, with a new taxable value generated in 2021 (beginning with hotel project), and that it will take up to 25 years to recapture eligible costs from available tax increment revenues; an additional five years of tax increment revenues will be deposited in the Local Brownfield Revolving Fund.

The duration of this Amendment shall not exceed the shorter of the following:

- Reimbursement of all eligible costs, cumulatively not to exceed $13,391,695 and an additional five years of capture for the local site remediation revolving fund; or
- 30 years total tax capture, including the five years of capture for the Local Brownfield Revolving Fund.

The date for beginning tax capture shall be 2021, unless otherwise amended by the City of Muskegon Brownfield Redevelopment Authority.

2.7 Estimated Impact of Tax Increment Financing on Revenues of Taxing Jurisdictions
An estimate of real property tax capture is shown on Table 1.

2.8 Legal Description, Property Map, Statement of Qualifying Characteristics and Personal Property

- The location and dimensions of the property are shown on Figures 1b and 1c, and the legal description of the parcel is shown on Figure 2.

- The property qualifies as eligible property because each parcel is a "facility" as defined by Part 201 of NREPA; the BEA is included as Attachment A.
- Personal property is included as part of the eligible property to the extent that it is taxable personal property.

2.9 Estimates of Residents and Displacement of Individuals/Families

There are no persons residing on the property and no families or individuals will be displaced as a result of this project.

2.10 Plan for Relocation of Displaced Persons

There are no persons residing on the property, so a relocation plan is not applicable.

2.11 Provisions for Relocation Costs

No persons will be displaced as a result of this project, so relocation costs are not applicable.

2.12 Strategy for Compliance with Michigan's Relocation Assistance Law

No persons will be displaced as a result of this project, so a strategy for compliance with 1972 PA 227, MCL 213.321 to 213.332 is not applicable.

2.13 Other Material that the Authority or Governing Body Considers Pertinent

No other material is required at this time.

FIGURE 1
Eligible Property Location and Description Maps

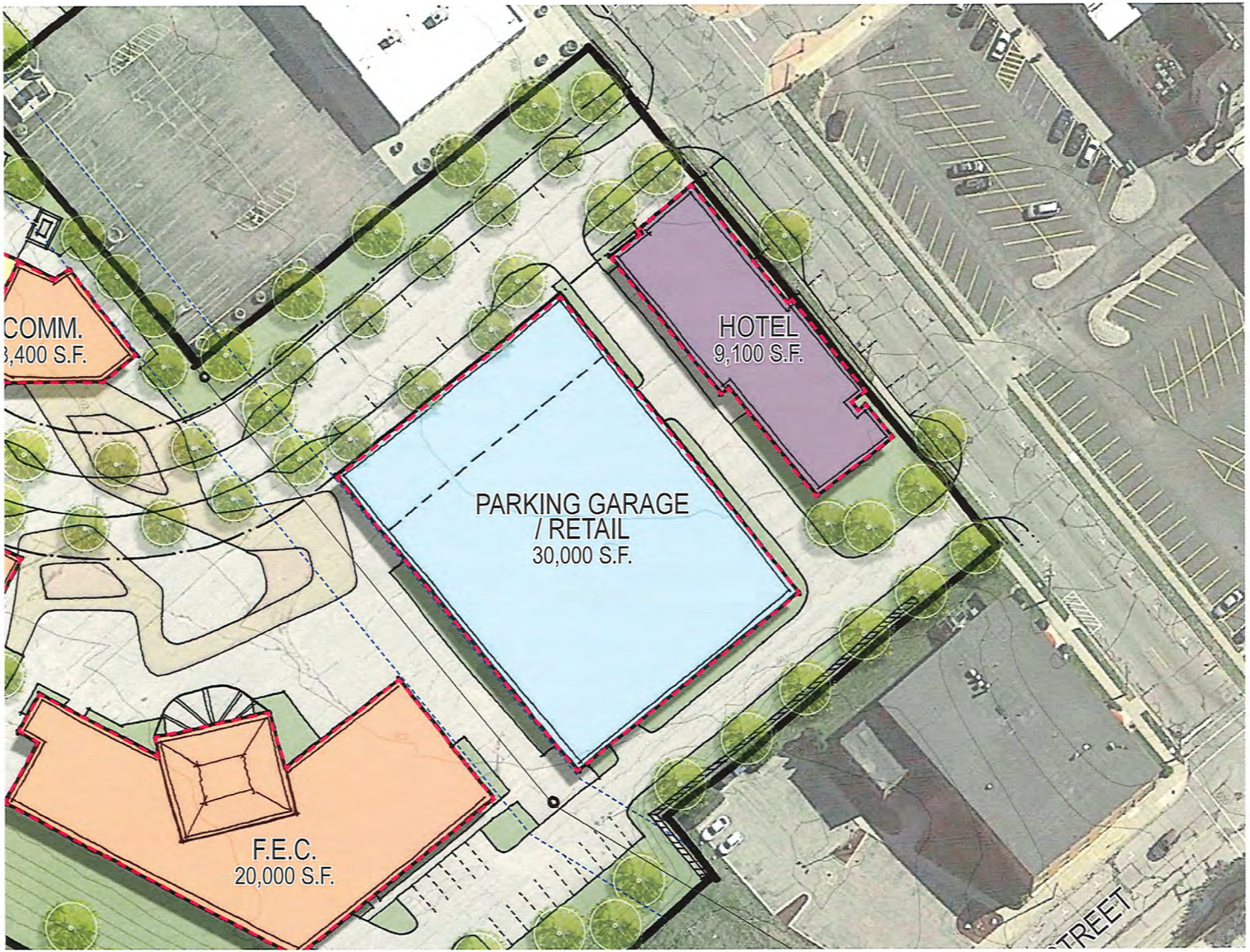
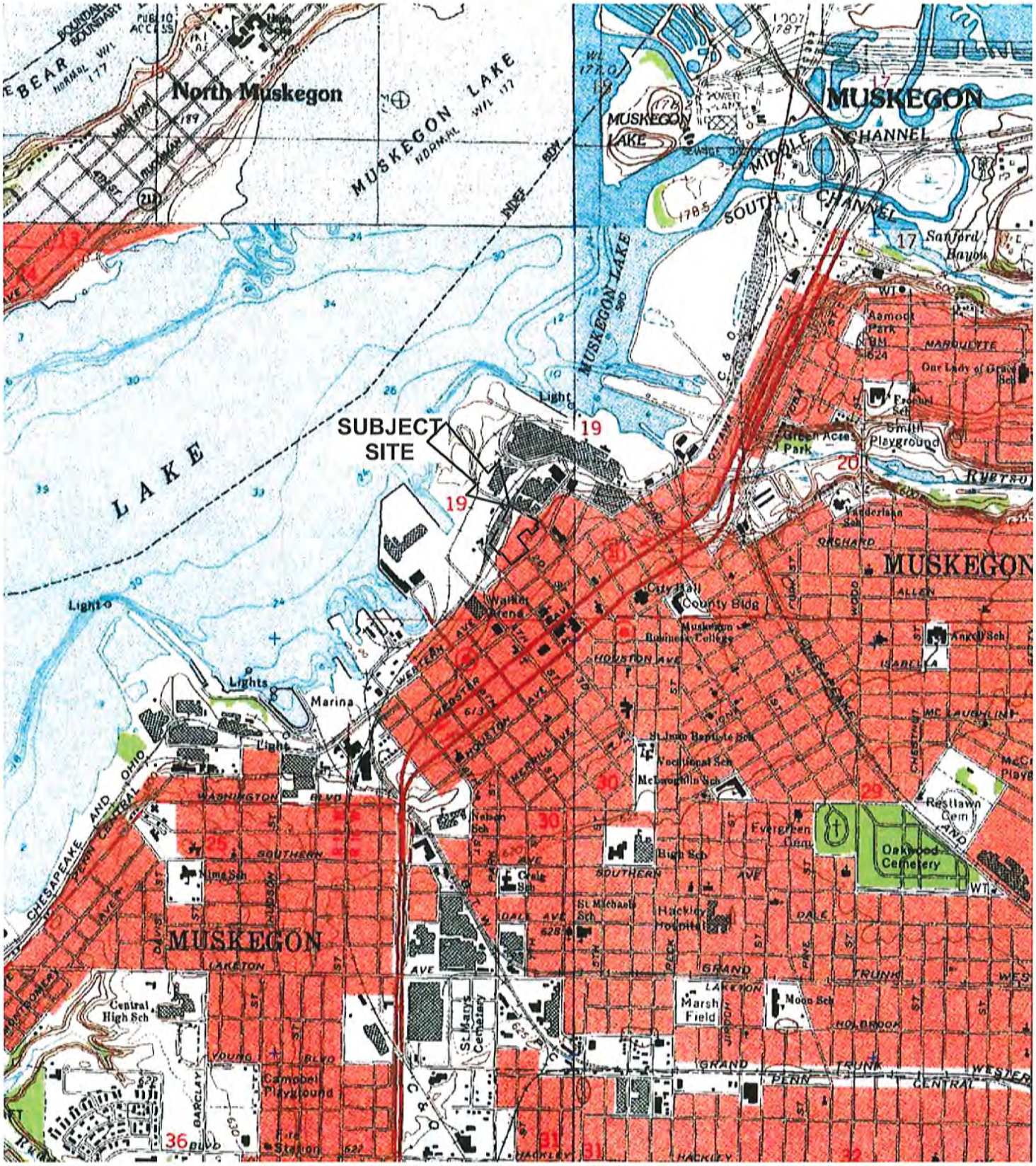

COMM.
3,400 S.F.
HOTEL
9,100 S.F.
PARKING GARAGE
/ RETAIL
30,000 S.F.
F.E.C.
20,000 S.F.
TREET

FIGURE 1B



USGS 7.5 MINUTE QUADRANGLE MAPS: DALTON, MICHIGAN; MUSKEGON EAST, MICHIGAN; MUSKEGON WEST, MICHIGAN AND TWIN LAKE, MICHIGAN

MUSKEGON COUNTY, MICHIGAN

PROJECT NUMBER: 19-10-007	DATE: 10/23/2019

APPROXIMATE SCALE: 1" = 2,000'

0' 1,000' 2,000' 4,000'

1560 North Taylor Avenue Grand Rapids, MI 49505

DIXON ENVIRONMENTAL CONSULTING, INC.

PHASE I ENVIRONMENTAL SITE ASSESSMENT

FIGURE 1 - PROJECT LOCATION MAP

NORTH

COMMERCIAL PROPERTY
372 MORRIS AVENUE
MUSKEGON, MICHIGAN

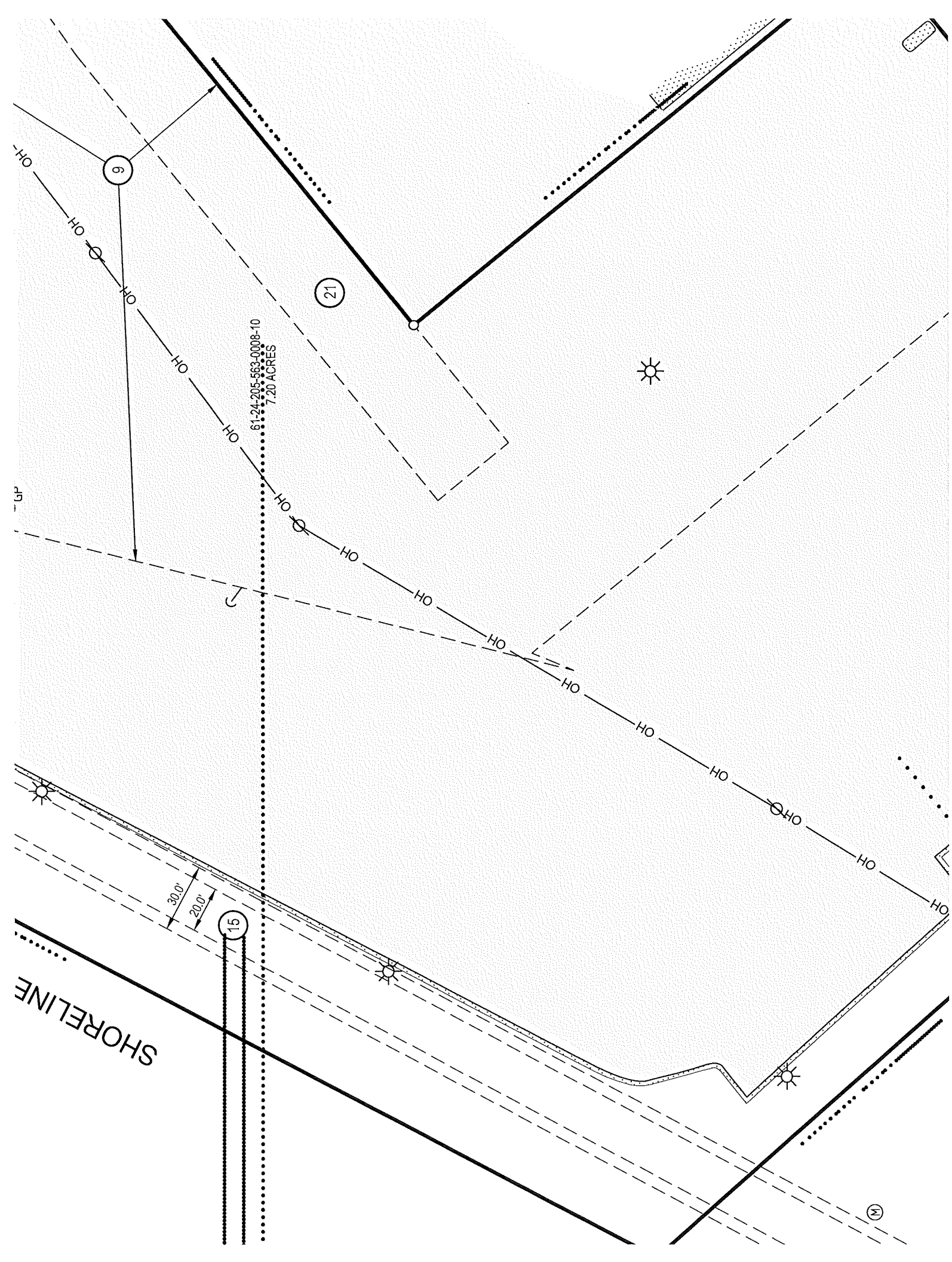

9
21
15
61-24-205-563-0008-10
7.20 ACRES
HO
30.0'
20.0'
SHORELINE

FIGURE 2
Legal Description of the Eligible Property

FIGURE 2

LEGAL DESCRIPTION

FOUNDRY SQUARE

372 MORRIS AVENUE

The Land is described as follows:
Located in the City of Muskegon, County of Muskegon, State of Michigan,

That part of Block 563 of the Revised Plat of 1903 of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County, Michigan, described as follows: Commence at the South most corner of said Block, being the Northeasterly corner of Morris Avenue and Third Street; thence North 50 degrees 52 minutes 38 seconds East along the Southeasterly line of said Block 563, also being the Northwesterly line of Morris Avenue, a distance of 150.00 feet for a point of beginning; thence North 39 degrees 07 minutes 22 seconds West 219.50 feet; thence South 50 degrees 52 minutes 38 seconds West 39.70 feet to the Southeasterly line of Lot 8 of said Block 563; thence South 32 degrees 41 minutes 25 seconds West, along said Southeasterly line 123.84 feet to the Northeasterly line of Third Street, said point being North 41 degrees 27 minutes 00 seconds West 181.00 feet from the South most corner of said Block; thence North 41 degrees 27 minutes 00 seconds West along said Northeasterly line 202.70 feet to the Southeasterly line of Shoreline Drive (formerly Terrace Street Extension); thence North 27 degrees 38 minutes 19 seconds East along said Southeasterly line 758.92 feet to a point which is 36.00 feet measured at right angles, Southwesterly of the Southwesterly line of Block 562 of said Revised Plat (extended), also being the Southwesterly line of First Street; thence South 61 degrees 44 minutes 00 seconds East parallel to said Southwesterly line of said Block 562, (said line also being 66.00 feet Southwesterly, measured at right angles to the South most line of Terrace Plaza Condominium as recorded in Liber 1124, Page 179 to 222 inclusive, Muskegon County Records with a recorded bearing of North 62 degrees 30 minutes West) a distance of 474.43 feet to a point on the Northeasterly line of Lot 1 of said Block 563; thence South 39 degrees 01 minutes 00 seconds East along said Northeasterly line 18.26 feet to a point which is 70.00 feet Northwesterly of the Southeast corner of said Lot 1; thence South 50 degrees 52 minutes 38 seconds West 66.00 feet to the Southwesterly line of said Lot 1; thence South 39 degrees 01 minutes 00 seconds East along said Southwesterly line 69.60 to the Southwesterly corner of said Lot 1; thence South 50 degrees 52 minutes 38 seconds West along the line between Lots 2, 3 and 4 of said Block 132.00 feet to the West most corner of said Lot 3; thence South 39 degrees 01 minutes 00 seconds East along the Southwesterly line of said Lot 3 a distance of 157.00 feet to the Southeasterly line of said Block 563; thence South 50 degrees 52 minutes 38 seconds West 515.72 feet to point of beginning.

Except:
That part of Lot 8, Block 563 of the Revised Plat of 1903 (as recorded in Liber 3 of Plats, Page 71), Section 19, Town 10 North, Range 16 West, City of Muskegon, Muskegon County, Michigan, described as: Beginning on the Northeasterly line of 3rd Street at a point being North 41°27'00" West 181.00 feet from the Southernmost corner of said Block 563; thence

North 41°27'00" West 202.70 feet along said Northeasterly line; thence North 27°38'19" East 127.53 feet along the Southerly line of Shoreline Drive (formerly Terrace Street extension); thence South 41°27'00" East 214.37 feet parallel with aforesaid 3rd Street; thence South 32°41'25" West 123.84 feet along the Southeasterly line of Lot 8, Block 563 to the place of beginning.

Also Except:
That part of Block 563 of the Revised Plat (1903) of the City of Muskegon, as recorded in Liber 3 of Plats on Page 71, in the Office of the Register of Deeds for Muskegon County, Michigan, further described as: Commence at the Southerly corner of said Block 563, being the Northeasterly corner of Morris Avenue and Third Street; thence along the Southeasterly line of said Block 563, North 50 degrees 52 minutes 38 seconds East, 482.72 feet, to the Point of Beginning; thence parallel with the Southwesterly line of Lot 3 of said Block 563, North 39 degrees 01 minutes 00 seconds West, 260.00 feet; thence parallel with said Southeasterly line of Block 563, North 50 degrees 52 minutes 38 seconds East, 183.00 feet to the Northwesterly extension of said Southwesterly line of Lot 3; thence along said Southwesterly line and the Northwesterly extension thereof, South 39 degrees 01 minutes 00 seconds East, 260.00 feet to said Southeasterly line of said Block 563; thence along said Southeasterly line, South 50 degrees 52 minutes 38 seconds West, 183.00 feet, to the Point of Beginning.

TABLE 1
TIF Table (Tax Capture/Reimbursement Schedule)

Value (TV) Increase Rate: 1.5% per year

Plan Year	1	2	3	4	5	6	7	8	9	10	11	12
Calendar Year	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
Base Taxable Value	$ 380,100	$ 380,100	$ 380,100	$ 380,100	$ 380,100	$ 380,100	$ 380,100	$ 380,100	$ 380,100	$ 380,100	$ 380,100	$ 380,1
Estimated New TV	$ 380,100	$ 1,680,000	$ 5,665,200	$ 7,200,178	$ 8,758,181	$ 10,339,553	$ 10,494,647	$ 10,652,066	$ 10,811,847	$ 10,974,025	$ 11,138,635	$ 11,305,7
nce (New TV - Base TV)	$ -	**$ 1,299,900**	**$ 5,285,100**	**$ 6,820,078**	**$ 8,378,081**	**$ 9,959,453**	**$ 10,114,547**	**$ 10,271,966**	**$ 10,431,747**	**$ 10,593,925**	**$ 10,758,535**	**$ 10,925,6**
e Rate												
6.0000	$ -	$ 7,799	$ 31,711	$ 40,920	$ 50,268	$ 59,757	$ 60,687	$ 61,632	$ 62,590	$ 63,564	$ 64,551	$ 65,5
18.0000	$ -	$ 23,398	$ 95,132	$ 122,761	$ 150,805	$ 179,270	$ 182,062	$ 184,895	$ 187,771	$ 190,691	$ 193,654	$ 196,6
24.0000	**$ -**	**$ 31,198**	**$ 126,842**	**$ 163,682**	**$ 201,074**	**$ 239,027**	**$ 242,749**	**$ 246,527**	**$ 250,362**	**$ 254,254**	**$ 258,205**	**$ 262,2**
e Rate												
10.0865	$ -	$ 13,111	$ 53,308	$ 68,791	$ 84,506	$ 100,456	$ 102,020	$ 103,608	$ 105,220	$ 106,856	$ 108,516	$ 110,2
3.0000	$ -	$ 3,900	$ 15,855	$ 20,460	$ 25,134	$ 29,878	$ 30,344	$ 30,816	$ 31,295	$ 31,782	$ 32,276	$ 32,7
5.6984	$ -	$ 7,407	$ 30,117	$ 38,864	$ 47,742	$ 56,753	$ 57,637	$ 58,534	$ 59,444	$ 60,368	$ 61,306	$ 62,2
2.2037	$ -	$ 2,865	$ 11,647	$ 15,029	$ 18,463	$ 21,948	$ 22,289	$ 22,636	$ 22,988	$ 23,346	$ 23,709	$ 24,0
0.3221	$ -	$ 419	$ 1,702	$ 2,197	$ 2,699	$ 3,208	$ 3,258	$ 3,309	$ 3,360	$ 3,412	$ 3,465	$ 3,5
0.0752	$ -	$ 98	$ 397	$ 513	$ 630	$ 749	$ 761	$ 772	$ 784	$ 797	$ 809	$ 8
0.5000	$ -	$ 650	$ 2,643	$ 3,410	$ 4,189	$ 4,980	$ 5,057	$ 5,136	$ 5,216	$ 5,297	$ 5,379	$ 5,4
0.3000	$ -	$ 390	$ 1,586	$ 2,046	$ 2,513	$ 2,988	$ 3,034	$ 3,082	$ 3,130	$ 3,178	$ 3,228	$ 3,2
4.7580	$ -	$ 6,185	$ 25,147	$ 32,450	$ 39,863	$ 47,387	$ 48,125	$ 48,874	$ 49,634	$ 50,406	$ 51,189	$ 51,9
2.4000	$ -	$ 3,120	$ 12,684	$ 16,368	$ 20,107	$ 23,903	$ 24,275	$ 24,653	$ 25,036	$ 25,425	$ 25,820	$ 26,2
29.3439	**$ -**	**$ 38,144**	**$ 155,085**	**$ 200,128**	**$ 245,846**	**$ 292,249**	**$ 296,800**	**$ 301,420**	**$ 306,108**	**$ 310,867**	**$ 315,697**	**$ 320,6**
e Rate												
0.3400	$ -	$ 442	$ 1,797	$ 2,319	$ 2,849	$ 3,386	$ 3,439	$ 3,492	$ 3,547	$ 3,602	$ 3,658	$ 3,7
0.4522	$ -	$ 588	$ 2,390	$ 3,084	$ 3,789	$ 4,504	$ 4,574	$ 4,645	$ 4,717	$ 4,791	$ 4,865	$ 4,9
7.3600	$ -	$ 9,567	$ 38,898	$ 50,196	$ 61,663	$ 73,302	$ 74,443	$ 75,602	$ 76,778	$ 77,971	$ 79,183	$ 80,4
1.0000	$ -	$ 1,300	$ 5,285	$ 6,820	$ 8,378	$ 9,959	$ 10,115	$ 10,272	$ 10,432	$ 10,594	$ 10,759	$ 10,9
9.1522	**$ -**	**$ 11,897**	**$ 48,370**	**$ 62,419**	**$ 76,678**	**$ 91,151**	**$ 92,570**	**$ 94,011**	**$ 95,473**	**$ 96,958**	**$ 98,464**	**$ 99,9**
:) Available for Capture	**$ -**	**$ 69,342**	**$ 281,928**	**$ 363,810**	**$ 446,919**	**$ 531,276**	**$ 539,549**	**$ 547,947**	**$ 556,470**	**$ 565,121**	**$ 573,902**	**$ 582,8**

Value (TV) Increase Rate:

Plan Year	16	17	18	19	20	21	22	23	24	25	26	27
Calendar Year	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046
Base Taxable Value	$ 380,100	$ 380,100	$ 380,100	$ 380,100	$ 380,100	$ 380,100	$ 380,100	$ 380,100	$ 380,100	$ 380,100	$ 380,100	$ 380,1
Estimated New TV	$ 11,999,474	$ 12,179,466	$ 12,362,158	$ 12,547,590	$ 12,735,804	$ 12,926,841	$ 13,120,744	$ 13,317,555	$ 13,517,318	$ 13,720,078	$ 13,925,879	$ 14,134,7
nce (New TV - Base TV)	**$ 11,619,374**	**$ 11,799,366**	**$ 11,982,058**	**$ 12,167,490**	**$ 12,355,704**	**$ 12,546,741**	**$ 12,740,644**	**$ 12,937,455**	**$ 13,137,218**	**$ 13,339,978**	**$ 13,545,779**	**$ 13,754,6**
e Rate												
6.0000	$ 69,716	$ 70,796	$ 71,892	$ 73,005	$ 74,134	$ 75,280	$ 76,444	$ 77,625	$ 78,823	$ 80,040	$ 81,275	$ 82,5
18.0000	$ 209,149	$ 212,389	$ 215,677	$ 219,015	$ 222,403	$ 225,841	$ 229,332	$ 232,874	$ 236,470	$ 240,120	$ 243,824	$ 247,5
24.0000	**$ 278,865**	**$ 283,185**	**$ 287,569**	**$ 292,020**	**$ 296,537**	**$ 301,122**	**$ 305,775**	**$ 310,499**	**$ 315,293**	**$ 320,159**	**$ 325,099**	**$ 330,1**
e Rate												
10.0865	$ 117,199	$ 119,014	$ 120,857	$ 122,727	$ 124,626	$ 126,553	$ 128,509	$ 130,494	$ 132,509	$ 134,554	$ 136,630	$ 138,7
3.0000	$ 34,858	$ 35,398	$ 35,946	$ 36,502	$ 37,067	$ 37,640	$ 38,222	$ 38,812	$ 39,412	$ 40,020	$ 40,637	$ 41,2
5.6984	$ 66,212	$ 67,238	$ 68,279	$ 69,335	$ 70,408	$ 71,496	$ 72,601	$ 73,723	$ 74,861	$ 76,017	$ 77,189	$ 78,3
2.2037	$ 25,606	$ 26,002	$ 26,405	$ 26,813	$ 27,228	$ 27,649	$ 28,077	$ 28,510	$ 28,950	$ 29,397	$ 29,851	$ 30,3
0.3221	$ 3,743	$ 3,801	$ 3,859	$ 3,919	$ 3,980	$ 4,041	$ 4,104	$ 4,167	$ 4,231	$ 4,297	$ 4,363	$ 4,4
0.0752	$ 874	$ 887	$ 901	$ 915	$ 929	$ 944	$ 958	$ 973	$ 988	$ 1,003	$ 1,019	$ 1,0
0.5000	$ 5,810	$ 5,900	$ 5,991	$ 6,084	$ 6,178	$ 6,273	$ 6,370	$ 6,469	$ 6,569	$ 6,670	$ 6,773	$ 6,8
0.3000	$ 3,486	$ 3,540	$ 3,595	$ 3,650	$ 3,707	$ 3,764	$ 3,822	$ 3,881	$ 3,941	$ 4,002	$ 4,064	$ 4,1
4.7580	$ 55,285	$ 56,141	$ 57,011	$ 57,893	$ 58,788	$ 59,697	$ 60,620	$ 61,556	$ 62,507	$ 63,472	$ 64,451	$ 65,4
2.4000	$ 27,886	$ 28,318	$ 28,757	$ 29,202	$ 29,654	$ 30,112	$ 30,578	$ 31,050	$ 31,529	$ 32,016	$ 32,510	$ 33,0
29.3439	**$ 340,958**	**$ 346,239**	**$ 351,600**	**$ 357,042**	**$ 362,565**	**$ 368,170**	**$ 373,860**	**$ 379,635**	**$ 385,497**	**$ 391,447**	**$ 397,486**	**$ 403,6**
e Rate												
0.3400	$ 3,951	$ 4,012	$ 4,074	$ 4,137	$ 4,201	$ 4,266	$ 4,332	$ 4,399	$ 4,467	$ 4,536	$ 4,606	$ 4,6
0.4522	$ 5,254	$ 5,336	$ 5,418	$ 5,502	$ 5,587	$ 5,674	$ 5,761	$ 5,850	$ 5,941	$ 6,032	$ 6,125	$ 6,2
7.3600	$ 85,519	$ 86,843	$ 88,188	$ 89,553	$ 90,938	$ 92,344	$ 93,771	$ 95,220	$ 96,690	$ 98,182	$ 99,697	$ 101,2
1.0000	$ 11,619	$ 11,799	$ 11,982	$ 12,167	$ 12,356	$ 12,547	$ 12,741	$ 12,937	$ 13,137	$ 13,340	$ 13,546	$ 13,7
9.1522	**$ 106,343**	**$ 107,990**	**$ 109,662**	**$ 111,359**	**$ 113,082**	**$ 114,830**	**$ 116,605**	**$ 118,406**	**$ 120,234**	**$ 122,090**	**$ 123,974**	**$ 125,8**
) Available for Capture	**$ 619,823**	**$ 629,424**	**$ 639,170**	**$ 649,061**	**$ 659,101**	**$ 669,292**	**$ 679,636**	**$ 690,134**	**$ 700,790**	**$ 711,606**	**$ 722,585**	**$ 733,7**

Estimated Taxable Value (TV) Increase Rate:

	Plan Year	31	32	33	34	35	TOTAL
	Calendar Year	2050	2051	2052	2053	2054	
	Base Taxable Value	$ 380,100	$ 380,100	$ 380,100	$ 380,100	$ 380,100	
	Estimated New TV	$ 15,002,127	$ 15,227,159	$ 15,455,566	$ 15,687,400	$ 15,922,711	
	Incremental Difference (New TV - Base TV)	**$ 14,622,027**	**$ 14,847,059**	**$ 15,075,466**	**$ 15,307,300**	**$ 15,542,611**	
School Capture	Millage Rate						
State Education Tax (SET)	6.0000	$ 87,732	$ 89,082	$ 90,453	$ 91,844	$ 93,256	$ 2,391,080
School Operating Tax	18.0000	$ 263,196	$ 267,247	$ 271,358	$ 275,531	$ 279,767	$ 7,173,240
School Total	**24.0000**	**$ 350,929**	**$ 356,329**	**$ 361,811**	**$ 367,375**	**$ 373,023**	**$ 9,564,321**
Local Capture	Millage Rate						
City Operating	10.0865	$ 147,485	$ 149,755	$ 152,059	$ 154,397	$ 156,771	$ 4,019,605
City Sanitation	3.0000	$ 43,866	$ 44,541	$ 45,226	$ 45,922	$ 46,628	$ 1,195,540
County Operating	5.6984	$ 83,322	$ 84,604	$ 85,906	$ 87,227	$ 88,568	$ 2,270,889
Community College	2.2037	$ 32,223	$ 32,718	$ 33,222	$ 33,733	$ 34,251	$ 878,204
County Museum	0.3221	$ 4,710	$ 4,782	$ 4,856	$ 4,930	$ 5,006	$ 128,361
County Veterans	0.0752	$ 1,100	$ 1,116	$ 1,134	$ 1,151	$ 1,169	$ 29,968
County Senior Services	0.5000	$ 7,311	$ 7,424	$ 7,538	$ 7,654	$ 7,771	$ 199,257
County Central Dispatch	0.3000	$ 4,387	$ 4,454	$ 4,523	$ 4,592	$ 4,663	$ 119,554
MAISD	4.7580	$ 69,572	$ 70,642	$ 71,729	$ 72,832	$ 73,952	$ 1,896,127
Hackley Library	2.4000	$ 35,093	$ 35,633	$ 36,181	$ 36,738	$ 37,302	$ 956,432
Local Total	**29.3439**	**$ 429,067**	**$ 435,671**	**$ 442,373**	**$ 449,176**	**$ 456,081**	$ 11,693,936
Non-Capturable Millages	Millage Rate						
Community College Debt	0.3400	$ 4,971	$ 5,048	$ 5,126	$ 5,204	$ 5,284	$ 135,495
Hackley Library Debt	0.4522	$ 6,612	$ 6,714	$ 6,817	$ 6,922	$ 7,028	$ 180,208
School Debt	7.3600	$ 107,618	$ 109,274	$ 110,955	$ 112,662	$ 114,394	$ 2,933,058
Sinking Fund	1.0000	$ 14,622	$ 14,847	$ 15,075	$ 15,307	$ 15,543	$ 398,513
Total Non-Capturable Taxes	**9.1522**	**$ 133,824**	**$ 135,883**	**$ 137,974**	**$ 140,095**	**$ 142,249**	$ 3,647,274
Total Tax Increment Revenue (TIR) Available for Capture		**$ 779,996**	**$ 792,000**	**$ 804,184**	**$ 816,551**	**$ 829,103**	**$ 21,258,257**

Developer Maximum Reimbursement	Proportionality	School & Local Taxes	Local-Only Taxes	Total
State	42.5%	$ 5,780,983	$ -	$ 5,780,983
Local	57.5%	$ 7,827,932	$ -	$ 7,827,932
TOTAL		$ 13,608,915		$ 13,608,915
MSF		$ 11,823,924		
EGLE		$ 1,784,991		

Estimated Total Years of Plan:	30

Estimated Capture
Administrative Fees
State Revolving Fund
LBRF

	1	2	3	4	5	6	7	8	9	10	11	12
	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
	$ 31,198	$ 163,682	$ 201,074	$ 239,027	$ 242,749	$ 246,527	$ 250,362	$ 254,254	$ 258,205	$ 262,215	$ 266,285	$ 270,416
	$ 3,900	$ 20,460	$ 25,134	$ 29,878	$ 30,344	$ 30,816	$ 31,295	$ 31,782	$ 32,276	$ 32,777	$ 33,286	$ 33,802
	$ 27,298	**$ 143,222**	**$ 175,940**	**$ 209,149**	**$ 212,405**	**$ 215,711**	**$ 219,067**	**$ 222,472**	**$ 225,929**	**$ 229,438**	**$ 232,999**	**$ 236,614**
	$ 38,144	$ 200,128	$ 245,846	$ 292,249	$ 296,800	$ 301,420	$ 306,108	$ 310,867	$ 315,697	$ 320,600	$ 325,576	$ 330,627
	$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 10,000
	$ 28,144	**$ 190,128**	**$ 235,846**	**$ 282,249**	**$ 286,800**	**$ 291,420**	**$ 296,108**	**$ 300,867**	**$ 305,697**	**$ 310,600**	**$ 315,576**	**$ 320,627**
	$ 55,442	**$ 333,349**	**$ 411,785**	**$ 491,398**	**$ 499,206**	**$ 507,131**	**$ 515,175**	**$ 523,340**	**$ 531,627**	**$ 540,038**	**$ 548,576**	**$ 557,241**
Beginning Balance												
$ 13,391,695	*##########*	*$ 13,002,904*	*$ 12,591,118*	*$ 12,099,721*	*$ 11,600,515*	*$ 11,093,384*	*$ 10,578,209*	*$ 10,054,870*	*$ 9,523,243*	*$ 8,983,205*	*$ 8,434,629*	*$ 7,877,388*
$ 11,635,195	*##########*	*$ 11,587,025*	*$ 11,297,399*	*$ 10,939,625*	*$ 10,512,680*	*$ 10,078,952*	*$ 9,638,338*	*$ 9,190,736*	*$ 8,736,039*	*$ 8,274,142*	*$ 7,804,937*	*$ 7,328,315*
	$ 23,717	$ 124,436	$ 152,863	$ 181,716	$ 184,546	$ 187,418	$ 190,333	$ 193,292	$ 196,296	$ 199,344	$ 202,438	$ 205,579
	$ 24,453	$ 165,190	$ 204,911	$ 245,228	$ 249,183	$ 253,196	$ 257,270	$ 261,404	$ 265,601	$ 269,861	$ 274,184	$ 278,573
	##########	*$ 11,297,399*	*$ 10,939,625*	*$ 10,512,680*	*$ 10,078,952*	*$ 9,638,338*	*$ 9,190,736*	*$ 8,736,039*	*$ 8,274,142*	*$ 7,804,937*	*$ 7,328,315*	*$ 6,844,163*
$ 1,756,500	*$ 1,756,500*	*$ 1,749,228*	*$ 1,705,505*	*$ 1,651,494*	*$ 1,587,040*	*$ 1,521,563*	*$ 1,455,046*	*$ 1,387,474*	*$ 1,318,831*	*$ 1,249,101*	*$ 1,178,268*	*$ 1,106,315*
	$ 3,580	$ 18,785	$ 23,077	$ 27,433	$ 27,860	$ 28,293	$ 28,734	$ 29,180	$ 29,634	$ 30,094	$ 30,561	$ 31,035
	$ 3,691	$ 24,938	$ 30,934	$ 37,021	$ 37,618	$ 38,224	$ 38,839	$ 39,463	$ 40,096	$ 40,739	$ 41,392	$ 42,055
	$ 1,749,228	*$ 1,705,505*	*$ 1,651,494*	*$ 1,587,040*	*$ 1,521,563*	*$ 1,455,046*	*$ 1,387,474*	*$ 1,318,831*	*$ 1,249,101*	*$ 1,178,268*	*$ 1,106,315*	*$ 1,033,225*
$ -	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*
	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
	$ -	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*
	$ 55,442	*$ 333,349*	*$ 411,785*	*$ 491,398*	*$ 499,206*	*$ 507,131*	*$ 515,175*	*$ 523,340*	*$ 531,627*	*$ 540,038*	*$ 548,576*	*$ 557,241*
	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -

after eligible activities are reimbursed. May be taken from EGLE & Local TIR only.

16	17	18	19	20	21	22	23	24	25	26	27	28
2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048
$ 287,569	$ 292,020	$ 296,537	$ 301,122	$ 305,775	$ 310,499	$ 315,293	$ 320,159	$ 325,099	$ 330,112	$ 335,201	$ 340,365	$ 345,608
$ 35,946	$ 36,502	$ 37,067	$ 37,640	$ 38,222	$ 38,812	$ 39,412	$ 40,020	$ 40,637	$ 41,264	$ 41,900	$ 42,546	$ 43,201
$ 251,623	**$ 255,517**	**$ 259,470**	**$ 263,482**	**$ 267,554**	**$ 271,687**	**$ 275,882**	**$ 280,140**	**$ 284,461**	**$ 288,848**	**$ 293,300**	**$ 297,820**	**$ 302,407**
$ 351,600	$ 357,042	$ 362,565	$ 368,170	$ 373,860	$ 379,635	$ 385,497	$ 391,447	$ 397,486	$ 403,616	$ 409,837	$ 416,152	$ 422,562
$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 10,000
$ 341,600	**$ 347,042**	**$ 352,565**	**$ 358,170**	**$ 363,860**	**$ 369,635**	**$ 375,497**	**$ 381,447**	**$ 387,486**	**$ 393,616**	**$ 399,837**	**$ 406,152**	**$ 412,562**
$ 593,224	**$ 602,559**	**$ 612,034**	**$ 621,652**	**$ 631,414**	**$ 641,322**	**$ 651,379**	**$ 661,587**	**$ 671,947**	**$ 682,464**	**$ 693,138**	**$ 703,972**	**$ 714,968**
$ 5,559,137	*$ 4,956,578*	*$ 4,344,544*	*$ 3,722,892*	*$ 3,091,478*	*$ 2,450,156*	*$ 1,798,777*	*$ 1,137,191*	*$ 465,243*	*$ (217,220)*	$ -	$ -	$ -
$ 5,345,396	*$ 4,829,982*	*$ 4,306,456*	*$ 3,774,699*	*$ 3,234,585*	*$ 2,685,989*	*$ 2,128,785*	*$ 1,562,844*	*$ 988,033*	*$ 404,220*			
$ 218,619	$ 222,003	$ 225,437	$ 228,922	$ 232,460	$ 236,051	$ 239,696	$ 243,395	$ 247,150	$ 250,962			
$ 296,795	$ 301,522	$ 306,321	$ 311,191	$ 316,135	$ 321,153	$ 326,246	$ 331,415	$ 336,662	$ 341,988			
$ 4,829,982	*$ 4,306,456*	*$ 3,774,699*	*$ 3,234,585*	*$ 2,685,989*	*$ 2,128,785*	*$ 1,562,844*	*$ 988,033*	*$ 404,220*	*$ (188,729)*			
$ 806,964	*$ 729,155*	*$ 650,122*	*$ 569,845*	*$ 488,307*	*$ 405,489*	*$ 321,371*	*$ 235,934*	*$ 149,158*	*$ 61,023*			
$ 33,004	$ 33,515	$ 34,033	$ 34,559	$ 35,093	$ 35,635	$ 36,186	$ 36,744	$ 37,311	$ 37,886			
$ 44,805	$ 45,519	$ 46,244	$ 46,979	$ 47,725	$ 48,483	$ 49,251	$ 50,032	$ 50,824	$ 51,628			
$ 729,155	*$ 650,122*	*$ 569,845*	*$ 488,307*	*$ 405,489*	*$ 321,371*	*$ 235,934*	*$ 149,158*	*$ 61,023*	*$ (28,491)*			
$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -			
$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -			
$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -			
$ 593,224	*$ 602,559*	*$ 612,034*	*$ 621,652*	*$ 631,414*	*$ 641,322*	*$ 651,379*	*$ 661,587*	*$ 671,947*	*$ 682,464*			

D

$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	*$ 293,300*	*$ 297,820*	*$ 302,407*
$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	*$ 399,837*	*$ 406,152*	*$ 412,562*
$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	*$ 693,138*	*$ 703,972*	*$ 714,968*

s e

ATTACHMENT A
Baseline Environmental Assessment

BASELINE ENVIRONMENTAL ASSESSMENT CONDUCTED PURSUANT TO SECTION 20126(1)(c) OF 1994 PA 451, PART 201, AS AMENDED, AND THE RULES PROMULGATED THEREUNDER

COMMERCIAL PROPERTY
372 MORRIS AVENUE
MUSKEGON, MICHIGAN

Prepared For:

Foundry Square, LLC and
Great Lakes Development Group, LLC
351 West Western Avenue, Suite 3c
Muskegon, Michigan 49440

Prepared by:

Dixon Environmental Consulting, Inc.
1560 North Taylor Avenue
Grand Rapids, Michigan 49505

October 24, 2019

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Figure 2: Site Vicinity Diagram
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Figure 4: 2019 Groundwater Sample Detail Diagram

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Appendix A: Property Description and Revised Plat of 1903 of the City of Muskegon

Appendix B: Phase I Environmental Site Assessment completed by Dixon Environmental Consulting, Inc. Dated October 23, 2019

Appendix C: Sample Location Diagrams/Analytical Data Summary Tables from the 1995 Remedial Action Plan and Sample Location Diagram/Analytical Data Summary Tables from the 2008 Area-Wide Assessment of Historic Fill of Muskegon Lake Shoreline

Appendix D: Phase II Environmental Site Assessment completed by Dixon Environmental Consulting, Inc. Dated October 8, 2019

Baseline Environmental Assessment
Conducted Pursuant to Section 20126(1)(c)
of 1994 PA 451, Part 201, as amended,
and the Rules promulgated thereunder

1.0 Introduction and Discussion

Dixon Environmental Consulting, Inc. (DEC) has prepared this Baseline Environmental Assessment (BEA) for the Commercial Property located at 372 Morris Avenue, Muskegon, Muskegon County, Michigan (hereafter referred as "subject site" or "subject property"). The tax parcel identification number for the 7.2-acre subject site was identified as 61-24-205-563-0008-10. The subject site was improved with an asphalt paved parking area and lawn/landscaped areas. A Project Location Map, a Site Vicinity Diagram, a 2019 Soil Sample Detail Diagram and a 2019 Groundwater Sample Detail Diagram depicting the subject site and the surrounding area are included as Figures 1 through 4, respectively. The property description and parcel identification numbers are included in Section 2.1 and in Appendix A of this BEA.

1.1 Owner/Operator Information

Foundry Square, LLC, the current owner, acquired the subject site on September 18, 2019. The mailing address for Foundry Square, LLC is 351 West Western Avenue, Suite 3c, Muskegon, Michigan 49440. Mr. Joshua T. Canale is the Manager of Foundry Square, LLC.

Great Lakes Development Group, LLC, the current operator, commenced operations at the subject site on September 18, 2019. The mailing address for Great Lakes Development Group, LLC is 351 West Western Avenue, Suite 3c, Muskegon, Michigan 49440. Mr. Joshua T. Canale is the Manager of Great Lakes Development Group, LLC.

1.2 Intended Use of Property

Foundry Square, LLC does not intend to operate directly at the subject site. Great Lakes Development Group, LLC intends to construct a mixed-use, hospitality, commercial and residential development on the subject site.

1.3 Phase I Environmental Assessment (ESA) Executive Summary

On October 23, 2019, DEC completed an updated Phase I Environmental Site Assessments (ESAs) for the subject property. Based on the information reviewed, the subject site was operated for industrial, residential and railroad purposes in the late 1800's. In 1883, the operations included: the Rodgers Iron Manufacturing Co. (northeastern portion of the subject site); the City Gas Works manufactured gas plant, the J.J. Howden Gas Fitting machine shop and several residential houses (central portion); the Wood Package & Basket Co. - planing mill (southern portion); and the G. Mason Planing Mill with several

railroad spurs, sheds and a coal shed (western/north-central portions). Muskegon Lake was also depicted on the northwestern portion of the subject site. By 1887, the planing mills were no longer present at the subject site. The 1911 fire insurance map identified Muskegon Traction & Lighting Co. as the manufactured gas plant at the subject site. The operations were also expanded to include offices, a "water gas plant," a generator building, three crude oil tanks, a natural gas purifying house with three purifiers, a coal pile and nine railroad spurs. The residential houses were no longer present on the central portion of the subject. The Walker Candy Co. and a railroad freight house were operated on the southern and western portions of the subject site, respectively. In 1911, the Muskegon Lake shoreline was also relocated further to the northwest. The details pertaining to the installation of fill material along the Muskegon Lake shoreline in the 1800's/early 1900's are included below.

The manufactured gas plant operations continued on the central/eastern portions of the subject site. In 1938, the Michigan Consolidated Gas Company (MichCon) acquired the manufactured gas plant property. The 1950 fire insurance map depicted the previous equipment, three large gasometers and various support buildings (storage buildings, offices and a garage) on the central and northeastern portions of the subject site. The manufactured gas plant was subsequently damaged by fire. The equipment and several buildings were later razed/removed in the early 1950's. The remaining buildings were operated by MichCon through the early 1980's.

The Walker Candy Company operated on the southern portion of the subject site through the mid-1920's. The candy factory building was subsequently utilized for various storage, transportation and industrial operations from the late 1920's through the late 1980's. Prior to 1922, the Michigan State Armory appeared as an operator to the east of the candy factory. The various organization/business listings for the former candy factory building and the armory are provided in the Historical Directory Information Summary Table (Section 4.5.3 of the Phase I ESA).

The freight house and railyard were depicted on the western/north-central portions of the subject site through the early 1960's. The freight house was demolished in the 1960's, however, the railyard was operated through the early 1980's. The various building structures at the subject site were subsequently demolished/removed in the late 1980's and early 1990's. Following the demolition of the building structures, the current asphalt paved parking area and landscaped areas were constructed at the subject site. Morris Street, LLC (Community Foundation for Muskegon County), purchased the subject site in December 2007. The subject site was recently acquired by the current ownership entity, Foundry Square, LLC, on September 18, 2019.

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Conducted Pursuant to Section 20126(1)(c)
of 1994 PA 451, Part 201, as amended,
and the Rules promulgated thereunder

The Phase I ESA revealed no evidence of recognized environmental conditions (RECs) in connection with the subject site, except:

- The former parent parcel of the subject site was identified as a State Hazardous Waste Site (SHWS), a Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) - No Further Remedial Action Planned (NFRAP) site, a Brownfields Site, a Baseline Environmental Assessment (BEA) site and an underground storage tank (UST) site. The historical manufactured gas plant operations and a former foundry to the northwest were investigated during sampling events conducted in the 1980's and early 1990's. Coal tar and various inorganic metallic constituents, cyanide, phthalates, polynuclear aromatic hydrocarbons (PNAs) and volatile organic compounds (VOCs) were identified in the soil/groundwater at the subject site. On June 9, 1995, Earth Tech completed a Remedial Action Plan (RAP) which summarized the historical sampling data. Additional information to support the RAP and a Risk Assessment were also provided on November 22, 1996. DEC compared the RAP chemical analysis results to the current Residential Part 201 Generic Cleanup Criteria (GRCC) as outlined in the Michigan Department of Environment, Great Lakes, and Energy (EGLE), formerly known as the Michigan Department of Environmental Quality (MDEQ), Remediation and Redevelopment Division Cleanup Criteria Requirements for Response Activity. Based on the historical chemical analysis results, the concentrations of arsenic, chromium, copper, iron, mercury, nickel, selenium, silver, zinc, cyanide, 2-methylnaphthalene, acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(k)fluoranthene, di-n-butyl phthalate, dibenzo(a,h)anthracene, dibenzofuran, diethyl phthalate, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene, phenanthrene, pyrene, n-nitrosodiphenylamine, benzene, dichlorodifluoromethane, ethylbenzene, methylene chloride, toluene and xylenes in the soil and the concentrations of iron, manganese, nickel, zinc, cyanide, 2-methylnaphthalene, acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, benzo(k)fluoranthene, bis(2-ethyl hexyl)phthalate, butyl benzyl phthalate, chrysene, di-n-butyl phthalate, di-n-octyl phthalate, dibenzo(a,h)anthracene, dibenzofuran, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene, phenanthrene, pyrene, benzene, ethylbenzene, toluene and xylenes in the groundwater exceeded the current GRCC. Several BEAs were also prepared for the subject site using the historical RAP chemical analysis results. The BEAs were completed for the City of Muskegon in September 1996 (BEA Number: B96-118-GR), for M.A.C. I, Inc. in December 1996 (BEA Number: P97-174-GR) and Morris Street, LLC in January 2008 (BEA Number: P200802343GR).

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and the Rules promulgated thereunder

DEC completed a previous Phase I ESA for the subject site on March 18, 2019. The historical industrial operations, urban fill material, the documented environmental impact, two Activity and Use Limitations, or AULs (summarized below), and the potential for migrating contamination were listed as RECs. A Phase II ESA was completed by DEC on October 8, 2019 to further assess the RECs. Twenty-two soil borings were conducted at the subject site. Fourteen soil samples and twelve groundwater samples were collected on September 24 and 25, 2019. The samples were chemically analyzed for cyanide, inorganic metallic constituents, polynuclear aromatic hydrocarbons (PNAs) and volatile organic compounds (VOCs). Based on the chemical analysis results, detectable concentrations of cyanide, various inorganic metallic constituents, PNAs and VOCs were present in the soil and/or groundwater. Specifically, the concentrations of cyanide, arsenic, chromium (total), iron, manganese, mercury, selenium, zinc, 2-methylnaphthalene, acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, carbazole, dibenzo(a,h)anthracene, dibenzofuran, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene, pentachlorophenol, phenanthrene and benzene in the soil and cyanide, 2-methylnaphthalene, acenaphthene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, benzo(k)fluoranthene, carbazole, chrysene, dibenzofuran, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene and phenanthrene, 1,2,4-trimethylbenzene, benzene, ethylbenzene and xylenes (total) in the groundwater exceeded the current GRCC. The remaining inorganic metallic constituents, PNAs and VOCs were reported at concentrations below the GRCC. Summaries of the historical and recent chemical analysis are included in Appendix B. Based on the elevated hazardous substance concentrations, the subject site qualifies as a "facility" under Part 201 of the Natural Resources and Environmental Protection Act (NREPA), PA 451 of 1994, as amended. The documented environmental impact at the subject site was identified as an REC.

- The corrective action activities at the subject site included the removal of contaminated soil and the installation of a clean soil cap. Portions of the subject site were also paved with asphalt. In order to ensure the effectiveness of the cap and mitigate unacceptable exposures, two Activity and Use Limitations (i.e., Restrictive Covenants) were recorded at the Muskegon County Register of Deeds. The area affected by the Restrictive Covenants is depicted on Figure 2 of the Phase I ESA. The Restrictive Covenants limit uses, restrict activities, require notices and provide certain rights-of entry to the EGLE/MDEQ and MichCon and the City of Muskegon. Copies of the Restrictive Covenants are included in Appendix B of the Phase I ESA. The recorded Restrictive Covenants for the subject site were identified as an REC.

- Based on a review of the contaminated properties in the surrounding area, two Approximate Minimum Search Distance (AMSD) sites were located near the subject site. Based on the EGLE/MDEQ file review, the soil and groundwater at the AMSD sites were impacted with various hazardous substances including inorganic metallic constituents and compounds, PNAs and VOCs. Summaries of the AMSD sites located near the subject site are included in Section 4.1 of the Phase I ESA report. The potential also exists for migrating contamination from the former Lakey Foundry (located to the northwest, north and northeast of the subject site). The material threat of migrating groundwater contamination from the nearby AMSD sites/adjoining properties was identified as an REC.

Regarding developments in the surrounding area, DEC identified 65 additional sites within the ASTM AMSD criteria. DEC also reviewed historical resources to determine if the former land uses of the adjoining properties represented an environmental concern to the subject site. Based on the information reviewed, the remaining AMSD sites/adjoining properties do not appear to represent an environmental concern to the subject site in regard to contaminant migration (soil, groundwater or vapor). A brief description and summary of the AMSD sites were included in the EDR Radius Map Report (an appendix of the Phase I ESA). The Phase I ESA is included as Appendix B of this BEA.

1.4 Any exceptions to, or deletions from, the All Appropriate Inquiry Rule 40 CFR 312 or ASTM Standard Practice E 1527-13

One limitation was identified during the Phase I ESA.

- A judicial record search of environmental lien or Activity and Use Limitations (AUL) search/review was not conducted as a part of the Phase I ESA process.

An independent review of reasonably ascertainable title information was conducted at the Muskegon County Register of Deeds. Based on the title review, no liens, encumbrances, restrictions or AULs pertaining to environmental issues were associated with the subject site. DEC also reviewed the most recent MDEQ Perfected Lien List. The review did not identify the subject site on the MDEQ Perfected Lien List.

Based on the review of title information and the Perfected Lien List, DEC does not consider the lack of a judicial environmental lien or AUL search/review to be a significant limitation that would alter the conclusions of the Phase I ESA. There were no additional exceptions to, or deletions from, the All Appropriate Inquiry Rule 40 CFR 312 or ASTM Standard Practice E 1527-13.

1.5 Data Gaps

DEC utilized standard historical sources (aerial photographs, fire insurance maps, tax assessing files, recorded land title records, USGS topographic maps, local street directories and zoning records) to establish historical uses at the subject property. The following items identify and explain the data gaps encountered in the Phase I ESA:

- Data failure occurred for site specific historical information prior to 1883.

DEC does not consider the data failure to represent a significant limitation which would alter the conclusions of the BEA.

1.6 Sampling Completed, Purpose and Methods

Numerous subsurface investigations relating to the historical manufactured gas operations were conducted from August 1984 through July 1993 by various consultants. The investigations were summarized by Earth Tech in the RAP. The soil and groundwater samples were chemically analyzed for semi-volatile organic compound (SVOCs), polynuclear aromatic hydrocarbons (PNAs), volatile organic compounds (VOCs) and/or select inorganic metallic constituents (IMCs). The select IMCs included: antimony, arsenic, beryllium, cadmium, chromium (total), copper, lead, mercury, nickel, selenium, silver and zinc. The analytical data summarized in the RAP was also utilized as the basis for several BEAs completed at the subject site. Details pertaining to the RAP and previous BEAs were summarized in Section 1.3. The historical sample locations and the analytical data summary tables from the 1995 RAP are included as a portion of Appendix C.

Subsurface sampling activities were also conducted in December 1996 and March 1997 Superior Environmental Corp. and Environmental Resource Management. The results were summarized in the 2008 Area-Wide Assessment of Historic Fill of Muskegon Lake Shoreline Summary Report completed by Superior Environmental Corp. in September 2008. The soil samples collected from the subject site were chemically analyzed for the IMCs: arsenic, cadmium, chromium (total), copper, lead and zinc. Details pertaining to the 2008 Area-Wide Assessment of Historic Fill of Muskegon Lake Shoreline Summary Report were summarized in Section 1.3. The sample locations and the analytical data summary tables from the 2008 Area-Wide Assessment of Historic Fill of Muskegon Lake Shoreline Summary Report are included as a portion of Appendix C.

The historical soil and groundwater sampling activities determined that the subject site qualified as a "facility"/"site" as defined in Part 201/Part 213 of the Natural Resources and Environmental Protection Act (NREPA), Michigan Public Act 451 of 1994, as amended

(Part 201). A "site" is defined in Section 324.21303(l) as a location where a release has occurred or a threat of release exists from an underground storage tank system, excluding any location where corrective action was completed which satisfies the applicable Risk Based Screening Levels or Site-Specific Target Level. A "facility" is defined in Section 324.20101(1)(s) as any area, place, or property where a hazardous substance in excess of the concentrations that satisfy the cleanup criteria for unrestricted residential use has been released, deposited, disposed of, or otherwise comes to be located. The term "facility" does not include any area, place, or property at which response activities have been completed which satisfy the cleanup criteria for the residential category provided for in Sections 324.20120a(1)(a) and (17) or at which corrective action has been completed under Part 213 which satisfies the cleanup criteria for unrestricted residential use.

DEC conducted an additional subsurface sampling activities in 2019 to investigate the additional RECs identified in the 2019 Phase I ESA and to further characterize the soil and groundwater conditions at the subject site. The 2019 soil and groundwater samples were chemically analyzed for SVOCs, VOCs, cyanide and/or select IMCs. The select IMCs included: arsenic, barium, cadmium, chromium (total), copper, iron, lead, manganese, mercury, nickel, selenium, silver and zinc. The results were summarized in the October 2019 Phase II ESA. Details pertaining to the 2019 Phase II ESA are summarized in Sections 1.7 and 3.0 of this BEA. The 2019 Phase II ESA is included as Appendix D.

1.7 Known Contamination General Location(s) and Media Affected

The chemical analysis results from the various subsurface investigations identified concentrations of **arsenic, chromium, copper, iron, manganese, mercury, nickel, selenium, silver, zinc, cyanide, 2-methylnaphthalene, acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, carbazole, di-n-butyl phthalate, dibenzo(a,h)anthracene, dibenzofuran, diethyl phthalate, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene, pentachlorophenol, phenanthrene, pyrene, n-nitrosodiphenylamine, benzene, dichlorodifluoromethane, ethylbenzene, methylene chloride, toluene** and **xylenes** in the soil and concentrations of **iron, manganese, nickel, zinc, cyanide, 2-methylnaphthalene, acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, benzo(k)fluoranthene, bis(2-ethyl hexyl)phthalate, butyl benzyl phthalate, carbazole, chrysene, di-n-butyl phthalate, di-n-octyl phthalate, dibenzo(a,h)anthracene, dibenzofuran, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene, phenanthrene, pyrene, 1,2,4-trimethylbenzene, benzene, ethylbenzene, toluene and xylenes** in the groundwater exceeded the current GRCC. Diagrams depicting the 1984 through 1997 boring locations and tables summarizing the chemical analytical results are

included as portions of Appendix B. The 2019 boring locations with tables summarizing the 2019 analytical results exceeding the laboratory method detection limits and the GRCC are included on Figures 3 and 4. The 2019 results are also summarized in the Phase II ESA included as Appendix D.

The soil borings were conducted at various locations through the subject property. The impacted soil exceeding the GRCC from the 2019 investigation was encountered between 2.5 and 18.5 feet below grade limit (bgl). The impacted groundwater exceeding the GRCC from the 2019 investigation was identified between 5.5 and 17.1 feet bgl.

1.8 Basis for Concluding the Property is a Facility

The various subsurface investigations provided the basis results which support that the subject site is a "facility" as defined under Part 201. The results support that **arsenic, chromium, copper, iron, manganese, mercury, nickel, selenium, silver, zinc, cyanide, 2-methylnaphthalene, acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, carbazole, di-n-butyl phthalate, dibenzo(a,h)anthracene, dibenzofuran, diethyl phthalate, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene, pentachlorophenol, phenanthrene, pyrene, n-nitrosodiphenylamine, benzene, dichlorodifluoromethane, ethylbenzene, methylene chloride, toluene** and **xylenes** in the soil and concentrations of **iron, manganese, nickel, zinc, cyanide, 2-methylnaphthalene, acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, benzo(k)fluoranthene, bis(2-ethyl hexyl)phthalate, butyl benzyl phthalate, carbazole, chrysene, di-n-butyl phthalate, di-n-octyl phthalate, dibenzo(a,h)anthracene, dibenzofuran, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene, phenanthrene, pyrene, 1,2,4-trimethylbenzene, benzene, ethylbenzene, toluene and xylenes** in the groundwater exceed the current GRCC.

Based on the chemical fate and transport of the aforementioned hazardous substances identified and DEC's professional opinion, the chemical analysis effectively characterize the subject site as a "facility" as defined under Part 201 of the Natural Resources and Environmental Protection Act (NREPA), Michigan Public Act 451 of 1994, as amended (Part 201).

2.0 Property Information

2.1 Property Description

That part of Block 563 of the Revised Plat of 1903 of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County, Michigan, described as follows: Commence at the South most corner of said Block, being the Northeasterly corner of Morris Avenue and Third Street; thence North 50 degrees 52 minutes 38 seconds East along the Southeasterly line of said Block 563, also being the Northwesterly line of Morris Avenue, a distance of 150.00 feet for a point of beginning; thence North 39 degrees 07 minutes 22 seconds West 219.50 feet; thence South 50 degrees 52 minutes 38 seconds West 39.70 feet to the Southeasterly line of Lot 8 of said Block 563; thence South 32 degrees 41 minutes 25 seconds West, along said Southeasterly line 123.84 feet to the Northeasterly line of Third Street, said point being North 41 degrees 27 minutes 00 seconds West 181.00 feet from the South most corner of said Block; thence North 41 degrees 27 minutes 00 seconds West along said Northeasterly line 202.70 feet to the Southeasterly line of Shoreline Drive (formerly Terrace Street Extension); thence North 27 degrees 38 minutes 19 seconds East along said Southeasterly line 758.92 feet to a point which is 36.00 feet measured at right angles, Southwesterly of the Southwesterly line of Block 562 of said Revised Plat (extended), also being the Southwesterly line of First Street; thence South 61 degrees 44 minutes 00 seconds East parallel to said Southwesterly line of said Block 562, (said line also being 66.00 feet Southwesterly, measured at right angles to the South most line of Terrace Plaza Condominium as recorded in Liber 1124, Page 179 to 222 inclusive, Muskegon County Records with a recorded bearing of North 62 degrees 30 minutes West) a distance of 474.43 feet to a point on the Northeasterly line of Lot 1 of said Block 563; thence South 39 degrees 01 minutes 00 seconds East along said Northeasterly line 18.26 feet to a point which is 70.00 feet Northwesterly of the Southeast corner of said Lot 1; thence South 50 degrees 52 minutes 38 seconds West 66.00 feet to the Southwesterly line of said Lot 1; thence South 39 degrees 01 minutes 00 seconds East along said Southwesterly line 69.60 to the Southwesterly corner of said Lot 1; thence South 50 degrees 52 minutes 38 seconds West along the line between Lots 2, 3 and 4 of said Block 132.00 feet to the West most corner of said Lot 3; thence South 39 degrees 01 minutes 00 seconds East along the Southwesterly line of said Lot 3 a distance of 157.00 feet to the Southeasterly line of said Block 563; thence South 50 degrees 52 minutes 38 seconds West 515.72 feet to point of beginning.

Except: That part of Lot 8, Block 563 of the Revised Plat of 1903 (as recorded in Liber 3 of Plats, Page 71), Section 19, Town 10 North, Range 16 West, City of Muskegon, Muskegon County, Michigan, described as: Beginning on the Northeasterly line of 3rd Street at a point being North 41°27'00" West 181.00 feet from the Southernmost corner

of said Block 563; thence North 41°27'00" West 202.70 feet along said Northeasterly line; thence North 27°38'19" East 127.53 feet along the Southerly line of Shoreline Drive (formerly Terrace Street extension); thence South 41°27'00" East 214.37 feet parallel with aforesaid 3rd Street; thence South 32°41'25" West 123.84 feet along the Southeasterly line of Lot 8, Block 563 to the place of beginning.

Also Except: That part of Block 563 of the Revised Plat (1903) of the City of Muskegon, as recorded in Liber 3 of Plats on Page 71, in the Office of the Register of Deeds for Muskegon County, Michigan, further described as: Commence at the Southerly corner of said Block 563, being the Northeasterly corner of Morris Avenue and Third Street; thence along the Southeasterly line of said Block 563, North 50 degrees 52 minutes 38 seconds East, 482.72 feet, to the Point of Beginning; thence parallel with the Southwesterly line of Lot 3 of said Block 563, North 39 degrees 01 minutes 00 seconds West, 260.00 feet; thence parallel with said Southeasterly line of Block 563, North 50 degrees 52 minutes 38 seconds East, 183.00 feet to the Northwesterly extension of said Southwesterly line of Lot 3; thence along said Southwesterly line and the Northwesterly extension thereof, South 39 degrees 01 minutes 00 seconds East, 260.00 feet to said Southeasterly line of said Block 563; thence along said Southeasterly line, South 50 degrees 52 minutes 38 seconds West, 183.00 feet, to the Point of Beginning.

Parcel Identified Number: 61-24-205-563-0008-10

Note: Property description obtained from the Commitment for Title Insurance issued by Transnation Title Agency on December 28, 2018 (Commitment Number: 263607LKS).

2.2 Survey Map(s) of Property

A survey of the subject site was not provided as of the completion of this BEA. The property description included in Section 2.1 and in Appendix A was obtained from the Commitment for Title Insurance issued by Transnation Title Agency on December 28, 2018 (Commitment Number: 263607LKS). In addition, the Revised Plat of 1903 of the City of Muskegon is included as a portion of Appendix A.

2.3 Scaled Site Map(s) of Property

The site boundary, site details, 2019 sample locations, 2019 sample intervals/depths and 2019 concentrations exceeding the Generic Residential Cleanup Criteria were presented on Figures 3 and 4. In addition, photographs of the site were included as Appendix F of the Phase I ESA.

2.4 Scaled Area Map(s) of Property

DEC reviewed the United States Geological Survey (USGS), 7.5 minute Quadrangle Maps containing coverage of the subject site and the surrounding area. The Quadrangle Maps titled Dalton, Michigan; Muskegon East, Michigan; Muskegon West, Michigan and Twin Lake, Michigan were attained from DeLorme 3-D Quads™ Copyright © 1999. A portion of the combined Quadrangle Maps are included as the base map for Figure 1. A description of the combined Quadrangle Maps is included below.

The regional topography of the area was relatively level with a downward slope to the west. The closest body of surficial water, Muskegon Lake, was located approximately 500 feet to the northwest of the subject site. A railyard for the Chesapeake & Ohio Rail Road and Penn Central Rail Road was depicted along the northwestern boundary of the subject site.

2.5 Address of Property

The address for the subject site was identified as 372 Morris Avenue, Muskegon, Michigan 49440.

2.6 Geographic Location of Property

The irregular shaped, 7.2-acre subject site was located between Morris Avenue and Shoreline Drive, west of 1st Street. The subject site was situated in all quarters of the Southwestern 1/4 of Section 19, Township 10 North, Range 16 West (Muskegon). The geographic latitude and longitude coordinates were identified as 43.237536 and -86.253611, which was approximately the center of the subject site. The latitude and longitude coordinates were acquired through the Google Maps Website.

3.0 Facility Status

Subsurface sampling activities were conducted by various environmental consulting companies from 1984 through 1997 and by Dixon Environmental Consulting, Inc. in 2019 to investigate the soil and groundwater conditions at the subject site and to determine if the subject property qualified as a "facility." The 1984 through 1997 boring locations and chemical analytical results summary tables are included as portions of Appendix B. The 2019 boring locations and analytical data compared to the Residential Part 201 Generic Cleanup Criteria (GRCC) as outlined under Part 201 of the Natural Resources and Environmental Protection Act, Michigan Public Act 451 of 1994 (Part 201), as amended, are included on Figures 3 and 4. The historical analytical results were previously summarized in Section 1.3. The following is a summation of the 2019 subsurface sampling activities.

3.1 Hazardous Substance Concentrations Exceeding the GRCC

3.1.1 Soil Analytical Results

The chemical analysis results for the soil samples collected from the subject site identified concentrations of **cyanide**, the inorganic metallic constituents (IMCs), **arsenic**, **chromium (total)**, **iron**, **manganese**, **mercury**, **selenium** and **zinc**, the Semi-Volatile Organic Compound (SVOC), **2-methylnaphthalene**, **acenaphthene**, **acenaphthylene**, **anthracene**, **benzo(a)anthracene**, **benzo(a)pyrene**, **benzo(b)fluoranthene**, **carbazole**, **dibenzo(a,h)anthracene**, **dibenzofuran**, **fluoranthene**, **fluorene**, **indeno(1,2,3-cd)pyrene**, **naphthalene**, **pentachlorophenol** and **phenanthrene**, and the Volatile Organic Compound (VOC), **benzene** , in excess of the GRCC. Concentrations of the IMCs, barium, cadmium, copper, lead, nickel and silver, the SVOCs, benzo(g,h,i)perylene, benzo(k)fluoranthene, chrysene and pyrene, and the VOCs, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, ethylbenzene, toluene, and xylenes (total), were encountered above the laboratory method detection limit (MDL), however, less than the GRCC. The remaining SVOCs and the remaining VOCs did not exceed the GRCC or the MDL. Table 1 below identifies the hazardous substances, CAS Numbers, sample collection dates, chemical analysis results and soil sample identification/intervals of the 2019 samples that exceeded the GRCC.

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Baseline Environmental Assessment
Table 1 - 2019 Soil Analytical Results Exceeding the GRCC
372 Morris Avenue, Muskegon, Michigan

Hazardous Substance	CAS Number	Date Collected	Concentration exceeding the GRCC (µg/Kg)	Sample ID (Sample Interval)
arsenic	7440382	9/24/2019	9,900	SB-7-19 (18.0-18.5')
		9/24/2019	7,900	SB-10-19 (15.0-15.5')
		9/24/2019	7,600	SB-11-19 (14.0-14.5')
		9/24/2019	10,000	SB-12-19 (13.5-14.0')
		9/25/2019	8,700	SB-13-19 (9.5-11.0')
		9/25/2019	7,200	SB-14-19 (13.0-13.5')
		9/25/2019	20,000	SB-16-19 (7.5-8.0')
chromium (total)	7440393	9/24/2019	22,000	SB-11-19 (14.0-14.5')
iron	7439896	9/24/2019	15,000,000	SB-7-19 (18.0-18.5')
		9/24/2019	15,000,000	SB-9-19 (14.0-14.5')
		9/24/2019	42,000,000	SB-10-19 (15.0-15.5')
		9/24/2019	25,000,000	SB-11-19 (14.0-14.5')
		9/24/2019	33,000,000	SB-12-19 (13.5-14.0')
		9/25/2019	31,000,000	SB-14-19 (13.0-13.5')
		9/25/2019	65,000,000	SB-16-19 (7.5-8.0')
manganese	7439965	9/24/2019	600,000	SB-10-19 (15.0-15.5')
		9/25/2019	1,500,000	SB-14-19 (13.0-13.5')
mercury	varies	9/24/2019	140	SB-10-19 (15.0-15.5')
		9/25/2019	1,600	SB-16-19 (7.5-8.0')
selenium	7782492	9/24/2019	940	SB-7-19 (18.0-18.5')
		9/24/2019	510	SB-9-19 (14.0-14.5')
		9/24/2019	1,000	SB-10-19 (15.0-15.5')
		9/24/2019	560	SB-11-19 (14.0-14.5')
		9/24/2019	730	SB-12-19 (13.5-14.0')
		9/25/2019	710	SB-13-19 (9.5-11.0')
		9/25/2019	970	SB-14-19 (13.0-13.5')
zinc	7440666	9/24/2019	240,000	SB-9-19 (14.0-14.5')
		9/24/2019	480,000	SB-11-19 (14.0-14.5')
		9/24/2019	310,000	SB-12-19 (13.5-14.0')
2-methylnaphthalene	91576	9/24/2019	52,000	SB-1-19 (12.5-13.0')
		9/24/2019	4,400	SB-7-19 (18.0-18.5')
		9/25/2019	4,300	SB-13-19 (9.5-11.0')

Notes:
Generic Residential Cleanup Criteria (GRCC) as outlined in Part 201 of the Natural Resources and Environmental Protection Act, Michigan Public Act 451 of 1994, as amended.
Samples collected by Dixon Environmental Consulting, Inc.

Baseline Environmental Assessment
Table 1 - 2019 Soil Analytical Results Exceeding the GRCC, cont.
372 Morris Avenue, Muskegon, Michigan

Hazardous Substance	CAS Number	Date Collected	Concentration exceeding the GRCC (µg/Kg)	Sample ID (Sample Interval)
acenaphthene	83329	9/24/2019	51,000	SB-1-19 (12.5-13.0
acenaphthylene	208968	9/24/2019	18,000	SB-1-19 (12.5-13.0')
		9/25/2019	13,000	SB-13-19 (9.5-11.0')
		9/25/2019	7,100	SB-16-19 (7.5-8.0')
anthracene	120127	9/24/2019	100,000	SB-1-19 (12.5-13.0
benzo(a)anthracene	56553	9/24/2019	100,000	SB-1-19 (12.5-13.0')
		9/24/2019	23,000	SB-10-19 (15.0-15.5')
		9/25/2019	59,000	SB-13-19 (9.5-11.0')
		9/25/2019	21,000	SB-16-19 (7.5-8.0')
benzo(a)pyrene	50628	9/24/2019	80,000	SB-1-19 (12.5-13.0')
		9/24/2019	2,200	SB-7-19 (18.0-18.5')
		9/24/2019	8,400	SB-9-19 (14.0-14.5')
		9/24/2019	19,000	SB-10-19 (15.0-15.5')
		9/25/2019	50,000	SB-13-19 (9.5-11.0')
		9/25/2019	49,000	SB-14-19 (13.0-13.5')
		9/25/2019	17,000	SB-16-19 (7.5-8.0')
benzo(b)fluoranthene	205992	9/24/2019	97,000	SB-1-19 (12.5-13.0')
		9/24/2019	26,000	SB-10-19 (15.0-15.5')
		9/25/2019	64,000	SB-13-19 (9.5-11.0')
		9/25/2019	43,000	SB-16-19 (7.5-8.0')
carbazole	86748	9/24/2019	1,700,000	SB-1-19 (12.5-13.0')
		9/24/2019	4,100	SB-2-19 (7.5-8.0')
		9/24/2019	2,500	SB-3-19 (7.0-7.5')
		9/24/2019	1,900	SB-5-19 (8.0-8.5')
		9/24/2019	9,700	SB-7-19 (18.0-18.5')
		9/24/2019	52,000	SB-9-19 (14.0-14.5')
		9/24/2019	130,000	SB-10-19 (15.0-15.5')
		9/24/2019	8,200	SB-11-19 (14.0-14.5')
		9/24/2019	10,000	SB-12-19 (13.5-14.0')
		9/25/2019	150,000	SB-13-19 (9.5-11.0')
		9/25/2019	4,000	SB-14-19 (13.0-13.5')
		9/25/2019	22,000	SB-16-19 (7.5-8.0')
		9/24/2019	3,500	SB-18-19 (2.5-3.0')

Notes:
Generic Residential Cleanup Criteria (GRCC) as outlined in Part 201 of the Natural Resources and Environmental Protection Act, Michigan Public Act 451 of 1994, as amended.
Samples collected by Dixon Environmental Consulting, Inc.

Baseline Environmental Assessment
Table 1 - 2019 Soil Analytical Results Exceeding the GRCC, cont.
372 Morris Avenue, Muskegon, Michigan

Hazardous Substance	CAS Number	Date Collected	Concentration exceeding the GRCC (µg/Kg)	Sample ID (Sample Interval)
dibenzo(a,h)anthracene	53703	9/24/2019	13,000	SB-1-19 (12.5-13.0')
		9/25/2019	10,000	SB-13-19 (9.5-11.0')
		9/25/2019	2,200	SB-16-19 (7.5-8.0')
dibenzofuran	132649	9/24/2019	65,000	SB-1-19 (12.5-13.0')
		9/24/2019	1,900	SB-10-19 (15.0-15.5')
		9/25/2019	11,000	SB-13-19 (9.5-11.0')
fluoranthene	206440	9/24/2019	190,000	SB-1-19 (12.5-13.0')
		9/24/2019	15,000	SB-9-19 (14.0-14.5')
		9/24/2019	48,000	SB-10-19 (15.0-15.5')
		9/25/2019	110,000	SB-13-19 (9.5-11.0')
		9/25/2019	9,000	SB-14-19 (13.0-13.5')
		9/25/2019	30,000	SB-16-19 (7.5-8.0')
fluorene	86737	9/24/2019	72,000	SB-1-19 (12.5-13.0')
		9/25/2019	12,000	SB-13-19 (9.5-11.0')
indeno(1,2,3-cd)pyrene	193395	9/24/2019	40,000	SB-1-19 (12.5-13.0')
		9/25/2019	34,000	SB-13-19 (9.5-11.0')
		9/25/2019	30,000	SB-16-19 (7.5-8.0')
naphthalene	91203	9/24/2019	120,000	SB-1-19 (12.5-13.0')
		9/24/2019	4,400	SB-7-19 (18.0-18.5')
		9/24/2019	1,900	SB-9-19 (14.0-14.5')
		9/24/2019	2,000	SB-10-19 (15.0-15.5')
		9/24/2019	2,700	SB-12-19 (13.5-14.0')
		9/25/2019	5,200	SB-13-19 (9.5-11.0')
		9/25/2019	2,700	SB-14-19 (13.0-13.5')
		9/25/2019	2,800	SB-16-19 (7.5-8.0')
pentachlorophenol	87865	9/24/2019	2,600	SB-7-19 (18.0-18.5')
		9/25/2019	7,600	SB-16-19 (7.5-8.0')
phenanthrene	85018	9/24/2019	270,000	SB-1-19 (12.5-13.0')
		9/24/2019	4,200	SB-7-19 (18.0-18.5')
		9/24/2019	9,600	SB-9-19 (14.0-14.5')
		9/24/2019	37,000	SB-10-19 (15.0-15.5')
		9/24/2019	2,300	SB-12-19 (13.5-14.0')
		9/25/2019	87,000	SB-13-19 (9.5-11.0')
		9/25/2019	5,800	SB-14-19 (13.0-13.5')

Notes:
Generic Residential Cleanup Criteria (GRCC) as outlined in Part 201 of the Natural Resources and Environmental Protection Act, Michigan Public Act 451 of 1994, as amended.
Samples collected by Dixon Environmental Consulting, Inc.

Baseline Environmental Assessment Table 1 - 2019 Soil Analytical Results Exceeding the GRCC, cont. 372 Morris Avenue, Muskegon, Michigan				
Hazardous Substance	**CAS Number**	**Date Collected**	**Concentration exceeding the GRCC (µg/Kg)**	**Sample ID (Sample Interval)**
benzene	71432	9/24/2019	300	SB-1-19 (12.5-13.0')
cyanide	57125	9/24/2019	3,700	SB-7-19 (18.0-18.5')
		9/25/2019	420	SB-14-19 (13.0-13.5')
		9/25/2019	110,000	SB-16-19 (7.5-8.0')

Notes:
Generic Residential Cleanup Criteria (GRCC) as outlined in Part 201 of the Natural Resources and Environmental Protection Act, Michigan Public Act 451 of 1994, as amended.
Samples collected by Dixon Environmental Consulting, Inc.

3.1.2 Groundwater Analytical Results

The chemical analysis results for the groundwater samples collected from the subject site identified concentrations of **cyanide**, the SVOCs, **2-methylnaphthalene**, **acenaphthene**, **benzo(a)anthracene**, **benzo(a)pyrene**, **benzo(b)fluoranthene**, **benzo(g,h,i)perylene**, **benzo(k)fluoranthene**, **carbazole**, **chrysene**, **dibenzofuran**, **fluoranthene**, **fluorene**, **indeno(1,2,3-cd)pyrene**, **naphthalene** and **phenanthrene**, and the VOCs, **1,2,4-trimethylbenzene**, **benzene**, **ethylbenzene** and **xylenes (total)**, in excess of the GRCC. Concentrations of the SVOCs, anthracene and pyrene, and the VOCs, 1,3,5-trimethylbenzene, chloroform and toluene, were encountered above the MDL, however, were less than the GRCC. The remaining SVOCs and the remaining VOCs did not exceed the GRCC or the MDL. Table 2 below identifies the hazardous substances, CAS Numbers, sample collection dates, chemical analysis results and groundwater sample identification/depth of the 2019 samples that exceeded the GRCC.

Baseline Environmental Assessment Table 2 - 2019 Groundwater Analytical Results Exceeding the GRCC 372 Morris Avenue, Muskegon, Michigan				
Hazardous Substance	**CAS Number**	**Date Collected**	**Concentration exceeding the GRCC (µg/L)**	**Sample ID (Sample Depth)**
2-methylnaphthalene	91576	9/25/2019	39	SB-12-19 (14.1')
		9/25/2019	190	SB-14-19 (13.6')
acenaphthene	83329	9/25/2019	98	SB-14-19 (13.6')
		9/25/2019	160	SB-17-19 (5.5')
benzo(a)anthracene	56553	9/25/2019	27	SB-17-19 (5.5')

Notes:
Generic Residential Cleanup Criteria (GRCC) as outlined in Part 201 of the Natural Resources and Environmental Protection Act, Michigan Public Act 451 of 1994, as amended.
Samples collected by Dixon Environmental Consulting, Inc.

Baseline Environmental Assessment
Table 2 - 2019 Groundwater Analytical Results Exceeding the GRCC, cont.
372 Morris Avenue, Muskegon, Michigan

Hazardous Substance	CAS Number	Date Collected	Concentration exceeding the GRCC (µg/L)	Sample ID (Sample Depth)
benzo(a)pyrene	50628	9/25/2019	32	SB-17-19 (5.5')
benzo(b)fluoranthene	205992	9/25/2019	12	SB-17-19 (5.5')
benzo(g,h,i)perylene	191242	9/25/2019	16	SB-17-19 (5.5')
benzo(k)fluoranthene	205992	9/25/2019	13	SB-17-19 (5.5')
carbazole	86748	9/25/2019	2,900	SB-12-19 (14.1')
		9/25/2019	56	SB-13-19 (15.5')
		9/25/2019	910	SB-14-19 (13.6')
		9/25/2019	510	SB-15-19 (13.9')
		9/25/2019	190	SB-17-19 (5.5')
chrysene	218019	9/25/2019	24	SB-17-19 (5.5')
dibenzofuran	132649	9/25/2019	21	SB-17-19 (5.5')
fluoranthene	206440	9/25/2019	86	SB-17-19 (5.5')
fluorene	86737	9/25/2019	27	SB-14-19 (13.6')
		9/25/2019	63	SB-17-19 (5.5')
indeno(1,2,3-cd)pyrene	193395	9/25/2019	12	SB-17-19 (5.5')
naphthalene	91203	9/25/2019	260	SB-12-19 (14.1')
		9/25/2019	66	SB-13-19 (15.5')
		9/25/2019	2,000	SB-14-19 (13.6')
		9/25/2019	530	SB-15-19 (13.9')
		9/25/2019	100	SB-17-19 (5.5')
phenanthrene	85018	9/25/2019	45	SB-14-19 (13.6')
		9/25/2019	140	SB-17-19 (5.5')
1,2,4-trimethylbenzene	95636	9/25/2019	98	SB-14-19 (13.6')
		9/25/2019	30	SB-15-19 (13.9')
benzene	71432	9/25/2019	580	SB-14-19 (13.6')
		9/25/2019	180	SB-15-19 (13.9')
		9/25/2019	99	SB-17-19 (5.5')
ethylbenzene	100414	9/25/2019	150	SB-12-19 (14.1')
		9/25/2019	1,700	SB-14-19 (13.6')
		9/25/2019	1,000	SB-15-19 (13.9')
xylenes (total)	1330207	9/25/2019	470	SB-14-19 (13.6')
		9/25/2019	570	SB-15-19 (13.9')

Notes:
Generic Residential Cleanup Criteria (GRCC) as outlined in Part 201 of the Natural Resources and Environmental Protection Act, Michigan Public Act 451 of 1994, as amended.
Samples collected by Dixon Environmental Consulting, Inc.

Baseline Environmental Assessment
Table 2 - 2019 Groundwater Analytical Results Exceeding the GRCC, cont.
372 Morris Avenue, Muskegon, Michigan

Hazardous Substance	CAS Number	Date Collected	Concentration exceeding the GRCC (µg/L)	Sample ID (Sample Depth)
cyanide	57125	9/24/2019	37	SB-4-19 (17.1')
		9/25/2019	78	SB-6-19 (16.5')
		9/25/2019	34	SB-9-19 (15.5')
		9/25/2019	23	SB-10-19 (16.1')
		9/25/2019	43	SB-11-19 (14.5')
		9/25/2019	27	SB-12-19 (14.1')
		9/25/2019	290	SB-13-19 (15.5')
		9/25/2019	890	SB-14-19 (13.6')
		9/25/2019	1,400	SB-15-19 (13.9')
		9/25/2019	500	SB-16-19 (12.6')
		9/25/2019	340	SB-17-19 (5.5')

Notes:
Generic Residential Cleanup Criteria (GRCC) as outlined in Part 201 of the Natural Resources and Environmental Protection Act, Michigan Public Act 451 of 1994, as amended.
Samples collected by Dixon Environmental Consulting, Inc.

3.2 Analytical Results Documentation

The laboratory analytical data sheets and chain-of-custody documentation for the August 1984 through July 1993 subsurface investigations were presented in various reports completed to support the Remedial Action Plan (RAP) for the MichCon-Lakey Foundry State Hazardous Waste Site prepared by Earth Tech on June 9, 1995 and supporting information provided on November 22, 1996.

The laboratory analytical data sheets and chain-of-custody documentation for the December 1996 and March 1997 subsurface investigations were presented in the Area-Wide Assessment of Historic Fill of Muskegon Lake Shoreline Summary Report completed by Superior Environmental Corp. in September 23, 2008.

The laboratory analytical data sheets and chain-of-custody documentation for the September 2019 subsurface investigation were presented in the 2019 Phase II ESA included as Appendix D.

4.0 Identification of the Author of the BEA

Ms. Jennifer L. Knuth is a Project Scientist at Dixon Environmental Consulting, Inc. (DEC). DEC is located at 1560 North Taylor Avenue, Grand Rapids, Michigan 49505. The phone number is (616) 742-5511. Ms. Knuth has 17 years of experience as an environmental professional, consultant and project manager. Ms. Knuth received a Bachelor of Applied Science in Industrial Design from ITT Technical Institute.

Ms. Knuth's Project Management experience includes conducting Phase I Environmental Site Assessments under the latest ASTM International Standard Practice 1527 and latest Federal All Appropriate Inquiry scoped assessments and Phase II ESAs. In addition, Ms. Knuth has conducted numerous Baseline Environmental Assessments and Due Care Analysis and Plan reports.

Ms. Knuth declares that, to the best of her professional knowledge and belief, she meets the definition of Environmental Professional as defined in §312.10 of 40 CFR Part 312 and she has the specific qualifications based on education, training and experience to assess a property of the nature, history and setting of the subject property. She has developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

This Baseline Environmental Assessment (BEA) for the Commercial Property located at 372 Morris Avenue, Muskegon, Muskegon County, Michigan (Tax Parcel Identification Number: 61-24-205-563-0008-10) was prepared by Ms. Jennifer L. Knuth, Project Scientist at Dixon Environmental Consulting, Inc. and completed on October 24, 2019.

Foundry Square, LLC and Great Lakes Development Group, LLC may use and rely on the results and conclusions of this BEA. No other parties may use or rely on the information without client approval and written permission from Dixon Environmental Consulting, Inc.

REPORT PREPARED BY:
DIXON ENVIRONMENTAL CONSULTING, INC.

Jennifer L. Knuth
Project Scientist

5.0 All Appropriate Inquiry/ASTM Phase I Environmental Site Assessment

The purpose of conducting an environmental assessment of a parcel of commercial real estate is to permit a user to satisfy one of the requirements to qualify for the innocent landowner, contiguous property owner, or bona fide prospective purchaser limitations within the scope of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). This practice constitutes all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice as defined at 42 U.S.C. §9601(35)(B).

In defining a standard of good commercial and customary practice for conducting an environmental site assessment of a parcel of property, the goal of the processes established by this practice is to identify recognized environmental conditions. The term recognized environmental conditions means the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, ground water, or surface water of the property. The term includes hazardous substances or petroleum products even under conditions in compliance with laws. The term is not intended to include de minimis conditions that generally do not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be de minimis are not recognized environmental conditions.

A hazardous substance as defined by the MDEQ means one or more of the following, but does not include fruit, vegetable, or field crop residuals or processing by-products, or aquatic plants, that are applied to the land for an agricultural use or for use as an animal feed, if the use is consistent with generally accepted agricultural management practices developed pursuant to the Michigan right to farm act, 1981 PA 93, MCL 286.471 to 286.474:

(*i*) Any substance that the department demonstrates, on a case by case basis, poses an unacceptable risk to the public health, safety, or welfare, or the environment, considering the fate of the material, dose-response, toxicity, or adverse impact on natural resources.

(*ii*) Hazardous substance as defined in the comprehensive environmental response, compensation, and liability act, 42 USC 9601 to 9675.

(*iii*) Hazardous waste as defined in part 111.

(*iv*) Petroleum as described in part 213.

As part of the Phase I ESA, Nederveld, Inc. conducted a historical investigation and a reconnaissance walkover concentrating primarily on the site conditions and activities performed at the subject site. In addition, Nederveld, Inc. interviewed former owners of the subject Property to identify if any hazardous substances or petroleum products may have been utilized. The Phase I ESA was performed utilizing methodology of the ASTM International Standard E 1527-13, All Appropriate Inquiry standard. A summary of the site features identified during the site walkover are included in Section 5.2 of the Phase I ESA. The Phase I ESA is included as Appendix B.

6.0 References

Information available from the Department of Environment, Great Lakes and Energy (Formerly Michigan Department of Environmental Quality [MDEQ]), Remediation and Redevelopment Division Freedom of Information Act Request.

Commitment for Title Insurance issued by Transnation Title Agency on December 28, 2018 (Commitment Number: 263607LKS).

Phase I Environmental Site Assessment, Commercial Property, 372 Morris Avenue, Muskegon, Muskegon County, Michigan, completed by Dixon Environmental Consulting, Inc. on March 18, 2019.

Phase II Environmental Site Assessment, Commercial Property, 372 Morris Avenue, Muskegon, Muskegon County, Michigan, completed by Dixon Environmental Consulting, Inc. on October 8, 2019.

Phase I Environmental Site Assessment, Commercial Property, 372 Morris Avenue, Muskegon, Muskegon County, Michigan, completed by Dixon Environmental Consulting, Inc. on October 23, 2019.

Review of United States Geological Survey (USGS), 7.5-Minute Quadrangle Maps titled Dalton, Michigan; Muskegon East, Michigan; Muskegon West, Michigan and Twin Lake, Michigan (attained from DeLorme 3-D Quads™ Copyright © 1999);

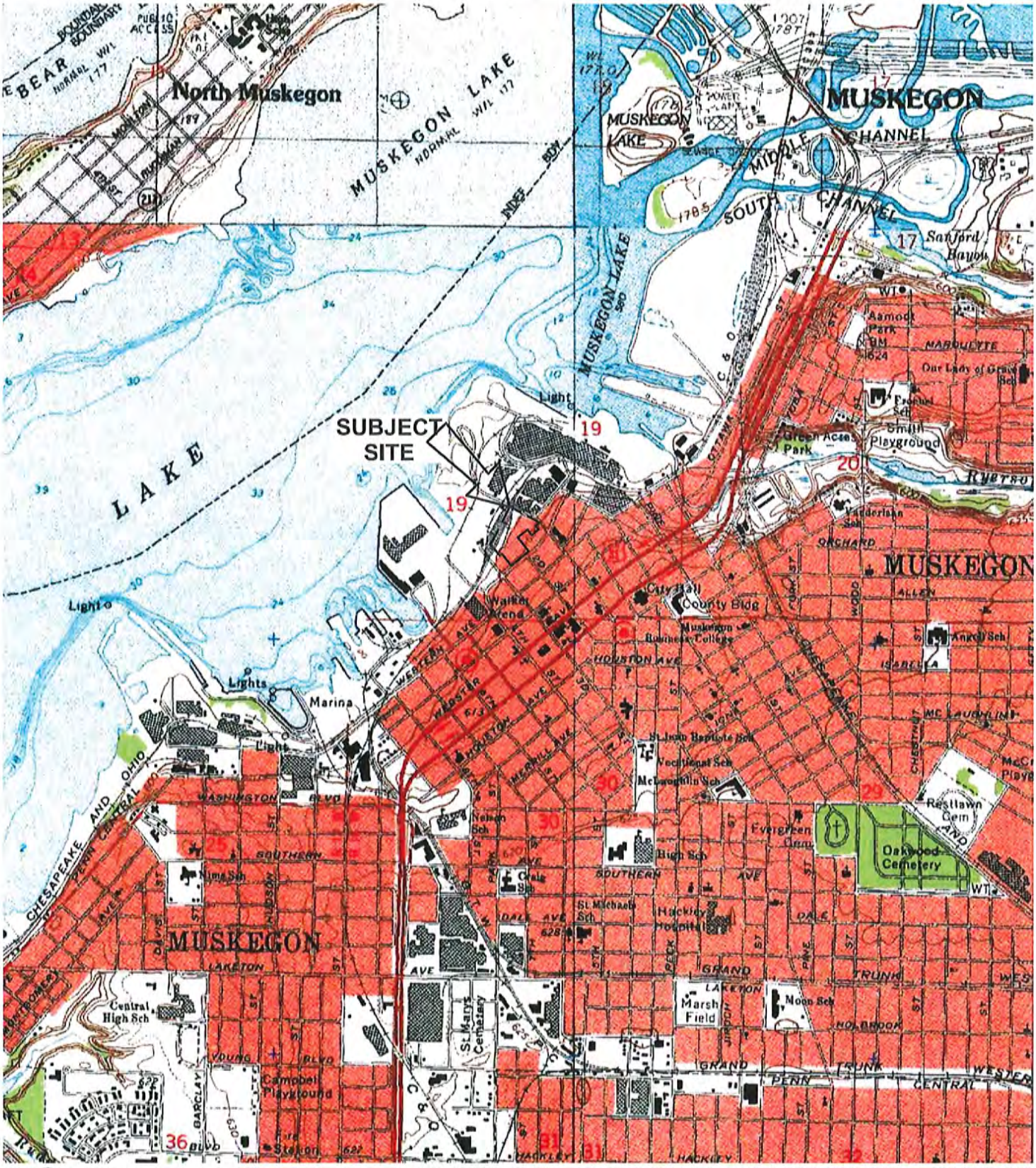
Administrative Rules for Part 201 of the Natural Resources and Environmental Protection Act 1994 PA 451, as amended.

Michigan Department of Environmental Quality, Remediation and Redevelopment Division Baseline Environmental Assessment Submittal Form EQP 4025 and Contents of BEA Report, as amended;

Michigan Department of Environmental Quality, Remediation and Redevelopment Division Cleanup Criteria Requirements for Response Activity, as amended;

Michigan Department of Environmental Quality, Remediation and Redevelopment Division Operational Memorandum No. 2: Sampling and Analysis dated October 22, 2004;

Michigan Department of Environmental Quality, Remediation and Redevelopment Division Instructions for Preparing and Disclosing Baseline Environmental Assessments and Section 7A Compliance Analyses to the Michigan Department of Natural Resources and Environment and for Request for Optional Determinations dated March 11, 1999.



USGS 7.5 MINUTE QUADRANGLE MAPS: DALTON, MICHIGAN; MUSKEGON EAST, MICHIGAN; MUSKEGON WEST, MICHIGAN AND TWIN LAKE, MICHIGAN

MUSKEGON COUNTY, MICHIGAN

PROJECT NUMBER: 19-10-007	DATE: 10/23/2019

APPROXIMATE SCALE: 1" = 2,000'

0' 1,000' 2,000' 4,000'

1580 North Taylor Avenue Grand Rapids, MI 49505
DIXON ENVIRONMENTAL CONSULTING, INC.

PHASE I ENVIRONMENTAL SITE ASSESSMENT

FIGURE 1 - PROJECT LOCATION MAP

NORTH

COMMERCIAL PROPERTY
372 MORRIS AVENUE
MUSKEGON, MICHIGAN

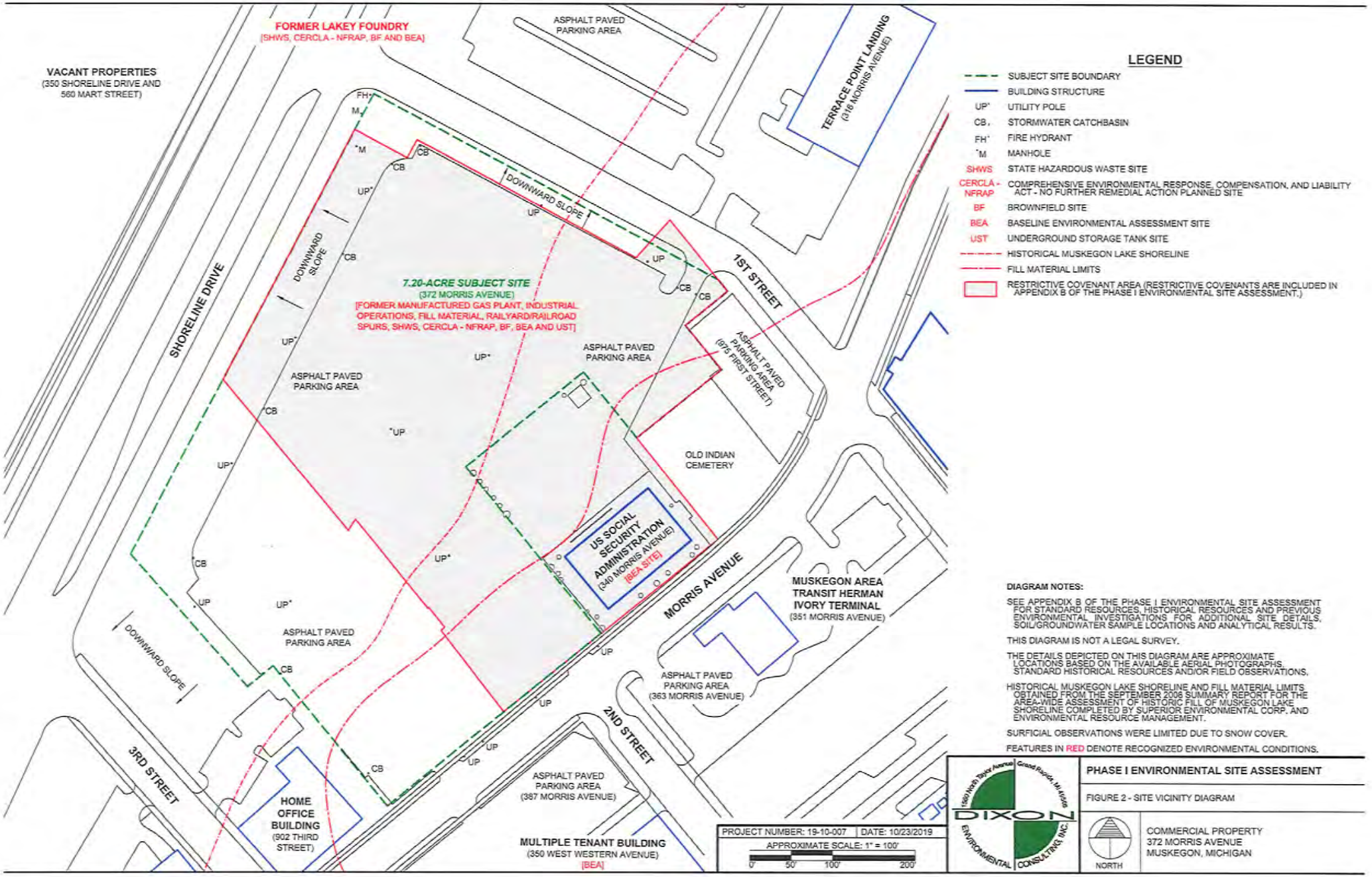


DIAGRAM NOTES:

SEE APPENDIX B OF THE PHASE I ENVIRONMENTAL SITE ASSESSMENT FOR STANDARD RESOURCES, HISTORICAL RESOURCES AND PREVIOUS ENVIRONMENTAL INVESTIGATIONS FOR ADDITIONAL SITE DETAILS, SOIL/GROUNDWATER SAMPLE LOCATIONS AND ANALYTICAL RESULTS.

THIS DIAGRAM IS NOT A LEGAL SURVEY.

THE DETAILS DEPICTED ON THIS DIAGRAM ARE APPROXIMATE LOCATIONS BASED ON THE AVAILABLE AERIAL PHOTOGRAPHS, STANDARD HISTORICAL RESOURCES AND/OR FIELD OBSERVATIONS.

HISTORICAL MUSKEGON LAKE SHORELINE AND FILL MATERIAL LIMITS OBTAINED FROM THE SEPTEMBER 2006 SUMMARY REPORT FOR THE AREA-WIDE ASSESSMENT OF HISTORIC FILL OF MUSKEGON LAKE SHORELINE COMPLETED BY SUPERIOR ENVIRONMENTAL CORP. AND ENVIRONMENTAL RESOURCE MANAGEMENT.

SURFICIAL OBSERVATIONS WERE LIMITED DUE TO SNOW COVER.

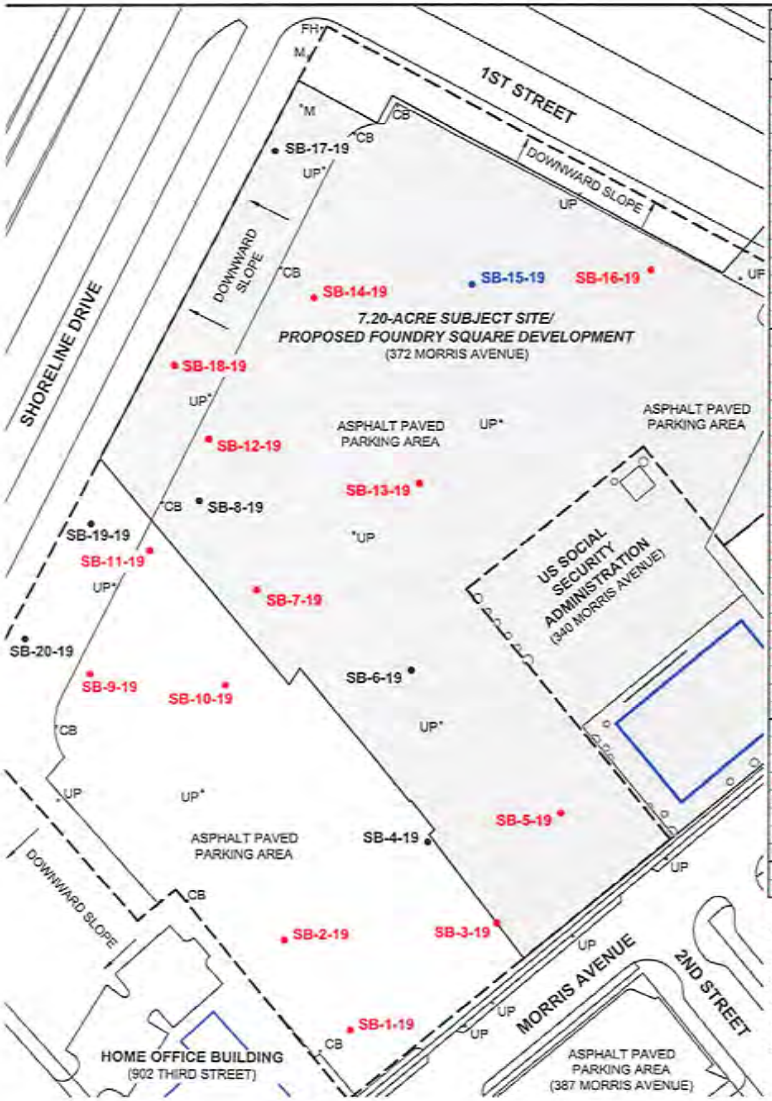
FEATURES IN RED DENOTE RECOGNIZED ENVIRONMENTAL CONDITIONS.

DIXON ENVIRONMENTAL CONSULTING INC. (1560 North Taylor Avenue, Grand Rapids, MI 49506)

PHASE I ENVIRONMENTAL SITE ASSESSMENT

FIGURE 2 - SITE VICINITY DIAGRAM

COMMERCIAL PROPERTY
372 MORRIS AVENUE
MUSKEGON, MICHIGAN



LEGEND

- SUBJECT SITE BOUNDARY
- BUILDING STRUCTURE
- UP* UTILITY POLE
- CB STORMWATER CATCHBASIN
- FH* FIRE HYDRANT
- M* MANHOLE
- RESTRICTIVE COVENANT AREA (RESTRICTIVE COVENANTS ARE INCLUDED IN APPENDIX B OF THE PHASE I ENVIRONMENTAL SITE ASSESSMENT.)
- SB-4-19 BORING LOCATION (9/24/2019 OR 9/25/2019) [VISUAL OBSERVATION]
- SB-15-19 BORING LOCATION (9/24/2019 OR 9/25/2019) [SOIL ANALYTICAL RESULTS DID NOT EXCEED THE RESIDENTIAL PART 201 GENERIC CLEANUP CRITERIA (GRCC)]
- SB-1-19 BORING LOCATION (9/24/2019 OR 9/25/2019) [SOIL ANALYTICAL RESULTS EXCEED THE GRCC]

SOIL ANALYTICAL RESULTS TABLE

CONSTITUENT	CAS NUMBER	SB-1-19 (12.5-13.0')+	SB-2-19 (7.5-8.0')	SB-3-19 (7.0-7.5')	SB-5-19 (8.0-8.5')	SB-7-19 (18.0-18.5')	SB-9-19 (14.5-15.0')	SB-10-19 (15.0-15.5')+	SB-11-19 (14.0-14.5')	SB-12-19 (13.5-14.0')	SB-13-19 (9.5-10.0')+	SB-14-19 (13.0-13.5')	SB-15-19 (8.0-8.5')	SB-16-19 (7.9-8.0')+	SB-18-19 (2.5-3.0')	GRCC
DATE SAMPLED		9/24/19	9/24/19	9/24/19	9/24/19	9/24/19	9/24/19	9/24/19	9/24/19	9/24/19	9/25/19	9/25/19	9/25/19	9/25/19	9/24/19	
INORGANIC METALLIC CONSTITUENTS (µg/Kg)																
ARSENIC	7440382	2,300	< 1,000	1,300	1,500	9,900	5,600	7,900	7,600	10,000	8,700	7,200	1,400	20,000	3,100	5,800 D
BARIUM	7440393	51,000	27,000	26,000	24,000	86,000	58,000	160,000	81,000	120,000	110,000	130,000	8,300	47,000	27,000	440,000 E
CADMIUM	7440439	< 200	240	< 200	< 200	370	1,400	530	2,600	1,400	< 200	520	< 200	780	810	3,000 B
CHROMIUM (TOTAL)	VARIES	2,600	10,000	3,700	2,600	7,800	16,000	8,600	22,000	14,000	4,400	10,000	6,300	8,700	18,000	18,000 D
COPPER	7440508	5,800	6,000	3,300	5,100	21,000	64,000	37,000	60,000	57,000	20,000	23,000	7,300	54,000	25,000	73,000 E
IRON	7439896	3,000,000	5,900,000	3,300,000	4,500,000	15,000,000	15,000,000	42,000,000	25,000,000	33,000,000	8,100,000	31,000,000	7,000,000	65,000,000	9,900,000	12,000,000 D
LEAD	7439921	200,000	15,000	26,000	36,000	35,000	130,000	64,000	240,000	130,000	16,000	60,000	12,000	120,000	64,000	400,000 C
MANGANESE	7439965	110,000	270,000	42,000	62,000	370,000	150,000	600,000	360,000	290,000	48,000	1,500,000	66,000	200,000	140,000	440,000 D
MERCURY	VARIES	< 50	< 50	< 50	100	53	98	140	66	83	66	< 50	< 50	1,600	60	130 D
NICKEL	7440020	2,500	4,300	3,000	3,400	6,300	13,000	15,000	18,000	13,000	9,600	10,000	4,900	8,100	8,500	76,000 E
SELENIUM	7782492	< 200	< 200	< 200	< 200	940	510	1,000	560	730	710	970	< 200	230	< 200	410 D
SILVER	7440224	< 100	< 100	< 100	< 100	< 100	< 100	< 100	350	< 100	< 100	< 100	< 100	< 100	< 100	1,000 D
ZINC	7440666	79,000	19,000	22,000	71,000	120,000	240,000	95,000	480,000	310,000	12,000	170,000	9,300	110,000	120,000	170,000 E
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCS) (µg/Kg)																
2-METHYLNAPHTHALENE	91576	32,000	< 330	< 330	< 330	4,400	< 330	2,300	< 330	3,200	4,300	3,500	< 330	< 1,600	< 330	4,200 B
ACENAPHTHENE	83329	51,000	< 330	< 330	< 330	< 330	< 330	3,700	< 330	< 330	2,200	< 330	< 330	< 1,600	< 330	8,700 B
ACENAPHTHYLENE	208968	18,000	< 330	< 330	< 330	< 330	2,900	< 1,600	< 330	< 330	13,000	< 330	< 330	7,100	< 330	5,900 A
ANTHRACENE	120127	100,000	< 330	< 330	< 330	< 330	3,500	8,800	< 330	< 330	28,000	< 330	< 330	4,200	< 330	41,000 A
BENZO(A)ANTHRACENE	56553	100,000	< 330	< 330	< 330	2,200	9,200	23,000	1,900	< 330	59,000	4,400	< 330	21,000	< 330	20,000 C
BENZO(A)PYRENE	50328	80,000	< 330	< 330	< 330	2,200	8,400	19,000	1,800	< 330	50,000	4,900	< 330	17,000	< 330	2,000 C
BENZO(B)FLUORANTHENE	205992	97,000	< 330	< 330	< 330	2,600	13,000	26,000	3,300	2,800	84,000	5,700	< 330	43,000	1,500	20,000 C
BENZO(G,H,I)PERYLENE	191242	41,000	< 330	< 330	< 330	1,900	5,300	12,000	< 330	< 330	32,000	5,300	< 330	32,000	< 330	2,500,000 C
BENZO(K)FLUORANTHENE	207089	9,000	< 330	< 330	< 330	< 330	5,100	10,000	< 330	< 330	27,000	2,100	< 330	16,000	< 330	200,000 C
CARBAZOLE	86748	1,700,000	4,100	2,500	1,900	9,700	52,000	130,000	8,200	10,000	150,000	4,000	< 330	22,000	3,500	1,100 G
CHRYSENE	218019	98,000	< 330	< 330	< 330	2,300	8,800	22,000	2,300	1,800	49,000	4,000	< 330	24,000	< 330	2,000,000 C
DIBENZO(A,H)ANTHRACENE	53703	13,000	< 330	< 330	< 330	< 330	1,900	< 1,600	< 330	< 330	10,000	< 330	< 330	2,200	< 330	2,000 C
DIBENZOFURAN	132649	65,000	< 330	< 330	< 330	< 330	< 330	1,900	< 330	< 330	11,000	< 330	< 330	< 1,600	< 330	1,700 B
FLUORANTHENE	206440	190,000	< 330	< 330	< 330	3,800	15,000	48,000	3,400	2,100	110,000	9,000	< 330	30,000	< 330	5,500 B
FLUORENE	86737	72,000	< 330	< 330	< 330	< 330	< 330	3,500	< 330	< 330	12,000	< 330	< 330	< 1,600	< 330	5,300 B
INDENO(1,2,3-CD)PYRENE	193395	40,000	< 330	< 330	< 330	< 330	5,700	12,000	< 330	< 330	34,000	3,900	< 330	30,000	< 330	20,000 C
NAPHTHALENE	91203	120,000	< 330	< 330	< 330	4,400	1,900	2,000	< 330	2,700	5,200	2,700	< 330	2,500	< 330	730 B
PENTACHLOROPHENOL	87865	< 8,000	< 800	< 800	< 800	2,600	< 800	< 4,000	< 800	< 800	< 4,000	< 800	< 800	7,600	< 800	22 A
PHENANTHRENE	85018	270,000	< 330	< 330	< 330	4,200	9,600	37,000	1,700	2,300	87,000	5,800	< 330	< 1,600	1,500	2,100 B
PYRENE	129000	160,000	< 330	< 330	< 330	5,300	14,000	42,000	3,400	2,100	93,000	11,000	< 330	33,000	< 330	480,000 A
REMAINING SVOCS	-	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	-
VOLATILE ORGANIC COMPOUNDS (VOCS) (µg/Kg)																
1,2,4-TRIMETHYLBENZENE	95636	520	< 50	< 50	NA	NA	< 50	< 50	< 50	< 50	< 50	< 50	< 50	< 50	NA	570 B
1,3,5-TRIMETHYLBENZENE	108678	200	< 50	< 50	NA	NA	< 50	< 50	< 50	< 50	< 50	< 50	< 50	< 50	NA	1,100 B
BENZENE	71432	300	< 50	< 50	NA	NA	< 50	< 50	< 50	< 50	< 50	< 50	< 50	< 50	NA	100 A
ETHYLBENZENE	100414	79	< 50	< 50	NA	NA	< 50	62	< 50	< 50	< 50	< 50	< 50	< 50	NA	360 B
TOLUENE	108883	420	< 50	< 50	NA	NA	120	310	< 50	120	81	68	< 50	< 50	NA	5,400 B
XYLENES (TOTAL)	1330207	930	< 150	< 150	NA	NA	< 150	220	< 150	75	< 150	63	< 150	< 150	NA	980 B
REMAINING VOCS	-	BDL	BDL	BDL	NA	NA	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	NA	-
CYANIDE (µg/Kg)																
CYANIDE	57125	240	< 100	< 100	100	3,700	280	300	250	310	310	420	< 100	110,000	250	390 D

TABLE NOTES:

GRCC - RESIDENTIAL PART 201 GENERIC CLEANUP CRITERIA AS OUTLINED IN THE REMEDIATION AND REDEVELOPMENT DIVISION CLEANUP CRITERIA REQUIREMENTS FOR RESPONSE ACTIVITY TABLES EFFECTIVE JUNE 25, 2018.

SAMPLE DATA IN RED EXCEEDS THE CURRENT GRCC.

(µg/Kg) - MICROGRAMS PER KILOGRAM.

NA - NOT CHEMICALLY ANALYZED FOR SPECIFIED PARAMETER.

BDL - BELOW LABORATORY METHOD DETECTION LIMITS.

A - DRINKING WATER PROTECTION CRITERIA.

B - GROUNDWATER SURFACE WATER INTERFACE PROTECTION CRITERIA.

C - DIRECT CONTACT CRITERIA.

D - STATEWIDE DEFAULT BACKGROUND LEVEL.

E - SOIL VOLATILIZATION TO INDOOR AIR INHALATION CRITERIA.

NCCL - NO CLEANUP CRITERIA LISTED.

+ - DUE TO MATRIX INTERFERENCE, THE LABORATORY DILUTED THE SAMPLE WHICH ELEVATED THE METHOD DETECTION LIMIT.

DIAGRAM NOTES:

THIS DIAGRAM IS NOT A LEGAL SURVEY.

THE DETAILS DEPICTED ON THIS DIAGRAM ARE APPROXIMATE LOCATIONS BASED ON THE AVAILABLE AERIAL PHOTOGRAPHS, STANDARD HISTORICAL RESOURCES AND/OR FIELD OBSERVATIONS.

HISTORICAL MUSKEGON LAKE SHORELINE AND FILL MATERIAL LIMITS OBTAINED FROM THE SEPTEMBER 2008 SUMMARY REPORT FOR THE AREA-WIDE ASSESSMENT OF HISTORIC FILL OF MUSKEGON LAKE SHORELINE COMPLETED BY SUPERIOR ENVIRONMENTAL CORP. AND ENVIRONMENTAL RESOURCE MANAGEMENT.

PROJECT NUMBER: 19-01-006B | DATE: 10/8/2019

APPROXIMATE SCALE: 1" = 100'

0' 50' 100' 200'

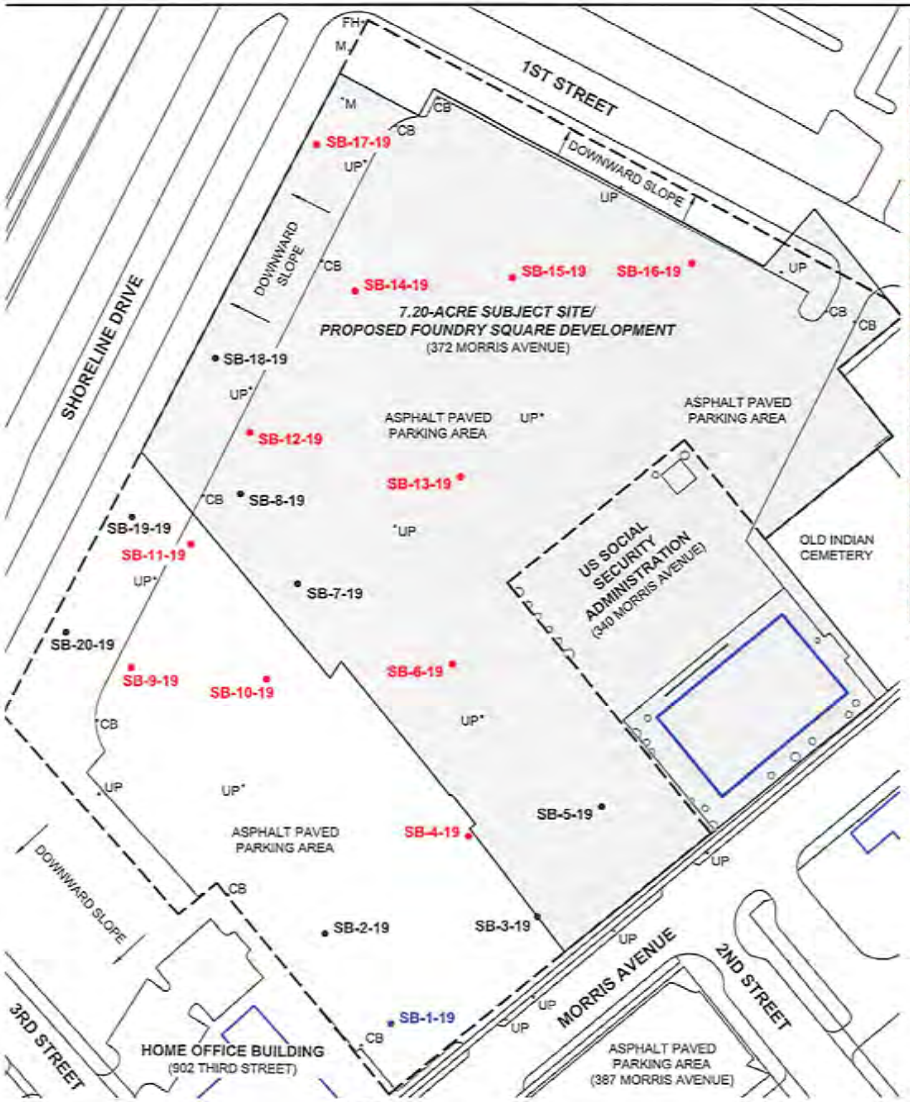
DIXON ENVIRONMENTAL CONSULTING, INC. (1603 North Taylor Avenue, Grand Rapids, MI 49509)

PHASE II ENVIRONMENTAL SITE ASSESSMENT

FIGURE 3 - SOIL SAMPLE DETAIL DIAGRAM

NORTH

COMMERCIAL PROPERTY
372 MORRIS AVENUE
MUSKEGON, MICHIGAN



GROUNDWATER ANALYTICAL RESULTS TABLE

CONSTITUENT	CAS NUMBER	SB-1-19 (15.7')	SB-4-19 (17.1')	SB-6-19 (16.5')	SB-9-19 (15.5')	SB-10-19 (16.1')	SB-11-19 (14.5')	SB-12-19 (14.1')	SB-13-19 (15.5')	SB-14-19 (13.6')+	SB-15-19 (13.9')+	SB-16-19 (12.6')	SB-17-19 (5.5')	GRCC
DATE SAMPLED		9/24/19	9/24/19	9/25/19	9/25/19	9/25/19	9/25/19	9/25/19	9/25/19	9/25/19	9/25/19	9/25/19	9/25/19	
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCS) (µg/L)														
2-METHYLNAPHTHALENE	91576	< 5.0	< 5.0	< 5.0	< 5.0	< 5.0	< 5.0	39	< 5.0	190	< 5.0	< 5.0	13	19 [E]
ACENAPHTHENE	83329	< 5.0	< 5.0	< 5.0	< 5.0	< 5.0	< 5.0	16	< 5.0	98	< 5.0	< 5.0	160	38 [B]
ANTHRACENE	120127	< 5.0	< 5.0	< 5.0	< 5.0	< 5.0	< 5.0	< 5.0	< 5.0	< 5.0	< 5.0	< 5.0	43	43 [A]
BENZO(A)ANTHRACENE	56553	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	27	2.1 [A]
BENZO(A)PYRENE	50328	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	32	1.62 [C]
BENZO(B)FLUORANTHENE	205992	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	12	1.5 [A]
BENZO(G,H,I)PERYLENE	191242	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	16	0.26 [C]
BENZO(K)FLUORANTHENE	207089	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	13	0.80 [C]
CARBAZOLE	86748	< 5.0	< 5.0	< 5.0	< 5.0	< 5.0	< 5.0	2,900	56	910	510	< 5.0	190	4.0 [B]
CHRYSENE	218019	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	24	1.6 [C]
DIBENZOFURAN	132649	< 4.0	< 4.0	< 4.0	< 4.0	< 4.0	< 4.0	< 4.0	< 4.0	< 4.0	< 4.0	< 4.0	21	4.0 [B]
FLUORANTHENE	206440	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	86	1.6 [B]
FLUORENE	86737	< 5.0	< 5.0	< 5.0	< 5.0	< 5.0	< 5.0	< 5.0	< 5.0	27	< 5.0	< 5.0	63	12 [B]
INDENO(1,2,3-CD)PYRENE	193395	< 2.0	< 2.0	< 2.0	< 2.0	< 2.0	< 2.0	< 2.0	< 2.0	< 2.0	< 2.0	< 2.0	12	0.022 [C]
NAPHTHALENE	91203	< 5.0	< 5.0	< 5.0	< 5.0	< 5.0	< 5.0	260	66	2,000	530	< 5.0	100	11 [B]
PHENANTHRENE	85018	< 2.0	< 2.0	< 2.0	< 2.0	< 2.0	< 2.0	< 2.0	< 2.0	45	< 2.0	< 2.0	140	1.7 [B]
PYRENE	129000	< 5.0	< 5.0	< 5.0	< 5.0	< 5.0	< 5.0	< 5.0	< 5.0	< 5.0	< 5.0	< 5.0	95	135 [C]
REMAINING SVOCS	-	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	-
VOLATILE ORGANIC COMPOUNDS (VOCS) (µg/L)														
1,2,4-TRIMETHYLBENZENE	95636	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	17	7.1	98	30	< 1.0	6.2	17 [B]
1,3,5-TRIMETHYLBENZENE	108678	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	1.7	2.4	< 20	< 10	< 1.0	1.5	45 [B]
BENZENE	71432	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	1.7	580	180	< 1.0	93	5.0 [A]
CHLOROFORM	67663	3.1	1.5	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 20	< 10	< 1.0	< 1.0	80 [A]
ETHYLBENZENE	100414	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	150	2.5	1,700	1,000	< 1.0	13	18 [B]
TOLUENE	108883	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	22	15	< 1.0	< 1.0	270 [B]
XYLENES (TOTAL)	1330207	< 3.0	< 3.0	< 3.0	< 3.0	< 3.0	< 3.0	31.4	16.9	470	570	< 3.0	5.4	49 [B]
REMAINING VOCS	-	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	-
CYANIDE (µg/L)														
CYANIDE	57125	< 5.0	37	78	34	23	43	27	290	890	1,400	500	340	5.2 [B]

TABLE NOTES:

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(µg/L) - MICROGRAMS PER LITER.

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HISTORICAL MUSKEGON LAKE SHORELINE AND FILL MATERIAL LIMITS OBTAINED FROM THE SEPTEMBER 2008 SUMMARY REPORT FOR THE AREA-WIDE ASSESSMENT OF HISTORIC FILL OF MUSKEGON LAKE SHORELINE COMPLETED BY SUPERIOR ENVIRONMENTAL CORP. AND ENVIRONMENTAL RESOURCE MANAGEMENT.

PROJECT NUMBER: 19-01-006B | DATE: 10/8/2019

APPROXIMATE SCALE: 1" = 100'

0' 50' 100' 200'

DIXON ENVIRONMENTAL CONSULTING INC. (1960 North Taylor Avenue, Grand Rapids, MI 49506)

PHASE II ENVIRONMENTAL SITE ASSESSMENT

FIGURE 4 - GROUNDWATER SAMPLE DETAIL DIAGRAM

NORTH

COMMERCIAL PROPERTY
372 MORRIS AVENUE
MUSKEGON, MICHIGAN

ATTACHMENT B
Brownfield Plan Amendment Resolution

ATTACHMENT C
Development and/or Reimbursement Agreement

WATCH MUSKEGON

Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: 4/14/2020	Title: Nelson Neighborhood Rezoning's
Submitted By: Mike Franzak	Department: Planning
Brief Summary: Staff initiated request to rezone multiple properties in the Nelson neighborhood to Form Based Code, Urban Residential.	
Detailed Summary: The Planning Commission unanimously voted to recommend approval to the City Commission.	
Amount Requested:	Amount Budgeted:
Fund(s) or Account(s):	Fund(s) or Account(s):
Recommended Motion: To approve the rezoning's in Nelson Neighborhood as presented.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	

Planning Commission Excerpt:

Hearing, Case 2020-07: Staff initiated request to rezone multiple properties in the Nelson neighborhood to Form Based Code, Urban Residential.

SUMMARY

1. Staff is recommending to rezone most of the single-family properties in the Nelson Neighborhood to Form Based Code, Urban Residential. The rezoning would allow for a wider range of housing options; including single-family, townhomes, duplexes and small multiplexes. The Nelson Neighborhood already has a large selection of these home types, but many of them were initially single-family homes that were split-up into multiple units. This has lead to some blight issues, because many of the homes became denser without having the appropriate sized lot. The form based code addresses this issue and also requires more stringent design guidelines.
2. Almost all of the existing duplexes and small multiplexes in the Nelson Neighborhood are considered non-conforming, which can lead to problems with financing, insurance and rebuilding. A rezoning to FBC, Urban Residential would alleviate many of these problems.
3. Please see the enclosed Rental Properties Map. The map shows that 38% of residential parcels in the Nelson Neighborhood are rental properties. Duplexes account for 11% of the parcels. The current zoning does not allow for duplexes and small multiplexes. The current zoning does not match the reality of neighborhood.
4. As Nelson Neighborhood continues to redevelop, staff wants to make sure that a mixture of different housing types are created to continue to address the different housing needs of the diverse neighborhood.
5. Equally as important, it is imperative that we do not zone existing residents out of the neighborhood. Many homes in the area are aging and becoming uninhabitable, weather through disinvestment or disasters. As non-conforming multi-family homes are demolished, it is important that we allow new multi-family homes to be built in their place (on appropriately sized lots) so that tenants are not forced out of the neighborhood because of limited housing options.
6. The proposed rezonings do not include Jefferson St south of the high school.
7. A brief presentation on this topic will be given at the meeting.

STAFF RECOMMENDATION

Staff recommends approval of the rezoning request as presented.

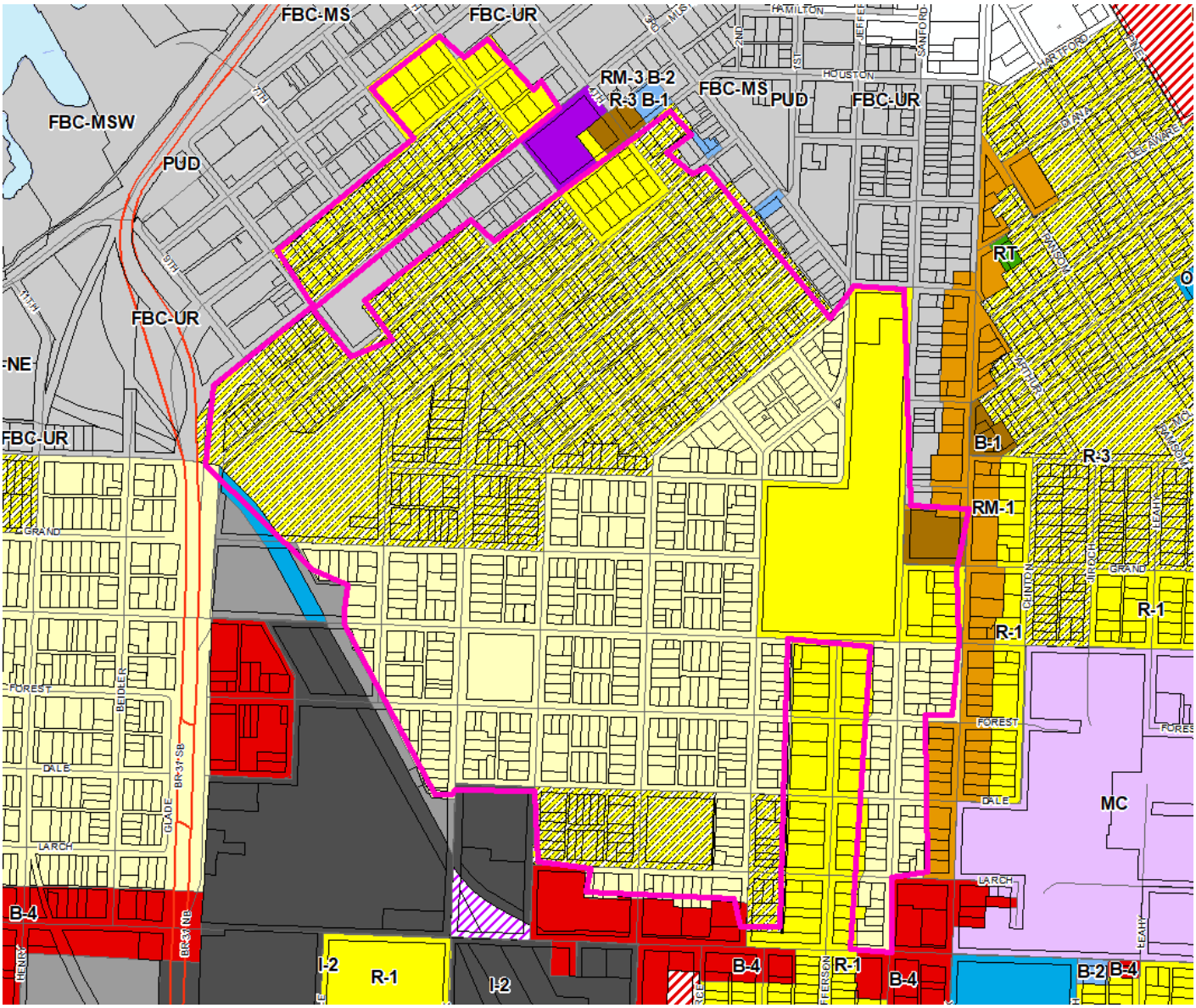
DELIBERATION

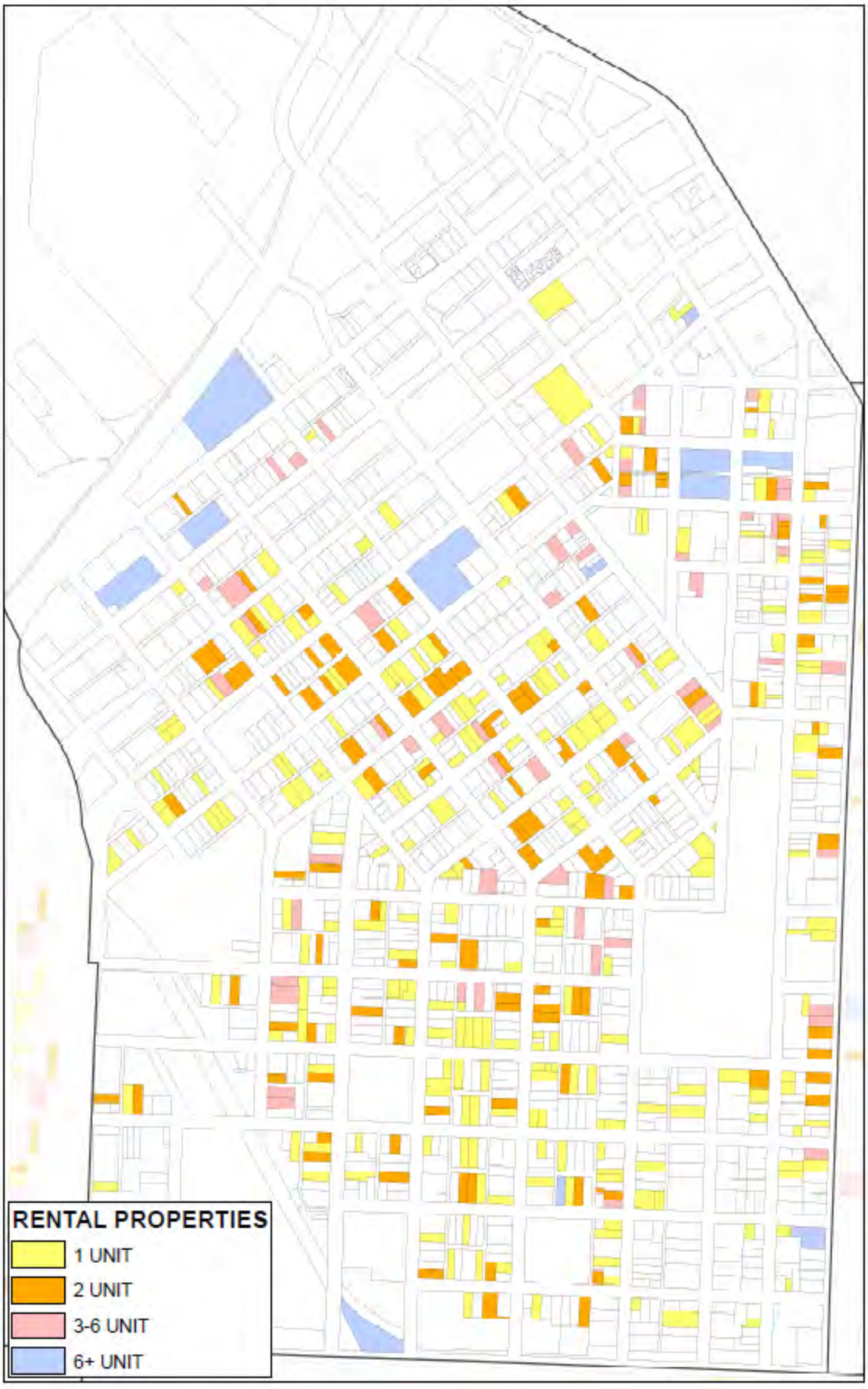
Motion for consideration:

I move that the request to rezone the properties in the Nelson neighborhood as presented to Form Based Code, Urban Residential be recommended to the City Commission for (approval/denial).

Proposed Properties to Be Rezoned to FBC, Urban Residential

(Inside Pink Boundaries)




RENTAL PROPERTIES
1 UNIT
2 UNIT
3-6 UNIT
6+ UNIT

2005.10 URBAN RESIDENTIAL (UR) CONTEXT AREA

1.0 CONTEXT AREA INTENT AND DESCRIPTION

INTENT

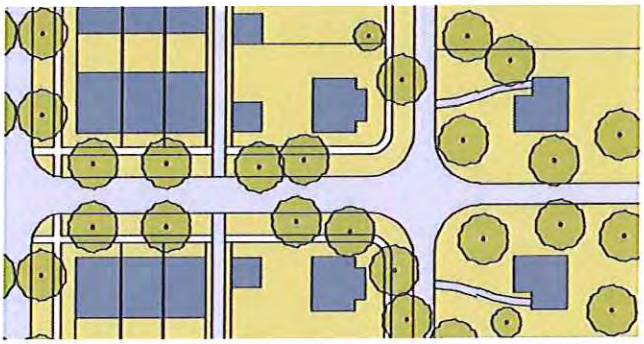
To provide a variety of urban housing choices, in small to medium footprint, medium-density Building Types, which reinforce the neighborhood's walkable nature and support small locally-owned neighborhood retail, service, and commercial activity.

DESCRIPTION

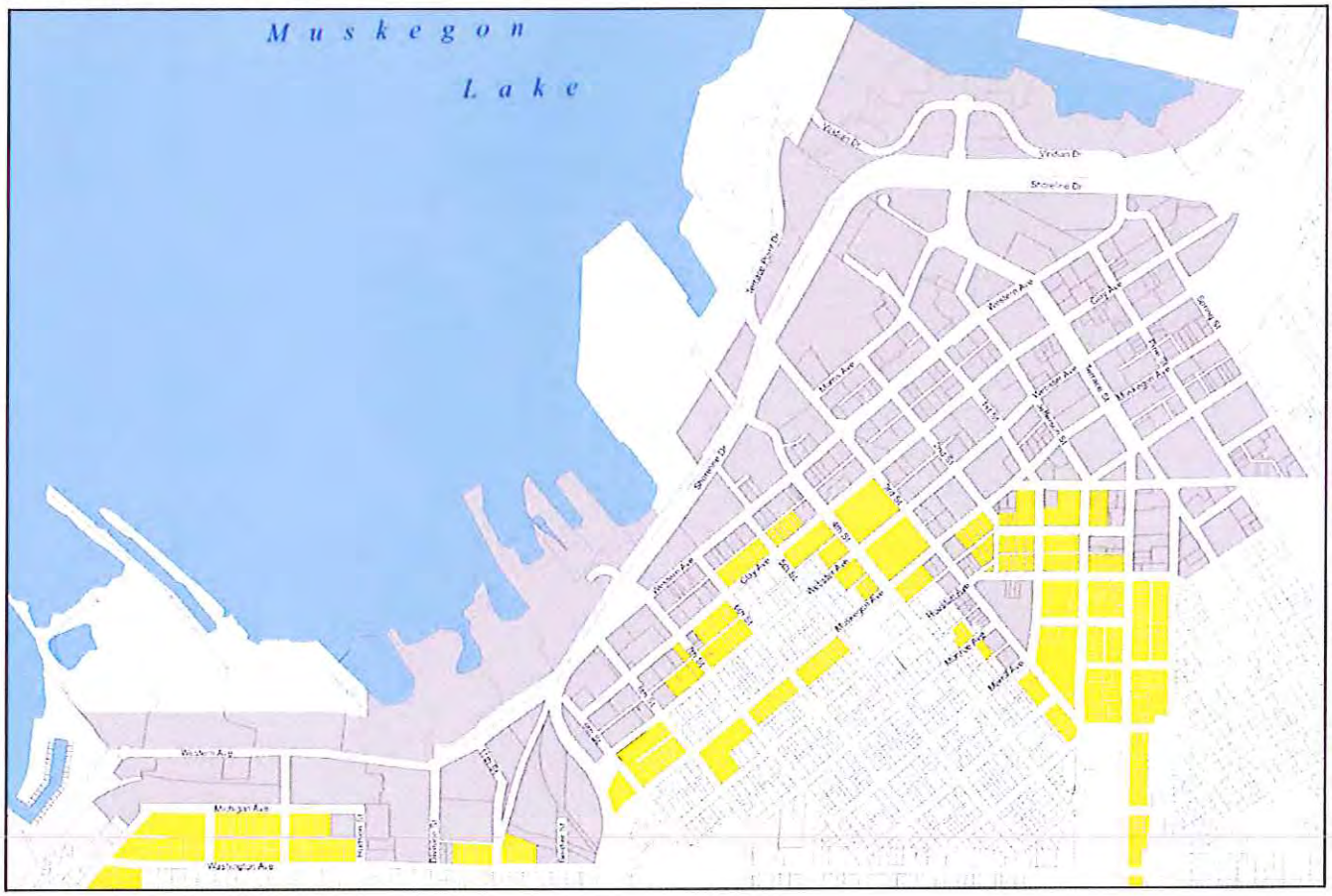
This Context Area is characterized by a wide variety of residential buildings types that have a range of setback conditions within a compact walkable block structure. Small retail enterprises may occur at strategic corner locations within live / work buildings. This Context Area is typically adjacent to single family residential districts.

The following are generally appropriate form elements in this Context Area:

A. Attached and detached residential buildings
B. Medium to small building footprint
C. Varied front setbacks
D. Medium side setbacks
E. Primarily stoops and porch frontages



2.0 CONTEXT AREA LOCATION



2005.10 URBAN RESIDENTIAL (UR) CONTEXT AREA

3.0 PERMITTED BUILDING TYPES, BUILDING TYPE HEIGHTS, AND BUILDING TYPE LOT SIZES

BUILDING TYPE WITH FRONTAGE OPTION		URBAN RESIDENTIAL (UR) CONTEXT AREA		
		PERMITTED IN CONTEXT AREA	BUILDING HEIGHT	BUILDING LOT SIZE
MIXED-USE BUILDING TYPE	with STOREFRONT			
	with BALCONY			
	with TERRACE			
	with FORECOURT			
	with DRIVE-THROUGH			
RETAIL BUILDING TYPE	with STOREFRONT			
	with TERRACE			
	with DRIVE-THROUGH			
FLEX BUILDING TYPE	with STOREFRONT			
	with TERRACE			
	with FORECOURT			
	with DOORYARD			
COTTAGE RETAIL BUILDING	with STOREFRONT			
	with DOORYARD			
	with STOOP			
LIVE / WORK BUILDING TYPE	with STOREFRONT			
	with DOORYARD	Conditional*	2 story building required	Lot Width: 18' min. / 35' max. Lot Depth: 80' min.
	with LIGHTWELL			
	with STOOP	Conditional*	2 story building required	Lot Width: 18' min. / 35' max. Lot Depth: 80' min.
LARGE MULTI-PLEX BUILDING TYPE	with FORECOURT			
	with DOORYARD			
	with STOOP			
	with PROJECTING PORCH			
SMALL MULTI-PLEX BUILDING TYPE	with STOOP	By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 80' max. Lot Depth: 100' min.
	with PROJECTING PORCH	By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 80' max. Lot Depth: 100' min.
	with ENGAGED PORCH	By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 80' max. Lot Depth: 100' min.
ROWHOUSE BUILDING TYPE	with LIGHTWELL			
	with STOOP	By Right	2 story building required	Lot Width: 18' min. / 30' max. Lot Depth: 100' min.
	with PROJECTING PORCH	By Right	2 story building required	Lot Width: 18' min. / 30' max. Lot Depth: 100' min.
DUPLEX BUILDING TYPE	with STOOP	By Right	2 story building required	Lot Width: 40' min. / 60' max. Lot Depth: 100' min.
	with PROJECTING PORCH	By Right	2 story building required	Lot Width: 40' min. / 60' max. Lot Depth: 100' min.
	with ENGAGED PORCH	By Right	2 story building required	Lot Width: 40' min. / 60' max. Lot Depth: 100' min.
DETACHED HOUSE BUILDING TYPE	with STOOP	By Right	2 story max. / 1 story min.	Lot Width: 30' min. / 60' max. Lot Depth: 100' min.
	with PROJECTING PORCH	By Right	2 story max. / 1 story min.	Lot Width: 30' min. / 60' max. Lot Depth: 100' min.
	with ENGAGED PORCH	By Right	2 story max. / 1 story min.	Lot Width: 30' min. / 60' max. Lot Depth: 100' min.
CARRIAGE HOUSE BUILDING TYPE		By Right	2 story building required	Not Applicable - Carriage House Building Type must be used as an accessory building to another building type (refer to Section 2006)
CIVIC BUILDING TYPE		By Right	3 story max. / 2 story min.	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.

Shaded areas represent Building Types and / or frontages that are not permitted in specified Context Area.

* Refer to the Building Type with specific frontage option in Section 2006 for buildings and frontages labeled as Conditional.

4.0 BUILDING SITE PLACEMENT

Refer to Illustration 5.12 for building site placement.

A. Front Build-to-Zone (at front street):
- Required build-to-zone from 12 to 30 feet from front property line.
- Live / Work Building Types in this Context Area shall have a required build-to-zone from 5 to 20 feet from front property line.

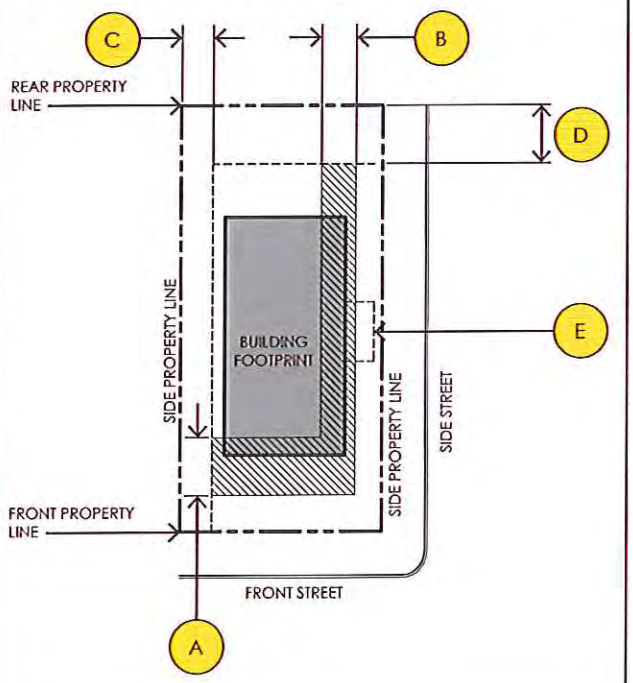
B. Side Build-to-Zone (at side street):
- Required build-to-zone from 10 to 25 feet from side property line.
- Live / Work Building Types in this Context Area shall have a required build-to-zone from 5 to 20 feet from side property line.

C. Side Setback (at non-street locations):
- 6 feet from side property line.

D. Rear Setback:
- 15 feet from rear property line.

E. Encroachments: Balconies, awnings, canopies, eaves, cornices, and bay windows, may project into required setbacks, beyond required build-to-zones, or into the public right-of-way as indicated in Section 2003.02.

ILLUSTRATION 5.12 BUILDING SITE PLACEMENT



5.0 PARKING PLACEMENT

Refer to Illustration 5.13 for on-site parking placement.

A. Front Setback:
- 40 feet minimum from front property line.

B. Side Setback (from side street):
- 10 feet minimum from side property line.

C. Side Setback (from non-street locations):
- 1 foot from side property line.

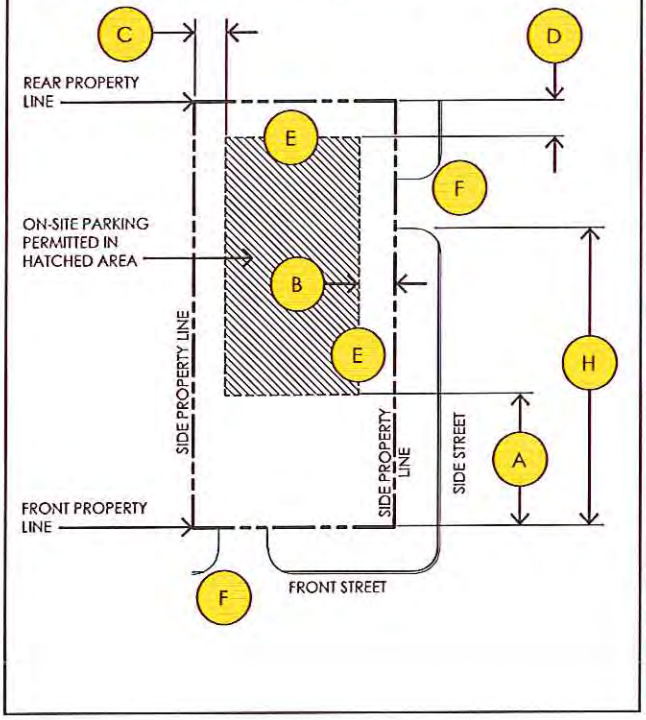
D. Rear Setback:
- 5 feet from rear property line at non-street locations.
- 10 feet from rear property line at street locations.

E. Parking located at side or rear street locations shall be screened from the street as required by Section 2008.14.

F. Parking / service areas shall not be accessed from front streets, unless an alley or side street is not available for driveway placement. Maximum width of driveway is 20 feet.

G. Driveway access location:
- Corner lot: 40 feet minimum from street corner.
- Interior lot: within 5 feet of side property line, when alley is not available.

ILLUSTRATION 5.13 PARKING PLACEMENT



2005.10 URBAN RESIDENTIAL (UR) CONTEXT AREA

6.0 PERMITTED USES

URBAN RESIDENTIAL (UR) CONTEXT AREA PERMITTED USES

Specific Use	MIXED USE BUILDING TYPE	RETAIL BUILDING TYPE	FLEX BUILDING TYPE	COTTAGE RETAIL BUILDING TYPE	LIVE / WORK BUILDING TYPE	LARGE MULTI-PLEX BUILDING TYPE	SMALL MULTI-PLEX BUILDING TYPE	ROWHOUSE BUILDING TYPE	DUPLEX BUILDING TYPE	DETACHED HOUSE BUILDING TYPE	CARRIAGE HOUSE BUILDING TYPE	CIVIC BUILDING TYPE
Accessory buildings and uses					P		P	P	P	P	P	
Amusement and recreation facility												
Auto service station												
Bank												
Business school/private or public school/higher ed.												
Church												
Club, lodge, hall												
Gallery/museum					P							P
Home Business					P		P	P	P	P	P	
Hotel/motel												
Indoor theater/live music concert hall												
Light manufacturing												
Machine shop												
Micro brewery, distillery, winery under 2500 barrels												
Micro brewery, distillery, winery over 2500 barrels												
Multi-family							P					
Non-profit Supportive Housing					S*		S*		S*	S*		
Office					P							
Outdoor recreation												
Outdoor theater												
Parking structure												
Personal service					P							
Railway terminal												
Research and development												
Restaurant, cocktail lounge, brewpub												

P = Permitted Use
P* = Permitted Use on floors two and above
P# = Permitted Use on first floor only
S = Special Land Use (refer to Section 2002.02)
S* = Special Land Use on Peck Street and Sanford Street only
Active uses per the Context Area Map (2005.02) include retail, restaurant/cocktail lounge/brewpub, personal service, and micro brewery/distillery/winery.
Blank cell = Use not permitted in this Context Area
Shaded areas represent Building Types that are not permitted in this Context Area.

2005.10 URBAN RESIDENTIAL (UR) CONTEXT AREA

6.0 PERMITTED USES (continued)

URBAN RESIDENTIAL (UR) CONTEXT AREA PERMITTED USES

Specific Use	MIXED USE BUILDING TYPE	RETAIL BUILDING TYPE	FLEX BUILDING TYPE	COTTAGE RETAIL BUILDING TYPE	LIVE / WORK BUILDING TYPE	LARGE MULTI-PLEX BUILDING TYPE	SMALL MULTI-PLEX BUILDING TYPE	ROWHOUSE BUILDING TYPE	DUPLEX BUILDING TYPE	DETACHED HOUSE BUILDING TYPE	CARRIAGE HOUSE BUILDING TYPE	CIVIC BUILDING TYPE
Retail					P							
Shipping, port related activity												
Shared/Co-op housing							P					
Single-family residential					P			P		P	P*	
Taxi/limo service					P							
Two-family residential					P				P			
Uses similar to permitted uses					P		P	P	P	P	P	
Uses similar to special uses					P		P	P	P	P	P	
Veterinary and kennel												
Warehousing												
Wind turbine												

P = Permitted Use
P* = Permitted Use on floors two and above
P# = Permitted Use on first floor only
S = Special Land Use (refer to Section 2002.02)
S* = Special Land Use on Peck Street and Sanford Street only
Active uses per the Context Area Map (2005.02) include retail, restaurant/cocktail lounge/brewpub, personal service, and micro brewery/distillery/winery.
Blank cell = Use not permitted in this Context Area
Shaded areas represent Building Types that are not permitted in this Context Area.

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO._____

An ordinance to amend the zoning map of the City to provide for a zone change for several properties in the Nelson Neighborhood to Form Based Code, Urban Residential.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning for several properties in the Nelson Neighborhood to Form Based Code, Urban Residential.

This ordinance adopted:

Ayes:_____

Nayes:_____

Adoption Date:_____

Effective Date:_____

First Reading:_____

Second Reading:_____

CITY OF MUSKEGON

By: _____
Ann Meisch, MMC
City Clerk

CERTIFICATE (Rezoning for several properties in the Nelson Neighborhood to FBC, UR)

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 14th day of April, 2020, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2006, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2020 _____

Ann Meisch, MMC
Clerk, City of Muskegon

Publish Notice of Adoption to be published once within ten (10) days of final adoption.

CITY OF MUSKEGON
NOTICE OF ADOPTION

Please take notice that on April 14, 2020, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning for several properties in the Nelson Neighborhood to FBC, UR.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten days from the date of this publication.

Published _____, 2020 CITY OF MUSKEGON

By _____
Ann Meisch, MMC
City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE.

Account No. 101-80400-5354

WATCH MUSKEGON

Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: April 14, 2020	Title: Amendment to the Zoning Ordinance
Submitted By: Mike Franzak	Department: Planning
Brief Summary: Staff initiated request to amend the Form Based Code, Urban Residential districts to restrict small-multiplexes to four units.	
Detailed Summary:	
Amount Requested:	Amount Budgeted:
Fund(s) or Account(s):	Fund(s) or Account(s):
Recommended Motion: To approve the zoning amendment.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action	

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO._____

An ordinance to amend the Form Based Code Section of the Zoning Ordinance to restrict small multiplexes in Urban Residential Context Areas to four units maximum.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Existing Ordinance

CONTEXT AREAS AND USE **SECTION 2005**

2005.10 URBAN RESIDENTIAL (UR) CONTEXT AREA

	with PROJECTING PORCH			
SMALL MULTI-PLEX BUILDING TYPE	with STOOP	By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 80' max. Lot Depth: 100' min.
	with PROJECTING PORCH	By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 80' max. Lot Depth: 100' min.
	with ENGAGED PORCH	By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 80' max. Lot Depth: 100' min.

Proposed Amendment

	with PROJECTING PORCH			
SMALL MULTI-PLEX BUILDING TYPE	with STOOP	4 unit max. By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 80' max. Lot Depth: 100' min.
	with PROJECTING PORCH	4 unit max. By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 80' max. Lot Depth: 100' min.
	with ENGAGED PORCH	4 unit max. By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 80' max. Lot Depth: 100' min.
	with LIGHTWELL			

This ordinance adopted:

Ayes:_____

Nayes:_____

Adoption Date:_____

Effective Date:_____

First Reading:_____

Second Reading:_____

CITY OF MUSKEGON

By: _____
Ann Meisch, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 14th day of April 2020, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2006, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2020. _____

Ann Meisch, MMC

Clerk, City of Muskegon

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

CITY OF MUSKEGON

NOTICE OF ADOPTION

Please take notice that on April 14, 2020, the City Commission of the City of Muskegon adopted an ordinance to amend the Form Based Code Section of the Zoning Ordinance to restrict small multiplexes in Urban Residential Context Areas to four units maximum.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten days from the date of this publication.

Published _____, 2020.

CITY OF MUSKEGON

By _____

Ann Meisch, MMC

City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE.

Account No. 101-80400-5354

WATCH MUSKEGON

Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: April 14, 2020	Title: Resolution regarding Muskegon Public Schools' 2020 Bond Proposals
Submitted By: Commissioner Johnson	Department: City Clerk
Brief Summary: A resolution regarding the Muskegon Public Schools' 2020 Bond Proposals	
Detailed Summary: N/A	
Amount Requested: N/A	Amount Budgeted: N/A
Fund(s) or Account(s): N/A	Fund(s) or Account(s): N/A
Recommended Motion: Adopt the resolution.	
For City Clerk Use Only: Commission Action:	

RESOLUTION No. _____
Muskegon Public Schools' 2020 Bond Proposals

WHEREAS, on May 5, 2020, registered voters in the Muskegon Public School District will be asked to approve two bond proposals; and

WHEREAS, Proposal 1 would enable Muskegon Public Schools to secure $93 million in funding without raising the current tax rate for our community; and

WHEREAS, this funding would support the construction, remodeling, and equipping of healthier, safer, and tech-enhanced learning environments, including a new, centrally-located middle school; and

WHEREAS, Proposal 2 would provide MPS with an additional $11.7 million in funding via a new 1-mill millage, and

WHEREAS, this greater funding would support infrastructure improvements as well as investments in athletics and the arts, which contribute to youth development and student success; and

WHEREAS, Muskegon Public Schools serve several thousand students in the City of Muskegon and portions of Muskegon Township and Norton Shores, all of them deserving of high-quality learning environments; and

WHEREAS, the City of Muskegon recognizes the great importance of Muskegon Public Schools in our community's past, present and future; and

WHEREAS, Bond Proposals 1 and 2 give voters the opportunity to invest in strong, safe, and secure schools for a stronger and more prosperous Muskegon; and

WHEREAS, the State Bureau of Elections has mailed absentee ballot applications to all registered voters.

BE IT RESOLVED that all citizens registered to vote are reminded that they have the right to vote on the May 5, 2020 proposals, regardless of whether they own or rent their residence; and

BE IT RESOLVED FURTHER that registered voters are strongly encouraged to return their absentee ballot application by mail or preferably by emailing a photo or scan of their signed application to the ann.meisch@shorelinecity.com, and then promptly voting by mail once their absentee ballot arrives.

The foregoing Resolution was offered by Commissioner _____ and supported by Commissioner _____, and same was duly passed at a general session of the City of Muskegon City Commission, with the vote as follows:

Yeas:
Nays:
Absent:

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on April 14, 2020.

By: _____
Stephen J. Gawron
Mayor

By: _____
Ann Marie Meisch, MMC
Clerk