

**Kalamazoo County, Michigan
Brownfield Redevelopment Authority**

Brownfield Plan

For

232, LLC

**232 W. Michigan Avenue
Kalamazoo, MI 49007
(Site# 3)**

Prepared for:

Kalamazoo County Brownfield Redevelopment Authority
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Approved by the Kalamazoo County Brownfield Redevelopment Authority on June 23, 2011

Approved by the Kalamazoo City Commission on July 18, 2011

Approved by the Kalamazoo County Board of Commissioners on August 3, 2011

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232, LLC Brownfield Plan

1. INTRODUCTION AND PURPOSE

The purpose of this plan, to be implemented by the Kalamazoo County Brownfield Redevelopment Authority (the Authority; KCBRA), is to satisfy the requirements for a Brownfield Plan as specified in Act 381 of the Public Acts of the State of Michigan of 1996, as amended, MCL 125.2651 et. seq., which is known as the “Brownfield Redevelopment Financing Act” (Act 381). Further, the plan is intended to satisfy the requirements of Act 381 for including eligible property designated as, the 232, LLC Project (the Project), in the KCBRA Brownfield Plan. This plan includes one parcel of property located at 232 W. Michigan Avenue in the City of Kalamazoo (the Property).

The plan will allow 232, LLC (the Developer) to seek Brownfield Redevelopment Tax Credits under the Michigan Business Tax Act (MBT Credit) for this redevelopment project. The plan also anticipates the use of Tax Increment Revenue to reimburse the Developer for eligible activities on the Project.

Terms used in this document are as defined in Act 381.

2. ELIGIBLE PROPERTY INFORMATION

The Property is located on West Michigan Avenue between Rose Street and Church Street in the City of Kalamazoo and Kalamazoo County. The Property contains one parcel of approximately 0.13 acres and is located at 232 W. Michigan Avenue (Tax Identification number 06-15-354-030). A property map and legal description is included as Exhibit A. The Property contains a three story building that was constructed in 1968, totaling approximately 10,413 square feet. The portions of the Property not covered by the building contain an asphalt parking lot for building. The parcel is considered “eligible property” due to the presence of contaminants that make it a “facility,” as defined by Part 201 of the Natural Resources and Environmental Protection Act (1994 PA 451).

3. PROPOSED REDEVELOPMENT

The Project involves the renovation of a 10,413 square-foot building located at 232 W. Michigan Avenue in the City of Kalamazoo and Kalamazoo County. The building requires significant investment to return it to functional use. The project involves the selective interior demolition of the front stairwell located in the building common area adjacent to the W. Michigan Avenue Building entrance in addition to the demolition of the existing second and third floor build-out.

Once demolition is completed all three floors will be expanded to the building perimeter wall, increasing the leaseable square footage by approximately 750 square feet. The 2nd and

third floor will be converted from their previous use as offices into four (4) new, modern apartments. The remaining vacant retail space and basement will be renovated for use by future tenants. In addition, a green roof will be installed on the building.

The total capital investment on the project is anticipated to be approximately \$850,000.

The Property is included in this Plan to enable 232, LLC, which is a “qualified taxpayer,” to apply for a credit against their Michigan Business Tax liability for “eligible investments”, incurred on the Property after the adoption of the Plan, but no earlier than 90 days from the date of a pre-approval letter from the Michigan Economic Growth Authority. For purposes of this paragraph, “qualified taxpayer” and “eligible investment” mean those terms as defined by Section 437 of Michigan Business Tax Act; 2007 PA 36 (MCL 208.1437).

4. BROWNFIELD CONDITIONS

Phase I & Phase II Environmental Site Assessments and a BEA have been completed on the site which has been found to be contaminated with acenaphthylene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, dibenzo(a,h)anthracene, indeno(1,2,3-cd)pyrene, phenanthrene, arsenic and lead. The parcel is considered “eligible property” due to the presence of contaminants that make it a “facility,” as defined by Part 201 of the Natural Resources and Environmental Protection Act (1994 PA 451).

5. BROWNFIELD PLAN ELEMENTS (as specified in Section 13(1) of Act 381)

A. Description of Costs to Be Paid for With Tax Increment Revenues

Both the Developer and the Authority anticipate incurring costs associated with the redevelopment which will be reimbursed through tax increment revenues. These costs include selective interior demolition costs incurred by the developer, preparation of the brownfield plan, KCBRA Application fees and KCBRA administrative expenses related to review and approval of the plan, in addition to annual administrative expenses. Table 1 below represents the estimated costs of the eligible activities as provided in this Plan.

TABLE 1	
Task	Cost Estimate
1. Selective Interior Demolition	\$80,000
2. Brownfield Plan Preparation	\$5,000
3. KCBRA Application Fee	\$2,500
4. KCBRA Administrative Expenses	\$10,000
5. Local Site Remediation Revolving Fund	\$42,479
TOTAL	\$139,979

The Authority will capture all available local Tax Increment Revenues which are not otherwise captured by the City of Kalamazoo Downtown Development Authority. For the purposes of this plan, it is estimated that the available increment will be divided based on a ratio of 60% to the DDA and 40% to the BRA. The Authority will capture the available local Tax Increment Revenues and will not seek capture of school taxes pursuant to an Act 381 Work Plan for this project. Upon reimbursement of eligible developer costs, the Authority intends on capturing Tax Increment Revenues for the Local Site Remediation Revolving Fund, as provided for under the Act.

The tax increment financing that is contemplated under this Plan is subject to the terms of a Development and Reimbursement Agreement that shall be executed by 232, LLC and the Authority following approval of this Plan and prior to any reimbursement of eligible activities proposed under this Plan.

B. Summary of Eligible Activities

The costs of eligible activities are estimated in Table 1 above and include the following:

1. Demolition. The site redevelopment requires the complete removal of the south stairwell assembly in addition to the demolition of the former office build-out contained in the second and third floors of the building.
2. Brownfield Plan Preparation. Costs will be incurred by the Developer for the development of this brownfield plan.
3. KCBRA Application Fee. The Authority requires a \$2,500 application fee as to be used as an advance against the costs incurred by the Authority to review and implement the brownfield plan.
4. KCBRA Administrative Expenses. The Authority will incur administrative costs associated with the ongoing management of this brownfield plan.
5. Local Site Remediation Revolving Fund. The Authority intends to capture Tax Increment Revenues as provided under the Act.

C. Estimate of Captured Taxable Value and Tax Increment Revenues

An estimate of the captured taxable value and tax increment revenues by year for the Property is attached as Exhibit B. The estimated captured taxable values assume a two and one-half percent annual growth rate for the duration of the project.

D. Method of Financing and Description of Advances by the Municipality

The cost of the plan will be financed by the Developer. No advances from the County are anticipated at this time.

E. Maximum Amount of Note or Bonded Indebtedness

The Authority will not incur any bond indebtedness with the adoption of the Plan. Therefore, this section is not applicable.

F. Duration of Brownfield Plan

The estimated duration is 22 years. It is estimated that the redevelopment of the property will be completed in 2012 and that it could take up to 17 years to recapture eligible costs through tax increment revenues. In addition, funds will be captured for an additional 5 years to fund the local site remediation revolving fund.

G. Estimated Impact of Tax Increment Financing on Revenues of Taxing Jurisdictions

Tabular estimates of the incremental tax increases are attached as Exhibit B.

H. Legal Description, Property Map, Statement of Qualifying Characteristics and Personal Property

The Property consists of one parcel of 0.13 acres and is located at 232 W. Michigan Avenue (Tax Identification number 06-15-354-030). A legal description for the Property and eligible property map showing the location and dimensions of the property are attached as Exhibit A.

The parcel is considered "eligible property" due to the presence of contaminants that make it a "facility," as defined by Part 201 of the Natural Resources and Environmental Protection Act (1994 PA 451).

Personal property is not included as eligible property under the plan.

I. Estimates of Residents and Displacement of Families

No persons reside on the Property, therefore this section is not applicable.

J. Plan for Relocation of Displaced Persons

No persons reside on the Property, thus no persons will be displaced. Therefore, this section is not applicable.

K. Provisions for Relocation Costs

No persons reside on the Property, thus no persons will be displaced. Therefore, this section is not applicable.

L. Strategy for Compliance with Michigan's Relocation Assistance Law

No persons reside on the Property, thus no persons will be displaced. Therefore, this section is not applicable.

M. Description of Proposed Use of Local Site Remediation Revolving Fund

No funds from the KCBRA Local Site Remediation Revolving Fund will be used to finance or reimburse eligible activities on the Property. However, the Authority intends to capture five full years of the tax increment revenues and place those funds in the Local Site Remediation Revolving Fund for use on other future projects as permitted under the Act.

N. Other Material that the Authority or Governing Body Considers Pertinent

The Property is included in this Plan to enable 232, LLC, which is a "qualified taxpayer," to apply for a credit against their Michigan Business Tax liability for "eligible investments", incurred on the Property after the adoption of the Plan, but no earlier than 90 days from the date of a pre-approval letter from the Michigan Economic Growth Authority. For purposes of this paragraph, "qualified taxpayer" and "eligible investment" mean those terms as defined by Section 437 of Michigan Business Tax Act; 2007 PA 36 (MCL 208.1437).

EXHIBIT A

Legal Description and Eligible Property Map

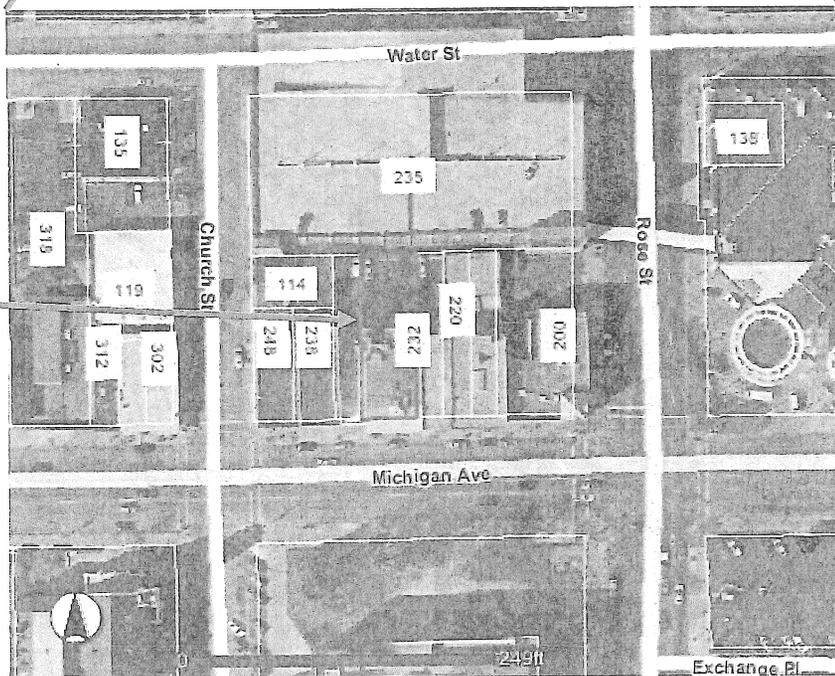
Exhibit A
Legal Description

City of Kalamazoo, County of Kalamazoo

The East 44.20 feet of Lot 30 of the Plat of the Town (now City) of Kalamazoo, according to the Plat thereof are recorded in Liber 3 of Plats, Page 8, Kalamazoo County Records, the West line being a line 88.23 feet East of the East line of street, together with all right to use an alley 1 rod wide, 80 feet North of the North line of West Michigan Avenue, subject to the rights of the other owners of part of Lot 30 and of others over and along said alley as may have been acquired by prescription, all as set forth in a Decree of the Kalamazoo Circuit Court quieting title in Frank B. Stevens, said Decree being dated August 16, 1932 and recorded August 16, 1932 in Liber 300 of Deeds, Page 175.

Commonly known as: 232 West Michigan Avenue
Tax ID No.: 06-15-354-030

Exhibit A
Eligible Property Map



PROPERTY LOCATION

Exhibit B

Estimated Taxable Value and Tax Increment Revenue by Year

Exhibit B
232, LLC

Estimated Taxable Value and Tax Increment Revenue By Year

Tax Year	New TV	County Operating	County Transit	County Pub Safety	KRESA	Library	City Operating	City Waste	Metro Transit	KVCC	DDA	Total Increment	BRA Portion (40%)
2012	\$ 413,500	\$ 1,203.54	\$ 102.71	\$ 372.10	\$ 1,166.18	\$ 1,016.40	\$ 4,948.24	\$ 398.01	\$ 154.07	\$ 722.44	\$ 504.26	\$ 10,587.96	\$ 4,235.18
2013	\$ 423,838	\$ 1,252.00	\$ 106.85	\$ 387.08	\$ 1,213.13	\$ 1,057.32	\$ 5,147.45	\$ 414.03	\$ 160.27	\$ 751.53	\$ 524.56	\$ 11,014.21	\$ 4,405.69
2014	\$ 434,433	\$ 1,301.66	\$ 111.08	\$ 402.43	\$ 1,261.25	\$ 1,099.27	\$ 5,351.64	\$ 430.45	\$ 166.63	\$ 781.34	\$ 545.37	\$ 11,451.13	\$ 4,580.45
2015	\$ 445,294	\$ 1,352.57	\$ 115.43	\$ 418.17	\$ 1,310.58	\$ 1,142.26	\$ 5,560.93	\$ 447.29	\$ 173.14	\$ 811.90	\$ 566.70	\$ 11,898.96	\$ 4,759.58
2016	\$ 456,427	\$ 1,404.75	\$ 119.88	\$ 434.30	\$ 1,361.14	\$ 1,186.32	\$ 5,775.46	\$ 464.54	\$ 179.82	\$ 843.22	\$ 588.56	\$ 12,357.99	\$ 4,943.20
2017	\$ 467,837	\$ 1,458.23	\$ 124.45	\$ 450.84	\$ 1,412.96	\$ 1,231.49	\$ 5,995.35	\$ 482.23	\$ 186.67	\$ 875.32	\$ 610.97	\$ 12,828.50	\$ 5,131.40
2018	\$ 479,533	\$ 1,513.05	\$ 129.12	\$ 467.79	\$ 1,466.08	\$ 1,277.78	\$ 6,220.73	\$ 500.36	\$ 193.69	\$ 908.23	\$ 633.94	\$ 13,310.77	\$ 5,324.31
2019	\$ 491,522	\$ 1,569.24	\$ 133.92	\$ 485.16	\$ 1,520.53	\$ 1,325.24	\$ 6,451.75	\$ 518.94	\$ 200.88	\$ 941.96	\$ 657.48	\$ 13,805.09	\$ 5,522.04
2020	\$ 503,810	\$ 1,626.83	\$ 138.84	\$ 502.96	\$ 1,576.33	\$ 1,373.88	\$ 6,688.55	\$ 537.99	\$ 208.25	\$ 976.53	\$ 681.61	\$ 14,311.78	\$ 5,724.71
2021	\$ 516,405	\$ 1,685.87	\$ 143.87	\$ 521.22	\$ 1,633.54	\$ 1,423.73	\$ 6,931.27	\$ 557.51	\$ 215.81	\$ 1,011.97	\$ 706.35	\$ 14,831.13	\$ 5,932.45
2022	\$ 529,315	\$ 1,746.38	\$ 149.04	\$ 539.92	\$ 1,692.17	\$ 1,474.83	\$ 7,180.05	\$ 577.52	\$ 223.56	\$ 1,048.29	\$ 731.70	\$ 15,363.46	\$ 6,145.38
2023	\$ 542,548	\$ 1,808.40	\$ 154.33	\$ 559.10	\$ 1,752.27	\$ 1,527.21	\$ 7,435.06	\$ 598.03	\$ 231.50	\$ 1,085.52	\$ 757.68	\$ 15,909.10	\$ 6,363.64
2024	\$ 556,112	\$ 1,871.98	\$ 159.76	\$ 578.76	\$ 1,813.87	\$ 1,580.90	\$ 7,696.44	\$ 619.05	\$ 239.63	\$ 1,123.68	\$ 784.32	\$ 16,468.39	\$ 6,587.36
2025	\$ 570,014	\$ 1,937.14	\$ 165.32	\$ 598.90	\$ 1,877.01	\$ 1,635.93	\$ 7,964.35	\$ 640.60	\$ 247.98	\$ 1,162.80	\$ 811.62	\$ 17,041.65	\$ 6,816.66
2026	\$ 584,265	\$ 2,003.94	\$ 171.02	\$ 619.55	\$ 1,941.73	\$ 1,692.34	\$ 8,238.96	\$ 662.69	\$ 256.53	\$ 1,202.89	\$ 839.61	\$ 17,629.25	\$ 7,051.70
2027	\$ 598,871	\$ 2,072.40	\$ 176.86	\$ 640.72	\$ 2,008.07	\$ 1,750.16	\$ 8,520.44	\$ 685.33	\$ 265.29	\$ 1,243.99	\$ 868.29	\$ 18,231.54	\$ 7,292.62
*2028	\$ 613,843	\$ 2,142.57	\$ 182.85	\$ 662.41	\$ 2,076.06	\$ 1,809.42	\$ 8,808.95	\$ 708.54	\$ 274.27	\$ 1,286.11	\$ 897.69	\$ 18,848.88	\$ 7,539.55
*2029	\$ 629,189	\$ 2,214.50	\$ 188.99	\$ 684.65	\$ 2,145.76	\$ 1,870.17	\$ 9,104.68	\$ 732.32	\$ 283.48	\$ 1,329.29	\$ 927.83	\$ 19,481.66	\$ 7,792.67
*2030	\$ 644,919	\$ 2,288.23	\$ 195.28	\$ 707.45	\$ 2,217.19	\$ 1,932.43	\$ 9,407.80	\$ 756.71	\$ 292.92	\$ 1,373.54	\$ 958.72	\$ 20,130.26	\$ 8,052.10
*2031	\$ 661,042	\$ 2,363.80	\$ 201.73	\$ 730.81	\$ 2,290.42	\$ 1,996.25	\$ 9,718.50	\$ 781.70	\$ 302.59	\$ 1,418.90	\$ 990.38	\$ 20,795.07	\$ 8,318.03
*2032	\$ 677,568	\$ 2,441.26	\$ 208.34	\$ 754.76	\$ 2,365.47	\$ 2,061.66	\$ 10,037.0	\$ 807.31	\$ 312.51	\$ 1,465.40	\$ 1,022.84	\$ 21,476.51	\$ 8,590.60
*2033	\$ 694,507	\$ 2,520.65	\$ 215.11	\$ 779.30	\$ 2,442.40	\$ 2,128.71	\$ 10,363.4	\$ 833.57	\$ 322.67	\$ 1,513.06	\$ 1,056.10	\$ 22,174.98	\$ 8,869.99
TOTAL	\$ 39,779	\$ 3,395	\$ 12,298	\$ 38,544	\$ 163,547	\$ 5,092	\$ 349,948	\$ 13,155	\$ 5,092	\$ 23,878	\$ 16,667	\$ 349,948	\$ 139,979

* Final 5 years captured for LSRFF plus partial year capture in 2028

** Millage rate has been divided by 1000 such that the rate is calculated on each \$1 of taxable value.

*** Table assumes a 2.5% annual property value growth increase.

**** Reimbursement schedule that outlines distribution of TIF over time will be provided as an attachment to the Development and Reimbursement Agreement.

Total LSRFF Capture \$ 42,479

Kalamazoo County, Michigan
Brownfield Plan
232, LLC

August 3, 2011

Attachment# 1
Notice of Public Hearing

NOTICE OF A PUBLIC HEARING ON THE ADOPTION OF
A BROWNFIELD REDEVELOPMENT PLAN
RELATED TO THE SITE COMMONLY KNOWN
AS 232 WEST MICHIGAN AVENUE (232, LLC)
LOCATED IN THE DOWNTOWN AREA OF
THE CITY OF KALAMAZOO IN KALAMAZOO COUNTY

TO: The residents of Kalamazoo County and all other interested persons.

PLEASE TAKE NOTICE that on August 3, 2011, the Kalamazoo County Board of Commissioners will hold a Public Hearing, in regards to the ADOPTION of a Brownfield Redevelopment Plan related to the site (232 W. Michigan Avenue) commonly known as 232, LLC located in the downtown area of the City of Kalamazoo in Kalamazoo County.

Project Title: Kalamazoo County Brownfield Redevelopment Plan 2011, Site #3.

Purpose of Project: Creation of the Kalamazoo County Brownfield Redevelopment Plan under the Public Act 381 (1996) and capture of tax increment financing (TIF).

Purpose of the Hearing: This hearing is to inform the public and all affected taxing jurisdictions of the project and to gather input from the public and all affected taxing jurisdictions.

Reviewing the Plan: Maps, plats, and a description of the brownfield plan are available in the Office of Planning and Community Development, Kalamazoo County Government and may be requested electronically at dparr@kalamazoo.gov or by phone to D. Artley at 384-8304

The Public Hearing shall take place on August 3, 2011 in the Chambers of the Kalamazoo County Board of Commissioners, located in Room 204 of the Kalamazoo County Administration Building, 201 West Kalamazoo Avenue, Kalamazoo, Michigan 49007. The Public Hearing shall commence at 7:00 p.m. and is open to all members of the public. Individuals and organizations who intend to present written statements or documents are asked, but not required, to provide the Board of Commissioners with copies of the statements or documents in advance of the Public Hearing.

KALAMAZOO COUNTY WILL PROVIDE NECESSARY REASONABLE AUXILIARY AIDS AND SERVICES, SUCH AS SIGNERS FOR THE HEARING IMPAIRED AND AUDIO TAPES OF PRINTED MATERIALS BEING CONSIDERED AT THE HEARING, TO INDIVIDUALS WITH DISABILITIES AT THE HEARING UPON FOUR (4) BUSINESS DAYS NOTICE TO THE COUNTY. INDIVIDUALS WITH DISABILITIES REQUIRING AUXILIARY AIDS OR SERVICES SHOULD CONTACT THE COUNTY BY WRITING OR CALLING:

Dina Sifton
KALAMAZOO COUNTY GOVERNMENT
201 West Kalamazoo Avenue
Kalamazoo, Michigan 49007
TELEPHONE: (269) 384-8111
TDD PHONE: (269) 383-6464

419561.01

STATE OF MICHIGAN)
County of Kalamazoo)

ss. *Jinda Vanderberg*

Being duly sworn deposes and says he/she is Principal Clerk of

THE KALAMAZOO GAZETTE
DAILY EDITION

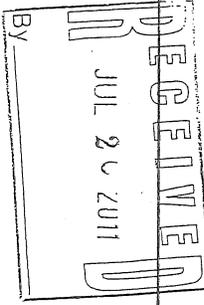
a newspaper published and circulated in the County of Kalamazoo and otherwise qualified according to Supreme Court Rule; and that the annexed notice, taken from said paper, has been duly published in said paper on the following day (days)

July 20 July 15, 2011 AD. 20 11

Sworn to and subscribed before me this *20th* day of *July* 2011

Dorie Cole

Dorie Cole
Notary Public, Kalamazoo County, Michigan
My commission expires 4/9/2016



Kalamazoo County, Michigan
Brownfield Plan
232, LLC

August 3, 2011

Attachment# 2

Notice to Taxing Jurisdictions

NOTICE OF A PUBLIC HEARING ON THE ADOPTION OF A BROWNFIELD
REDEVELOPMENT PLAN RELATED TO THE SITE COMMONLY KNOWN AS 232 WEST
MICHIGAN AVENUE (232, LLC) LOCATED IN THE DOWNTOWN AREA OF THE CITY
OF KALAMAZOO IN KALAMAZOO COUNTY

TO: The Residents of Kalamazoo County and all other interested persons.

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Project Title: Kalamazoo County Brownfield Redevelopment Plan 2011, Site #3.

Purpose of Project: Creation of the Kalamazoo County Brownfield Redevelopment Plan under the Public Act 381 (1996) and capture of tax increment financing (TIF).

Purpose of the Hearing: This hearing is to inform the public and all affected taxing jurisdictions of the project and to gather input from the public and all affected taxing jurisdictions.

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Dina Sutton
KALAMAZOO COUNTY GOVERNMENT
201 West Kalamazoo Avenue
Kalamazoo, Michigan 49007
TELEPHONE: (269) 384-8111
TDD PHONE: (269) 383-6464

Kalamazoo County, Michigan
Brownfield Plan
232, LLC

August 3, 2011

Attachment# 3

Resolution Approving Brownfield Plan by Kalamazoo County

KALAMAZOO COUNTY, MICHIGAN

RESOLUTION APPROVING A BROWNFIELD PLAN
BY THE COUNTY OF KALAMAZOO
PURSUANT TO AND IN ACCORDANCE WITH
THE PROVISIONS OF ACT 381 OF THE PUBLIC ACTS
OF THE STATE OF MICHIGAN OF 1996, AS AMENDED

At a regular meeting of the Board of Commissioners of Kalamazoo County, Michigan, held in the Board of Commissioners Room, County Administration Building located at 201 W. Kalamazoo Ave., Kalamazoo, Michigan, on the 3rd day of August 2011 at 7:00 p.m.

PRESENT: Commissioners Alford, Ansari, Barnard, Buchholtz, Buski,
Gisler, Iden, Johnson, Matwen, Nieuwenhuis, Rogowski, Seals,
Stinchcomb, Taylor, Urban and Zell.
ABSENT: None.

MOTION BY: Commissioner Johnson

SUPPORTED BY: Commissioner Nieuwenhuis

WHEREAS, the Kalamazoo County Board of Commissioners, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), have formally resolved to participate in the Brownfield Redevelopment Authority (BRA) of Kalamazoo County (the "Authority") and have designated that all related activities shall proceed through the BRA; and

WHEREAS, the Authority, pursuant to and in accordance with Section 13 of the Act, on June 23, 2011 reviewed, adopted and recommended for approval by the Kalamazoo County Board of Commissioners, the Brownfield Plan (the "Plan"), Site #3 outlined herein, to be carried out within the City of Kalamazoo, relating to the potential redevelopment project proposed by 232, LLC located at 232 W. Michigan in the downtown area of the City of Kalamazoo (the "Site # 3"); and

WHEREAS, the Kalamazoo County Board of Commissioners have reviewed the Plan, Site #3 and have been provided a reasonable opportunity to express their views and recommendations regarding the Plan and in accordance with Sections 13(13) of the Act; and

WHEREAS, the Kalamazoo County Board of Commissioners have noticed and held a public hearing in accordance with Section 13(10,11,12 and 13) of the Act, and

WHEREAS, the City Commission passed a resolution on July 18th, 2011 supporting adoption of the Plan, Site #3; and

WHEREAS, the Plan, Site #3, is an action undertaken with the best interest of the community in mind and is based on current economic conditions;

WHEREAS, the Kalamazoo County Board of Commissioners have made the following determinations and findings:

- A. The Plan, Site #3, constitutes a public purpose under the Act;
- B. The Plan, Site #3 meets all of the requirements for a Brownfield plan set forth in Section 13 of the Act;
- C. Local taxes will be captured in accordance with Plan, Site #3; and be used to cover the costs of eligible activities.

WHEREAS, as a result of its review of the Plan, Site #3, the Kalamazoo County Board of Commissioners concur with approval of the Plan, Site #3.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. **Plan, Site #3 Approved.** Pursuant to the authority vested in the Kalamazoo County Board of Commissioners, by the Act, the Plan, Site #3 is hereby approved in the form attached to this Resolution.
- 2. **Severability.** Should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.
- 3. **Repeals.** All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

AYES:

NAYES:

ABSTAINED:

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
COUNTY OF KALAMAZOO) ss:

I, the undersigned, the fully qualified Clerk of Kalamazoo County, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the County Board of Commissioners of Kalamazoo County at a regular meeting held on the 3rd day of August 2011, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereunto set my official signature this 3rd day of August, 2011.



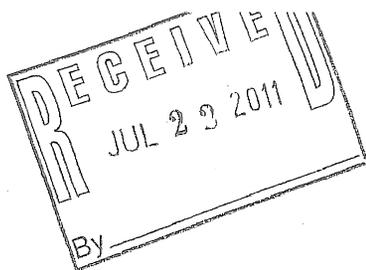
Timothy A. Snow, Kalamazoo County Clerk

Kalamazoo County, Michigan
Brownfield Plan
232, LLC

August 3, 2011

Attachment# 4

Resolution of Locally Impacted Unit of Government Approving the Plan



CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. 11-47

**A RESOLUTION CONCURRING WITH THE KALAMAZOO COUNTY
BROWNFIELD AUTHORITY BROWNFIELD PLAN FOR 232, LLC REGARDING
THE PROPERTY AT 232 WEST MICHIGAN AVENUE**

Minutes of a regular meeting of the City Commission of the City held on July 18, 2011, at 7:00 p.m., local time, at the City Hall.

PRESENT, Commissioners: Anderson, Bell, Cinabro, Cooney, Miller, Vice Mayor
McKinney, Mayor Hopewell

ABSENT, Commissioners: None

RECITALS:

- A. The Kalamazoo County Brownfield Redevelopment Authority ("County BRA") was created under the provisions of Act 381, Public Acts of Michigan, 1996 ("Act 381") shortly after the enactment of Act 381, but did not undertake any significant activities until 2006 upon receipt of two EPA grants.
- B. The County BRA has contributed funds from one of the EPA grants to assist the city's BRA in the Davis Creek redevelopment project.
- C. Under Section 3(4) of Act 381, the County BRA may exercise its powers regarding eligible property that is located within the city only upon the City Commission's concurrence of the county's Brownfield Plan regarding such property.
- D. On June 23, 2011, the County BRA implemented a Brownfield Plan for 232, LLC regarding the eligible property located at 232 West Michigan Avenue in the City of Kalamazoo as required under Act 381 ("Property"). The County Board of Commissioners is scheduled to hold a public hearing and adopt such plan at its August 3, 2011 meeting.
- E. One of the items the County BRA determined was pertinent to include the Property into its Brownfield Plan was to enable 232, LLC, the owner of the Property, to apply for a credit against its Michigan Business Tax liability, in support of the further redevelopment of the Property.
- F. City staff is supportive of the project and the planned redevelopment of the upper floors of the building located on the Property into residential apartments.
- G. The City Commission has reviewed the County's Brownfield Plan for 232, LLC and determines that the project is consistent with the goals of downtown development as detailed in Plan Kalamazoo, and will therefore serve the best interests of the community.

THEREFORE, IT IS RESOLVED:

In accordance with the provisions under Section 3(4) of Act 381, and subject to the approval of such plan by the County Board of Commissioners, the City of Kalamazoo concurs with the provisions of the County of Kalamazoo's Brownfield Plan for 232, LLC regarding property located at 232 West Michigan Avenue as implemented by the County's Brownfield Redevelopment Authority.

The above resolution was offered by Commissioner Cinabro and seconded by Commissioner Anderson.

AYES, Commissioners: Anderson, Bell, Cinabro, Cooney, Miller, Vice Mayor McKinney, Mayor Hopewell

NAYS, Commissioners: None

ABSTAIN, Commissioners: None

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo at a regular meeting held on July 18, 2011. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976). Minutes of the meeting will be available as required by the Act.


Scott A. Borling
City Clerk