KALAMAZOO COUNTY BROWNFIELD REDEVELOPMENT AUTHORITY

MEETING DATE:	**Thursday, October 24, 2013**
PLACE OF MEETING:	County Administration Building 201 West Kalamazoo Avenue, 207a
TIME:	After 4:00 pm EDC Meeting

AGENDA

1. Call to Order ~ 4:00 pm (after EDC meeting)
2. Members Excused
3. Approval of the Agenda
4. Approval of Minutes: BRA Minutes of September 26, 2013
5. Citizens Comments *(4 minutes each / Please state name and address)*
6. Consent Calendar
   a. Envirologic Invoices - $17,003.41
7. Discussion and/or Action Calendar
   a. **Discussion/Action** – Staff Expenses
      i. Review third quarter staff wages and benefits
      ii. Review travel expenses
   b. **Discussion/Action** – 9008 Portage Rd
      i. Review Brownfield Plan draft
   c. **Discussion/Action** – Vicksburg Paper Mill
      i. Application for MDEQ assessment funds
   d. **Discussion/Action** – Midlink
      i. Project Spartan
         1. Update from Agostinelli
         2. Review Amendment to Development Agreement
      ii. Midlink request to amend the Brownfield Plan
   e. **Discussion/Action** – NBA, Michigan Chapter Conference
      i. Nov 13th 9:00 am – 3:00 pm
8. Staff Reports
   a. 381 Work Plan submitted for 306 N Grand
9. Committees - times dates and places
   a. Land Bank Report–
   b. Project/Finance Committee– verbal report, meeting schedule Thursday, Nov 14th, 4:00 pm
   c. Executive Committee – verbal report, meeting schedule Friday, Nov 8th, 8:30 am
   d. PR/Media Committee –
   e. Policy Subcommittee – verbal report, meeting schedule: TBD
10. Other –
11. Board Member Comments
12. Adjournment

Next Meeting: 4th Thursday – November 21, 2013 at 4pm (room 207a, County Admin Bldg)

PLEASE CALL 384-8112 OR EMAIL LAADAM@KALCOUNTY.COM
IF YOU ARE UNABLE TO ATTEND THE MEETING

KALAMAZOO COUNTY BROWNFIELD REDEVELOPMENT AUTHORITY

MEETING DATE:	**Thursday, September 26, 2013**
PLACE OF MEETING:	County Administration Building 201 West Kalamazoo Avenue, 207a
TIME:	4:00 pm

MINUTES

Present: Joe Agostinelli, Clare Annen, Christopher Carew, Ken Peregon, Julie Rogers, Anne Summerfield, Thell Woods, Travis Grimwood, Andy Wenzel, Habib Mandwee

Members Excused: Tim Hudson

Kalamazoo Township: None

Staff: Lee Adams, Lotta Jarnefelt

Consultant: Jeff Hawkins

Recording Secretary: Zeña Vos

Community: 6

1. Chair Agostinelli called the meeting to Order at 4:02 pm.
2. Member's Excused: Tim Hudson
3. Approval of the Agenda: Additions to the Agenda: under 7D I - Work Order for Envirologic; 7F - Discussion on South County Mill Property, 7G - Portage Road. **Woods moved and Wenzel seconded the approval of the agenda as amended. Motion Carried.**
4. Approval of Minutes: **Annen moved and Carew seconded the approval of August 22, 2013 minutes. Motion Carried.**
5. Citizens Comments: None
6. Consent Calendar
   a. None.
7. <u>Discussion and/or Action Calendar</u>
   a. **Discussion/Action** – 306 N Grand
      i. Approve 381 Work Plan
      Hawkins presented the 381 Work Plan. To take advantage of capturing school tax increment we need to have an approved Act 381 Work Plan. BRA staff would like authorization to send the 381 Work Plan to the MDEQ.

      Wenzel moved and Rogers seconded the approval to authorize staff to transmit the work plan to MDEQ. Motion Carried.

   b. **Discussion/Action** – CMS, 2015 Lake St
      i. Approve/Deny providing funds for site assessment
      Jamie Clark gave a brief overview of the project at 2015 Lake St. He noted they have a transition plan for the current business in which CMS will retain most, if not all, employees. CMS will also make improvements to the land and existing buildings. In the long term CMS will make this site their Kalamazoo Trucking Terminal.

      Proposed work order outlines the costs for this sites as follows:
      Phase 1 - $2,500.00
      Phase II - $7,000.00

BEA & Section 7A Due Care Plan Compliance - $2,500
Total cost - $12,000.00

Agostinelli stated that the City is comfortable placing the site in the County Brownfield Plan.

Members agreed that they would like to have an agreement in writing with the City.

The board did not see the need to create a Brownfield Plan for the site at this time, but would like to retain the ability to create one in the future.

ii. *Approve/Deny brownfield plan, administrative expenses*
Annen moved and Peregon seconded the approval of the CMS Application and request for site assessment funding in the amount $12,000.00. Motion Carried.

c. **Discussion/Action** – 9008 Portage Rd

i. *Approve/Deny providing funds for site assessment*
Alex Gwiazdowski gave a brief overview of the project. He noted he has been working with the MDEQ to clean up the site. He would like to consolidate his business into one location. He would also like to make the site appealing to the neighborhood.

David Harn stated the MDEQ found significant water and soil impact on the property. The approach by MDEQ is to excavate soil where it is present to make property useful for the applicant. The MDEQ is still waiting on analytical results.

Gwiazdowski indicated that he is trying to move fast on the closing and that the seller may be reluctant to sign the Environmental section of the contract. His lawyer is recommending that he have the Phase I done before closing.

Agostinelli stated that the project will have fairly significant increment generated due to uncapping that will occur when the property is transferred. The Executive Committee recommends adopting a Brownfield Plan on this site in addition to financing due diligence costs.

Jarnefelt is in contact with Chris Forth at the City of Portage, who is generally in support of the development of this site.

Alex was also in contact with Chris Forth regarding a zoning issue. The zoning issue was resolved.

The City of Portage requested more information before they can make a recommendation to the City Council.

ii. *Approve/Deny brownfield plan, administrative expenses*
Woods moved and Grimwood seconded the approval of the 9008 Portage Road Application, and Phase I, BEA, and Brownfield Plan expenses outlined in Work Order Number 4. Motion Carried.

d. **Discussion/Action** – Midlink

i. Project Spartan

1. *Update from Agostinelli*
The developer met with the MEDC, Comstock Township representatives, and Southwest Michigan First. The State put together an incentive

package that includes a PA 198 Tax Abatement. Comstock Township is also providing a PA 198 tax abatement for real and personal property.

The developer identified roughly $1.25 million of brownfield eligible expenses. The soil conditions on the property are not structurally sufficient for the type of development proposed.

Hawkins noted that they have completed the Phase I & Phase II. The assessments identified a few areas of concern; an old railroad spur that runs diagonally across the property, an existing concrete pad, and areas of uncompacted fill. Fill material was identified at the southern portion of the site. ET took 15 boring samples. Out of the 15 samples there were four that had levels of arsenic and selenium above the cleanup criteria for drinking water protection and groundwater surface water interface.

2. *Potential action needed*
   Annen moved Rogers seconded the authorization of staff to engage outside legal counsel to draft an amendment to 5200 East Cork Street Investors, LLC development agreement to incorporate the details related to Project Spartan at Midlink. Motion Carried.

3. *Work Order for Envirologic related to Project Spartan.*
   Annen moved and Rogers seconded the approval of Work Order #6 and the work of Envirologic Technologies to begin preparing an Act 381 Work Plan for Project Spartan at the Midlink site. He further moved that staff be authorized to convey to the DEQ, as required by the DEQ, the KCBRA's intention to collect state TIR on this project pursuant to the Act 381 work plan and existing brownfield plan. Motion Carried.

ii. TIF Checks Received
   1. *Updated reimbursement analysis*
      Jarnefelt expects to receive one more check from Comstock Township

e. **Discussion/Action** – Envirologic Technologies Contract
   i. The contract expires at the end of 2013, BRA has option to renew
   Annen moved and Wenzel seconded the renewal of the Envirologic Technologies Contract for the 2014 calendar year. Motion Carried.

f. **Discussion** - South County Mill Property – Land Bank Project

Kelly Clarke, Executive Director of the Land Bank spoke in support of Work Order #7. – the land bank will, with funds from Vicksburg will own the new section of the Mill. Since the property will not be acquired through tax reversion, the Land Bank can enter the chain of contamination. The Land Bank is asking the KCBRA to finance the costs of the Phase I and BEA/Due Care Plan. This work should cost no more than $7,000.00.

Discussion ensued regarding TIF and the legality of the land locked parcel.

Rogers is recommending tabling and maybe meet sometime due to too many unknowns.

Clarke will check with her legal counsel and the County Treasurer regarding the land locked parcel.

Many parties would like to see the mill redeveloped and are meeting next week to determine what funding is available and what roles each organization will play.

Agostinelli stated that it is important to get this parcel controlled by the friendly parties. There is a good collaboration with Land Bank, County Treasurer, the Village and Community Foundation. It would be money spent well.

Annen moved and Woods seconded the approval of Work Order #7 for $7,000.00.
Rogers offered a friendly amendment the motion to also consult legal counsel regarding the land lock issue. Amendment was accepted. Motion Carried.

g. Portage Road – Land Bank Project

Clarke wanted to ask the KCBRA for support with the redevelopment of several buildings in the Portage Road corridor in the Edison Neighborhood. She requested site assessment funding for a few properties.

Agostinelli suggested that Clarke attend the next committee meetings.

8. Staff Reports
   a. None

9. Committees - times dates and places
   a. Land Bank Report– none
   b. Project/Finance Committee– verbal report, meeting schedule Thursday, Oct 10th, 4:00 pm
   c. Executive Committee – verbal report, meeting schedule Friday, Oct 11th, 8:30 am
   d. PR/Media Committee –
   e. Policy Subcommittee – verbal report, meeting schedule: TBD

10. Other –

Annen made the point that the BRA has approved a number of site assessments for properties without a BRA Plan; and the BRA plans to recoup the costs through administrative expenses. Two or three years ago, the BRA lost $27,000.00 at the Apollo site in Schoolcraft. He asked that the BRA discuss these expenses at the next meeting. He would like to recoup the loss through administrative expenses.

11. Board Member Comments

Peregon would like to have a press release that mentions the BRA's contribution to Project Spartan. He also would like to have a sign at the site.

Rogers commented that the terms for Agostinelli, Summerfield, and Wenzel are up at the end of October. She recommended each of them for re-approval.

12. Adjournment at 6:08p.m.

Next Meeting: 4th Thursday – October 24, 2013 at 4pm (room 207a, County Admin Bldg)

PLEASE CALL 384-8112 OR EMAIL LAADAM@KALCOUNTY.COM
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Invoice

INVOICE NO.
29337

DATE	CLIENT	PAGE
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INVOICE DUE DATE: 11/17/13

Kalamazoo County Brownfield Redevelopment Authority
Mr. Lee Adams, Resource Coordinator
Department of Planning and Community Development
201 West Kalamazoo Avenue, Room 206
Kalamazoo, MI 49007

Project: 130307
P.O. #:

Kalamazoo County Brownfield Redevelopment Authority - Vacant land, Midlink Business Park, Kalamazoo, Michigan

Invoice Summary (Detail Attached)

Professional Time	$8,112.50
GeoProbe	$2,724.07
Miscellaneous Expenses	$258.75
Subcontractor Expenses	$5,908.09

A FINANCE CHARGE OF 1-1/2% PER MONTH
(18% PER YEAR) WILL BE ADDED TO DELINQUENT ACCOUNTS.

TOTAL $ 17,003.41

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INVOICE DUE DATE: 11/17/13

Kalamazoo County Brownfield Redevelopment Authority
Mr. Lee Adams, Resource Coordinator
Department of Planning and Community Development
201 West Kalamazoo Avenue, Room 206
Kalamazoo, MI 49007

Professional services incurred for environmental consulting through September 30, 2013, including: billed time involving completion of a Phase I Environmental Site Assessment including data evaluation , site inspection, report preparation, client communications and expenses.

Invoice Detail for Billing Group 'A' Phase I Environmental Site Assessment

Order #:

Professional Time

08/22/13	Project Coordination	EDP	4.00	95.00	$ 380.00
08/27/13	Project Coordination	EDP	8.00	95.00	$ 760.00
08/28/13	Cartography & Drafting	MAB	1.00	90.00	$ 90.00
08/30/13	Project Coordination	EDP	1.00	95.00	$ 95.00
09/04/13	Project Coordination	EDP	8.00	95.00	$ 760.00
09/06/13	Project Coordination	JCH	0.50	140.00	$ 70.00
09/10/13	Cartography & Drafting	MAB	2.50	90.00	$ 225.00
09/11/13	Cartography & Drafting	MAB	2.00	90.00	$ 180.00
09/17/13	Project Coordination	EDP	2.00	95.00	$ 190.00
					$2,750.00

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Kalamazoo County Brownfield Redevelopment Authority
Mr. Lee Adams, Resource Coordinator
Department of Planning and Community Development
201 West Kalamazoo Avenue, Room 206
Kalamazoo, MI 49007

Professional services incurred for environmental consulting through September 30, 2013, including: billed time involving completion of a Phase I Environmental Site Assessment including data evaluation , site inspection, report preparation, client communications and expenses.

Invoice Detail for Billing Group 'A' Phase I Environmental Site Assessment

Order #:

Miscellaneous Expenses

08/26/13	Database Research EDR Basic Package - Radius Map With Geo - Certified Sanborn Map Rpt - Online Sanborn Report Viewer - Aerial Photo Search Environmental Data Resources, Inc.	1.00	258.75	$258.75

$3,008.75

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Invoice

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Kalamazoo County Brownfield Redevelopment Authority
Mr. Lee Adams, Resource Coordinator
Department of Planning and Community Development
201 West Kalamazoo Avenue, Room 206
Kalamazoo, MI 49007

Professional services incurred for environmental consulting through September 30, 2013, including: billed time and expenses involving completion of a Phase II Environmental Site Assessment.

Invoice Detail for Billing Group 'B' Phase II Environmental Site Assessment

Order #:

Professional Time

08/29/13	Project Coordination	EDP	3.00	95.00	$ 285.00
08/30/13	Cartography & Drafting	MAB	4.50	90.00	$ 405.00
09/03/13	Project Coordination	EDP	4.00	95.00	$ 380.00
09/06/13	Meeting & Consultations	JCH	1.00	140.00	$ 140.00
09/06/13	Cartography & Drafting	MAB	1.00	90.00	$ 90.00
09/06/13	Report Preparation	REL	0.25	45.00	$ 11.25
09/09/13	Field Services	DGH	1.25	80.00	$ 100.00
09/09/13	Project Coordination	EDP	8.00	95.00	$ 760.00
09/09/13	Project Coordination	JCH	0.50	140.00	$ 70.00
09/09/13	Cartography & Drafting	MAB	0.50	90.00	$ 45.00
09/10/13	Field Services	DGH	10.00	80.00	$ 800.00
09/10/13	Report Preparation	REL	0.25	45.00	$ 11.25
09/11/13	Data Analysis & Evaluation	DGH	5.25	80.00	$ 420.00
09/12/13	Field Services	DGH	3.25	80.00	$ 260.00
09/12/13	Report Preparation	REL	1.00	45.00	$ 45.00
09/13/13	Data Analysis & Evaluation	BJY	0.50	80.00	$ 40.00
09/15/13	Data Analysis & Evaluation	DGH	0.75	80.00	$ 60.00
09/16/13	Data Analysis & Evaluation	DGH	0.25	80.00	$ 20.00

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Invoice

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INVOICE DUE DATE: 11/17/13

Kalamazoo County Brownfield Redevelopment Authority
Mr. Lee Adams, Resource Coordinator
Department of Planning and Community Development
201 West Kalamazoo Avenue, Room 206
Kalamazoo, MI 49007

Professional services incurred for environmental consulting through September 30, 2013, including: billed time and expenses involving completion of a Phase II Environmental Site Assessment.

Invoice Detail for Billing Group 'B' Phase II Environmental Site Assessment

Order #:

Professional Time

09/16/13	Cartography & Drafting	MAB	2.00	90.00	$ 180.00
09/20/13	Cartography & Drafting	MAB	4.00	90.00	$ 360.00
09/23/13	Data Analysis & Evaluation	DGH	1.25	80.00	$ 100.00
09/24/13	Data Analysis & Evaluation	DGH	0.50	80.00	$ 40.00
09/25/13	Report Preparation	DGH	0.25	80.00	$ 20.00
09/30/13	Report Preparation	DGH	4.25	80.00	$ 340.00
09/30/13	Project Coordination	EDP	4.00	95.00	$ 380.00
					$5,362.50

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Kalamazoo County Brownfield Redevelopment Authority
Mr. Lee Adams, Resource Coordinator
Department of Planning and Community Development
201 West Kalamazoo Avenue, Room 206
Kalamazoo, MI 49007

Professional services incurred for environmental consulting through September 30, 2013, including: billed time and expenses involving completion of a Phase II Environmental Site Assessment.

Invoice Detail for Billing Group 'B' Phase II Environmental Site Assessment

Order #:

GeoProbe

09/10/13	Bentonite	1.00	12.00	$12.00
09/10/13	Concrete	1.00	12.00	$12.00
09/10/13	Expendable Drive Point with O-Rings	1.00	7.00	$7.00
09/10/13	GeoProbe 66-DT	2.00	1,200.00	$2,400.00
09/10/13	Peristaltic Pump	1.00	35.00	$35.00
09/10/13	Polyethelene 3/8" x 1/4" ID	65.00	0.34	$22.10
09/10/13	PVC 1" slip cap	1.00	1.00	$1.00
09/10/13	PVC 1"X5' Riser	6.00	25.00	$150.00
09/10/13	PVC 1"x5' Screen	2.00	35.00	$70.00
09/10/13	Silicon Tubing	3.00	4.99	$14.97
				$ 2,724.07

Subcontractor Expenses

09/23/13	Laboratory Analysis Fiberec Inc.	1.00	1,306.40	$1,306.40
09/23/13	Laboratory Analysis Fibertec Inc.	1.00	4,601.69	$4,601.69
				$ 5,908.09

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Invoice

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INVOICE DUE DATE: 11/17/13

Kalamazoo County Brownfield Redevelopment Authority
Mr. Lee Adams, Resource Coordinator
Department of Planning and Community Development
201 West Kalamazoo Avenue, Room 206
Kalamazoo, MI 49007

Professional services incurred for environmental consulting through September 30, 2013, including: billed time and expenses involving completion of a Phase II Environmental Site Assessment.

Invoice Detail for Billing Group 'B' Phase II Environmental Site Assessment

Order #:

$13,994.66

Department of Planning & Community Development

INTER-OFFICE INVOICE

BILL TO
Kalamazoo County Brownfield Redevelopment Authority c/o County Planning Dept. 201 W. Kalamazoo Avenue Kalamazoo, MI 49007

Invoice

Invoice No.	BRA-3QT-2013

DATE	DUE DATE
10/10/13	--

DATE	DESCRIPTION	Cost	Qty	AMOUNT
10/10/13	2013 3rd quarter BRA administration hours (July-Sept)			
	BRA General (247-000-808.11 Contractual Other)			
	Lee Adams (49 hours)	949.62	1	949.62
	Fringe Benefits 36.5%	346.61	1	346.61
	Lotta Jarnefelt (15 hours)	588.60	1	588.60
	Fringe Benefits 36.5%	214.84	1	214.84
		TOTAL --->		**$ 2,099.67**

THANK YOU! ☺

*Invoices Pending Approval by KCBRA

Kalamazoo County Brownfield Redevelopment Authority
County #247-000-808.00
Brownfield EA and Admin
Budget and Cost Summary

Number			Budget Estimates		Actual			
Project	W.O.	Site/Phase	Total	County Funding	Invoice #	Invoice Date	Invoice Amount	Budget Remaining
		Brownfield EA and Admin. 247-000-808.00						
B	4	Review of TIF Reimbursement Requests	$ 1,500.00	$ 1,500.00	27496	10/4/2011	$ 335.94	
		P.O. #008582			27551	11/14/2011	$ 810.00	
					27576	12/13/2011	$ 317.50	
		Project Subtotal	$ 1,500.00	$ 1,500.00		**Project Subtotal**	$ 1,463.44	$ 36.56
120215	6	General Environmental Review	$ 1,500.00	$ 1,500.00	27993	6/8/2012	$ 210.00	
		P.O. #8897			28069	7/9/2012	$ 521.38	
					28454	11/15/2012	$ 150.00	
					28557	12/18/2012	$ 150.00	
		Project Subtotal	$ 1,500.00	$ 1,500.00		**Project Subtotal**	$ 1,031.38	$ 468.62
130129	1	**Kartar #6, 306 N. Grand, Schoolcraft, MI**						
		Phase I ESA	$ 2,400.00	$ 2,400.00	28951	6/12/2013	$ 2,400.00	$ -
		File Review	$ 2,000.00	$ 2,000.00	28951	6/12/2013	$ 141.43	1,858.57
					29031	7/18/2013	$ 1,858.57	-
		Brownfield Plan and Act 381 Work Plan	$ 4,000.00	$ 4,000.00	29031	7/18/2013	$ 1,250.18	2,749.82
					29098	8/13/2013	$ 1,383.75	1,366.07
	3	A- Demolition Observations/Assessment	$ 2,000.00	$ 2,000.00				
		Project Subtotal	$ 10,400.00	$ 10,400.00		**Project Subtotal**	$ 7,033.93	$ 5,974.46
130307	2	**Project Spartan - Midlink Business Park**						
		A - Phase I ESA	$ 3,000.00	$ 3,000.00	***29337****	***10/18/2013***	***$ 3,008.75***	***$ (8.75)***
		B- Phase II ESA	$ 15,900.00	$ 15,900.00	***29337****	***10/18/2013***	***$ 13,994.66***	***1,905.34***
		C- BEA	$ 2,000.00	$ 2,000.00				
		D- Section 7a Compliance Analysis (Due Care Plan)	$ 3,000.00	$ 3,000.00				
	6	E- General Brownfield Consulting	$ 3,000.00	$ 3,000.00				
		F- Act 381 Work Plan	$ 4,000.00	$ 4,000.00				
		Project Subtotal	$ 30,900.00	$ 30,900.00		**Project Subtotal**	$ 17,003.41	$ 13,896.59
130367	4	**9008 Portage Road, Former Bud's Auto Service**						
		A - Phase I ESA	$ 2,300.00	$ 2,300.00				
		B- BEA/Section 7a CA (Due Care Plan)	$ 2,700.00	$ 2,700.00				
		C- Brownfield Plan	$ 2,500.00	$ 2,500.00				
		Project Subtotal	$ 7,500.00	$ 7,500.00		**Project Subtotal**	$ -	$ 7,500.00
130368	5	**2015 Lake Street, J&L Motor X-Press**						
		A - Phase I ESA	$ 2,500.00	$ 2,500.00				
		B- Phase II ESA	$ 7,000.00	$ 7,000.00				
		C- BEA/ Section 7a CA (Due Care Plan)	$ 2,500.00	$ 2,500.00				
		Project Subtotal	$ 12,000.00	$ 12,000.00		**Project Subtotal**	$ -	$ 12,000.00
130388	7	**Former Fox River Paper Mill (Hov-Aire Parcel)**						
		A - Phase I ESA	$ 4,000.00	$ 4,000.00				
		B- BEA/ Section 7a CA (Due Care Plan)	$ 3,000.00	$ 3,000.00				
		Project Subtotal	$ 7,000.00	$ 7,000.00		**Project Subtotal**	$ -	$ 7,000.00
		Total Project Budgets	$ 70,800.00	$ 70,800.00		**Total**	$ 26,532.16	$ 46,876.23

COUNTY OF KALAMAZOO
TRAVEL EXPENSE FORM
2013 MILEAGE ONLY

Employee Name	Vendor #	Date Submitted
Lee Adams		Oct 18, 2013
Street Address 2516 Benton Ave	**Department:** Planning	
City, State, Zip Code Kalamazoo, MI 49008	**Period Covered From:** May 1, 2013	**Period Covered To:** Oct 18, 2013

Date	Description (include point to point traveled and purpose of trip)	Mileage Travel	Mileage Training
Aug 1, 2013	Presentation at Schoolcraft DDA	26.3	
Aug 5, 2013	Presentation at Schoolcraft Village	26.3	
Oct 4, 2013	South County Mill Meeting - Vicksburg	30.2	
Oct 11, 2013	Meeting with Developer - 9008 Portage Rd	18.6	
	Total Mileage	101.4	
	Travel Account		57.29
	Training Account		.00
	Total Due		57.29

I HEARBY CERTIFY THAT ALL ITEMS OF EXPENSE INCLUDED IN THIS STATEMENT WERE INCURRED IN THE DISCHARGE OF AUTHORIZED OFFICIAL BUSINESS: THAT THE AMOUNTS ARE CORRECT; THAT PROPER DOCUMENTATION HAS BEEN SUBMITTED: AND THAT THEY REPRESENT PROPER CHARGES AGAINST THE COUNTY.

Employee Signature — Date: 10/18/13

Authorized Signature — Date

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KALAMAZOO COUNTY
BROWNFIELD REDEVELOPMENT AUTHORITY

BROWNFIELD PLAN

9008 PORTAGE ROAD
PORTAGE, MICHIGAN

OCTOBER 22, 2013

draft

Prepared with the assistance of:

ENVIROLOGIC TECHNOLOGIES, INC.
2960 Interstate Parkway
Kalamazoo, Michigan 49048
(800) 272-7802

Recommended for Approval by the Brownfield Redevelopment Authority on:_____

Approved by the City of Portage, MI on:_____
Approved by the County Commission on:_____

Table of Contents

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BROWNFIELD PLAN
9008 PORTAGE ROAD
PORTAGE, MICHIGAN

I. GENERAL DEFINITIONS AS USED IN THIS PLAN

The definitions in this plan are as defined in 1996 PA 381, Section 2, as amended.

II. ELIGIBLE PROPERTIES

Introduction

This Brownfield Plan has been adopted to support the acquisition and re-use of a property formerly known as Bud's Auto Service. A release of petroleum was discovered at the site on September 21, 1990 (Leak ID C-1794-90) following removal of a non-regulated tank. A limited amount of environmental investigation was completed at the site at that time by the property owner. The property since reverted to the State of Michigan through a tax foreclosure. During the State's ownership, the Michigan Department of Environmental Quality (MDEQ) funded an investigation of the site, considering it a high priority site due to the presence of a nearby surface water body (West Lake). The property was purchased from the State by Mr. David Rosenberg. During the past several years, the property has been vacant for the most part, with some intermittent leasees. The City of Portage has considered the site a priority for re-use based on neighborhood complaints and a desire to improve the streetscape of the commercial district.

A new developer intends to purchase and occupy the site. This will involve renovation of the existing building, improvements to the driveway and parking areas, and other aesthetic improvements. The developer intends to consolidate his business, Disaster Restoration, Inc., on the property. It is also anticipated that a 1,500-square-foot addition may be added to the building in 2014.

To support the acquisition, the MDEQ recently conducted additional environmental investigation of the property. MDEQ has also used this most recent assessment data to plan cleanup activities (soil excavation, groundwater removal and treatment) to remove grossly contaminated soil and groundwater. These cleanup activities will occur after the real estate transaction has occurred.

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This development is an improvement for the site and the surrounding area in many ways:

1. The MDEQ can finalize their environmental remediation activities;
2. The blighted property would be returned to productive use;
3. The County Brownfield Plan would constitute a co-operative inter-governmental effort between the City of Portage and Kalamazoo County; and
4. Tax increment revenues collected would reimburse the expenses for the assessment and eligible redevelopment activities.

The legal description and parcel identification number for the property subject to this Plan, as provided by the City of Portage, are as follows:

9008 Portage Road (Parcel # 10-00340-058-0)

"*Ames West Lake Park Lots 58 thru 60*"

Basis of Eligibility

The property has been identified as a "facility" as defined in Part 201 of the Natural Resources and Environmental Protect Act ([NREPA]1994 PA 451). Specifically, a variety of petroleum volatile organic compounds have been identified in soil and groundwater in excess of generic residential cleanup criteria. These compounds include, but are not limited to benzene, butylbenzene, ethylbenzene, isopropylbenzene, 2-methylnaphthalene, naphthalene, toluene, trimethyl-benzenes, and xylenes. The primary cleanup criteria exceeded include those protective of drinking water supplies and surface water quality (groundwater-surface water interface). Certain compounds are also present in soil in excess of criteria protective of indoor air quality (Soil volatilization to Indoor Air Inhalation Criteria).

The Plan

(a) A description of the costs of the plan intended to be paid for with tax increment revenues (Section 13(1)(a))

This Plan has been developed to reimburse the Kalamazoo County Brownfield Redevelopment Authority (KCBRA) for the cost of environmental due diligence activities (Baseline Environmental Assessment Activities [BEA] and Due Care Activities) and preparation of this Brownfield Plan. This Plan also provides a limited amount of reimbursement to the developer for eligible Site Preparation expenses.

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Environmental Activities

The KCBRA will incur certain eligible activities including preparation of a Phase I Environmental Site Assessment and BEA (BEA Activities). The KCBRA will also fund preparation of a Due Care Plan (Due Care Activities). The new developer is planning to install a sub-slab depressurization system to control risks related to the potential for vapor intrusion from contaminants beneath the building as part of his Due Care obligations. This engineering control will protect workers and site personnel from potential unacceptable exposures to contamination. The following MDEQ eligible activities will be conducted to support this project:

- BEA Activities
- Due Care Activities
- Preparation of this Brownfield Plan and Act 381 Work Plan

Non-Environmental Activities

Because the City of Portage is a Qualified Local Unit of Government, additional non-environmental Brownfield Redevelopment costs (Michigan Strategic Fund [MSF] eligible activities") can be reimbursed through a Brownfield Plan. This Plan will provide a limited amount of reimbursement for eligible Site Preparation Activities, Site and Building Demolition Activities to be completed by the developer. The KCBRA intends to seek approval from the MSF to secure approval to use school tax increment revenues to reimburse these costs.

Authority Expenses

Eligible actual costs incurred by the KCBRA are also included in the Plan as an eligible expense. These will be reimbursed with local tax increment revenues only.

(b) A brief summary of the eligible activities that are proposed for each eligible property (Section 13(1)(b))

Eligible Environmental Activities to be completed include activities necessary to conduct a BEA (i.e., Phase I Environmental Site Assessment, data review, preparation and submittal of the BEA). Preparation of the Due Care Plan will also be completed. These activities are eligible for reimbursement using school and local tax increment revenues without MDEQ approval.

The developer is planning to install a sub-slab depressurization system inclusive of a vapor barrier and a powered ventilation system in order to meet due care requirements. These costs are

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inclusive of demolition of the concrete floor of the repair bays in order to remove a hydraulic lift and a catch basin. Once these features are removed, the depressurization system can be installed. If approved by MDEQ in an Act 381 Work Plan, this cost can be reimbursed with local and school tax increment revenues.

Preparation of this Brownfield Plan and an Act 381 Work Plan is also an eligible environmental activity that can be reimbursed using school and local tax increment revenues.

The developer will have certain non-environmental site preparation activities that are eligible for reimbursement. Site preparation activities include staking, geotechnical engineering, clearing and grubbing, temporary traffic controls, temporary erosion controls, temporary site controls (e.g., security, fencing, lighting), excavation and fill for unstable material, land balancing, grading, relocation of active utilities, temporary sheeting or shoring, and all other eligible site preparation costs as described in published MSF guidance documents. Eligible site preparation costs also include professional soft costs directly related to performance of the specific eligible site preparation activity. These professional costs can include geotechnical, architectural, engineering, design, legal, and other professional fees directly related to the site preparation activity.

The developer may have certain non-environmental site and building demolition activities. These include removal of the substandard asphalt and concrete parking lot, drives, curb and gutter in order to construct an appropriate access to the site with ample and well-designed parking and truck accessibility.

This Plan establishes a limit on the total amount of eligible site preparation and site and building demolition activities that will be considered for reimbursement.

Refer to Table 1 for a listing of eligible costs allowed for reimbursement under this Plan.

(c) An estimate of the captured taxable value and tax increment revenues for each year of the plan from each parcel of eligible property. (Section 13(1)(c))

The Initial Taxable Value for this Plan shall be the taxable value of the eligible property established at the time this Brownfield Plan is adopted (i.e., the 2013 taxable value) which is $8,854.

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Property improvements and new construction activities are expected to be conducted in 2014 and these improvements are expected to increase the taxable value of the property. The projected taxable value is $60,000 after these improvements have been made. Thus, the redevelopment of this property would create a captured taxable value of $51,146. The Kalamazoo County Brownfield Redevelopment Authority intends to begin capture of the tax increment revenues in 2014.

Refer to Tables 2-4 for further detail of the tax increment revenues generated in each year of the Brownfield Plan.

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Table 1

Summary of Eligible Costs

9008 Portage Road
Portage, MI

Eligible Activities		Estimated Cost
BEA Activities	$	5,000.00
BEA Activities		
Brownfield Plan Preparation		
Due Care Activities	$	15,000.00
Due Care Plan		
Subslab Depressurization		
Additional Response Activities		
Total MDEQ Activities	$	20,000.00
MSF Non Environmental Activities		
Site Preparation Activities	$	10,000.00
Site and Building Demolition	$	10,000.00
Total MSF Activities	$	20,000.00
Act 381 Work Plan	$	2,500.00
TOTAL COSTS OF ELIGIBLE ACTIVITIES	**$**	**42,500.00**
Financing Costs	$	-
Contingencies (15%)	$	6,375.00
Administrative Costs of the Authority (estimated)	$	5,000.00
TOTAL REIMBURSEMENTS	**$**	**53,875.00**
Additional Capture for LSRRF	**$**	**12,152.06**

Table 2

Estimate of Total Captured Incremental Taxes

9008 Portage Road
Portage, MI

Year	Annual Total Millage†	Initial Taxable Value	Tax Revenues from Initial Taxable Value	Estimated Future Taxable Value	Estimated Future Tax Revenues	Incremental Tax Revenues	Available for Capture
2013	50.5191	$ 8,854.00	$ 447.30	$ 8,854.00	$ 447.30	$ -	$ -
2014	50.5191	$ 8,854.00	$ 447.30	$ 60,000.00	$ 3,031.15	$ 2,583.85	$ 2,583.85
2015	50.5191	$ 8,854.00	$ 447.30	$ 60,000.00	$ 3,031.15	$ 2,583.85	$ 2,583.85
2016	50.5191	$ 8,854.00	$ 447.30	$ 60,000.00	$ 3,031.15	$ 2,583.85	$ 2,583.85
2017	50.5191	$ 8,854.00	$ 447.30	$ 60,000.00	$ 3,031.15	$ 2,583.85	$ 2,583.85
2018	50.5191	$ 8,854.00	$ 447.30	$ 60,000.00	$ 3,031.15	$ 2,583.85	$ 2,583.85
2019	50.5191	$ 8,854.00	$ 447.30	$ 60,000.00	$ 3,031.15	$ 2,583.85	$ 2,583.85
2020	50.5191	$ 8,854.00	$ 447.30	$ 60,000.00	$ 3,031.15	$ 2,583.85	$ 2,583.85
2021	50.5191	$ 8,854.00	$ 447.30	$ 60,000.00	$ 3,031.15	$ 2,583.85	$ 2,583.85
2022	50.5191	$ 8,854.00	$ 447.30	$ 60,000.00	$ 3,031.15	$ 2,583.85	$ 2,583.85
2023	50.5191	$ 8,854.00	$ 447.30	$ 60,000.00	$ 3,031.15	$ 2,583.85	$ 2,583.85
2024	50.5191	$ 8,854.00	$ 447.30	$ 60,000.00	$ 3,031.15	$ 2,583.85	$ 2,583.85
2025	50.5191	$ 8,854.00	$ 447.30	$ 60,000.00	$ 3,031.15	$ 2,583.85	$ 2,583.85
2026	50.5191	$ 8,854.00	$ 447.30	$ 60,000.00	$ 3,031.15	$ 2,583.85	$ 2,583.85
2027	50.5191	$ 8,854.00	$ 447.30	$ 60,000.00	$ 3,031.15	$ 2,583.85	$ 2,583.85
2028	50.5191	$ 8,854.00	$ 447.30	$ 60,000.00	$ 3,031.15	$ 2,583.85	$ 2,583.85
2029	50.5191	$ 8,854.00	$ 447.30	$ 60,000.00	$ 3,031.15	$ 2,583.85	$ 2,583.85
2030	50.5191	$ 8,854.00	$ 447.30	$ 60,000.00	$ 3,031.15	$ 2,583.85	$ 2,583.85
2031	50.5191	$ 8,854.00	$ 447.30	$ 60,000.00	$ 3,031.15	$ 2,583.85	$ 2,583.85
2032	50.5191	$ 8,854.00	$ 447.30	$ 60,000.00	$ 3,031.15	$ 2,583.85	$ 2,583.85
2033	50.5191	$ 8,854.00	$ 447.30	$ 60,000.00	$ 3,031.15	$ 2,583.85	$ 2,583.85
2034	50.5191	$ 8,854.00	$ 447.30	$ 60,000.00	$ 3,031.15	$ 2,583.85	$ 2,583.85
2035	50.5191	$ 8,854.00	$ 447.30	$ 60,000.00	$ 3,031.15	$ 2,583.85	$ 2,583.85
2036	50.5191	$ 8,854.00	$ 447.30	$ 60,000.00	$ 3,031.15	$ 2,583.85	$ 2,583.85
TOTAL							**$ 59,428.55**

† - Does not include debt millages

* - Total includes five year future capture to Local Site Remediation Revolving Fund

Table 3

Estimate of Annual Effect on Taxing Jurisdictions

9008 Portage Road
Portage, MI

SUMMER TAXES[1]

Taxing Jurisdiction		City of Portage	KVCC	KRESA-ISD	State Ed[3]	School Bldg Debt	School Oper	County Summer	Transportation	Total
Millage		10.7778	2.8135	4.8916	6	5.8	18	4.6871	0.4	53.37
Initial Taxable Value	$ 8,854.00	$ 95.43	$ 24.91	$ 43.31	$ 53.12	$ 51.35	$ 159.37	$ 41.50	$ 3.54	$ 472.54
Future Taxable Value	$ 60,000.00	$ 646.67	$ 168.81	$ 293.50	$ 360.00	$ 348.00	$ 1,080.00	$ 281.23	$ 24.00	$ 3,202.20
Captured Taxable Value	$ 51,146.00	$ 551.24	$ 143.90	$ 250.19	$ 306.88	$ -	$ 920.63	$ 239.73	$ 20.46	$ 2,433.02

WINTER TAXES[2]

Taxing Jurisdiction		District Library	County Pub Safety	County Juv Home	Total
Millage		1.5	1.4491	0.2234	3.1725
Initial Taxable Value	$ 8,854.00	$ 13.28	$ 12.83	$ 1.98	$ 28.09
Future Taxable Value	$ 60,000.00	$ 90.00	$ 86.95	$ 13.40	$ 190.35
Captured Taxable Value	$ 51,146.00	$ 76.72	$ 74.12	$ -	$ 150.83

1. Based on millages from 2013 taxes
2. Based on millages from 2012 taxes
3. Half of captured SET conveyed to State Brownfield Redevelopment Fund

Total Millages		56.5425
Total Annual Future Tax Liability	$	3,392.55
Total Capturable Local Millages		26.5191
Total Annual Capturable Local Tax Increment	$	1,356.35
Total Capturable School Millages		24.00000
Total Annual Capturable School Tax Increment	$	1,227.50
Total School and Local Tax Increment Revenue/Yr	$	2,583.85

Table 4

Captured Taxable Value and Tax Increment Revenue by Year and Aggregate for Each Taxing Jurisdiction

9008 Portage Road
Portage, MI

Year	Captured Taxable Value	City of Portage	KVCC	KRESA-ISD	State Ed[3]	School Bldg Debt	School Oper	County Summer	Transportation	District Library	County Pub Safety	County Juv Home	Total
		10.7778	2.8135	4.8916	6	5.8	18	4.6871	0.4	1.5	1.4491	0.2234	56.5425
2014	$ 51,146.00	551.24	143.90	250.19	306.88	-	920.63	239.73	20.46	76.72	74.12	-	2,583.85
2015	$ 51,146.00	551.24	143.90	250.19	306.88	-	920.63	239.73	20.46	76.72	74.12	-	2,583.85
2016	$ 51,146.00	551.24	143.90	250.19	306.88	-	920.63	239.73	20.46	76.72	74.12	-	2,583.85
2017	$ 51,146.00	551.24	143.90	250.19	306.88	-	920.63	239.73	20.46	76.72	74.12	-	2,583.85
2018	$ 51,146.00	551.24	143.90	250.19	306.88	-	920.63	239.73	20.46	76.72	74.12	-	2,583.85
2019	$ 51,146.00	551.24	143.90	250.19	306.88	-	920.63	239.73	20.46	76.72	74.12	-	2,583.85
2020	$ 51,146.00	551.24	143.90	250.19	306.88	-	920.63	239.73	20.46	76.72	74.12	-	2,583.85
2021	$ 51,146.00	551.24	143.90	250.19	306.88	-	920.63	239.73	20.46	76.72	74.12	-	2,583.85
2022	$ 51,146.00	551.24	143.90	250.19	306.88	-	920.63	239.73	20.46	76.72	74.12	-	2,583.85
2023	$ 51,146.00	551.24	143.90	250.19	306.88	-	920.63	239.73	20.46	76.72	74.12	-	2,583.85
2024	$ 51,146.00	551.24	143.90	250.19	306.88	-	920.63	239.73	20.46	76.72	74.12	-	2,583.85
2025	$ 51,146.00	551.24	143.90	250.19	306.88	-	920.63	239.73	20.46	76.72	74.12	-	2,583.85
2026	$ 51,146.00	551.24	143.90	250.19	306.88	-	920.63	239.73	20.46	76.72	74.12	-	2,583.85
2027	$ 51,146.00	551.24	143.90	250.19	306.88	-	920.63	239.73	20.46	76.72	74.12	-	2,583.85
2028	$ 51,146.00	551.24	143.90	250.19	306.88	-	920.63	239.73	20.46	76.72	74.12	-	2,583.85
2029	$ 51,146.00	551.24	143.90	250.19	306.88	-	920.63	239.73	20.46	76.72	74.12	-	2,583.85
2030	$ 51,146.00	551.24	143.90	250.19	306.88	-	920.63	239.73	20.46	76.72	74.12	-	2,583.85
2031	$ 51,146.00	551.24	143.90	250.19	306.88	-	920.63	239.73	20.46	76.72	74.12	-	2,583.85
2032	$ 51,146.00	551.24	143.90	250.19	306.88	-	920.63	239.73	20.46	76.72	74.12	-	2,583.85
2033	$ 51,146.00	551.24	143.90	250.19	306.88	-	920.63	239.73	20.46	76.72	74.12	-	2,583.85
2034	$ 51,146.00	551.24	143.90	250.19	306.88	-	920.63	239.73	20.46	76.72	74.12	-	2,583.85
2035	$ 51,146.00	551.24	143.90	250.19	306.88	-	920.63	239.73	20.46	76.72	74.12	-	2,583.85
2036	$ 51,146.00	551.24	143.90	250.19	306.88	-	920.63	239.73	20.46	76.72	74.12	-	2,583.85
TOTAL CAPTURED TAXES		$ 12,678.55	$ 3,309.68	$ 5,754.27	$ 7,058.15	$ -	$ 21,174.44	$ 5,513.71	$ 470.54	$ 1,764.54	$ 1,704.66	$ -	$ 59,428.55

(d) The method by which the costs of the plan will be financed, including a description of any advances made or anticipated to be made for the costs of the plan from the municipality. (Section 13(1)(d))

The costs of this Plan are borne by the developer and the KCBRA. At this time, no advances are being made by the municipality to the developer though such advances could be made in the future to incentivize the project.

(e) The maximum amount of note or bonded indebtedness to be incurred, if any. (Section 13(1)(e))

The KCBRA has no plans to incur indebtedness at this time, though such plans could be made in the future, if appropriate to support development of this site.

(f) The duration of the Brownfield Plan, which shall not exceed the lesser of the period authorized under subsections (4) and (5) or 30 years. (Section 13(1)(f))

This Plan anticipates that the investment in the property will begin in 2014 and this will be the first year in which tax increment revenues will be captured. The initial taxable value will be the 2013 taxable value of the property. This Plan will then remain in place until the eligible activities have been fully reimbursed or 30 years, whichever occurs sooner. Table 5 illustrates the anticipated reimbursement schedule.

(g) An estimate of the impact of tax increment financing on the revenues of all taxing jurisdictions in which the eligible property is located. (Section 13(1)(g))

Refer to Tables 3, 4, and 5 for details.

(h) A legal description of each parcel of eligible property to which the plan applies, a map showing the location and dimensions of each eligible property, a statement of the characteristics that qualify the property as eligible property and a statement of whether personal property is included as part of the eligible property. (Section 13(1)(h))

A map showing the location of the property is included in Attachment A. The legal description of the property as provided by the City of Portage Assessors Office is "*Ames West Lake Park Lots 58 thru 60*".

The property is an "eligible property" as it has been identified as a "facility" as defined in Part 201 of the NREPA (1994 PA 451). Specifically, a variety of petroleum volatile organic compounds have

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been identified in soil and groundwater in excess of generic residential cleanup criteria. These compounds include, but are not limited to benzene, butylbenzene, ethylbenzene, isopropyl-benzene, 2-methylnaphthalene, naphthalene, toluene, trimethylbenzenes, and xylenes. The primary cleanup criteria exceeded include those protective of drinking water supplies and surface water quality (groundwater-surface water interface). Certain compounds are also present in soil in excess of criteria protective of indoor air quality (Soil volatilization to Indoor Air Inhalation Criteria).

Personal property will be included as part of the eligible property.

(i) Estimates of the number of persons residing on each eligible property to which the plan applies and the number of families and individuals to be displaced. (Section 13(1)(i))

No persons reside on the eligible property to which the plan applies.

(j) A plan for establishing priority for the relocation of persons displaced by implementation of the plan. (Section 13(1)(j))

Not applicable.

(k) Provision for the costs of relocating persons displaced by implementation of the plan. (Section 13(1)(k))

Not applicable.

(l) A strategy for compliance with 1972 PA 227, MCL 213.321 to 213.332. (Section 13(1)(l))

Not applicable.

(m) A description of proposed use of the local site remediation revolving fund. (Section 13(1)(m))

The KCBRA does not plan to use its Local Site Remediation Revolving Fund (LSRRF) for this project. Up to five years of the tax increment from this project will be placed into the KCBRA's LSRRF for use in funding additional brownfield redevelopment activities throughout the County.

(n) Other material that the authority or governing body considers pertinent. (Section 13(1)(n))

Not applicable.

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Table 5

Reimbursement Schedule

9008 Portage Road
Portage, Michigan

Year	Incremental Taxes Captured	Funds Disbursed				
		Authority (School)	Developer		State Brownfield Redevelopment Fund	Local Site Remediation Revolving Fund
			School	Local		
2014	2,583.85	1,074.07		1,356.35	153.44	
2015	2,583.85	1,074.07		1,356.35	153.44	
2016	2,583.85	1,074.07		1,356.35	153.44	
2017	2,583.85	1,074.07		1,356.35	153.44	
2018	2,583.85	1,074.07		1,356.35	153.44	
2019	2,583.85	1,074.07		1,356.35	153.44	
2020	2,583.85	1,074.07		1,356.35	153.44	
2021	2,583.85	1,074.07		1,356.35	153.44	
2022	2,583.85	1,074.07		1,356.35	153.44	
2023	2,583.85		1,074.07	1,356.35	153.44	
2024	2,583.85		1,074.07	1,356.35	153.44	
2025	2,583.85		1,074.07	1,356.35	153.44	
2026	2,583.85		1,074.07	1,356.35	153.44	
2027	2,583.85		1,074.07	1,356.35	153.44	
2028	2,583.85		1,074.07	1,356.35	153.44	
2029	2,583.85		1,074.07	1,356.35	153.44	
2030	2,583.85		1,074.07	1,356.35	153.44	
2031	2,583.85		1,074.07	1,356.35	153.44	
2032	2,583.85				153.44	2,430.41
2033	2,583.85				153.44	2,430.41
2034	2,583.85				153.44	2,430.41
2035	2,583.85				153.44	2,430.41
2036	2,583.85				153.44	2,430.41
Totals		9,666.59	9,666.59	24,414.23	3,529.07	12,152.06

ATTACHMENT A

FIGURES

Figure 1: Location Map
Figure 2: Site Plan
Figure 3: Site Plan and Analytical Data

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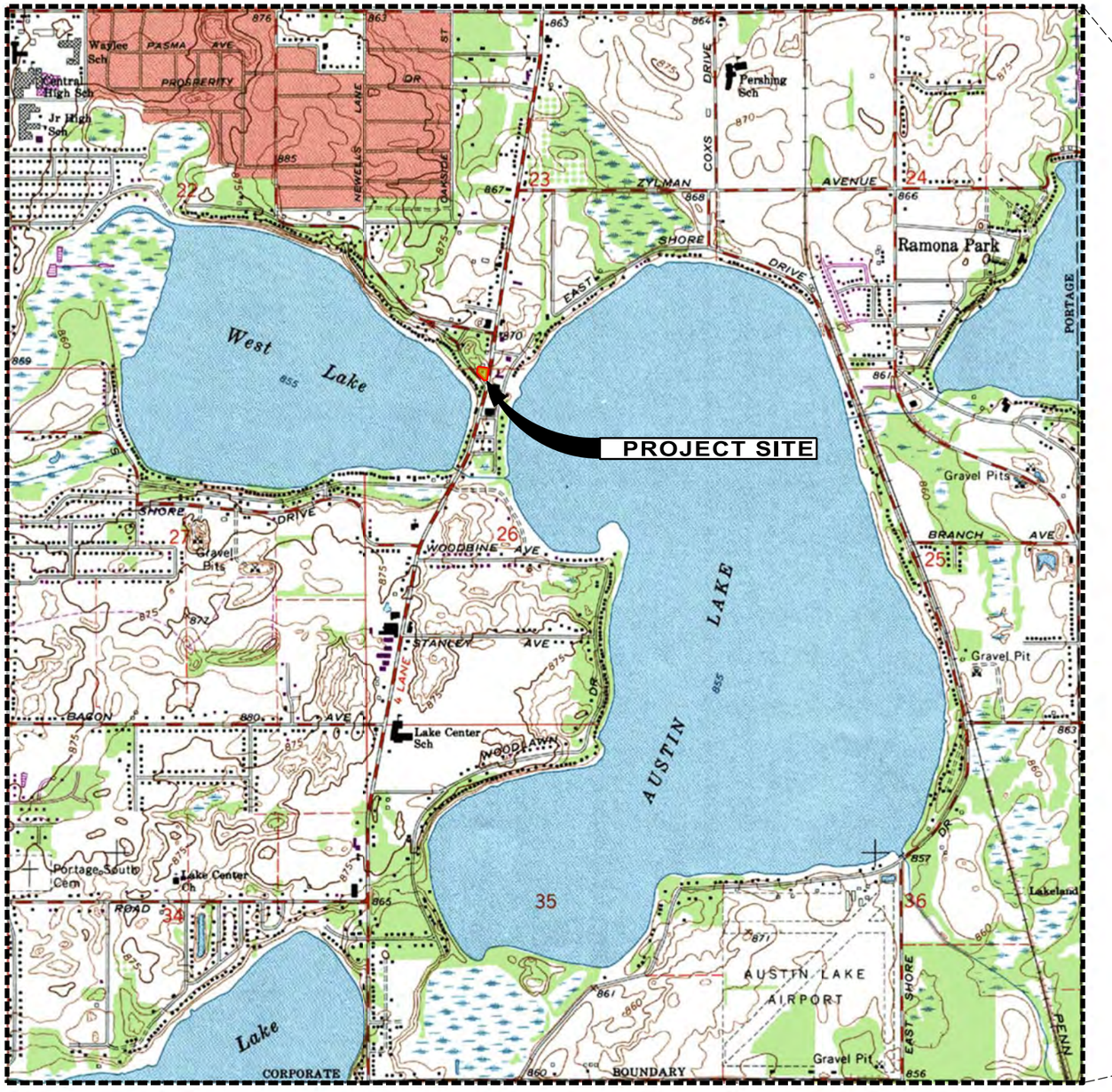

SOURCE: PORTAGE, MICHIGAN USGS 7.5 MINUTE TOPOGRAPHIC QUADRANGLE MAPS
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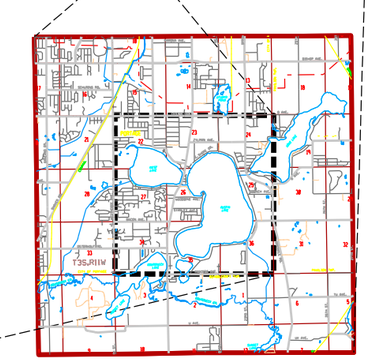

T 3 S. R. 11 W.
KALAMAZOO COUNTY
PORTAGE, MICHIGAN

N

0 500 1000 2000 4000
SCALE 1" = 2000'

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environmental consulting + services
2960 INTERSTATE PARKWAY
KALAMAZOO, MICHIGAN 49048
PH: (269) 342-1100 FAX: (269) 342-4945

FORMER BUD'S AUTO

9008 PORTAGE RD.
PORTAGE, MI

LOCATION MAP

PROJECT NO.
130367

FIGURE No.
1

000000 AAAAAA Files:AA.dgn Model: Location Map

LEGEND

- MONITORING WELL LOCATIONS
- GEOPROBE BORING LOCATIONS

CB = CATCH BASIN

FD = FLOOR DRAIN

N

SCALE 1" = 30'

0 5 10 20 30 60

NOTE:
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FORMER BUD'S AUTO

9008 PORTAGE RD.
PORTAGE, MI

SITE PLAN

envirologic
environmental consulting + services
2960 INTERSTATE PARKWAY
KALAMAZOO, MICHIGAN 49048
PH: (269) 342-1100 FAX: (269) 342-4945

PROJECT NO.
130367

FIGURE No.
2

000000 AAAAAA File: Model:

SB-6 @ 4-6'
PNA'S
N @ 1,500 µg/Kg

GP-18 @ 7' (AUG 2000)
METALS
Cr @ 50,000 µg/Kg

GP-16 @ 0-4' (JULY 2000)
METALS
Cr @ 6,900 µg/Kg

GP-15 @ 7' (JULY 2000)
METALS
Pb @ 450,000 µg/Kg

MW-8 @ 7-14' (AUG 2000)
METALS
Pb @ 12 µg/L

MW-8 (AUG 2013)
VOC's
1,2,4-TMB @ 41 µg/L
PNA's
N @ 20 µg/L

RW-1 @ 4-9'(MAR 2000)
METALS
Pb @ 54 µg/L

RW-1 (AUG 2013)
VOC's
EB @ 190 µg/L
i-PB @ 43 µg/L
n-PB @ 150 µg/L
1,2,4-TMB @ 1,400 µg/L
1,3,5-TMB @ 440 µg/L
X @ 620 µg/L
PNA's
2-M @ 54 µg/L
N @ 56 µg/L

SB-4 @ 6-8'
VOC's
n-BB @ 10,000 µg/Kg
s-BB @ 2,000 µg/Kg
EB @ 43,000 µg/Kg
i-PB @ 5,700 µg/Kg
n-PB @ 24,000 µg/Kg
1,2,4-TMB @ 89,000 µg/Kg
1,3,5-TMB @ 43,000 µg/Kg
X @ 229,000 µg/Kg
PNA'S
2-M @ 8,900 µg/Kg
N @ 11,000 µg/Kg

SB-3 @ 2-4'
VOC's
EB @ 470 µg/Kg
X @ 939 µg/Kg
1,2,4-TMB @ 590 µg/Kg
SB-3 @ 6-8'
VOC's
N @ 940 µg/Kg

MW-2R
VOC's
B @ 45 µg/L
EB @ 1,100 µg/L
i-PB @ 180 µg/L
n-PB @ 900 µg/L
1,2,4-TMB @ 920 µg/L
1,3,5-TMB @ 150 µg/L
X @ 3,628 µg/L
PNA's
2-M @ 59 µg/L
N @ 240 µg/L

SB-2 @ 6-8'
VOC's
n-BB @ 3,400 µg/Kg
EB @ 18,000 µg/Kg
n-PB @ 7,800 µg/Kg
T @ 16,000 µg/Kg
1,2,4-TMB @ 44,000 µg/Kg
1,3,5-TMB @ 13,000 µg/Kg
X @ 92,000 µg/Kg
PNA'S
2-M @ 9,800 µg/Kg
N @ 12,000 µg/Kg

MW-17
VOC's
B @ 350 µg/L
EB @ 420 µg/L
i-PB @ 190 µg/L
n-PB @ 520 µg/L
X @ 513.1 µg/L
PNA's
2-M @ 46 µg/L
N @ 230 µg/L

SB-11 @ 6-8'
VOC's
s-BB @ 5,300 µg/Kg
EB @ 45,000 µg/Kg
i-PB @ 13,000 µg/Kg
n-PB @ 57,000 µg/Kg
1,2,4-TMB @ 230,000 µg/Kg
1,3,5-TMB @ 73,000 µg/Kg
X @ 115,700 µg/Kg
PNA'S
2-M @ 6,400 µg/Kg
N @ 7,400 µg/Kg

SB-1 @ 8-10'
VOC's
B @ 120 µg/Kg
N @ 3,200µg/Kg
n-PB @ 5,500 µg/Kg

MW-3R
VOC's
B @ 71 µg/L
EB @ 26 µg/L
i-PB @ 160 µg/L
n-PB @ 360 µg/L
X @ 43.4 µg/L
PNA's
2-M @ 31 µg/L
N @ 110 µg/L

Building Drain
VOC's
A @ 850 µg/L
B @ 6.3 µg/L
cis,-1,2-DCE @ 340 µg/L
N @ 15 µg/L
PCE @ 10 µg/L
X @ 65 µg/L

SB-10 @ 6-8'
VOC's
n-BB @ 1,700 µg/Kg
PNA's
2-M @ 7,600 µg/Kg
N @ 790 µg/Kg

SB-14 @ 6-8'
VOC's
B @ 990 µg/Kg
EB @ 26,000 µg/Kg
n-PB @ 5,700 µg/Kg
1,2,4-TMB @ 36,000 µg/Kg
1,3,5-TMB @ 9,400 µg/Kg
X @ 152,000 µg/Kg

GP-11 @ 0-4' (JULY 2000)
METALS
Pb @ 510,000 µg/Kg

MW-10 @ 9-14' (AUG 2000)
METALS
Pb @ 14 µg/L

SB-13 @ 6-8'
VOC's
B @ 540 µg/Kg
EB @ 1,500 µg/Kg
1,2,4-TMB @ 910 µg/Kg
X @ 5,740 µg/Kg

SB-12 @ 8-10'
VOC's
B @ 6,100 µg/Kg
s-BB @ 14,000 µg/Kg
EB @ 300,000 µg/Kg
i-PB @ 34,000 µg/Kg
n-PB @ 150,000 µg/Kg
T @ 260,000 µg/Kg
1,2,4-TMB @ 870,000 µg/Kg
1,3,5-TMB @ 250,000 µg/Kg
X @ 1,540,000 µg/Kg
PNA'S
2-M @ 7,500 µg/Kg
N @ 9,900 µg/Kg

SB-8 @ 8-10'
VOC's
n-BB @ 2,4000 µg/Kg
EB @ 11,000 µg/Kg
n-PB @ 5,400 µg/Kg
1,2,4-TMB @ 1,300 µg/Kg
X @ 1,400 µg/Kg
PNA'S
2-M @ 13,000 µg/Kg
N @ 16,000 µg/Kg

LEGEND

- MONITORING WELL LOCATIONS
- GEOPROBE BORING LOCATIONS

CB = CATCH BASIN

FD = FLOOR DRAIN

CONTAMINANT ABBREVIATIONS

VOC's	
A	Acetone
B	Benzene
n-BB	n-Butylbenzene
s-BB	sec-Butylbenzene
cis-1,2-DCE	cis-1,2-Dichloroethylene
EB	Ethylbenzene
i-PB	Isopropyl Benzene
n-PB	n-Propylbenzene
1,2,4-TMB	1,2,4-Trimethylbenzene
1,3,5-TMB	1,3,5-Trimethylbenzene
PCE	Tetrachloroethylene
X	Xylenes
PNA's	
2-M	2-Methylnaphthalene
N	Naphthalene
METALS	
Cr	Total Chromium
Pb	Total Lead

N

SCALE 1" = 30'

0 5 10 20 30 60

NOTE:
ANALYTICAL DATA SHOWN ARE THOSE TARGET ANALYSES WITH CONCENTRATIONS THAT EXCEED ONE OR MORE OF THE GENERIC RESIDENTIAL CLEANUP CRITERIA BASED ON THE AUGUST 2013 SAMPLING EVEN BY GANNETT FLEMING FOR MDEQ AND 2000 SAMPLING EVENT BY SUPERIOR.

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PORTAGE, MI

SITE PLAN WITH SAMPLE LOCATIONS & ANALYTICAL DATA

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2960 INTERSTATE PARKWAY
KALAMAZOO, MICHIGAN 49048
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PROJECT NO.
130367

FIGURE No.
2

000000 AAAAAA File: Model:

ATTACHMENT B

NOTICE OF PUBLIC HEARING

draft

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ATTACHMENT C

NOTICE TO TAXING JURISDICTIONS

draft

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ATTACHMENT D

RESOLUTION APPROVING A BROWNFIELD PLAN

draft

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FIRST AMENDMENT
TO THE BROWNFIELD DEVELOPMENT AND
AND REIMBURSEMENT AGREEMENT FOR
THE MIDLINK BUSINESS PARK REDEVELOPMENT

This FIRST AMENDMENT to the BROWNFIELD DEVELOPMENT AND REIMBURSEMENT AGREEMENT , DATED JUNE 10, 2011 ("the Development Agreement") between THE COUNTY OF KALAMAZOO BROWNFIELD REDEVELOPMENT AUTHORITY ("the Authority"), a Michigan body corporate established pursuant to Act 381 of the Public Acts of 1996, as amended ("Act 381), whose address is 201 West Kalamazoo Avenue, Kalamazoo, Michigan 49007, and 5200 EAST CORK INVESTORS, LLC, ("the Developer"), a Delaware Limited Liability Company, whose address is 5200 East Cork Street, Kalamazoo, Michigan 49048, is made this _____ day of _____, 2013, between the Authority, the Developer and General Mills Corporation *(need state of incorporation and address)* ("General Mills"), and shall hereafter be referred to as the First Amendment.

RECITALS:

A. The recitals of the Development Agreement are restated herein, and all defined terms contained in the Development Agreement shall be used herein as the same are defined in the Development Agreement.

B. General Mills will purchase from Developer the property located and more fully described in Exhibit A of this First Amendment ("the First Amendment Property") and commonly known as *(address)*.

C. General Mills intends to develop the First Amendment Property to be used for refrigerated storage of food items, together with associated facilities for the loading and transport of such food items. Such development shall include the construction of buildings and facilities used for these purposes. Development of the First Amendment Property shall include the performance of certain Eligible Activities

D. The purpose of this First Amendment is to amend the Development Agreement to provide for the development of the First Amendment Property by General Mills, and to state the obligations of the parties to this First Amendment for reimbursement of the costs incurred for Eligible Activities, as approved by the Authority.

NOW, THEREFORE, based upon the recitals set forth above and in consideration of the mutual agreements set forth below, the Authority, the Developer and General Mills agree as follows:

1. Review of and Agreement to Development Agreement and Brownfield Plan. General Mills represents that it has reviewed the Kalamazoo County Brownfield Plan, the Kalamazoo County Operational Policy for Brownfield Projects, and the Development Agreement and is fully aware of and accepts the terms of those documents, subject to the terms of this First Amendment.

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2. Conflict Between the First Amendment and the Development Agreement. To the extent that terms or provisions of the Development Agreement and this First Amendment conflict, the First Amendment shall control. Barring conflict, the terms of the Development Agreement shall remain in full force and effect.

3. Development of the Property. General Mills agrees to develop the First Amendment Property consistent with this First Amendment, the Development Agreement, and the Plan Amendment and any site plans, which have already, or may, from time to time, be approved by the Township of Comstock for the First Amendment Property and consistent with the applicable zoning, building and land use laws. As a general matter, the intent of this First Amendment is for General Mills to redevelop the First Amendment Property for reuse as a food storage facility, which shall include the construction of buildings and facilities for the refrigerated storage of food items, together with facilities for the loading and transportation of such items. *(Do we need a better description here??)*

4. Reimbursement for Approved Eligible Activities, and Amendments to Work Plans.

   4.1 Unless otherwise allowed under Act 381, the Authority is requiring Work Plans for all Eligible Activities sought to be reimbursed from school TIR. Eligible Activities conducted prior to the date of this First Amendment shall be reimbursed from school TIR and/or non-school TIR, to the extent authorized by Act 381, subject to sections 2.2, 2.3 and 6.2 of the Development Agreement and this First Amendment.

   4.2 The Authority shall reimburse General Mills for Eligible Activities it conducts at the First Amendment Property, to the extent permitted by Act 381, provided for in the Plan Amendment and approved by the Authority or the MDNRE (Now Michigan Department of Environmental Quality or "MDEQ"), as applicable. To the extent that the MDNRE ("MDEQ") does not approve a particular cost item or interest on a cost item authorized by the Plan Amendment and approved by the Authority for reimbursement, from school TIR, the Authority shall use TIR generated from local taxes to reimburse the full amount of that cost item or interest charge, provided the following: reimbursements to General Mills shall be limited to a total dollar amount of $1.8 Million Dollars OR a maximum of 10 (ten) years of TIR reimbursement, whichever comes first. General Mills shall be entitled to reimbursement only from TIR attributed to the First Amendment Property.

   4.3 The order of payments shall be as follows: The actual and documentable administrative expenses and costs of Eligible Activities performed by the Authority pertaining to the First Amendment Property, as permitted by Act 381 and described in section 6.5 of the Development Agreement shall be paid first from eligible TIR streams. Second, General Mills shall be reimbursed for the actual cost of Eligible Activities it performs at the First Amendment Property as provided by the Development Agreement and this First Amendment. Third, the Developer shall be entitled to reimbursement for any Eligible Activities it has

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performed at the First Amendment Property, as provided by the Development Agreement, subject to the general limitations on reimbursement to the Developer contained in the Development Agreement. **This section 4.3 of the First Amendment specifically changes the provisions related to priority of reimbursement contained in the Development Agreement with respect to the First Amendment Property~~, and~~; the provisions of the Development Agreement which specify that Developer will receive reimbursement in second position with respect to the balance of the Property subject to Brownfield Agreement remain in effect~~-~~. Developer acknowledges that the reimbursement payments made to General Mills under this First Amendment will reduce the amount of reimbursement to which it is eligible under the terms of the Plan and the Development Agreement.**

4.4 The Authority may collect TIR for deposit into the local site remediation revolving fund after General Mills and the Developer have reached the limits of reimbursement provided for in this First Amendment and the Development Agreement, for a period of five years, as provided by Act 381.

4.5 Sections 2.5, 2.6 and 2.7 of the Development Agreement are restated and adopted as part of this Section 4 of the First Amendment.

5. Limitations of Reimbursement. The provisions for Limitation of Reimbursement contained in Sections 3 of the Development Agreement are restated and adopted herein, provided the following:

5.1 Wherever in Section 3 of the Development Agreement a reference is made to the Developer's obligations, General Mills acknowledges and agrees that those obligations shall pertain to General Mills to the extent that it performs work or seeks reimbursement for Eligible Activities.

5.2 Table 1A is attached to this First Amendment and incorporated herein and sets forth the estimated available tax capture stream as it pertains to the First Amendment Property *(Jeff – will need this table from you)*.

6. Provision of Development Agreement in Full Force and Effect. Sections 4 through 15 of the Development Agreement shall remain in full force and effect, provided the following: General Mills acknowledges and agrees that wherever a reference is made to Developer's obligations or conduct in sections 4 through 15 of the Development Agreement, those obligations or conduct shall be required of General Mills. Further, notices required under section 10 of the Development Agreement shall also be sent to General Mills at the following address:

(need contact name and address)

7. Project Signage. General Mills agrees to install a sign at the property indicating that financial support has been provided for the project by the Authority.

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If you have trouble viewing this, click here.

Update on Brownfield Redevelopment Legislation and Policy

On **November 13, 2013**, the Michigan Chapter of the National Brownfield Association is presenting a program on the newest developments on brownfield issues in Michigan. The program will be held at the Lansing Center, 333 E. Michigan Avenue, Lansing, MI 48933.

Program speakers will include representatives of both the Michigan Economic Development Corporation and the Department of Environmental Quality. The presenters will discuss proposed legislative and policy developments that affect the CRP program and Act 381; new MDEQ policies on grants and loans; MDEQ guidelines and anticipated developments on vapor intrusion; ASTM standards on continuing obligations and Phase I ESAs; environmental insurance products used in Michigan transactions; legislative and other policy updates under Part 201, including NFAs and certificates of completion; and an update from the RACER Trust.

There will also be a case study that describes the successful use of brownfield tools in Michigan for the Accident Fund project in Lansing and the Downtown Market project in Grand Rapids. Finally, the Chair of the Board of the National Brownfield Association will provide an update on activities at the national level.

A complete agenda can be found here. Registration is $50 for NBA members, $125 for non-members, and $75 for non-members who are government employees. Registration space is limited to the first 100 who register. The program will be held from 9:00 a.m. to 3:30 p.m. on November 13, with registration commencing at 8:00 a.m. Additional information regarding registration can be found here.

NBA USA | 2200 E. Devon Ave., Suite 354, Des Plaines | IL 60018
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