



Leelanau County Government Center

Leelanau County Land Bank Authority (LC-LBA)

Website: <http://www.leelanau.gov/landbank.asp>

8527 E. Government Center Dr.
Suttons Bay MI 49682 231-256-9838

NOTICE OF MEETING

The Leelanau County Land Bank Authority (LC-LBA)
will meet **On Tuesday January 17th, 2023 at 9:00 am**
at the Leelanau County Government Center

DRAFT AGENDA

Members

Treasurer John A. Gallagher III – Chair
Deb Allen
Gwen Allgaier
Trudy Galla
Dan Heinz
Rick Foster
Richard Isphording

PLEASE TURN OFF ALL CELL PHONES

PLEDGE OF ALLEGIANCE

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES: November 15, 2022 *pgs 2-4*

PUBLIC COMMENT

➤ **UNFINISHED BUSINESS**

➤ **ORGANIZATIONAL ITEMS**

1. Election of 2023 Vice Chair, Treasurer and Secretary for LBA (2022 Officers: D. Heinz- Vice-Chair, R. Foster-Treasurer, T. Galla-Secretary)
2. Review and Adopt 2023 Meeting Schedule *pg 5*
3. Review and Adopt Bylaws *pgs 6-14*
4. Review Policies & Procedures *pgs 15-24*
5. Identify 2023 goals (see attached for 2022 Goals) *pg 25*

➤ **DISCUSSION/ ACTION ITEMS**

1. Request from Habitat for Humanity *pg 26*
2. State Land Bank Authority (SLBA) 2023 Blight Elimination Grant RE: Elmwood Township Request *pgs 27-85*
3. GT Band Property 45-011-642-011-20
4. Vacant property listing update/discussion

CLAIMS & ACCOUNTS

POST AUDIT

CORRESPONDENCE/COMMUNICATION ITEMS

PUBLIC COMMENT

MEMBER COMMENTS

CHAIRPERSON COMMENTS

ADJOURN

A regular meeting of the Leelanau County Land Bank Authority was held on Tuesday, November 15, 2022 at the Government Center.

CALL TO ORDER

Meeting was called to order at 9:00 am by Vice-Chair Dan Heinz, who led the Pledge of Allegiance.

ROLL CALL

Members Present: D. Heinz, L. Bahle, R. Foster, T. Galla, R. Isphording, C. Janik

Members Absent J. Gallagher

(Prior Notice):

Public Present: T. Searles, L. Mawby, Z. Hillyer, S. Lautner, M. Black

APPROVAL OF AGENDA

It was moved by Janik, seconded by Bahle, to approve the agenda as presented. Motion carried, 6-0.

APPROVAL OF OCTOBER 18, 2022 MINUTES

Corrections:

Page 1 – remove the page numbers listed after 1.a,

Page 4 – insert the word ‘health’ before department in the 2nd paragraph, 7th line,

Page 5 – insert the categories as listed on the Agenda: Post Audit, Claims & Accounts, and Correspondence/Communication Items and enter ‘none’ behind each.

It was moved Bahle, seconded by Foster, to approve the minutes as corrected. Motion carried 6-0.

PUBLIC COMMENT

L. Mawby, Peninsula Housing, commented on Item #2 Blight Elimination on the agenda and said he strongly advocates for the Land Bank to apply for blight elimination funds. Peninsula Housing has a project they are working on and think it would qualify and they would love access to those funds.

UNFINISHED BUSINESS

Heinz pointed out that Gallagher sent an email about the Shocko property. About a month or so ago we said we would sell it for \$1.00 and other consideration to the Grand Traverse Band. Heinz read from the email thread that the Tribe is interested in acquiring the property but will require an environmental assessment be completed. They have requested staff from their Natural Resources Department to perform this and then they will ask the Tribal Council to make a motion requesting the property be transferred from the County to the Tribe.

DISCUSSION/ ACTION ITEMS

1. Property Update and Discussion
 - a. Market Rate Lot RFP *update*

Heinz reported that Gallagher sent an email and said the RFP was recommended to go before Corporate Counsel and he is waiting for a response. Nothing received from Corporate Counsel yet.

- b. Marek Road discussion

Heinz noted that Gallagher reported he had completed the easement document and signed and returned it to Cherryland Electric. Gallagher also reported that in regard to Marek Rd and Homestretch’s request to waive performance or other requirements, Gallagher was not in favor of that step. But Gallagher was in support of the project and willing to sign something, if needed, to give authority to Homestretch to apply for permits.

Galla also noted that it didn’t appear the Road Commission had acted on a request for some funds for the road improvement.

2. Blight Elimination <https://www.michigan.gov/leo/bureaus-agencies/landbank/requests-for-proposals-and-qualifications>

a. Application Discussion

Heinz stated that Gallagher said he was in support of applying with Envirologic in support of administering the application.

Galla reviewed the RFP and what the Land Bank would need to do to put in an application. She also noted that Envirologic had not been asked to do anything with regard to the application, and it might put them in an awkward position if they have a project they want to bring forward. The Land Bank has to decide how to administer the funds, if approved.

Heinz asked if we have to apply in Round 1 or could we wait for Round 2 to make a full proposal. Or, do a partial proposal under Round 1. This is for \$200,000 for Leelanau County. Galla said she was told there is no confirmation there will be additional funds in Round 2. Foster wanted to be sure our \$200,000 would be available in Round 2 if we don't apply now.

Bahle's opinion was to go for the money. We will have to determine how we vet projects. According to the application, we need to have the information and data from developers for the application.

Heinz noted we have \$250,000 in EPA assessment funds coming and potentially another \$200K coming in for blight elimination between the Brownfield and the Land Bank. This is money we didn't have last year. We work for the benefit of the county and Heinz felt we should apply. Foster agreed.

Heinz commented on the amount of time left before the grant deadline and staff is busy. It may make sense to have an outside party assist with this. Gallagher previously sent communication to all townships and villages about this grant opportunity but we haven't notified private landowners yet. There may be business entities or government agencies interested. It could be announced in the paper and on the website. That would be Step B. Step A. is to figure out if we want to apply now for the 1st round.

Galla noted that she and Gallagher were trying to arrange a telephone meeting with the State Land Bank to ask some questions on the RFP and get more details.

It was moved by Bahle, seconded by Janik, to apply for Round 1 application for Blight Elimination grant funds.

Discussion:

Searles commented that Envirologic would be willing to support the Land Bank in whatever way they could to help out – with the application or administering the grant. Heinz asked what would happen if Envirologic had a project they wanted to bring forward. Searles responded that might be a question Galla could ask with her meeting with the state. Would that be a conflict?

Motion carried 6-0.

Heinz said, if need be, we could hold a special meeting if we have to hit deadlines and get this submitted in January.

b. Scoring/Ranking Discussion

This will be discussed at a future date, dependent on whether or not funding is received.

3. Year End Adjustments Authorization

It was moved by Bahle, Seconded by Isphording, for Chairman Gallagher to work with the County Treasurer's office, Finance Director and staff on any year-end budget adjustments and/or transfers, and to authorize the County Treasurer and Finance Director to make any necessary year-end budget adjustments and/or transfers for the Land Bank Authority. Motion carried 6-0.

4. Appointment Recommendation

It was moved by Bahle, seconded by Isphording, to recommend to the Board of Commissioners to reappoint Dan Heinz to the Land Bank for a 3-year term expiring 12/31/2025.

Motion carried 5-0, Heinz abstained.

Foster said he was impressed by the qualifications of the applicants.

CLAIMS & ACCOUNTS - None

POST AUDIT - None

CORRESPONDENCE/COMMUNICATION ITEMS - None

PUBLIC COMMENT

Mawby thanked the members for their work.

MEMBER COMMENTS

Foster complimented Heinz on running the meeting.

Janik said he would bring the new County Administrator to the December meeting. The first Tuesday in January the Board of Commissioners will make commissioner appointments to the boards and commissions.

CHAIRPERSON COMMENTS - None

ADJOURN

Meeting adjourned at 9:30 am.

2023 Proposed MEETING SCHEDULE
for the
LEELANAU COUNTY LAND BANK AUTHORITY (LC-LBA)

Meetings on the 3rd Tuesday of every month at 9:00 a.m.

PLEASE DOUBLE CHECK MEETING DATES & TIMES ONLINE AT:
<http://www.leelanau.gov/landbank.asp> - by looking at the posted agendas and agenda packets. Occasionally, meeting dates & times are changed.

MEETING DATE:	
Organizational Meeting	January 17, 2023
Regular Meeting	February 21
Regular Meeting	March 21
Regular Meeting	April 18
Regular Meeting	May 16
Regular Meeting	June 20
Regular Meeting	July 18
Regular Meeting	August 15
Regular Meeting	September 19
Regular Meeting	October 17
Regular Meeting	November 21
Regular Meeting	December 19
<i>Organizational Meeting</i>	<i>January 16, 2024</i>

Meeting Location:
Leelanau County Government Center
Board of Commissioners Meeting Room
8527 E. Government Center Dr.
Suttons Bay MI 49682

**BYLAWS
OF
LEELANAU COUNTY LAND BANK AUTHORITY**

An authority organized pursuant to
the Michigan Land Bank Fast Track Act and an
Intergovernmental Agreement between the Michigan Land Bank Fast Track Authority, and
the Treasurer of the County of Leelanau, Michigan

Adopted by the Board of Directors as of October 21, 2008,
with amendments through _____.

**BYLAWS OF
LEELANAU COUNTY LAND BANK AUTHORITY**
Incorporated under the laws of the State of Michigan

**ARTICLE ONE
NAME, LOCATION AND OFFICES**

1.1 Name

The name of this corporation shall be “Leelanau County Land Bank Authority” (hereinafter referred to as the "Corporation"). The Corporation may also elect to be identified simply as the “County Land Bank”

1.2 Office and Agent The Corporation shall maintain an office in the State of Michigan, and shall have an agent whose address is 8527 E. Government Center Dr., Suttons Bay MI49682.

1.3 Other Offices The principal office of the Corporation shall be located in the Government Center, 8527 E. Government Center Dr., Suttons Bay MI 49682. The Corporation may have other offices at such place or places, within the State of Michigan, as the Board of Directors may determine from time to time or the affairs of the Corporation may require or make desirable.

**ARTICLE TWO
PURPOSE AND GOVERNING INSTRUMENTS**

2.1 Public Body Corporate The Corporation shall be organized and operated as a land bank authority under the provisions, of the Michigan Land Bank Fast Track Act, 2003 P.A. 258, as amended, MCL 124.751 et seq. (the "Land Bank Act") and the Intergovernmental Agreement by and between the Michigan Land Bank Fast Track Authority and the Treasurer of the County of Leelanau Michigan, dated August 25, 2008 (hereinafter referred to as the Intergovernmental Agreement"). The Corporation is an authority governed by a Board of Directors.

2.2 Governing Instruments The Corporation shall be governed by its articles of incorporation and its bylaws.

ARTICLE THREE BOARD OF DIRECTORS

3.1

Powers and Duties of the Board of Directors

- (a) Except as otherwise provided in the articles of incorporation of the Corporation or in these bylaws, all the powers, duties, and functions of the Corporation conferred by the Land Bank, Act, the Intergovernmental Agreement, the articles of incorporation, these bylaws, other state statutes, common law, court decisions, or otherwise shall be exercised, performed, or controlled by the Board of Directors.
- (b) The Board of Directors shall be the governing body of the Corporation and shall have general charge of the affairs, property and assets of the Corporation. It shall be the duty of the Board of Directors to determine the policies of the Corporation or changes therein, actively to prosecute the purposes and objectives of the Corporation, and, to this end, to manage and control all of its property and assets and to supervise the disbursement of its funds. The Board of Directors may adopt, by majority vote, such rules and regulations for the conduct of its business and the business of the Corporation as shall be deemed advisable, and, in the execution of the powers granted, may delegate certain of its authority and responsibility to an executive committee. Under no circumstances, however, shall any actions be taken which are inconsistent with the articles of incorporation and these bylaws. Members of the Board of Directors shall receive no compensation for service as a member of the Board of Directors, but shall be entitled to be reimbursed by the Corporation for actual and necessary expenses incurred in connection with performance of official functions of the Corporation subject to available appropriations.
- (c) The Board of Directors may, from time to time, appoint, as advisors, persons whose advice, assistance, and support may be deemed helpful in determining policies and formulating programs for carrying out the purposes and functions of the Corporation.

3.2

Initial and Regular Board of Directors The Board of Directors of the County Land Bank shall consist of:

- (a) The Treasurer of Leelanau County;
- (b) the County Board representative on the County Land Bank, and
- (c) five (5) other members as appointed by the County Board of Commissioners.

3.3

Term of Office The Treasurer shall serve as a member of the Board of Directors without a term. Other members shall be appointed three year terms, and shall continue to serve until his or her successor has been appointed.

3.4

Removal Other than the Treasurer of Leelanau County, a director may be removed from office for cause by the Board of Commissioners of Leelanau County.

3.5

Vacancies Any vacancy in the Board of Directors, other than the Treasurer, arising at any time and from any cause, may be filled for the unexpired term by the Board of Commissioners of Leelanau County. Each director so appointed shall hold office until the expiration of his term, or the unexpired term of his predecessor, as the case may be, and until his or her successor is appointed.

3.6

Conflict of Interest A director who has a direct or indirect personal or financial interest in any matter before the Corporation shall disclose his or her interest prior to any action on the matter by the Corporation, which disclosure shall become part of the record of the Corporation's official proceedings. The interested director shall further refrain from participation in the Corporation's action relating to the matter. Each director, upon taking office, shall acknowledge in writing that they have read and agreed to abide by this section.

ARTICLE FOUR MEETINGS OF THE BOARD OF DIRECTORS

4.1

Regular Meetings Notice of Regular meetings of the Board of Directors shall be held from time to time at such times and at such places as the Board of Directors may prescribe. Notice of the time and place of each such regular meeting shall be given by the secretary either personally or by telephone, mail or email not less than seven nor more than thirty (30) days before such regular meeting. The meetings of the Board of Directors shall be public, and the appropriate notice of such meetings provided to the public. Notice of any and all meetings of the Board of Directors shall be given in accordance with the Open Meetings Act, 1976 P.A. 267, as amended. The Board of Directors shall meet at least annually.

4.2

Special Meetings: Notice Special meetings of the Board of Directors may be called by or at the request of the Chairperson or by any three (3) of the directors in office at that time. Notice of the time, place and purpose of any special meeting of the Board of Directors shall be given by the secretary either personally or by telephone, email or by mail at least twenty-four (24) hours before such meeting.

4.3

Annual Meeting The first meeting of the Board of Directors in each calendar year shall be deemed to be the annual meeting of the Board of Directors. All officers of the Board of Directors shall be elected at the annual meeting by the Board of Directors, unless a vacancy in such office occurs prior to the annual meeting, and each officer shall hold such office until the following annual meeting.

4.4

Waiver Attendance by a director at a meeting shall constitute waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of business because the meeting is not lawfully called.

4.5

Quorum A majority of the Board of Directors shall be required to constitute a quorum for the transaction of business. The Board of Directors shall act by a majority vote at a meeting at which a quorum is present. A quorum shall be necessary for the transaction of business. A Director may participate in a meeting by electronic communication by which such Director can hear and be heard, if such remote attendance is in compliance with the Open Meetings Act.

4.6

Vote Required for Action Except as otherwise provided in these bylaws or by law, the act of a majority of the directors present at a meeting at which a quorum is present at the time shall be the act of the Board of Directors. Adoption, amendment and repeal of a bylaw are provided for in Article Twelve of these bylaws. Vacancies in the Board of Directors may be filled as provided in Section 3.5 of these bylaws.

4.7

Adjournments A meeting of the Board of Directors, whether or not a quorum is present, may be adjourned by a majority of the directors present to reconvene at a specific time and place. Notice of any reconvened meeting of the Board of Directors shall be given in accordance with the Open Meetings Act, 1976 P.A. 267, as amended. At any such reconvened meeting at which a quorum is present, any business may be transacted which could have been transacted at the meeting which was adjourned.

ARTICLE FIVE NOTICE AND WAIVER

5.1

Procedure Whenever these bylaws require notice to be given to any director, the notice shall be given as prescribed in Article Four. Whenever notice is given to a director by mail, the notice shall be sent first-class mail by depositing the same in a post office or letter box in a postage prepaid sealed envelope addressed to the director at his or her address as it appears on the books of the Corporation; and such notice shall be deemed to have been given at the time the same is deposited in the United States mail.

5.2

Waiver Whenever any notice is required to be given to any director by the articles of incorporation or by these bylaws, a waiver thereof in writing signed by the director entitled to such notice, whether before or after the meeting to which the waiver pertains, shall be deemed equivalent thereto, but only in those circumstances in which such notice is not required by law.

ARTICLE SIX BOARD OF ADVISORS

6.1

Appointment The Board of Directors may appoint such persons as it reasonably deems necessary or desirable to act as the Board of Advisors of the Corporation. To the extent possible, the Board of Advisors should consist of representatives of the community who have demonstrated an interest in and commitment to the redevelopment of properties within the geographical boundaries of Leelanau County. The number of persons appointed to constitute the Board of Advisors shall be determined in the sole discretion of the Board of Directors.

6.2

Purpose It shall be the function and purpose of the Board of Advisors to advise the Board of Directors on matters relating to the business and affairs of the Corporation, and to suggest or be available for consultation with regard to projects or activities which the Corporation may undertake, consistent with its purposes, in furtherance of its goals and objectives. The Board of Advisors shall serve solely in an advisory capacity.

ARTICLE SEVEN OFFICERS

7.1

Number and Qualifications The officers of the Corporation shall be members of the Board of Directors and shall consist of a Chairperson, a Vice-Chairperson, a Secretary, a Treasurer, and such other officers as may be designated by the Board of Directors. The Treasurer of Leelanau County shall serve as the Chairperson of the Corporation.

7.2

Removal Any officer of the Corporation other than the Chairperson may be removed as an officer by the Board of Directors of the Corporation with or without cause at any time.

7.3

Chairperson The Chairperson shall be the principal executive officer of the Corporation and shall preside at all meetings of the Board of Directors. Subject to any policies adopted by the Board of Directors, the Chairperson shall have the right to supervise and direct the management and operation of the Corporation and to make all decisions as to policy and otherwise which may arise between meetings of the Board of Directors, and the other officers and employees of the Corporation shall be under the Chairperson's supervision and control during such interim. The Chairperson shall perform such other duties and have such other authority and powers as the Board of Directors may from time to time prescribe.

7.4

Vice-Chairperson The Vice-Chairperson, if such office has been designated by the Board of Directors, shall, in the absence or disability of the Chairperson, perform the duties and have the authority and exercise the powers of the Chairperson. The Vice Chairperson shall perform such other duties and have such other authority and powers as the Board of Directors may from time to time prescribe or as the Chairperson may from time to time delegate.

7.5

Secretary The secretary shall attend all meetings of the Board of Directors and record all votes, actions and the minutes of all proceedings in a book, to be kept for that purpose and shall perform like duties for the executive and other committees when required.

- (a) The Secretary shall give, or cause to be given, notice of all meetings of the Board of Directors.
- (b) The Secretary shall keep in safe custody the seal of the Corporation and, when authorized by the Board of Directors or the Chairperson, affix it to any instrument requiring it. When so affixed, it shall be attested by his or her signature or by the signature of the treasurer.
- (c) The Secretary shall be under the supervision of the Chairperson. He or she shall perform such other duties and have such other authority and powers as the Board of Directors may from time to time delegate.

7.6

Land Bank Treasurer

- (a) The Treasurer shall have responsibility for the custody of the corporate funds and securities and shall be responsible for full and accurate accounts of receipts and disbursements of the Corporation and shall be responsible for the deposit of all monies and other valuables in the name and to the credit of the Corporation into depositories designated by the Board of Directors.
- (b) The Treasurer shall be responsible for the disbursement of the funds of the Corporation as ordered by the Board of Directors, and shall be responsible for the preparation of financial statements each quarter or at such other intervals as the Board of Directors shall direct.
- (c) The Treasurer shall be under the supervision of the Chairperson. The Treasurer shall perform such other duties and have such other authority and powers as the Board of Directors may from time to time prescribe or as the Chairperson may from time to time delegate.

ARTICLE EIGHT COMMITTEES OF DIRECTORS

8.1

Executive Committee By resolution adopted by a majority of the directors in office, the Board of Directors may designate from among its members an executive committee which shall consist of three (3) or more

directors, including the Chairperson or a Vice Chairperson of the Corporation, which executive committee, to the extent provided in such resolution, shall have and exercise the authority of the Board of Directors in the management of the affairs of the Corporation; provided, however, the designation of such executive committee and the delegation thereto of authority shall not operate to relieve the Board of Directors, or any individual director, of any responsibility imposed upon it or him by law and such executive committee may not do the following:

- (a) Approve the dissolution or the sale, pledge, or transfer of all or substantially all of the Corporation's assets;
- (b) Elect, appoint, or remove directors or fill vacancies on the Board of Directors or on any of its committees; or
- (c) Adopt, amend, or repeal the Corporation's Articles of Incorporation or these Bylaws.

8.2

Other Committees of Directors Other committees, each consisting of two (2) or more directors, not having and exercising the authority of the Board of Directors in the management of the Corporation, may be designated by a resolution adopted by a majority of directors present at a meeting at which a quorum is present. Such resolution shall assign the duties and responsibilities of such committees. Except as otherwise provided in such resolution, members of each such committee shall be appointed by the Chairperson of the Corporation. Any member of any committee may be removed by the person or persons authorized to appoint such member whenever in their judgment the best interests of the Corporation shall be served by such removal.

8.3

Term of Appointment Each member of a committee shall continue as such until his successor is appointed, unless the committee shall be sooner terminated, or unless such member shall be removed from such committee, or unless such member shall cease to qualify as a member thereof.

8.4

Chairman One member of each committee shall be appointed chairman thereof.

8.5

Vacancies Vacancies in the membership of any committee may be filled by appointments made in the same manner as provided in the case of the original appointments.

8.6

Quorum Unless otherwise provided in the resolution of the Board of Directors designating a committee, a majority of the whole committee shall constitute a quorum; and the act of a majority of members present at a meeting at which a quorum is present shall be the act of the committee.

8.7

Rules Each committee may adopt rules for its own government, so long as such rules are not inconsistent with these bylaws or with rules adopted by the Board of Directors.

ARTICLE NINE EMPLOYEES, CONTRACTED SERVICES

9.1

Employees The Corporation may employ or otherwise contract for the services of any staff deemed necessary to carry out the duties and responsibilities of the Corporation. Such staff may be employed as employees of the Corporation, or the services of such staff may be retained pursuant to contracts with Leelanau County, with the Treasurer of Leelanau County, or other public or private entities.

9.2

Executive Director The Board of Directors may select and retain an Executive Director. An Executive Director selected and retained by the Board of Directors shall administer the Corporation in accordance with the operating budget adopted by the Board of Directors, general policy guidelines established by the Board of Directors, other applicable governmental procedures and policies, and the Intergovernmental Agreement. The Executive Director shall be responsible for the day-to-day operations of the Corporation, the control, management, and oversight of the Corporation's functions; and supervision of all Corporation employees. All terms and conditions of the Executive Director's length of service shall be specified in a written contract between the Executive Director and the Board of Directors, provided that the Executive Director shall serve at the pleasure of the Board of Directors.

ARTICLE TEN CONTRACTS, CHECKS, DEPOSITS AND FUNDS

10.1

Contracts The Board of Directors may authorize any officer or officers, agent or agents of the Corporation, in addition to the officers so authorized by these bylaws, to enter into any contract or execute and deliver any instrument in the name and on behalf of the Corporation. Such authority must be in writing and may be general or confined to specific instances. In the absence of such express authority granted by the Board of Directors, or a vacancy in the office to which the authority is delegated by the Board of Directors, the Chairperson shall have all authority necessary and appropriate to execute any and all documents, instruments and agreements on behalf of the Corporation.

10.2

Checks, Drafts, Notes, Etc. All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Corporation shall be signed by such officer or officers, agent or agents, of the Corporation and in such other manner as may from time to time be determined by resolution of the Board of Directors. In the absence of such determination by the Board of Directors, such instruments shall be signed by the treasurer or an assistant treasurer and countersigned by the Chairperson or the Vice-Chairperson of the Corporation. The Board of Directors shall require all individuals who handle funds of the Corporation to qualify for a security bond to be obtained by the Corporation, at the expense of the Corporation, in an amount not less than \$100,000.00. As an alternative, the security bond may be obtained by the County at the County's or Land Bank's expense.

10.3

Deposits All funds of the Corporation shall be deposited from time to time to the credit of the Corporation in such banks, trust companies or other depositories as the Board of Directors may select.

10.4

Gifts The Corporation may acquire by gift, bequest, or devise any real or personal property or interests in real or personal property for the general purposes or for any special purpose of the Corporation on terms and conditions and in a manner the Board of Directors considers appropriate.

ARTICLE ELEVEN MISCELLANEOUS

11.1

Books and Records The Corporation shall keep and maintain at the principal office of the Corporation all documents and records of the Corporation. The records of the Corporation shall include, but not be limited to, a copy of the Intergovernmental Agreement along with any amendments to the Intergovernmental Agreement. The records shall also include correct and complete books and records of accounts and minutes of the

proceedings of its Board of Directors and committees having any of the authority of the Board of Directors. All records of the Corporation shall be made available to the public to the extent required by the Michigan Freedom of Information Act, 1976 P.A. 442, as amended. Not less than annually the Corporation shall file with the parties to the Intergovernmental Agreement, and with the Board of Commissioners of Leelanau County a report detailing the activities of the Corporation and any additional information as requested by such parties.

11.2

Corporate Seal The corporate seal (of which there may be one or more exemplars) shall be in such form as the Board of Directors may from time to time determine.

11.3

Fiscal Year The fiscal year of the Corporation shall begin on January 1 of each year and end on December 31.

11.4

Budget The Board of Directors shall adopt annually a budget for all operations, income, expenses and assets. The Corporation shall be subject to and comply with the Uniform Budgeting and Accounting Act, 1968 PA 2, as amended, MCL 141.421 to 141.440a. The Chairperson or Executive Director shall prepare and the Board of Directors shall approve a budget for the Corporation for each Fiscal Year. Each budget shall be approved by the December 1 immediately preceding the beginning of the Fiscal Year of the Corporation.

11.5

Audit The Corporation shall provide for the conduct of audits in accordance with sections 6 to 13 of the Uniform Budgeting and Accounting Act, 1968 PA 2, as amended, MCL 141.421 to 141.440a, which shall be made available to the parties to the Intergovernmental Agreement. The Corporation shall establish a dedicated audit committee of the Board of Directors for the purpose of overseeing the accounting and financial reporting processes of the Corporation and audits of its financial statements. The Corporation shall establish specific duties and obligations of the audit committee and standards and qualifications for membership on the audit committee. The Corporation may require at least one member to be specifically knowledgeable about financial reports. As an alternative, the County and its audit committee may assume the auditing responsibilities, if the Land Bank is included in the County's audit.

11.6

Construction Whenever the context so requires, the masculine shall include the feminine and neuter, and the singular shall include the plural, and conversely. If any portion of these bylaws shall be invalid or inoperative, then, so far as is reasonable and possible:

- (a) The remainder of these bylaws shall, be considered valid and operative.
- (b) Effect shall be given to the intent manifested by the portion held invalid or inoperative.

11.7

Headings The headings are for organization, convenience and clarity. In interpreting these bylaws, they shall be subordinated in importance to the other written material.

11.8

Relation to Articles of Incorporation These bylaws are subject to, and governed by, the articles of incorporation and the Land Bank Act.

ARTICLE TWELVE AMENDMENTS

12.1

Power to Amend Bylaws The Board of Directors shall have the power to alter, amend, or repeal these bylaws, or adopt new bylaws; provided, however, that the Board of Directors shall have no power or

authority to make any changes in the bylaws which would be inconsistent with the Land Bank Act or the Intergovernmental Agreement.

12.2

Conditions Action by the Board of Directors with respect to these bylaws shall be taken by the affirmative vote of a majority of all directors then holding office.



LEELANAU COUNTY

LAND BANK FAST TRACK AUTHORITY

POLICIES AND PROCEDURES

Adopted January 18, 2011

**With amendments
through _____**

INTRODUCTION

The Leelanau County Fast Track Authority a.k.a., Leelanau County Land Bank Authority (LCLBA) was established on August 25, 2008 under the Michigan Land Bank Fast Track Act (Public Act 258 of 2003, as amended). The Leelanau County Land Bank Authority was created by an Intergovernmental Agreement between the Leelanau County Treasurer and the Michigan Land Bank Fast Track Authority, with the approval of the Leelanau County Board of Commissioners. In addition to the County Treasurer who, by law, must be a member of the LCLBA, the other members are appointed by the Leelanau County Board of Commissioners. The LCLBA has the authority to select and retain an Executive Director, however, in lieu of an Executive Director, the Chairman has ultimate authority. The entire board consists of seven (7) members.

The Michigan Land Bank Fast Track Act (Public Act 258 of 2003, as amended) provides for the creation of county land bank fast track authorities to:

- a. assist governmental entities in the assembly and clearance of title to property in a coordinated manner;
- b. facilitate the use and development of certain property;
- c. promote economic growth;
- d. prescribe the powers and duties of certain authorities;
- e. provide for the creation and appointment of boards to govern land bank fast track authorities and to prescribe their powers and duties;
- f. authorize the acquisition, maintenance, and disposal of interests in real and personal property;
- g. authorize the conveyance of certain properties to a land bank;
- h. authorize the enforcement of tax liens and the clearing or quieting of title by a land bank;
- i. provide for the distribution and use of revenues collected or received by a land bank;
- j. authorize the transfer and acceptance of property in lieu of taxes and the release of tax liens;
- k. exempt property, income, and operations of a land bank from tax; and
- l. extend protections against certain liabilities to a land bank.

Similarly, the purpose of the LCLBA is to assemble or dispose of public property, including tax reverted property, in a coordinated manner to foster the development of property, which in the judgment of the LCLBA Board should contribute to public good, and/or to promote economic growth in Leelanau County and in the local units of government within the county.

The acquisition and disposition of properties owned and managed by the LCLBA and its operations are in accordance with the Michigan Land Bank Fast Track Act, PA 258 of 2003, as

amended; the Tax Reverted Clean Title Act, PA 260 of 2003, as amended; PA 261 of 2003 which amends the General Property Tax Act (PA 206 of 1893), as amended; the Brownfield Redevelopment Financing Act (PA 381 of 1996, as amended), its operational By-Laws, and the general policies and procedures contained herein.

The purpose of these Policies and Procedures is to establish general principles on which sound decisions can be made and to determine specific parameters to guide the actions of the LCLBA. The LCLBA may amend these policies and procedures from time to time by resolution of the Board of Directors of the LCLBA (the “LCLBA Board”).

As an owner of property in the county, the LCLBA, within budgetary constraints, will make all reasonable efforts to:

1. maintain its property,
2. prevent the property from being a blighting influence,
3. prevent the property from being a danger, and
4. return the property to productive use consistent with the plans and goals of the community.

A. MISSION STATEMENT

The mission of the Leelanau County Land Bank Fast Track Authority is to enhance tax base by returning tax reverted properties to the tax rolls and to partner with community stakeholders to acquire and redevelop undervalued properties to support workforce/attainable/affordable housing and economic development.

B. GOALS

1. Programmatic

- a. Use the LCLBA disposition program to promote the economic development and/or redevelopment in the creation of jobs that will promote the year-round economy of the county.
- b. Support housing solutions and actions that will provide workforce housing, affordable housing, and attainable housing.
- c. Collaborate with other agencies to develop a comprehensive approach and a “one-stop-shop” for developers to access the LCLBA, Brownfield and the Economic Development Corporation development tools, including but not limited to access to grant funds, low interest loans and tax credits.
- d. Maintain an inventory of properties for potential development projects that will achieve the priority land uses established in the LCLBA ’spolicies.

- e. Establish a side lot program and convey all non-developable properties as they become tax foreclosed, to facilitate the elimination of abandoned property that is not on the tax rolls.
- f. Create an evaluation system to effectively analyze all property transfer requests. (what does this mean? We do not currently do this. Delete?)

2. Organization

- a. Create policies and procedures that will govern the decision making of the LCLBA consistent with the organization's programmatic goals.
- b. Keep the LCLBA operating as efficiently as possible by collaborating with existing programmatic capacity at the County and other nonprofit and governmental agencies. This would include incorporating housing programs into the LCLBA, when applicable.
- c. Create a communication plan to ensure public awareness of the LCLBA programs and how they can be accessed. In addition, the plan should cultivate dialogue and education on an ongoing basis.
- d. Establish a board and staff development training program which is dedicated to comprehensive and ongoing member education. This can be accomplished in several ways including mini trainings at board meetings, literature reviews, conference attendance, and consultant visits.

LAND BANK PROGRAM IMPLEMENTATION

A. ACQUISITION OF PROPERTY

The following criteria shall be considered in determining property to be acquired by the LCLBA, to facilitate development, in conjunction with the acquisition of property, to carry out the purpose of the LCLBA or to enhance the operation and function of the LCLBA:

- 1. Property which is strategic to implementing an economic development, neighborhood stabilization or revitalization plan or strategy undertaken by the LCLBA.
- 2. Property which is strategic to implementing an economic development, neighborhood stabilization or revitalization plan or strategy undertaken by a local government entity pursuant to an intergovernmental agreement with the LCLBA.
- 3. Property which is strategic to implementing an economic development, neighborhood stabilization or revitalization plan or strategy undertaken by a nonprofit corporation pursuant to a community or neighborhood plan approved by the local political jurisdiction.
- 4. Property necessary to complete a land assembly project to enhance the marketability of or to protect property already held by the LCLBA.

- 5 Property that promotes health, safety and welfare.
- 6 Property that will generate financial resources for the operation and function of the LCLBA.

The LCLBA may acquire property as permitted by law. In determining the nature and extent of property to be acquired, the LCLBA shall consider the value of the property, the financial resources available for acquisition, the capacity of the LCLBA to own and manage the property, and the projected length of time required to convey or utilize the property for the purpose intended by the LCLBA in acquiring the property. All acquisitions shall require the approval of the LCLBA Board.

B. POLICIES GOVERNING THE ACQUISITION OF NON-TAX-FORECLOSED PROPERTIES

The Land Bank Fast Track Act, 2003 PA 258, MCL 124.755 et seq allows for the direct purchase of property. While the foundation of the LCLBA is property acquired through the tax foreclosure process, there will be opportunities for direct purchase of mortgage foreclosed, redevelopment project, and other properties that represent the mission of the LCLBA.

Policies and Procedures to carry out these Priorities are:

1. Accumulate property information such as assessment data, map location, photos, code violation information, zoning and other pertinent information regarding the property.
2. Personal inspection of the interior/exterior of the property.
3. Evaluate the need to conduct, if necessary, environmental due diligence (All Appropriate Inquiry) on the subject property since land banks are only exempt from environmental liability when property is acquired involuntarily (e.g., through the tax foreclosure process).
4. Obtain appraisal or market value estimate.
5. Submit all information to the Land Bank Authority to establish purchase price and approval.

C. DISPOSITION OF PROPERTY

1. Conveyances

The following apply to the conveyance of property:

- a. Real property conveyances by the LCLBA will be made directly by the LCLBA to the individual or entity responsible for undertaking the proposed development and in

accordance with its stated use of the property.

- b. The LCLBA will not convey real property to an individual or entity for future speculative conveyances to third parties. However, simultaneous closings involving property of the LCLBA may occur.
- c. The LCLBA will not convey real property to an individual or entity that was the prior owner of any real property in Leelanau County that was tax foreclosed.
- d. Conveyance(s) will be made at the sole discretion of the LCLBA.
- e. The consideration received by the LCLBA for any conveyance will be determined in the sole discretion of the LCLBA.
- f. Once a property is sold or otherwise conveyed by the LCLBA, the LCBA will collect 50% of a five-year specific tax as allowed by PA 260 of 2003.

2. Property Specific Criteria

The following criteria will be considered to determine property that will be conveyed by the LCLBA:

- a. to facilitate development pursuant to 2003 PA 258,
- b. to better carry out the purpose of the LCLBA, or
- c. to enhance the operation and function of the LCLBA.

The LCLBA will consider the following factors in pricing and conveying property:

- i. The proposed use of the property with emphasis on returning the property to taxable status or conveyance, which in the judgment of the LCLBA Board contributes to public good.
- ii. Development which results in preserving and rehabilitating neighborhoods, promoting affordable homeownership and multiple family housing, as well as facilitating economic development and creating jobs.
- iii. The feasibility of the proposed development including financial resources, time frame for completion, site suitability including, but not limited to, size, location, land use, environmental issues, and infrastructure requirements.
- iv. The stability, ability, financial resources, nature, identity and capacity of the proposed purchaser including development experience and readiness to commence and complete development.
- v. The potential impact of the conveyance on community and neighborhood plans approved by the local unit of government(s) with emphasis on preserving, stabilizing and restoring neighborhoods, improving and modernizing commercial and industrial areas, remediating environmental issues and/or promoting compatible uses of land.
- vi. The potential for the conveyance to generate proceeds to support and enhance

the operation and function of the LCLBA.

The LCLBA may convey any property in its inventory in its sole discretion and establish disposition programs, including programs designed for specific areas.

D. GENERAL AGREEMENTS WITH LOCAL UNITS OF GOVERNMENT

The LCLBA may enter into Agreements with local units of government. The intent of the Agreements is to share information on a continuing basis to identify the parcels of property within a specific geographical area that are owned by the LCLBA. Once identified, the LCLBA and local units of government can solicit, receive and evaluate requests and proposals for the conveyance of property held by either the LCLBA or by a local unit of government. Once received, the LCLBA and the local unit of government can prepare recommendation packages for conveyance including information on the proposed purchaser, the proposed use of the property, and the consideration. Appropriate notice requirements to the LCLBA and the local unit of government will be followed in relation to the proposed conveyance of any property.

Note: Agreements will provide that the party holding legal title of the property to be conveyed will make final approval of the conveyance. The Executive Director or Chairman of the LCLBA may execute agreements consistent with this policy.

E. Requirements of Conveyance

The LCLBA, in its sole discretion, will determine all other terms and conditions of the conveyance. The documents that the LCLBA may use to convey an interest in property may include but are not limited to a quitclaim deed, a lease, a land contract and a grant of easement, as authorized by law and/or a development agreement.

F. TERMS OF CONVEYANCE

The following terms will be used to establish the consideration to be received by the LCLBA for the conveyance of real property.

1. It is the LCLBA's intent that the minimum monetary consideration will be no less than the Property Cost. "Property Cost" means the direct and indirect costs and expenses attributable to the property including, but not limited to, cost allocation for overhead, costs of acquisition, maintenance, repair, rehabilitation by or on behalf of the LCLBA, demolition, marketing and litigation to quiet title.
2. The value of the property will be established by an appraisal or other valuation as determined by the LCLBA.

The LCLBA, in its sole discretion, will determine the consideration and terms of conveyance.

G. USE

Prior to conveying the property, the range of uses that will be considered by the LCLBA (which are not in any particular order of importance) include, but are not limited to the following:

- a. Dedication to public use by a governmental entity.
- b. Homeownership and affordable housing.
- c. Return of the property to taxable status.
- d. Land assemblage for economic development.
- e. Provision for financial resources for operating functions of the LCLBA.
- f. Green space or conservation purposes.
- g. Elimination of blight.
- h. Uses for childcare.
- i. Dedication to use by a social, educational or faith-based institution.
- j. Recreation centers.
- k. Agricultural uses.

H. ADJACENT LOT DISPOSITION PROGRAM

Property may be conveyed to an adjacent property owner in the LCLBA's sole discretion.

1. Qualified Property

Property eligible for inclusion in the Adjacent Lot Disposition Program must meet the following minimum criteria:

- a. The Property is used for residential purposes and has a common boundary line with the Purchaser's property.
- b. The Property is not buildable according to current zoning and building codes.
- c. The Property is not part of a proposed plan or development supported by the local unit of government requiring land assembly.

2. Purchaser(s)

To convey property to Purchaser(s), the LCLBA will determine the following:

- a. Purchaser(s) own a contiguous property.
- b. When more than one adjacent property owner exists and each wants the same adjacent Property, the Property may be conveyed in whole or divided and conveyed at the discretion of the LCLBA. The LCLBA staff may contact adjacent property

owners to ascertain interest in the Property.

- c. Purchaser(s) has submitted a completed application to the LCLBA indicating the address(es) of the Properties to be purchased.
- d. Purchaser(s) are current on all property taxes owed for parcels within the county held by said purchaser.
- e. Purchaser(s) has submitted any financial information requested by the LCLBA.
- f. Purchaser(s) has submitted any other information requested by the LCLBA.

3. Consideration

Property conveyed through the Adjacent Lot Disposition Program will have the consideration determined by the LCLBA, in its sole discretion.

I. APPLICATION PROCESS

1. Application from an Individual

For Individual Purchasers, other than those applying for property offered through the Adjacent Lot Program, the LCLBA will consider a completed application from Individual Purchaser(s), which includes, but is not limited to the following:

- a. The address(es), legal description(s), and recent photos of the property to be purchased.
- b. The proposed development and/or use of the property.
- c. The time frame for rehabilitation, improvement or development.
- d. Financial documentation, which includes but is not limited to a Pre-Qualification Letter from a Lender (if financing the transaction).
- e. Proof of personal identification by an official state or federal document.

2. Applications from Organizations

For Organizations, including but not limited to, nonprofit corporations, partnerships, institutions, community groups, limited liability corporations, and joint ventures, the LCLBA will consider a completed application from Organizations, which includes, but is not limited to the following:

- a. The address(es), legal description(s), and recent photos of the property to be purchased.
- b. The proposed development and/or use of the property.
- c. Names of key individuals on the Development Team.
- d. The time frame for rehabilitation, improvement or development.
- e. Financial documentation, which includes but is not limited to a Pre-Qualification Letter from a Lender (if financing the transaction).

3. LCLBA Review

The LCLBA staff will attempt, within ninety (90) days of receiving a completed application, to complete a review of the application. After review, the LCLBA staff will notify the applicant of the determination or request additional information.

J. CONVEYANCES REQUIRING BOARD APPROVAL AND EXECUTIVE DIRECTOR/CHAIRMAN AUTHORITY

1. Executive Director/Chairman Authority

The Executive Director/Chairman of the LCLBA may enter into agreements to finalize property transactions and execute conveyances on behalf of the LCLBA regarding the following:

- a) Conveyances issued pursuant to the Adjacent Lot Disposition Program.
- b) Conveyances approved by the LCLBA Board.
- c) Purchase agreements, options, first right of refusal or similar conveyances, where there is a refundable deposit of not more than \$5,000 required.

The Executive Director/Chairman may enter into a Temporary License or an Agreement & Consent to Enter State-Owned Property as determined by the Executive Director/Chairman to be in the best interest of the LCLBA.

2. Board Approval

- a) Any transaction not specifically authorized shall require LCLBA Board approval.

3. Reporting Requirement

All conveyances entered into by the Executive Director/Chairman will be reported in writing to the LCLBA Board at the next LCLBA Board meeting.

K. Policy on Borrowing Money, Issuing Bonds or Notes

The LCLBA Board by resolution can authorize the LCLBA to borrow money and issue bonds and notes according to the Act.

Leelanau County Land Bank Authority

GOALS - 2023

Programmatic

1. Use the Land Bank disposition program to promote the economic development in the creation of jobs that will promote the year-round economy of the County.
2. Collaborate with other agencies to develop a comprehensive approach and a “one-stop-shop” for developers to access the Land Bank, Brownfield and the Economic Development Corporation development tools.
3. Complete an inventory of properties for potential development projects that will achieve the priority land uses established in the Land Bank Authority’s policies.
4. Establish a side lot program and convey all non-developable properties as they become tax foreclosed, to assist in the elimination of abandoned property that is not on the tax rolls.
5. Create an evaluation system to effectively analyze all property transfer requests.

Organization

1. Create policies and procedures that will govern the decision making of the Land Bank Authority, and assist in achieving the organization’s programmatic goals.
2. Operate the Land Bank under a budget neutral scenario, ensuring that it not have a negative effect on the County’s budget, but will operate financially independent of the County.
3. Keep the Land Bank Authority operating as efficiently as possible by collaborating with existing capacity at the County and other nonprofit and governmental agencies.
4. Create a communication plan that emphasizes making the public aware of the Land Bank programs and how to access them. In addition, the plan should create a system to collect public input on a continuous basis.
5. Establish a board and staff development training program to increase the capacity of the organization. This can be accomplished in several ways including mini-trainings at board meetings, literature reviews, conference attendance, and consultant visits.

Approved _____

January 12, 2023

John Gallagher, III, Chairman
Leelanau County Land Bank Authority
8527 E Government Center Drive
Suttons Bay, MI 49682

Dear Members of the Land Bank Authority,

Habitat for Humanity Grand Traverse Region is requesting your partnership and assistance to secure safe and affordable housing in Leelanau County.

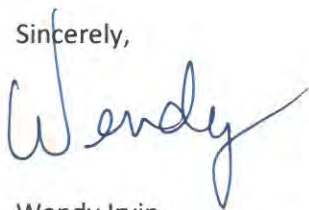
Habitat-GTR will exercise its Right of First Refusal to buy back a Habitat for Humanity home located at 8706 S. Schomberg Road, Cedar, Michigan 49621.

Upon possession of the home, Habitat-GTR will secure desperately needed workforce housing and offer stability through homeownership for another family in our community. In addition, the property can be split to accommodate a second home. This provides an opportunity to serve another family in Leelanau County.

We are asking the LBA to contribute financially toward the purchase to help with the funding gap.

Thank you for your consideration.

Sincerely,



Wendy Irvin
Chief Executive Officer

ATTACHMENT A

RFP RESPONSE COVER SHEET FORM
(attach as a cover sheet to your submission file)
BLIGHT ELIMINATION PROGRAM
RFP 2023-001

General Information:

Name: Leelanau County Land Bank Authority SIGMA ID #: CV0053863

Address: 8527 E. Government Center Dr. Suite, Suite 104 Suttons Bay MI 49682

County: Leelanau Prosperity Region #: 2

Applying on behalf of (as applicable): Telephone #: 231-256-9838

Contact's Email Address: jgallagher@leelanau.gov Fax #: 231-256-7850

Name of Authorized Signatory: John Gallagher, Chairman, Leelanau County Land Bank Authority

☒ Land Bank Authority ☐ County ☐ City ☐ Village ☐ Township

Certifications: Authorized Signatory to initial each of the following, as applicable:

_____ Respondent certifies that it is not presently subject to any legal action or judgement, as described in Section III(H).

_____ Respondent certifies that all obligations are paid to the State of Michigan as of this date.

_____ Respondent certifies that it owes no outstanding debt to the State of Michigan or SLBA.

_____ Respondent certifies that it is in good standing with the requirements of its Intergovernmental Agreement, if applicable.

Signature of Authorized Signatory

Date: _____

*Your SIGMA ID Number is located in your State of Michigan vendor file. If you are not currently registered as a vendor with the State of Michigan, you may go to: www.michigan.gov/SIGMAVSS and register. If you have any problems, please contact the SIGMA helpline at 1-800-856-6246.

Michigan State Land Bank Authority
Grant Proposal
Blight Elimination Application – Leelanau County
RFP 2023-001 Grant Proposal



Leelanau County Government Center

Leelanau County Land Bank Authority (LC-LBA)

Website: <https://www.leelanau.gov/lclbameetings.asp>

8527 E. Government Center Dr., Suite 105
Suttons Bay MI 49682 231-256-9838

Date: January 17, 2023

State Land Bank Authority (SLBA)
Post Office Box 30766
Lansing MI 48909

Subject: **1. Letter of Interest:** Michigan Land Bank Authority - Blight Elimination Program
RFP 2023-001 Grant Proposal

At a meeting held Tuesday, January 27, 2023, the Leelanau County Land Bank Authority approved a Resolution authorizing submittal of an application for the Michigan Blight Elimination Program. This Letter of Interest is for consideration of the attached application for a proposed project in Elmwood Township, Leelanau County.

Respondent name: Leelanau County Land Bank Authority
Address: 8527 E. Government Center Dr., Suite 104 Suttons Bay MI 49682
County: Leelanau
Contacts: John Gallagher, Chairman, jgallagher@leelanau.gov 231-256-9838
Trudy Galla, tgalla@leelanau.gov 231-256-9812

Elmwood Township
Address: 10090 E. Lincoln Rd. Traverse City MI 49684
County: Leelanau
Contact: Jeff Shaw, Township Supervisor supervisor@elmwoodmi.gov 231-946-0921

If you have any questions regarding the attached application, or need any further information, please feel free to contact me.

On behalf of the Leelanau County Land Bank Authority and Elmwood Township, we hope you look favorably upon this application.

Sincerely,

John Gallagher, Chairman
Leelanau County Land Bank Authority

This page reserved for
Resolution of the
Land Bank Authority

2. Detailed Project Description

A. Demolition Activities

i. Provide a property list with:

- a. Full address;**
- b. Condition assessment;**
- c. Ownership information; and**
- d. Photos of structure.**

(See attached)

ii. Disclose any known environmental problems (e.g., contaminants, asbestos, lead, etc.).

(There are no known environmental problems.)

iii. Identify any property slated for demolition that is in a historic district or listed in the National Register of Historic Places and attach appropriate approvals for demolition.

The property location is not in a historic district and is not listed in the National Register of Historic Places.

iv. Provide a map of the project area that also has the subject property(s) identified.

(See attached)

v. Describe planned post-demolition use of the land, if immediately applicable.

The property will be demolished and redeveloped for its original intended purpose.

vi. Provide an itemized budget, including all Eligible Activities, showing all sources and costs for project.

(See attached)

B. Stabilization Activities – Not Applicable

C. Environmental Remediation / Site Preparation Costs – Not Applicable

3. Narrative

After a failed development project for this site (known as Brewery Creek site), Elmwood Township approved a purchase for the 8 acre property specifically to use for overflow parking, as improvements made to the Marina on the east side of M-22 resulted in fewer available parking spots. The Marina has always struggled to have enough parking. The site is also used by those visiting the township park, also located on the east side of M-22. Elmwood Township received funding from the DNR for C dock, and they had requirements for a certain amount of parking for each slip and each boat launch. With the improvements, the township lost 72 parking places and were short of the required parking spaces. This property (Brewery Creek) provides those required parking places.

The Intent of the project is to make the existing site more suitable for its current use of overflow parking for the Elmwood Township marina and Greilickville Park. Currently, the Township utilizes this site for additional parking during high use periods when the parking lots along the

waterfront are full. This site provides an adjacent location with good pedestrian access for boaters to park their trailers and tow vehicles after launching their boat for day use at the marina.

To make the site more usable for maneuvering tow vehicles and trailers, we are proposing to remove some parking lot islands and dividers, add pavement to some areas to widen corners to increase turning radius, and add additional parking to current green areas. Removal of existing foundations, utility connections, and curb & gutter is anticipated to open the site for the needed improvements. Demolition will include excavation of foundations to at least 2' below grade, backfill with class II sand, and finished with a suitable gravel or asphalt pavement section in parking areas or topsoil and seeding for green areas. Demolished materials are to be removed from the site and properly disposed of by the contractor.

The existing stormwater management for the site consists of stormwater wetlands that connect to a county drain then eventually flows into Brewery Creek. The system has worked well since it was constructed in 2005 but needs maintenance to continue performing its intended purpose. The maintenance needed includes excavating out sediments and excess vegetation that has accumulated in the wetland basins to restore their full storage capacity, and cleaning sediments out of the connection pipes and structures. All excavated materials to be removed from the site and properly disposed of by the contractor.

Project Timeframe:

The project is anticipated to have the design completed and permit applications submitted by February 2023. Permits required for this project include Leelanau County Drain Commissioner's approval for work in the county drain, Leelanau County SESC permit, and a USACE/EGLE permit for work in the stormwater wetlands. Provided permits are obtained in time, the project could be bid out this spring and constructed in the 2023 construction season. Late summer or early fall would be the optimum time for construction as that is the most likely period for low water levels in the stormwater wetlands.

4. Budget

The budget for this work is estimated to be \$441,376.00 (see attached). Funding would be from the Blight Elimination Grant and Elmwood Township. (See appendix for match from the Township)

5. Site Control

As outlined in 5. (ii) of State Land Bank Authority Request for Proposals (RFP 2023-001), the site is owned by the local unit of government – Elmwood Township.

6. Administration of Project Funds

The Leelanau County Land Bank Authority (LCLBA) successfully complete a Blight Elimination Grant for demolition for two prior projects (Project Number MLBBE-2013-18). The Grant was in the amount of \$47,680.00 and the LCLBA proposed demolition on 3 parcels. Two of the three proposed projects were completed, as one municipality stepped away from using grant funds.

Environmental studies were done on the two properties and the grant was used to remove two vacant and dilapidated homes. The properties were then sold and put back on the tax rolls. These properties were tax reverted.

The seven member LCLBA has experience in business, real estate, alternative, construction, environment, contract negotiation, planning, and finance/audits. The LCLBA has established Policies and Procedures, and meets monthly, allowing timely and successful use of grant funds.

Mr. John Gallagher will assist the Project Director through and as the Leelanau County Treasurer's Office and as Chair of the Leelanau County Land Bank Authority. Mr. Gallagher will be assisting in the financial and administrative requirements of the grant as its fiduciary officer. He has experience in grant management, reporting, land bank properties, development and demolition. Mr. Gallagher also has experience working on multiple foreclosed property redevelopments through the LBA with strategic partnerships to increase affordable housing in Leelanau County.

Ms. Trudy Galla will serve as Project Director for the grant. Ms. Galla has experience in brownfields, land bank properties, planning, zoning, and housing. Ms. Galla has successfully administered HUD funds with 15 federal housing grants, a blight elimination grant, 5 EPA Brownfield Grants, EGLE Brownfield Grants and Loans, and local and regional grants. Ms. Galla has also worked with EPA on cleanup and reuse activities at a Superfund National Priority List site in Leelanau County. Ms. Galla was a member of the Brownfield Collaborative Stakeholder Initiative group organized through the state's Brownfield Program and the Michigan Economic Development Corporation. She served as a member of the ATSDR National Brownfields/Land Reuse Health Initiative Steering Committee. Ms. Galla also serves as the Director of the Leelanau County Brownfield Redevelopment Authority, which completed the oversight and demolition tasks involved with the former courthouse and government center in Leland, and demolition of a structure at a Superfund Site in Elmwood Township. Brownfield Plans were approved for both of these sites.

All grants administered by Leelanau County and the Land Bank Authority were completed according to the grant agreements. Leelanau County has had no adverse findings and all audits have been 'clean' audits. Leelanau County has not had any problems with management of previous grants, or state grants/loans. We have received positive feedback from EPA and from the State regarding our performance as a grantee.

7. Additional Information and Comments

Map – attached.

Parcel size: Approximately 8 acres

Quit Claim Deed: - attached.

Communities in Leelanau County are small, and generally do not have the staff, funds, or technical experience to manage blighted properties. These communities look to the County for help. Taking care of blight is an important task as blighted properties are eyesores for the community, represent unsafe health and environmental conditions, and negatively impact the neighborhood. A report of the Smart Growth Network titled "Putting Smart Growth to Work in Rural Communities", was developed as the result of collaboration between EPA and the

International City/County Management Association (ICMA).¹ One of the goals mentioned is: *“Help existing places thrive by taking care of assets and investments such as downtowns, main streets, existing infrastructure, and places that the community values”*.

The Land Bank Authority is applying for grant funds to provide the needed assistance to clean up this property in Elmwood Township. Elmwood Township has agreed to pay for costs beyond the \$200,000.00 grant funds.

¹ <https://www.epa.gov/smartgrowth/putting-smart-growth-work-rural-communities>

Scoring Criteria:

i. Development Catalyst Opportunities

This property in Elmwood Township is west of M-22, a state trunkline and Heritage Route, and west of the township park and marina. There are several businesses located adjacent to this property and residential homes in the surrounding area, as well as the Leelanau Trail – a bike and walking trail which leads from Traverse City up to Suttons Bay Village. Demolition activities and cleanup at this site will result in an improved appearance to the parking area, and safer conditions. Improving a blighted property can lead to additional economic development in the area, increased use of the marina/parking, township park, and nearby businesses, restaurants, and other amenities.

Successful redevelopment projects can create a spin-off by improving community appearance, creating interest in the community for new businesses, and increasing residential growth. Healthy and attractive communities are more likely to be sustainable.

ii. Local Support

There is great support for this project as demonstrated by the attached letters included in the application. Improvement at the site has been discussed for some time but a lack of funds has always been an issue. This grant would assist the township in finally completing this demolition and cleanup work.

iii. Public Safety

Blighted properties pose threats to citizens and visitors, are eyesores and a blighting influence, and a detriment to the community. Problems at these sites may include: overgrown weeds and vegetation, blowing of materials off-site, run-off, animals, vandalism, arson, garbage dumping, and broken and cracked floors and pavement which can allow leaks from materials. Many blighted properties may be located in prominent and visible locations and considered 'eyesores'.

This particular property has had know problems: several break ins at the local Subway, homeless people staying in the boat storage area behind the township property, a car stolen last month off the lot, lower unit stolen off a boat, sexual misconduct with a minor on the site, and people camping for a night or several nights. Blighted properties that can't be used for their intended purposes, often create a place for problems, vandalism, and theft.

Cleanup and redevelopment of blighted properties helps provide a healthy, safe, sustainable, and inviting community.

iv. Additional Investment

Demolition, cleanup, and redevelopment of these sites will provide the opportunity for additional use of the property for parking for the marina, park, trail, and perhaps nearby businesses. It will also provide safer conditions throughout the parking area for pedestrians and vehicles. Demolition and redevelopment will help stabilize the

site, remove the stigma surrounding blighted and unsafe property, enhance the township's infrastructure and improve overall conditions of the property.

This site along M-22 is heavily traveled by tourists and is one of the most heavily traveled routes in Leelanau County. Removing blighted properties along this route is important to maintaining attractive and healthy communities. Attractive and healthy communities are more likely to thrive and have a greater likelihood of increased economic development and residential growth. This site lies along the eastern side of Leelanau County on M-22, which runs along the Grand Traverse Bay from Traverse City to Northport.

The demolition work on this site may provide short term jobs such as utility work, disconnects (Miss Digg, Consumers Energy, etc.), and the demolition work. Additional work may include permits, inspections, purchasing materials and leasing equipment.

2. Detailed Project Description

A. Demolition Activities

- i. Provide a property list with:
 - a. Full address
 - b. Condition assessment
 - c. Ownership information
 - d. Photos of structure

Full address: S. Fisherman Cove, Traverse City MI 49684

Condition assessment: Township property with blighted conditions, asphalt, lighting, curbs, etc. to be removed and replaced.

Ownership information: Township of Elmwood
10090 E. Lincoln Rd.
Traverse City MI 49684

DOCUMENT NO. 2021005734

Total Pages: 3

07/13/2021 03:06 PM Fees: \$30.00

JENNIFER L. GRANT, Register of Deeds
Leelanau County, MI



QUIT CLAIM DEED

GRANTOR(S):

Kevin J. Gauthier
10590 South Dalzell Rd.
Traverse City, MI 49684

and

Ronald J. Novak and Lori F. Novak, husband and wife
12560 South Paradise Dr.
Traverse City, MI 49684

and

Shaw Property Management, LLC, a Michigan limited liability company
12691 South West Bay Shore Dr.
Traverse City, MI 49684

convey(s) and quit claim(s) to

GRANTEE:

Charter Township of Elmwood
10090 East Lincoln Rd.
Traverse City, MI 49684

property situated in the Township of Elmwood, County of Leelanau, State of Michigan identified
as Parcel 4 and legally described in Exhibit A attached hereto.

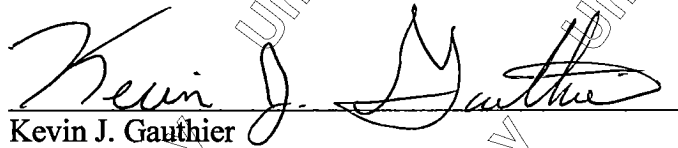
Tax Parcel ID: 004-033-042-00

For the sum of Ten Dollars (\$10). Exempt from transfer taxes pursuant to MCL 207.505(a) and
MCL 207.526(a).

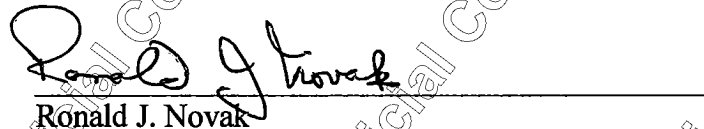
The Grantor grants to the Grantee the right to make four (4) division(s) under section 108 of the
land division act, Act No. 288 of Public Acts of 1967.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act.

Dated: July 13, 2021


Kevin J. Gauthier

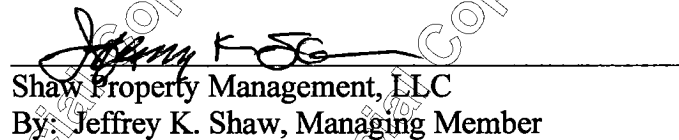
Dated: July 13, 2021


Ronald J. Novak

Dated: July 13, 2021



Lori F. Novak

Dated: July 13, 2021


Shaw Property Management, LLC
By: Jeffrey K. Shaw, Managing Member

STATE OF MICHIGAN)
) ss.
COUNTY OF LEELANAU)

On July 13, 2021 before me appeared Kevin J. Gauthier, Ronald J. Novak and Lori F. Novak, husband and wife, and Jeffrey K. Shaw, managing member of Shaw Property Management, LLC, known to me to be the persons herein named, and acknowledged the foregoing instrument.


Michael D. McCulloch
Notary Public, State of Michigan / ANTRIM COUNTY
Acting in Leelanau County
My commission expires: August 2, 2024

Drafted by:
Michael D. McCulloch (P36163)
HIRZEL LAW, PLLC
1001 Bay St., Suite E
Traverse City, MI 49684
(231) 486-5600

EXHIBIT A – LEGAL DESCRIPTION

PARCEL 4 – A parcel of land on part of the Northeast 1/4 of Section 33, T28N, R11W, Elmwood Township, Leelanau County, Michigan, being described as: Commencing at the North 1/4 corner of said Section 33, thence N89°56'30"E, 923.25' along the North line of said Section 33 to the POINT OF BEGINNING; thence continuing N89°56'30"E, 167.11' along said Section line; thence S01°15'41"E, 86.67'; thence S79°14'53"E, 10.93' to the centerline of Brewery Creek; thence along said centerline the following ten (10) courses: 1) S68°50'46"E, 18.24'; 2) S69°41'06"E, 46.83'; 3) S40°21'06"W, 20.10'; 4) S40°42'06"W, 6.04'; 5) S10°21'58"W, 11.01'; 6) S35°53'39"E, 25.03'; 7) S20°35'57"E, 17.64'; 8) S36°12'14"E, 27.67'; 9) S47°37'30"E, 66.60'; 10) S05°53'48"E, 44.48'; thence S89°59'35"W, 55.84'; thence S27°34'22"W, 102.27'; thence 165.58' along a non-tangent curve to the left, said curve having a radius of 218.99' and a chord of 161.67', bearing S34°47'02"E; thence S02°00'09"E, 149.29'; thence N89°40'54"W, 651.18'; thence N16°24'42"W, 128.73'; thence N89°39'47"W, 194.40'; thence N17°07'28"W, 255.89'; thence S89°59'35"E, 460.00'; thence N89°10'38"E, 255.45'; thence N08°47'02"E, 49.11'; thence N20°00'53"W, 48.32'; thence N06°42'31"W, 40.68'; thence N20°06'31"W, 109.73'; thence N40°03'46"W, 21.15'; thence N00°03'30"W, 33.00' to the North line of said Section 33 and the Point of Beginning, containing 8.11 acres. Subject to and together with a 50' wide easement for ingress, egress and public utilities in part of said Section 33, T28N, R11W, Elmwood Township, Leelanau County, Michigan, described as lying 50' West of and adjacent to a line described as: Commencing at the North 1/4 corner of said Section 33, thence N89°56'30"E, 183.81' along the North line of said Section 33; thence S17°07'28"E, 558.74'; thence S89°39'47"E, 194.40'; thence S16°24'42"E, 128.73'; thence S89°40'54"E, 651.18' to the POINT OF BEGINNING of this Easement; thence N02°00'09"W, 149.29'; thence 165.58' along a non-tangent curve to the left, said curve having a radius of 218.99' and a chord of 161.67', bearing N34°47'02"W to the Point of Ending of this easement. AND ALSO subject to all other easements of record.

Tax Parcel ID: 004-033-042-00

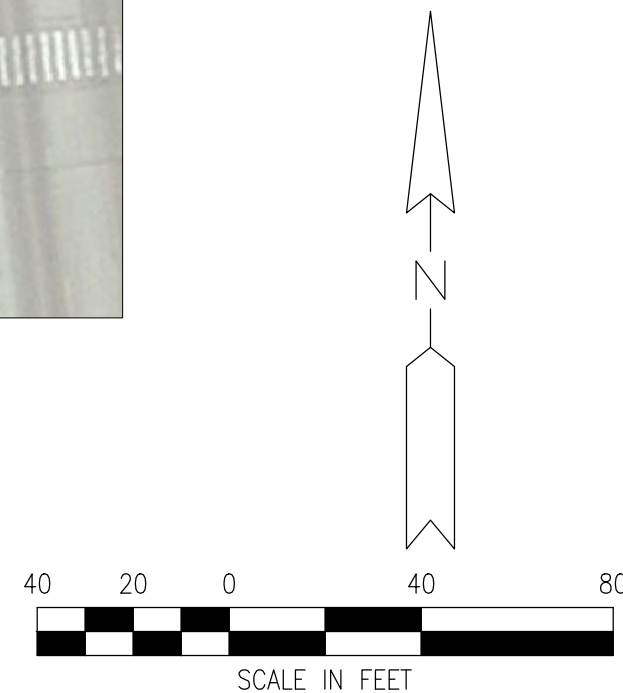
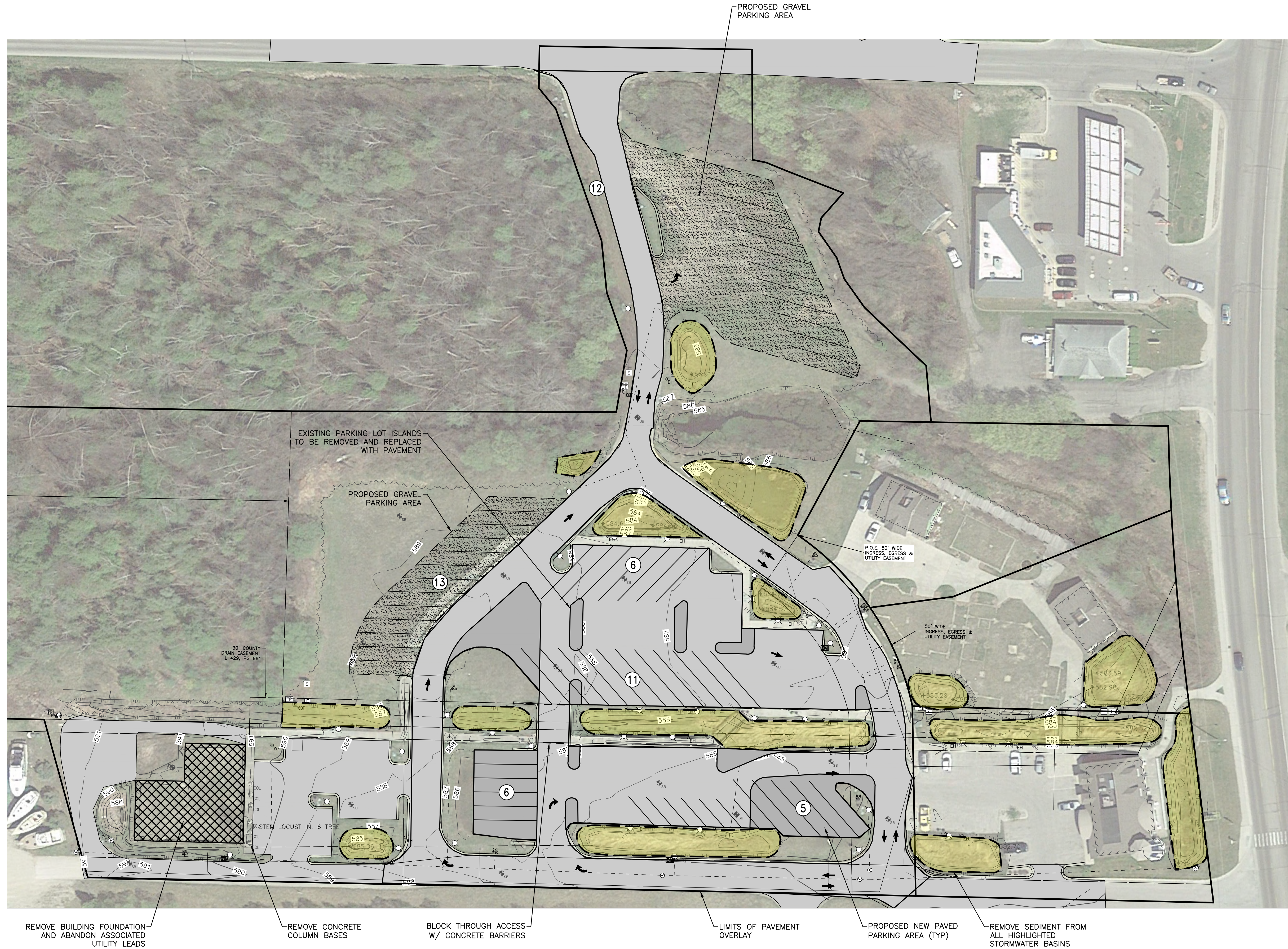




PROJECT MANAGER: KEN SCHWERTZ, PE
C:\PW_WORK\GEOART\01198521\CSP-PLTS-SITE PLAN.DWG - C1.0 - PLOTTED 1/2/2023 4:45 PM BY: BOGART, GARTH



Know what's below.
Call before you dig.



ELMWOOD CHARTER TOWNSHIP
10090 EAST LINCOLN ROAD
TRAVERSE CITY, MI 49684
BREWERY CREEK
PARKING AND DRAINAGE IMPROVEMENTS
REVISED LAYOUT NOV. 3, 2022

ISSUED FOR: DATE: BY:

JOB NO.
ELM2018.01C

SHEET
C1.0

ELMWOOD CHARTER TOWNSHIP - BREWERY CREEK PARKING AND DRAINAGE IMPROVEMENTS

REV#	DATE	DESCRIPTION	BY

WADE TRIM

10880 East Traverse Highway, Suite 2200
Traverse City, MI 49684
231.847.7400
www.wadetrim.com

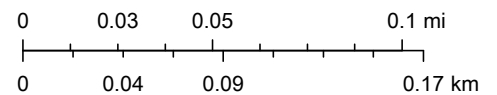
Leelanau Parcel Viewer



1/11/2023, 2:19:40 PM

1:4,514

- Override 1 Subdivisions & Condos
- Roads Government Lots
- Municipalities Tax Parcels
- Sections



Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA,



Preliminary Project Cost Estimate
Elmwood Township Brewery Creek Paved Parking Lot
January 2, 2023

Parking Improvements

Layout includes modifying the existing parking area to make it more maneuverable for boat trailer parking, repairing some paved areas, and overlaying the entire eastern section. Layout provides 25 gravel 50' trailer spaces, 28 paved 50' trailer spaces, and 7 car spaces. All unit prices are based on 2022 construction costs and have been adjusted for inflation. Prices do not include State Prevailing Wage rates.

Item No.	Description	Quantity	Unit	Unit Price	Amount
1	Mobilization (5% Max)	1	LS	\$11,500.00	\$11,500.00
2	Site Grading	1	LS	\$10,000.00	\$10,000.00
3	Traffic Control	1	LS	\$5,200.00	\$5,200.00
4	SESC	1	LS	\$5,000.00	\$5,000.00
5	Remove Concrete Curb & Gutter	650	LFT	\$16.00	\$10,400.00
7	HMA Removal, Mill and Stockpile	470	SYD	\$5.50	\$2,585.00
8	Salvage Signs	1	LS	\$1,200.00	\$1,200.00
9	Remove Utility Poles	6	EA	\$900.00	\$5,400.00
10	Remove Signs and Posts	8	EA	\$100.00	\$800.00
12	Adjust Sanitary MH	3	EA	\$1,000.00	\$3,000.00
18	HMA Wearing Course, 4E1, 165#/SYD	790	TON	\$115.00	\$90,850.00
19	HMA Base Course, 3E1, 165 #/SYD	155	TON	\$115.00	\$17,825.00
20	Aggregate Base, 22A Imported	1,000	TON	\$27.00	\$27,000.00
21	Subgrade Undercut	200	CYD	\$50.00	\$10,000.00
24	Curb and Gutter, MDOT D2	200	LF	\$30.00	\$6,000.00
25	Concrete Barricade	4	EA	\$500.00	\$2,000.00
26	Pavement Marking, 4" Waterborne, White	2,000	LF	\$2.10	\$4,200.00
27	Pavement Marking, Symbols and Arrows	9	EA	\$125.00	\$1,125.00
28	Site Signs Allowance	1	LS	\$7,000.00	\$7,000.00
31	Site Electrical	1	LS	\$20,000.00	\$20,000.00

Total Estimated Construction Cost	\$241,085
Construction Contingency (10%)	\$24,109
Architech/Engineer Construction Services(10%)	\$24,109
Total Estimated Parking Improvements Cost	\$289,000

(Estimate Continues Next Page)

Storm Water Basin Maintenance

Estimated quantities are based on field survey information gathered in May, 2018, supplemented by limited record drawing information available. Pipe cleaning quantity assumes all pipes are to be cleaned full length. New riprap to be placed at all locations where existing. All unit prices are based on 2022 construction costs and have been adjusted for inflation. Prices do not include State Prevailing Wage rates.

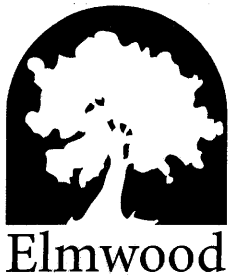
Item				Unit	
No.	Description	Quantity	Unit	Price	Amount
1	Mobilization & Traffic Control	1	LS	\$9,600.00	\$9,600.00
2	Sediment Excavation	600	CYD	\$22.00	\$13,200.00
3	Remove Rock Inlet Protection	32	EA	\$350.00	\$11,200.00
4	Rem Sediment, Type A Structure	4	EA	\$1,000.00	\$4,000.00
5	Rem Sediment, Type B Structure	4	EA	\$1,000.00	\$4,000.00
6	Rem Sediment, Ex 2' & 4' Dia Structures	10	EA	\$750.00	\$7,500.00
7	Clean Existing 12" Storm Sewer	1,645	LF	\$4.25	\$6,991.25
8	Clean Existing 15" Storm Sewer	55	LF	\$4.75	\$261.25
9	Clean Existing 18" Storm Sewer	115	LF	\$4.85	\$557.75
10	Reinstall Rock Inlet/Outlet Protection	200	SYD	\$115.50	\$23,100.00
11	Restoration	2,500	SYD	\$5.85	\$14,625.00
12	Soil Erosion & Sedimentation Control	1	LS	\$10,000.00	\$10,000.00
Total Estimated Construction Cost					\$105,035
Construction Contingency (10%)					\$10,600
Architech/Engineer Construction Services(10%)					\$10,504
Total Estimated Basin Maintenance Cost					\$126,000

Building Foundation Removal

Estimated quantities are based on field survey information gathered in May, 2018, supplemented by an assumed foundation wall height of 5 feet and a footing size of 30 inches wide by 10 inches tall. All unit prices are based on 2022 construction costs and have been adjusted for inflation. Prices do not include State Prevailing Wage rates.

Item				Unit	
No.	Description	Quantity	Unit	Price	Amount
1	Mobilization & Traffic Control	1	LS	\$2,000.00	\$2,000.00
2	Masonry and Concrete Structure, Remove	71	CYD	\$150.00	\$10,650.00
3	Masonry and Concrete Structure, Disposal	71	CYD	\$30.00	\$2,130.00
4	Concrete Column Base Disposal	6	EA	\$200.00	\$1,200.00
5	Abandon Building Utility Leads	1	LS	\$4,000.00	\$4,000.00
6	Soil Erosion and Sedimentation Control	1	LS	\$2,000.00	\$2,000.00
Total Estimated Construction Cost					\$21,980
Construction Contingency (10%)					\$2,198.00
Architenct/Engineer Construction Services (10%)					\$2,198.00
Total Estimated Building Foundation Removal Cost					\$26,376
Total Estimated Project Cost					\$441,376

Appendix – Letters of Support



The Charter Township of Elmwood, Leelanau County

10090 E. Lincoln Rd., Traverse City, MI 49684

Office (231) 946-0921 • Fax (231) 946-9320

Motion to pay for Brewery Creek parking lot improvements

January 11, 2023

To Whom it May Concern,

At the January 9, 2023 regular meeting of the Elmwood Township Board, the Board voted unanimously to pay any matching funds required if Elmwood Township is selected to receive the Blight Elimination Grant which it is applying for through the Leelanau County Landbank. The current cost estimate is \$441,000 and the Board agreed to pay whatever the remaining balance would be after using the aforementioned grant funds.

Sincerely,

Jeffrey K Shaw, DC

Elmwood Township Supervisor

**KORNER GEM
13031 S. FISHERMAN COVE
TRAVERSE CITY, MI 49684
231-929-9175**

1-10-23

Leelanau County Brownfield Authority
Re: Blight Elimination Grant

To whom it may concern,

This letter is hereby submitted as a letter of support for the Charter Township of Elmwood's Blight Elimination Grant Application for \$200,000 to refurbish the Brewery Creek parking lot.

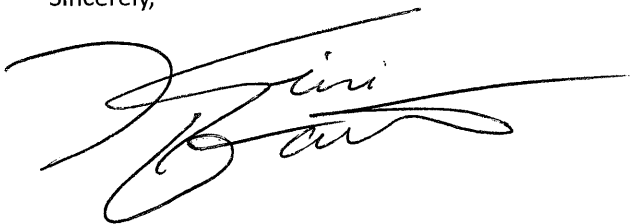
The Brewery Creek parking lot has been deteriorating for multiple years. Not only is it an eyesore, it is a safety hazard. Restoring this parking area is imperative to the health, safety, and welfare of the immediate neighborhood as well as surrounding community. This parking area and its associated elements are remnants of a failed development. If managed and developed properly, it will become a community asset. There are 3 businesses located in the development, formerly known as the Brewery Creek Condominium Association. All 3 businesses would benefit from having this parking area improved. Improving the aesthetics and accessibility to the parking area would be a huge improvement in an area that has become an eyesore.

More importantly, this parking area will provide additional spaces for access to waterside park facilities. These park facilities include the marina and Greilickville Harbor Park (same parcel) which create a contiguous 9 acre stretch of open recreational waterfront which offers recreational opportunities to commercial businesses, residents, and visitors alike. Immediately adjacent to these public parks is the Discovery Pier. All of these facilities are popular destinations on West Grand Traverse Bay.

It is worth noting that in 2025, MDOT plans to redo the entire Greilickville Corridor, installing curb and gutter, a 10-foot multiuse trail and crosswalks, including a potentially signalized crosswalk directly in front of the Brewery Creek parking lot entrance. This could prove to be a great connector, as the Township holds an easement from the Brewery Creek parking lot to the Traverse Area Recreation Trail (TART). The Elmwood Township Board has expressed interest in connecting the parking area to the TART via a boardwalk/path on this easement. If this is completed, TART users would be able to access West Grand Traverse Bay by way of this easement. However, improvements to the parking area are needed to make it safe and accessible.

We are in full support of this project and grant application; we appreciate your consideration.

Sincerely,



Leelanau County Brownfield Authority

Re: Blight Elimination Grant

To whom it may concern,

This letter is hereby submitted as a letter of support for the Charter Township of Elmwood's Blight Elimination Grant Application for \$200,000 to refurbish the Brewery Creek parking lot.

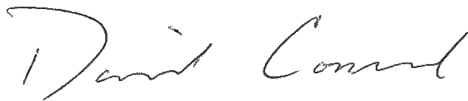
The Brewery Creek parking lot has been deteriorating for multiple years. Not only is it an eyesore, but it is also a safety hazard. Restoring this parking area is imperative to the health, safety, and welfare of the immediate neighborhood as well as surrounding community. This parking area and its associated elements are remnants of a failed development. If managed and developed properly, it will become a community asset. There are 3 businesses located in the development, formerly known as the Brewery Creek Condominium Association. All 3 businesses would benefit from having this parking area improved. Improving the aesthetics and accessibility to the parking area would be a huge improvement in an area that has become an eyesore.

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We are in full support of this project and grant application; we appreciate your consideration.

Sincerely,

A handwritten signature in black ink that reads "David Conrad". The signature is fluid and cursive, with the first name "David" and last name "Conrad" clearly distinguishable.

David Conrad
General Manager
West Bay Properties
12935 S. West Bay Shore Dr.
Traverse City, MI 49684



January 10, 2023

Leelanau County Brownfield Authority
8527 E. Government Center Dr.
Suttons Bay, MI 49682

Re: Blight Elimination Grant – Letter of Support

To whom it may concern,

Please accept this letter as the Discovery Center and Pier's support for the Charter Township of Elmwood's Blight Elimination Grant Application for \$200,000 to refurbish the Brewery Creek parking lot.

The Brewery Creek parking lot has been deteriorating for multiple years. Not only is it an eyesore, it is a safety hazard. Restoring this parking area is imperative to the health, safety, and welfare of the immediate neighborhood as well as the surrounding community. This parking area and its associated elements are remnants of a failed development. If managed and developed properly, it will become a community asset. There are 3 businesses located in the development, all of which would benefit from having this parking area improved. Improving the aesthetics and accessibility to the parking area would be a huge improvement in an area that has become an eyesore.

More importantly, this parking area will provide additional spaces for access to waterside park facilities. These park facilities include the marina and Greilickville Harbor Park (same parcel) which create a contiguous 9 acre stretch of open recreational waterfront which offers recreational opportunities to commercial businesses, residents, and visitors alike. Immediately adjacent to these public parks is the Discovery Pier that is also undergoing a transformation into a barrier-free park. All of these facilities are popular destinations on West Grand Traverse Bay.

It is worth noting that in 2025, MDOT plans to redo the entire Greilickville Corridor, installing curb and gutter, a 10-foot multiuse trail and crosswalks, including a potentially signalized crosswalk directly in front of the Brewery Creek parking lot entrance. This could prove to be a great connector, as the Township holds an easement from the Brewery Creek parking lot to the Traverse Area Recreation Trail (TART). The Elmwood Township Board has expressed interest in connecting the parking area to the TART via a boardwalk/path on this easement. If this is completed, TART users would be able to access West Grand Traverse Bay by way of this easement. However, improvements to the parking area are needed to make it safe and accessible.

We are in full support of this project and grant application; we appreciate your consideration.

Best regards,

A handwritten signature in blue ink, appearing to read "Matt McDonough", is written over a light blue horizontal line.

Matt McDonough, CEO
Discovery Center

13170 SW Bay Shore Dr, Traverse City, MI 49684
(231)715-5200 discoverygreatlakes.org

Chiropractic Health Center
West Bay
10975 E. Brewery Creek Lane
Traverse City, MI 49684
(P) 231.947.0755
(F) 231.947.1134

To whom it may concern,

This letter is hereby submitted as a letter of support for the Charter Township of Elmwood's Blight Elimination Grant Application for \$200,000 to refurbish the Brewery Creek parking lot.

The Brewery Creek parking lot has been deteriorating for multiple years. Not only is it an eyesore, it is a safety hazard. Restoring this parking area is imperative to the health, safety, and welfare of the immediate neighborhood as well as surrounding community. This parking area and its associated elements are remnants of a failed development. If managed and developed properly, it will become a community asset. There are 3 businesses located in the development, formerly known as the Brewery Creek Condominium Association. All 3 businesses would benefit from having this parking area improved. Improving the aesthetics and accessibility to the parking area would be a huge improvement in an area that has become an eyesore.

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We are in full support of this project and grant application; we appreciate your consideration.

Sincerely,



Shaw Property Management
12691 S. West Bay Shore Dr.
Traverse City, Mi. 49684
231-632-7168

Leelanau County Brownfield Authority
Re: Blight Elimination Grant

To whom it may concern,

This letter is hereby submitted as a letter of support for the Charter Township of Elmwood's Blight Elimination Grant Application for \$200,000 to refurbish the Brewery Creek parking lot. As the owner of one of the buildings in this development, I fully support this project.

The Brewery Creek parking lot has been deteriorating for multiple years. Not only is it an eyesore, it is a safety hazard. Restoring this parking area is imperative to the health, safety, and welfare of the immediate neighborhood as well as surrounding community. This parking area and its associated elements are remnants of a failed development. If managed and developed properly, it will become a community asset. There are 3 businesses located in the development, formerly known as the Brewery Creek Condominium Association. All 3 businesses would benefit from having this parking area improved. Improving the aesthetics and accessibility to the parking area would be a huge improvement in an area that has become an eyesore.

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We are in full support of this project and grant application; we appreciate your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey K Shaw, DC". The signature is stylized with a large initial "J" and a long horizontal stroke.

Jeffrey K Shaw, DC

Appendix – o nship inutes

**CHARTER TOWNSHIP OF ELMWOOD
REGULAR BOARD MEETING
NOVEMBER 14, 2022
IN THE TOWNSHIP HALL**

Call to Order:

Supervisor Shaw called the meeting to order at 6:00 p.m.

Pledge of Allegiance:

Supervisor Shaw led the Pledge of Allegiance.

Roll Call:

Present: Jeff Shaw, Connie Preston, Jim O'Rourke, Deborah Allen, Terry Lautner, Dave Darga, and Chris Mikowski

Excused: None

Declaration of Conflict of Interest:

None

Public Comment

Chet Janik

Consent Calendar:

Department Reports:

Treasurer

Planning/Zoning

Harbormaster

Committee Reports:

Minutes:

9-12-22

Post Audit Invoices 9-15-22 through 9-30-22

Trustee Darga requested that the minutes be removed from the consent calendar. MOTION BY TRUSTEE ALLEN, SECONDED BY TRUSTEE O'ROURKE TO APPROVE THE CONSENT CALENDAR MINUS THE MINUTES. The motion passed unanimously by a voice vote.

Agenda Approval

Requests were made to add 10j. Trustee Deb Allen resignation, 10k. Marina Financials, and 10l. Schedule Budget Work Session and Budget Public Hearing.

MOTION BY TRUSTEE O'ROURKE, SECONDED BY TRUSTEE ALLEN TO APPROVE THE AGENDA AS MODIFIED BY ADDING 10j. Trustee Deb Allen Resignation, 10k. MARINA FINANCIALS, AND 10L. SCHEDULE BUDGET WORK SESSION AND BUDGET PUBLIC HEARING. The motion passed unanimously by a voice vote.

Supervisor Remarks

Supervisor Shaw submitted a written report and also congratulated Deb Allen on being the new Leelanau County Administrator and Jim O'Rourke as our new County Commissioner.

Trustee Remarks

Trustee Allen read her resignation letter with an effective date of 11-30-22

Engineer's Report

Engineer Ken Schwerdt referred the Board to the updated **Brewery Creek** Parking Plan. It now includes storm water basin maintenance. They will all need to be cleaned including the piping between the basins. An EGLE permit will be needed to clean the basins. Supervisor Shaw said that we can apply to the Leelanau County Brownfield who has received additional money for refurbishing blighted areas. The total estimate for the parking lot and the storm water basins is approximately \$413,000.00. There was consensus of the Board for him to finalize the design with updated costs and hopefully bid this winter. The Board will see this again before it is put out for bid.

Mr. Schwerdt reported that the Cottonwood booster station tank is fine; the pumps are oversized based on the tank size and demand. A 60-80 gpm pump would be the proper size, allowing the tank to run for one minute. Currently it is kicking on and back off in ten seconds. The same recommendation as before and by EGLE is to replace the pumps. Trustee Darga would like further investigation into the tank. He does not believe it is properly pressurized. He believes it is waterlogged and would like to look at it. Supervisor Shaw agreed to make arrangement for Mr. Darga to meet there with Mr. Divozzo from the DPW.

Mr. Schwerdt stated that Wade Trim does not recommend allowing TC Whiskey to request a permit for a very long sewer force main for one user. He also reported that Marina Phase III permit for the seawall and stormwater discharge is being worked on and should be out for approval by spring.

Approval of Minutes

MOTION BY TRUSTEE DARGA, SECONDED BY TRUSTEE ALLEN TO APPROVE THE MINUTES OF OCTOBER 10, 2022 AS PRESENTED. The motion passed unanimously by a voice vote.

Other Officer Remarks

Harbormaster Pete Moon reported that the marina closed October 31st. The gates are still open and there is still use by fisherman.

Communications from the Clerk

Clerk Preston reported that Elmwood Township had an 80% voter turnout.

OLD BUSINESS

None

NEW BUSINESS

Zoning Map Amendment Request

MOTION BY CLERK PRESTON, SECONDED BY TRUSTEE O'ROURKE TO ADOPT ORDINANCE No. 2022-4 TO AMEND THE ELMWOOD TOWNSHIP ZONING ORDINANCE AND ACCEPT THE MAP AMENDMENT FOR PC ZO 2017-04-16 FOR PARCELS 004-260-018-00, 004-280-019-00, AND 004-028-122-00. The motion passed unanimously by a voice vote.

Board Preference for Appointing Trustees

There was consensus of the Board to advertise the open Trustee positions in the Enterprise and on our website asking for a letter of interest and resume.

Purchase of Boat for Marina

MOTION BY TRUSTEE DARGA, SECONDED BY TRUSTEE O'ROURKE TO PURCHASE THE BOSTON WHALER FROM LEELANAU COUNTY FOR \$12,000.00. The motion passed unanimously by a voice vote.

Park Use Request/Blue Ribbon Events

Danielle Lynch presented a proposal to use the Cherry Bend Park to host a fine art show. Planner Sarah Clarren explained that this type of event was not permitted in the Municipal District so a zoning amendment would be required to move forward. There was consensus of the Board that they would be supportive of the Planning Commission considering an amendment to the zoning ordinance to allow this use.

Health Insurance Renewals

MOTION BY CLERK PRESTON, SECONDED BY TRUSTEE ALLEN TO APPROVE OPTION A AND TO PAY \$1500.00 TO THE EMPLOYEES' HSA ACCOUNTS. The motion passed unanimously by a voice vote.

Review of Draft Parks and Recreation Plan

MOTION BY TRUSTEE ALLEN, SECONDED BY TRUSTEE DARGA TO SEND THE PLAN OUT FOR PUBLIC COMMENT AND SCHEDULE A PUBLIC HEARING AT OUR JANUARY 9, 2022 MEETING. The motion passed unanimously by a voice vote. Trustee Allen thanked everyone on the committee.

Budget Amendment

MOTION BY CLERK PRESTON, SECONDED BY TRUSTEE O'ROURKE TO ADOPT RESOLUTION 13 OF 2022 INCLUDING THE ADDITION OF \$6000.00 TO THE ASSESSOR'S ASSISTANT WAGES AND \$500.00 TO THE ASSESSOR'S FICA. Motion passed 7-0 by a roll call vote.

Authorization for Discovery Pier 2% Grant Submittal

MOTION BY TRUSTEE ALLEN, SECONDED BY CLERK PRESTON TO SUPPORT DISCOVERY PIER'S 2% TRIBAL GRANT APPLICATION IN THE AMOUNT OF \$50,000.00. The motion passed 6-1 by a voice vote with Trustee O'Rourke voting no.

Flyer/Hemlock Woolly Adelgid Survey in Tax Bills

MOTION BY TRUSTEE LAUTNER, SECONDED BY TRUSTEE DARGA TO ALLOW THE INSECT FLYER TO BE INCLUDED WITH THE TAX BILLS. The motion passed unanimously by a voice vote.

Deb Allen Resignation Letter

MOTION BY TRUSTEE DARGA, SECONDED BY TRUSTEE LAUTNER TO ACCEPT THE RESIGNATION OF DEB ALLEN WITH AN EFFECTIVE DATE OF 11-30-2022. The motion passed unanimously by a voice vote.

Marina Financials

MOTION TO ACCEPT MR. CLARREN'S OFFER TO ASSIST WITH A REVIEW OF THE MARINA FINANCIALS WITH THE SUPERVISOR. The motion passed unanimously by a voice vote.

Schedule Budget Work Session and Budget Public Hearing

MOTION BY CLERK PRESTON, SECONDED BY TRUSTEE O'ROURKE TO SCHEDULE A BUDGET WORK SESSION ON NOVEMBER 21, 2022 AT 1:00 P.M. The motion passed unanimously by a voice vote.

MOTION BY CLERK PRESTON, SECONDED BY TRUSTEE O'ROURKE TO SCHEDULE A BUDGET PUBLIC HEARING ON DECEMBER 12, 2022 AT 6:00 P.M. The motion passed unanimously by a voice vote.

Payment of Invoices

MOTION BY TRUSTEE DARGA, SECONDED BY TRUSTEE LAUTNER TO PAY THE INVOICES IN THE AMOUNT OF \$196,601.64. The motion passed unanimously by a voice vote.

PUBLIC COMMENT

None

Adjournment

Supervisor Shaw adjourned the meeting at 7:25 p.m.

CHARTER TOWNSHIP OF ELMWOOD
Marina Committee
Thursday, July 28, 2022
Location: Township Hall (10090 E. Lincoln Road, Traverse City, MI)
Minutes approved November 17, 2022

A. Call to order

The meeting was called to order at 6:01pm

B. Roll Call

Present: Scott Herman, Pete Moon (Harbormaster), Kelly Ignace, Ken Kleinrichert, Kristin Dail (arrived 6:05). Also present: Sarah Clarren (Zoning/Planning). Not present: Bryan Smith, Braxton Platt.

C. Limited Public Comment (Only on Agenda Items).

None.

D. Agenda Modifications/Approval Kleinrichert asked that the Fish Cleaning Station be added. Motion by Ignace, second by Herman to approve the agenda as modified.

E. Minutes – May 25, 2022

Motion by Ignace, second by Herman to approve the minutes as drafted.

F. Old Business

None.

G. New Business

a) Harbormaster Report

Harbormaster Moon provided the Committee with the Harbormaster's report as submitted to the Township Board. He indicated that the traffic flows are good and the marina was able to launch more boats over July 4th weekend than ever before; multiple boats can be launched at the same time. Harbormaster Moon then talked about the need for a Township Boat at the marina.

b) Updates from Staff / Engineer

Ken Schwerdt of Wade Trim (Township Engineer) was present and gave a brief verbal presentation. He indicated that the site has been designed and they are getting closer to wrapping up the project. They still need to begin the process of permitting Phase 3(a-c). Indicated that some changes have been made including 1) removing retention basins along retaining wall and working on the stormwater, 2) raising the seawall about 18". Stormwater and seawall will be permitted through the ACOE.

Harbormaster Moon asked what the status of the Brewery Creek parking area was, to which Schwerdt stated that they are waiting on geotechnical data in order to finalize design. Schwerdt indicated that the area is a mess underground and the parking area was not constructed properly. Schwerdt indicated that the boater's bath will be on piles and will likely seek permitting over the winter; in order to move forward. The Committee reviewed the concept drawings for Brewery Creek.

Harbormaster Moon then noted that before construction begins on Phase 3, there will need to be a transition plan in place. Suggested portable showers. He asked Schwerdt what the anticipated schedule would be. Schwerdt indicated that proceeding as normal

would be good; best case scenario would be that the seawall construction in spring or summer 2023. He indicated that would be the best case, but it relies heavily on funding and permitting.

c) Meeting Schedule

Kleinrichert said he would like to establish a quarterly meeting schedule and suggested that the Committee meet in May, August, November, and February. The Committee agreed to move regular meeting to the fourth Thursday. Clarren will prepare updated schedule.

d) Fish Cleaning Station

Kleinrichert suggested the Committee consider dedicating the fish cleaning station to prior Chair Ryan Matuzak. Committee discussed other ideas, including a brick donation program. Committee would look at the Station during the tour.

H. Additional Comments from Committee Members

None.

I. Comments from Staff

None.

J. Public Comment (Any Items)

None.

K. BREAK, with meeting reconvening at Harbor Master Building (13501 S West-Bay Shore Drive, Traverse City, MI 49684) for a tour of the marina.

Harbormaster Moon gave the Committee a tour of the Marina.

L. Adjourn. There being no further business, the meeting was adjourned at 7:45pm.

Appendix – Phase I

***(Note: does not include the attachments.
These are available upon request)***

**PHASE I ENVIRONMENTAL SITE ASSESSMENT
FOR 10 CONDOMINIUM UNITS
AND COMMON AREAS ASSOCIATED WITH THE
BREWERY CREEK CENTER CONDOMINIUM PROPERTY
TRAVERSE CITY, MICHIGAN**

JUNE 2012

Prepared for:

**Elmwood Township
10090 E. Lincoln Road
Traverse City, Michigan 49684**

**Prepared by:
GOSLING CZUBAK ENGINEERING SCIENCES, INC.
1280 Business Park Drive
Traverse City, Michigan 49686
231-946-9191
Project #2012165.01**

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LIST OF ATTACHMENTS

- ATTACHMENT 1: PROPERTY TAX RECORD CARDS/PROPERTY BOUNDARY
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- ATTACHMENT 2: SITE PHOTOGRAPHS
- ATTACHMENT 3: SITE LOCATION MAP
- ATTACHMENT 4: INTERVIEW QUESTIONNAIRES
- ATTACHMENT 5: EDR ENVIRONMENTAL DATABASE REPORT
- ATTACHMENT 6: AERIAL PHOTOGRAPHS
- ATTACHMENT 7: SANBORN "NO COVERAGE" LETTER
- ATTACHMENT 8: ENVIRONMENTAL LIEN SEARCH RESULTS



1.0 EXECUTIVE SUMMARY

Gosling Czubak Engineering Sciences, Inc. (GCES) has conducted a Phase I Environmental Site Assessment (ESA) for ten condominium units and the common areas associated with the Brewery Creek Center Condominium property in Traverse City, MI. Elmwood Township is the prospective purchaser of the property.

The subject property is currently owned by Brown Bark I LP. Historical research and site reconnaissance completed during this Phase I ESA indicates that the subject property was developed for commercial use in 1981 as Leelanau Marine/Busy Bee Hardware. Prior to commercial development the subject property was vacant and covered by woodlands.

The Phase I ESA was performed in accordance with the scope and limitations of American Society for Testing and Materials (ASTM) Standard Practice E 1527-05 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" (ASTM E 1527-05). Access to the subject property was not limited at the time of the site visit.

The Phase I ESA **has revealed evidence** of a current or historical *recognized environmental condition* (REC) or potential environmental concern associated with the subject property. The following REC was identified at the time of the site visit:

- Petroleum based products were noted on the western portion of the subject property. Staining was noted within the vicinity of containers located near a boat storage area, indicating that a recent release of hazardous substances onto the subject property has occurred. The staining represents an environmental threat to the subject property.

1.1 Data Failure Discussion

Obvious uses of the subject property were identified from the time of the earliest available documentation that was reasonably ascertainable, publicly available and practically reviewable to the present. This task included reviewing the historical sources identified in Section 5.4 of this report.

According to records from the Elmwood Township Tax Assessor, buildings began occupying the property in 1981. Structures located on the property in 1981 are no longer present. According to a review of available historical documentation, structures were present on the subject property from 1981 to 2003.

Data failures representing significant data gaps were not noted during the historical research of the subject property. Use of the parcel prior to 1938 was not verifiable.



2.0 INTRODUCTION

2.1 Purpose

This report presents the findings of a Phase I ESA for ten undeveloped condominium units and common areas associated with the Brewery Creek Center Condominium Development in Traverse City, Michigan. This assessment was performed to provide an independent, professional opinion regarding *recognized environmental conditions* (as defined by ASTM in Section 2.2), in connection with the site.

2.2 Scope of Services

The scope of work for this Phase I ESA was based on the scope and limitations of (ASTM) Standard Practice E 1527-05 and included the following:

- An evaluation of historical property usage. Material from County, State, and Federal records was researched and reviewed. Contact was made with local and/or state health and environmental agencies to determine if any hazardous materials incidents had occurred on or in the area of the subject property, including: storage; treatment; disposal; or release of hazardous materials. Others who were knowledgeable about the property or local area and who were made available to GCES, were interviewed in an effort to determine prior use of the subject property, as well as to assess whether hazardous substances had been used or released at the site.
- A site visit to assess current conditions, including identification of observable on-site hazardous or harmful materials and to evaluate potential indicators of hazardous substance or petroleum product storage, use, generation, or release on the subject property or areas or structures on adjoining properties. Observations and assessments of stressed vegetation, evidence of waste discharge or collection, fill materials, sink holes, wells, etc. are included within this report, if they were observed.
- Report preparation that presents details regarding the contacts made, information obtained, data findings, and other pertinent information. Based upon findings, the report includes an opinion regarding the potential for environmental impairment associated with the subject property.

According to ASTM Standard Practice E 1527-05, Section 1.1.1, 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,



groundwater, or surface water of the property.

The guideline used for the definition of "hazardous substance" was obtained from Section 20101 (1) (t) of the Natural Resources and Environmental Protection Act (NREPA, P.A. 451 of 1994, as amended), and includes:

- A substance which 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;
- Hazardous substances as defined in the comprehensive environmental response, compensation, and liability act of 1980, Public Law 96-510, 94 Stat. 2767;
- Hazardous waste defined in Part 111 (NREPA); and
- Petroleum as described in Part 213 (NREPA).

2.3 Significant Assumptions

No significant assumptions were relied upon to form the conclusions of this report.

2.4 Limitations and Exceptions

Access to the subject property was not limited at the time of the site visit. The property was reviewed to the extent practical.

2.5 Special Terms and Conditions

Our client, Elmwood Township, has requested an environmental site assessment prior to purchasing the subject property. This assessment does not include a formal evaluation of wetlands, floodplains, radon or lead-based paints.

Information obtained for this ESA is only relevant as of the date of records review and of the site reconnaissance of May 31, 2012. The information contained herein is only valid as of the date of the report, and may require revisions to reflect updated records or subsequent site visits.

The client should recognize that this report is not a comprehensive site characterization and should not be construed as such. The findings and conclusions presented in this report are predicated on the results of site reconnaissance, review of regulatory records, historical usage of the site, and conversations with knowledgeable parties. The absence of significant indicators suggesting that hazardous substances or petroleum products have impacted the site does not preclude their presence.



Therefore, this report should only be deemed conclusive with respect to the information obtained. No guarantee or warranty of the results of this ESA is made, either expressed or implied, in any correspondence, consultation, or within the content of this report. It is possible that, even with conformance to the process requirements of ASTM E1527-05, conditions could exist on or near the subject site which could not be identified within the scope of the assignment or not reasonably identifiable from readily available information.

This report is only intended to assist the user in making a reasonable assessment of risk with respect to potential environmental impact at the subject site. The information given in this report is based upon a review of documents and information reasonably available concerning the subject property, as presented. Portions of this assessment are based upon information that has been reported by persons claiming to have knowledge of the property. No warranty, either expressed or implied, is made as to the reliability or accuracy of the information obtained from outside sources.

This report is prepared for the benefit of, and pursuant to an agreement between, Gosling Czubak Engineering Sciences, Inc. and its client, Elmwood Township. Any use of this report by any third party, or for any purposes other than that stated within this report is expressly prohibited and not anticipated by GCES. The use of, or reliance upon, this report by any such third party does not make any such party a beneficiary of the agreement(s) between GCES and its client, and is undertaken at such third party's own risk. No expressed or implied warranties, guarantees, or representations are made to any such third party.

The opinions of environmental risk should not be construed as legal advice or financial recommendations. It cannot be stated unequivocally that this assessment is sufficient to meet the appropriate inquiry standard of law, although the opinions and recommendations of GCES are the product of a professional evaluation of the property, consistent with existing industry practice in this area.

2.6 User Reliance

GCES certifies that an experienced environmental professional completed this assessment for the use of Elmwood Township. Elmwood Township may rely on the contents of this ESA report.

3.0 SITE DESCRIPTION

3.1 Location and Legal Description

The subject property is located in Section 33, Township 28 North, Range 11 West and comprises ten vacant condominium lots and common areas, totaling 15.09 acres. Three



condominium units located within the 15.09 acres are excluded as part of this assessment. The three excluded parcels total 5,747 square feet (0.13 acres). The subject property exists as eleven parcels with the following ID numbers:

45-004-250-900-00 (Common Areas)
45-004-250-001-00 (Unit 1)
45-004-250-002-00 (Unit 2)
45-004-250-003-00 (Unit 3)
45-004-250-005-00 (Unit 5)
45-004-250-008-00 (Unit 8)
45-004-250-009-00 (Unit 9)
45-004-250-010-00 (Unit 10)
45-004-250-011-00 (Unit 11)
45-004-250-012-00 (Unit 12)
45-004-250-013-00 (Unit 13)

The property's legal description is included within the property tax record cards included within Attachment 1. A property boundary survey is also included within Attachment 1. For purposes of this ESA the eleven parcels will be collectively be referred to as the "subject property."

3.2 Site and Vicinity General Characteristics

The subject property is currently occupied by paved roads/parking areas, retention basins, concrete sidewalks and street lighting. Buildings are not currently located on the subject property. The subject property was part of a development that began in 2003 but was never completed. The subject property has been vacant for the past nine years. Photographs depicting current property conditions can be found within Attachment 2, photographs 1-16.

The 1983 U.S. Geological Survey (USGS) 7.5-minute quadrangle map, "Traverse City SW," was reviewed and on-site observations were made to provide information regarding the topography of the site. A portion of the topographic quadrangle is presented in Attachment 3. Map contours indicate that the terrain at the subject property is generally flat.

3.3 Current Use of the Subject property

The subject property is currently vacant. Portions of development that began in 2003 are evident throughout the subject property, including concrete sidewalks, retention basins and street lighting. Three developed lots located within the subject property are not part of the property acquisition by Elmwood Township and are therefore not part of this assessment. These include the following parcels:



45-004-250-004-00 (Unit 4)
45-004-250-006-00 (Unit 6)
45-004-250-007-00 (Unit 7)

The northwestern $\frac{1}{4}$ of the subject property (common areas) is covered in woodlands.

3.4 Descriptions of Structures, Roads, and Other Improvements

The subject property currently has no structures. Paved roads, concrete sidewalks, retention basins and street lighting, from the beginnings of a 2003 development, transect and surround the subject property. Access to the property is gained via a paved driveway off Highway M-22.

3.5 Current Uses of Adjoining Properties

The current use of adjoining properties is as follows:

- **Adjoining property to the north:** Private residences across Grandview Road followed by a Speedway gas station.
- **Adjoining property to the east:** Commercial buildings (Korner Gem, Shaw Chiropractic/Subway, vacant building) followed by M-22 (Southwest Bayshore Drive) and a marina beyond.
- **Adjoining property to the south:** Vacant lot followed by Mancino's pizza.
- **Adjoining property to the west:** Boat storage on the southwestern adjoining property followed by the TART trail and residential development.

4.0 USER PROVIDED INFORMATION

Mr. Jack Kelly, a representative with Elmwood Township, completed the Environmental Site Assessment Questionnaire provided by GCES, which contains information pursuant to the user's responsibility described in Section 6.0 of the ASTM Standard E 1527-05, Standard for Environmental Site Assessment. The user completed questionnaire can be found within Attachment 4. The answers provided by Mr. Kelly did not provide evidence of the presence of *recognized environmental conditions* associated with the subject property.



5.0 RECORDS REVIEW

5.1 Standard Environmental Record Sources

The following records were reviewed to: 1) evaluate the presence of *recognized environmental conditions* on the subject property caused by operations, activities, or conditions on sites in the vicinity of the subject property, and; 2) evaluate potential environmental risks and/or impacts to the subject property caused by off-site sources.

Data from standard Federal and State environmental records sources is provided through a search of environmental records meeting or exceeding the specific requirements of ASTM Standard Practice for Environmental Site Assessments, E1527-05. The database search was prepared by Environmental Data Resources Inc. (EDR) of Milford, Connecticut. A copy of the Environmental EDR report is presented in Attachment 5.

A review of the federal and state environmental records listed below identified fourteen sites within the minimum search distances (MSD) provided. A brief description of each database and the specific findings of the search are presented on the following pages:

Database Summary

Environmental Record Sources	Sites Identified	Minimum Search Distance (MSD)
Federal NPL site list (NPL)	1 Site	1.00 mile
Federal NPL Delisted	None	0.50 mile
Federal CERCLIS list (Active)	1 Site	0.50 mile
Federal CERCLIS list (NFRAP Archive)	None	0.50 mile
Federal RCRA COR ACT	None	1.00 mile
Federal RCRA TSD facilities	None	0.50 mile
Federal RCRA Generators (Large & Small)	None	0.25 mile
Record of Decision	1 Site	1.00 mile
Federal Institutional / Engineering Controls	1 Site	0.50 mile
Federal ERNS	None	0.25 mile
Tribal Lands	None	1.00 mile
State Part 201/Tribal Sites	2 Sites	1.00 mile
State/Tribal SWL	None	0.50 mile



Environmental Record Sources	Sites Identified	Minimum Search Distance (MSD)
State/Tribal LUST	2 Sites	0.50 mile
State/Tribal UST/AST	1 Site	0.25 mile
State/Tribal Engineering Controls	None	0.50 mile
State/Tribal Institutional Controls	None	0.25 mile
State/Tribal VCP	None	0.50 mile
State/Tribal Brownfields	1 Site	0.50 mile
State BEA	4 Sites	0.25 mile

EDR Report Summary

A review of governmental agency databases, obtained from EDR, revealed one NPL listed site within the search radius. The National Priorities List (NPL) identifies abandoned or uncontrolled hazardous waste sites to be remedied under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, 1980) and the Superfund Amendment and Reauthorization Act (SARA, 1986). The following site was identified:

- **Grand Traverse Overall Supply** – 10725 Cherry Bend Road, approximately 3/4 mile north. This site is listed as a NPL Site, a CERCLIS Site, A Leaking Underground Storage Tank Site (LUST), an Underground Storage Tank Site (UST), a State Hazardous Waste Site (SHWS) a Brownfield Redevelopment Site, a Baseline Environmental Assessment (BEA) Site and currently has engineering controls in place at the site. Other listings for this site are classified as CLOSED, FINAL, and REMOVED and are not an environmental concern. Contaminant chemicals (PCE and TCE) have been found in private wells near this dry cleaning facility, which once discharged wastewater into a seepage lagoon. Wastes are now discharged into the sanitary sewers.

In addition to the site listed above, the EDR report listed one other LUST site, one other SHWS site and three other BEA sites located within a ½ mile of the subject property. Based on information provided within the EDR report it was determined that these sites are not expected to have an adverse environmental impact on the subject property. These findings were based on remedial activities that have occurred at the properties and through field verification that these sites are located at a reasonable distance from the subject property.



5.2 Additional Environmental Record Sources

The following additional environmental record sources were consulted to obtain additional information concerning environmental conditions at the subject property:

- Leelanau County Environmental Health Department;
- Leelanau County Construction Code Department;
- Leelanau County Equalization Department;
- Leelanau County Planning and Community Department;
- Elmwood Township Fire Department; and
- Elmwood Township Tax Assessors Office.

GCES contacted the Elmwood Fire Department on June 15, 2012. According to a search of their database and files for the subject property, no records of hazardous storage or spills, or potential environmental conditions were found in association with the subject property.

GCES contacted Chuck Grant, representative with the Leelanau County Health Department on June 18, 2012. Mr. Grant was not aware of any environmental issues or concerns associated with the subject property.

The Elmwood Township Tax Assessor, the Leelanau County Equalization Department, the Leelanau County Building Department and the Leelanau County Planning and Community Department, were interviewed but were not aware of information regarding environmental issues or concerns at, or in the vicinity of the subject property.

5.3 Physical Setting Sources

The 1983 U.S. Geological Survey (USGS) 7.5-minute quadrangle map, "Traverse City SW," was reviewed to obtain information concerning the land usage history of the site and surrounding area. Detailed development, individual buildings and or improvements associated with the subject property are depicted on the 1983 USGS 7.5 minute Quadrangle.

The subject property lies at an approximate surface elevation of 590 feet above mean sea level. The nearest body of surface water, The Grand Traverse Bay, is located approximately 965 feet east of the subject property. The Grand Traverse Bay lies at a surface elevation of 580 feet above mean sea level.



5.4 Historical Use Information – On the Subject Property and Adjoining Parcels

The objective of consulting historical sources is to develop a history of the previous uses of the subject property and adjoining parcels in order to evaluate potential historical *recognized environmental conditions*. Standard Historical Sources reviewed as required under ASTM 1527-05, are those historical sources that are reasonably ascertainable and likely to be useful. These sources are discussed below:

5.4.1 Aerial Photographs

Aerial photographs from 1938, 1952, 1963, 1973, 1981, 1992, 2005, and 2006 were reviewed as part of this ESA. Aerial photographs prior to 1938, if any exist, were not readily available for review and inclusion within this report. The aerial photographs were provided by EDR. A review of the aerial photographs did not identify unusual items or conditions for the subject property or the neighboring parcels. Copies of the aerial photographs are included within Attachment 6 and details are discussed below:

Date	Aerial Photograph Review
1938	The subject property appears undeveloped and covered in dense tree growth. Roads are visible to the north, east and west.
1952	There does not appear to be any significant changes to the subject property and surrounding area between the dates of 1938 and 1952.
1963	There does not appear to be any significant changes to the subject property and surrounding area between the dates of 1952 and 1964. Clearing has occurred on the southern adjoining property and a small structure is visible.
1973	There does not appear to be any significant changes to the subject property and surrounding area between the dates of 1964 and 1973. The southern portion of the subject property has been cleared and the western adjoining property has also been cleared.
1981	There does not appear to be any significant changes to the subject property and surrounding area between the dates of 1973 and 1981. The subject property remains undeveloped.
1992	Significant changes to the subject property and surrounding have occurred between the dates of 1981 and 1992. The subject property appears developed with multiple structures as well as outside storage areas on the southern portion of the parcel. The majority of the subject property remains covered in dense tree growth. Adjoining properties to the east and south have been commercially developed.
1993	There does not appear to be any significant changes to the subject property between the dates of 1992 and 1993.
2005	Significant changes have occurred to the subject property and the surrounding area between the dates of 2005 and 2006. The structures formerly occupying the southern property boundary have been removed. The small outbuildings and outside storage areas associated with the structures have also been



	removed. The property appears similar to its current configuration. Development for the Brewery Creek Center Condominium complex is known to have occurred on the subject property in 2003. Paved areas and concrete structures are visible throughout the subject property.
2006	There does not appear to be any significant changes to the subject property and surrounding area between the dates of 2005 and 2006.

Because of: 1) the altitude at which these aerial photographs were taken; and 2) poor reproduction quality, additional details of the subject property and surrounding vicinity were not distinguishable.

5.4.2 Historical Fire Insurance Maps

Because the subject property and vicinity are generally rural and undeveloped, historical fire insurance maps showing the subject property and vicinity were not available. A "No Coverage" letter from EDR stating that the subject property is not within the Sanborn map coverage area is included within Attachment 7.

5.4.3 Property Tax File

The Leelanau County Equalization Department website was searched to obtain the property tax assessor records for the subject property. The current property tax record cards indicate that the subject property consists of eleven parcels. The subject property is currently owned by Brown Bark I LP. Copies of the property tax records can be found within Attachment 1.

Historical records kept by the Elmwood Township Tax Assessor were also reviewed as part of this ESA. According to their records the subject property was first developed in 1981 and was known as Leelanau Marine/Busy Bee Hardware and later in 1992 as Classic Building Supply. The parcel (Lot 068-10) contained four buildings with a showroom, hardware store, and a lumber storage area.

5.4.4 Recorded Land Title Records

A search for environmental liens was conducted by the Talon Group of Traverse City, Michigan. Information obtained during the environmental lien search indicated that no environmental liens currently exist for the common areas associated with the subject property. Documents obtained during the environmental lien search are included within Attachment 8.

5.4.5 USGS Topographic Maps

The USGS Topographic map was reviewed for this ESA and has been discussed in Section 5.3. Features of this map generally agree with those observed in the review of aerial photographs, discussed in Section 5.4.1.



5.4.6 Local City Directories

Because the subject property and vicinity are located outside the city directory coverage limits, local city directories showing the subject property and vicinity were not available.

5.4.7 Building Department Records

GCES searched the Leelanau County Construction Code Departments database for issued building permits associated with the subject property. According to representatives from the department, available records date back to 2003. There were no records listed from 2003 to present for the subject property.

5.4.8 Zoning/Land Use Records

A search of the Leelanau County Planning and Community Department records indicated no recent zoning activity associated with the subject property. According to property tax record cards maintained by the Elmwood Township Tax Assessor the subject property is currently zoned C-Commercial Land.

5.4.9 Other Historical Sources

Historical information that was obtained from four previous reports pertaining to the subject property was consulted as part of this ESA. The following summarizes the reviewed reports:

- Phase I Site Assessment Report of the Former Leelanau Marine and Busy Bee Hardware Site, March 24, 1992, prepared by Gosling Czubak Engineering Sciences. The Phase I ESA revealed physical evidence of potential environmental hazards associated with the property (formerly the Leelanau Marine/Busy Bee Hardware and Classic Building Supply Building and Property).
- Phase II Environmental Site Assessment Report of the Former Leelanau Marine and Busy Bee Hardware Site, August 24, 1992 prepared by Gosling Czubak Engineering Sciences. The Phase II Report summarized the advancement of four (4) soil borings and the collection and field analysis of four (4) soil samples from the borings. Two (2) groundwater samples were collected from temporary wells installed in two of the four soil borings. Results from the soil and groundwater samples revealed non-detectable levels of phenols and volatile aromatics (formerly the Leelanau Marine/Busy Bee Hardware and Classic Building Supply Building and Property).
- EMRO Marketing Company, Station #2301 - Off-Site Hydrogeological Investigation Report, February 1992 prepared by ASI Environmental Technologies, Ludington, Michigan. The intent of the hydrogeological investigation was to determine the vertical and horizontal extent of the



impacted groundwater. Four (4) soil borings were advanced and monitor wells were installed in the boring locations. These locations were not on the subject property, rather east of M-22. Soil and groundwater analytical results from this report did not indicate the potential migration of contaminants onto the subject property (north and adjacent to the southern adjoining property).

Attached to the February 1992 Hydrogeological Investigation Report were borings conducted on the southern adjoining property. Four (4) soil borings and two (2) temporary wells were advanced by Technical Drilling Services of Traverse City, Michigan on the property formerly known as The Crest Financial Building and property. Groundwater samples were collected and analyzed for volatile organics. Analytical results did not indicate the presence of any volatile organics.

- Phase I Environmental Site Assessment - Brewery Creek Property, July 5, 1995 prepared by Kristen L. Mannes, Traverse City, Michigan. The Phase I revealed no environmental factors that would prohibit the acquisition of the subject property (southern adjoining property-former Crest Financial Building and property).

Other historical sources were not consulted as part of this ESA.

6.0 SITE RECONNAISSANCE

The objective of the site reconnaissance is to obtain information indicating the likelihood of identifying *recognized environmental conditions* in connection with the subject property.

6.1 Methodology and Limiting Conditions

The methodology used during the site reconnaissance consisted of a site walk-over, physically observing indicators of past and current use(s) of the property and adjoining properties, geologic, hydrogeologic, hydrologic, and topographic conditions, and, potential *recognized environmental conditions*, if any, in connection with the subject property.

Ms. Meranda Lambert, Project Geologist with GCES conducted the site reconnaissance on May 31, 2012. The weather was approximately 75°F and sunny at the time of the site visit. A second site visit was made to the subject property on June 25, 2012, to further assess the wooded common areas located on the northern portion of the subject property. Copies of photographs taken during the site reconnaissance are presented in Attachment 2.



The subject property was viewed to the extent practical, by walking in a grid pattern, and using the 2009 aerial photograph to assist in evaluating and identifying physical features of the subject property.

6.2 General Site Setting

6.2.1 Current Use(s) of the Subject property

The parcels comprising the subject property total 15.09 acres. Excluded from this assessment are three parcels totaling 0.13 acres. It consists of paved roads, retention basins and street lighting. Structures are not currently located on the subject property. The property is surrounded mostly by commercial and residential development.

6.2.2 Past Use(s) of the Subject property

According to aerial photographs and property tax record cards, the property was first developed in 1981 as Classic Building Supply. A hardware store and lumber yard operated at the property until 2003 when the Brewery Creek Center Condominium complex began construction. The utilization of the property as a hardware store and lumber yard are the only known uses of the property. Prior to development in 1981 the property was vacant and covered in dense tree growth.

6.2.3 Current Use(s) of the Adjoining Properties

The current uses of the adjoining properties were discussed in Section 3.5 of this report.

Based on observations of the adjoining properties at the time of the site visit and details provided by EDR, GCES did not identify evidence of current use of these properties that would be a *recognized environmental condition* in connection with the subject property.

6.2.4 Past Use(s) of the Adjoining Properties

The past use of the adjoining properties was discussed in Section 5.4.1 of this report.

Based on observations of the adjoining properties at the time of the site visit, details provided by EDR and a review of aerial photographs, GCES did not identify evidence of historical use of these properties that would be a recognized environmental condition in connection with the subject property.

6.2.5 Current or Past Uses of the Surrounding Area

The current and past uses of the surrounding areas consist of commercial and residential development. The eastern adjoining property currently operates as a retail gas station.

Based on observations of the surrounding area at the time of the site visit, GCES did not identify evidence of current or historical use of the surrounding area that would be a *recognized environmental condition* in connection with the subject property. Information regarding the surrounding area has been presented in Section 3.5.



6.2.6 Topographic, Hydrogeologic and Other Conditions

Based on observations of the subject property at the time of the site visit, GCES did not identify evidence of physical setting, topographic, hydrogeologic, or other conditions that would be a *recognized environmental condition* in connection with the subject property. The physical setting, topographical, hydrogeologic, and other conditions of the subject property have been discussed in Section 5.3.

6.2.7 General Description of Roads and Structures

A general description of roads, structures, and other improvements to the subject property has been discussed in Section 3.4.

Based on observations of the subject property at the time of the site visit, GCES did not identify evidence of roads, structures or other improvements to the subject property that would be a *recognized environmental condition* in connection with the subject property.

6.2.8 Potable Water Supply and Sewage Disposal System

The subject property is serviced by a municipal water supply and sanitary sewer systems. Potable groundwater wells are known to have existed on the subject property and water wells in the area have been found to contain PCE and TCE. Groundwater sampling was conducted by GCES in December of 2003. Analytical results did not identify hazardous chemicals in the groundwater that would be above the residential and commercial drinking water criteria as established by the Michigan Department of Environmental Quality (MDEQ).

6.3 Exterior Observations

Based on observations of the exterior of the subject property at the time of the site visit, the following items were noted and evaluated:

6.3.1 Hazardous Substances and Petroleum Products

Hazardous substances and petroleum products were not observed on the subject property with the exception of petroleum based products identified on the western property boundary. Staining was noted within the vicinity of containers located near a boat storage area and represents an environmental threat to the subject property.

6.3.2 Storage Tanks

USTs or ASTs, including fill ports, vent pipes were not observed on the subject property.

6.3.3 Odors, Pools of Liquid

Odors, pools of liquid or other evidence of environmental concerns were not observed on the subject property.



6.3.4 Drums and Other Containers

Drums or other containers were not observed on the subject property with the exception of a five-gallon gasoline can located in the wooded common area on the northern portion of the subject property. Staining was not noted within the vicinity of the gas can.

6.3.5 PCBs

Electrical or hydraulic equipment known, suspected, or likely to contain PCBs was not observed on the subject property.

6.3.6 Pits, Ponds, Lagoons

Pits, ponds, or lagoons, particularly used in connection with waste disposal or waste treatment systems, were not observed on the subject property.

6.3.7 Stained Soils or Pavement, and Stressed Vegetation

Stained soils, pavement, or stressed vegetation were observed on the subject property. Staining was noted within the vicinity of containers on the western property boundary near a boat storage area. The staining appears to be petroleum based and represents an environmental threat to the subject property.

6.3.8 Solid Waste and Wastewater

Evidence of solid waste disposal was not observed on the subject property. GCES did not observe evidence of disposal of hazardous materials or petroleum products during site reconnaissance. An old tub was identified at the edge of the tree line on the northern portion of the conservation easement. A second buried tub was identified on the northern portion of the subject property within the wooded common areas. The tub within the common area was buried to ground level and was filled with standing water. Staining and or indications of hazardous material use were not noted within the vicinity of either tub.

Remnants of an old dock were identified on Unit 13 and included wood and metal. Staining and or indications of hazardous material use were not noted within the vicinity of the dock debris.

6.3.9 Well and Septic Systems

The subject property is serviced by a municipal water supply and sanitary sewer systems. No evidence of historic septic systems was observed throughout the exterior of the subject property. Seven 1" PVC well screens/piezometers were identified on the northern portion of the subject property. The piezometers run east to west through the wooded common area.



6.4 Interior Observations

No structures are currently located on the subject property; therefore, interior observations were not made.

7.0 INTERVIEWS

The objective of interviews is to obtain information regarding the subject property that may indicate the presence of a *recognized environmental condition* in connection with the subject property.

7.1 Interview with Current and Past Owner

Current Owner Interview

Tracy Weakley, a representative with the Brown Bark I LP, completed the Environmental Site Assessment Questionnaire form on June 20, 2012. A copy of this form is presented in Attachment 4. The answers provided by Tracy Weakley did not provide evidence of the presence of *recognized environmental conditions* associated with the subject property.

Previous Owner Interview

GCES did not conduct interviews with any former owners for this Phase I ESA.

7.2 Interview with Site Manager

An interview was conducted with a current property representative who acts as the site manager for the subject property. Details of the interview are included within Section 7.1.

7.3 Interview with Occupants

The subject property is currently unoccupied.

7.4 Interview with Local Government Officials

The following local municipal agencies were contacted to obtain additional information regarding the current and historical uses of the subject property and the potential presence of conditions indicating a *recognized environmental condition* in connection with the subject property.

- Leelanau County Environmental Health Department,
Phone (231) 256-0200; and



- Elmwood Township Fire Department,
Phone (231) 941-1647; and
- Leelanau County Equalization Department
Phone (231) 256-9823; and
- Elmwood Township Tax Assessor
Phone (231) 946-0921.

The agencies identified above did not have immediate knowledge or records of *recognized environmental conditions* regarding the subject property.

7.5 Interview with Others

No other persons with knowledge of the subject property were interviewed for purposes of this report.

8.0 FINDINGS

Gosling Czubak Engineering Sciences, Inc. (GCES) has conducted a Phase I ESA for the Brewery Creek Center Condominium property in Traverse City, MI.

The Phase I ESA **has revealed evidence** of a current or historical *recognized environmental condition* (REC) or potential environmental concern associated with the subject property. The following REC was identified at the time of the site visit:

- Petroleum based products were noted on the western portion of the subject property. Staining was noted within the vicinity of containers located near a boat storage area, indicating that a recent release of hazardous substances onto the subject property has occurred. The staining represents an environmental threat to the subject property.

9.0 OPINION

9.1 Opinion

Evidence of current or historical *recognized environmental conditions*, or known or suspect environmental conditions associated with the subject property, **has been** identified. It is GCES's professional opinion that there are concerns of a threat of environmental impact associated with the subject property. This opinion is based upon interviews, historical research, and the site assessment.



9.2 Additional Investigation

Additional environmental investigation is warranted at this time.

9.3 Data Gaps

No significant data gaps associated with information related to the development of the subject property were noted. The subject property was documented to be undeveloped as early as 1938. The first known development to have occurred on the subject property was in 1981. Any historical information previous to 1938 that would be reasonably ascertainable, publicly available and practically reviewable was not available at the time of this report. Aerial photographs, interviews, and property tax record cards all provided a detailed account of the historical use of the parcel from 1938 to present.

Information related to the use of the subject property prior to 1938 was not reviewed as part of this Phase I ESA.

9.4 Signature of Environmental Professional

Section 14.0 of this report contains the signature of the environmental professionals involved with the preparation of this report.

9.5 Environmental Professional Statement

I, Meranda F. Lambert, declare that, to the best of my professional knowledge and belief, I meet the definition of an environmental professional as defined in Section 312.10 of 40 CFR Part 312 and that I have specific qualifications based on education, training and experience to assess a property of the nature, history, and setting of the subject property. I have developed and performed the all appropriate inquiries in the conformance with the standards and practices set forth in the 40 CFR Part 312.

10.0 CONCLUSIONS

GCES has performed this Phase I ESA of the subject property in conformance with ASTM Standard Practice E 1527-05. Any exceptions to, or deletions from this practice are described in Section 11.0 of this report. This Phase I ESA **has revealed evidence** of a *recognized environmental condition* in connection with the subject property.

10.1 Compliance with Activity and User Limitations (AULs)

Data from agency records related to AULs is provided through a search of environmental records meeting or exceeding the specific requirements of ASTM Standard Practice for Environmental Site Assessments, E1527-05. The database search for Engineering and Institutional Controls was prepared by EDR of Milford, Connecticut. The search of available databases did not identify any such controls in



association with the subject property.

11.0 DEVIATONS

Access to the subject property was not limited at the time of the site visit. The property was viewed to the extent practical.

12.0 ADDITIONAL SERVICES

No additional services contracted between GCES and our client, Elmwood Township, were undertaken in conjunction with the completion of this Phase I ESA.

13.0 REFERENCES

The following published sources were used in preparing this Phase I ESA report:

- USGS Topographic Map, 7.5-minute, Traverse City SW, Michigan Quadrangle - CD and software published by Maptech, Inc.;
- Environmental Database Report, Government Records Search, Instant Online Report - published by EDR;
- Historical Aerial Photographs – provided by EDR;
- Sanborn Map Search Results – provided by EDR;
- Property Tax Assessor Cards and Legal Description – published by the Leelanau County Equalization Department and the Elmwood Township Tax Assessor; and
- Environmental Lien Search- provided by the Talon Group.
- Previous Environmental Site Assessments:

"Phase I Site Assessment Report of the Former Leelanau Marine and Busy Bee Hardware Site - Traverse City, Michigan," prepared by GCES, dated March 24, 1992.

"Phase II Environmental Site Assessment Report of the Former Leelanau Marine and Busy Bee Hardware Site - Traverse City, Michigan," prepared by GCES, dated August 24, 1992.



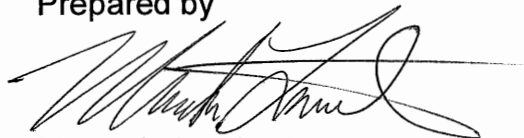
"Phase I Environmental Site Assessment - Brewery Creek Property, July 5, 1995," prepared by Kristen L. Mannes, Traverse City, Michigan.

"EMRO Marketing Company, Station #2301 - Off-Site Hydrogeological Investigation Report, February 1992," prepared by ASI Environmental Technologies, Ludington, Michigan.

14.0 SIGNATURES OF ENVIRONMENTAL PROFESSIONALS

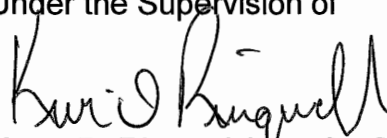
This Phase I Environmental Site Assessment was:

Prepared by



Meranda Lambert
Project Geologist

Under the Supervision of



Kevin D. Ringwelski, P.G., C.P.G.
Director of Environmental Services

15.0 QUALIFICATIONS OF ENVIRONMENTAL PROFESSIONAL

Qualifications: Ms. Meranda F. Lambert received her Bachelor of Science Degree in Geology in 2002, from Western Michigan University in Kalamazoo, MI. Over the past 10 years, Ms. Lambert has performed several Environmental Transaction Screens, Phase I and II Environmental Site Assessments, Baseline Environmental Assessments and NEPA compliance documentation. She has a working knowledge of current environmental regulations as well as the necessary skills to complete field reconnaissance, testing, data recovery, monitoring, site recording, and mapping. Ms. Lambert has completed HAZWOPER (40-Hour) training, and has been trained to identify and recognize the necessity for the sampling of asbestos-containing building materials.

Qualifications: Mr. Kevin Ringwelski is a geologist with over 25 years experience in environmental consulting. He is a Certified Professional Geologist by the American Institute of Professional Geologists, is a Professional Geologist registered in the State of Wisconsin, and is a Certified Underground Storage Tank Professional in the State of Michigan. Mr. Ringwelski has performed hundreds of Environmental Site Assessments for municipal, commercial, industrial and private clients throughout Michigan. In addition to performing environmental site assessments, Mr. Ringwelski prepares hydrogeological work plans, performs hydrogeological and remedial investigations, evaluates remedial alternatives, and prepares and implements corrective action plans for sites of environmental contamination.

