



October 6, 2023

Tim Cypher  
Zoning Administrator-Kasson Township  
PO Box 226  
Lake Leelanau, MI 49653

Re: Leelanau Redi-Mix, LLC extraction SUP renewal-Kasson Township

Mr. Cypher,

Enclosed please find the application for the special use permit renewal for Leelanau Redi-Mix, LLC's properties, 045-007-028-003-00 and 045-007-027-006-00. Nothing has changed related to the SUP since the last renewal. I have enclosed a copy of the application, proof of ownership, the legal description, a copy of the correspondence regarding the assignment of the performance guarantee approved by the Township and the renewal fee of \$150.00. Please confirm that the application will be placed on the October 16, 2023 agenda for initial review and November 20, 2023 for final consideration.

Please let me know when you plan to do a site visit so I can relay that information to my client. I believe you will find the enclosed otherwise self-explanatory. However, should you have any questions please feel free to contact me.

Sincerely,

KUHN ROGERS PLC

A handwritten signature in blue ink, appearing to read 'Marc S. McKellar II'.

Marc S. McKellar II  
Direct Dial: (231) 947-7901 x106  
msm@kuhnrogers.com

MSM

**KASSON TOWNSHIP  
PLANNING/ZONING APPLICATION**

- CONCEPTUAL DEVELOPMENT PLAN REVIEW (PLANNED DEVELOPMENT)
- DEVELOPMENT SITE PLAN REVIEW
- SPECIAL USE PERMIT - EARTH REMOVAL, QUARRYING, GRAVEL PROCESSING, MINING OP'S
- SPECIAL USE PERMIT - ALL OTHERS
- SPECIAL USE PERMIT RENEWAL
- REZONING PETITION
- ZONING BOARD OF APPEALS PETITION

In addition to this application form, you must submit one or more addenda, corresponding to the box(es)

APPLICANT INFORMATION:

Name(s) LRM Holdings, LLC Phone 231-228-5005  
Street 12719 S. West-Bay Shore Dr. #12  
City Traverse City State MI Zip 49684  
Relationship of Applicant to Owner (If different) \_\_\_\_\_

OWNER INFORMATION (IF DIFFERENT FROM APPLICANT):

Name(s) LRM RE Holdings, LLC Phone 231-228-5005  
Street 12719 S. West-Bay Shore Dr. #12  
City Traverse City State MI Zip 49684

OTHER CONTACT INFORMATION (IF NECESSARY):

Name(s) \_\_\_\_\_ Phone \_\_\_\_\_  
Street \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

PROPERTY INFORMATION:

Address or Description 12488 S. Newman Rd./ S. Newman Rd.  
Tax Parcel Number 045-007-028-003-00/045-007-027-006-00 (Also attach full legal description. A copy of the deed or land contract is acceptable)

**KASSON TOWNSHIP  
PLANNING/ZONING APPLICATION**

Current Zoning:  Ag  Forest  Commercial  Gravel  HD Village  PD  SPD


Proposed Zoning:  Ag  Forest  Commercial  Gravel  HD Village  PD  SPD


**KASSON TOWNSHIP  
PLANNING/ZONING APPLICATION**

ACKNOWLEDGEMENT AND CERTIFICATION:

It is hereby acknowledged by the undersigned, that all information provided on this application, any addendum, and other supporting documentation is true and correct to the best of my(our) knowledge. In the case of a Zoning Board of Appeals Petition, it is further acknowledged that any approval of the ZBA involving site improvement, use, and/or construction does not relieve the applicant from obtaining other applicable authorizations and permits

SIGNATURES:

Applicant(s) or  Date 10/6/23  
Authorized Charles Sole  
Corporate Officer(s) Authorized member

Owner(s) or  Date 10/6/23  
Authorized Charles Sole  
Corporate Officer(s) Authorized member

**REMINDER: SUBMIT THIS APPLICATION, THE APPROPRIATE ADDENDUM, THE REQUIRED FEE, ALL ATTACHMENTS AND DRAWINGS TO EITHER THE KASSON TOWNSHIP ZONING ADMINISTRATOR OR KASSON TOWNSHIP CLERK (SEE YOUR PARTICULAR ADDENDUM).**

ZONING ADMINISTRATOR AND CLERK USE ONLY

Application ID \_\_\_\_\_  
Date and Time of Application Receipt \_\_\_\_\_ Received By \_\_\_\_\_  
Date Fee Received \_\_\_\_\_ Amount Received \_\_\_\_\_  
Date of Letter of Credit Received \_\_\_\_\_ Letter of Credit Amt \_\_\_\_\_  
Date of Letter of Credit Expiration \_\_\_\_\_

**KASSON TOWNSHIP  
PLANNING/ZONING APPLICATION  
ADDENDUM – SPECIAL USE PERMIT RENEWAL**

Prior to completing this petition, the Applicant(s) should review the Kasson Township Zoning Ordinance, in particular Chapter 7, and any other section that applies to your petition. A copy of the Ordinance may be obtained from the Kasson Township Clerk.


Applicant Name(s) LRM Holdings, LLC Tax Parcel Number 045-007-028-003-00/045-007-027-006-00

**PERFORMANCE GUARANTEE**

If the performance guarantee for this Permit is in the form of an Irrevocable Bank Letter of Credit, an updated Letter of Credit must be submitted with this application. The duration of the Letter of Credit will typically extend one year beyond the expiration of the renewed Permit (typically, Permits are granted/renewed for two years). Check with the Zoning Administrator to verify the particular requirements for this Permit.

**CERTIFICATION**

As owner or authorized corporate officer, I hereby certify that the uses of, and activities upon, the subject property continue to be in compliance with all aspects of the Kasson Township Zoning Ordinance, the Site Plan, and the previously granted Special Use Permit for this property.

  
Signature of Owner or Authorized Corporate Officer \_\_\_\_\_ Date 10/6/2023

**SUBMIT THIS APPLICATION, THE REQUIRED FEE, AND ANY  
ATTACHMENTS TO THE KASSON TOWNSHIP ZONING ADMINISTRATOR.**

**SUBMIT YOUR UPDATED LETTER OF CREDIT TO THE KASSON  
TOWNSHIP CLERK.**

## Marc S. McKellar II

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**From:** Kevin Endres <kendres@threewest.com>  
**Sent:** Thursday, April 15, 2021 10:10 AM  
**To:** Greg J. Donahue  
**Subject:** Fwd: HELP! SEE THE RED TEXT BELOW.....  
**Attachments:** 20171120\_approved(1).pdf

Kevin Endres, PE

THREE WEST, LLC  
1131 E Eighth Street  
Traverse City, MI 49686

231-534-5225 cell  
231-929-2955 office

[www.threewest.com](http://www.threewest.com)

Begin forwarded message:

**From:** Deb Brown <homeportnetwork@gmail.com>  
**Date:** April 15, 2021 at 9:25:21 AM EDT  
**To:** Kevin Endres <kendres@threewest.com>  
**Cc:** slimelake@gmail.com  
**Subject:** FW: HELP! SEE THE RED TEXT BELOW.....

Here you go.

**From:** Tim <tim@allpermits.com>  
**Sent:** Wednesday, April 14, 2021 10:22 PM  
**To:** Deb Brown <homeportnetwork@gmail.com>  
**Subject:** FW: HELP! SEE THE RED TEXT BELOW.....

Deb,

it appears that at least as far back as 2017, there was a \$10,000 CD required for an existing 4 acre excavation, and a \$7500 CD required for a (at that point not yet begun) 3 acre excavation (see attached PC minutes for some details) The "actual bond" - even though they were sometimes referred to as bonds, are actually "performance guarantees" as defined by the Zoning Ordinance, which can be received by the township in the form of cash, certified check, or bank letter of credit. We haven't found the original paperwork where those amounts were set or where the money was initially transferred, but I would assume that LRM gave the township either cash or a certified check, and Kasson Township put that into two CDs. The CDs are in the name of Kasson Township only but are held separately from other funds with the knowledge that they are a performance guarantee from LRM. These CDs go with LRM - as long as LRM wants to continue to be in operation, regardless of who owns the company.

Kasson Township will continue to hold the CDs, unless the owners of the company would like to transition to another form of performance guarantee, such as a bank letter of credit. If LRM discontinues operations, or wants to transfer to another form of performance guarantee, the CDs would be cashed out and the money (principle and any interest) returned to LRM by check. Huntington would not be aware that any sort of transfer took place - these CDs are controlled solely by Kasson Township, not LRM.

The township would hope that in your seller/buyer paperwork, they would have it determined who would retain the LRM name, as that is who the CD interest/principle would be returned to if that were ever needed/desired.

Let me know.

Thanks,

Tim

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**From:** Deb Brown <[homeportnetwork@gmail.com](mailto:homeportnetwork@gmail.com)>

**Date:** Monday, April 12, 2021 at 3:08 PM

**To:** 'Tim' <[tim@allpermits.com](mailto:tim@allpermits.com)>, Julia Carter <[carterjewels@yahoo.com](mailto:carterjewels@yahoo.com)>, <[kendres@threewest.com](mailto:kendres@threewest.com)>

**Cc:** <[cw@mwfamilyholdings.com](mailto:cw@mwfamilyholdings.com)>, <[slimelake@gmail.com](mailto:slimelake@gmail.com)>

**Subject:** Zoning -LRM - Township Bonds & SUP

Tim, The buyers and their attorney are requesting further information on the Mining bonds that are being held for Leelanau Redi-Mix. Please see below and let us know if we can get them what they need to transfer the bonds to the new entity. You had previously sent a copy of the minutes renewing the special use permit and copies of the bank statements where the money is held. Please see Mr. Donahue's questions below and let see if we can get him the information he needs. Our closing is scheduled for Friday, so any push to get this information would be appreciated. Thank you.

*These are Certificates of Deposit, not bonds. I have been told that they relate to the bonds, but I don't have a **copy of the actual bonds** for which these CDs serve as support. I also don't have the **referenced account agreement**. It appears these are in the name of Kasson Township, but is there any paperwork that ties them back to LRM. How does LRM's "interest" in these CDs transfer over to the buyer? i.e., if the bands are revoked, no longer needed, etc. how does the cash represented by the CDS make its way back to the new buyers? How does Huntington know that any sort of transfer took place?*

Best Always,

*Deb*

Deb Brown, Broker

Cell: (231) 342-9222

Office: (231) 929-9009

Home Port Network, Inc.

[homeportnetwork@gmail.com](mailto:homeportnetwork@gmail.com)

*Where a House is a Home when it shelters the body and comforts the soul.*

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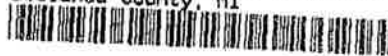


Received in Leelanau  
05/03/2021 08:00 AM

Received in Leelanau  
05/03/2021 08:00 AM

DOCUMENT NO. 2021003615

Total Pages: 3  
05/03/2021 01:49 PM Fees: \$35.00  
JENNIFER L. GRANT, Register of Deeds  
Leelanau County, MI



### WARRANTY DEED

Statutory Form, Act 187 P.A. 1881, M.S.A. 26.571

KNOW ALL MEN BY THESE PRESENTS:

That Marilyn M. Flaska, and Kathleen S. Thoreson, initial Trustees of the Marilyn M. Flaska Living Trust u/a/d 11/6/1998, now known as the Marilyn M. Flaska 2017 Trust u/a/d 9/12/2017, f/k/a the Marilyn M. Flaska Living Trust.

whose address is 8266 S. Maple City Rd., Maple City, MI 49664

Conveys and Warrants to LRM RE Holdings, LLC, a Michigan limited liability company, whose address is 12719 S. West Bay Shore Dr. #6, Traverse City, MI 49684,

the following described premises situated in the Township of Kasson, County of Leelanau, and State of Michigan, to wit:

SEE EXHIBIT A ATTACHED HERETO

The address commonly known as:  
Tax ID Number:

12488 S. Newman Road, Maple City, MI 49664  
45-007-027-006-00 & 45-007-028-003-00 /*JK*

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

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. The Grantor grants to Grantee the right to make divisions; bonus divisions, if any; and redivisions of the property as the Grantor may have under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

Subject to easements, reservations and restrictions of record.

\*\*\*Real Estate Transfer Valuation Affidavit filed\*\*\*

Dated: April 16, 2021

TAX CERTIFICATION  
LEELANAU COUNTY SUTTONS BAY MI 04/21/2021  
I hereby certify that according to our records, all taxes returned to this office are paid for five (5) years preceding the 1st day of 04/2021. This does not include taxes in the process of collection by Township, Cities, or Villages, Board of Review changes, Michigan Tax Tribunal changes, or changes due to Principal Residence Exemptions or corrections.

*Jennifer L. Grant*  
Leelanau County Treasurer

Signed and sealed:

BY: Marilyn M. Flaska  
Marilyn M Flaska, Co-Trustee

BY: Kathleen S. Thoreson  
Kathleen S. Thoreson, Co-Trustee

STATE OF MICHIGAN

COUNTY OF GRAND TRAVERSE

I, the undersigned notary hereby certify that Marilyn M. Flaska, and Kathleen S. Thoreson, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this April 16 2021

Ricky James Lovell  
Ricky James Lovell, Notary Public  
Grand Traverse County, State of MI,  
Acting in Grand Traverse County,  
My Commission Expires: 4-13-2027

Ricky James Lovell - Notary Public  
State of Michigan  
Grand Traverse County  
Acting in Grand Traverse  
My Commission Expires On 4/13/2027

(SEAL)

DRAFTED BY:  
Marilyn M. Flaska  
8266 S. Maple City Rd.  
Maple City, MI 49664

WHEN RECORDED RETURN TO:  
LRM RE Holdings, LLC  
12719 S. West Bay Shore Dr. #6  
Traverse City, MI 49684

## EXHIBIT A – LEGAL DESCRIPTION

Land, situated in the Township of Kasson, County of Leelanau, State of Michigan, described as:

### Historical Description:

#### Parcel 1:

The South 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 27, Township 28 North, Range 13 West, AND ALSO: The North 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 27, Township 28 North, Range 13 West.

AND

#### Parcel 2:

The Southeast 1/4 of the Northeast 1/4 of Section 28, Town 28 North, Range 13 West.

### Now surveyed as:

#### Parcel [1] Description:

Part of the Northwest 1/4 and Part of the Southwest 1/4 of Section 27, Town 28 North, Range 13 West, described as: Beginning at the West 1/4 corner of said section; thence North 01 degree 51'13" East along the West line of said section a distance of 658.07 feet to the North line of the South 1/2 of the Southwest 1/4 of the Northwest 1/4 of said section; thence South 86 degrees 45'49" East along said North line a distance of 1321.15 feet to the West 1/8 line of said section; thence South 01 degree 58'46" West along said West 1/8 line a distance of 657.80 feet to a point on the East-West 1/4 line of said section; thence continuing South 01 degree 58'46" West along said West 1/8 line a distance of 658.17 feet to the South line of the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of said section; thence North 86 degrees 46'28" West along said South line a distance of 1318.17 feet to West line of said section; thence North 01 degree 50'46" East along said West line a distance of 658.22 feet to the Point of Beginning.

#### Parcel [2] Description:

Part of the Northeast 1/4 of Section 28, Town 28 North, Range 13 West, described as: Beginning at the East 1/4 corner of said section; thence North 86 degrees 21'03" West along the East-West 1/4 line of said section a distance of 1324.58 feet to the East 1/8 line of said section; thence North 01 degree 56'22" East along said East 1/8 line a distance of 1315.51 feet to the North 1/8 line of said section; thence South 86 degrees 22'32" East along said North 1/8 line a distance of 1322.60 feet to the East line of said section; thence South 01 degree 51'13" West, along the East line of said section a distance of 1316.14 feet to the Point of Beginning.