



TROY CITY COUNCIL

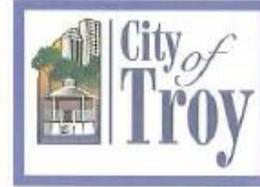
REGULAR MEETING

AGENDA

JULY 20, 2015
CONVENING AT 7:30 P.M.

Submitted By
The City Manager

NOTICE: Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk at (248) 524-3316 or via e-mail at clerk@troymi.gov at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.



TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: Brian Kischnick, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

This booklet provides a summary of the many reports, communications and recommendations that accompany your agenda. Also included are suggested or requested resolutions and/or ordinances for your consideration and possible adoption.

Supporting materials transmitted with this Agenda have been prepared by department directors and staff members. I am indebted to them for their efforts to provide insight and professional advice for your consideration.

As always, we are happy to provide such added information as your deliberations may require.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "B. Kischnick".

Brian Kischnick, City Manager



TROY CITY COUNCIL

VISION STATEMENT AND GOALS

Adopted: Monday, February 7, 2011

VISION:

To honor the legacy of the past and build a strong, vibrant future and be an attractive place to live, work, and grow a business.

GOALS:

Provide a safe, clean, and livable city

- Practice good stewardship of infrastructure
- Maintain high quality professional community oriented police and fire protection
- Conserve resources in an environmentally responsible manner
- Encourage development toward a walkable, livable community

Provide effective and efficient local government

- Demonstrate excellence in community services
- Maintain fiscally sustainable government
- Attract and support a committed and innovative workforce
- Develop and maintain efficiencies with internal and external partners
- Conduct city business and engage in public policy formation in a clear and transparent manner

Build a sense of community

- Communicate internally and externally in a timely and accurate manner
- Develop platforms for transparent, deliberative and meaningful community conversations
- Involve all stakeholders in communication and engagement activities
- Encourage volunteerism and new methods for community involvement
- Implement the connectedness of community outlines in the Master Plan 2008

Attract and retain business investment

- Clearly articulate an economic development plan
- Create an inclusive, entrepreneurial culture internally and externally
- Clarify, reduce and streamline investment hurdles
- Consistently enhance the synergy between existing businesses and growing economic sectors
- Market the advantages of living and working in Troy through partnerships

2015/2016

TOP 10 STRATEGIES

Adopted by City Council 3/9/2015

'Why'

We believe a strong community embraces diversity, promotes innovation, and encourages collaboration. We strive to lead by example within the region. We do this because we want everyone to choose Troy as their community for life. We believe in doing government the best.

1

Improve and invest in our assets, both people and infrastructure

Define our organizational culture

2

3

Consistently tell our story

Create a sense of place

4

5

Embrace a sustainable Library

Implement a Trails and Pathways Plan and increase walkability

6

7

Maintain strong Public Safety

Improve interaction online and in-person

8

9

Modernize wayfinding opportunities

Celebrate diversity

10



**CITY COUNCIL
AGENDA**
July 20, 2015 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

INVOCATION: Pastor Vincent Messina From Woodside Bible Church **1**

PLEDGE OF ALLEGIANCE: **1**

A. CALL TO ORDER: **1**

B. ROLL CALL: **1**

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS: **1**

C-1 On behalf of the City of Troy Employees' Casual for a Cause Program for the Months of March & April 2015, Community Affairs Director Cindy Stewart will Present a Check in the Amount of \$596 to Executive Director Mary Grace McCarter from Rainbow Connection (*Presented by: Cindy Stewart, Community Affairs Director*) **1**

C-2 SAFEbuilt Scholarship Presentation to Curtis Hsu and Ellen Zhang (*Introduced by Paul Featherston, SAFEbuilt Building Official and Cindy Stewart, Community Affairs Director*) **1**

D. CARRYOVER ITEMS: **1**

D-1 No Carryover Items **1**

E. PUBLIC HEARINGS: **2**

E-1 Public Hearing – Rezoning Application – File Number: Z 746 – Proposed Troy Fire Station No. 4 – North Side of Maple, East of John R (2103 and 2121 E. Maple), Section 25 from R-1E (One Family Residential) District to NN 'C' (Neighborhood Node 'C') District (*Presented by Brent Savidant, Planning Director*) **2**

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INVOCATION: Pastor Vincent Messina From Woodside Bible Church

PLEDGE OF ALLEGIANCE:

A. CALL TO ORDER:

B. ROLL CALL:

- a) Mayor Dane Slater
Jim Campbell
Steve Gottlieb
Dave Henderson
Ellen Hodorek
Ed Pennington
Doug Tietz

- b) Excuse Absent Council Members:

Suggested Resolution

Resolution #2015-07-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of _____ at the Special Study and Regular City Council Meetings of July 20, 2015, due to _____.

Yes:

No:

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 On behalf of the City of Troy Employees' Casual for a Cause Program for the Months of March & April 2015, Community Affairs Director Cindy Stewart will Present a Check in the Amount of \$596 to Executive Director Mary Grace McCarter from Rainbow Connection (*Presented by: Cindy Stewart, Community Affairs Director*)

C-2 SAFEbuilt Scholarship Presentation to Curtis Hsu and Ellen Zhang (*Introduced by Paul Featherston, SAFEbuilt Building Official and Cindy Stewart, Community Affairs Director*)

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

- E-1 Public Hearing – Rezoning Application – File Number: Z 746 – Proposed Troy Fire Station No. 4 – North Side of Maple, East of John R (2103 and 2121 E. Maple), Section 25 from R-1E (One Family Residential) District to NN ‘C’ (Neighborhood Node ‘C’) District (Presented by Brent Savidant, Planning Director)**

Suggested Resolution

Resolution #2015-07-

Moved by

Seconded by

WHEREAS, The City is in receipt of a rezoning request, from R-1E to NN (Node “C”), File Number Z-746, as demonstrated by the Ordinance to amend Chapter 39 of the Code of the City of Troy and as illustrated in the attached Certificate of Survey;

THEREFORE BE IT RESOLVED, That Troy City Council hereby **APPROVES** the proposed rezoning from R-1E to NN (Node “C”).

BE IT FINALLY RESOLVED, The Zoning District Map is hereby **AMENDED**.

Yes:

No:

- E-2 Public Hearing – Zoning Ordinance Text Amendment – File ZOTA 247 – Oil and Gas Extraction (Presented by Brent Savidant, Planning Director)**

Suggested Resolution

Resolution #2015-07-

Moved by

Seconded by

RESOLVED, That Troy City Council **SCHEDULES** a joint meeting of the City Council and Planning Commission to discuss proposed amendments to the Zoning Ordinance pertaining to the regulation of oil and gas facilities, as requested by City Management.

Yes:

No:

F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:

In accordance with the Rules of Procedure for the City Council, Article 17 – Members of the Public and Visitors:

Any person not a member of the City Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry or comment. *City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s)*

whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.

- Petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of City Council.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes to address any Public Hearing item.
- Any Troy resident or Troy business representative, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes total to address Postponed, Regular Business, Consent Agenda or Study items or any other item on the Agenda as permitted under the Open Meetings Act during the *Public Comment for Items On the Agenda from Troy Residents and Businesses* portion of the Agenda.
- Any Troy resident or Troy business representative, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes to address any topic not on the Agenda as permitted under the Open Meetings Act during the *Public Comment for Items Not on the Agenda from Troy Residents and Businesses* portion of the Agenda.
- Any member of the public who is not a Troy resident or Troy business representative shall be allowed to speak for up to three (3) minutes to address any topic on or not on the Agenda as permitted under the Open Meetings Act during the *Comments for Items On or Not On the Agenda from Members of the Public Outside of Troy (Not Residents of Troy and Not From Troy Businesses)* portion of the Agenda.
- All members of the public who wish to address the Council at a meeting shall be allowed to speak only if they have signed up to speak within thirty minutes before or within fifteen minutes after the meeting's start time. Signing up to speak requires each speaker provide his or her name and residency status (Troy resident, non-resident, or Troy business owner). If the speaker is addressing an Item (or Items) that appear on the pre-printed agenda, then the speaker shall also identify each such agenda item number(s) to be addressed.
- City Council may waive the requirements of this section by a majority vote of the City Council members.
- Agenda items that are related to topics where there is significant public input anticipated should initiate the scheduling of a Special meeting for that specific purpose.

The following has been approved by Troy City Council as a statement of the rules of decorum for City Council meetings. The Mayor will also provide a verbal notification of these rules prior to Public Comment:

The audience should be aware that all comments are to be directed to the Council rather than to City Administration or the audience. Anyone who wishes to address the Council is required to sign up to speak within thirty minutes before or within fifteen minutes of the start of the meeting. There are three Public Comment portions of the Agenda. For Items On the Agenda, Troy Residents and Business Owners can sign up to address Postponed, Regular Business, Consent Agenda, or Study items or any other item on the Agenda. Troy Residents and Business Owners can sign up to address all other topics under Items Not on the Agenda. All Speakers who do not live in Troy or own a Troy business may sign up to speak during the Comments on Items On and Not On the Agenda from Members of the Public Outside of Troy. Also, there is a timer on the City Council table in front of the Mayor that turns yellow when there is one minute of speaker time remaining, and turns red when the speaker's time is up.

In order to make the meeting more orderly and out of respect, please do not clap during the meeting, and please do not use expletives or make derogatory or disparaging comments about any one person or group. If you do so, then there may be immediate consequences, including having the microphone turned off, being asked to leave the meeting, and/or the deletion of speaker comments for any re-broadcast of the meeting. Speakers should also be careful to avoid saying anything that would subject them to civil liability, such as slander and defamation.

Please avoid these consequences and voluntarily assist us in maintaining the decorum befitting this great City.

G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:

H. POSTPONED ITEMS:

H-1 No Postponed Items

I. REGULAR BUSINESS:

I-1 Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – None

a) Mayoral Appointments: None

b) City Council Appointments: None

I-2 Board and Committee Nominations: a) Mayoral Nominations – Brownfield Redevelopment Authority, Local Development Finance Authority (LDFA), Planning Commission; b) City Council Nominations – Charter Revision Committee, Historic District Commission, Traffic Committee

a) Mayoral Nominations:

Suggested Resolution

Resolution #2015-07-

Moved by

Seconded by

RESOLVED, That the Mayor of the City of Troy hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

Brownfield Redevelopment Authority

Appointed by Mayor

7 Regular Members

3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 2	Notes 3
Dziurman	Theodore	5/7/2017	4/30/2015	BCBA exp 1/1/2020	NO Reappointment
Kerwin	Mary	1/16/2017	4/30/2017		
Kornacki	Rosemary	12/12/2015	4/30/2017		
Swartz	Robert D.	12/16/2017	4/30/2017		
Vacancy			4/30/2016	Bruce Wilberding's unexpired term.	
Vassallo	Joseph J.	5/7/2017	4/30/2018		

Nominations to the Brownfield Redevelopment Authority:

Term Expires: 4/30/2018

Term currently held by: Vacancy – Bruce Wilberding's unexpired term (resigned 4/11/2014)

Term Expires: 4/30/2018

Term currently held by: Theodore Dziurman

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1
Salgat	Charles	5/20/2017	

Local Development Finance Authority (LDFA)

Appointed by Mayor
5 Regular Members
Staggered 4 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 3
Beltramini	Robin	4/4/2016	6/30/2018	Resident Member	
Hodorek	Ellen		11/13/2017		
Hoef	Paul V.	5/1/2017	6/30/2015	Resident Member	Requests Reappointment
Kidder	Michael	1/13/2009	6/30/2015	Member	
Sharp	John	7/15/2013	6/30/2016	Resident Member	
Shields	David	6/14/2014	6/30/2016	Member	
Slater	Dane		11/9/2015	Alternate	

Spanos	Irene				
Vitale	Nickolas	4/27/2017	6/30/2015	Resident Member	Requests Reappointment

Nominations to the Local Development Finance Authority (LDFA):

Term Expires: 6/30/2019 **(Resident Member)**

Term currently held by: Paul V. Hoef

Term Expires: 6/30/2019 **(Member)**

Term currently held by: Michael Kidder

Term Expires: 6/30/2019 **(Resident Member)**

Term currently held by: Nickolas Vitale

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1
McCown	Paul D.	7/10/2015	
Schick	Michael	1/13/2017	
Sinutko	Jaime	8/5/2016	

Planning Commission

Appointed by Mayor
9 Regular Members
3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 2	Notes 3
Apahidean	Ollie	11/22/2015	12/31/2017		
Boudon	Frank	6/17/2016	7/31/2015	STUDENT	NO Reappointment
Brikho	Frencheska	3/23/2017	7/31/2016	STUDENT	
Crusse	Karen	11/13/2016	12/31/2017		
Edmunds	Donald	11/15/2012	12/31/2016	EDC EXP 4/30/2014;	Requests Reappointment
Hutson	Michael	9/4/2014	12/31/2015	Sust Design Rev Comm-Ad Hoc	
Krent	Thomas	9/20/2015	12/31/2016		Requests Reappointment

Kuppa	Padma	12/18/2016	12/31/2016		
Sanzica	Philip	9/24/2014	12/31/2015	PC Rep On Zba	
Strat	Thomas	10/15/2016	12/31/2017	Sust Design Rev Comm-Ad Hoc	Resigned 7/15/15
Tagle	John	9/12/2014	12/31/2015		

Nominations to the Planning Commission:

Unexpired Term Expiring: 12/31/2017

Term currently held by: Thomas Strat resigned
7/15/2015

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1	Notes 2
Desmond	Thomas	10/21/2016		
Faison	Carlton	7/1/2017		
Kaltsounis	Orestis Rusty	12/12/2015		P&R Bd exp 9/30/2015; ZBA (Alt.) exp 1/31/2015
Kaltsounis	Andrew	10/15/2016		Liquor Advisory Comm. exp 1/31/2016
Lambert	Dave	3/10/2016		ZBA exp 4/30/2014
Schick	Michael	1/13/2017		
Slifkin	Elizabeth	3/24/2017	STUDENT	
Talarico	Paula	1/8/2017		
Wilsher	Cynthia	10/9/2016		

Yes:

No:

b) City Council Nominations:

Suggested Resolution

Resolution #2015-07-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

Charter Revision Committee

Appointed by Council
7 Regular Members
3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1
Berk	Robert	2/27/2015	4/30/2016	
Bernardi	Maryann	11/18/2013	4/30/2015	NO Reappointment
Bliss	Daniel	11/16/2013	4/30/2015	NO Reappointment
Howrylak	Frank	2/1/2014	4/30/2017	
Kanoza	Shirley	2/21/2015	4/30/2016	
Weisgerber	William	11/17/2013	4/30/2015	NO Reappointment
Wilsher	Cynthia	2/27/2016	4/30/2017	

Nominations to the Charter Revision Committee:**Term Expires: 4/30/2018**

Term currently held by: Maryann Bernardi

Term Expires: 4/30/2018

Term currently held by: Daniel Bliss

Term Expires: 4/30/2018

Term currently held by: William Weisgerber

Interested Applicants:

No applicants on file.

Historic District Commission

Appointed by Council
7 Regular Members
3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 2	Notes 3
Chambers	Barbara	12/20/2015	3/1/2017		
McCown	Paul	7/10/2015	3/1/2017	ZBA (ALT) exp 1/31/2018	
McGee	Timothy	8/13/2014	5/15/2018		

Petrulis	Al	1/8/2016	3/1/2017	ACAB exp 9/30/2015; Traffic Comm. exp 1/31/2017	
Schuchter	Doris	11/22/2013	5/15/2015	Historical Society Recommendation	NO Reappointment
Talarico	Paula	1/8/2017	3/1/2018		
Voigt	W. Kent	1/23/2015	3/1/2016		

Nominations to the Historic District Commission:

Term Expires: 5/15/2018

Term currently held by: Doris Schuchter

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1
Adams	John	12/19/2016	
Huber	Laurie	6/10/2017	P&R Bd. exp 9/30/2015
Salgat	Charles	5/20/2017	

Liquor Advisory Committee

Appointed by Council
7 Regular Members
3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 3
Comiskey	Ann M.	3/18/2016	1/31/2018		
Ehlert	Max K.	11/5/2016	1/31/2018		
Godlewski	W. Stan	12/14/2012	1/31/2017		
Gorcyca	David	12/6/2015	1/31/2017		
Hall	Patrick C.	12/12/2014	1/31/2016		
Huber	Robert M.	8/26/2016	7/31/2015	STUDENT	Graduated 2015
Kaltsounis	Andrew	12/13/2014	1/31/2016		
Oberski	Jeff				
Payne	Timothy P.	2/8/2014	1/31/2018		

Nominations to the Liquor Advisory Committee

Term Expires: 7/31/2016**STUDENT**Term currently held by: [Robert Huber \(Student\)](#)**Interested Applicants:**

No student applicants on file.

Parks and Recreation Board

Appointed by Council

7 Regular Members and 1 Troy School Board Member:

Regular Member: 3 Year Term / Troy School Board Member: 1 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1
Baker	Julia (Judy)	5/7/2015	9/30/2016	
Bo	Elaine			
Hauff	Gary	2/6/2014	7/31/2015	Troy School Dist. Rep. on P&R Board
Huber	Laurie	2/8/2014	9/30/2015	
Kaltsounis	Orestis Rusty	1/20/2014	9/30/2015	
McGee	Timothy	8/13/2014	9/30/2017	
Slifkin	Elizabeth	3/24/2017	7/31/2016	STUDENT
Stewart	Jeffrey	6/27/2015	9/30/2016	
Toth	Steve	10/3/2013	9/30/2016	
Zikakis	Janice	10/15/2016	9/30/2017	

Nominations to the Traffic Committee:**Term Expires: 7/31/2016****Troy School Dist. Rep.**Term currently held by: [Gary Hauff, Troy School Board Member](#)**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 1	Notes 2
Brandstetter	Tim	10/17/2016		Traffic Comm. exp 1/31/2018
Brikho	Frencheska	3/23/2017	STUDENT	Planning Comm. exp 7/31/2016
Regan	Kathleen	3/26/2017	STUDENT	Traffic Comm. exp 7/31/2016
Salgat	Charles	5/20/2017		
Wilsher	Cynthia	10/9/2016		

Traffic Committee

Appointed by Council
7 Regular Members
3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1
Brandstetter	Tim	10/17/2016	1/31/2018	
Easterbrook	David	12/2/2015	1/31/2016	Stevan Popovic's unexpired term
Huotari	William			Ex-Officio Member
Kilmer	Richard	12/12/2015	1/31/2017	
Mayer	Gary			Ex-Officio Member
Nelson	William			Ex-Officio Member
Petrulis	Al	1/8/2016	1/31/2017	ACAB exp 9/30/2015
Regan	Kathleen	3/26/2017	7/31/2015	Student
Vacancy			1/31/2016	O. Apahidean resigned 2/13/15
Wilsher	Cynthia	10/9/2016	1/31/2018	
Ziegenfelder	Peter	12/9/2015	1/31/2017	

Nominations to the Traffic Committee:

Term Expires: 1/31/2016

Term currently held by: Vacancy (O. Apahidean resigned 2/13/15)

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1	Notes 3
Huber	Robert	6/10/2017		

Yes:

No:

I-3 Closed Session Requested

Suggested Resolution

Resolution #2015-07-

Moved by

Seconded by

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL15.268 (e) Pending Litigation – *City of Troy v. Grand Sakwa*.

Yes:

No:

I-4 TAP Grant Presentation – Trails and Pathways (Introduced by: Kurt Bovensiepe, Public Works Manager)

Suggested Resolution

Resolution #2015-07-

Moved by

Seconded by

RESOLVED, That the City Council for the City of Troy, Oakland County, Michigan, hereby **AUTHORIZES** the City of Troy's Parks, Streets, and Drains Divisions to pursue a Transportation Alternative Program grant application for an amount not to exceed \$500,000 in local match for the first phase of a three phase project to provide a non-motorized pathway network from Troy's City Hall to the Clinton River Trail.

Yes:

No:

I-5 Standard Purchasing Resolution #1: Award to Low Bidder and Budget Amendment – Contract 15-8 Wattles Mill and Hot Mix Asphalt (HMA) Overlay (Introduced by: Steve Vandette, City Engineer)

Suggested Resolution

Resolution #2015-07-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 15-8, Wattles Mill & HMA Overlay, to *Pro-Line Asphalt Paving Corp., 11797 29 Mile Road, Washington Twp., MI, 48095* for their low total bid of \$2,183,316.97.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required such additional work is **AUTHORIZED** in an amount not to exceed 10% of the total project cost.

BE IT FINALLY RESOLVED, That Troy City Council **AMENDS** the 2016 Major Street Budget to transfer additional funds in the amount of \$540,000 to the capital budget; a copy of the bid tabulation shall be **ATTACHED** to the original Minutes of this meeting.

I-6 Resolution Concerning Fireworks (Introduced by: Lori Grigg Bluhm, City Attorney, and Gary Mayer, Chief of Police)

Suggested Resolution

Resolution #2015-07-

Moved by
Seconded by

WHEREAS, 2011 PA No. 256 amended the law concerning fireworks in the State of Michigan, and these new provisions were effective on January 1, 2012; and

WHEREAS, This law was amended in part by the passage of 2013 PA 65, but the state law still precludes local units of government from enacting legislation to totally limit the ignition, discharge or use of consumer fireworks on the day before a national holiday, the day of a national holiday, and the day after a national holiday; and

WHEREAS, The revised state fireworks statutes have resulted in many complaints and concerns being raised by a number of municipal constituents during the most recent 4th of July holiday period, and have resulted in far more fireworks related noise, litter and potential safety issues; and

WHEREAS, The statutory revisions to the state fireworks statutes have created many concerns for Michigan municipalities, including but not limited to the allowance of the storage of explosives next to residences and businesses, and the removal of local control and discretion for the ignition, discharge, and use of fireworks; and

WHEREAS, Proposed revisions have been introduced in both the State House of Representatives (HB 4367) and the State Senate (SB 0300), but action on these bills appears to have stalled.

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council strongly **URGES** the Michigan legislature to revisit and revise the state fireworks statutes, MCL 28.451 et. seq. in order to allow local units of government to carry out the obligation to preserve the quality of life and safety that its citizens expect.

BE IT FURTHER RESOLVED, That the City Clerk shall **SEND** a copy of this Resolution to all state elected officials representing any portion of the City of Troy.

Yes:
No:

I-7 Ballot Language for Library Millage Question - November 3, 2015 City General Election (Introduced by: Brian Kischnick, City Manager, Lori Grigg Bluhm, City Attorney, Aileen Dickson, City Clerk, and Cathleen Russ, Library Director)

Suggested Resolution
Resolution #2015-07-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** for placement on the ballot for the November 3, 2015 General Election, the following proposal:

CITY COUNCIL WOULD BE AUTHORIZED TO RENEW A LEVY OF 0.7 MILLS FOR FIVE YEARS FOR DEDICATED LIBRARY FUNDING WITH THE SUCCESSFUL PASSAGE OF THE FOLLOWING QUESTION:

Shall the City of Troy renew its previously authorized millage of 0.7 mills against all taxable property for a five (5) year period of time, 2016 through 2021, inclusive, for the dedicated purpose of operating and maintaining the library? 0.7 mills are equal to \$0.70 on each \$1,000.00 of taxable value. If approved, the additional millage levied will raise approximately \$3,203,233 in 2016, the first year it is levied. Millage revenue would be disbursed to the City for library purposes. Of this amount, state law requires the capture of approximately \$5,042 for Local Development Finance Authority, \$52,808 for Downtown Development Authority, and \$3,197 for Brownfield Redevelopment Authority purposes. This proposal is authorized under Section 6 of Article IX of the Michigan Constitution.

Yes _____ No _____

Yes:

No:

J. CONSENT AGENDA:

J-1a Approval of "J" Items NOT Removed for Discussion

Suggested Resolution

Resolution #2015-07-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of Item(s) _____, which shall be **CONSIDERED** after Consent Agenda (J) items, as printed.

Yes:

No:

J-1b Address of "J" Items Removed for Discussion by City Council

J-2 Approval of City Council Minutes

Suggested Resolution

Resolution #2015-07-

RESOLVED, That Troy City Council hereby **APPROVES** the following Minutes as submitted:

- a) Special City Council Meeting Minutes-Draft – July 13, 2015
- b) City Council Meeting Minutes-Draft – July 13, 2015

J-3 Proposed City of Troy Proclamations: None Submitted

J-4 Standard Purchasing Resolutions

- a) **Standard Purchasing Resolution 2: Award to Lowest Bidders Meeting Specifications – Traffic Control Signs and Posts**

Suggested Resolution
Resolution #2015-07-

RESOLVED, That Troy City Council hereby **AWARDS** one-year contracts to provide Traffic Control Signs and Posts on a proposal by proposal basis to the five (5) lowest total bidders meeting specifications for an estimated total cost of \$73,941.35; as detailed below and at unit prices contained in the bid tabulation, opened July 9, 2015, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring June 30, 2016.

Bidder	Proposal	Estimated Total
Custom Products Corp	A	\$3,391.75
Garden State Highway Products	B, C, D	\$2,932.80
Vulcan Signs	E, F, G, K	\$54,290.80
Lightle Enterprises of Ohio LLC	I	\$2,016.00
Dornbos Sign & Safety	J	\$11,310.00
Estimated Grand Total		\$73,941.35

- b) **Standard Purchasing Resolution 4: Cooperative Contract Award – Purchase of Grounds Maintenance Equipment**

Suggested Resolution
Resolution #2015-07-

RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and **AUTHORIZES** the City of Troy to purchase seven (7) pieces of Toro grounds maintenance equipment from *Spartan Distributors of Auburn Hills, Michigan*, for an estimated total cost of \$190,126.32 at Billy Casper Contract pricing; as detailed in the attached tabulation which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon the contractor’s submission of properly executed bid documents, including insurance certificates, and all other specified requirements.

J-5 Private Agreement – Contract for Installation of Municipal Improvements Hunters Park 2 Site Condominiums – Project No. 15.904.3

Suggested Resolution

Resolution #2015-07-

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Mondrian Properties Hunters Park 2, LLC for the installation of Water Main, Sanitary & Storm Sewer, Concrete Pavement and Sidewalk, and the Mayor and City Clerk are **AUTHORIZED** to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-6 Relocation of Election Precincts 19 and 28Suggested Resolution

Resolution #2015-07-

RESOLVED, That Troy City Council hereby **APPROVES** the request to relocate voting precincts #19 and #28 from Christ Our Light! Catholic Church, 3077 Gloucester, to Lutheran Church of the Master, 3333 Coolidge Highway, beginning with the November 3, 2015 City General Election, as recommended by City Management.

J-7 Request to Accept an Offer to Purchase a City-Owned Remnant Parcel on Livernois Road at Cutting, Section 10 – Sidwell #88-20-10-101-018Suggested Resolution

Resolution #2015-07-

WHEREAS, Troy City Council Resolution #2014-04-040 approved the sale of the City owned remnant parcel having Sidwell #88-20-10-101-018 without obtaining a sealed bid;

NOW THEREFORE BE IT RESOLVED, That Troy City Council **APPROVES** the sale of the remnant parcel, described in the Offer to Purchase attached hereto, to Walter E. Boyd for \$30,000.00.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Engineering Department to expend the necessary closing costs to complete this sale.

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the Agreement to Purchase and the Warranty Deed, on behalf of the City.

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said documents, including all attachments, at the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to and made a part of the original Minutes of this meeting.

J-8 Request for Acceptance of Two Permanent Easements from Troy Market Homes, LLC – Sidwell #88-20-27-180-030Suggested Resolution

Resolution #2015-07-

RESOLVED, That City Council hereby **ACCEPTS** two permanent easements for sidewalks and storm sewers & surface drainage from *Troy Market Homes, LLC*, owner of the property having Sidwell #88-20-27-180-030.

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the permanent easements with Oakland County Register of Deeds, copies of which shall be **ATTACHED** to the original Minutes of this meeting.

J-9 Request for Acceptance of a Permanent Easement from Michigan United Holdings, Inc. – Sidwell #88-20-27-180-028

Suggested Resolution
Resolution #2015-07-

RESOLVED, That City Council hereby **ACCEPTS** A permanent easement for sidewalks from *Michigan United Holdings, Inc.*, owner of the property having Sidwell #88-20-27-180-028, and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the permanent easement with Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-10 Request for Acceptance of a Permanent Easement from Michigan United Holdings, Inc. – Sidwell #88-20-27-180-031

Suggested Resolution
Resolution #2015-07-

RESOLVED, That City Council hereby **ACCEPTS** a permanent easement for sidewalks from *Michigan United Holdings, Inc.*, owner of the property having Sidwell #88-20-27-180-031.

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the permanent easement with Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-11 Request for Acceptance of Two Permanent Easements from Srinivas Locula and Haripriya Locula – Sidwell #88-20-27-180-029

Suggested Resolution
Resolution #2015-07-

RESOLVED, That City Council hereby **ACCEPTS** two permanent easements for sidewalks and storm sewers & surface drainage from *Srinivas Locula and Haripriya Locula*, owners of the property having Sidwell #88-20-27-180-029.

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the permanent easements with Oakland County Register of Deeds, copies of which shall be **ATTACHED** to the original Minutes of this meeting.

J-12 Private Agreement – Contract for Installation of Municipal Improvements – Multi-Tenant Development – Project No. 15.906.3

Suggested Resolution
Resolution #2015-07-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and *Alrig USA*, is hereby **APPROVED** for the installation of sanitary sewer, storm sewer, sidewalks, paving, soil erosion and landscaping, and the Mayor and City Clerk are **AUTHORIZED** to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-13 Request to Vacate a Portion of an Existing Public Utility Easement – Sidwell #88-20-21-326-014

Suggested Resolution
Resolution #2015-07-

RESOLVED, That Troy City Council hereby **VACATES** a portion of a public utility easement as recorded in Liber 43410, Page 099 by Quit Claim Deed.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute Quit Claim Deeds conveying interest of the vacated portion of the public utility easement to the property owners, *Galleria of Troy, LLC*, for the property having Sidwell #88-20-21-326-014.

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED** to record the Quit Claim Deed with Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-14 Resolution Calling Public Hearings Regarding Approval of District Boundary Amendments and Approval of the Amended, Restated and Extended Development Plan and Tax Increment Financing Plan of the Cities of Southfield and Troy Joint Local Development Finance Authority

Suggested Resolution
Resolution #2015-07-

WHEREAS, The City of Troy (“Troy”) and the City of Southfield (“Southfield”) have previously established the Cities of Southfield and Troy Joint Local Development Finance Authority (the “Authority”), a multi-jurisdictional local development finance authority under the provisions of Act 281, Public Acts of Michigan, 1986, as amended (“Act 281”); and

WHEREAS, The Authority currently exercises its powers within the authority district (the "Authority District") identified in the Development Plan and Tax Increment Financing Plan previously approved by the Authority, Troy and Southfield (the "Current Plan"); and

WHEREAS, The Michigan Economic Development Corporation ("MEDC") has previously designated the Authority District as a "certified technology park" (commonly known as a "SmartZone") in accordance with Act 281; and

WHEREAS, The Authority, Troy and Southfield are negotiating an agreement with the MEDC under which Troy and Southfield are authorized to amend the Current Plan to extend the duration of the Current Plan for an additional period of 15 years and to amend the boundaries of Authority District to include additional lands in Southfield that have been or that are expected to be designated as a "certified technology park" by the MEDC, all in accordance with the provisions of Act 281; and

WHEREAS, The Authority, by resolution adopted on July 14, 2015, has requested that Troy and Southfield amend the boundaries of the Authority District to include additional lands in Southfield that have been or that are expected to be designated as a "certified technology park" by the MEDC; and

WHEREAS, It is necessary to conduct a public hearing in connection with the consideration of the proposed amendments to the boundaries of the Authority District as required by Act 281; and

WHEREAS, In accordance with the provisions of Act 281, the Authority, by resolution adopted on July 14, 2015, has approved an Amended, Restated and Extended Development Plan and Tax Increment Financing Plan (the "Amended Plan"), which amends and restates and extends the duration of the Current Plan; and

WHEREAS, The Authority has submitted the Amended Plan to Troy and Southfield for consideration and approval; and

WHEREAS, It is necessary to conduct a public hearing in connection with the consideration of the Amended Plan as required by Act 281.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Determination of Necessity of Boundary Amendments. In order to encourage local development, to prevent conditions of unemployment and to promote economic growth, the City Council **DETERMINES** that it is necessary to expand the boundaries of the Authority District pursuant to the provisions of Act 281.
2. Designation of Amended District Boundaries. The amended boundaries of the Authority District in which the Authority will exercise its powers in accordance with Act 281 is hereby tentatively **DESIGNATED** to be as set forth in Exhibit A attached to this resolution and made a part hereof.

3. Public Hearing on Amended District Boundaries; Notices. There **SHALL** be a public hearing on Monday, August 24, 2015, at 7:30 p.m., prevailing Eastern Time, in the Troy City Hall to consider adoption by the City Council of a resolution amending the boundaries of the Authority District in which the Authority will exercise its powers.

The City Clerk shall cause notice of said public hearing to be published twice in a newspaper of general circulation in Troy. Each publication of the notice shall be not less than 20 days and not more than 40 days before the date set for the public hearing. The notice shall be published as a display advertisement prominent in size. The City Clerk shall also cause notice of the public hearing to be mailed not less than 20 days prior to the public hearing (i) by first class mail to all property taxpayers of record in the proposed Authority District located within Troy as shown by the most recent tax roll of Troy and (ii) by certified mail to the governing body of each taxing jurisdiction levying taxes that would be subject to capture if the Amended Plan is approved.

The notice of said public hearing shall be in substantially the form attached to this resolution as Exhibit B.

4. Acknowledgment of Amended Plan. The City Council hereby **ACKNOWLEDGES** receipt of the Amended Plan from the Authority and **DIRECTS** the City Manager or City Clerk to advise all local taxing jurisdictions of the Amended Plan and of the City Council's intention to consider approval of the Amended Plan.

5. Public Hearing on Amended Plan; Notices. There **SHALL** be a public hearing on Monday, August 24, 2015, at 7:30 p.m., prevailing Eastern Time, in the Troy City Hall to consider adoption by the City Council of a resolution approving the Amended Plan.

The City Clerk shall cause notice of said public hearing to be published twice in a newspaper of general circulation in Troy. The first publication shall be not less than 20 days before the date set for the public hearing. The notice shall be published as a display advertisement prominent in size. The City Clerk shall also cause notice of the public hearing to be mailed not less than 20 days prior to the public hearing by certified mail to the governing body of each taxing jurisdiction levying taxes that would be subject to capture if the Amended Plan is approved.

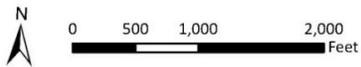
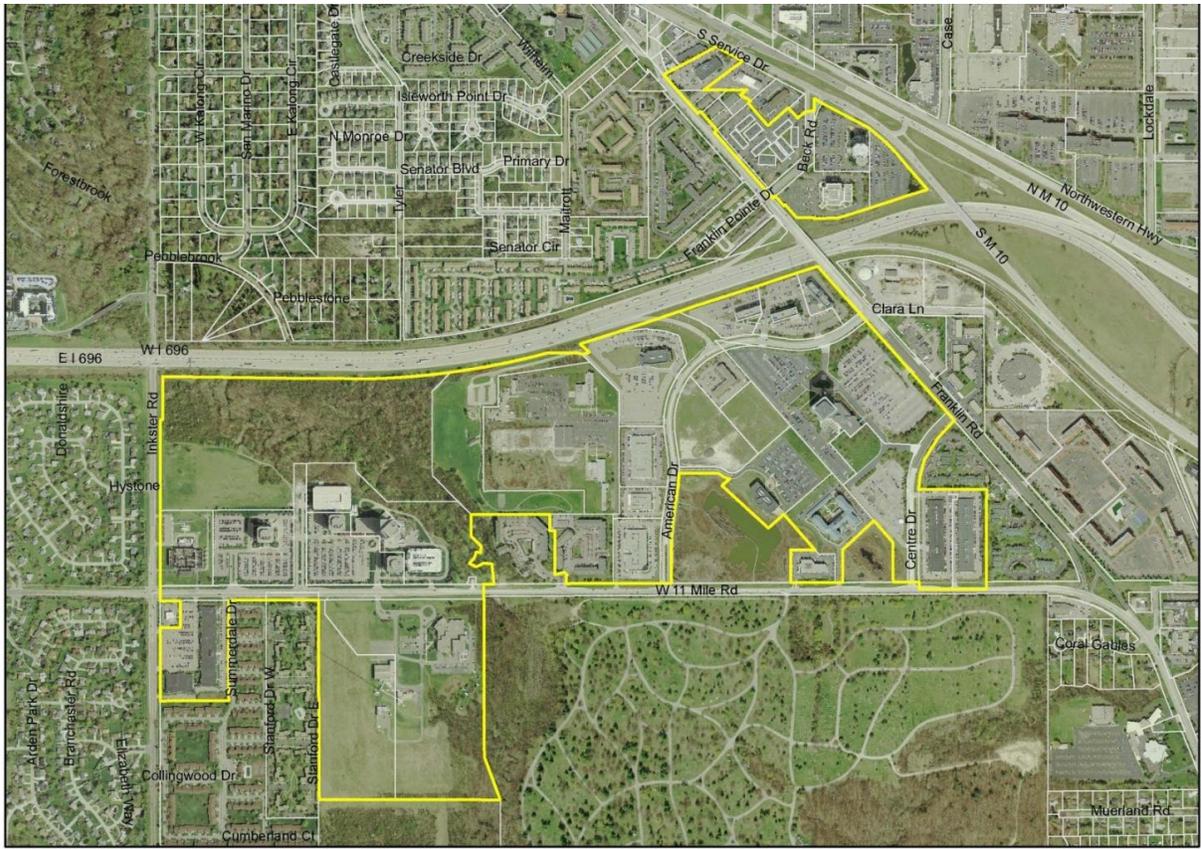
The notice of said public hearing shall be in substantially the form attached to this resolution as Exhibit C.

6. Rescission. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are **RESCINDED** to the extent of such conflict.

EXHIBIT A

DESCRIPTION OF PROPERTY TO BE INCLUDED IN THE PROPOSED AMENDED AUTHORITY DISTRICT

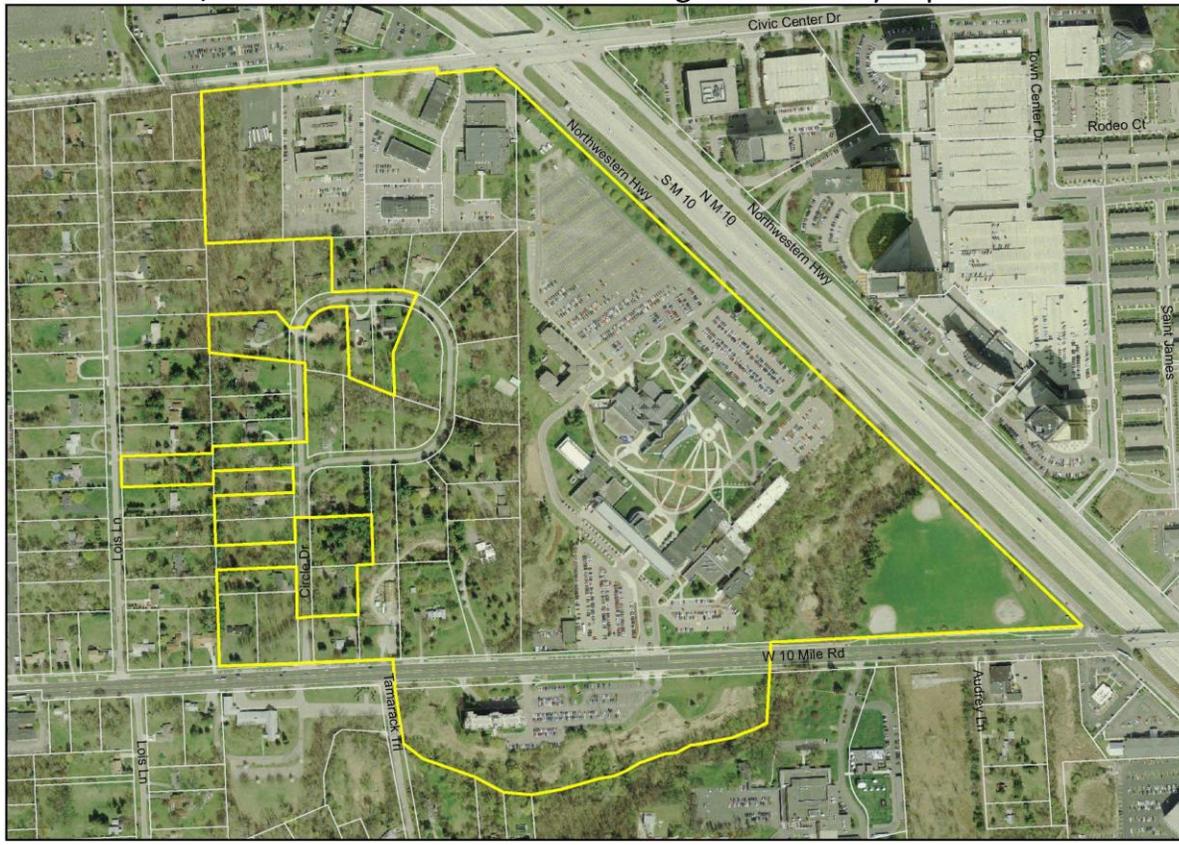
Southfield CTP



Carlisle/Wortman Associates, Inc.
Source: City of Southfield, Oakland County GIS
5/18/2015



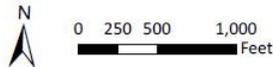
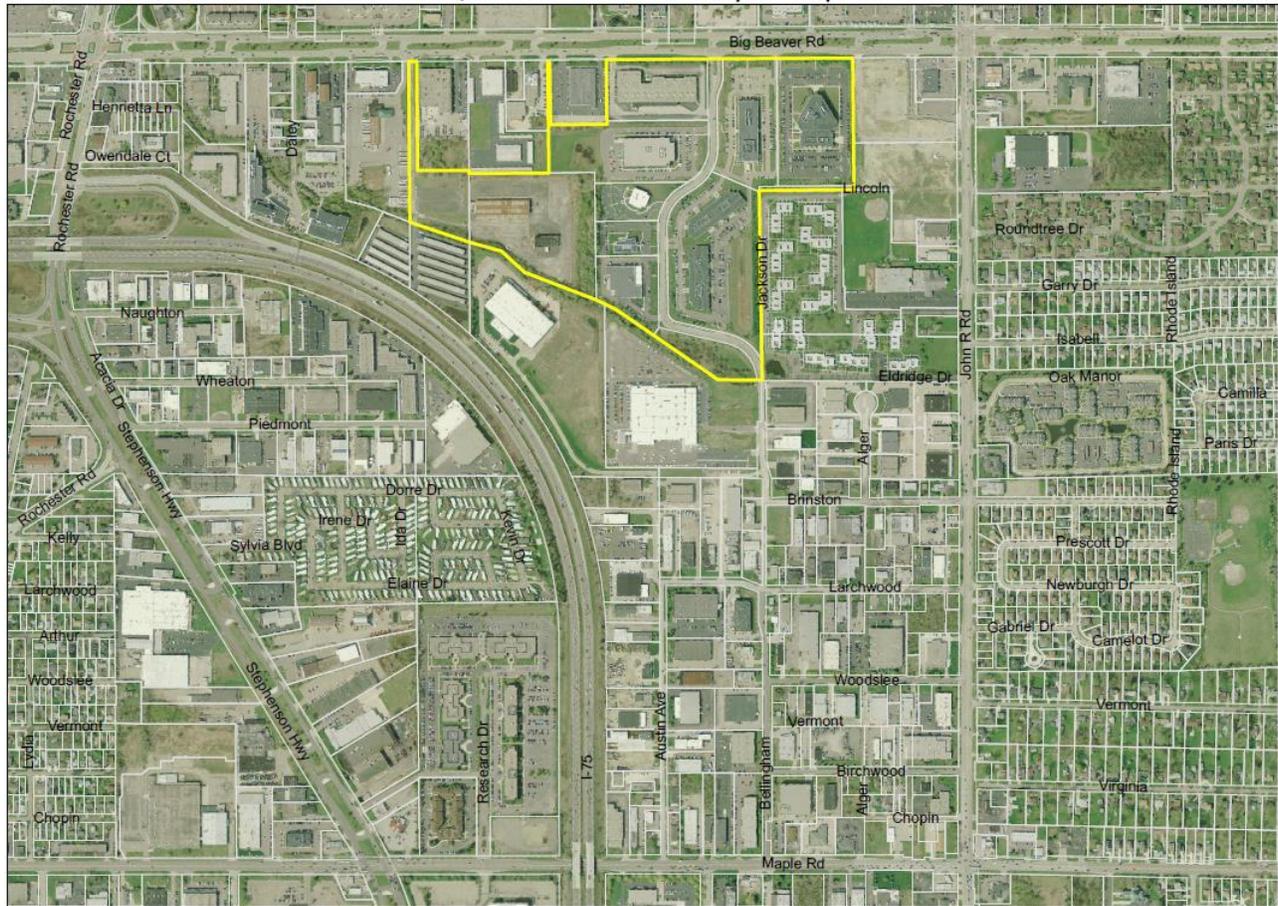
Southfield CTP – Lawrence Technological University Expansion



Carlisle/Wortman Associates, Inc.
Source: City of Southfield, Oakland County GIS
5/18/2015



Troy CTP



Carlisle/Wortman Associates, Inc.
Source: City of Troy, Oakland County GIS
7/10/2015



EXHIBIT B

FORM OF NOTICE OF PUBLIC HEARING ON
AMENDED DISTRICT BOUNDARIES

CITY OF TROY
COUNTY OF OAKLAND, STATE OF MICHIGAN

PUBLIC HEARING ON APPROVAL OF AMENDMENTS TO THE DISTRICT BOUNDARIES
OF THE CITIES OF SOUTHFIELD AND TROY
JOINT LOCAL DEVELOPMENT FINANCE AUTHORITY

NOTICE IS HEREBY GIVEN that the City Council of the City of Troy, County of Oakland, State of Michigan (the "City of Troy"), will hold a public hearing on Monday, August 24, 2015, at 7:30 p.m., prevailing Eastern Time, in the Council Chambers in City Hall located at 500 W. Big Beaver Rd., Troy, Michigan, to consider the adoption of a resolution amending the boundaries of the authority district in which the Cities of Southfield and Troy Joint Local

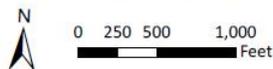
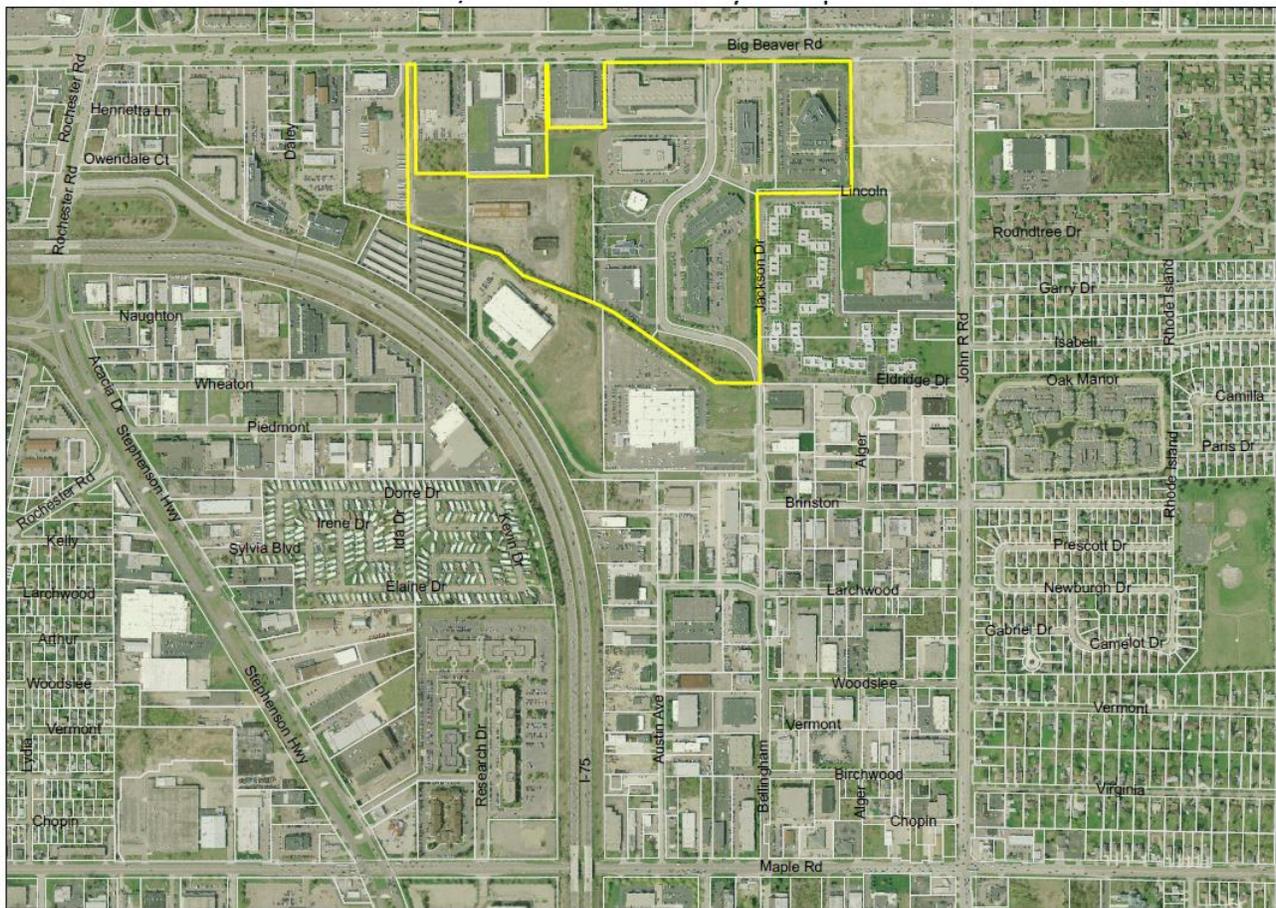
Development Finance Authority (the "Joint Authority") will exercise its powers pursuant to the provisions of Act 281, Public Acts of Michigan, 1986, as amended.

PROPOSED AMENDED DISTRICT BOUNDARIES

It is proposed that the current district boundaries of the Joint Authority be amended to include additional lands located in the City of Southfield, County of Oakland, State of Michigan (the "City of Southfield"). If approved by the City Council of the City of Troy and by the City Council of the City of Southfield, the amended boundaries of the district in which the Joint Authority will exercise its powers will consist of the following areas in the City of Troy and in the City of Southfield:

In the City of Troy:

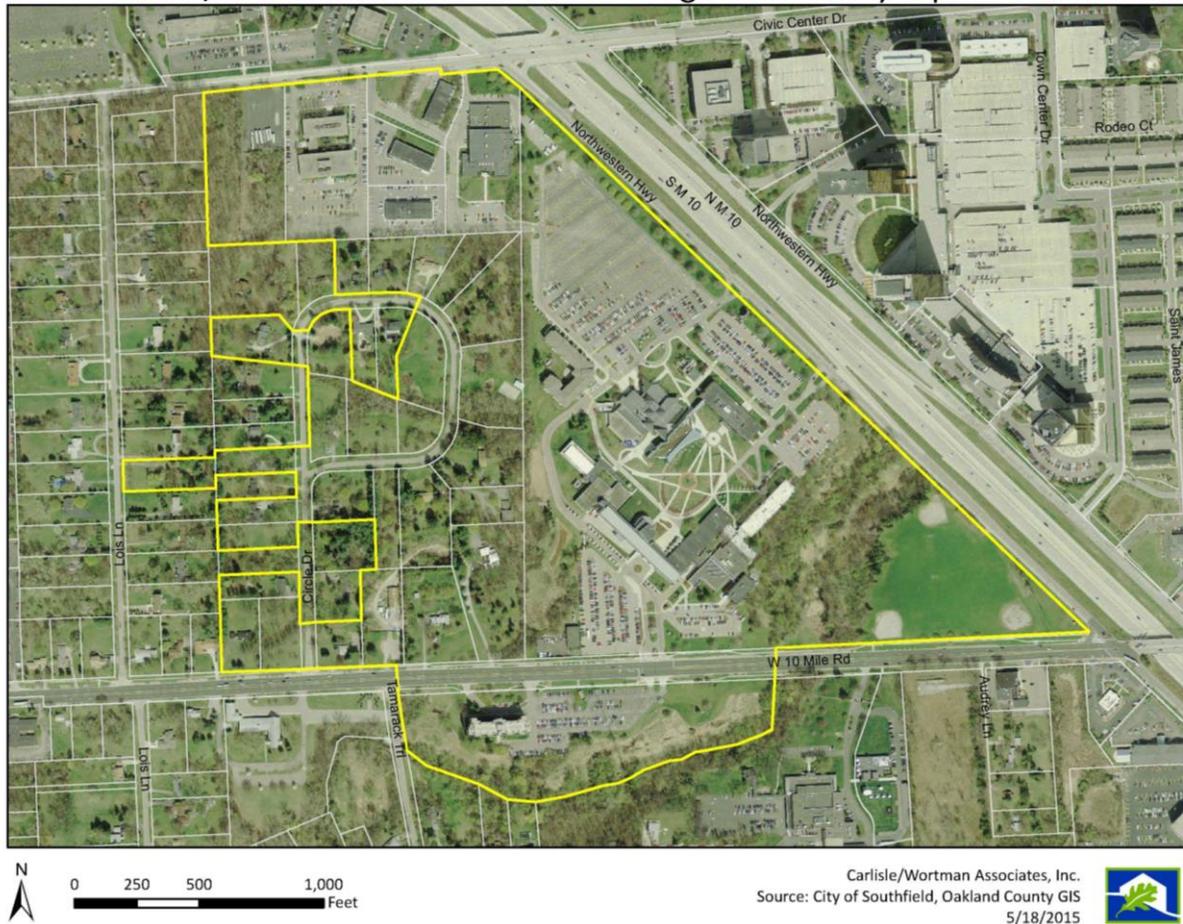
Troy CTP



Carlisle/Wortman Associates, Inc.
Source: City of Troy, Oakland County GIS
7/10/2015



Southfield CTP – Lawrence Technological University Expansion



A legal description of the proposed amended district boundaries of the Joint Authority is on file at the office of the City Clerk of the City of Troy for public inspection during normal business hours.

At the public hearing, all residents, taxpayers, property owners from a taxing jurisdiction in which the proposed amended district boundaries is located or an official from a taxing jurisdiction with millage that would be subject to capture desiring to address the City Council shall be afforded an opportunity to be heard in regard to the approval of the proposed amended district boundaries of the Joint Authority.

FURTHER INFORMATION may be obtained from the office of the City Clerk, 500 W. Big Beaver Rd., Troy, Michigan 48084.

This notice is given by order of the City Council of the City of Troy pursuant to Act 281, Public Acts of Michigan, 1986, as amended.

Aileen Dickson, CMC
 City Clerk
 City of Troy

EXHIBIT C

FORM OF NOTICE OF PUBLIC HEARING ON
AMENDED PLAN

CITY OF TROY
COUNTY OF OAKLAND, STATE OF MICHIGAN

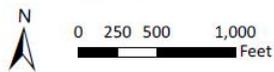
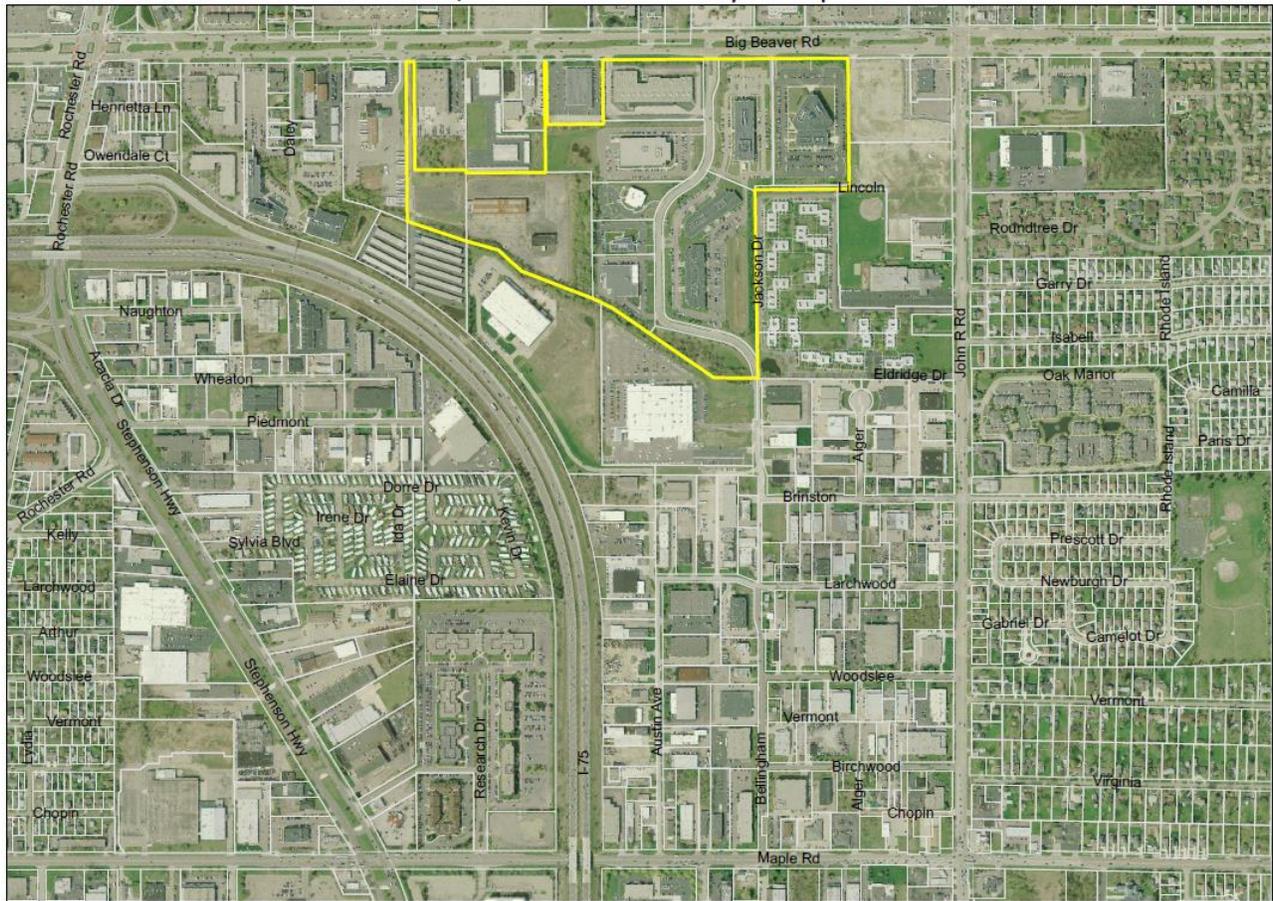
PUBLIC HEARING ON APPROVAL OF THE AMENDED, RESTATED AND EXTENDED
DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN OF THE
CITIES OF SOUTHFIELD AND TROY
JOINT LOCAL DEVELOPMENT FINANCE AUTHORITY

NOTICE IS HEREBY GIVEN that the City Council of the City of Troy, County of Oakland, State of Michigan (the "City of Troy"), will hold a public hearing on Monday, August 24, 2015, at 7:30 p.m., prevailing Eastern Time, in the Council Chambers in City Hall located at 500 W. Big Beaver Rd., Troy, Michigan, to consider the adoption of a resolution approving the Amended, Restated and Extended Development Plan and Tax Increment Financing Plan (the "Amended Plan") of the Cities of Southfield and Troy Joint Local Development Finance Authority (the "Joint Authority") pursuant to the provisions of Act 281, Public Acts of Michigan, 1986, as amended.

The Amended Plan applies to the following property in the City of Troy and in the City of Southfield, County of Oakland, State of Michigan (the "City of Southfield"):

In the City of Troy:

Troy CTP

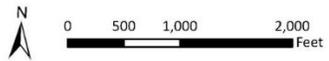
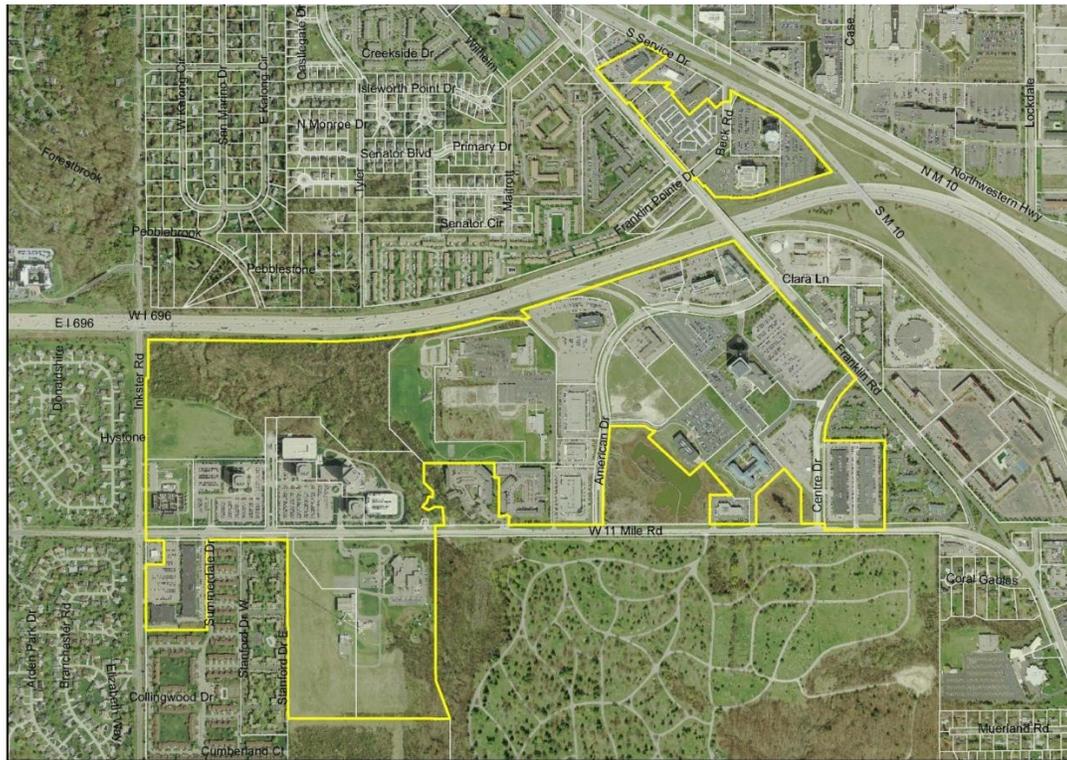


Carlisle/Wortman Associates, Inc.
Source: City of Troy, Oakland County GIS
7/10/2015



In the City of Southfield:

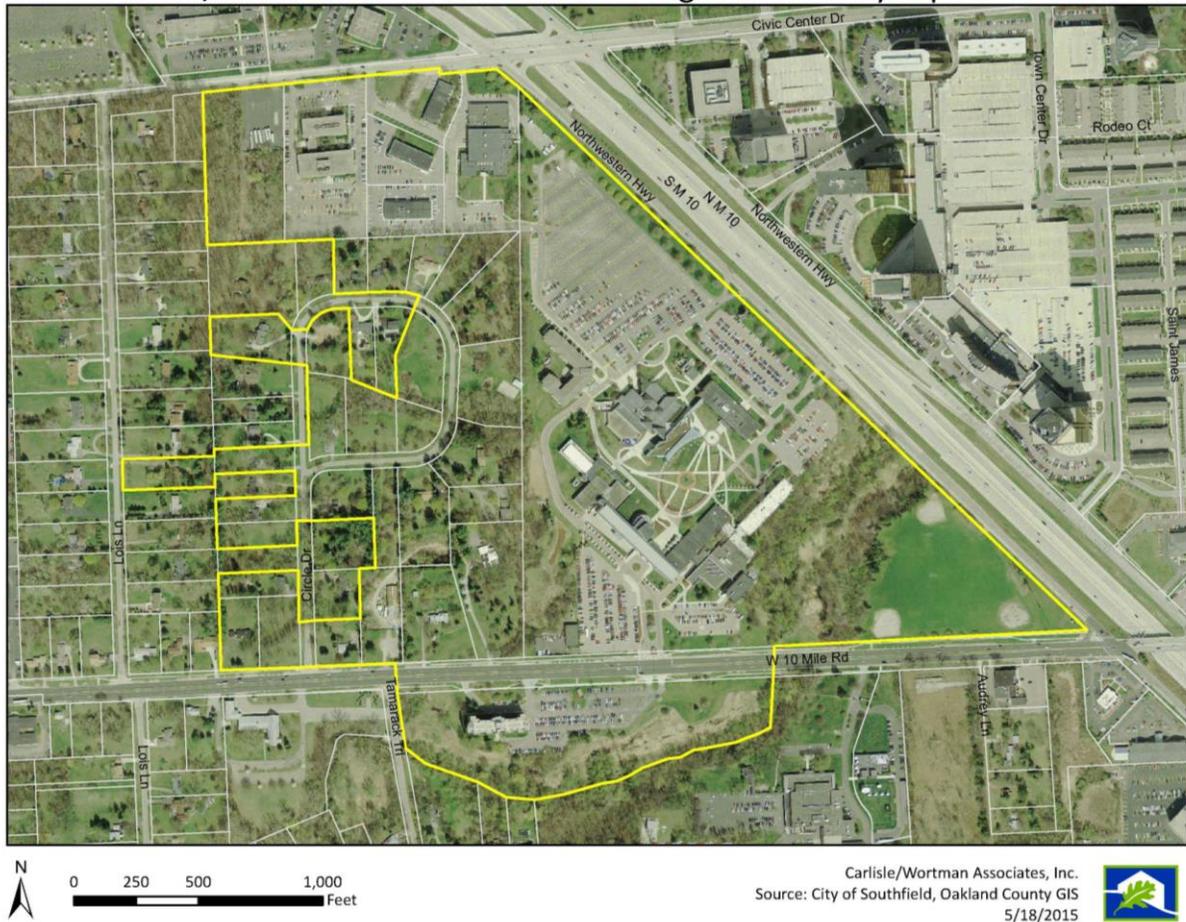
Southfield CTP



Carlisle/Wortman Associates, Inc.
Source: City of Southfield, Oakland County GIS
5/18/2015



Southfield CTP – Lawrence Technological University Expansion



Copies of the proposed Amended Plan and maps, plats, etc., are on file at the office of the City Clerk of the City of Troy for public inspection during normal business hours.

At the public hearing, all interested persons desiring to address the City Council shall be afforded an opportunity to be heard in regard to the approval of the Amended Plan of the Joint Authority. All aspects of the Amended Plan will be open for discussion at the public hearing.

FURTHER INFORMATION may be obtained from the office of the City Clerk, 500 W. Big Beaver Rd., Troy, Michigan 48084.

This notice is given by order of the City Council of the City of Troy pursuant to Act 281, Public Acts of Michigan, 1986, as amended.

Aileen Dickson, CMC
 City Clerk
 City of Troy

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Council of the City of Troy, County of Oakland, State of Michigan, at a regular meeting held on July 20, 2015, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Aileen Dickson, CMC
City Clerk

Yes:
No

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings: None Submitted

K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted

L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:

M. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:

N. COUNCIL REFERRALS:

Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda

N-1 No Council Referrals

O. COUNCIL COMMENTS:

O-1 No Council Comments Advanced

P. REPORTS:

P-1 Minutes – Boards and Committees:

- a) Planning Commission-Draft – June 23, 2015
- b) Planning Commission-Final – June 23, 2015

P-2 Department Reports:

- a) Update on Request for SMART Bus Shelters in Troy by Resident Martha Wells
- b) Update: Sale of Surplus City Parcels
- c) Summary of Traffic Committee Discussion of Tucker Barricade

P-3 Letters of Appreciation:

- a) To Paul Featherston Commending Mark Riley for His Excellent Service

P-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted

Q. COMMENTS ON ITEMS ON OR NOT ON THE AGENDA FROM MEMBERS OF THE PUBLIC OUTSIDE OF TROY (NOT RESIDENTS OF TROY AND NOT FROM TROY BUSINESSES):

R. CLOSED SESSION:

-
- R-1 Closed Session – City of Troy v. Grand Sakwa**

S. ADJOURNMENT:

Respectfully submitted,



Brian Kischnick, City Manager

FUTURE CITY COUNCIL PUBLIC HEARINGS:

PROPOSED SPECIAL CITY COUNCIL MEETINGS AND STUDY SESSIONS:

SCHEDULED SPECIAL CITY COUNCIL MEETINGS:

August 10, 2015 at 6:00 PMDiscuss the Great Lakes Water Authority

2015 SCHEDULED REGULAR CITY COUNCIL MEETINGS:

August 10, 2015.....	Regular Meeting
August 24, 2015.....	Regular Meeting
September 14, 2015	Regular Meeting
September 28, 2015	Regular Meeting
October 12, 2015	Regular Meeting
October 26, 2015	Regular Meeting
November 9, 2015	Regular Meeting
November 23, 2015	Regular Meeting
December 7, 2015	Regular Meeting
December 14, 2015	Regular Meeting



CITY COUNCIL AGENDA ITEM

Date: July 15, 2015

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic & Community Development
R. Brent Savidant, Planning Director

Subject: PUBLIC HEARING – REZONING APPLICATION (File Number Z 746) – Proposed Troy Fire Station No. 4, North side of Maple, East of John R (2103 and 2121 E Maple), Section 25, From R-1E (One Family Residential) District to NN 'C' (Neighborhood Node 'C')

The City of Troy seeks rezoning of the subject parcel from R-1E One Family Residential District to NN Neighborhood Node (Node "C") District. The City intends to construct a new Fire Station No. 4 on the site. The existing fire station will remain in operation until the new station is constructed and operational, after which the old station will be demolished.

The parcel to be rezoned is presently comprised of a parking area and a single family home. Fire stations are permitted by right in the NN district. A site plan will be submitted to the Planning Commission for review and approval following rezoning. A concept drawing was included with the application. The drawing was intended to show general scope and is not an actual proposed site plan.

The Master Plan classifies this area as Neighborhood Node. The rezoning is therefore consistent with the Master Plan.

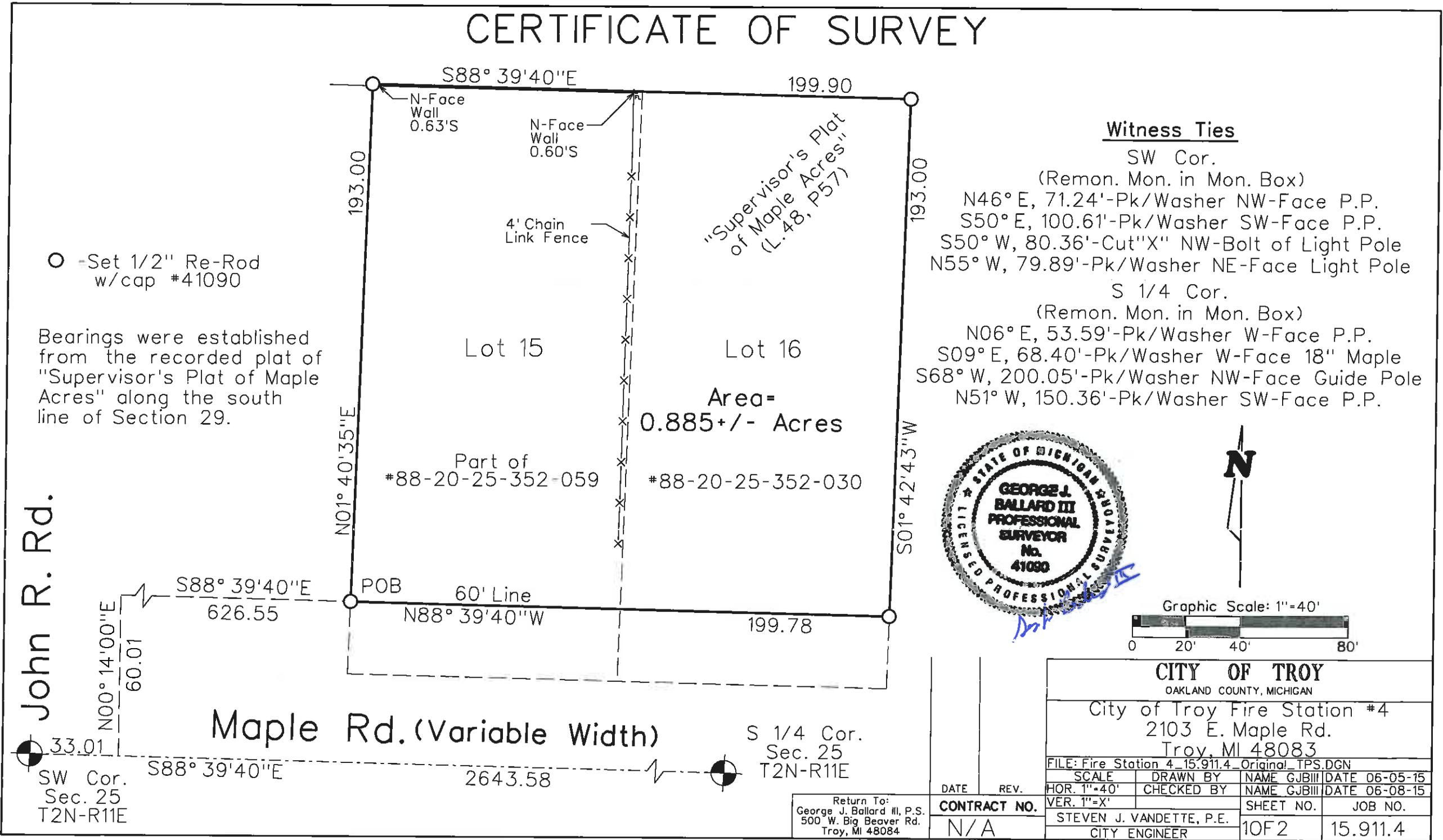
The Planning Commission held a public hearing on this item at the June 23, 2015 Regular meeting and recommended approval of the rezoning with a vote of 9-0. The agenda item from that meeting summarizes that meeting and is attached.

Two Troy residents who own property east of Fire Station #4 expressed opposition to the rezoning at the public hearing. Their concerns included loss of privacy and decrease in property values. Representatives of the Planning Department and Fire Department met with the residents at the site on June 30, 2015 to listen to their concerns. These concerns will be shared with the design team so they can be considered during site design.

Attachments:

1. Maps
2. Planning Commission agenda item from June 23, 2015 Regular meeting.
3. Planning Commission Minutes from the June 23, 2015 Regular Meeting (excerpt)

CERTIFICATE OF SURVEY



○ -Set 1/2" Re-Rod w/cap #41090

Bearings were established from the recorded plat of "Supervisor's Plat of Maple Acres" along the south line of Section 29.

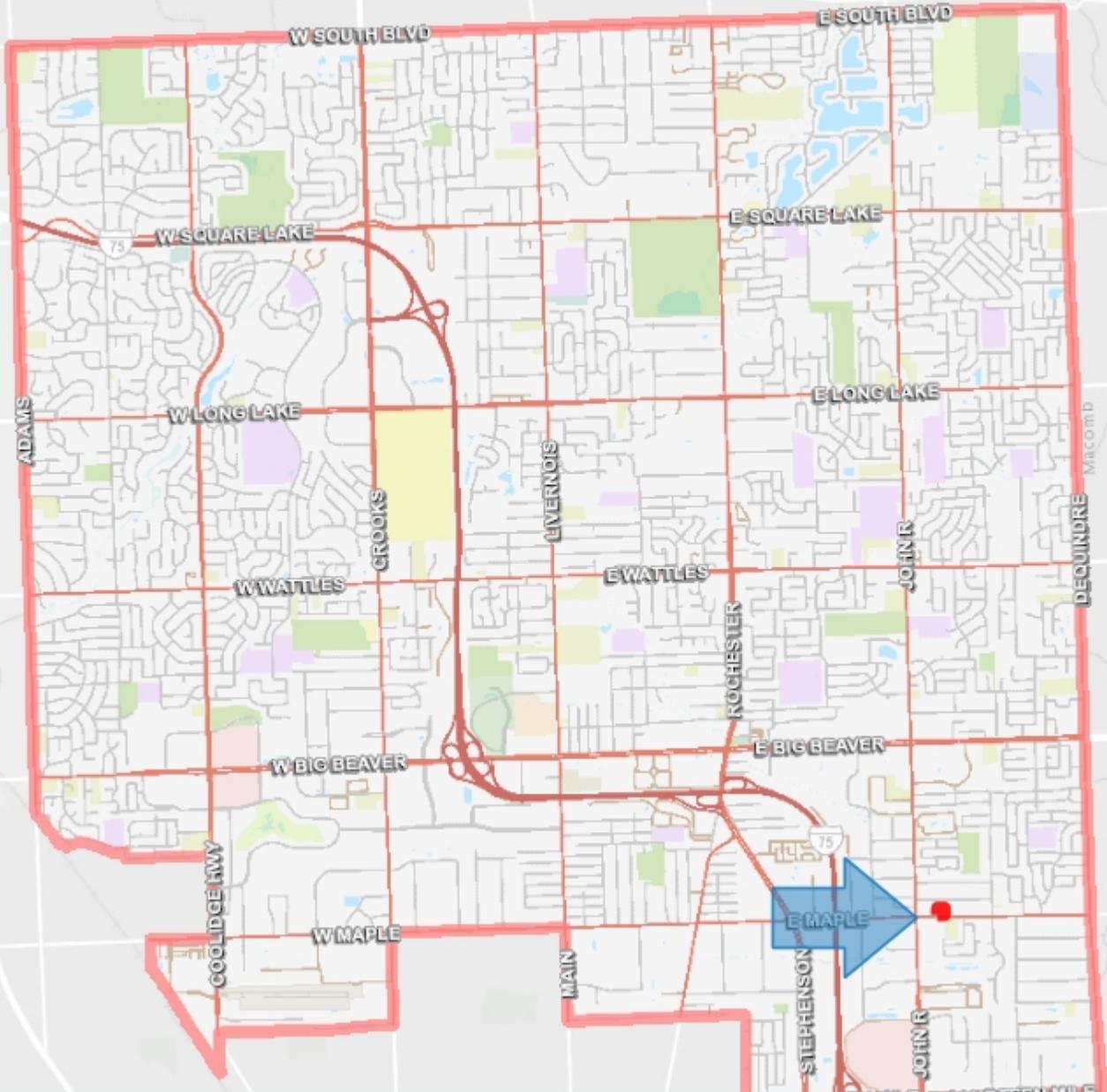


CITY OF TROY			
OAKLAND COUNTY, MICHIGAN			
City of Troy Fire Station #4 2103 E. Maple Rd. Troy, MI 48083			
FILE: Fire Station 4_15.911.4_Original_TPS.DGN			
SCALE	DRAWN BY	NAME GJBIII	DATE 06-05-15
HOR. 1"=40'	CHECKED BY	NAME GJBIII	DATE 06-08-15
VER. 1"=X'	STEVEN J. VANDETTE, P.E.		SHEET NO. JOB NO.
CITY ENGINEER		10F2	15.911.4

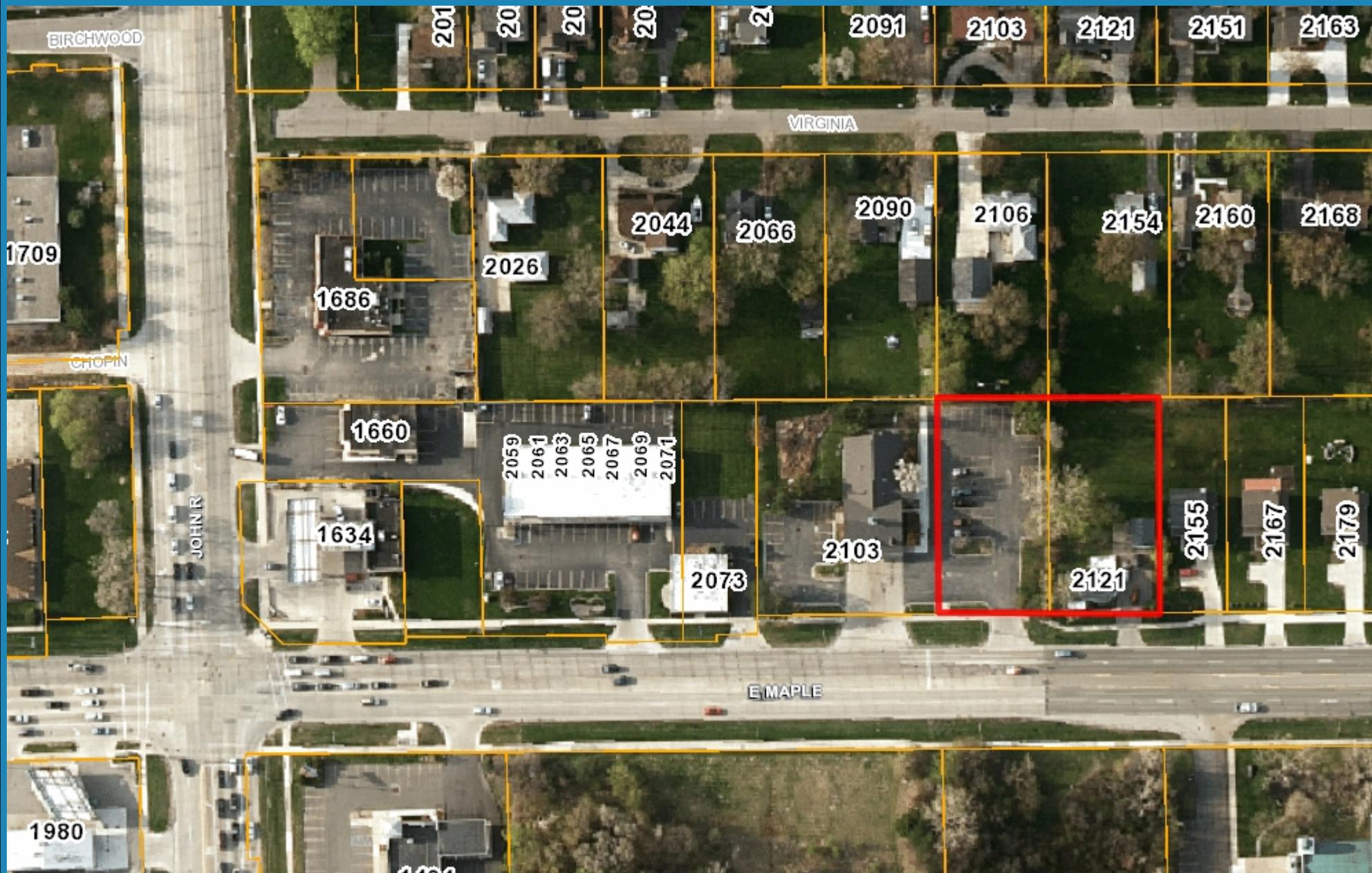
Return To:
George J. Ballard III, P.S.
500 W. Big Beaver Rd.
Troy, MI 48084

CONTRACT NO.
N/A

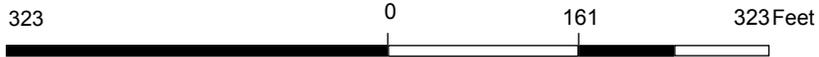
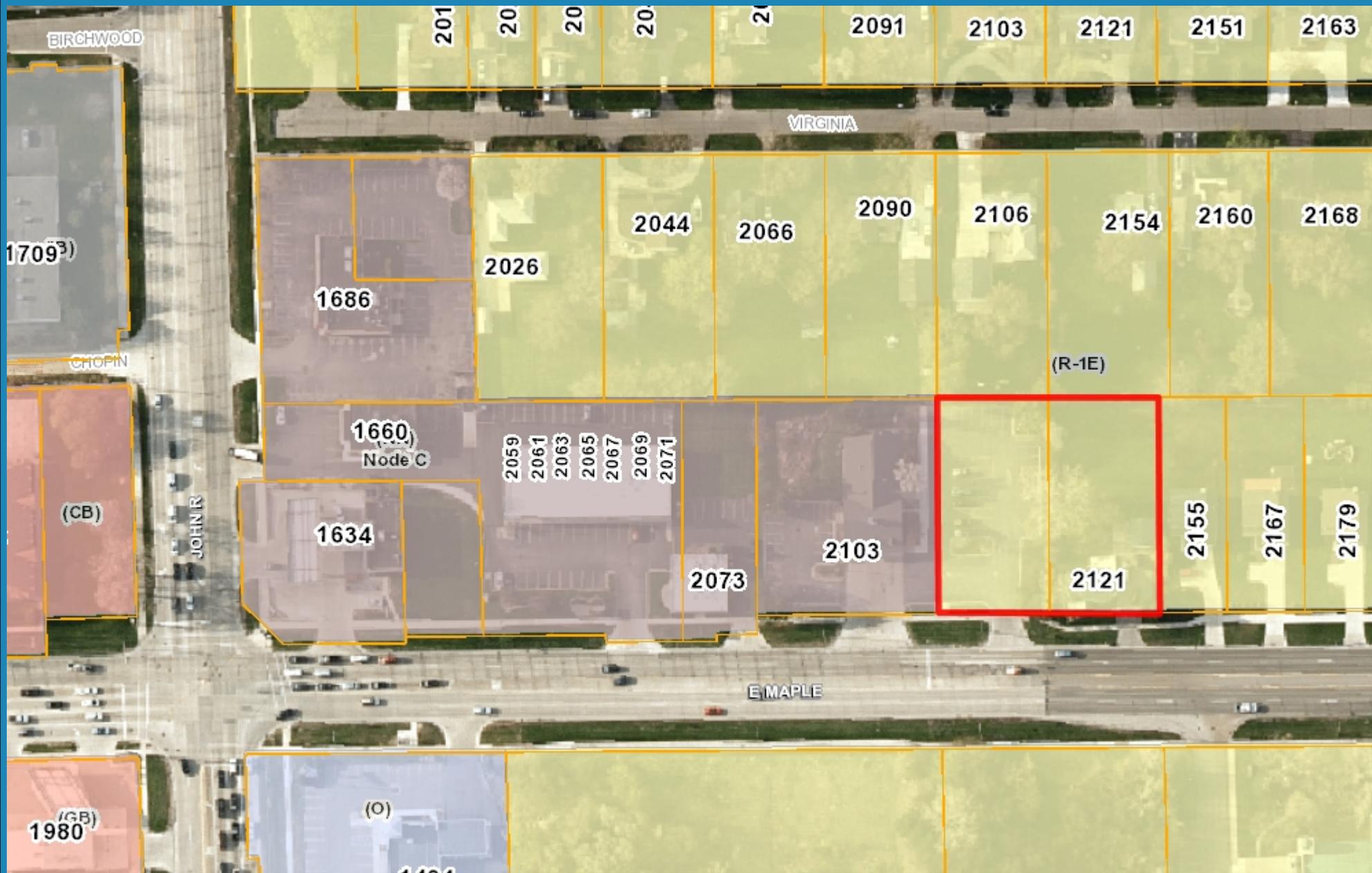
DATE REV.



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.



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DATE: June 18, 2015

TO: Planning Commission

FROM: R. Brent Savidant, Planning Director

SUBJECT: PUBLIC HEARING – REZONING APPLICATION (File Number Z 746) – Proposed Troy Fire Station No. 4, North side of Maple, East of John R (2103 and 2121 E Maple), Section 25, From R-1E (One Family Residential) District to NN ‘C’ (Neighborhood Node ‘C’)

The City of Troy seeks rezoning of the subject parcel from R-1E One Family Residential District to NN Neighborhood Node (Node “C”) District. The parcel is presently comprised of a parking area and a single family home. The City intends to construct a new Fire Station N. 4 on the site. Fire stations are permitted by right in the NN district.

The Master Plan classifies this area as Neighborhood Node. A description of this classification is attached.

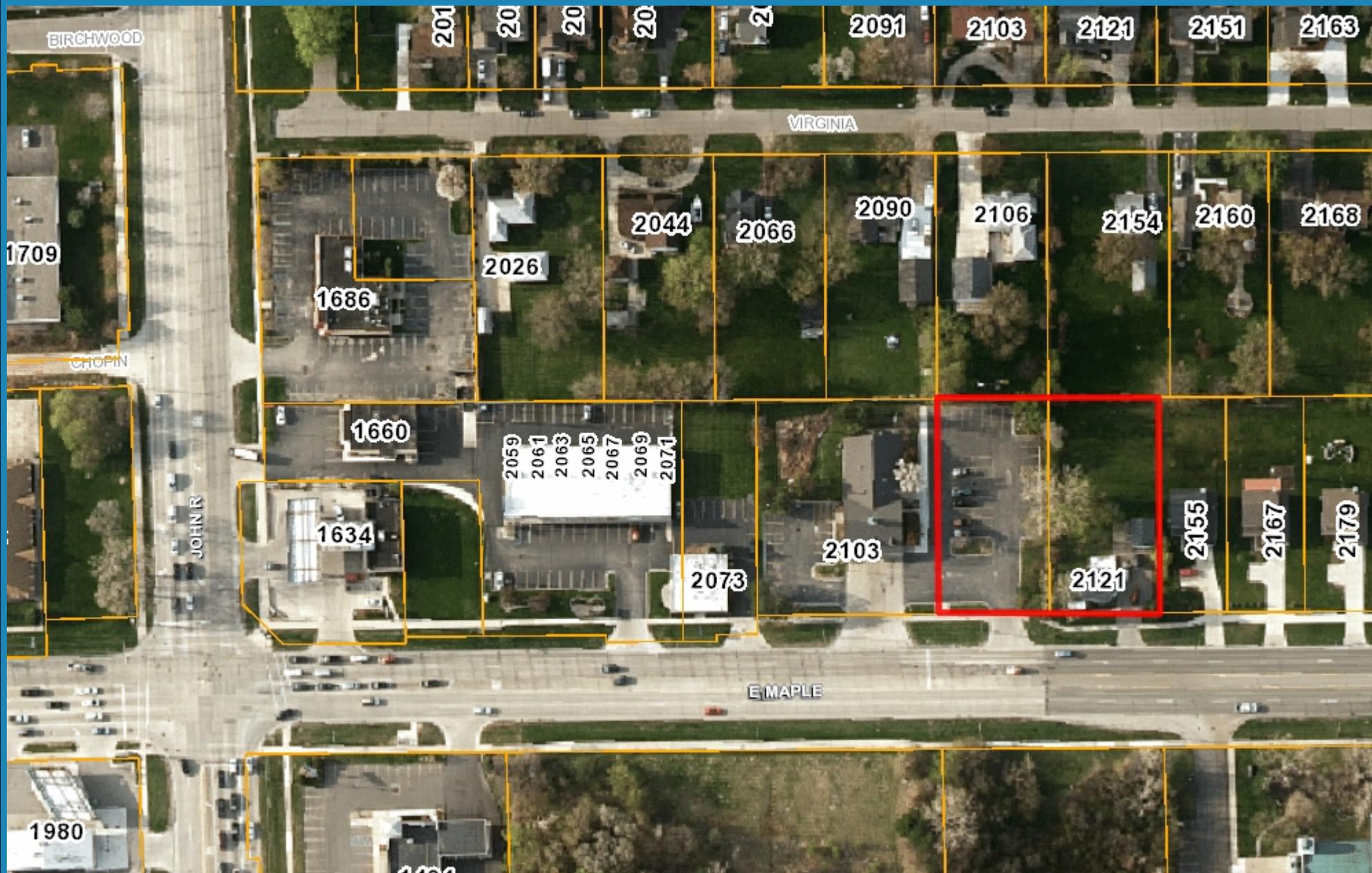
The attached report prepared by Carlisle/Wortman Associates, Inc. (CWA), the City’s Planning Consultant, summarizes the rezoning request. CWA prepared the report with input from various City departments including Planning, Engineering, Public Works and Fire. City Management supports the findings of fact contained in the report and agrees with the recommendation.

Please be prepared to discuss this item at the June 18, 2015 Planning Commission Regular meeting.

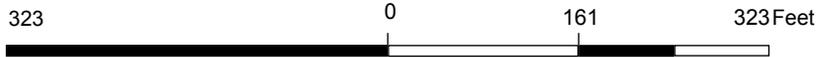
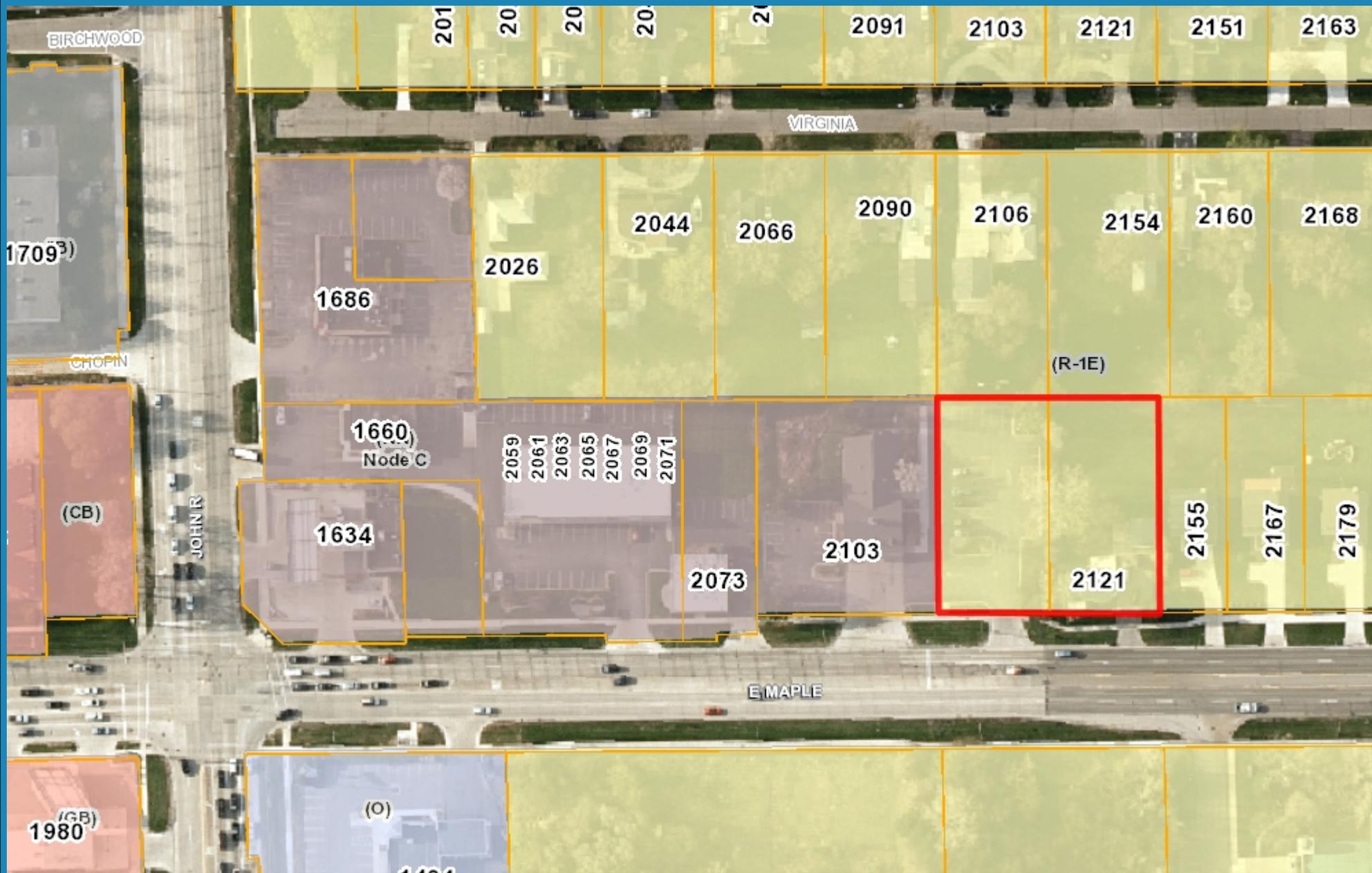
Attachments:

1. Maps
2. City of Troy Master Plan (excerpt)
3. Report prepared by Carlisle/Wortman Associates, Inc.
4. Concept drawing

G:\REZONING REQUESTS\Z 746 Troy Fire Station Four Sec 25\PC Memo 06 23 2015.doc

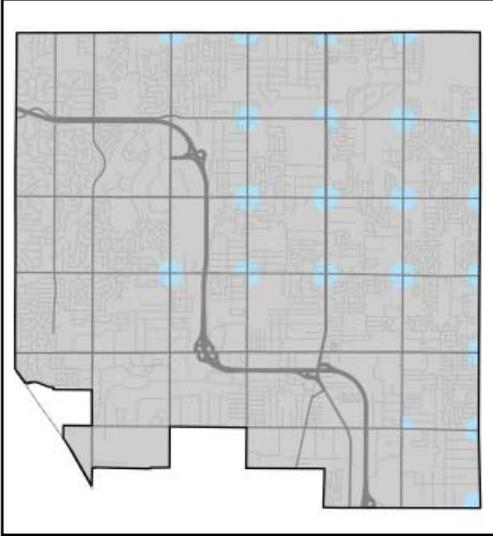


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Neighborhood Nodes: The Economic Neighborhood



- *Located at intersections of the City's main roads.*
- *Work together with Social Neighborhoods to create a more livable community.*
- *Mixed use.*
- *Provide neighborhood gathering places.*
- *Accommodate the daily needs of residents.*

Neighborhood Nodes are the concentrated, commercial and mixed-use centers situated at major intersections of Troy thoroughfares that serve as the center of the City's Economic Neighborhoods. The nodes are specifically identified on pages 95 and 96. Economic Neighborhoods are destinations created as "go to" places that take on a social role, serving both as a place to meet basic needs of the community and as 21st century village centers. The attributes of Economic Neighborhoods are described in more detail in the final section of this Chapter, and the urban design characteristics of Neighborhood Nodes will be described in depth in Chapter 10. The nodes will typically permit a mix of commercial, office, and high-density residential, although the predominant uses in any Neighborhood Node development must be in keeping with the node characteristics described on pages 95 and

96. Industrial uses will not be permitted in the Neighborhood Nodes.

The Economic Neighborhoods of Troy also center on the square mile grid system. Unlike the social neighborhood, the **Economic Neighborhoods are centered on major road intersections where commercial and office development occurs.** When destinations are created, these nodes become a "go to" place and take on a social role. Each of these nodes serves four quadrants of the overlapping social neighborhoods and has the ability to bring residents of four neighborhoods together.

These Economic Neighborhood nodes are destinations that draw people, visually distinguished from the balance of corridor strips through greater density and scale. Variation in building height will often be used to separate the node from the surrounding area, but will not be so extreme as to visually overpower abutting neighborhoods. The separation of building heights at intersections with the "between" segments of corridors stimulates the visual concept of "pulsing" development and sets up a system of visual anchors.

Moderately dense residential environments may be encouraged within some nodes to provide steady activity for longer periods of the day. In these cases, residences may be mixed with offices on upper floors or be developed immediately adjacent to the commercial areas. Connections between the commercial activity and residences must be directly and seamlessly integrated.

During the course of the planning process, the Planning Commission closely analyzed the need for additional neighborhood nodes throughout the City. The City will continue to consider the demand for additional nodes as part of subsequent plan revisions.

DESIGN CONCEPT

- These nodes are within a fifteen minute walking distance of residential neighborhoods to permit alternative modes of transportation.
- Development will be denser and taller than the surrounding area, encouraging visual prominence to signal a gathering space.
- Nodes should be generally confined to a 1,000 foot radius from a major intersection.
- The nodes provide uses and spaces that attract and welcome neighborhood residents.

SITE DESIGN ATTRIBUTES

- Buildings should be separated from the right-of-way line by a landscaped greenbelt, one lane of off-street parking or a pedestrian walk, or a combination of these.
- Primary parking areas will be located within rear or interior side yards.
- Off-street parking should be screened from the public right-of-way by a knee wall or low decorative fence with a hedge of plantings.
- Walks will connect adjacent developments and the public sidewalks.
- Well-defined crosswalks with timed signalization will permit safe crossings.
- Flexible use of space allowing modest outdoor gathering spaces, such as plazas, will be encouraged.

BUILDING DESIGN ATTRIBUTES

- Buildings should be between two and three stories, although one-story structures accommodating gas stations or other special situations may be permitted.
- One-story buildings should have a minimum exterior height of sixteen feet.
- A ground level story should have a

minimum height of twelve feet from finished floor to finished ceiling.

- Facades facing major thoroughfares will be treated as fronts and should have a minimum of half transparent glass and special architectural design treatments.
- Fenestration (the arrangement of windows and doors) should be highlighted through the use of awnings, overhangs or trim detailing.
- Lighting will be carefully managed so as not to encroach on adjacent residential areas.

The following pages contain a table describing the primary intended uses and character of the Neighborhood Nodes designated on the Future Land Use Map. Individual Nodes are numbered and identified on the Economic Nodes Map following the table.

	Node/Intersection	Primary Uses and Character
A	14 Mile and Dequindre Road	Non-residential uses catering to the day-to-day needs of the workforce in the surrounding industrial area. Restaurants and convenience needs integrated with banks and other service uses in compact developments would suit the needs of this area.
B	Maple Road and Dequindre Road	The unique neighborhood node is home to a collection of uses serving the local Polish population. Uses complementary to the cultural center and bank which help this area serve as a gathering place and focus area for the neighborhood could include limited housing, service uses, or specialty retail and dining.
C	John R. Road and Maple Road	The node would best serve the area with a predominantly commercial mix of uses catering to the immediate residential area coming and going from their homes. The node should serve as a transition to the more intense commercial development to the south.
D	Big Beaver Road and Dequindre Road	This area should be a high-intensity, high-density, compact area that serves as a notable entry point to the community. Development may include residential, retail, office, and service-oriented uses, but should be designed to create a very noticeable "gateway" into Troy with its complex, high-density, mixed-use character.
E	Wattles Road and Dequindre Road	The predominant use in this node should be offices, both medical and professional. Limited commercial service uses designed to complement the main focus of the area as an office node serving this area of the City may also be permissible, if clearly secondary to the primary office character of the area.
F	John R Road and Wattles Road	This node may include all uses from high-density residential in combination with restaurants, limited office, and retail. Development at this intersection should include at least two of these uses in any one development, in order to better complement and strengthen the already mixed-use character of the node.
G	Rochester Road and Wattles Road	A careful blend of commercial uses and office uses, effectively transitioned into the adjoining residential neighborhoods, should be the main uses at this intersection. Recent residential development in the area has taken pedestrian access to the intersection into consideration with effective pathways and sidewalks, and any new development at the intersection must continue this positive trend.
H	Livernois Road and Wattles Road	This lower-intensity area is characterized by single-family residential directly abutting the southwest corner of the intersection, and uses which generate only sporadic activity, such as churches and day care. This node contains the Troy Museum and Historic Village. New development or redevelopment at this node must be especially considerate of the adjoining residential and low-intensity uses and should not include any retail or restaurant uses. Office and other uses similar to the existing uses would likely provide the best combination here.
I	Crooks Road and Wattles Road	Development at this location should be low-impact and provide a high benefit to the neighborhood using the least amount of land. Compact, walkable mixed use development with a combination of uses serving the immediate surroundings would be an ideal fit. Integrated compact development which would allow a user to park once and meet several daily needs would be a positive contribution to the node. The City also recognizes that expansion of the White Chapel Cemetery into the northeast corner of this node would be appropriate.
J	Dequindre Road and Long Lake Road	Predominantly commercial, catering to both local needs and regional traffic, new development and redevelopment should be mostly commercial, identifying opportunities for small office mixed-use and variations in floor area to allow for a wide range of commercial types. Pedestrian access to the adjoining area and effective screening should be primary areas of focus during the site design process.

	Node/Intersection	Primary Uses and Character
K	John R Road and Long Lake Road	Like Crooks Road and Wattles Road, compact, walkable mixed use development with a combination of uses serving the immediate surroundings would be an ideal fit. Integrated compact development which would allow a user to park once and meet several daily needs would be a positive contribution to the node.
L	Rochester Road and Long Lake Road	Intersections L, M, and U and should remain, predominantly commercial, catering to local needs and regional traffic, new development and redevelopment should be mostly commercial and should serve to further enhance this successful commercial area. Opportunities for integrated residential or office development should be considered only when clearly secondary to commercial development.
M	Livernois Road and Long Lake Road	Intersections L, M, and U and should remain, predominantly commercial, catering to local needs and regional traffic, new development and redevelopment should be mostly commercial and should serve to further enhance this successful commercial area. Opportunities for integrated residential or office development should be considered only when clearly secondary to commercial development.
N	Dequindre Road and Square Lake Road	Low-intensity commercial uses should remain, but redevelopment should include an integrated compact residential component, live/work units, or small office. Service-oriented use development in combination with new residential development would provide a unique setting here.
O	John R Road and Square Lake Road	Near a known heron rookery, this node must be careful to respect this important natural resource. New development or redevelopment should complement the churches and limited commercial uses in the area, and should incorporate above-average landscaping, natural buffers, and conscientious site design to enhance the known natural features in the area.
P	Rochester Road and Square Lake Road	Major commercial uses dominate and should continue to provide a foundation for this neighborhood node. While uses in the area may cater to regional traffic, service uses, retail, and limited office uses designed to provide service to the immediate residential neighborhood should be incorporated into any new development or redevelopment plans.
Q	Livernois Road and Square Lake Road	Development in this area should be especially considerate of the remaining historic asset of the neighborhood. Adaptive use of existing historic structures must be considered before demolition or relocation of these resources. Low-intensity uses working in conjunction with one another to form a central neighborhood village, walkable and accessible, would create an ideal complement to the predominantly residential surroundings.
R	John R Road and South Boulevard	Small local commercial uses and office uses should be the focus of this node, to complement the large scale office development across the City's boundary to the north, within the City of Rochester Hills.
S	Rochester Road and South Boulevard	This neighborhood node provides a suitable mix of uses to cater to the daily needs of the immediate residential area, while also providing a unique opportunity for specialty retailers, compact walkable residential development, and small-scale office development in an integrated, mixed-use setting.
T	Livernois Road and South Boulevard	Limited local commercial and housing for seniors in a dense development pattern should remain the primary focus of this neighborhood node.
U	Crooks Road and South Boulevard	Intersections L, M, and U and should remain, predominantly commercial, catering to local needs and regional traffic, new development and redevelopment should be mostly commercial and should serve to further enhance this successful commercial area. Opportunities for integrated residential or office development should be considered only when clearly secondary to commercial development.



CARLISLE

WORTMAN
associates, inc.

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Ann Arbor, MI 48104

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(734) 662-1935 Fax

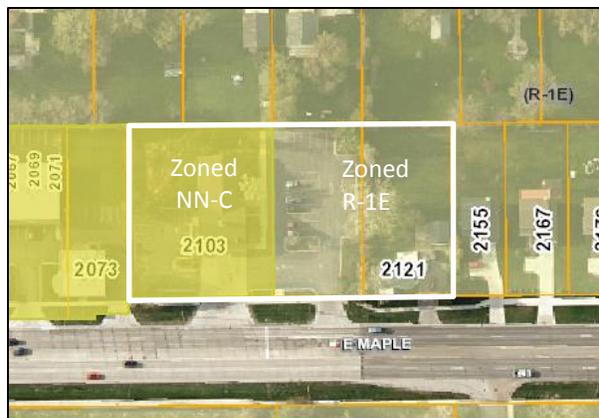
Date: June 12, 2015

Rezoning Analysis For City of Troy, Michigan

Applicant:	William Nelson, Fire Chief c/o City of Troy, Michigan 500 W. Big Beaver Rd. Troy, MI 48084
Project Name:	Troy Fire Station #4 Rezoning
Location:	2103 and 2121 E. Maple Rd. (north side of Maple, east of John R.)
Current Zoning:	R-1E, One-Family Residential
Proposed Rezoning:	NN-C, Neighborhood Node
Action Requested:	Rezoning to NN-C, Neighborhood Node
Required Information:	As provided within this review

PROJECT AND SITE DESCRIPTION

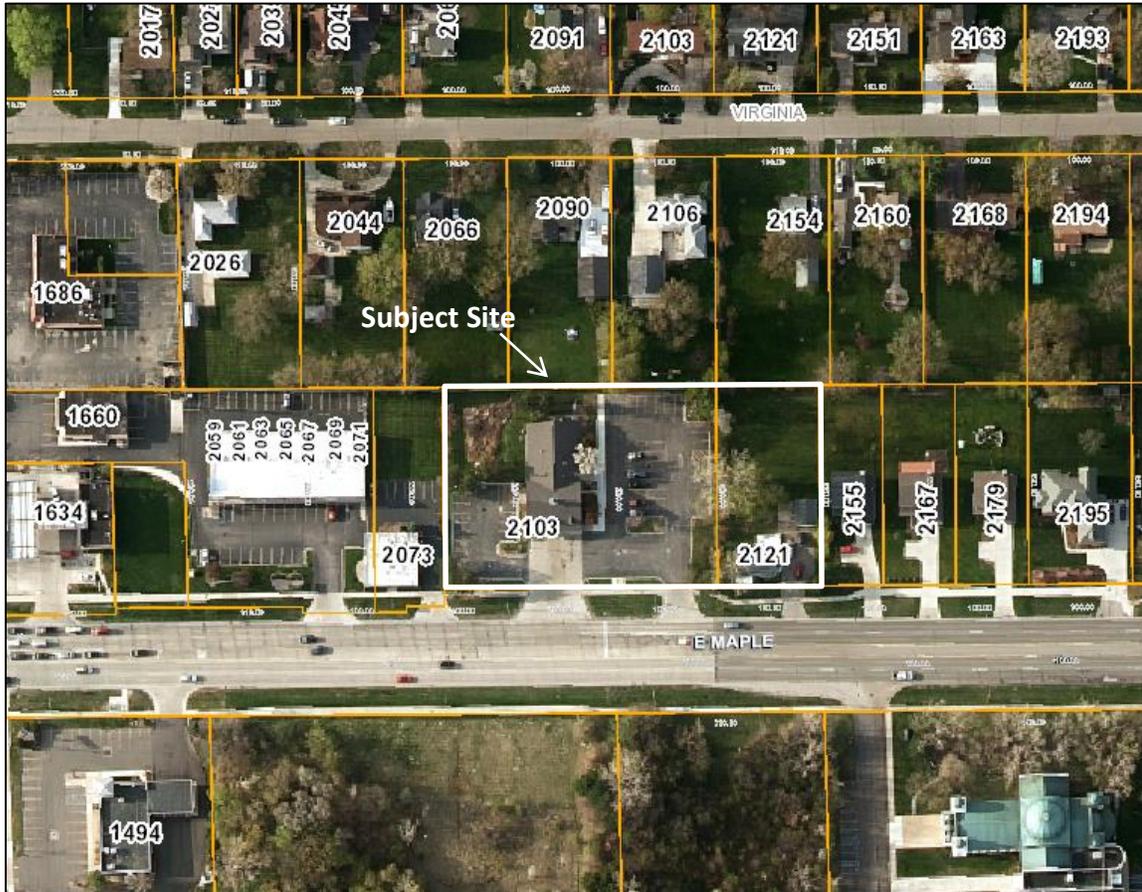
The applicant, the City of Troy, is proposing to rezone two (2) parcels from R-1E, One Family Residential, to NN-C, Neighborhood Node. 2103 E. Maple is approximately 1.10 acres in area and has split zoning of R-1E on the eastern portion and NN-C on the western portion. The western portion (zoned NN-C) is currently improved with Troy Fire Station #4 while the eastern portion (zoned R-1E) is improved with a parking lot associated with the fire station. 2121 E. Maple is approximately 0.5 acres in size and is currently improved with a single-family detached home.



The City of Troy purchased 2021 E. Maple with the intent of demolishing the existing fire station and home and constructing a larger station. Publicly-owned and operated office and service facilities (including fire stations) are permitted by-right within the NN-C District.

The applicant is requesting that the eastern portion of 2103 E. Maple and all of 2121 E. Maple be rezoned to NN-C. If rezoned, the applicant will submit a site plan for approval. An aerial image of the subject site is depicted in **Figure 1**.

Figure 1: Subject Site



MASTER PLAN

The adopted 2008 Troy Master Plan designates the subject site as, “John R. Road and Maple Road” Neighborhood Node. The Master Plan states that this node, “[...] would best serve the area with a predominantly commercial mix of uses catering to the immediate residential area coming and going from their homes. The node should serve as a transition to the more intense commercial development to the south.” The Future Land Use of the subject site and surrounding parcels is illustrated in **Figure 2** and **Table 1** below:

Figure 2. – Future Land Use



Table 1. – Future Land Use

Direction	Future Land Use
Subject Site	Neighborhood Node
North	Neighborhood Node/Single Family Residential
South	South John R. Road
East	Single Family Residential
West	Neighborhood Node

The Master Plan envisions a mix of commercial, office and high-density residential for the Neighborhood Nodes. The proposed rezoning to Neighborhood Node corresponds to and is consistent with the Troy Master Plan.

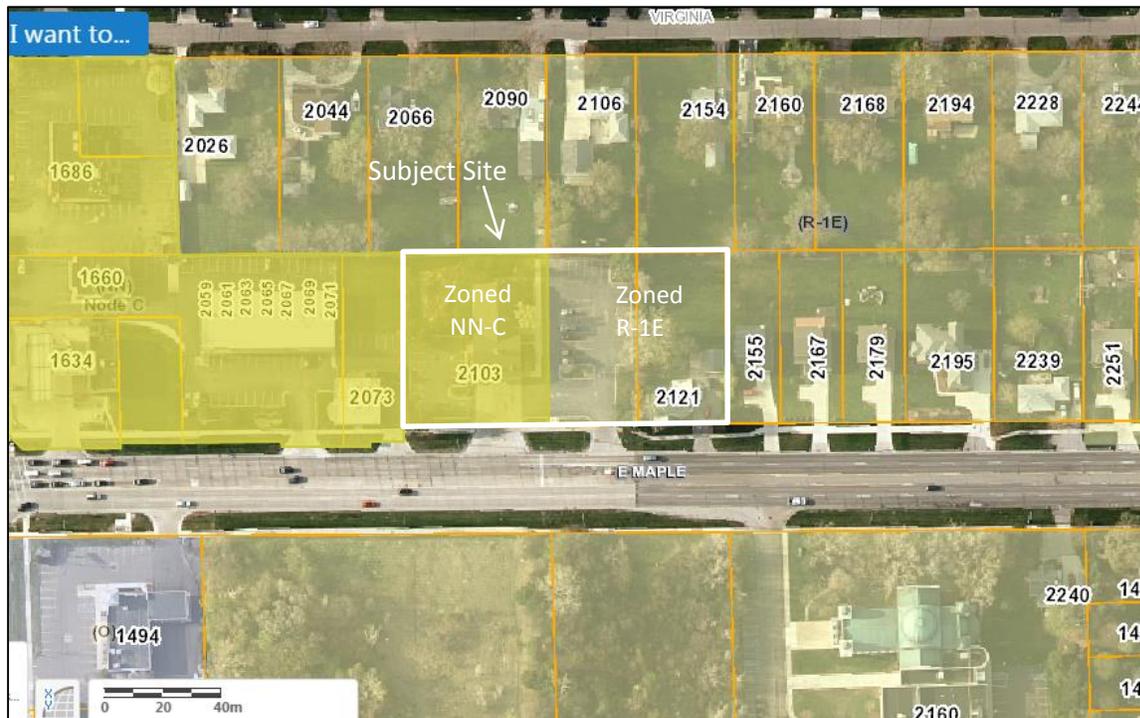
ZONING AND LAND USE

The Zoning and existing land uses for the subject site and surrounding parcels is listed in **Table 2** and in **Figure 3**:

Table 2. – Zoning/Existing Land Use

Direction	Zoning	Existing Use
Subject Site		
2103 – East	R-1E	Parking Lot for Fire Station
2103 – West	NN-C	Fire Station #4
2121	R-1E	Single-Family Home
North	R-1E	Single-Family Home
South	R-1E	Vacant
East	R-1E	Single-Family Home
West	NN-C	General Retail/Service

Figure 3. – Zoning of Subject Site and Surrounding Parcels



The two (2) subject parcels are zoned NN-C, Neighborhood Node and R-1E, One Family Residential. 2103 E. Maple features split zoning, with NN-C on its western portion and R-1E on its western portion; only the eastern portion is proposed to be rezoned. The subject site is bordered on its north, east and south by R-1E, One Family Residential District and is bordered on its west by NN-C, Neighborhood Node.

The intent of the Neighborhood Nodes District is to serve as the core of the “economic neighborhoods” of Troy as identified in the Master Plan. Economic destinations are intended to serve as “go to” places that serve as village centers, which can include integrated residential development. Neighborhood Nodes should draw people and should be visually distinguished from the surrounding area. However, development within Neighborhood Nodes must respect adjacent neighborhoods and should provide appropriate transition to adjacent residential areas.

The applicant offers the following reasons for the proposed rezoning and new fire station:

- The NN District is consistent with the zoning of the abutting property to the west.
- The NN District is consistent with the Master Plan which calls for a neighborhood node at this location.
- Fire stations must be strategically-located in the community based on travel distance from the station to the protected properties in the response district.
- Fire Station #4 is in need of replacement due to obsolescence; the most practical alternative to replace the existing station is to build a new building on the existing site (which has been expanded through the purchase of the property immediately east of the existing site. This alternative maintains fire protection from the site during construction.

Overall, the proposed rezoning is consistent with the existing NN-C zoning of the abutting property to the west. Any future site plans must meet the standards of the NN-C District and mitigate any impacts upon adjacent one-family-zoned or used parcels. A future site plan will be reviewed by the Planning Commission.

FUTURE DEVELOPMENT

If the proposed rezoning is approved, any future development shall be required to meet the standards of the Neighborhood Node regulating plan contained within the Zoning Ordinance. The applicant has submitted a conceptual site plan for the future fire station which illustrates a 10,500 sq. ft. building, thirty-six (36) parking spaces and a stormwater detention pond. Per Table 5.06.C.2 of the Zoning Ordinance, Building Types A, B and C are permitted by-right on sites zoned NN-C, while Building Type D is permitted with special approval. Though we have not completed a full site plan review, it appears that the conceptual plan meets the zoning requirements for NN-Neighborhood Node. Issues such as buffering, building placement, lighting, and landscaping will be reviewed as part of a detailed site plan review.

REZONING STANDARDS

As set forth in Section 16.03.C, the following standards shall be applied to a rezoning:

1. *The proposed rezoning is consistent with the Master Plan. If the current zoning is in material conflict with the Master Plan, such conflict is due to one of the following:*

- a. *A change in City policy since the Master Plan was adopted.*
- b. *A change in conditions since the Master Plan was adopted.*
- c. *An error in the Master Plan.*

CWA Comment: The adopted 2008 Troy Master Plan designates the subject site as, "John R. Road and Maple Road" Neighborhood Node. The Master Plan envisions a mix of commercial, office and high-density residential for the Neighborhood Nodes. The proposed rezoning to Neighborhood Node corresponds to and is consistent with the Troy Master Plan.

2. *The proposed rezoning will not cause nor increase any non-conformity.*

CWA Comment: The rezoning will not cause any non-conformity. Any future development requires a site plan review by the Planning Commission.

3. *Public services and facilities affected by a proposed development will be capable of accommodating service and facility loads caused by use of the development.*

CWA Comment: The rezoning will improve public service to the area, while not increasing public utilities.

4. *The rezoning will not impact public health, safety, or welfare.*

CWA Comment: The rezoning will improve public health, safety, and welfare by providing a modern fire station to serve the surrounding area.

5. *The rezoning will ensure compatibility with adjacent uses of land.*

CWA Comment: A portion of the site is currently used as a parking lot for the fire station. The other portion is a single-family home, which the applicant proposes to remove. Issues such as buffering, building placement, lighting, and landscaping will be reviewed as part of a detailed site plan review. Through proper site design, the rezoning will not impact adjacent uses of land.

We find that the proposed rezoning is consistent with the required standards.

RECOMMENDATIONS

The proposed rezoning from R-1E to NN-C is in substantial compliance with the City of Troy Master Plan, is consistent with abutting commercial uses to the west, and meets the rezoning standards set forth in Section 16.03.C of the Zoning Ordinance. We recommend approval of the proposed rezoning.


CARLISLE/WORTMAN ASSOC., INC.
Benjamin R. Carlisle, AICP, LEED AP
Senior Associate

Supporting Statement for Rezoning 2103 and 2121 E. Maple from R-1E to NN-CC

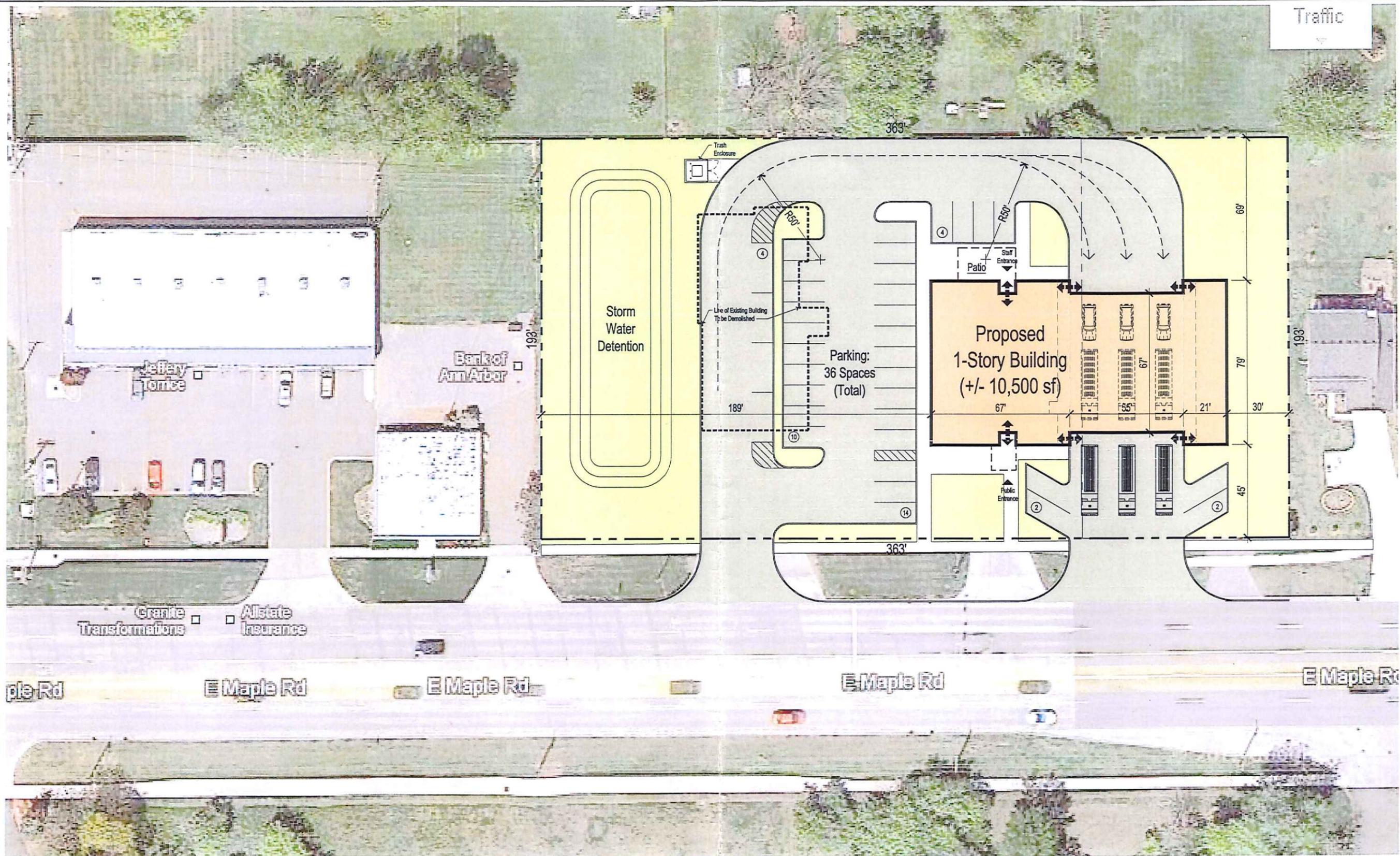
The following are the reasons that the fire department believes that these properties shall be rezoned from R-1E to NN-CC:

- The current site of Fire Station 4 has been a fire station since 1968.
- NN district is consistent with the zoning of the abutting property to the west, upon which the current fire station sits.
- NN district is consistent with Master Plan which calls for a neighborhood node at this location.
- Fire stations must be strategically located in the community based on travel distance from the station to the protected properties in the response district.
- Fire Station 4 is in need of replacement due to obsolescence and the most practical alternative to replace it is to build the new building on the existing site which has been expanded through the purchase of the property immediately east of the existing site. This alternative maintains fire protection from the site during construction.

Submitted by:



William Nelson
Fire Chief
City of Troy



LOGOS



REDSTONE ARCHITECTS, INC.
 Architecture · Planning · Interior Design
 2709 S. Telegraph Road
 Bloomfield Hills, MI 48302-1008
 Phone: 248-418-0960
 Fax: 248-418-0969
 www.redstonearchitects.com

PROJECT TITLE AND ADDRESS

**CITY OF TROY
 FIRE DEPARTMENT
 STATION No. 4**
 TROY, MICHIGAN

SHEET TITLE

**Conceptual
 Site Plan**

0 10' 20' 40' SCALE: 1" = 20'



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 ALTERATIONS OR TRANSFERS OF WORK ARE PERMITTED UNLESS WRITTEN APPROVAL IS
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 FULLEST EXTENT OF THE LAW.

NOTE:
 DO NOT SCALE PRINTS. USE ONLY FIGURED DIMENSIONS.

DATE 02/25/13

PROJECT NO. 3557.00

SHEET NO.

A-1

REZONING REQUEST

10. PUBLIC HEARING – REZONING APPLICATION (File Number Z 746) – Proposed Troy Fire Station No. 4, North side of Maple, East of John R (2103 and 2121 E Maple), Section 25, From R-1E (One Family Residential) District to NN ‘C’ (Neighborhood Node ‘C’)

Mr. Carlisle addressed the proposed rezoning as relates to the Master Plan, compatibility with the surrounding areas and the rezoning standards of the Zoning Ordinance. Mr. Carlisle stated that if the proposed rezoning is approved, the existing fire station would remain in service during the construction of the new fire station. He recommended approval of the proposed rezoning.

Assistant Fire Chief David Roberts was present.

Mr. Savidant addressed a conceptual drawing of the building layout.

PUBLIC HEARING OPENED

The following residents were present to express opposition to the proposed rezoning because of the close proximity of the new fire station to their homes.

- Natasha Duda, 2167 E Maple
- Lena Tereziu, 2155 E Maple
- Theodhor Duda, 2167 E Maple

PUBLIC HEARING CLOSED

Resolution # PC-2015-06-041

Moved by: Sanzica

Seconded by: Strat

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1E to NN ‘C’ rezoning request, located on the north side of Maple Road, east of John R (2103 and 2121 E. Maple Road), in Section 25, being approximately 0.885 acres in size, be approved.

Yes: All present (9)

MOTION CARRIED



MEMO

Date: July 17, 2015

To: Mayor and City Council

From: Brian M. Kischnick, City Manager

Subject: Recommendation Regarding ZOTA 247 – Gas and Oil Extraction

On the a July 20, 2015 City Council meeting there is a Public Hearing scheduled for the Gas and Oil Extraction Zoning Ordinance Text Amendment (ZOTA Number 247). The Planning Commission initiated this ZOTA and unanimously recommend approval. Representatives of the Associated Petroleum Industries of Michigan met with staff and I. It became apparent that the City should have some direct interaction with the Michigan Department of Environmental Quality (MDEQ) to fully understand how the MEDQ regulates gas and oil extraction. MEDQ could further educate the City regarding the techniques of gas and oil extraction and the impacts of those techniques.

City Council, Planning Commission and the City Manager all have the same interest to strike a balance between protecting neighborhoods from negative land uses and their impacts while at the same time not being exclusionary. Therefore, I recommend that City Council conduct their Public Hearing and then schedule a Joint City Council and Planning Commission Study Meeting. This will allow a thorough education on the subject as well as understand the Planning Commission's position. Then, we can move forward in a direction with an enhanced understanding of the issue.



CITY COUNCIL AGENDA ITEM

Date: July 16, 2015

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic & Community Development
R. Brent Savidant, Planning Director

Subject: PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (File Number: ZOTA 247)
– Oil and Gas Extraction

This item was initiated by the Planning Commission, who recognized that the Zoning Ordinance is presently silent on the issue of oil and gas extraction. This effort is intended to protect Troy residents and property owners against the negative secondary effects of these facilities while at the same time creating reasonable standards for oil and gas extraction facilities.

The provisions were discussed by the Planning Commission at previous meetings. The proposed provisions would regulate oil and gas extraction in Troy, including fracking.

Draft amendments include the following:

- Oil and gas facilities are permitted in IB District as a Special Use
- Requires a minimum lot size of 5 acres
- Requires increased setbacks based on adjacent use/zoning
- Requires extensive fencing, landscaping, and limited lighting
- Requires adherence to strict nuisance and performance standard requirements
- Requires submittal of a detailed Operations Plan

The Planning Commission held a public hearing on this item on June 23, 2015, and recommended approval of the text amendment with a 9-0 vote. The attached Planning Commission item provides additional background.

The State of Michigan Department of Environmental Quality (MDEQ) has a website with considerable information on oil and gas extraction. The attached map shows there is a significant number of oil and gas wells in Michigan, particularly along a band in the northern southern Peninsula, between Manistee County and Alpena County. There are not a significant number of oil and gas wells in Oakland County. There is one operational oil and gas well in Troy, a natural gas well located on the MSU Management Center campus at 817 W. Square Lake Road (see attached photograph).

Hydraulic fracturing (commonly referred to as “fracking”) is a method of oil and gas extraction. The MDEQ has information available that describes this practice (see attached). The attached map provided by the MDEQ indicates there are ongoing fracking operations in Michigan but none in Oakland County.

Oil and gas extraction in Michigan is regulated by the Natural Resources and Environmental Protection Act (PA 451 of 1994), Part 615 Supervisor of Wells. These are the standards affecting



CITY COUNCIL AGENDA ITEM

potential oil and gas facilities in Troy today. The most significant standard is a distance requirement of 450 feet from a site and a residential building. Oil and gas facilities can presently be located in residential areas, provided other standards in the Act are met. The proposed provisions would be additional standards over and above what the Act requires. The attached table compares the standards of the Act with the proposed City of Troy provisions for oil and gas facilities. Further, the attached map shows potential sites available to be used today as sites for oil and gas facilities.

The Planning Commission was provided with a map showing all properties in Troy zoned IB and at least 5 acres in area. Since the Planning Commission public hearing, City staff was able to create a map showing properties that met this criteria as well as the additional setback criteria proposed in the amendment. The additional criteria reduced the potential area available for oil and gas facilities.

There is a significant amount of information available related to this item. It is important that City Council is fully informed on this topic. City Management recommends that this item be studied and discussed at a joint meeting of City Council and the Planning Commission. Further, City Management proposes to invite representatives of the Oil, Gas and Minerals Section of MDEQ to attend the meeting, make a brief presentation and be available to answer questions related to the oil and gas industry.

Approved as to form and legality:

Lori Grigg Bluhm, City Attorney

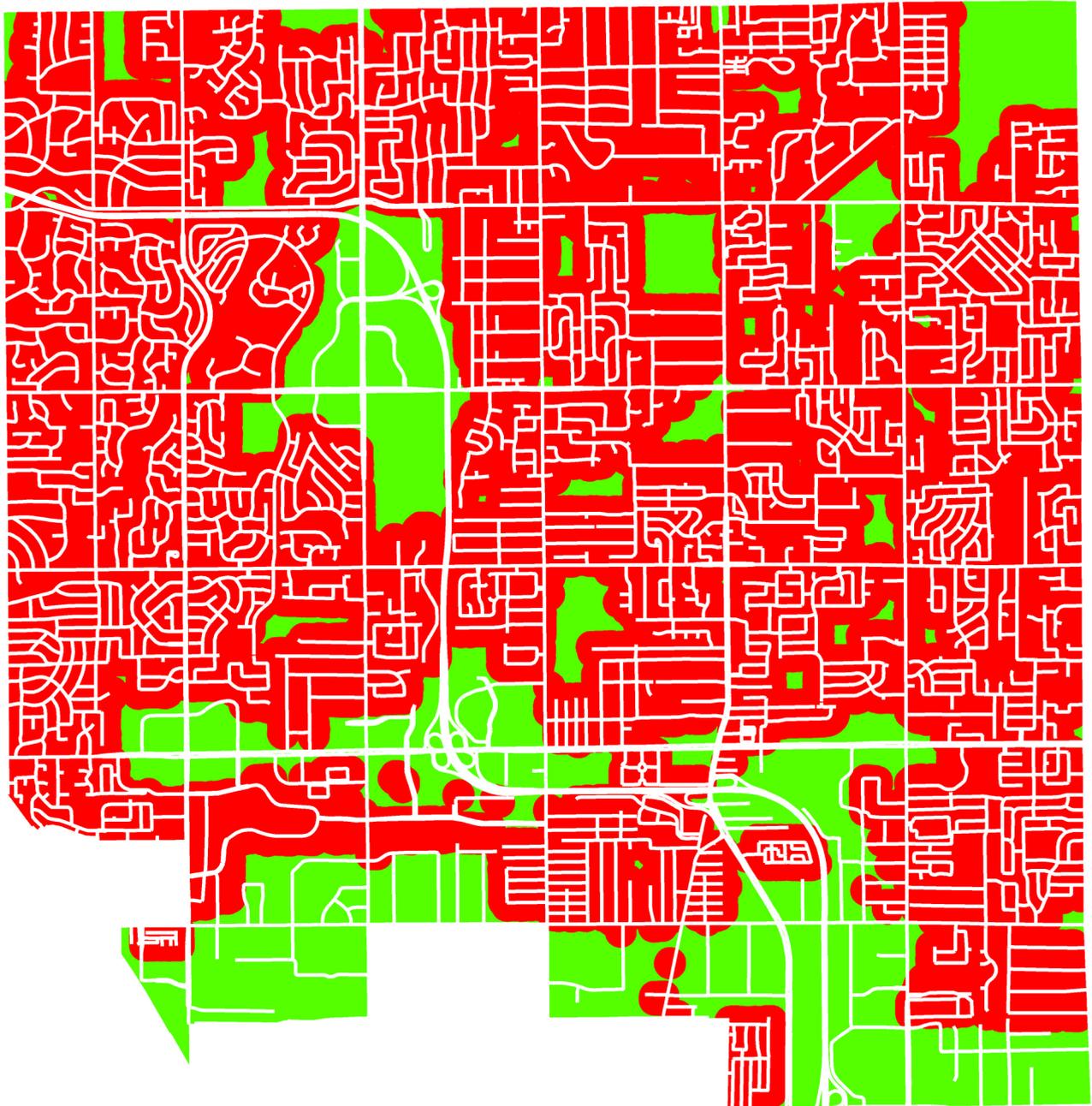
Attachments:

1. Table – Comparison of Regulations.
2. Map - Potential Oil and Gas Facility Sites (existing State of Michigan requirements).
3. Map – Potential Oil and Gas Facility Sites (proposed Zoning Ordinance provisions).
4. Zoning Ordinance Text Amendment Public Hearing Draft
5. Planning Commission minutes from June 23, 2015 Regular meeting (excerpt).
6. Planning Commission agenda item from June 23, 2015 Regular meeting.
7. Map - Oil and gas well in Michigan (from MDEQ website).
8. Photograph of natural gas well at MSU Management Center, 817 W. Square Lake Road, Troy MI.
9. Hydraulic Fracturing of Oil and Gas Wells in Michigan (from MDEQ website).
10. Map - High Volume Hydraulic Fracturing in Michigan.
11. Natural Resources and Environmental Protection Act (excerpt), Part 615 Supervisor of Wells.
12. Questions from Councilman Henderson, with responses.

COMPARISON OF REGULATIONS

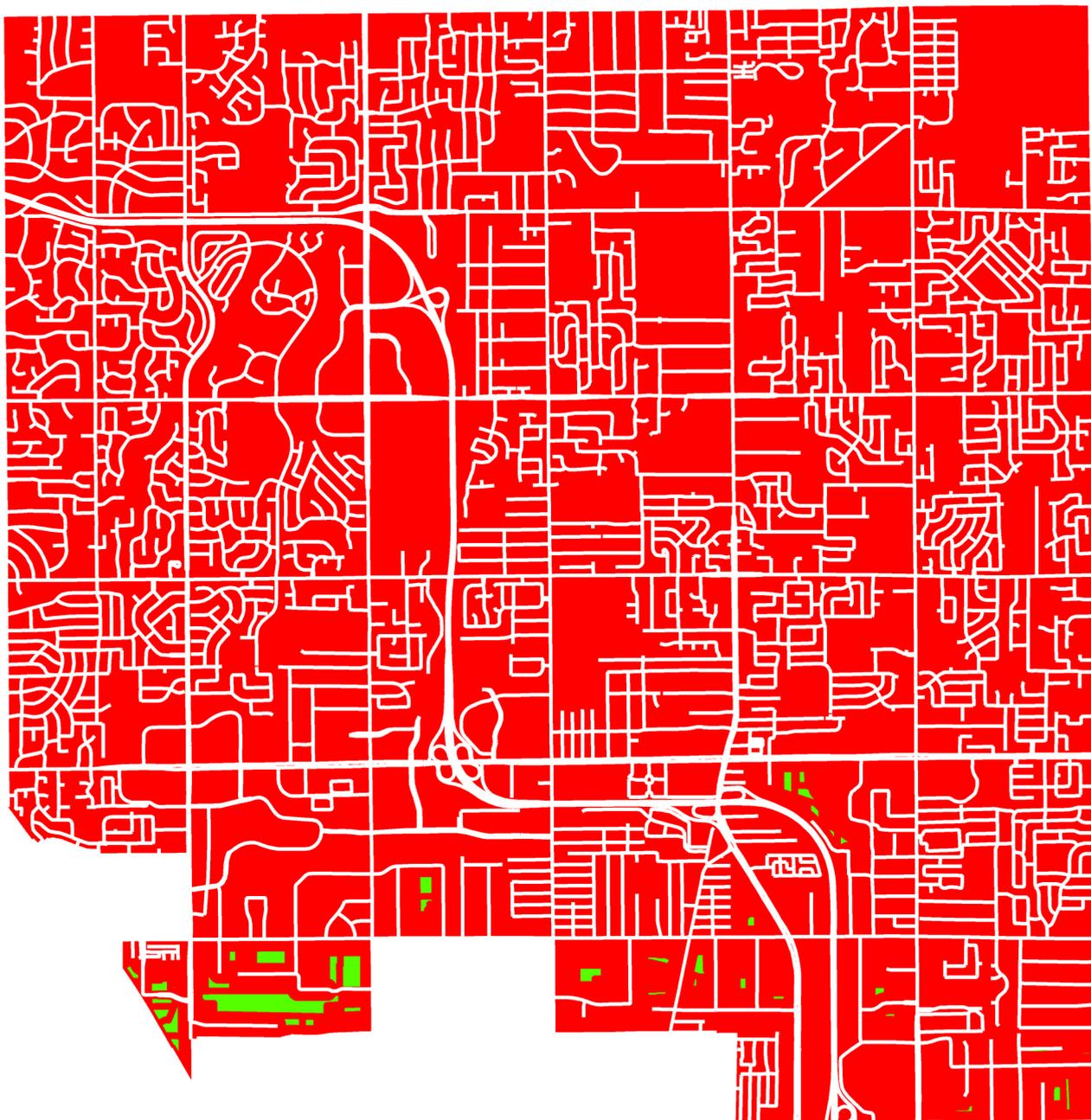
STATE OF MICHIGAN SUPERVISORS OF WELLS VERSUS PROPOSED CITY OF TROY PROVISIONS

REGULATION	STATE OF MICHIGAN SUPERVISORS OF WELLS	CITY OF TROY PROPOSED PROVISIONS
Minimum Lot Area	No requirement	5 acres
Zoning District	No requirement	IB Integrated Industrial and Business District
Permitted by Right or by Special Use Approval	By right	Special Use
Minimum Distance from Residential	450' from residential building	500' from residentially zoned or used property
Minimum Distance from Right-of-Way	No requirement	500' from property
Minimum Distance from Religious Facility	No requirement	500' from property
Minimum Distance from School	No requirement	500' from property
Minimum Distance from Hospital	No requirement	500' from property
Maximum Height Requirements	No requirement	110' for drilling derrick/rig and 22' for wellhead
Minimum Landscaping	No requirement	Staggered 10' tall evergreen trees placed around perimeter of fence with minimum landscape greenbelt buffer of 25' in depth
Fencing Requirements	No requirement	Site to be completely enclosed by 6' high fence
Construction Activity Hours	No requirement	Limited to between 7am and 8pm



EXISTING SITUATION

 Potential Sites Located at least 450' From Residential buildings (as per State of Michigan requirements)



PROPOSED OIL AND GAS PROVISIONS

 Areas meeting criteria for Oil and Gas Facilities (as per proposed text amendment)

CITY OF TROY

AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY
CITY COUNCIL PUBLIC HEARING DRAFT

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 39, Zoning Ordinance, of the Code of the City of Troy.

Section 2. Amendment

Chapter 39 of the Code of the City of Troy is amended as follows:

Add the following definitions in Section 2.02 to read as follows:

DERRICK – Any portable framework, tower mast and/or structure which is required or used in connection with drilling or re-working a well for the production of oil or gas.

DRILLING PAD-- The area of surface operations surrounding the surface location of a well or wells. Such area shall not include an access road to the drilling pad.

HYDRAULIC FRACTURING OR FRACKING-- The process of injecting water, customized fluids, sand, steam, or gas into a gas well under pressure to improve gas recovery.

HORIZONTAL DRILLING- The drilling of an oil or natural gas well at an angle so that the well runs parallel to the formation containing the oil or gas.

OIL AND GAS -- Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other products or similar substances that are produced by drilling an oil or gas well.

OIL AND GAS DEVELOPMENT -- The well site preparation, construction, drilling, redrilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas. The definition does not include natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.

OIL OR GAS WELL--A pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal.

OIL OR GAS WELL SITE -- The location of facilities, structures, materials and equipment (whether temporary or permanent), that are necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well. This definition also includes exploratory wells.

NATURAL GAS COMPRESSOR STATION -- A facility designed and constructed to compress natural gas that originates from a gas well or collection of such wells operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

NATURAL GAS PROCESSING PLANT -- A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

STORAGE WELL-- A well used for and in connection with the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for monitoring or observation of reservoir pressure.

Revise the following table in Section 4.21 to read as follows:

	R1A-R1E	RT	MF	UR	MHP	CF	EP	CB	GB	IB	O	OM	RC	PV	P
<u>Oil and Gas Well or Development</u>	<u>NP</u>	<u>S</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>								

Add Section 6.33 to read as follows:

Section 6.33: Oil and Gas Well/Development Standards for Special Use Approval:

The purpose of this section is to provide for the reasonable development of land for oil and gas drilling while providing adequate health, safety and general welfare protections of the residents of Troy. It is necessary and appropriate to adopt reasonable requirements for oil and gas resource development so that these resources can be obtained in a manner that protects the environment, protects residential properties and residential property values, and mitigates negative impacts.

The following requirements shall apply to the location, installation, drilling and operation of any well for the commercial extraction of oil, gas or other hydrocarbons in the City:

- A. Spacing and Well Setbacks. In addition to the spacing and setback requirements of the State of Michigan and the regulations of its Supervisor of Wells, the drilling, completion, or operation of oil or gas wells or well site shall not be located within 300 feet from any road right-of-way, 500 feet of a residentially zoned or used property or any property used for a religious facility, public or private school, or hospital, and 100 feet from any other property line. The setbacks in this section also apply to the area underground, and

preclude any horizontal drilling within the setback unless the applicant demonstrates to the City's satisfaction a legal entitlement to drill on adjacent properties through mineral rights acquisition or other means.

The measurement of the setback shall be made from the edge of the well site (in a straight line, without regard to intervening structures or objects), to the closest exterior point of the adjacent parcel.

- B. Height. The completed wellhead structure shall not exceed twenty-two (22) feet in height. The temporary drilling derrick/rig shall not exceed one-hundred and ten (110) feet in height.
- C. Minimum Lot Size. The minimum lot size shall be 5 acres.
- D. Fencing, Landscaping, and Lighting.
 - 1. An oil or gas well site shall be completely enclosed within a 6-foot high fence.
 - 2. Staggered ten (10) foot tall evergreen trees shall be placed around the perimeter of the fence with a minimum landscape greenbelt buffer of twenty-five (25) feet in depth. This landscaping buffer shall be in place within thirty (30) days of the removal of the temporary drilling derrick/rig. The landscape buffer and trees shall be regularly irrigated and maintained.
 - 3. Exterior lighting shall comply with Section 13.05 of the Zoning Ordinance.
- E. Nuisance Mitigation. The drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes shall comply with Section 12.06, Environmental Performance Standards. Those standards address potential nuisances such as noise, smoke, dust, open storage, fire and explosive hazards, odors, wastes, and vibration. Due to the unique nature of this type of operation, additional information and standards may be required.
- F. Dust, Noise, Vibration, and Odors. All operations shall be conducted in such a manner as to minimize, so far as practicable, dust, noise, vibration, or noxious odors, and shall be in accordance with the best accepted practices defined by the Michigan Department of Environmental Quality (MDEQ) for the production of oil, gas and other hydrocarbon substances in urban areas. All equipment used shall be constructed and operated so that vibrations, dust, odor or other harmful or annoying substances or effects will be minimized by the operations carried on at any drilling or production site or from anything incidental thereto, and to minimize the annoyance of persons living or working in the vicinity. Additionally, the site or structures on the property shall not be permitted to become dilapidated, unsightly, or unsafe. The City may impose additional reasonable restrictions upon such operations to reduce adverse impacts upon adjacent properties.
- G. Oil and Gas Processing Facilities. Associated processing facilities that separate oil, gas, and brine and hold said products for transport off-site for further refinement and processing are not permitted.
- H. Compliance with Laws and Permit Issuance. The drilling, completion, or operation of oil or gas wells or other wells drilled for the purpose of oil or gas exploration shall be done in conformity with all State and Federal laws, statutes, rules, and regulations pertaining thereto and particularly with the State of Michigan and the regulations of its Supervisor of Wells. This shall include obtaining the required permit from the Supervisor of Wells,

which permit shall be provided to the City before the City can grant special use approval under this section. This requirement also applies to, but is not limited to the plugging of wells, the exploring for, producing, marketing, and transporting of petroleum products, and the disposition and removal of any byproducts utilized and associated with said activities.

- I. Associated Permits and Approvals. Special use approval for the drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes is in addition to and are not in lieu of any permit or plan which may be required by any other provision of the City of Troy Zoning Ordinance, Building and Fire Codes, or by any other governmental agency, unless expressly outlined.
- J. Operations
 1. Permitted Construction Activity Hours. Site preparation and construction of well sites are limited to the hours of 7 am to 8 pm. Construction activities associated with establishing of the well sites may be eligible for an exception by the Building Department in accordance with the City's Special Hours Work Permit if such activities are in compliance with applicable laws and permits.
 2. The movement of drilling rigs, tanker trucks or heavy equipment used in connection with the drilling or operation of oil or gas wells over public roads and streets, shall be consistent with the City's Traffic Engineer's approval, which shall be obtained in advance. The City's Traffic Engineer shall identify the streets which may be used and any conditions that may apply.
 3. All brine, mud, slush, saltwater, chemicals, wastewater, chemical, fluids or waste produced or used in the drilling or production of oil or gas shall be safely, lawfully and properly disposed of to prevent infiltration of or damage to any fresh water well, groundwater, watercourse, pond, lake or wetland.
 4. The oil or gas well site shall be kept in a clean and orderly condition, free of trash and debris, with weeds cut. Machinery and equipment not being used in the operation of the well shall not be stored or kept at the well site.
 5. An oil or gas well shall include measures or controls satisfactory to the City Engineer to prevent migration, run-off or discharge of any hazardous materials, including but not limited to any chemicals, oil or gas produced or used in the drilling or production of oil or gas, to adjoining property or to the City of Troy sanitary sewer system, stormwater system or any natural or artificial watercourse, pond, lake or wetland. There shall be no off-site discharge of storm water except to an approved drainage system in accordance with the City's engineering requirements.
- K. Inspection. The Building Official, and any other designee of the City Manager, shall have the right and privilege at any time during the construction phase and any drilling operation to enter upon the premises covered by the special use approval for the purpose of making inspections to determine if the requirements of this section are complied with or the requirements of any other code or ordinance of the City are met.
- L. Injection wells. Injection wells used for brine disposal or other chemicals from production wells or from other sources shall be expressly prohibited within the City.

- M. Pipelines. No operator shall excavate or construct any lines for the conveyance of fuel, water, oil, gas or petroleum liquids on, under, or through the streets, alleys or other properties owned by the City without an easement or right-of-way license from the City.
- N. Submittal Requirements. In addition to submittal requirements for a Site Plan as set forth in Article 8 and Special Use as set forth in Article 9, the following information shall be submitted as part of the application:
1. Environmental Impact Statement. Applicant shall submit an Environmental Impact Statement filed with the Michigan Department of Environmental Quality in connection with a well permit under Part 615 of the Natural Resources and Environmental Protection Act, MCL 524.61501, et seq, and the administrative rules promulgated under Part 615, as amended.
 2. Hydrogeological analysis.
 3. Emergency Response Plan. Pursuant to State and Federal law, the operator shall provide any information necessary to assist the City Emergency Services Department with an emergency response plan and hazardous materials survey establishing written procedures to minimize any hazard resulting from the operation. The Emergency Response Plan should include emergency contact information.
 4. Reclamation Plan. A written statement that describes how the land will be returned to a stable and productive condition post drilling operations.
 5. Operations Plan to include:
 - i. Site ingress/egress
 - ii. Haul Route Map. Vehicle Routes for Truck Traffic. Construction vehicles and commercial trucks, associated with drilling and/or production operations shall be restricted to roads designated by the City Engineer.
 - iii. Hours of Operation. State listed hours of operation.
 - iv. Soil Erosion, Mud and Dust Control Plan.
 - v. Noise Control Plan. Prior to the granting of special use approval and the commencement of operations, the petitioner shall submit a noise management plan, detailing how the equipment used in the drilling, completion, transportation, or production of a well complies with the maximum permissible noise levels of the Zoning Ordinance. If Special Use Approval is granted, the Petitioner shall be responsible for verifying compliance with this section and the noise management plan after the installation of the equipment. The noise management plan shall:
 - i. Identify operational noise impacts
 - ii. Provide documentation establishing the ambient noise level prior to construction.
 - iii. Detail how the impacts will be mitigated. In determining noise mitigation, specific site characteristics shall be considered, including but not limited to the following:
 1. Nature and proximity of adjacent development, location, and type
 2. Seasonal and prevailing weather patterns, including wind directions
 3. Vegetative cover on or adjacent to the site

4. Topography
- vi. Odor and Fume Control Plan
 - vii. Pollution Prevention Plan
 - viii. Impact Mitigation Plan
 - ix. Monitoring controls.

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This amendment to the Zoning Ordinance shall take effect seven (7) days after publication, which shall be published within 15 days of adoption, as required the Michigan Zoning Enabling Act (Act 110 of 2006).

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2015.

Dane Slater, Mayor

Aileen Bittner, City Clerk

ZONING ORDINANCE TEXT AMENDMENT9. **PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 247) – Oil and Gas Extraction**

Mr. Savidant gave a PowerPoint presentation. He addressed the proposed regulations as relates to:

- Zoning District
- Special Use permit
- Minimum lot size and setbacks
- Screening and lighting
- Potential oil and gas sites (map)
- Nuisance performance standards
- Submittal requirements
- Comparison with Rochester Hills regulations

Mr. Motzny addressed the proposed regulations with respect to the constitutionality and non-exclusionary aspects of the law.

PUBLIC HEARING OPENED

Jennifer Halucha of 3219 Abington would like the City to strengthen its proposed regulations. She addressed regulations imposed by other communities.

Lois Pylat of 2378 Topaz encouraged members of government to contact Lansing in an effort to stop fracking. She addressed the potential for health consequences.

Cynthia Khan of 6902 Aurora addressed the dependency on other countries for energy and encouraged the use of our country's resources.

Toni Kovach of 2370 Topaz would like the City to strengthen the proposed regulations and provide protection of those who are in ill health.

Michael Ross of 152 Randall addressed the viable direction in which our country needs to go to stabilize its borders and international economy.

John Griffin of American Petroleum Institute, 124 W Allegan, Lansing, encouraged interested parties to learn more about the extraction of oil and fracking before speaking negatively on the matter. He addressed permitting in Troy, geological findings in Oakland County, protection of property rights and State regulations.

PUBLIC HEARING CLOSED

Chair Edmunds encouraged residents to contact their State legislators.

Mr. Savidant advised the audience the Planning Commission is the recommending body for a proposed text amendment and a Public Hearing will be scheduled at a future City Council meeting for consideration.

Resolution # PC-2015-06-040

Moved by: Hutson

Seconded by: Kuppa

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles 2, 4, and 6 of Chapter 39 of the Code of the City of Troy, which includes miscellaneous provisions related to oil and gas extraction, be amended as printed on the proposed Zoning Ordinance Text Amendment.

Yes: All present (9)

MOTION CARRIED

DATE: June 19, 2015

TO: Planning Commission

FROM: R. Brent Savidant, Planning Director

SUBJECT: ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 247) – Oil and Gas Extraction

This item was initiated by the Planning Commission, based on a recognition that the Zoning Ordinance is presently silent on the issue of oil and gas extraction.

The provisions were discussed by the Planning Commission at previous meetings. The proposed provisions would regulate oil and gas extraction in Troy, including fracking. These operations would be permitted subject to special use approval in the IB (Integrated Industrial and Business) zoning district only, on parcels that are at least 5 acres in size or greater.

The Planning Commission discussed this item at the May 26, 2015 Regular meeting and requested that a public hearing be scheduled. Following the public hearing, the item can be forwarded to City Council for consideration and action.

Please be prepared to discuss this item at the June 19, 2015 Planning Commission meeting.

Attachments:

1. Public Hearing Draft ZOTA
2. Map of potential oil and gas sites.

G:\ZOTAs\ZOTA 247 Oil and Gas Extraction\PC Memo 06 23 2015.doc

PROPOSED RESOLUTION

ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 247) – Oil and Gas Extraction

Resolution # PC-2015-06-

Moved by:

Seconded by:

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles 2, 4, and 6 of Chapter 39 of the Code of the City of Troy, which includes miscellaneous provisions related to oil and gas extraction, be amended as printed on the proposed Zoning Ordinance Text Amendment.

Yes:

No:

Absent:

MOTION CARRIED / DENIED

CITY OF TROY

AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY
CITY COUNCIL PUBLIC HEARING DRAFT

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OIL OR GAS WELL SITE -- The location of facilities, structures, materials and equipment (whether temporary or permanent), that are necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well. This definition also includes exploratory wells.

NATURAL GAS COMPRESSOR STATION -- A facility designed and constructed to compress natural gas that originates from a gas well or collection of such wells operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

NATURAL GAS PROCESSING PLANT -- A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

STORAGE WELL-- A well used for and in connection with the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for monitoring or observation of reservoir pressure.

Revise the following table in Section 4.21 to read as follows:

	R1A-R1E	RT	MF	UR	MHP	CF	EP	CB	GB	IB	O	OM	RC	PV	P
Oil and Gas Well or Development	NP	NP	NP	NP	NP	NP	NP	NP	NP	S	NP	NP	NP	NP	NP

Add Section 6.33 to read as follows:

Section 6.33: Oil and Gas Well/Development Standards for Special Use Approval:

The purpose of this section is to provide for the reasonable development of land for oil and gas drilling while providing adequate health, safety and general welfare protections of the residents of Troy. It is necessary and appropriate to adopt reasonable requirements for oil and gas resource development so that these resources can be obtained in a manner that protects the environment, protects residential properties and residential property values, and mitigates negative impacts.

The following requirements shall apply to the location, installation, drilling and operation of any well for the commercial extraction of oil, gas or other hydrocarbons in the City:

- A. Spacing and Well Setbacks. In addition to the spacing and setback requirements of the State of Michigan and the regulations of its Supervisor of Wells, the drilling, completion, or operation of oil or gas wells or well site shall not be located within 300 feet from any road right-of-way, 500 feet of a residentially zoned or used property or any property used for a religious facility, public or private school, or hospital, and 100 feet from any other property line. The setbacks in this section also apply to the area underground, and

preclude any horizontal drilling within the setback unless the applicant demonstrates to the City's satisfaction a legal entitlement to drill on adjacent properties through mineral rights acquisition or other means.

The measurement of the setback shall be made from the edge of the well site (in a straight line, without regard to intervening structures or objects), to the closest exterior point of the adjacent parcel.

- B. Height. The completed wellhead structure shall not exceed twenty-two (22) feet in height. The temporary drilling derrick/rig shall not exceed one-hundred and ten (110) feet in height.
- C. Minimum Lot Size. The minimum lot size shall be 5 acres.
- D. Fencing, Landscaping, and Lighting.
 - 1. An oil or gas well site shall be completely enclosed within a 6-foot high fence.
 - 2. Staggered ten (10) foot tall evergreen trees shall be placed around the perimeter of the fence with a minimum landscape greenbelt buffer of twenty-five (25) feet in depth. This landscaping buffer shall be in place within thirty (30) days of the removal of the temporary drilling derrick/rig. The landscape buffer and trees shall be regularly irrigated and maintained.
 - 3. Exterior lighting shall comply with Section 13.05 of the Zoning Ordinance.
- E. Nuisance Mitigation. The drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes shall comply with Section 12.06, Environmental Performance Standards. Those standards address potential nuisances such as noise, smoke, dust, open storage, fire and explosive hazards, odors, wastes, and vibration. Due to the unique nature of this type of operation, additional information and standards may be required.
- F. Dust, Noise, Vibration, and Odors. All operations shall be conducted in such a manner as to minimize, so far as practicable, dust, noise, vibration, or noxious odors, and shall be in accordance with the best accepted practices defined by the Michigan Department of Environmental Quality (MDEQ) for the production of oil, gas and other hydrocarbon substances in urban areas. All equipment used shall be constructed and operated so that vibrations, dust, odor or other harmful or annoying substances or effects will be minimized by the operations carried on at any drilling or production site or from anything incidental thereto, and to minimize the annoyance of persons living or working in the vicinity. Additionally, the site or structures on the property shall not be permitted to become dilapidated, unsightly, or unsafe. The City may impose additional reasonable restrictions upon such operations to reduce adverse impacts upon adjacent properties.
- G. Oil and Gas Processing Facilities. Associated processing facilities that separate oil, gas, and brine and hold said products for transport off-site for further refinement and processing are not permitted.
- H. Compliance with Laws and Permit Issuance. The drilling, completion, or operation of oil or gas wells or other wells drilled for the purpose of oil or gas exploration shall be done in conformity with all State and Federal laws, statutes, rules, and regulations pertaining thereto and particularly with the State of Michigan and the regulations of its Supervisor of Wells. This shall include obtaining the required permit from the Supervisor of Wells.

which permit shall be provided to the City before the City can grant special use approval under this section. This requirement also applies to, but is not limited to the plugging of wells, the exploring for, producing, marketing, and transporting of petroleum products, and the disposition and removal of any byproducts utilized and associated with said activities.

- I. Associated Permits and Approvals. Special use approval for the drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes is in addition to and are not in lieu of any permit or plan which may be required by any other provision of the City of Troy Zoning Ordinance, Building and Fire Codes, or by any other governmental agency, unless expressly outlined.
- J. Operations
 - 1. Permitted Construction Activity Hours. Site preparation and construction of well sites are limited to the hours of 7 am to 8 pm. Construction activities associated with establishing of the well sites may be eligible for an exception by the Building Department in accordance with the City's Special Hours Work Permit if such activities are in compliance with applicable laws and permits.
 - 2. The movement of drilling rigs, tanker trucks or heavy equipment used in connection with the drilling or operation of oil or gas wells over public roads and streets, shall be consistent with the City's Traffic Engineer's approval, which shall be obtained in advance. The City's Traffic Engineer shall identify the streets which may be used and any conditions that may apply.
 - 3. All brine, mud, slush, saltwater, chemicals, wastewater, chemical, fluids or waste produced or used in the drilling or production of oil or gas shall be safely, lawfully and properly disposed of to prevent infiltration of or damage to any fresh water well, groundwater, watercourse, pond, lake or wetland.
 - 4. The oil or gas well site shall be kept in a clean and orderly condition, free of trash and debris, with weeds cut. Machinery and equipment not being used in the operation of the well shall not be stored or kept at the well site.
 - 5. An oil or gas well shall include measures or controls satisfactory to the City Engineer to prevent migration, run-off or discharge of any hazardous materials, including but not limited to any chemicals, oil or gas produced or used in the drilling or production of oil or gas, to adjoining property or to the City of Troy sanitary sewer system, stormwater system or any natural or artificial watercourse, pond, lake or wetland. There shall be no off-site discharge of storm water except to an approved drainage system in accordance with the City's engineering requirements.
- K. Inspection. The Building Official, and any other designee of the City Manager, shall have the right and privilege at any time during the construction phase and any drilling operation to enter upon the premises covered by the special use approval for the purpose of making inspections to determine if the requirements of this section are complied with or the requirements of any other code or ordinance of the City are met.
- L. Injection wells. Injection wells used for brine disposal or other chemicals from production wells or from other sources shall be expressly prohibited within the City.

- M. Pipelines. No operator shall excavate or construct any lines for the conveyance of fuel, water, oil, gas or petroleum liquids on, under, or through the streets, alleys or other properties owned by the City without an easement or right-of-way license from the City.
- N. Submittal Requirements. In addition to submittal requirements for a Site Plan as set forth in Article 8 and Special Use as set forth in Article 9, the following information shall be submitted as part of the application:
1. Environmental Impact Statement. Applicant shall submit an Environmental Impact Statement filed with the Michigan Department of Environmental Quality in connection with a well permit under Part 615 of the Natural Resources and Environmental Protection Act, MCL 524.61501, et seq, and the administrative rules promulgated under Part 615, as amended.
 2. Hydrogeological analysis.
 3. Emergency Response Plan. Pursuant to State and Federal law, the operator shall provide any information necessary to assist the City Emergency Services Department with an emergency response plan and hazardous materials survey establishing written procedures to minimize any hazard resulting from the operation. The Emergency Response Plan should include emergency contact information.
 4. Reclamation Plan. A written statement that describes how the land will be returned to a stable and productive condition post drilling operations.
 5. Operations Plan to include:
 - i. Site ingress/egress
 - ii. Haul Route Map. Vehicle Routes for Truck Traffic. Construction vehicles and commercial trucks, associated with drilling and/or production operations shall be restricted to roads designated by the City Engineer.
 - iii. Hours of Operation. State listed hours of operation.
 - iv. Soil Erosion, Mud and Dust Control Plan.
 - v. Noise Control Plan. Prior to the granting of special use approval and the commencement of operations, the petitioner shall submit a noise management plan, detailing how the equipment used in the drilling, completion, transportation, or production of a well complies with the maximum permissible noise levels of the Zoning Ordinance. If Special Use Approval is granted, the Petitioner shall be responsible for verifying compliance with this section and the noise management plan after the installation of the equipment. The noise management plan shall:
 - i. Identify operational noise impacts
 - ii. Provide documentation establishing the ambient noise level prior to construction.
 - iii. Detail how the impacts will be mitigated. In determining noise mitigation, specific site characteristics shall be considered, including but not limited to the following:
 1. Nature and proximity of adjacent development, location, and type
 2. Seasonal and prevailing weather patterns, including wind directions
 3. Vegetative cover on or adjacent to the site

4. Topography
- vi. Odor and Fume Control Plan
 - vii. Pollution Prevention Plan
 - viii. Impact Mitigation Plan
 - ix. Monitoring controls.

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

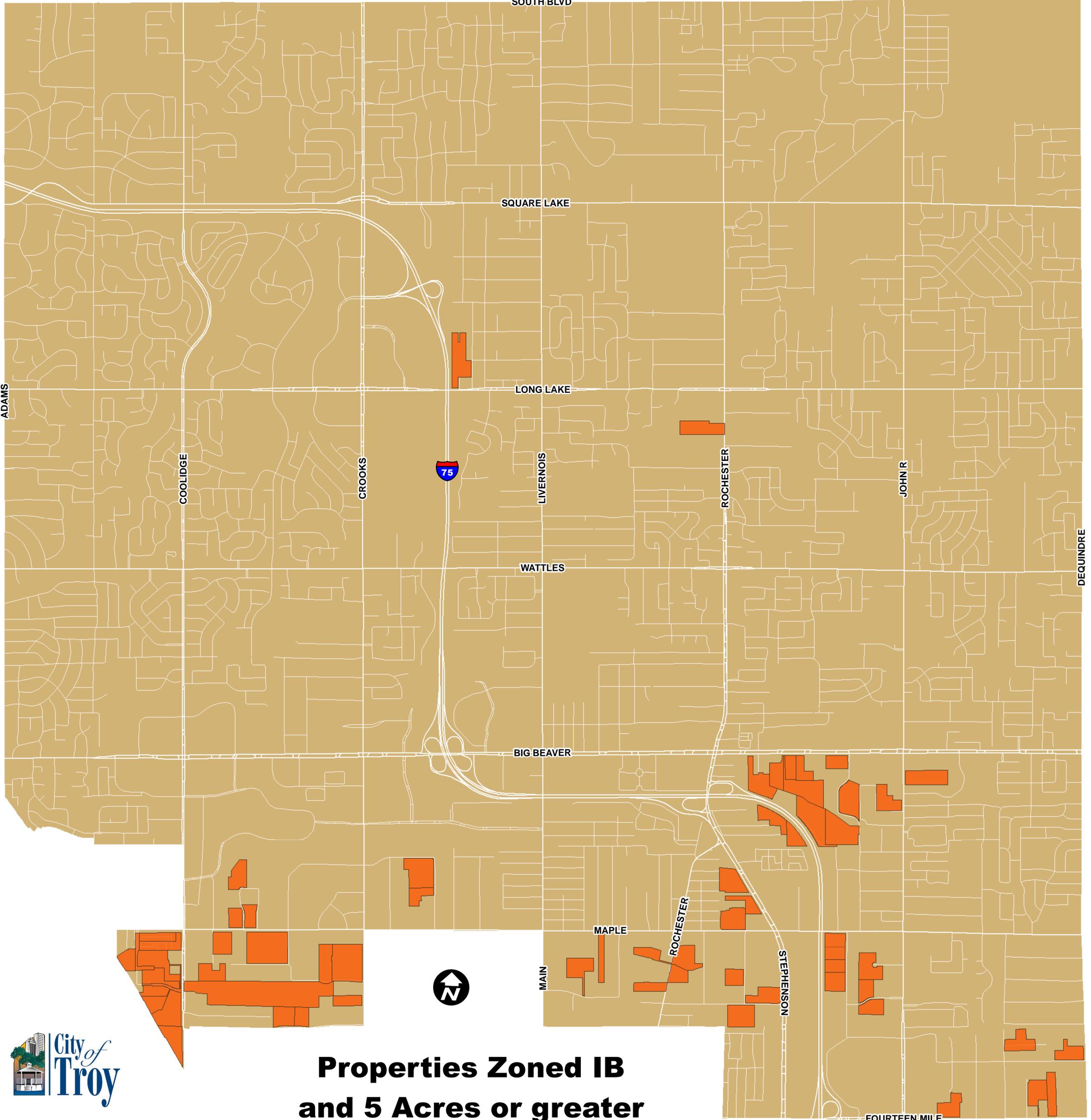
Section 5. Effective Date

This amendment to the Zoning Ordinance shall take effect seven (7) days after publication, which shall be published within 15 days of adoption, as required the Michigan Zoning Enabling Act (Act 110 of 2006).

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2015.

Dane Slater, Mayor

Aileen Bittner, City Clerk



ADAMS

COOLIDGE

CROOKS

SQUARE LAKE

LONG LAKE

LIVERNOS

WATTLES

BIG BEAVER

ROCHESTER

JOHN R

DEQUINDRE



MAPLE

MAIN

ROCHESTER

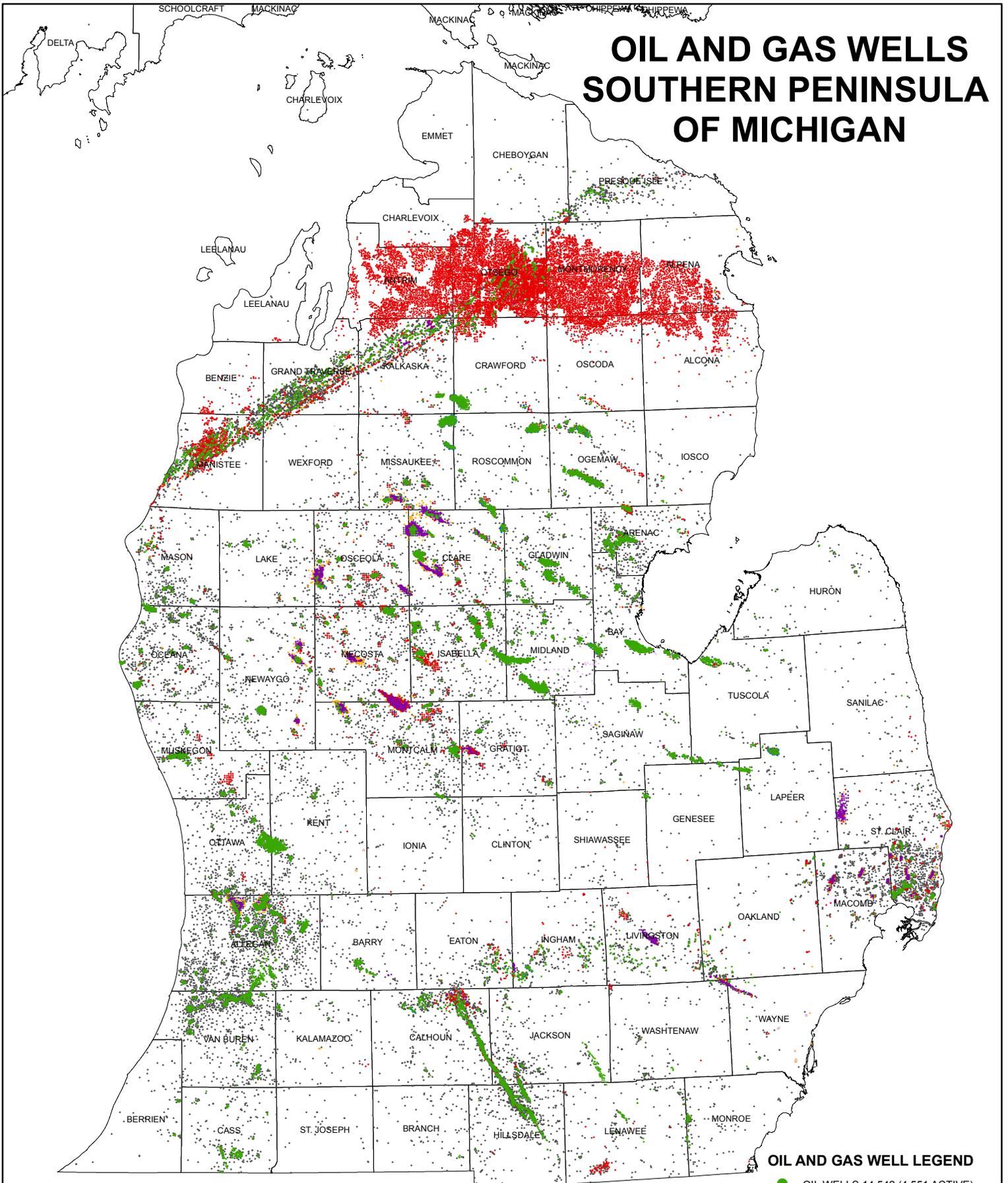
STEPHENSON

FOURTEEN MILE



Properties Zoned IB and 5 Acres or greater

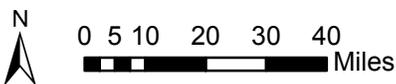
OIL AND GAS WELLS SOUTHERN PENINSULA OF MICHIGAN



OIL AND GAS WELL LEGEND

- OIL WELLS 14,542 (4,551 ACTIVE)
- GAS WELLS 13,269 (11,191 ACTIVE)
- DRY HOLES 22,067
- GAS STORAGE WELLS 3,016
- BRINE DISPOSAL WELLS 1,187
- WATER INJECTION WELLS 787
- OTHER WELL TYPES 1,192

Michigan Department of Environmental Quality
Office of Oil, Gas, and Minerals
September 2012





Hydraulic Fracturing of Oil and Gas Wells in Michigan

The Department of Environmental Quality (DEQ), Office of Oil, Gas, and Minerals (OOGM) is charged with the responsibility of ensuring the best use of Michigan's geological resources for their social and economic benefits while protecting the environment and public health and safety. The OOGM employs over 50 staff members who live and work in the communities they protect. As the use of hydraulic fracturing has expanded and developed over the past several decades, the OOGM has worked to stay ahead of technological changes by implementing rules and regulations that address potential risks to the environment and public health and safety. Recent advances in technology have opened up new areas to oil and gas development. While this is exciting economic news for some areas, it also poses potential risks to the region's ground and surface waters as well as other environmental resources. The OOGM staff have worked with environmental groups and the oil and gas industry to address concerns before risks become reality. This document was created to help the public by providing them with basic information on what hydraulic fracturing is, why it is needed and what the OOGM has done to protect the public and resources of the State of Michigan. Terms in **bold face** type are defined in the glossary at the end of this document.



DEQ-OOGM Geologist inspecting floor of rig during drilling operation.

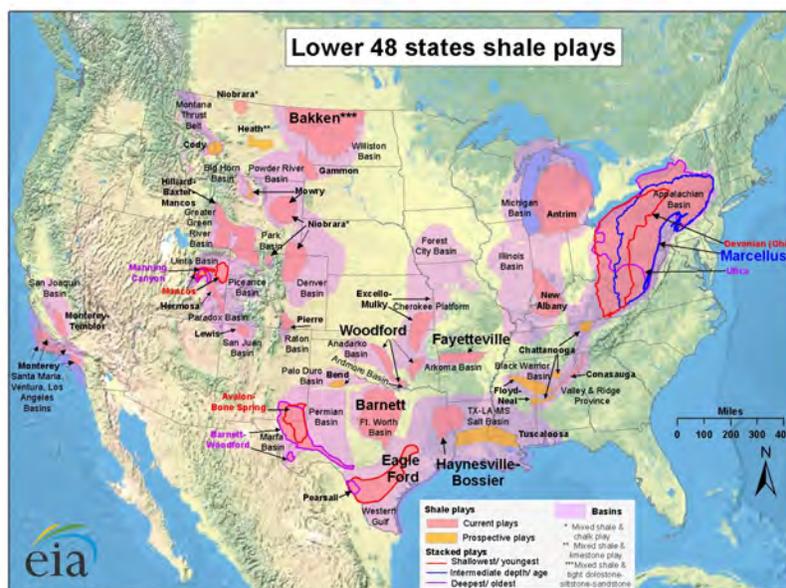
What is Hydraulic Fracturing?

Hydraulic fracturing is part of the completion of some oil or natural gas wells after they are drilled. Hydraulic fracturing involves pumping water at high pressure to create fractures in reservoir rock that allow the oil or natural gas to flow more freely to the well bore. Proppants, usually silica sand, are added to the water to hold the fractures open once they are created. Small concentrations of chemicals are added to improve the effectiveness of the fracture job.

Recently, hydraulic fracturing and **horizontal drilling** have been utilized, to increase exposure of more reservoir rock formation to the well bore to maximize production. **Horizontal drilling** has been used commercially since the 1980s but has not been widely applied until recent years. Hydraulic fracturing has been utilized throughout the United States for more than 60 years and allows production in tight geologic formations which would otherwise not yield economical amounts of oil and natural gas. In the past 60 years significant advancements of the technology have occurred in such areas proppant development, fluid advances, modeling and simulation, and horizontal well integration. After completing a hydraulic fracture treatment the fracturing fluid begins to flow back through the well casing to the wellhead. Typically, 25 to 75 percent of the hydraulic fracturing fluid is recovered as **“flowback”** water within a few weeks or months after hydraulic fracturing. The rest remains in the oil and gas-bearing formation or is recovered over time along with the oil and gas that is produced.

Hydraulic Fracturing in Michigan

Michigan has comprehensive laws and rules, enforced by the DEQ, that regulate hydraulic fracturing as well as every other aspect of oil and gas drilling and production. The DEQ works to consider the risks of hydraulic fracturing and to institute regulations that minimize those risks. In Michigan, since 1952, when the first hydraulic fracture stimulation was performed in Michigan, more than 12,000 wells have been hydraulically fractured. Most of these are Antrim Shale Formation gas wells in the northern Lower Peninsula. Hydraulic fracturing procedures may take one to fifteen days depending on the length of the interval to be treated. OOGM staff inspect the sites regularly during drilling and **completion** activities. Recent interest in horizontally drilling and/or hydraulically fracturing formations has focused on the Utica-Collingwood in Northern Michigan, the A1 Carbonate in Mid and West Michigan, and the Black River (Van Wert zone) in Southern Michigan. The formations are more than 3,000 feet deep (4,000 to 10,000 feet below ground surface) and due to the long lateral lengths (up to 2 miles) are expected to require significant volumes of fluids for hydraulic fracturing. In response, the Supervisor of Wells Instruction 1-2011 was issued, which improves environmental protection measures and fosters greater transparency. The Instruction applies to **high volume hydraulic fracturing well completions**. It sets standards for water withdrawal evaluation; monitoring and reporting of fracturing pressures and rates; providing information on chemical additives; and reporting of **flowback** water.



Major Shale Gas plays in the Contiguous U.S., (EIA, 2011)



Aerial photograph of a large scale staged hydraulic fracturing job performed on an Utica-Collingwood well in Kalkaska County in 2011. Hydraulic Fracturing operations at Antrim Shale wells are not done on such a large scale.



Aerial photograph of a Utica- Collingwood well during "flowback" after hydraulic fracturing is complete. The Freshwater pit, shown in the upper right, remains in place from the hydraulic fracturing but is not used during the flowback stage.

Hydraulic Fracturing Concerns:

Recent issues raised in other states have thrust it into the forefront of people's attentions across the state. The public has voiced its concerns about hydraulic fracturing and the DEQ has been listening. Responses to common questions the public is asking are addressed on the following pages.

Q: Will hydraulic fracturing affect my groundwater?

A: Fresh water is needed to hydraulically fracture a well. The quantity of water needed varies based on the type of well being completed with hydraulic fracturing. A vertical well that is hydraulically fractured may use about 50,000 to 100,000 gallons of water while a horizontal well that is hydraulically fractured may use up to 20,000,000 gallons of water or more. Withdrawal of water for oil and gas operations is exempt from the requirements of Michigan's water withdrawal statute (Part 327 of Act 451 Natural Resources Environmental Protection Act (NREPA)); however, the DEQ requires the operator to perform the same water withdrawal impact assessment as any other user of large volumes of water. Additionally, in situations where a freshwater supply well is within one-quarter mile of the proposed hydraulic fracturing withdrawal location, the DEQ requires installation of an observation well to monitor water levels. The DEQ reviews each application for a **high-volume hydraulic fracturing well completion** and determines if a large-volume water withdrawal is being proposed. If so, the DEQ will screen that proposed withdrawal using Michigan's **Water Withdrawal Assessment Tool**. Under no circumstances will water withdrawals that are determined to create an Adverse Resource Impact to the waters of the State be approved.

Q: Where does the water go?

A: Produced water (**brine**) must be properly handled and disposed of in order to protect public health and the environment. In Michigan, strict rules determine the handling and disposal of these fluids: fluids must be containerized in steel tanks (with secondary containment) until they can be transported to disposal wells (regulated by the DEQ and Environmental Protection Agency) where the fluid is injected into deep rock layers isolated from fresh water supplies. The DEQ also requires reporting of the volume of **flowback** water recovered after a hydraulic fracturing operation.

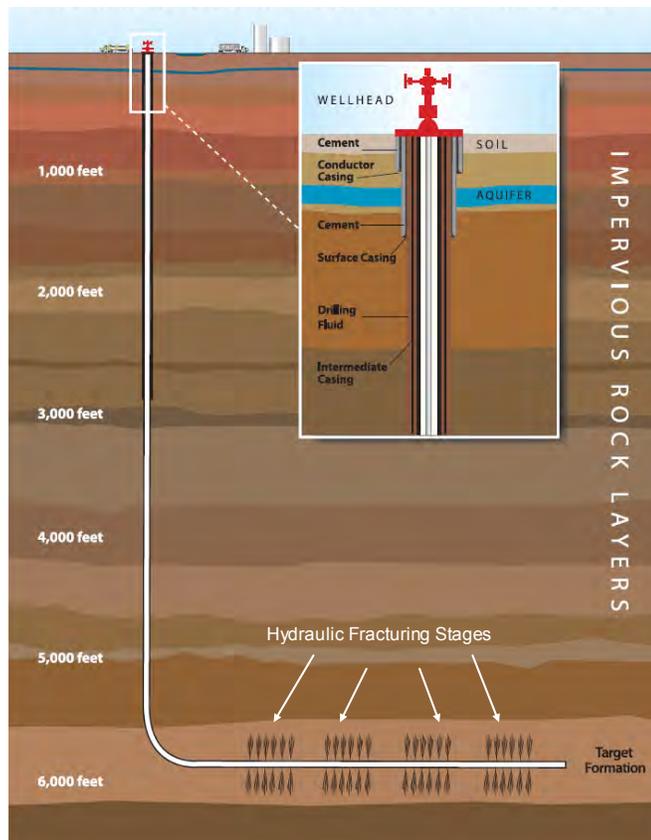
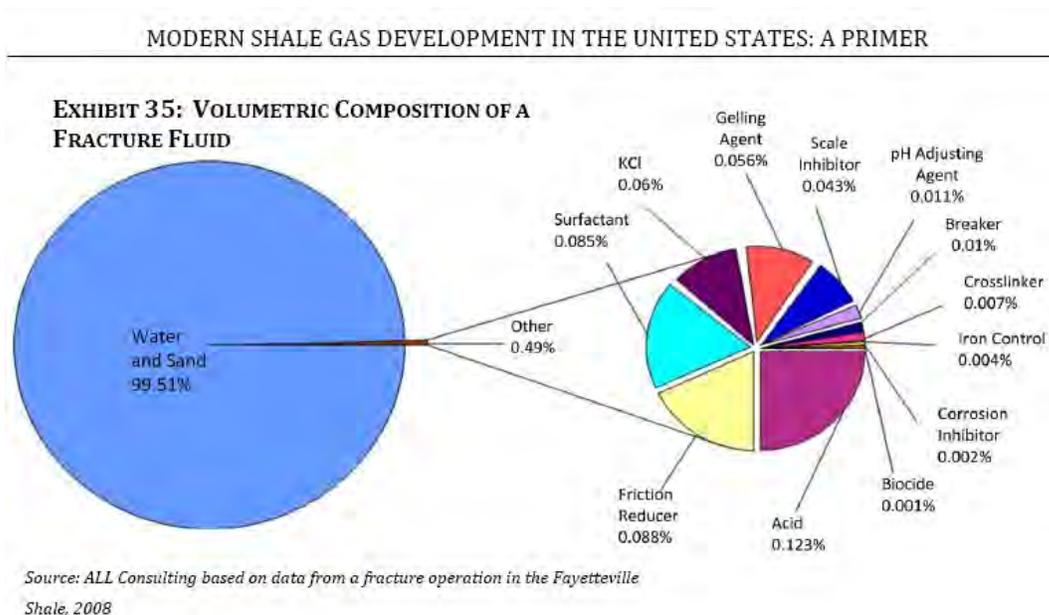


Figure depicting a horizontal well that has been hydraulic fractured, Modified from API, 2012.

Q: What chemicals are used in Hydraulic Fracturing?

A: The hydraulic fracturing fluid is generally composed of approximately 99.5% fresh water and sand and 0.5% chemical additives including friction reducers, biocides, stabilizers, acids, and compounds that increase the viscosity of the fluid. Like many household cleaners and solvents, some of the chemical additives used in hydraulic fracturing can have adverse health or environmental impacts if they are not properly handled. Oil and gas operators are required to provide to the DEQ copies of all Material Safety Data Sheets (MSDSs) for additives used in **high volume hydraulic fracturing well completions**. The MSDSs include information on physical characteristics, toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill response. The DEQ posts the MSDSs on the Department's web site for public review. While the details on some of the chemical compounds used in hydraulic fracturing are exempted from disclosure on the MSDSs under federal law, the MSDSs will provide enough information for the DEQ to track and monitor spills. More information about chemicals used in hydraulic fracturing can be found at Fracfocus.org.

What's in Fracturing Fluid?

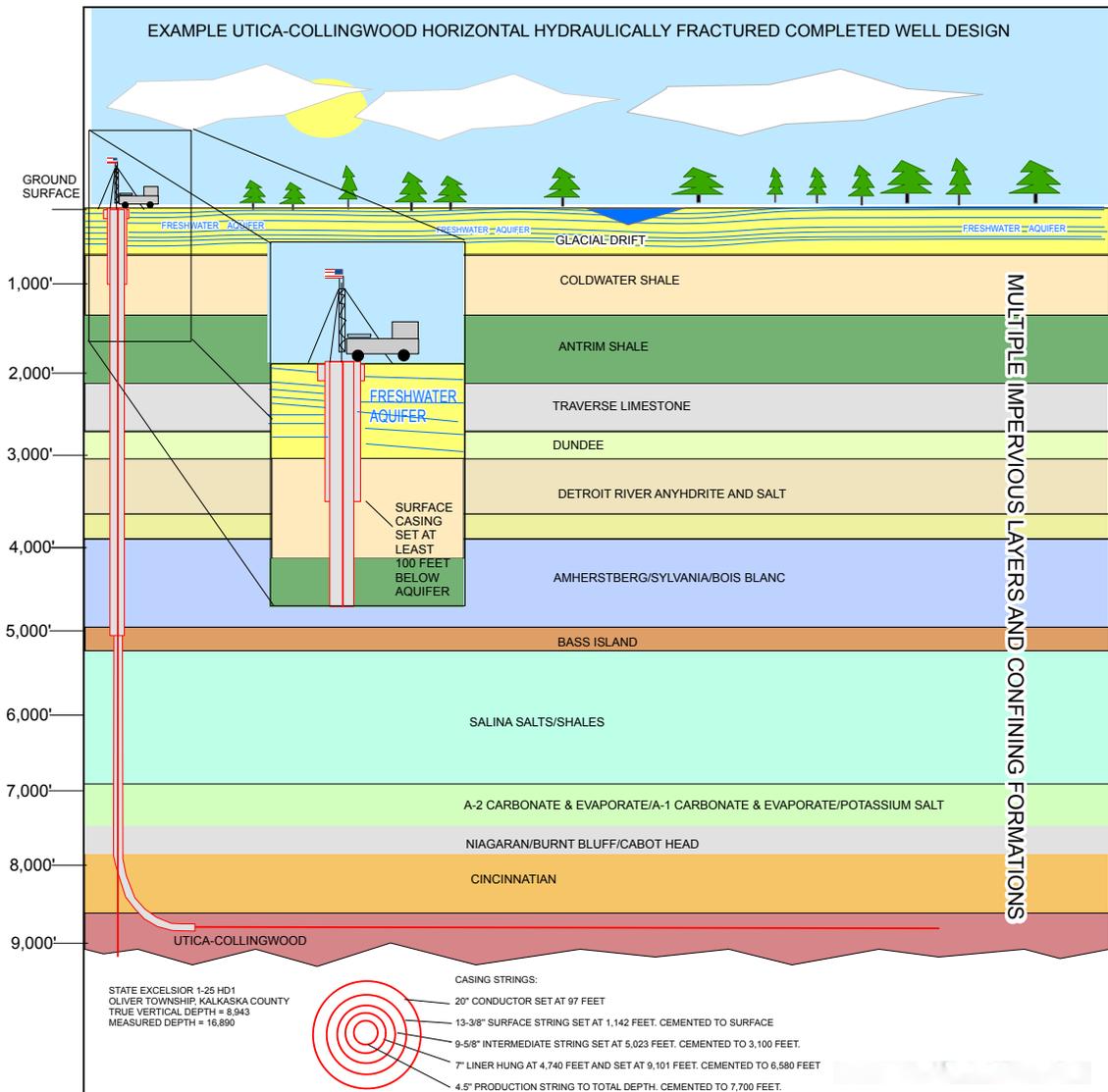


Q: What if there is a spill?

A: Surface spills of chemical additives or **flowback** water can have adverse environmental or public health impacts. Michigan requires **secondary containment** under tanks and other areas where spills are most likely to occur. If a spill does occur, it must be reported immediately to the DEQ, and cleaned up according to strict legal requirements identified in Part 201 of Act 451 (NREPA).

Q: Will my groundwater become contaminated?

A: A major public concern surrounding oil and natural gas development and particularly hydraulic fracturing is the migration of gas or other fluids out of the reservoir and into fresh water aquifers. In other states where migration of gas into freshwater aquifers has occurred, it has been the result of improper well construction or well construction problems not from hydraulic fracturing itself. The installation of steel pipe (“**casing**”) encased in cement is critical to preventing migration of gas or fluids. Michigan has strong regulations that require each oil and gas well to have a **casing** and cementing plan that will contain gas and other fluids within the well bore and the formation. Surface **casing** must be set a minimum of 100 feet into competent bedrock and at least 100 feet below any fresh water zones, this **casing** is cemented from the base to the ground surface. For most deeper wells, and intermediate **casing** string is set and cemented for added protection. Before fracturing or other **completion** operations can take place, a production **casing** must be set to the depth of the target reservoir and cemented in place. Geology varies across the state; therefore, every **casing** and sealing plan is thoroughly reviewed for site specific geologic characteristics. Additional strings of **casing** or revisions to the **casing** and sealing plan may be required by the DEQ to ensure that the plan will prevent migration of gas or fluids.



Glossary

Aquifer: Sediment or rock formation that contains water and porous and permeable enough to transmit water to wells and springs.

Brine: All nonpotable water resulting, obtained, or produced from the exploration, drilling or production of oil or gas, or both.

Casing: Heavy steel pipe placed in an open hole and cemented into place. Casing is designed to withstand high pressures, large tensile loads and resist chemical reaction and corrosion. A casing string refers to a series of connected segments of casing or pipe that serves to prevent the hole from caving, keep the fluids inside the casing string from migrating to porous formations, prevents unwanted fluids from entering the hole, and protects fresh water aquifers.

Completion: Equipment and procedures used to bring a wellbore into production and enhance productivity after a well has been drilled, cased and sealed.

High volume hydraulic fracturing well completion: A well completion operation that is intended to use a total of more than 100,000 gallons of hydraulic fracturing fluid.

Horizontal Drilling: Deviation of a wellbore from vertical toward a horizontal inclination in order to intersect targeted fractures and/or maximize contact with a productive formation.

Large Volume Water Withdrawal: A water withdrawal intended to produce a cumulative total of over 100,000 gallons of water per day when averaged over a consecutive 30-day period. Use of surface water is prohibited for activities regulated under Part 615.

Flowback Water: Flowback water is a mix of fracturing fluids and native water from the formation itself (often termed “produced water”) that contains salts and other dissolved constituents. These fluids come to the surface through casing after the well has been completed.

Reservoir: A geological formation that contains economically producible quantities of oil and/or gas.

Secondary containment: A bermed plastic lining or other physical barrier that is used to contain primary containers and designed to catch spilled materials from the primary container. Secondary containment provides redundancy to primary containers, easing clean-up and protecting the environment.

Water Withdrawal Assessment Tool (WWAT): A computer program designed to estimate the likely ecological impact of a proposed water withdrawal on nearby streams and rivers. The WWAT considers the geographic variations in Michigan’s streams, geology, precipitation and fish community types to formulate mathematical models of stream flow, groundwater characteristics, and fish ecology. Stream flow models are used in combination with groundwater models to estimate how much a well will reduce the flow in nearby streams and to assess any impact to the types and abundance of fish that live there, serving as indicators to health of the overall stream ecosystem. (www.miwwat.org).



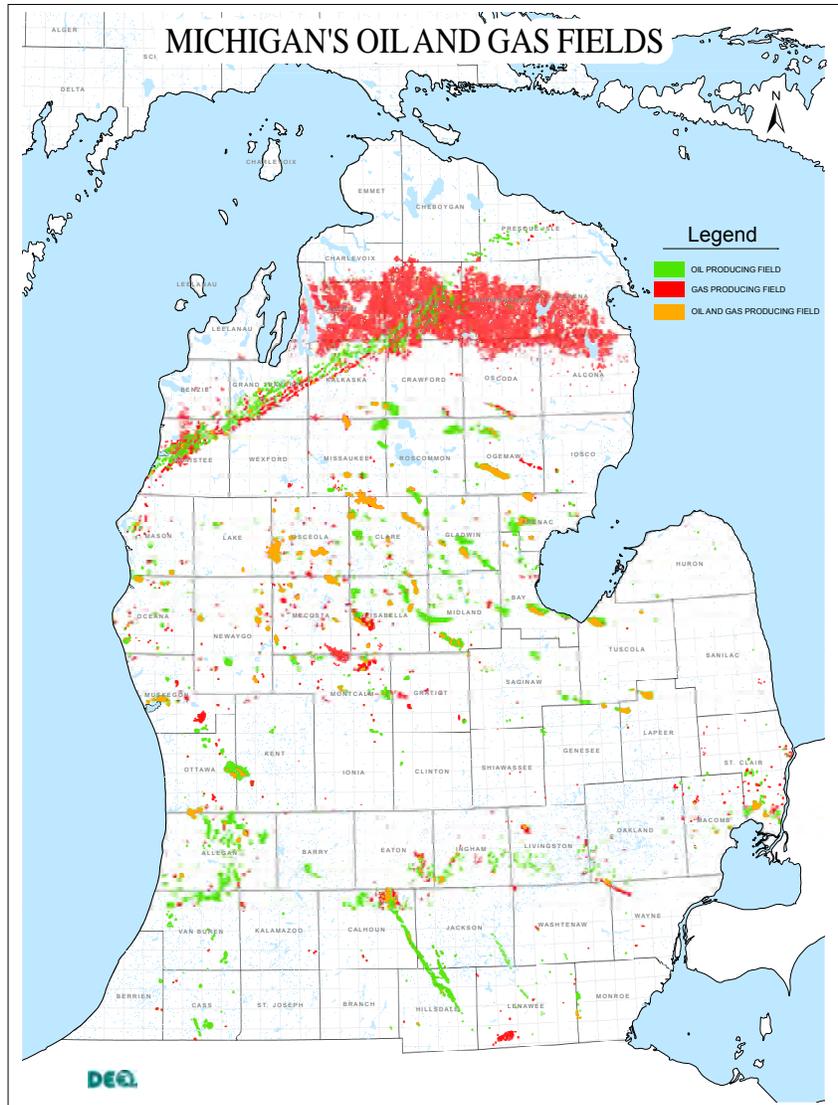
Photograph of a Utica–Collingwood well being drilled in Kalkaska County.

More Information / Contact Us

Go to our homepage at www.michigan.gov/ogs and click on “hydraulic fracturing” to find Material Safety Data Sheets for the additives used in hydraulic fracturing completions, hydraulic fracturing presentations, current maps, regulations, Supervisor of Wells Instruction 1-2011 listing of wells and much more.

Still have questions? Contact the DEQ-OOGM at:
Michigan DEQ, Office of Oil, Gas, and Minerals, P.O. Box 30256, Lansing, MI 48909-7756.

To report an environmental emergency situation, call our 24-hour Pollution Emergency Alerting System (PEAS) at 1-800-292-4706.



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NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

PART 615
SUPERVISOR OF WELLS

324.61501 Definitions.

Sec. 61501. Unless the context requires a different meaning, the words defined in this section have the following meanings when used in this part:

- (a) "Department" means the department of environmental quality.
- (b) "Field" means an underground reservoir or reservoirs containing oil or gas, or both. Field also includes the same general surface area that is underlaid or appears to be underlaid by at least 1 pool. Field and pool have the same meaning if only 1 underground reservoir is involved. However, field, unlike pool, may relate to 2 or more pools.
- (c) "Fund" means the oil and gas regulatory fund created in section 61525b.
- (d) "Gas" means a mixture of hydrocarbons and varying quantities of nonhydrocarbons in a gaseous state which may or may not be associated with oil, and includes those liquids resulting from condensation.
- (e) "Illegal container" means a receptacle that contains illegal oil or gas or illegal products.
- (f) "Illegal conveyance" means a conveyance by or through which illegal oil or gas or illegal products are being transported.
- (g) "Illegal oil or gas" means oil or gas that has been produced by an owner or producer in violation of this part, a rule promulgated under this part, or an order of the supervisor issued under this part.
- (h) "Illegal product" means a product of oil or gas or any part of a product of oil or gas that was knowingly processed or derived in whole or in part from illegal oil or gas.
- (i) "Market demand" means the actual demand for oil or gas from any particular pool or field for current requirements for current consumption and use within or outside the state, together with the demand for such amounts as are necessary for building up or maintaining reasonable storage reserves of oil or gas or the products of oil or gas.
- (j) "Oil" means natural crude oil or petroleum and other hydrocarbons, regardless of gravity, that are produced at the well in liquid form by ordinary production methods and that are not the result of condensation of gas after it leaves the underground reservoir.
- (k) "Owner" means the person who has the right to drill a well into a pool, to produce from a pool, and to receive and distribute the value of the production from the pool for himself or herself either individually or in combination with others.
- (l) "Pool" means an underground reservoir containing a common accumulation of oil or gas, or both. Pool includes a productive zone of a general structure that is completely separated from any other zone in the structure, or is declared to be a pool by the supervisor of wells.
- (m) "Producer" means the operator, whether owner or not, of a well or wells capable of producing oil or gas or both in paying quantities.
- (n) "Product" means any commodity or thing made or manufactured from oil or gas, and all derivatives of oil or gas, including refined crude oil, crude tops, topped crude, processed crude petroleum, residue treated crude oil, residuum, gas oil, naphtha, distillate, gasoline, casing-head gasoline, natural gas gasoline, kerosene, benzene, wash oil, waste oil, lubricating oil, and blends or mixtures of oil or gas or any derivatives of oil or gas whether enumerated or not.
- (o) "Supervisor" or "supervisor of wells" means the department.
- (p) "Tender" means a permit or certificate of clearance, approved and issued or registered under the authority of the supervisor, for the transportation of oil or gas or products.
- (q) "Waste" in addition to its ordinary meaning includes all of the following:
 - (i) "Underground waste", as those words are generally understood in the oil business, and including all of the following:
 - (A) The inefficient, excessive, or improper use or dissipation of the reservoir energy, including gas energy and water drive, of any pool, and the locating, spacing, drilling, equipping, operating, or producing of a well or wells in a manner to reduce or tend to reduce the total quantity of oil or gas ultimately recoverable from any pool.
 - (B) Unreasonable damage to underground fresh or mineral waters, natural brines, or other mineral deposits from operations for the discovery, development, and production and handling of oil or gas.
 - (ii) "Surface waste", as those words are generally understood in the oil business, and including all of the following:

(A) The unnecessary or excessive surface loss or destruction without beneficial use, however caused, of gas, oil, or other product, but including the loss or destruction, without beneficial use, resulting from evaporation, seepage, leakage, or fire, especially a loss or destruction incident to or resulting from the manner of spacing, equipping, operating, or producing a well or wells, or incident to or resulting from inefficient storage or handling of oil.

(B) The unnecessary damage to or destruction of the surface; soils; animal, fish, or aquatic life; property; or other environmental values from or by oil and gas operations.

(C) The unnecessary endangerment of public health, safety, or welfare from or by oil and gas operations.

(D) The drilling of unnecessary wells.

(iii) "Market waste", which includes the production of oil or gas in any field or pool in excess of the market demand as defined in this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1998, Act 115, Imd. Eff. June 9, 1998;—Am. 1998, Act 252, Imd. Eff. July 10, 1998;—Am. 1998, Act 303, Imd. Eff. July 28, 1998.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61502 Construction of part.

Sec. 61502. It has long been the declared policy of this state to foster conservation of natural resources so that our citizens may continue to enjoy the fruits and profits of those resources. Failure to adopt such a policy in the pioneer days of the state permitted the unwarranted slaughter and removal of magnificent timber abounding in the state, which resulted in an immeasurable loss and waste. In an effort to replace some of this loss, millions of dollars have been spent in reforestation, which could have been saved had the original timber been removed under proper conditions. In past years extensive deposits of oil and gas have been discovered that have added greatly to the natural wealth of the state and if properly conserved can bring added prosperity for many years in the future to our farmers and landowners, as well as to those engaged in the exploration and development of this great natural resource. The interests of the people demand that exploitation and waste of oil and gas be prevented so that the history of the loss of timber may not be repeated. It is accordingly the declared policy of the state to protect the interests of its citizens and landowners from unwarranted waste of gas and oil and to foster the development of the industry along the most favorable conditions and with a view to the ultimate recovery of the maximum production of these natural products. To that end, this part is to be construed liberally to give effect to sound policies of conservation and the prevention of waste and exploitation.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61503 Supervisor of wells; assistants; commission as appeal board; hearing; compensation and expenses; office.

Sec. 61503. (1) The supervisor of wells shall designate suitable assistants as are required to implement this part.

(2) The commission shall act as an appeal board regarding the issuance, denial, suspension, revocation, annulment, withdrawal, recall, cancellation, or amendment of a permit under this part. When a producer or owner considers an order, action, inaction, or procedure as proposed, initiated, or made by the supervisor to be burdensome, inequitable, unreasonable, or unwarranted, the producer or owner may appeal to the commission or the court for relief from the order, action, inaction, or procedure as provided in this act. The chairperson of the commission shall set a date and place to hear the appeal, which may be at a regular meeting of the commission or a special meeting of the commission called for that purpose.

(3) The supervisor and employees, in addition to their salaries, shall receive their reasonable expenses while away from their homes traveling on business connected with their duties. A member of the commission shall not receive compensation for discharging duties under this part; however, a member is entitled to reasonable expenses while traveling in the performance of a duty imposed by this part. Salaries and expenses authorized in this part shall be paid out of the state treasury in the same manner as the salaries and expenses of other officers and employees of the department are paid.

(4) The department of management and budget shall furnish suitable offices for the use of the supervisor and his or her employees.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61503a Gas lease; duties of lessee; monthly revenue statements and payments; initiation; deferment.

Sec. 61503a. (1) Beginning 12 months after the effective date of this section, a person who has entered into a gas lease as a lessee prior to or after the effective date of this section shall do all of the following:

(a) Starting after production begins, for a well that begins continuous gas production after the effective date of this section, or starting on the effective date of this section for a well that began continuous gas production on or before the effective date of this section, provide the lessor who has an interest in the leased property with monthly revenue statements written in plain English that provide all of the following:

(i) Under the heading "unit price", the price received by the lessee per 1,000 cubic feet or 1,000,000 BTUs of gas sold. The lessee shall pay to the lessor his or her proper share of the gross proceeds or value, as provided in the lease.

(ii) A statement of the deductions taken from the lessor's royalty, and the purpose of those deductions. The statement of the deductions shall be itemized, except that a lessee may group deductions under general categories if the lessee states that a separate itemized statement of the deductions will be furnished upon written request and states the address to which a written request for an itemized statement should be directed. This section does not prohibit a lessee from making deductions on an estimated basis for a calendar year or other 12-month accounting period if this is disclosed in the monthly revenue statement or the separate itemized statement. If an estimate is used, the lessee shall determine the actual amount and make any necessary adjustments within 180 days after the end of the calendar year or other 12-month accounting period. However, if any costs have not been finally determined, the lessee may reserve an amount which the lessee considers in good faith to be adequate to cover the costs that have not been finally determined and shall make any necessary adjustments when the actual costs have been finally determined.

(b) Starting at the end of the calendar year or other 12-month accounting period after production begins for a well that begins continuous production after the effective date of this section, or starting at the end of the calendar year or other 12-month accounting period when this section becomes effective for a well that began continuous production on or before the effective date of this section, prepare an annual accounting of gas sales from the leased property and any deductions taken from the lessor's royalty during the calendar year or other 12-month accounting period. The lessee shall complete the accounting within 180 days after the end of the calendar year or other 12-month accounting period. However, if any costs have not been finally determined, the lessee may account for these on the basis of a reserve which the lessee considers in good faith to be adequate to cover the costs that have not been finally determined, and shall prepare a supplemental accounting when the actual costs have been finally determined. The lessee shall notify the lessor of the availability of the accounting within 180 days after the end of the calendar year or other 12-month accounting period, and shall furnish a copy of the accounting upon request of the lessor within 30 days of receipt of the request. The notification as to the availability of the accounting may be made on a monthly revenue statement and need not be a separate document.

(2) Subject to section 61503b(4), the monthly revenue statements and payments under subsection (1)(a) shall be initiated promptly after the determination of the divisions of interest of the parties entitled to share in the production, unless a valid agreement between the lessee and the lessor provides otherwise. However, if the entitlement of the lessor to receive payment is in question because of lack of good and marketable record title or because of any circumstance that may expose the lessee to the risk of multiple liability or liability to a third party if the payment is made, the lessee may defer payment to that lessor until the title or other circumstance has been resolved, unless a valid agreement between the lessee and the lessor provides otherwise. If the mailing address of the lessor, or place where payment should be made, is unknown, payment may be deferred until the lessee receives that information. If the total amount of the royalties is less than \$50.00 at the end of any month, payment may be deferred until the total amount reaches at least \$50.00, unless a valid agreement between the lessor and the lessee provides otherwise.

History: Add. 1998, Act 127, Eff. Mar. 28, 2000.

Compiler's note: Enacting section 2 of 1998 PA 127, which provided that 1998 PA 127 would not take effect unless House Bill No. 4259 of the 89th Legislature was enacted into law, was repealed by Enacting section 1 of 1999 PA 246.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61503b Postproduction costs.

Sec. 61503b. (1) A person who enters into a gas lease as a lessee after March 28, 2000 shall not deduct from the lessor's royalty any portion of postproduction costs unless the lease explicitly allows for the deduction of postproduction costs. If a lease explicitly provides for the deduction of postproduction costs, the lessee may only deduct postproduction costs for the following items, unless the lease explicitly and specifically provides for the deduction of other items:

(a) The reasonable costs of removal of carbon dioxide (CO₂), hydrogen sulfide (H₂S), molecular nitrogen (N₂), or other constituents, except water, the removal of which will enhance the value of the gas for the benefit of the lessor and lessee.

(b) Transportation costs after the point of entry into any of the following:

(i) An independent, nonaffiliated, third-party-owned pipeline system.

(ii) A pipeline system owned by a gas distribution company or any subsidiary of the gas distribution company, which is regulated by the Michigan public service commission.

(iii) An affiliated pipeline system, if the rates charged by the pipeline system have been approved by the Michigan public service commission, or if the rates charged are reasonable, as compared to independent pipeline systems, based on the pipeline system's location, distance, cost of service, and other pertinent factors.

(2) A lessee shall not charge postproduction costs incurred on gas produced from 1 drilling unit, pooled or communitized area, or unit area against a lessor's royalty for gas produced from another drilling unit, pooled or communitized area, or unit area. As used in this subsection, "unit area" means the formation or formations that are unitized and surface acreage that is a part of the unitized lands, as described in either of the following:

(a) The plan for unit operations that is the subject of the supervisor's order as provided in section 61706.

(b) An applicable agreement providing for unit operations.

(3) If a person who has entered into a gas lease as a lessee prior to or after March 28, 2000 charges the lessor for any portion of postproduction costs, the lessee shall notify the lessor in writing of the availability of the following information and if the lessor requests in writing to receive this information, the lessee shall provide the lessor, in writing, a specific itemized explanation of all postproduction costs to be assessed.

(4) A division order or other document that includes provisions that stipulate how production proceeds are distributed, received by the lessor from the lessee, shall not alter or define the terms of a lease unless voluntarily and explicitly agreed to by both parties in a signed document or documents in which the parties expressly indicate their intention to amend the lease. A lessee shall not precondition the payment of royalties upon the lessor signing a division order or other document that stipulates how production proceeds are distributed, except as provided in this subsection. As a condition for the payment of royalties under a lease other than a lease granted by the state of Michigan, a lessee or other payor shall be entitled to receive a signed division order from the payee containing only the following provisions, unless other provisions have been voluntarily and explicitly agreed to by both parties in a signed document or documents in which the parties expressly indicate their intention to waive the provisions of this subsection:

(a) The effective date of the division order.

(b) A description of the property from which the oil or gas is being produced and the type of production.

(c) The fractional or decimal interest in production, or both, claimed by the payee, the type of interest, the certification of title to the share of production claimed, and, unless otherwise agreed to by the parties, an agreement to notify the payor at least 1 month in advance of the effective date of any change in the interest in production owned by the payee and an agreement to indemnify the payor and reimburse the payor for payments made if the payee does not have merchantable title to the production sold.

(d) The authorization to suspend payment to the payee for production until the resolution of any title dispute or adverse claim asserted regarding the interest in production claimed by the payee.

(e) The name, address, and taxpayer identification number of the payee.

(f) A statement that the division order does not amend any lease or operating agreement between the interest owner and the lessee or operator or any other contracts for the purchase of oil or gas.

History: Add. 1999, Act 246, Eff. Mar. 28, 2000;—Am. 2000, Act 441, Imd. Eff. Jan. 9, 2001.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61503c Violation of MCL 324.61503a or MCL 324.61503b; penalty; injunction or damages; separate offenses; recovery of postproduction costs and attorney fees; notice.

Sec. 61503c. (1) Notwithstanding section 61522, a person who knowingly violates section 61503a or

61503b is responsible for the payment of a civil fine of not more than \$1,000.00. A default in the payment of a civil fine or costs ordered under this section or an installment of the fine or costs may be remedied by any means authorized under the revised judicature act of 1961, 1961 PA 236, MCL 600.101 to 600.9948.

(2) The attorney general or the lessor of a gas lease with respect to his or her lease may bring an action in circuit court for injunctive relief or damages, or both, against a person who violates section 61503a or 61503b.

(3) If a person who has entered into a gas lease as a lessee violates section 61503a or 61503b, each day the violation continues constitutes a separate offense only for 5 days; thereafter, each day the violation continues does not constitute a separate offense. If a person who has entered into a gas lease as a lessee violates section 61503a or 61503b and such a violation affects more than 1 lessor having an interest in the same well, pooled unit, or unitized area, the violation as to all lessors constitutes only 1 offense.

(4) If a court finds that a lessee deducted postproduction costs from a lessor's royalty contrary to section 61503b(1), the lessor may recover as damages the amount of postproduction costs deducted contrary to section 61503b(1) and may also recover reasonable attorney fees incurred in bringing the action unless the lessee endeavored to cure the alleged violation pursuant to subsection (5) prior to the bringing of the action. In addition, a lessee who prevails in litigation under this subsection may recover reasonable attorney fees incurred in defending an action under this subsection, if the court finds that the position taken by the lessor in the litigation was frivolous.

(5) A person shall not bring an action under this section unless the person has first given the lessee written notice of the alleged violation of section 61503a or 61503b, with reasonably comprehensive details, and allowed a period of at least 30 days for the lessee to cure the alleged violation.

History: Add. 1999, Act 247, Eff. Mar. 28, 2000;—Am. 2000, Act 441, Imd. Eff. Jan. 9, 2001.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61504 Waste prohibited.

Sec. 61504. A person shall not commit waste in the exploration for or in the development, production, handling, or use of oil or gas, or in the handling of any product of oil or gas.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61505 Supervisor of wells; jurisdiction; authority; enforcement of part.

Sec. 61505. The supervisor has jurisdiction and authority over the administration and enforcement of this part and all matters relating to the prevention of waste and to the conservation of oil and gas in this state. The supervisor also has jurisdiction and control of and over all persons and things necessary or proper to enforce effectively this part and all matters relating to the prevention of waste and the conservation of oil and gas.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61505a Drilling permit for well beneath lake bottomlands for exploration or production of oil or gas; condition.

Sec. 61505a. Notwithstanding any other provision of this part or the rules promulgated under this part, beginning on the effective date of this section, the supervisor shall not issue a permit for drilling, or authorize the drilling of, a well beneath the lake bottomlands of the Great Lakes, the connected bays or harbors of the Great Lakes, or the connecting waterways as defined in section 32301, for the exploration or production of oil or gas unless the applicant holds a lease that was in effect prior to the effective date of the amendatory act that added this section that allows the well to be drilled.

History: Add. 2002, Act 148, Imd. Eff. Apr. 5, 2002.

Compiler's note: Enrolled House Bill No. 5118 was not signed by the Governor, but, having been presented to him at 3:44 p.m. on March 22, 2002, and not having been returned by him to the House of Representatives within the 14 days prescribed by Const 1963, art IV, sec 33, became law (2002 PA 148) on April 5, 2002, the Legislature having continued in session.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61506 Supervisor of wells; powers and duties generally.

Sec. 61506. The supervisor shall prevent the waste prohibited by this part. To that end, acting directly or through his or her authorized representatives, the supervisor is specifically empowered to do all of the following:

(a) To promulgate and enforce rules, issue orders and instructions necessary to enforce the rules, and do whatever may be necessary with respect to the subject matter stated in this part to implement this part, whether or not indicated, specified, or enumerated in this or any other section of this part.

(b) To collect data to make inspections, studies, and investigations; to examine properties, leases, papers, books, and records as necessary to the purposes of this part; to examine, check, and test and gauge oil and gas wells and tanks, plants, refineries, and all means and modes of transportation and equipment; to hold hearings; and to provide for the keeping of records and making of reports, and for the checking of the accuracy of the records and reports.

(c) To require the locating, drilling, deepening, redrilling or reopening, casing, sealing, operating, and plugging of wells drilled for oil and gas or for secondary recovery projects, or wells for the disposal of salt water, brine, or other oil field wastes, to be done in such manner and by such means as to prevent the escape of oil or gas out of 1 stratum into another, or of water or brines into oil or gas strata; to prevent pollution of, damage to, or destruction of fresh water supplies, including inland lakes and streams and the Great Lakes and connecting waters, and valuable brines by oil, gas, or other waters, to prevent the escape of oil, gas, or water into workable coal or other mineral deposits; to require the disposal of salt water and brines and oily wastes produced incidental to oil and gas operations in a manner and by methods and means so that unnecessary damage or danger to or destruction of surface or underground resources, to neighboring properties or rights, or to life does not result.

(d) To require reports and maps showing locations of all wells subject to this part, and the keeping and filing of logs, well samples, and drilling, testing, and operating records or reports. All well data and samples furnished to the supervisor as required in this part, upon written request of the owner of the well, shall be held confidential for 90 days after the completion of drilling and shall not be open to public inspection except by written consent of the owner.

(e) To prevent the drowning by water of any stratum or part of the stratum capable of producing oil or gas, or both oil and gas, and to prevent the premature and irregular encroachment of water, or any other kind of water encroachment, that reduces or tends to reduce the total ultimate recovery of oil or gas, or both oil or gas, from any pool.

(f) To prevent fires or explosions.

(g) To prevent blow-outs, seepage, and caving in the sense that the conditions indicated by such terms are generally understood in the oil business.

(h) To regulate the mechanical, physical, and chemical treatment of wells.

(i) To regulate the secondary recovery methods of oil and gas, including pulling or creating a vacuum and the introduction of gas, air, water, and other substances into the producing formations.

(j) To fix the spacing of wells and to regulate the production from the wells.

(k) To require the operation of wells with efficient gas-oil ratios and to establish the ratios.

(l) To require by written notice or citation immediate suspension of any operation or practice and the prompt correction of any condition found to exist that causes or results or threatens to cause or result in waste.

(m) To require, either generally or in or from particular areas, certificates of clearance or tenders in connection with the transportation of oil, gas, or any product of oil or gas.

(n) To require identification of the ownership of oil and gas producing leases, properties, and wells.

(o) To promulgate rules or issue orders for the classifications of wells as oil wells or gas wells; or wells drilled, or to be drilled, for secondary recovery projects, or for the disposal of salt water, brine, or other oil or gas field wastes; or for the development of reservoirs for the storage of liquid or gaseous hydrocarbons, or for other means of development, extraction, or production of hydrocarbons.

(p) To require the filing of an adequate surety, security, or cash bonds of owners, producers, operators, or their authorized representatives in such reasonable form, condition, term, and amount as will ensure compliance with this part and with the rules promulgated or orders issued under this part and to provide for the release of the surety, security, or cash bonds.

(q) To require the immediate suspension of drilling or other well operations if there exists a threat to public health or safety.

(r) To require a person applying for a permit to drill and operate any well regulated by this part to file a

complete and accurate written application on a form prescribed by the supervisor.

(s) To require the posting of safety signs and the installation of fences, gates, or other safety measures if there exists a threat to public health, safety, or property.

(t) To prevent regular or recurring nuisance noise or regular or recurring nuisance odor in the exploration for or development, production or handling of oil and gas.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1998, Act 303, Imd. Eff. July 28, 1998.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

Administrative rules: R 324.101 et seq. of the Michigan Administrative Code.

324.61506a Notice of violation.

Sec. 61506a. Upon completion of an inspection under this part, the supervisor shall notify the owner or operator of the well of any violation of this or any other part of this act that is identified during the inspection.

History: Add. 1998, Act 252, Imd. Eff. July 10, 1998.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61506b Conditions prohibiting issuance of permit or authorization to drill oil or gas well; waiver; exception.

Sec. 61506b. (1) Except as provided in subsections (2) and (3), beginning on the effective date of this section, the supervisor shall not issue a permit for or authorize the drilling of an oil or gas well if both of the following apply:

(a) The well is located within 450 feet of a residential building.

(b) The residential building is located in a city or township with a population of 70,000 or more.

(2) The supervisor may grant a waiver from the requirement of subsection (1)(a) if the clerk of the city, village, or township in which the proposed well is located has been notified of the application for a permit for the proposed well and if either of the following conditions is met:

(a) The owner or owners of all residential buildings located within 450 feet of the proposed well give written consent.

(b) The supervisor determines, pursuant to a public hearing held before the waiver is granted, that the proposed well location will not cause waste and there is no reasonable alternative for the location of the well that will allow the oil and gas rights holder to develop the oil and gas.

(3) Subsection (1) does not apply to a well utilized for the injection, withdrawal, and observation of the storage of natural gas pursuant to this part.

History: Add. 1998, Act 303, Imd. Eff. July 28, 1998.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61506c Toll-free telephone number; maintenance; use.

Sec. 61506c. The department shall maintain a toll-free telephone number that a person or a representative of a local unit of government may call in order to receive information on department standards, safety requirements and educational information related to oil and gas exploration, drilling, permitting, hydrogen sulfide management, pooling, and other topics related to the extraction of oil and gas.

History: Add. 1998, Act 392, Imd. Eff. Dec. 17, 1998.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61507 Prevention of waste; procedure; hearing; rules; orders.

Sec. 61507. Upon the initiative of the supervisor or upon verified complaint of any person interested in the subject matter alleging that waste is taking place or is reasonably imminent, the supervisor shall call a hearing to determine whether or not waste is taking place or is reasonably imminent, and what action should be taken to prevent that waste. If the supervisor determines it appropriate, the supervisor shall hold a hearing and shall promptly make findings and recommendations. The supervisor shall consider those findings and

recommendations and shall promulgate rules or issue orders as he or she considers necessary to prevent waste which he or she finds to exist or to be reasonably imminent.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61508 Rules of order or procedure in hearings or other proceedings; entering in book; copy of rule or order as evidence; availability of writings to public.

Sec. 61508. (1) The supervisor shall prescribe rules of order or procedure in hearings or other proceedings before the supervisor under this part. Rules promulgated or orders issued by the supervisor shall be entered in full in a book to be kept for that purpose by the supervisor. A copy of a rule or order, certified by the supervisor, shall be received in evidence in the courts of this state with the same effect as the original.

(2) A writing prepared, owned, used, in the possession of, or retained by the supervisor in the performance of an official function shall be made available to the public in compliance with the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61509 Hearings; subpoena; witnesses and production of books; incriminating testimony.

Sec. 61509. The supervisor may compel by subpoena the attendance of witnesses and the production of books, papers, records, or articles necessary in any proceeding before the supervisor or the commission. A person shall not be excused from obeying a subpoena issued in a hearing or proceeding brought under this part on the ground or for the reason that the testimony or evidence, documentary or otherwise, may tend to incriminate or subject that person to a penalty or forfeiture. However, this section does not require a person to produce books, papers, or records or to testify in response to any inquiry that is not pertinent to a question lawfully before the supervisor, commission, or court for determination under this part. Incriminating evidence, documentary or otherwise, shall not be used against a witness who testifies as required in this section in a prosecution or action for forfeiture. A person who testifies as required in this section is not exempt from prosecution and punishment for perjury in so testifying.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61510 Failure to comply with subpoena; refusal to testify; attachment; contempt; fees and mileage of witnesses.

Sec. 61510. (1) If a person fails or refuses to comply with a subpoena issued by the supervisor, or if a witness refuses to testify as to any matters regarding which he or she may be lawfully interrogated, any circuit court in this state, or any circuit court judge, on application of the supervisor, may issue an attachment for the person and compel that person to comply with the subpoena and to attend a hearing before the supervisor and produce documents, and testify upon matters, as may be lawfully required, and the court or judge has the power to punish that person for contempt in the same manner as if the person had disobeyed the subpoena of the court or refused to testify in that court.

(2) A witness summoned by subpoena or by written request of the supervisor and attending a hearing called by the supervisor is entitled to the same fees and mileage as are or may be provided by law for attending the circuit court in a civil matter or proceeding. The fees and mileage of witnesses subpoenaed at the instance of the supervisor shall be paid out of the general funds of the state treasury upon proper voucher approved by the supervisor. The fees and mileage of witnesses subpoenaed at the instance of any other interested party shall be paid by that party.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61511 False swearing as perjury; penalty.

Sec. 61511. If a person who is required to give an oath under this part, or by any rule promulgated or order issued by the supervisor, willfully swears falsely in regard to any matter or thing respecting which the oath is required, or willfully makes any false affidavit required or authorized by this part, or by any rule promulgated or order issued by the supervisor, that person is guilty of perjury, punishable by imprisonment for not more than 5 years or less than 6 months.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61512 Allocation or distribution of allowable production in well, field, or pool; basis.

Sec. 61512. If, to prevent waste, the supervisor limits the amount of oil or gas to be produced from any well, pool, or field in this state, the supervisor shall allocate or distribute the allowable production in the field or pool. The supervisor shall make such a determination or distribution in the field or pool on a reasonable basis, giving, if reasonable, under all circumstances, to each small well of settled production in the pool or field an allowable production that will prevent a general or premature abandonment of the wells in the pool or field.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61513 Proration or distribution of allowable production among wells; basis; drilling unit; unnecessary wells; pooling of properties; location of well; exceptions; minimum allowable production; allowable production pursuant to rules or orders.

Sec. 61513. (1) When, to prevent waste, the total allowable production for any oil or gas field or pool in the state is fixed in an amount less than that which the field or pool could produce if no restriction were imposed, the supervisor shall prorate or distribute on a reasonable basis the allowable production among the producing wells in the field or pool, to prevent or minimize reasonably avoidable drainage from each developed area which is not equalized by counter drainage. The rules or orders of the supervisor, so far as it is practicable to do so, shall afford the owner of each property in a pool the opportunity to produce his or her just and equitable share of the oil or gas in the pool, being an amount, so far as can be practicably determined and obtained without waste, and without reducing the bottom hole pressure materially below the average for the pool, substantially in the proportion that the quantity of the recoverable oil or gas under the property bears to the total recoverable oil or gas in the pool, and for this purpose to use his or her just and equitable share of the reservoir energy. A well in a pool producing from an average depth of 1,000 feet or less, on the basis of a full drilling unit as may be established under this section, shall be given a base allowable production of at least 100 barrels of oil per well per week; for a well in a pool producing from an average depth greater than 1,000 feet, the base allowable production shall be increased 10 barrels per well per week for each addition 100 feet of depth greater than 1,000 feet, if the allowable production is or can be made without surface or underground waste.

(2) To prevent the drilling of unnecessary wells, the supervisor may establish a drilling unit for each pool. A drilling unit, as described in this subsection, is the maximum area that may be efficiently and economically drained by 1 well. A drilling unit constitutes a developed area if a well is located on the drilling unit that is capable of producing the economically recoverable oil or gas under the unit. Each well permitted to be drilled upon any drilling unit shall be located in the approximate center of the drilling unit, or at such other location on the drilling unit as may be necessary to conform to a uniform well spacing pattern as adopted and promulgated by the supervisor after due notice and public hearing, as provided in this part.

(3) The drilling of unnecessary wells is hereby declared waste because unnecessary wells create fire and other hazards conducive to waste, and unnecessarily increase the production cost of oil and gas to the operator, and therefore also unnecessarily increase the cost of the products to the ultimate consumer.

(4) The pooling of properties or parts of properties is permitted, and, if not agreed upon, the supervisor may require pooling of properties or parts of properties in any case when and to the extent that the smallness or shape of a separately owned tract or tracts would, under the enforcement of a uniform spacing plan or proration or drilling unit, otherwise deprive or tend to deprive the owner of such a tract of the opportunity to recover or receive his or her just and equitable share of the oil or gas and gas energy in the pool. The owner of

any tract that is smaller than the drilling unit established for the field shall not be deprived of the right to drill on and produce from that tract, if the drilling and production can be done without waste. In this case, the allowable production from that tract, as compared with the allowable production if that tract were a full unit, shall be in the ratio of the area of the tract to the area of a full unit, except as a smaller ratio may be required to maintain average bottom hole pressures in the pool, to reduce the production of salt water, or to reduce an excessive gas-oil ratio. All orders requiring pooling described in this subsection shall be upon terms and conditions that are just and reasonable, and will afford to the owner of each tract in the pooling plan the opportunity to recover or receive his or her just and equitable share of the oil or gas and gas energy in the pool as provided in this subsection, and without unnecessary expense, and will prevent or minimize reasonably avoidable drainage from each developed tract that is not equalized by counter drainage. The portion of the production allocated to the owner of each tract included in a drilling unit formed by voluntary agreement or by a pooling order shall be considered as if it had been produced from the tract by a well drilled on the tract.

(5) Each well permitted to be drilled upon a drilling unit or tract shall be drilled at a location that conforms to the uniform well spacing pattern, except as may be reasonably necessary where after notice and hearing the supervisor finds any of the following:

(a) That the unit is partly outside the pool or that, for some other reason, a well at the location would be unproductive.

(b) That the owner or owners of a tract or tracts covering that part of the drilling unit or tract on which the well would be located if it conformed to the uniform well spacing pattern refuses to permit drilling at the regular location.

(c) That topographical or other conditions are such as to make drilling at the regular location unduly burdensome or imminently threatening to water or other natural resources, to property, or to life.

(6) If an exception under subsection (5) is granted, the supervisor shall take such action as will offset any advantage that the person securing the exception may have over other producers in the pool by reason of the drilling of the well as an exception, and so that drainage from the developed areas to the tract with respect to the exception granted will be prevented or minimized and the producer of the well drilled as an exception will be allowed to produce no more than his or her just and equitable share of the oil or gas in the pool as the share is set forth in this part, and to that end the rules and orders of the supervisor shall be such as will prevent or minimize reasonably avoidable drainage from each developed area that is not equalized by counter drainage and will give to each producer the opportunity to use his or her just and equitable share of the reservoir energy.

(7) Minimum allowable production for some wells and pools may be advisable from time to time, especially with respect to wells and pools already drilled on May 3, 1939, when former Act No. 61 of the Public Acts of 1939 took effect, so that the production will repay reasonable lifting costs and thus prevent premature abandonment of wells and resulting wastes.

(8) After the effective date of any rule promulgated or order issued by the supervisor as provided in this part establishing the allowable production, a person shall not produce more than the allowable production applicable to that person, his or her wells, leases, or properties, and the allowable production shall be produced pursuant to the applicable rules or orders.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61513a Pooling of properties not required.

Sec. 61513a. The supervisor shall not require the pooling of state owned properties or parts of properties under section 61513 if the state provides for the orderly development of state owned hydrocarbon resources through an oil and gas leasing program and the supervisor determines the owner of each tract is afforded the opportunity to recover and receive his or her just and equitable share of the hydrocarbon resources in the pool.

History: Add. 1998, Act 303, Imd. Eff. July 28, 1998.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61514 Certificates of clearance or tenders; issuance.

Sec. 61514. The supervisor may issue certificates of clearance or tenders if required to implement this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61515 Handling or disposition of illegal oil or gas; penalty.

Sec. 61515. A person shall not sell, purchase, acquire, transport, refine, process, or otherwise handle or dispose of any illegal oil or gas or any illegal product of oil or gas. A penalty or forfeiture shall not be imposed as a result of an act described in this section until certificates of clearance or tenders are required by the supervisor as provided in section 61514.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61516 Rule or order; public hearings required; emergency rules or orders without public hearing; requirements for public hearings held pertaining to pooling of properties.

Sec. 61516. (1) A rule or order shall not be made, promulgated, put into effect, revoked, changed, renewed, or extended, except emergency orders, unless public hearings are held. Except as provided in subsection (2), public hearings shall be held at such time, place, and manner and upon such notice, not less than 10 days, as shall be prescribed by general order and rules adopted in conformity with this part. The supervisor may promulgate emergency rules or issue orders without a public hearing as may be necessary to implement this part. The emergency rules and orders shall remain in force and effect for no longer than 21 days, except as otherwise provided for rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(2) A public hearing held pursuant to this section pertaining to the pooling of properties or parts of properties under section 61513(4) shall be held at a place as determined by this subsection. At the time that the supervisor provides for notice of the public hearing, the supervisor shall provide notice of the right to request a change in location of the public hearing. A public hearing shall be held in the county in which the oil and gas rights are located if the majority of the owners of oil or gas rights that are subject to being pooled file with the supervisor a written request to hold the hearing in that county.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1998, Act 115, Imd. Eff. June 9, 1998.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61517 Actions against department or commission; jurisdiction of Ingham county circuit court; injunction or restraining order; actions pertaining to pooling of properties.

Sec. 61517. (1) Except as provided in subsection (2), the circuit court of Ingham county has exclusive jurisdiction over all suits brought against the department, the supervisor, or any agent or employee of the department or supervisor, by or on account of any matter or thing arising under this part. A temporary restraining order or injunction shall not be granted in any suit described in this section except after due notice and for good cause shown.

(2) A suit brought against the supervisor pertaining to an order of the supervisor requiring the pooling of properties or parts of properties under section 61513(4) may be brought in the circuit court for the county in which the oil or gas rights are located or in the circuit court of Ingham county. A suit brought in the circuit court of Ingham county against the supervisor pertaining to an order of the supervisor requiring the pooling of properties or parts of properties under section 61513(4) may be removed to the circuit court for the county in which the oil or gas rights are located upon petition by a majority of the owners of the oil and gas rights who are subject to the order. Additionally, if all of the owners of the oil and gas interests being pooled reside in a county in Michigan other than the county in which the oil and gas rights are located, the suit may be brought in, or removed to, the circuit court for the county in which the owners reside. A petition for removal under this subsection shall be filed within 28 days after filing and service of the complaint in circuit court.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1998, Act 115, Imd. Eff. June 9, 1998.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61518 Enforcement of part and rules; representation by attorney general; complaint; proceedings; powers of supervisor; exception.

Sec. 61518. (1) The supervisor may proceed at law or for the enforcement of this part and a rule promulgated under this part or for the prevention of the violation of this part or a rule promulgated under this part, and the attorney general shall represent the supervisor in an action brought under this part. The supervisor or an assistant appointed by the supervisor may file a complaint and cause proceedings to be commenced against a person for a violation of this part without the sanction of the prosecuting attorney of the county in which the proceeding is commenced. The supervisor or an assistant of the supervisor may appear for the people in a court of competent jurisdiction in a case for a violation of this part or a rule promulgated under this part, and prosecute the violation in the same manner and with the same authority as the prosecuting attorney of a county in which the proceeding is commenced, and may sign vouchers for the payment of fees and do all other things required in the same manner and with the same authority as the prosecuting attorney.

(2) Subsection (1) does not apply to a violation of this part that is subject to the penalty prescribed pursuant to section 61522(3) or (4).

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61519 Failure of owner or operator to obtain permit or to construct, operate, maintain, case, plug, or repair well; notice of determination; liability; claims.

Sec. 61519. If the supervisor determines that the owner or operator of a well subject to this part has failed or neglected to properly obtain a permit, construct, operate, maintain, case, plug, or repair the well in accordance with this part or the rules promulgated under this part, the supervisor shall give notice of this determination, in writing, to the owner and operator and to the surety executing the bond filed with the supervisor by the owner or operator in connection with the issuance of the permit authorizing the drilling of a well. This notice of determination may be served upon the owner or operator and surety in person or by registered mail. If the owner or operator cannot be found in the state, the mailing of the notice of determination to the owner or operator at his or her last known post office address by registered mail constitutes service of the notice of determination. If the owner or operator, or surety, fails or neglects to properly case, plug, or repair the well described in the notice of determination within 30 days of the date of service or mailing of the notice, the supervisor may enter into and upon any private or public property on which the well is located and upon and across any private or public property necessary to reach the well, and case, plug, or repair the well, and the owner or operator and surety are jointly and severally liable for all expenses incurred by the supervisor. The supervisor, acting for and in behalf of the state, shall certify in writing to the owner or operator and surety the claim of the state in the same manner provided in this section for the service of the notice of determination, and shall list thereon the items of expense incurred in casing, plugging, or repairing the well. The claim shall be paid by the owner or operator, or surety, within 30 days, and if not paid within that time the supervisor, acting for and in behalf of the state, may bring suit against the owner or operator, or surety, jointly or severally, for the collection of the claim in any court of competent jurisdiction in the county of Ingham.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61520 Abandoning well without properly plugging; violation of part or rule; penalty; liability of owner; “owner” and “operator” defined.

Sec. 61520. (1) A person who abandons a well without properly plugging the well as provided in this part or the rules promulgated under this part, or, except as provided in section 61522(3) or (4), who violates this part or a rule promulgated under this part, whether as principal, agent, servant, or employee, is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than \$1,000.00 and costs of prosecution, or both. This section does not impose liability upon the owner of land upon which a well is located, unless the property owner is the owner or part owner of the well.

(2) The words “owner” and “operator”, as used in this section and section 61519 mean a person who, by the terms of this part and the rules promulgated under this part, is responsible for the plugging of a well.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61521 Unlawful acts; penalties.

Sec. 61521. (1) A person who, for the purpose of evading this part or of evading a rule promulgated or an order issued under this part, intentionally makes or causes to be made false entry or statement of fact in a report required by this part or by a rule promulgated or an order issued under this part, or who, for that purpose, makes or causes to be made false entry in an account, record, or memorandum kept by a person in connection with this part, or of a rule promulgated or an order issued under this part; or who, for that purpose, omits to make, or causes to be omitted, full, true, and correct entries in the accounts, records, or memoranda, of all facts and transactions pertaining to the interest or activities in the petroleum industry of that person as may be required by the supervisor under authority given in this part or by any rule promulgated or any order issued under this part; is guilty of a felony, punishable by imprisonment for not more than 3 years, or a fine of not more than \$3,000.00, or both.

(2) A person who for the purpose of evading this part or a rule promulgated or an order issued under this part removes from the jurisdiction of the state, or mutilates, alters, or by other means falsifies a book, record, or other paper pertaining to transactions regulated by this part is subject to the penalties prescribed in the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61522 Violations of part, rule, or order; penalties.

Sec. 61522. (1) Unless a penalty is otherwise provided for in this part, a person who violates this part or a rule or order promulgated or issued under this part is subject to a penalty of not more than \$1,000.00. Each day the violation continues constitutes a separate offense. The penalty shall be recovered by an action brought by the supervisor.

(2) A person aiding in the violation of this part or a rule or order promulgated or issued under this part is subject to the same penalties as are prescribed in this section for the person who committed the violation.

(3) If the supervisor arbitrarily and capriciously violates section 61508(2), the supervisor is subject to the penalties prescribed in the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61523 Confiscation of illegal oil or gas, oil or gas products, conveyances, and containers; notice; seizure; sale; intervention.

Sec. 61523. All illegal oil or gas, products derived from illegal oil or gas, conveyances used in the transportation of illegal oil or gas or oil or gas products, and containers used in their storage, except railroad tank cars and pipelines, are subject to confiscation, and the supervisor may seize such illegal oil or gas, oil or gas products, conveyances, and containers. The supervisor shall immediately upon such seizure institute a proceeding in rem to confiscate the oil or gas, oil or gas products, conveyances, and containers in the circuit court of the county in which the seizure was made or in the circuit court of Ingham county. Upon commencement of these proceedings, notice shall be given to all known interested persons in the manner as directed by the court. The court, upon finding that the oil or gas, oil or gas products, conveyances, or containers seized are illegal, shall order those items to be sold under the terms and conditions as it directs. Any person claiming an interest in any oil or gas, oil or gas product, conveyance, or container that is seized has the right to intervene in the proceedings, and the rights of that person shall be determined by the court as justice may require.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61524 Fee for monitoring, surveillance, enforcement, and administration of part.

Sec. 61524. (1) For the purposes of monitoring, surveillance, enforcement, and administration of this part, a fee not in excess of 1%, based upon the gross cash market value, is levied upon oil and gas produced in this state. The fee shall be collected by the revenue division of the department of treasury in the same manner, at the same time, and subject to the provisions of the tax levied by 1929 PA 48, MCL 205.301 to 205.317.

(2) The fee shall be computed as follows:

(a) The director of the department of management and budget, on or before November 1, shall certify to the department of treasury the amount appropriated for the fiscal year for the purposes of monitoring, surveillance, enforcement, and administration of this part.

(b) The department shall estimate the total production and gross cash market value of all oil and gas that will be produced in this state during the fiscal year ending September 30, and shall certify its estimate to the department of treasury on or before November 1.

(c) Within 30 days after the effective date of the 1998 amendments to this section and on or before December 1 of each succeeding year, the department of treasury shall determine the fee as follows:

(i) If the fund balance is less than \$7,000,000.00 as of the end of the fiscal year immediately prior to November 1, the fee shall be 1% of the gross cash market value of oil and gas produced, or an amount calculated to cause the fund to accumulate to \$7,000,000.00 at the end of the current fiscal year, whichever is less.

(ii) If the fund balance is equal to or exceeds \$7,000,000.00 as of the end of the fiscal year immediately prior to November 1, the fee shall be the ratio, to the nearest 1/100 of 1%, that the appropriation bears to the total gross cash market value of the oil and gas that will be produced in this state as estimated by the department as provided in subdivision (b).

(iii) Any money accumulated in the fund in excess of \$7,000,000.00 as of the end of the fiscal year shall be deducted from the following year's appropriation in determining an amount to be certified by the director of the department of management and budget to the department of treasury for computing the annual fee provided for in this section.

(d) The percentage determined pursuant to subdivision (c) shall not exceed 1% and shall be the fee beginning the first of the following month and will continue to be the fee for the next 12 months and until a different fee is determined. However, the fee shall be 1% beginning the first day of the second month after the effective date of the 1998 amendments to this section and will continue to be the fee for the remainder of that calendar year.

(3) The proceeds of the fee provided for in this section shall be forwarded to the state treasurer for deposit into the fund.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1998, Act 252, Imd. Eff. July 10, 1998.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61525 Permit to drill well; application; bond; posting; fee; issuance; disposition of fees; availability of information pertaining to applications; information provided to city, village, or township.

Sec. 61525. (1) A person shall not drill or begin the drilling of any well for oil or gas, for secondary recovery, or a well for the disposal of salt water, or brine produced in association with oil or gas operations or other oil field wastes, or wells for the development of reservoirs for the storage of liquid or gaseous hydrocarbons, except as authorized by a permit to drill and operate the well issued by the supervisor of wells pursuant to part 13 and unless the person files with the supervisor a bond as provided in section 61506. The permittee shall post the permit in a conspicuous place at the location of the well as provided in the rules and requirements or orders issued or promulgated by the supervisor. An application for a permit shall be accompanied by a fee of \$300.00. A permit to drill and operate shall not be issued to an owner or his or her authorized representative who does not comply with the rules and requirements or orders issued or promulgated by the supervisor. A permit shall not be issued to an owner or his or her authorized representative who has not complied with or is in violation of this part or any of the rules, requirements, or orders issued or promulgated by the supervisor or the department.

(2) The supervisor shall forward all fees received under this section to the state treasurer for deposit in the fund.

(3) The supervisor shall make available to any person, upon request, not less often than weekly, the

following information pertaining to applications for permits to drill and operate:

- (a) Name and address of the applicant.
- (b) Location of proposed well.
- (c) Well name and number.
- (d) Proposed depth of the well.
- (e) Proposed formation.
- (f) Surface owner.
- (g) Whether hydrogen sulfide gas is expected.

(4) The supervisor shall provide the information under subsection (3) to the county in which an oil or gas well is proposed to be located and to the city, village, or township in which the oil or gas well is proposed to be located if that city, village, or township has a population of 70,000 or more. A city, village, township, or county in which an oil or gas well is proposed to be located may provide written comments and recommendations to the supervisor pertaining to applications for permits to drill and operate. The supervisor shall consider all such comments and recommendations in reviewing the application.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1998, Act 252, Imd. Eff. July 10, 1998;—Am. 1998, Act 303, Imd. Eff. July 28, 1998;—Am. 2004, Act 325, Imd. Eff. Sept. 10, 2004.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61525a Annual well regulatory fee; report.

Sec. 61525a. The owner or operator of a well used for injection, withdrawal, or observation related to the storage of natural gas or liquefied petroleum gas that has been used for its permitted purpose at any time during the calendar year immediately prior to the time the fee is due is subject to a \$20.00 annual well regulatory fee. The owner or operator of a well described in this section shall file an annual report by January 31 of each year stating the number of wells used for injection, withdrawal, or observation related to the storage of natural gas or liquefied petroleum gas that has been utilized for its permitted purpose during the previous calendar year. The report shall include a list of wells identified by permit number, permit name, and gas storage field name on a form provided by the supervisor, or such other form which may be acceptable to the supervisor. The annual well regulatory fee described in this section is due not more than 30 days after the supervisor sends notice to the owner or operator of the amount due. The supervisor shall forward all fees collected under this section to the state treasurer for deposit into the fund.

History: Add. 1998, Act 252, Imd. Eff. July 10, 1998.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61525b Oil and gas regulatory fund; creation; disposition of money or other assets; lapse; expenditures; annual report.

Sec. 61525b. (1) The oil and gas regulatory fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The department shall expend money from the fund, upon appropriation, only for monitoring, surveillance, enforcement, and administration of this part.

(5) The department shall annually submit a report to the legislature that itemizes the expenditure of money in the fund. The report shall include, at a minimum, all of the following:

- (a) The amount of money received and the amount of money expended.
- (b) The number of full-time equivalent positions funded with money in the fund.
- (c) The number of on-site inspections conducted by the department in implementing this part.
- (d) The number of violations identified in enforcing this part, their locations, and a description of the nature of the violations.

History: Add. 1998, Act 252, Imd. Eff. July 10, 1998.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61526 Part cumulative; conflicting provisions repealed; exception.

Sec. 61526. This part is cumulative of all existing laws on the subject matter, but, in case of conflict, this part shall control and shall repeal the conflicting provisions, except for the authority given the public service commission in sections 7 and 8 of Act No. 9 of the Public Acts of 1929, being sections 483.107 and 483.108 of the Michigan Compiled Laws, as authorized by law.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

324.61527 Applicability of part.

Sec. 61527. This part does not apply to drill holes for the exploration for and the extraction of iron, copper, or brine; to water wells; to mine and quarry drill and blast holes; to coal test holes; or to seismograph or other geophysical exploration test holes.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Supervisor of Wells

The following questions were asked by Councilman Henderson via email. For clarity, questions are underlined and responses are in **bold**.

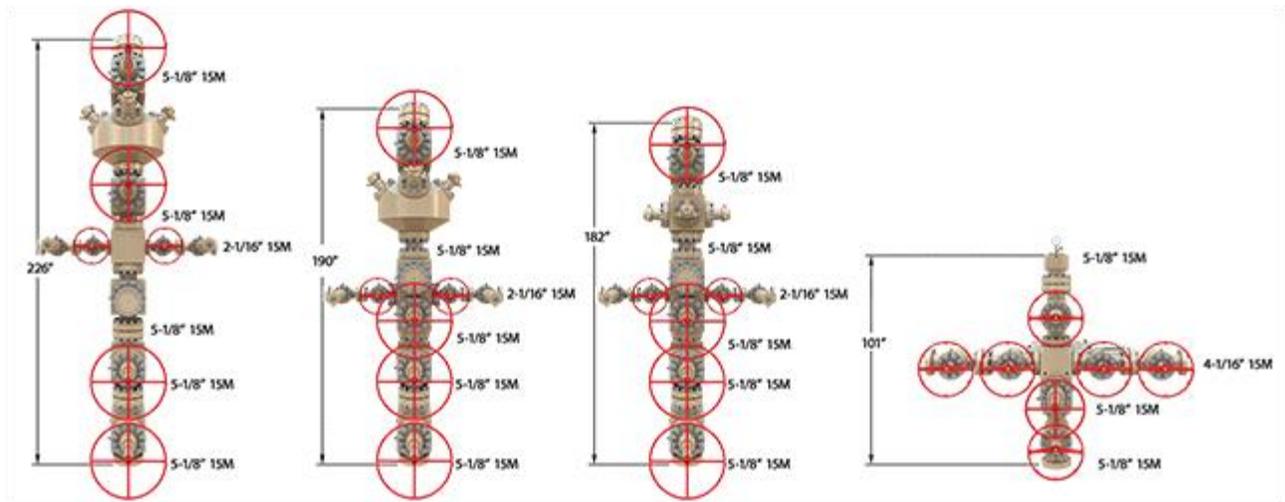
Maybe a little info on fracking would be nice for others on council to read. Looks like the state has plenty of regulations on this, leaving Troy with the simple task of defining where a fracture location can be placed. All other safety concerns seem to be well documented and protective measures in place.

https://www.michigan.gov/documents/deq/deq-FINAL-frack-QA_384089_7_452648_7.pdf

Fracking information from State of Michigan website is attached.

First, the well head structure is not to exceed 22'. What is typical for well head structures? Are we in line with industry standard heights?

Cameron produces a wide range of products for the oil and gas industry, including wellhead systems. A frac tree is a wellhead system containing a number of valves and outlets. The following illustration for various frac tree products Cameron sells was copied from Cameron's website (c-a-m.com). The tallest model Cameron sells is 226" (18.83') in height. Cameron also offers a horizontal frac tree that has a significantly shorter profile. This indicates that we are in line with industry standards.



Source: c-a-m.com

Second, I asked for maps of locations that would be conducive to oil drilling, but can we see a before and after map. I'd like to see what those potential sites look like before an ordinance and then after the ordinance. In other words, would someone be allowed to drill on a 3 acre non IB site now? If so, I think the before and after map would be more stark.

Presently, an oil and gas facility could be located anywhere in the City that met State of Michigan locational criteria, which would generally include any location at least 450 feet from a residential building (Natural Resources and Environmental Protection Act, Act 451 of 1994). Maps were provided in the City Council memo.

Third, Injection wells are prohibited? I think I need further information on why these are to be prohibited. It appears that these may be an essential part of the process as it relates to eliminating brine from the site?

Injection of brine and other elements is a critical component of fracking. These elements are trucked to the site and then injected into the well. The injection wells prohibited by these provisions are those used to dispose of the brine used in oil and gas extraction, which may be contaminated. These wells are located deep underground, so as not to negatively impact drinking water.

Separation of brine from fluid. It appears our new ordinance doesn't allow for this, but reading the state of Michigan site about fracking process, it looks like that is SOP for fracking. Again, is this a restriction that would be extraordinary for a fracking company to overcome?

Facilities for separating oil, gas and brine are similar in character to oil refineries and therefore considered heavy industrial uses. Requiring brine separation at appropriate locations away from the wellhead is not overly restrictive to the industry.



CITY COUNCIL AGENDA ITEM

Date: July 14, 2015

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development
Steven J. Vandette, City Engineer

Subject: Standard Purchasing Resolution #1: Award to Low Bidder and Budget Amendment
Contract 15-8 – Wattles Mill & Hot Mix Asphalt (HMA) Overlay

History

This project was budgeted to include asphalt overlay work on three (3) miles of Wattles from Coolidge to Rochester; Crooks from Big Beaver to Banmoor; and at the intersection of Coolidge and Square Lake. It includes milling (grinding off) a portion of the pavement, making repairs to the milled surface, replacing curb & gutter at spot locations, and overlaying the pavement with 1-1/2 to 2 inches of asphalt.

The work is anticipated to start in August and be completed in October.

Purchasing

Bids were received and publicly read on July 8, 2015. The low bid of \$2,183,316.97 was submitted by Pro-Line Asphalt Paving Corp. as shown on the attached tabulation of bids.

The 2015-16 major road budget for this project is \$1.95 million. This budget is based on actual 2014 construction costs, but we have seen higher construction costs this year due to an improving economy and higher construction demand. This project's higher "as bid" cost is due to these factors and also due to our decision to use an asphalt mix that has a lower percentage of recycled asphalt pavement (RAP). Known as a Tier 1 mix it uses up to 17% less RAP than a Tier 2 mix. Over the past few years we have seen better performance using the Tier 1 mix, but using it adds approximately \$5 per ton or about \$50,000 to the asphalt material cost for this project. Additionally, during final design we added approximately 200 feet of sidewalk and a bypass lane on westbound Wattles at Lawson Street that were not contemplated in the budget amount. These items and the Tier 1 mix add approximately \$155,000 to the construction cost of this project.

The total estimated project cost, including construction, inspection, testing and contingency is:

Bid – Construction	\$2,183,316.97
Inspection & Testing	\$86,683.03
Contingency	<u>\$220,000.00</u>
Total	\$2,490,000.00

The project was competitively bid and publicly opened with three (3) bidders responding. The award is contingent upon submission of proper proposal and bid documents, including insurance certificates, bonds and all specified requirements.

Financial

Funds for this work are available in the 2015-16 budget. The total cost of the project including funds for engineering, construction, inspection and contingencies is estimated at \$2,490,000. The 2016 Major Street Fund will be amended to transfer additional funds in the amount of \$540,000 to complete the project.



CITY COUNCIL AGENDA ITEM

Recommendation

It is recommended that City Council award the Wattles Mill & HMA Overlay contract to Pro-Line Asphalt Paving Corp., 11797 29 Mile Road, Washington Twp., MI, 48095 for their low total bid of \$2,183,316.97. In addition, we are requesting authorization to approve additional work, if needed, not to exceed 10% of the original project cost due to unknown unknown quantities of repair work needed after milling off the asphalt surface.

Bid Tab Summary

	Pro-Line Asphalt Paving Corp. 11797 29 Mile Road Washington, MI 48095	Cadillac Asphalt LLC 2575 S. Haggerty, Ste. 100 Canton, MI 48188	AJAX Paving Industries, Inc. 830 Kirts Blvd., Suite 100 Troy, MI 48084
TOTAL ALL BASE BIDS	\$ 2,078,350.28	\$ 2,152,119.35 *	\$ 2,168,633.35
TOTAL ALTERNATE 3 SIDEWALKS AND BY-PASS LANE	\$ 104,966.69	\$ 119,465.00	\$ 95,800.15
TOTAL WITH ALTERNATE #3 :	\$ 2,183,316.97	\$ 2,271,584.35	\$ 2,264,433.50

* = Corrected By Engineer



ACTION ITEM

TO: Members of the Troy City Council

FROM: Brian Kischnick, City Manager
Gary Mayer, Police Chief
William Nelson, Fire Chief
Lori Grigg Bluhm, City Attorney

DATE: July 16, 2015

SUBJECT: Resolution Concerning Fireworks

At the July 13, 2015 City Council meeting, there was a report on the fireworks enforcement during the recent 4th of July holiday. As a result of some discussion at the City Council table, there was a request to prepare a proposed resolution for City Council consideration that expressed dissatisfaction with the current state statutes regulating fireworks.

The Michigan fireworks safety act was passed in 2011 (2011 PA 256). In August 2012, the Troy City Council sent a resolution to all state elected officials representing any portion of the City of Troy. Subsequently, there were some amendments to the state law that were passed in June 2013. State Representative Martin Howrylak introduced House Bill 4367 which if passed would clarify that the state law does not pre-empt local ordinances that regulate noise or zoning. This Bill was introduced on March 24, 2015, and it was immediately referred to the House Committee on Regulatory Reform. This is the last official action that has been taken. A bill was also introduced in the Michigan Senate on April 28, 2015 (SB 0300). This Bill was immediately referred to the Committee on Governmental Operations, but no official action is recorded after that date. The Senate Bill would essentially repeal the State Statute and allow local municipalities to regulate fireworks.

City Council may wish to send a resolution to all State elected officials representing the City of Troy, supporting legislative changes to the state law. A proposed resolution is included for your consideration.

Please let us know if you have any questions or concerns about this matter.

WHEREAS, 2011 PA No. 256 amended the law concerning fireworks in the State of Michigan, and these new provisions were effective on January 1, 2012; and

WHEREAS, this law was amended in part by the passage of 2013 PA 65, but the state law still precludes local units of government from enacting legislation to totally limit the ignition, discharge or use of consumer fireworks on the day before a national holiday, the day of a national holiday, and the day after a national holiday; and

WHEREAS, the revised state fireworks statutes have resulted in many complaints and concerns being raised by a number of municipal constituents during the most recent 4th of July holiday period, and have resulted in far more fireworks related noise, litter and potential safety issues; and

WHEREAS, the statutory revisions to the state fireworks statutes have created many concerns for Michigan municipalities, including but not limited to the allowance of the storage of explosives next to residences and businesses, and the removal of local control and discretion for the ignition, discharge, and use of fireworks; and

WHEREAS, proposed revisions have been introduced in both the State House of Representatives (HB 4367) and the State Senate (SB 0300), but action on these bills appears to have stalled.

NOW THEREFORE, BE IT RESOLVED, That the Troy City Council strongly **URGES** the Michigan legislature to revisit and revise the state fireworks statutes, MCL 28.451 et. seq. in order to allow local units of government to carry out the obligation to preserve the quality of life and safety that its citizens expect.

BE IT FURTHER RESOLVED, That the City Clerk shall **SEND** a copy of this Resolution to all state elected officials representing any portion of the City of Troy.



CITY COUNCIL AGENDA ITEM

Date: July 15, 2015

To: Mayor and City Council Members

From: Brian Kischnick, City Manager
Lori Grigg Bluhm, City Attorney
Mark Miller, Director of Economic & Community Development
M. Aileen Dickson, City Clerk
Cathleen Russ, Library Director

Subject: Ballot Language for Library Millage Question, November 3, 2015 City General Election

Background:

On Tuesday, August 2, 2011, Troy voters approved a five-year, dedicated millage of 0.7 mills for the purpose of funding operations of the Troy Public Library. The term of this millage is July 1, 2011 through June 30, 2016.

On February 3, 2014, City Council discussed the City of Troy AAA Bond Rating during a Study Session with City Administration and Robert Bendzinski, Certified Independent Professional Municipal Advisor (CIPMA) and President of Bendzinski & Co. Mr. Bendzinski provided insight into how bond rating agencies determine the City of Troy's bond rating. One of the primary factors bond rating agencies consider and strongly encourage is having dedicated funding sources. The rationale is it will provide assurance that funding will be consistent and stable for the municipality.

On November 17, 2014, the FIT (Financial Ideas Team) discussed three areas of the budget: 1) General Fund; 2) Capital Fund; and 3) Library Fund. FIT requested more information regarding the Library, specifically user makeup. The question was what percentage of users are residents versus non-residents as quantified by the number of households holding a Library card.

The Troy City Council explored the issue of future funding for the Troy Public Library at a study session on Monday, March 9, 2015. The main areas of discussion were budget information, capital needs, financial pressures and the millage. Information regarding the Library users was provided. For example, staff presented that 64% of Troy households have a Library card. When the number of cardholders that live, work, go to school in Troy or are members of the Library Cooperative are factored in, the percentage rises to 99% of all Library users.

The Financial Ideas Team convened on April 1 and April 23, 2015. There was unanimous support to continue the services of the Troy Public Library. The consensus was to select the first option presented, which is to renew the existing 0.7 millage, use money from Library Fund Balance to purchase Library materials, and have the City of Troy provide a subsidy from its Capital Fund (if needed) to address the physical building issues. FIT believed this option was best because it supports



CITY COUNCIL AGENDA ITEM

and continues the current six-day Library operation, keeps the Library materials budget stable, and addresses the Library's capital needs all while not increasing the millage rate.

The Team agreed that a millage increase would not have strong support, and should not be explored at this time. After reviewing the financial details of the General Fund and Library Fund, FIT believed a dedicated funding source through a millage renewal was the most prudent course of action.

FIT recognized that the Library is a pillar of the Troy community. It is a community gathering place, fosters growth, and provides educational and recreational resources and programming. As such, the FIT members believe that this option is the optimal path for maintaining the Troy Public Library's current high level of service.

On April 29, 2015 the City Council conducted a budget study session and discussed the Library budget as well as future funding. Three funding options were presented with the following option recommended: 1) request ballot question to renew the current 0.7 millage; 2) use Library fund balance to purchase materials; and 3) obtain a capital subsidy from the City's Capital Fund, if needed.

Recommendation:

Based on the February 3, 2014 recommendation of Robert Bendzinski as the continuation of the Library millage pertains to the City's AAA Bond Rating; November 17, 2014 FIT Discussion of the Budget; City Council's discussion of the issue at its March 9, 2015 Study Session; and the April 1 and April 23, 2015 recommendations of the Financial Ideas Team; And, the April 29, 2015 City Council Budget Study Session; City Administration recommends that City Council approve placement of a ballot question for renewal of the Troy Public Library Operating Millage Proposal in the amount of 0.7 mills for the November 3, 2015 ballot. If renewed, the term of the renewed dedicated Library millage would be July 1, 2016 – June 30, 2021.

CITY COUNCIL WOULD BE AUTHORIZED TO RENEW A LEVY OF 0.7 MILLS FOR FIVE YEARS FOR DEDICATED LIBRARY FUNDING WITH THE SUCCESSFUL PASSAGE OF THE FOLLOWING QUESTION:

Shall the City of Troy renew its previously authorized millage of 0.7 mills against all taxable property for a five (5) year period of time, 2016 through 2021, inclusive, for the dedicated purpose of operating and maintaining the library? 0.7 mills are equal to \$0.70 on each \$1,000.00 of taxable value. If approved, the additional millage levied will raise approximately \$3,203,233 in 2016, the first year it is levied. Millage revenue would be disbursed to the City for library purposes. Of this amount, state law requires the capture of approximately \$5,042 for Local Development Finance Authority, \$52,808 for Downtown Development Authority, and \$3,197 for Brownfield Redevelopment Authority purposes. This proposal is authorized under Section 6 of Article IX of the Michigan Constitution.

Yes _____ No _____

A. CALL TO ORDER:

A Special Meeting of the Troy City Council was held on Monday, July 13, 2015, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 6:00 PM.

B. ROLL CALL:

- Mayor Dane Slater
- Jim Campbell
- Steve Gottlieb
- Dave Henderson
- Ellen Hodorek
- Ed Pennington
- Doug Tietz

Vote on Resolution to Adjourn into Closed Session

Resolution #2015-07-088
Moved by Pennington
Seconded by Gottlieb

BE IT RESOLVED, That Troy City Council **SHALL ADJOURN** into Closed Session, as permitted by MCL 15.268 (c) – Labor Negotiations – Michigan Association of Police (MAP).

Yes: All-7
No: None

MOTION CARRIED

C. DISCUSSION ITEM:

C-1 Closed Session – Labor Negotiations – Michigan Association of Police (MAP)

D. PUBLIC COMMENT:

E. ADJOURNMENT:

The Meeting **ADJOURNED** at 6:19 PM.

Mayor Dane Slater

M. Aileen Dickson, CMC
City Clerk

Pastor Pat Rowland from Woodside Bible Church performed the Invocation. The Pledge of Allegiance to the Flag was given.

A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held on Monday, July 13, 2015, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 7:31 PM.

B. ROLL CALL:

Mayor Dane Slater
 Jim Campbell
 Steve Gottlieb
 Dave Henderson
 Ellen Hodorek
 Ed Pennington
 Doug Tietz

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Presentation to Recognize Dr. Martin Wunsch Who Donated \$50,000 to the Troy Public Library on Behalf of the Estate of Lucille Makarov. The Funds Will Be Used to Make Improvements in Furnishings and Technology in the Youth Services Area, the Teen Services Area, and the Adult Services Collection (*Presented by: Cathy Russ, Library Director*)

C-2 Presentation to Sue Martin, President of the Friends of the Troy Public Library, in Recognition of Funding in the Amount of \$111,525 for the 2015-16 Fiscal Year. The Funding will go Toward Library Programs, Purchasing New Meeting Room Furniture, a Mobile Computer Lab, and Other Aesthetic Improvements (*Presented by: Cathy Russ, Library Director*)

C-3 Fireworks Report (*Presented by: Gary Mayer, Chief of Police*)

It was the consensus of City Council to send a resolution to the State Legislature regarding the State Law on Fireworks.

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 No Public Hearings

F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:

G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:

H. POSTPONED ITEMS:

H-1 No Postponed Items

I. REGULAR BUSINESS:

I-1 Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – Zoning Board of Appeals

a) **Mayoral Appointments:** None

b) **City Council Appointments:**

Resolution #2015-07-085
Moved by Campbell
Seconded by Henderson

RESOLVED, That Troy City Council hereby **APPOINTS** the following nominated person(s) to serve on the Boards and Committees as indicated:

Zoning Board of Appeals

Appointed by Council
7 Regular Members
3 Year Term

Term Expires: 4/30/2018

Thomas Desmond

Term currently held by: Thomas Desmond

Term Expires: 4/30/2018

Glenn Clark

Term currently held by: Glenn Clark

Yes: All-7
No: None

MOTION CARRIED

I-2 Board and Committee Nominations: a) Mayoral Nominations – Brownfield Redevelopment Authority, Local Development Finance Authority (LDFA); b) City Council Nominations – Charter Revision Committee, Historic District Commission, Traffic Committee

a) **Mayoral Nominations:**

City Council took no action on this Item.

b) City Council Nominations:

City Council took no action on this Item.

I-3 No Closed Session Requested

**I-4 Contract Ratification – Michigan Association of Police (MAP) 2015-2018
(Introduced by: Jeanette Menig, Human Resources Director)**

Resolution #2015-07-086
Moved by Pennington
Seconded by Gottlieb

RESOLVED, That a collective bargaining agreement between the City of Troy and the Michigan Association of Police (MAP) for the period July 1, 2015 through June 30, 2018 is hereby **RATIFIED** by the City Council of the City of Troy, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the final agreement.

Yes: All-7
No: None

MOTION CARRIED

J. CONSENT AGENDA:

J-1a Approval of “J” Items NOT Removed for Discussion

Resolution #2015-07-087
Moved by Henderson
Seconded by Gottlieb

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented.

Yes: All-7
No: None

MOTION CARRIED

J-1b Address of “J” Items Removed for Discussion by City Council

J-2 Approval of City Council Minutes

Resolution #2015-07-087-J-2

RESOLVED, That Troy City Council hereby **APPROVES** the following Minutes as submitted:

- a) City Council Meeting Minutes-Draft – June 22, 2015

J-3 Proposed City of Troy Proclamations: None Submitted

J-4 Standard Purchasing Resolutions

- a) **Standard Purchasing Resolution 4: Cooperative Contract Award – Two (2) Dump Trucks with Snow Removal and Deicing Systems**

Resolution #2015-07-087-J-4a

RESOLVED, That Troy City Council hereby **APPROVES** contracts to purchase two (2) tandem axle truck chassis, for \$99,679.00 each to *Wolverine Freightliner-Eastside, Inc., of Mount Clemens, MI* for an estimated total price of \$199,358.00 and two (2) dump bodies, snow removal and deicing systems for \$104,238.68 each from *Truck and Trailer Specialties, Inc., of Dutton, MI* for an estimated total price of \$208,477.36; for an estimated grand total cost of \$407,835.36.

J-5 Resolution to Schedule a Special Study Session on Monday, August 10, 2015, to Discuss the Great Lakes Water Authority

Resolution #2015-07-087-J-5

RESOLVED, That a Special Study meeting is **SCHEDULED** for the Troy City Council for the purpose of discussing the Great Lakes Water Authority on Monday, August 10, 2015 at 6:00 PM in the Council Boardroom at 500 W. Big Beaver Road, Troy, MI 48084.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings:

- a) July 20, 2015 – Rezoning Application – File ZOTA Z 746 – Proposed Troy Fire Station No. 4, North Side of Maple, East of John R (2103 and 2121E. Maple), Section 25 from R-1E (One Family Residential) District to NN ‘C’ (Neighborhood Node ‘C’)
- b) July 20, 2015 – Zoning Ordinance Text Amendment – File ZOTA 247 – Oil & Gas Extraction

K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time):

- a) Timeline for Library Millage Question – November 3, 2015 City General Election

L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:

Stanley Yolkiewicz (Resident)	Spoke about the lack of PEG (Public, Education and Government) Programming for ATT U-Verse Customers.
James Savage (Resident)	Spoke about a proposal for consideration before the Planning Commission to build a 35 unit apartment building on a ½ acre lot. He has concerns with high density housing and its long-term effects to the City.

Lee Nardi	Spoke about a noise pollution by vehicles in Troy.
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M. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:

City Manager Kischnick indicated that he will meet with the first speaker after the meeting.

The Mayor and Council Member Henderson addressed the issue with ATT. Mayor Slater indicated that this is a long time issue and the City's options are limited, as it would be very costly to the City to provide that service. City Attorney Lori Bluhm mentioned that the City, as well as the ICCA, has been trying to work with ATT regarding the issue.

N. COUNCIL REFERRALS:

Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda

N-1 No Council Referrals

O. COUNCIL COMMENTS:

O-1 Council Comments

Council Member Gottlieb addressed the City's attempts to have the State of Michigan take action regarding fireworks.

P. REPORTS:

P-1 Minutes – Boards and Committees:

- a) Building Code Board of Appeals-Draft-June 3, 2015
 - b) Building Code Board of Appeals-Final-June 3, 2015
 - c) Planning Commission-Final-June 9, 2015
 - d) Building Code Board of Appeals-Draft – July 1, 2015
- Noted and Filed

P-2 Department Reports:

- a) Building Department Activity Report – June 2015
- b) Great Lakes Water Authority Update
- c) 2015 Second Quarter Litigation Report
- d) Cities of Southfield and Troy Joint Local Development Finance Authority, Certified Technology Park; Amended, Restated and Extended Development and Tax Increment Financing Plan: Update

Noted and Filed

P-3 Letters of Appreciation:

- a) To Kurt Bovensiep from the Schoenherr Family Regarding Staff Rescuing a Mallard Duck Family
- b) To Chief Mayer from Stephanie Bergeron, President of Walsh College, Regarding Officer Assistance with Traffic Control at the Commencement Ceremonies Held at Zion Christian Church

Noted and Filed

P-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted

P-5 Notice of Hearing for the Customers of DTE Electric Co. Case No. U-17772 – Biennial Review of the Energy Optimization Plan

Noted and Filed

P-6 Notice of Hearing for the Natural Gas Customers of Consumers Energy Company Case No. U-17868 – Application to Approve a Refund to its Natural Gas Customers

Noted and Filed

Q. COMMENTS ON ITEMS ON OR NOT ON THE AGENDA FROM MEMBERS OF THE PUBLIC OUTSIDE OF TROY (NOT RESIDENTS OF TROY AND NOT FROM TROY BUSINESSES):

R. CLOSED SESSION:

R-1 No Closed Session

S. ADJOURNMENT:

The Meeting **ADJOURNED** at 8:16 PM.

Mayor Dane Slater

M. Aileen Dickson, CMC
City Clerk



CITY COUNCIL AGENDA ITEM

Date: July 16, 2015

To: Brian Kischnick, City Manager

From: MaryBeth Murz, Purchasing Manager
 Timothy L. Richnak, Public Works Director
 Kurt Bovensiepe, Public Works Manager

Subject: Standard Purchasing Resolution 2: Award To Lowest Bidders Meeting Specifications – Traffic Control Signs and Posts

History

- The Streets Division is responsible for the maintenance of all city posted traffic control signs and posts.
- These signs and posts require new installations, as well as repairs and replacements to be in compliance with the most current standards as specified in the Michigan Manual on Uniform Traffic Control Devices.

Purchasing

- On July 9, 2015, a bid opening was conducted as required by City Charter and Code for one (1) year requirements of traffic control signs and posts.
- The bid was posted on the Michigan Inter-governmental Trade Network (MITN) website; www.mitn.info and the bid was sent to the Troy Chamber of Commerce.
- (9) bid responses were received. Below is a detailed summary of potential vendors:

Companies notified via MITN	88
Troy Companies notified via MITN	1
Troy Companies - Active email Notification	1
Troy Companies - Active Free	0
Companies that viewed the bid	29
Troy Companies that viewed the bid	0

***MITN** provides a resourceful online platform to streamline the procurement process, reduce costs, and make it easier and more transparent for vendors to do business with the City of Troy.*

Active MITN members with a current membership and paying annual dues receive automatic electronic notification which allows instant access to Bids, RFPS and Quote opportunities with the City.

Active MITN non-paying members are responsible to monitor and check the MITN website for opportunities to do business with the City.

Inactive MITN member status can occur when a company does not renew their account upon expiration. Inactive members cannot be notified of solicitations or access any bid information.

- The following vendors responded to the Bid solicitation:
 - Garden State Highway Products, Inc.
 - Dornbos Sign & Safety, Inc.
 - Osburn Associates, Inc.
 - Lightle Enterprises of Ohio, LLC
 - Vulcan, Inc, dba Vulcan Signs
 - Rocal, Inc.
 - Custom Products Corporation
 - Rathco Safety Supply, Inc.
 - MD Solutions



CITY COUNCIL AGENDA ITEM

- Quantities are estimated and shall be purchased at quoted unit prices, on an as needed basis.
- All items bid were separated into 11 proposal categories, A – K.
- Due to minimum shipment requirements, contracts are to be awarded on a proposal by proposal basis.
- Proposal H is a set-up fee to fabricate non-standard signs for all sizes listed in the contract. Therefore, all vendors awarded sign material contracts shall also be awarded Proposal H.

Financial

Funds are available in the Operating Budgets of the Public Works Streets Division.

Recommendation

City management recommends awarding one (1) year contracts on a proposal by proposal basis to the following five (5) low bidders meeting specifications as detailed below for an estimated total cost of \$73,941.35 at unit prices contained in the bid tabulation opened July 9, 2015.

Bidder	Proposal	Estimated Total
Custom Products Corp	A	\$3,391.75
Garden State Highway Products	B,C, D	\$2,932.80
Vulcan Signs	E, F, G, K	\$54,290.80
Lightle Enterprises of Ohio LLC	I	\$2,016.00
Dornbos Sign & Safety	J	\$11,310.00
Estimated Grand Total		\$73,941.35

Opening Date -- 7/9/15
Date Reviewed -- 7/15/2015

CITY OF TROY
BID TABULATION
TRAFFIC CONTROL SIGNS & POSTS

ITB-COT 15-21
Pg. 1 of 6

VENDOR NAME:

Garden State Highway Products, Inc.	Dornbos Sign & Safety Inc.	Osburn Associates, Inc.
Vineland, NJ	Chalotte, MI	Logan, OH
UNIT PRICE	UNIT PRICE	UNIT PRICE

ITEM EST QTY DESCRIPTION

PROPOSAL A: COMPLETE SIGNS, SINGLE FACE 3M HIGH INTENSITY PRISMATIC ON ALUMINUM

1.	25	36" YIELD (R1-2)	\$ 16.98	\$ 17.00	\$ 19.13
2.	30	30" STOP (R1-1)	\$ 24.54	\$ 25.00	\$ 26.00
3.	10	36" STOP (R1-1)	\$ 34.66	\$ 33.35	\$ 38.25
4.	10	18" x 6" All Way (R1-4)	\$ 4.07	\$ 3.10	\$ 3.19
5.	500	12" x 12" No Parking (R8-3A)	\$ 4.63	\$ 4.55	\$ 4.25
PROPOSAL A: EST TOTAL --			\$ 3,863.00	\$ 3,814.50	\$ 3,797.65

PROPOSAL B: 3M STANDARD PRE-PRINTED TRAFFIC SIGN FACES HIGH INTENSITY

1.	500	12" X 12" No parking Symbol	\$ 1.69	\$ 2.50	\$ 1.80
2.	10	30" Stop Faces	\$ 9.74	\$ 11.75	\$ 9.98
3.	10	36" Yield Faces	\$ 5.46	\$ 9.00	\$ 14.40
PROPOSAL B: EST TOTAL --			\$ 997.00	\$ 1,457.50	\$ 1,143.80

PROPOSAL C: COMPLETE SIGNS, SINGLE FACE. 3M DIAMOND GRADE, VIP SHEETING, FLUORESCENT YELLOW GREEN ON ALUMINUM

1.	10	30" School Sign FYG	\$ 19.32	\$ 36.08	\$ 34.38
2.	10	36" School Sign FYG	\$ 27.81	\$ 51.81	\$ 49.50
3.	10	24" x 12" Directional Arrow FYG (W16-7p)	\$ 6.18	\$ 13.87	\$ 10.98
4.	10	24" x 24" Directional Arrow FYG (W16-7p)	\$ 12.36	\$ 25.37	\$ 10.98
PROPOSAL C: EST TOTAL --			\$ 656.70	\$ 1,271.30	\$ 1,058.40

PROPOSAL D: MDO SINGLE FACED, RECTANGLE PLYWOOD SIGN

1.	5	96" X 48" HIP Orange	\$ 127.91	\$ 175.00	\$ 136.00
2.	5	96" x 48" HIP White	\$ 127.91	\$ 189.00	\$ 136.00
PROPOSAL D: EST TOTAL --			\$ 1,279.10	\$ 1,820.00	\$ 1,360.00

PROPOSAL E: COMPLETE SIGNS, STANDARD WARNING DIAMOND, RECTANGULAR OR SQUARE - ONE COLOR HIGH INTENSITY PRISMATIC ON ALUMINUM, ROUNDED OR SQUARE CORNERS

1.	10	9" X 24"	\$ 8.38	\$ 6.18	\$ 6.38
2.	10	9" X 30"	\$ 10.48	\$ 7.81	\$ 7.97
3.	10	9" X 36"	\$ 12.57	\$ 9.34	\$ 9.56
4.	10	9" X 48"	\$ 16.75	\$ 12.45	\$ 12.75
5.	10	12" X 12"	\$ 4.49	\$ 4.10	\$ 4.25
6.	100	12" X 18"	\$ 6.11	\$ 6.14	\$ 6.38
7.	10	12" X 24"	\$ 7.99	\$ 8.18	\$ 8.50
8.	10	12" X 30"	\$ 9.98	\$ 10.38	\$ 10.63
9.	150	12" X 36"	\$ 11.98	\$ 12.36	\$ 12.75
10.	25	12" X 42"	\$ 13.97	\$ 14.53	\$ 14.88
11.	50	12" X 48"	\$ 15.98	\$ 16.60	\$ 17.00
12.	25	12" X 54"	\$ 17.96	\$ 18.68	\$ 19.13
13.	25	18" X 18"	\$ 8.99	\$ 9.34	\$ 9.56
14.	20	18" X 24"	\$ 11.98	\$ 12.36	\$ 12.77
15.	20	18" X 48"	\$ 15.98	\$ 35.28	\$ 25.50
16.	20	18" X 60"	\$ 19.98	\$ 44.10	\$ 31.88
17.	10	24" X 24"	\$ 15.98	\$ 16.60	\$ 17.00
18.	200	24" X 30"	\$ 19.98	\$ 20.45	\$ 21.25
19.	10	24" X 36"	\$ 23.98	\$ 24.90	\$ 25.50
20.	10	24" X 48"	\$ 31.97	\$ 33.20	\$ 34.00
21.	200	30" X 30"	\$ 24.98	\$ 25.94	\$ 26.56
22.	10	36" X 36"	\$ 35.96	\$ 37.35	\$ 38.25
PROPOSAL E: EST TOTAL --			\$ 15,966.10	\$ 17,179.45	\$ 17,202.65

PROPOSAL F: COMPLETE SIGNS, STANDARD, WARNING SIAMOND, RECTANGULAR OR SQUARE - TWO OR MORE COLORS HIGH INTENSITY PRISMATIC ON ALUMINUM

1.	10	12" X 12" Two Color	\$ 4.63	\$ 4.15	\$ 4.35
2.	50	12" X 18" Two Color	\$ 6.29	\$ 6.02	\$ 6.53
3.	10	24" x 24" Two Color	\$ 16.46	\$ 16.05	\$ 17.40
4.	10	30" X 30" Three Color	\$ 27.82	\$ 28.45	\$ 28.13
PROPOSAL F: EST TOTAL --			\$ 803.60	\$ 787.50	\$ 825.30

CITY OF TROY
 BID TABULATION
 TRAFFIC CONTROL SIGNS & POSTS

VENDOR NAME:		Garden State Highway Products, Inc.	Dornbos Sign & Safety Inc.	Osburn Associates, Inc.
		Vineland, NJ	Chalotte, MI	Logan, OH
ITEM	EST QTY DESCRIPTION	UNIT PRICE	UNIT PRICE	UNIT PRICE
PROPOSAL G: COMPLETE SIGNS, DOUBLE FACED, HIGH INTENSITY PRISMATIC TWO SIDED ON WHITE ON EXTRUDED ALUMINUM				
1.	25 9" X 24" Extruded BLANK (No Film)	\$ 10.26	\$ 5.58	\$ 10.62
2.	25 9" X 30" Extruded BLANK (No Film)	\$ 12.83	\$ 8.95	\$ 13.28
3.	25 9" X 36" Extruded BLANK (no film)	\$ 15.39	\$ 11.12	\$ 15.93
4.	25 9" X 42" Extruded BLANK (no film)	\$ 17.96	\$ 13.28	\$ 18.55
5.	25 9" X 48" Extruded BLANK (No Film)	\$ 20.53	\$ 14.49	\$ 21.24
PROPOSAL G: EST TOTAL --		\$ 1,924.25	\$ 1,335.50	\$ 1,990.50
PROPOSAL H: SET UP FEES				
		\$ 25.00	\$ 25.00	\$ -
PROPOSAL I: ROUND GALVANIZED STEEL POST, 2" NOMINAL SIZE, 2-1/8" ID, 2-3/8" OD, .125 WALL THICKNESS, 3 LBS. PER LINEAL FOOT.				
1.	100 12 Ft. Galvanized steel round post	\$ 41.38	\$ 51.10	\$ 43.38
PROPOSAL I: EST TOTAL --		\$ 4,138.00	\$ 5,110.00	\$ 4,338.00
PROPOSAL J: U-CHANNEL SIGN POSTS				
1.	200 10 FT - 2lbs Galvanized Steel	\$ 20.24	\$ 14.50	\$ 19.20
2.	200 12 FT - 3lbs Galvanized Steel	\$ 29.49	\$ 26.05	\$ 34.75
3.	100 15 FT - 3lbs Galvanized Steel	\$ 36.86	\$ 32.00	\$ 43.43
PROPOSAL J: EST TOTAL --		\$ 13,632.00	\$ 11,310.00	\$ 15,133.00
PROPOSAL K: SQUARE TUBULAR SIGN POSTS -- PERFORATED-- GALVANIZED STEEL-- FHWA APPROVED				
1.	100 14 FT x 1-3/4"-14 Gauge	\$ 26.48	\$ 28.40	\$ 28.56
2.	300 12 FT x 2" - 12 Gauge	\$ 32.16	\$ 39.14	\$ 37.98
3.	300 10 FT X 2" - 12 Gauge	\$ 26.81	\$ 32.66	\$ 31.65
4.	300 9 FT X 2" - 12 Gauge	\$ 24.60	\$ 29.40	\$ 28.49
5.	100 3 FT X2" Anchor Base - 12 Gauge	\$ 8.61	\$ 9.56	\$ 9.50
6.	1000 3 FT X 2-1/4" Anchor Base - 12 Gauge	\$ 10.27	\$ 11.83	\$ 10.17
PROPOSAL K: EST TOTAL --		\$ 38,850.00	\$ 45,986.00	\$ 43,412.00
ESTIMATED GRAND TOTAL AWARDED ITEMS:		\$ 82,109.75	\$ 90,071.75	\$ 90,261.30
DELIVERY:	Minimum Shipment	\$500.00	Blank	\$1,000.00 *Posts: 6-8 weeks delivery time
	# of Days	21-30	30	30
CONTACT INFO:	Hrs of Operation:	Mon-Fri 7am-5pm	7:30am-5:00pm	8am-5pm
	24 Hr Phone Number:	609-774-1116	517-543-4000	800-523-8917
DESCRIPTIVE LITERATURE:	Marked	N	N	specs
PAYMENT TERMS:		Net 30	Net 30	Net 30 days
WARRANTY:		Blank	3M Warranty	10 years
EXCEPTIONS:		Blank	Blank	Blank
FORMS INCLUDED:	Legal Status Bidder	Y	Y	Y
	Non-Collusion Affidavit	Y	Y	Y
	Debarment Certification	Y	Y	Y
	Iran-Linked Business	Y	Y	Y
ALL OR NONE AWARD:	Y or N	N	N	N
ACKNOWLEDGEMENT SIGNED:	Y or N	Y	Y	Y

CITY OF TROY
 BID TABULATION
 TRAFFIC CONTROL SIGNS & POSTS

VENDOR NAME:	Lightle Enterprises of Ohio, LLC	Vulcan, Inc. (DBA Vulcan Signs)	Rocal, Inc.
	Frankfort, OH	Foley, AL	Frankfort, OH
	UNIT PRICE	UNIT PRICE	UNIT PRICE

ITEM EST QTY DESCRIPTION

PROPOSAL A: COMPLETE SIGNS, SINGLE FACE 3M HIGH INTENSITY PRISMATIC ON ALUMINUM

1.	25	36" YIELD (R1-2)	\$21.42	\$	16.11	\$	20.06
2.	30	30" STOP (R1-1)	\$26.60	\$	21.98	\$	28.94
3.	10	36" STOP (R1-1)	\$42.60	\$	31.85	\$	41.67
4.	10	18" x 6" All Way (R1-4)	\$3.60	\$	3.44	\$	5.47
5.	500	12" x 12" No Parking (R8-3A)	\$4.80	\$	4.44	\$	6.63
PROPOSAL A: EST TOTAL --			\$ 4,195.50	\$	3,635.05	\$	5,156.10

PROPOSAL B: 3M STANDARD PRE-PRINTED TRAFFIC SIGN FACES HIGH INTENSITY

1.	500	12" X 12" No parking Symbol	\$ 2.10	\$	2.11	\$	1.99
2.	10	30" Stop Faces	\$ 12.38	\$	10.19	\$	12.44
3.	10	36" Yield Faces	\$ 8.92	\$	6.64	\$	9.76
PROPOSAL B: EST TOTAL --			\$ 1,263.00	\$	1,223.30	\$	1,217.00

PROPOSAL C: COMPLETE SIGNS, SINGLE FACE. 3M DIAMOND GRADE, VIP SHEETING, FLUORESCENT YELLOW GREEN ON ALUMINUM

1.	10	30" School Sign FYG	\$ 23.88	\$	34.01	\$	40.50
2.	10	36" School Sign FYG	\$ 34.38	\$	49.20	\$	58.32
3.	10	24" x 12" Directional Arrow FYG (W16-7p)	\$ 7.64	\$	11.61	\$	12.96
4.	10	24" x 24" Directional Arrow FYG (W16-7p)	\$ 14.28	\$	25.42	\$	25.92
PROPOSAL C: EST TOTAL --			\$ 801.80	\$	1,202.40	\$	1,377.00

PROPOSAL D: MDO SINGLE FACED, RECTANGLE PLYWOOD SIGN

1.	5	96" X 48" HIP Orange	\$ 208.00		NO BID	\$	255.04
2.	5	96" x 48" HIP White	\$ 208.00			\$	255.04
PROPOSAL D: EST TOTAL --			\$ 2,080.00			\$	2,550.40

PROPOSAL E: COMPLETE SIGNS, STANDARD WARNING DIAMOND, RECTANGULAR OR SQUARE - ONE COLOR HIGH INTENSITY PRISMATIC ON ALUMINUM, ROUNDED OR SQUARE CORNERS

1.	10	9" X 24"	\$ 7.14	\$	5.77	\$	6.95
2.	10	9" X 30"	\$ 8.93	\$	7.10	\$	8.68
3.	10	9" X 36"	\$ 10.71	\$	8.50	\$	10.42
4.	10	9" X 48"	\$ 14.28	\$	11.33	\$	13.89
5.	10	12" X 12"	\$ 4.76	\$	3.91	\$	6.63
6.	100	12" X 18"	\$ 7.14	\$	5.78	\$	6.95
7.	10	12" X 24"	\$ 9.52	\$	7.54	\$	9.26
8.	10	12" X 30"	\$ 11.90	\$	9.39	\$	11.58
9.	150	12" X 36"	\$ 14.28	\$	10.83	\$	13.89
10.	25	12" X 42"	\$ 16.66	\$	12.64	\$	16.21
11.	50	12" X 48"	\$ 19.04	\$	14.44	\$	18.52
12.	25	12" X 54"	\$ 21.42	\$	16.25	\$	20.84
13.	25	18" X 18"	\$ 10.71	\$	8.45	\$	10.42
14.	20	18" X 24"	\$ 14.28	\$	10.83	\$	13.89
15.	20	18" X 48"	\$ 28.56	\$	21.66	\$	27.78
16.	20	18" X 60"	\$ 35.70	\$	27.08	\$	34.73
17.	10	24" X 24"	\$ 19.04	\$	14.44	\$	18.52
18.	200	24" X 30"	\$ 23.80	\$	18.05	\$	23.15
19.	10	24" X 36"	\$ 28.56	\$	21.66	\$	27.78
20.	10	24" X 48"	\$ 38.08	\$	28.88	\$	37.04
21.	200	30" X 30"	\$ 29.75	\$	22.56	\$	28.94
22.	10	36" X 36"	\$ 42.84	\$	32.49	\$	41.67
PROPOSAL E: EST TOTAL --			\$ 19,266.15	\$	14,681.50	\$	18,761.45

PROPOSAL F: COMPLETE SIGNS, STANDARD, WARNING SIAMOND, RECTANGULAR OR SQUARE - TWO OR MORE COLORS HIGH INTENSITY PRISMATIC ON ALUMINUM

1.	10	12" X 12" Two Color	\$ 4.88	\$	4.34	\$	6.94
2.	50	12" X 18" Two Color	\$ 7.32	\$	6.21	\$	7.41
3.	10	24" x 24" Two Color	\$ 19.52	\$	14.83	\$	19.76
4.	10	30" X 30" Three Color	\$ 30.50	\$	23.36	\$	36.69
PROPOSAL F: EST TOTAL --			\$ 915.00	\$	735.80	\$	1,004.40

CITY OF TROY
 BID TABULATION
 TRAFFIC CONTROL SIGNS & POSTS

VENDOR NAME:	Lightle Enterprises of Ohio, LLC	Vulcan, Inc. (DBA Vulcan Signs)	Rocal, Inc.
	Frankfort, OH	Foley, AL	Frankfort, OH
	UNIT PRICE	UNIT PRICE	UNIT PRICE

ITEM EST QTY DESCRIPTION

PROPOSAL G: COMPLETE SIGNS, DOUBLE FACED, HIGH INTENSITY PRISMATIC TWO SIDED ON WHITE ON EXTRUDED ALUMINUM

1.	25	9" X 24" Extruded BLANK (No Film)	\$ 25.43	\$ 5.70	\$ 28.90
2.	25	9" X 30" Extruded BLANK (No Film)	\$ 31.78	\$ 7.10	\$ 36.12
3.	25	9" X 36" Extruded BLANK (no film)	\$ 38.14	\$ 8.50	\$ 38.50
4.	25	9" X 42" Extruded BLANK (no film)	\$ 44.49	\$ 9.98	\$ 44.91
5.	25	9" X 48" Extruded BLANK (No Film)	\$ 50.85	\$ 11.30	\$ 51.33
PROPOSAL G: EST TOTAL --			\$ 4,767.25	\$ 1,064.50	\$ 4,994.00

PROPOSAL H: SET UP FEES

	\$ 40.00	\$ 25.00	\$ 100.00
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PROPOSAL I: ROUND GALVANIZED STEEL POST, 2" NOMINAL SIZE, 2-1/8" ID, 2-3/8" OD, .125 WALL THICKNESS, 3 LBS. PER LINEAL FOOT.

1.	100	12 Ft. Galvanized steel round post	\$ 20.16	NO BID	NO BID
PROPOSAL I: EST TOTAL --			\$ 2,016.00		

PROPOSAL J: U-CHANNEL SIGN POSTS

1.	200	10 FT - 2lbs Galvanized Steel	\$ 19.60	\$ 18.34	NO BID
2.	200	12 FT - 3lbs Galvanized Steel	\$ 33.60	\$ 32.60	
3.	100	15 FT - 3lbs Galvanized Steel	\$ 42.00	\$ 41.57	
PROPOSAL J: EST TOTAL --			\$ 14,840.00	\$ 14,345.00	

PROPOSAL K: SWUARE TUBULAR SIGN POSTS -- PERFORATED-- GALVANIZED STEEL-- FHWA APPROVED

1.	100	14 FT x 1-3/4"-14 Gauge	\$ 31.12	\$ 26.26	NO BID
2.	300	12 FT x 2" - 12 Gauge	\$ 36.48	\$ 31.42	
3.	300	10 FT X 2" - 12 Gauge	\$ 30.40	\$ 26.18	
4.	300	9 FT X 2" - 12 Gauge	\$ 27.36	\$ 23.57	
5.	100	3 FT X2" Anchor Base - 12 Gauge	\$ 9.20	\$ 8.92	
6.	1000	3 FT X 2-1/4" Anchor Base - 12 Gauge	\$ 10.63	\$ 9.94	
PROPOSAL K: EST TOTAL --			\$ 42,934.00	\$ 37,809.00	

ESTIMATED GRAND TOTAL AWARDED ITEMS:

	\$ 93,078.70	\$ 74,696.55	\$ 35,060.35
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DELIVERY:	Minimum Shipment	\$2,000.00	\$500.00	\$500.00
	# of Days	30-45 ARO	Stock items 3-5 days. See bid for more details.	30-45
CONTACT INFO:	Hrs of Operation:	8am-5pm	7am-4pm Central Time	7am-4:30pm
	24 Hr Phone Number:	740-703-6740	800-633-6845	800-992-8633
DESCRIPTIVE LITERATURE:	Marked	Blank	Blank	A, B
PAYMENT TERMS:		Net 30	Net 30	Net 30
WARRANTY:		Per reflective sheeting manufacturer standard	Standard warranty applies	Labor - 1 year Materials - 10 years
EXCEPTIONS:		Blank	Proposal G - We are quoting bare metal (no sheeting) extruded blanks.	We are bidding Avery Dennison series 6500 HIP for Proposals A, B, D, E, and F. We are bidding Avery Dennison series 9500 OmniView for Proposals C and G. Product Bulletins are attached.
FORMS INCLUDED:	Legal Status Bidder	Y	Y	Y
	Non-Collusion Affidavit	Y	Y	Y
	Debarment Certification	Y	Y	Y
	Iran-Linked Business	Y	Y	Y
ALL OR NONE AWARD:	Y or N	N	N	N
ACKNOWLEDGEMENT SIGNED:	Y or N	Y	Y	Y

CITY OF TROY
 BID TABULATION
 TRAFFIC CONTROL SIGNS & POSTS

VENDOR NAME:

Custom Products Corporation Jackson, MS UNIT PRICE	Rathco Safety Supply, Inc. Portage, MI UNIT PRICE	MD Solutions Plain City, OH UNIT PRICE
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ITEM EST QTY DESCRIPTION

PROPOSAL A: COMPLETE SIGNS, SINGLE FACE 3M HIGH INTENSITY PRISMATIC ON ALUMINUM

1.	25	36" YIELD (R1-2)	\$ 16.87	\$ 17.51	NO BID
2.	30	30" STOP (R1-1)	\$ 23.35	\$ 24.66	
3.	10	36" STOP (R1-1)	\$ 33.65	\$ 34.16	
4.	10	18" x 6" All Way (R1-4)	\$ 3.30	\$ 3.40	
5.	500	12" x 12" No Parking (R8-3A)	\$ 3.80	\$ 4.49	
PROPOSAL A: EST TOTAL --			\$ 3,391.75	\$ 3,798.15	

PROPOSAL B: 3M STANDARD PRE-PRINTED TRAFFIC SIGN FACES HIGH INTENSITY

1.	500	12" X 12" No parking Symbol	\$ 2.35	\$ 2.45	NO BID
2.	10	30" Stop Faces	\$ 11.63	\$ 11.25	
3.	10	36" Yield Faces	\$ 7.50	\$ 7.85	
PROPOSAL B: EST TOTAL --			\$ 1,366.30	\$ 1,416.00	

PROPOSAL C: COMPLETE SIGNS, SINGLE FACE. 3M DIAMOND GRADE, VIP SHEETING, FLUORESCENT YELLOW GREEN ON ALUMINUM

1.	10	30" School Sign FYG	\$ 48.53	\$ 36.50	NO BID
2.	10	36" School Sign FYG	\$ 74.81	\$ 49.59	
3.	10	24" x 12" Directional Arrow FYG (W16-7p)	\$ 16.17	\$ 11.10	
4.	10	24" x 24" Directional Arrow FYG (W16-7p)	\$ 36.00	\$ 22.20	
PROPOSAL C: EST TOTAL --			\$ 1,755.10	\$ 1,193.90	

PROPOSAL D: MDO SINGLE FACED, RECTANGLE PLYWOOD SIGN

1.	5	96" X 48" HIP Orange	NO BID	\$ 199.75	NO BID
2.	5	96" x 48" HIP White		\$ 226.85	
PROPOSAL D: EST TOTAL --				\$ 2,133.00	

PROPOSAL E: COMPLETE SIGNS, STANDARD WARNING DIAMOND, RECTANGULAR OR SQUARE - ONE COLOR HIGH INTENSITY PRISMATIC ON ALUMINUM, ROUNDED OR SQUARE CORNERS

1.	10	9" X 24"	\$ 6.02	\$ 6.45	NO BID
2.	10	9" X 30"	\$ 7.52	\$ 8.06	
3.	10	9" X 36"	\$ 9.02	\$ 9.64	
4.	10	9" X 48"	\$ 12.03	\$ 12.90	
5.	10	12" X 12"	\$ 4.20	\$ 4.24	
6.	100	12" X 18"	\$ 6.03	\$ 6.53	
7.	10	12" X 24"	\$ 8.02	\$ 8.20	
8.	10	12" X 30"	\$ 10.03	\$ 9.88	
9.	150	12" X 36"	\$ 12.03	\$ 12.30	
10.	25	12" X 42"	\$ 14.04	\$ 14.35	
11.	50	12" X 48"	\$ 16.04	\$ 16.40	
12.	25	12" X 54"	\$ 18.18	\$ 18.45	
13.	25	18" X 18"	\$ 9.03	\$ 9.23	
14.	20	18" X 24"	\$ 12.03	\$ 12.30	
15.	20	18" X 48"	\$ 24.06	\$ 24.60	
16.	20	18" X 60"	\$ 29.63	\$ 30.75	
17.	10	24" X 24"	\$ 16.04	\$ 16.40	
18.	200	24" X 30"	\$ 19.55	\$ 20.50	
19.	10	24" X 36"	\$ 23.46	\$ 24.26	
20.	10	24" X 48"	\$ 31.28	\$ 32.80	
21.	200	30" X 30"	\$ 24.44	\$ 25.63	
22.	10	36" X 36"	\$ 36.00	\$ 36.90	
PROPOSAL E: EST TOTAL --			\$ 15,989.35	\$ 16,645.05	

PROPOSAL F: COMPLETE SIGNS, STANDARD, WARNING SIAMOND, RECTANGULAR OR SQUARE - TWO OR MORE COLORS HIGH INTENSITY PRISMATIC ON ALUMINUM

1.	10	12" X 12" Two Color	\$ 11.50	\$ 4.54	NO BID
2.	50	12" X 18" Two Color	\$ 12.84	\$ 6.74	
3.	10	24" x 24" Two Color	\$ 32.00	\$ 13.86	
4.	10	30" X 30" Three Color	\$ 53.00	\$ 29.74	
PROPOSAL F: EST TOTAL --			\$ 1,607.00	\$ 818.40	

CITY OF TROY
 BID TABULATION
 TRAFFIC CONTROL SIGNS & POSTS

VENDOR NAME:	Custom Products Corporation	Rathco Safety Supply, Inc.	MD Solutions
	Jackson, MS	Portage, MI	Plain City, OH
ITEM EST QTY DESCRIPTION	UNIT PRICE	UNIT PRICE	UNIT PRICE

PROPOSAL G: COMPLETE SIGNS, DOUBLE FACED, HIGH INTENSITY PRISMATIC TWO SIDED ON WHITE ON EXTRUDED ALUMINUM

1.	25	9" X 24" Extruded BLANK (No Film)	NO BID	\$	11.50	NO BID
2.	25	9" X 30" Extruded BLANK (No Film)		\$	14.37	
3.	25	9" X 36" Extruded BLANK (no film)		\$	17.24	
4.	25	9" X 42" Extruded BLANK (no film)		\$	20.11	
5.	25	9" X 48" Extruded BLANK (No Film)		\$	22.99	
PROPOSAL G: EST TOTAL --				\$	2,155.25	

PROPOSAL H: SET UP FEES

	\$	35.00	NO BID	NO BID
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PROPOSAL I: ROUND GALVANIZED STEEL POST, 2" NOMINAL SIZE, 2-1/8" ID, 2-3/8" OD, .125 WALL THICKNESS, 3 LBS. PER LINEAL FOOT.

1.	100	12 Ft. Galvanized steel round post	NO BID	NO BID	NO BID
PROPOSAL I: EST TOTAL --					

PROPOSAL J: U-CHANNEL SIGN POSTS

1.	200	10 FT - 2lbs Galvanized Steel	\$	17.96	\$	15.20	\$	16.32
2.	200	12 FT - 3lbs Galvanized Steel	\$	34.15	\$	26.28	\$	27.40
3.	100	15 FT - 3lbs Galvanized Steel	\$	56.88	\$	32.85	\$	32.90
PROPOSAL J: EST TOTAL --			\$	16,110.00	\$	11,581.00	\$	12,034.00

PROPOSAL K: SWUARE TUBULAR SIGN POSTS -- PERFORATED-- GALVANIZED STEEL-- FHWA APPROVED

1.	100	14 FT x 1-3/4"-14 Gauge	NO BID	NO BID	\$	27.05
2.	300	12 FT x 2" - 12 Gauge			\$	33.60
3.	300	10 FT X 2" - 12 Gauge			\$	28.00
4.	300	9 FT X 2" - 12 Gauge			\$	25.20
5.	100	3 FT X2" Anchor Base - 12 Gauge			\$	9.50
6.	1000	3 FT X 2-1/4" Anchor Base - 12 Gauge			\$	10.28
PROPOSAL K: EST TOTAL --					\$	39,975.00

ESTIMATED GRAND TOTAL AWARDED ITEMS:

	\$	40,219.50	\$	39,740.75	\$	52,009.00
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DELIVERY:	Minimum Shipment	\$500 & post must be ordered in full bundles of (50)	\$500.00	\$2,500.00
	# of Days	35; post up to 65	30	30
CONTACT INFO:	Hrs of Operation:	7am-5pm	8am-4pm	8:30am-5pm
	24 Hr Phone Number:	None / 7am-5pm: 888-905-5665	n/a	Blank
DESCRIPTIVE LITERATURE:	Marked	#8 Catalog	Blank	Blank
PAYMENT TERMS:		Net 30	Net 30	Net 30
WARRANTY:		3m Warranty applies	3M Sheeting	Standard
EXCEPTIONS:		1) Post must be ordered in full bundles. See bid for more.	Blank	Blank
FORMS INCLUDED:	Legal Status Bidder	Y	Y	Y
	Non-Collusion Affidavit	Y	Y	Y
	Debarment Certification	Y	Y	Y
	Iran-Linked Business	Y	Y	Y
ALL OR NONE AWARD:	Y or N	N	N	N
ACKNOWLEDGEMENT SIGNED:	Y or N	Y	Y	Y

ATTEST:
 Enna Bachelor
 Saraa Teets
 Susan Riesterer

MaryBeth Murz
 Purchasing Manager



CITY COUNCIL AGENDA ITEM

July 16, 2015

To: Brian Kischnick, City Manager

From: MaryBeth Murz, Purchasing Manager
Elaine S. Bo, Recreation Director

Subject: Standard Purchasing Resolution 4 Cooperative Contract Award -Purchase of Grounds Maintenance Equipment

History

- The average age of the current grounds maintenance equipment at Sylvan Glen and Sanctuary Lake Golf courses is ten years.
- The City is able to utilize State of Michigan and Billy Casper Golf contracted pricing in order to purchase replacement grounds maintenance equipment for the golf courses.
- In 2013, through the State of Michigan MiDeal Contract and Billy Casper Golf contracted pricing the City was able to begin the process of replacing/upgrading grounds maintenance equipment for the golf courses with the purchase of six (6) pieces of equipment. (Resolution # 2013-07-125-J-5)

Purchasing

- The City has the ability to purchase this equipment cooperatively utilizing the State of Michigan MiDeal Contract.
- Upon analysis of the MiDeal State of Michigan and Billy Casper Golf contracted pricing these purchases are recommended for award utilizing the Billy Casper Golf contracted pricing as detailed and summarized in the attached tabulation.
- Seven (7) pieces of equipment in total will be purchased based on the Billy Casper Golf contracted pricing.
- Nine (9) pieces of old equipment will be traded in at the value of \$13,850.00 to reduce the total purchase price to \$190,126.32.
- Purchasing this equipment utilizing the Billy Casper Golf contracted pricing will save the City an additional \$9,089.45.

Financial

Funds are available in the Sylvan Glen Capital General Equipment fund in the 2015/2016 fiscal year.

Recommendation

City management recommends that the bid process be waived and a contract be awarded to Spartan Distributors of Auburn Hills, Michigan utilizing the Billy Casper Contract for the purchase of seven (7) pieces of Toro equipment for an estimated total cost of \$190,126.32.

Opening Date: N/A
 Date Prepared: 7/14/2015

CITY OF TROY
 BID TABULATION
 Grounds Maintenance Equipment - Golf Course(s)
 Bid Waiver

QTY	DESCRIPTION	BILLY CASPER CONTRACTED PRICING		MIDEAL CONTRACT CONTRACT #071B0200329	
		UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
3	TORO Greensmaster 3300 TriFlex Hydraulic (#04510) (9) 11-Blade Cutting Unit (#04614) (3) Narrow Wiehle Roller (.200" Spacing) (Set of 3) (#04626) (9) Rotating Rear Roller Brush (RH) (Set of 1) (#04724) (9) Bedknife - Fairway (#63-8600) (3) Light Kit (#04717) Price per unit: \$ 29,726.0	\$29,726.00	\$89,178.00	\$31,473.60	\$94,420.80
1	TORO Workman HDX 2WD (Kubota Gas) (#07384) (1) High Flow Hydraulic Kit (#07316) (1) Hitch Kit, Receiver Tube (#117-4831) (1) Hand Throttle Kit (#07388)	\$21,119.43	\$21,119.43	\$21,162.39	\$21,162.39
1	TORO Reelmaster 5410 (36.8 Tier 4 Diesel) (#03606) w/Factory Installed ROPS (5) 8-Blade Cutting Unit (#03694) (5) Powered Roller Brush (#03668)	\$47,562.19	\$47,562.19	\$50,375.75	\$50,375.75
1	TORO Groundsmaster 3500-D (25hp Diesel) (#30807) (3) Leaf Mulching Kit (1 per deck) (#30836)	\$29,051.25	\$29,051.25	\$29,128.72	\$29,128.72
1	TORO Sand Pro 3040 (#08703) (1) Manual Blade (40") (#08714) (1) Mid-Mount ASM (#08731) (1) Weeder Tine Toolbar (#08732) (1) Tooth Rake (#08751) (1) Spring Rake (#08752) (1) Light Kit (#110-1314) (1) Lift Arm Adapter ASM (#108-9427)	\$17,065.45	\$17,065.45	\$17,978.11	\$17,978.11
GRAND TOTAL ALL ITEMS			\$ 203,976.32		\$ 213,065.77
LESS TRADE-INS			\$ 13,850.00		\$ 13,850.00
TOTAL PURCHASE PRICE			\$ 190,126.32		\$ 199,215.77

Savings utilizing Billy Gasper Contracted Pricing: \$ 9,089.45

Boldface Type Denotes Lowest Contracted Pricing



CITY COUNCIL AGENDA ITEM

Date: July 16, 2015

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development
Steven J. Vandette, City Engineer

Subject: Private Agreement – Contract for Installation of Municipal Improvements
Hunters Park 2 Site Condominiums - Project No. 15.904.3

History

Mondrian Properties Hunters Park 2, LLC proposes to develop Hunters Park 2 Site Condominiums located on the east side of John R Road between Square Lake and Long Lake Roads.

Troy Planning Commission recommended preliminary site plan approval on March 24th, 2015.

Site grading and utility plans for this development were reviewed and recently approved by the Engineering Department. The plans include municipal improvements which will be constructed by Mondrian Properties Hunters Park 2, LLC on behalf of the City of Troy: including Water Main, Sanitary & Storm Sewer, Concrete Pavement and Sidewalk. The required fees and refundable escrow deposits in the form of a Performance Bond and 10% Cash that will assure completion of the municipal improvements, have been provided by Mondrian Properties Hunters Park 2, LLC (see attached Private Agreement).

Located south of Hunters Park 2 on Tucker Street is a barrier that was put in place in 1987 by Resolution #87-1086 (attached). Although technically not related to the private agreement for Hunters Park 2, staff is providing information concerning the process by which this barrier is under review. On July 15, 2015 the Traffic Committee received public comment on the question of removing the barrier. On August 11, the Planning Commission is scheduled to hold a public hearing concerning this issue. The recommendations of both committees will be submitted to City Council at the meeting of August 24, 2015.

Financial

See attached summary of required deposits and fees for this Private Agreement.

Recommendation

Approval of the Contract for Installation of Municipal Improvements (Private Agreement) is recommended.

City Of Troy

Contract for Installation of Municipal Improvements (Private Agreement)

Project No.: **15.904.3**

Project Location: **SW 1/4 Section 12**

Resolution No:

Date of Council Approval:

This Contract, made and entered into this **24th** day of **June, 2015** by and between the City of Troy, a Michigan Municipal Corporation of the County of Oakland, Michigan, hereinafter referred to as "City" and **Mondrian Properties Hunters Park 2, LLC** whose address is **50215 Schoenherr Road, Shelby Twp., MI 48315** and whose telephone number is **(586) 726-7340** hereinafter referred to as "Owners", provides as follows:

FIRST: That the City agrees to permit the installation of **Water Main, Sanitary & Storm Sewer, Concrete Pavement and Sidewalk** in accordance with plans prepared by **Professional Engineering Associates, Inc.** whose address is **2430 Rochester Ct., Suite 100, Troy, MI 48083** and whose telephone number is **(248) 689-9090** and approved prior to construction by the City in accordance with City of Troy specifications.

SECOND: That the Owners agree to provide the following securities to the City prior to the start of construction, in accordance with the Detailed Summary of Required Deposits & Fees (attached hereto and incorporated herein):

Refundable escrow deposit equal to the estimated construction cost of \$ **557,313.00**. This amount will be deposited with the City in the form of (check one):

Cash/Check

Certificate of Deposit & 10% Cash

Irrevocable Bank Letter of Credit & 10% Cash

Performance Bond & 10% Cash



10% Cash

\$ 55,731.30

Refundable cash deposit in the amount of \$ **70,581.00**. This amount will be deposited with the City in the form of (check one):

Cash

Check

Non-refundable cash fees in the amount of \$ **46,348.00**. This amount will be paid to the City in the form of (check one):

Cash

Check

Said refundable escrow deposits shall be disbursed to the Owners after approval by the City. The City reserves the right to retain a minimum of ten (10) percent for each escrowed item until the entire site/development has received final inspection and final approval by all City departments. Refundable cash deposits shall be held until final approval has been issued. Disbursements shall be made by the City within a reasonable time, after request for refund of deposits is made by the Owners.

City Of Troy

Contract for Installation of Municipal Improvements (Private Agreement)

THIRD: The owners shall contract for construction of said improvement with a qualified contractor. Owners, or their agents, and contractor(s) agree to arrange for a pre-construction meeting with the City Engineer prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, in accordance with the approved plans. Revisions to approved plans required by unexpected or unknown conflicts in the field shall be made as directed by the City.

FOURTH: Owners agree that if, for any reason, the total cost of completion of such improvements shall exceed the sums detailed in Paragraph SECOND hereof, that Owners will immediately, upon notification by the City, remit such additional amounts in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sums as detailed in Paragraph SECOND hereof, City will refund to the Owners the excess funds remaining after disbursement of funds.

FIFTH: Owners agree to indemnify and save harmless City, their agents and employees, from and against all loss or expense (including costs and attorneys' fees) by reason of liability imposed by law upon the City, its agents and employees for damages because of bodily injury, including death, at any time resulting therefrom sustained by any person or persons or on account of damage to property, including work, provided such injury to persons or damage to property is due or claimed to be due to negligence of the Owner, his contractor, or subcontractors, employees or agents, Owner further agrees to obtain and convey to the City all necessary easements and/or right-of-way for such public utilities as required by the City Engineer.

City Of Troy
Contract for Installation of Municipal Improvements
(Private Agreement)

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this 22nd day of June, 20 15.

OWNERS

CITY OF TROY

By: Mondrian Properties Hunters Park

By:



Joseph Maniaci for the Company
Please Print or Type

Dane M. Slater, Mayor

Please Print or Type

M. Aileen Bittner, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 22nd day of June, A.D. 20 15, before me personally appeared Joseph Maniaci known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.



NOTARY PUBLIC, Oakland County, Michigan

My commission expires: March 29, 2020

ANITA SRBINOVSKI
NOTARY PUBLIC, STATE OF MI
COUNTY OF MACOMB
MY COMMISSION EXPIRES MARCH 29, 2020
ACTING IN COUNTY OF Oakland

Detailed Summary of Required Deposits & Fees
 Hunters Park 2 Site Condominiums - 15.904.3
 24 Units - Section 12

ESCROW DEPOSITS or PERFORMANCE BOND:

Sanitary Sewers	\$68,806
Water Mains	\$94,280
Storm Sewers	\$85,975
Rear Yard Drains	\$48,861
Pavement - CONCRETE	\$223,553
Grading	\$11,323
Monuments and Lot Corner Irons	\$870
Temporary Access Road	\$1,000
Sidewalks - ON SITE	\$3,045
Deposit for the Repair of Damage to Existing Public Streets Used for Access	\$14,400
ADA Ramp	\$5,200
TOTAL ESCROW DEPOSITS or <u>PERFORMANCE BOND</u> (REFUNDABLE):	<u>\$557,313</u>

(Circle One)

CASH FEES (NON-REFUNDABLE):

10% CASH DEPOSIT 55,731.30

Water Main Testing and Chlorination (PA2)	\$780
Street Name and Traffic Signs (SUB 4)	\$607
Soil Erosion and Sedimentation Control Permits (SUB 10)	\$2,900
Testing Services (SUB 11)	\$8,360
Engineering Review and Inspection (PA 1)	\$38,956
Less Initial Engineering Review Fee (Public & Private)(1.1%)	-\$5,255

(PA 3) TOTAL CASH FEES (NON-REFUNDABLE): \$46,348

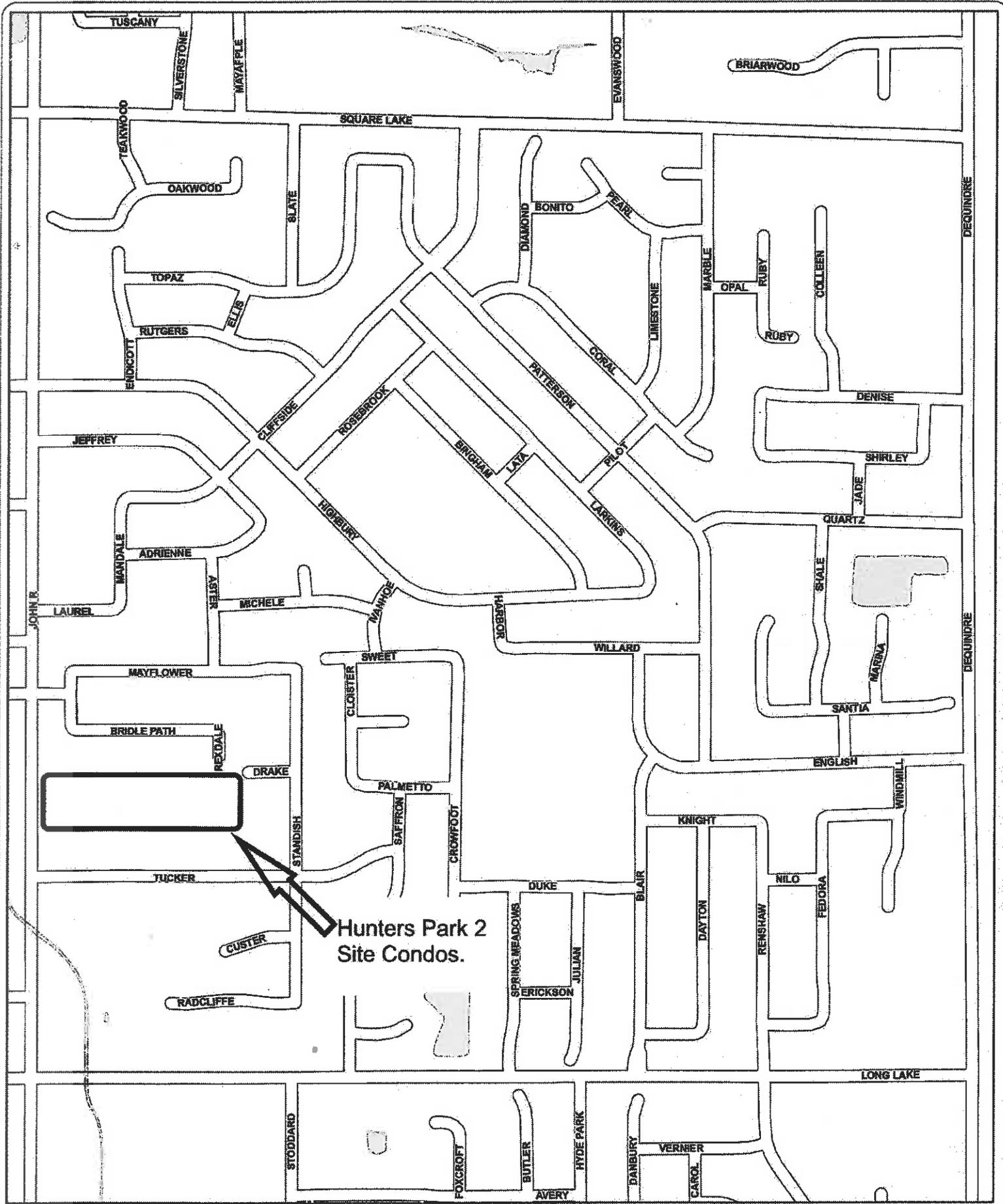
CASH DEPOSITS (REFUNDABLE):

Sidewalk Closures	\$1,296
Deposit for Maintenance & Cleaning of Ex. Public Streets Used for Access	\$4,800
Punchlist & Restoration Deposit	\$61,485
Deposit for Repair, Replacement or Maintenance of SESC	\$3,000

(PA 3) TOTAL CASH DEPOSITS (REFUNDABLE): \$70,581

Stormwater detention for this development will be provided by:
 Existing off-site Public Pond at Hunters Park Phase 1
 Engineer: Professional Engineering Associates, Inc.
 Developer: Mondrian Properties Hunters Park 2 LLC

PAID
 JUN 24 2015
 CITY OF TROY
 TREASURER'S OFFICE



Hunters Park 2
Site Condos.



FINAL PRELIMINARY PLAT APPROVAL - LONG LAKE MEADOWS SUBDIVISION - NORTH SIDE C-18
OF LONG LAKE, EAST OF JOHN R - SECTION 12

Resolution #87-1086
Moved by Pallotta
Supported by Liebrecht

9/14/87

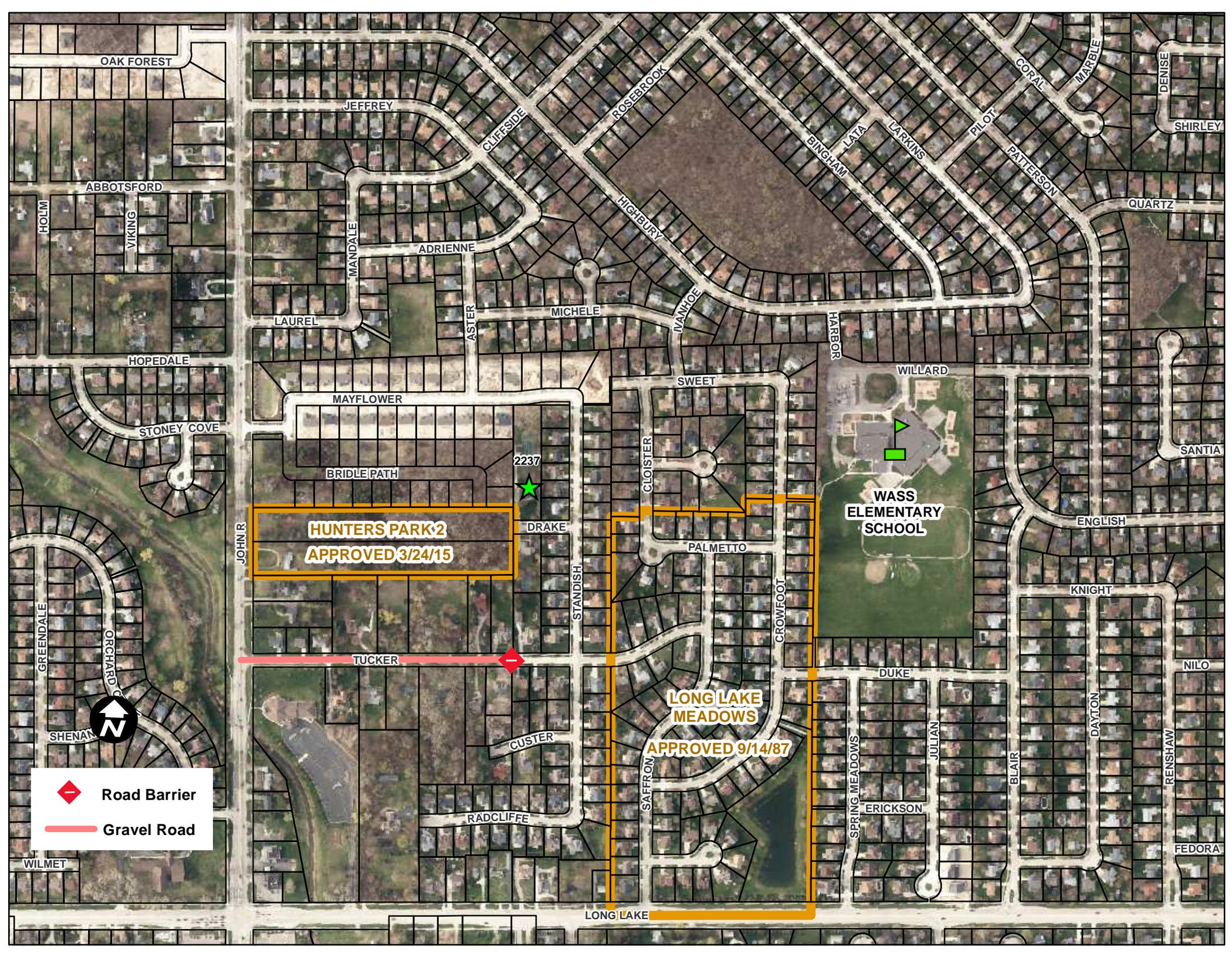
RESOLVED, That final approval of the preliminary plat for Long Lake Meadows Subdivision, located on the north side of Long Lake, east of John R, in Section 12, be granted after cash, irrevocable bank letter of credit, or certified check has been filed with the Clerk in the amount of \$1,002,430.50 to insure construction of all required improvements within a period of two years from date of final approval of the Preliminary Plat; also after receipt of a cash payment of \$78,770.50 for sidewalk closures, water main testing and chlorination, sidewalks-retention basin, street name and traffic signs, street island improvements, landscaping and screen plantings - non-access greenbelt easements, landscaping and screen planting - retention basin, seeding, mulching and topsoil - Long Lake Road, Engineering review and inspection fees - 4.7%, soil erosion and sedimentation control permit, testing services, walkway and split rail fence - retention basin; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are hereby authorized to execute the Subdivision Agreement, a copy of which shall be attached to the original minutes of this meeting.

BE IT FURTHER RESOLVED, That before removal of the barrier to and from Tucker Street, said street shall be paved, a Public Hearing is to be scheduled and notice of the Public Hearing is to be sent to all property owners on Tucker Street.

Yeas: All-7

- 5 -



HUNTERS PARK 2
APPROVED 3/24/15

LONG LAKE MEADOWS
APPROVED 9/14/87

WASS ELEMENTARY SCHOOL

2237

 **Road Barrier**
 **Gravel Road**



WILMET

LONG LAKE

OAK FOREST

JEFFREY

CLIFFSIDE

ROSEBROOK

CORAL

MARBLE

DENISE

SHIRLEY

ABBOTSFORD

HOLM

VIKING

ADRIENNE

MICHELE

HIGHEURY

BINGHAM

LATA

LARKINS

PILOT

PATTERSON

QUARTZ

LAUREL

MANDALE

ASTER

MANHOE

HOPEDALE

SWEET

WILLARD

STONEY COVE

MAYFLOWER

BRIDLE PATH

DRAKE

CLOISTER

PALMETTO

SANTIA

ENGLISH

GREENDALE

ORCHARD

JOHN R.

STANDISH

CROWFOOT

KNIGHT

TUCKER

CUSTER

LONG LAKE MEADOWS

DUKE

NILO

SHENAN

RADCLIFFE

SAFFRON

SPRING MEADOWS

JULIAN

BLAIR

DAYTON

RENSHAW

FEDORA



ROAD
ENDS



CITY COUNCIL AGENDA ITEM

Date: July 13, 2015
To: Brian Kischnick, City Manager
From: M. Aileen Dickson, City Clerk
Subject: Relocation of Election Precincts 19 and 28

History

In a letter dated April 14, 2015, Ms. MaryAnn Farrell of Christ, Our Light! Catholic Church informed the City of Troy that the May 5, 2015 Special Election would be their last election as a polling location. During a phone conversation, Ms. Farrell explained that since two parishes were consolidated into one at their location, the schedule for usage of the buildings has doubled, causing numerous conflicts with the annual election schedule. Previously, Christ Our Light! housed precincts 19 and 28.

Fortunately, Pastor Paul Walters of Lutheran Church of the Master, located on Coolidge about one mile north of Christ, Our Light!, has offered their facility as a polling location.

On July 2, 2015, I met with Pastor Walters for a tour of the Activities Center at Lutheran Church of the Master. It's my opinion that their facility is ideal for the relocation of the two precincts for a number of reasons. There is ample parking for voters on election days. Pastor Walters explained that on election days, there would be no other activities scheduled so the parking lot and activities center would be completely dedicated to Troy voters. Also, the interior of the facility is large enough to accommodate the equipment, workers and voters of both precincts even during an election with a large turnout such as a Presidential Election.

Lutheran Church of the Master is also ideal for precincts 19 and 28 due to its convenient location on the eastern border of precinct 19, just north of the northern border of precinct 28. Attached to this memo is a map detailing the previous and proposed new polling locations for precincts 19 and 28. The voters in these two precincts will not experience any significant traveling burden to the proposed new location.

If City Council should approve this relocation of precincts 19 and 28, the City Clerk's Office will issue new voter identification cards to the affected voters once the State of Michigan Bureau of Elections processes our change in polling location request. The City Clerk's Office will also issue press releases informing voters of the change in location prior to the November 2015 General Election.

Financial

The cost of printing and mailing new voter identification cards to 3,355 voters will be paid from the Elections budget.

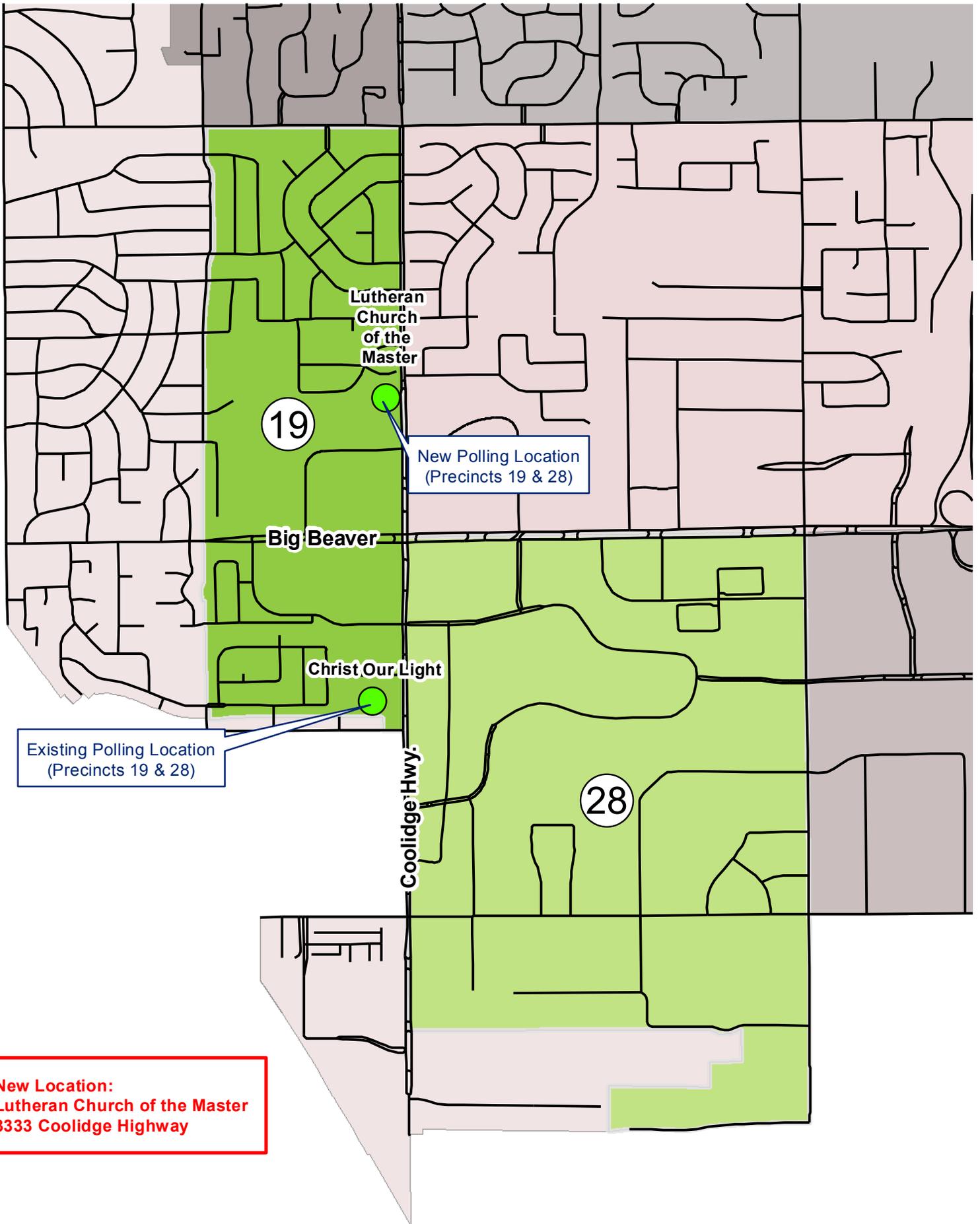


CITY COUNCIL AGENDA ITEM

Recommendation

City Management recommends approval of the relocation of precincts 19 and 28 from Christ Our Light! Catholic Church, 3077 Gloucester, to Lutheran Church of the Master, 3333 Coolidge Highway.

mad/G:\City Council\ Agenda\Clerk Council Agenda Items\Elections\Precincts - 20150720 Agenda - Relocation of Election Precincts 19 and 28.doc



Existing Polling Location
(Precincts 19 & 28)

New Polling Location
(Precincts 19 & 28)

New Location:
Lutheran Church of the Master
3333 Coolidge Highway

Polling Location Change Precinct 19 and 28



CITY COUNCIL AGENDA ITEM

Date: July 9, 2015

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development
Steven J. Vandette, City Engineer
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request to Accept an Offer to Purchase a City Owned Remnant Parcel on Livernois Road at Cutting, Section 10, Sidwell #88-20-10-101-018

History

The City of Troy owns a remnant parcel of land located on the east side of Livernois Road, south of Square Lake Road at Cutting Boulevard. The site was once home to Old Fire Station #2.

The vacant parcel is approximately 14,670 square feet in size (0.34 acres) with 88.79 feet along Livernois Road and 162.26 feet on Cutting Boulevard. The property is zoned O-Office Use.

At its April 7, 2014 meeting, City Council determined that the best use of this property would be to combine it with an adjacent parcel. City Council approved the sale of this parcel without obtaining a sealed bid (Resolution #2014-04-040) in accordance with Resolution #2007-01-028 Policy Governing Disposal (Sales) of Excess City Owned Remnant Property.

To meet one of the requirements for disposal/sale of excess City property, the Parks and Recreation Advisory Committee reviewed this parcel for any park potential, determined there was no use as a park, but asked if Fire Station #2 might want to mark this site with a memorial. Fire staff declined this suggestion.

The property was previously offered for public bid in 2004 with no bids received. Subsequent inquiries to staff from potential buyers yielded no offers because of the limited potential for development if not combined with an abutting property.

The City owned parcel abuts two parcels. Engineering staff contacted both abutting property owners informing them that the property was available for purchase.

Financial

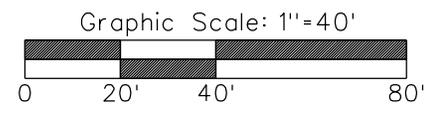
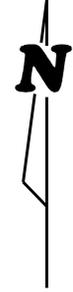
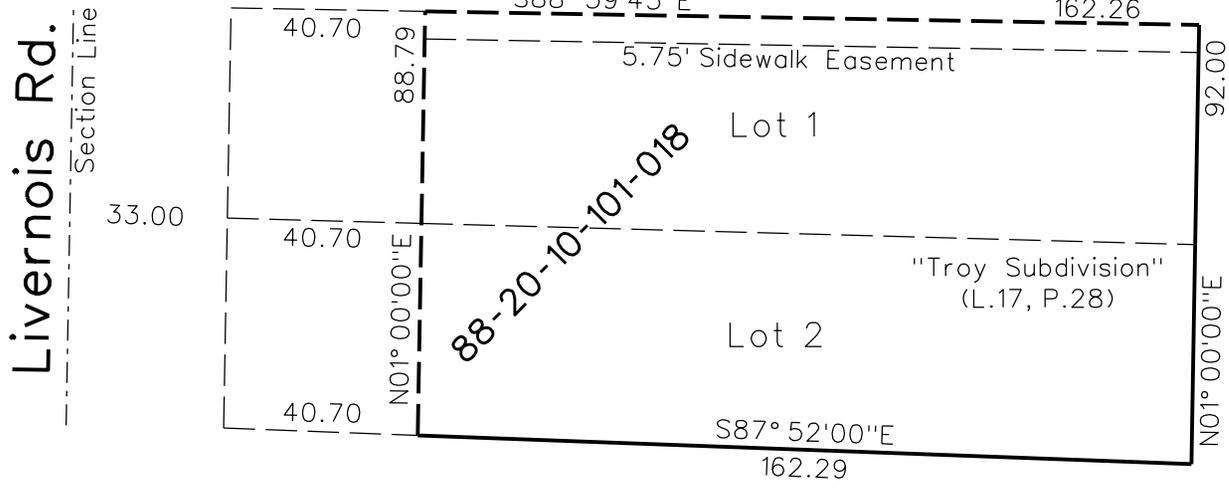
R.S. Thomas and Associates, an appraisal firm contracted by the City, determined a market value of \$59,000.00. Staff notified the adjacent property owners of the value determination. The property owner to the east originally indicated an interest in submitting a purchase offer, but subsequent conversations and additional correspondence have not resulted in an offer to purchase from this owner.

The owner to the south, Mr. Walter E. Boyd, has made an offer to purchase the City owned parcel for \$30,000, an amount below the value determined by an appraiser.

Recommendation

City Management recommends that City Council accept the attached *Offer to Purchase* City owned property from Mr. Walter E. Boyd for the amount of \$30,000, because of the increased development potential if combined with an adjacent property.

Cutting Blvd. (48.5' Wide)



Livernois Rd.
Section Line

33.00

Document Prepared By
George J. Ballard III, P.S.
Land Surveyor

DATE	REV.
CONTRACT NO.	
N/A	

CITY OF TROY			
OAKLAND COUNTY, MICHIGAN			
Exhibit of Old Fire Station #2 Remnant Parcel B 88-20-10-101-018			
FILE: 88-20-10-101-018_Parcel B.DGN			
SCALE	DRAWN BY	NAME	GJBIII
HOR. 1"=40'	CHECKED BY	NAME	DATE 07-30-14
VER. 1"=X'		SHEET NO.	JOB NO.
STEVEN J. VANDETTE, P.E. CITY ENGINEER		10F2	N/A

Vote on Resolution to Amend Disposal/Sale of Excess Property as Amended

Resolution #2007-01-028

Moved by Stine

Seconded by Lambert

WHEREAS, The City Council of the City of Troy endeavors to attain the highest and best land use, effective growth control measures and to enhance the health, safety and welfare of the community; and

WHEREAS, Chapter 12 of the Troy City Charter requires that..."in all sales or purchases in excess of \$10,000, (a) the sales or purchases shall be approved by the City Council, (b) sealed bids shall be obtained, except where the City Council shall determine that an emergency exists or that the public interest will be best served without obtaining sealed bids...";

THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy **MAY DETERMINE** that the public interest will best be served without obtaining sealed bids for the sale of remnant parcels which remain after required right-of-way or excess property is taken when a purchase agreement is offered to the City of Troy by a prospective buyer which:

1. Has submitted evidence of ownership or control of an assembly of adjoining land of sufficient size so as to achieve what is believed to be the best possible development as determined by the City Council after review and recommendation from the City Manager.
2. Has submitted a conceptual site plan, which has been drawn to sufficient detail to indicate any and all features such as setbacks, parking and access, storm water detention and building height, which are governed by codes of the City of Troy.
3. Is accompanied by a petition for rezoning, if necessary, in compliance with the Master Land Use Plan of the City of Troy as being the most appropriate land use.
4. Commits the prospective buyer to a purchase price of at least a value established by an appraiser named by the Real Estate and Development Department of the City of Troy.
5. During the site plan review, site plan is accompanied by architectural renderings of all buildings along with a description of building materials to permit evaluation by building quality.
6. Is accompanied by a draft of proposed deed restrictions prepared by the City of Troy which will be imposed upon the purchaser of the City-owned property.
7. Nothing in this resolution relieves the Purchaser/Developer of their obligation to adhere to any and all City Ordinances and development standards.

BE IT FURTHER RESOLVED, That staff will **PROVIDE** an analysis of the zoning and **PRESENT** the remnant parcel(s) to the Parks and Recreation Advisory Committee to review for possible use as parks prior to Council action on the offer to purchase; and

BE IT FURTHER RESOLVED, That if it is most probable that a rezoning will be requested, that an appraisal based on that subsequent rezoning also be submitted; and

BE IT FINALLY RESOLVED, That the City Council **RETAINS** discretionary authority to determine the applicability of this policy.

Yes: All-7

RECEIVED

JUN 26 2015

ENGINEERING

@ 2:47 pm. ka

OFFER TO PURCHASE
CITY OF TROY
REAL ESTATE

1. THE UNDERSIGNED, Walter E. Boyd whose address is 5900 LIVERNOIS, hereby offers and agrees to purchase from the City of Troy the following land situated in the City of Troy, Oakland County, Michigan, described as follows:

2.

Lots 1 and 2, except the west 40.70 feet, of "Troy Subdivision", as recorded in Liber 17 Page 28 of Plats, Oakland County records, being part of the Northwest 1/4 of Section 10, Town 2 North, Range 11 East, City of Troy, Michigan. Containing 0.34 Acres, more or less and being subject to all easements and matters of record.

The City of Troy retains an easement for Sidewalk described as:

The North 5.75 feet of Lot 1, except the west 40.70 feet, of "Troy Subdivision", as recorded in Liber 17 Page 28 of Plats, Oakland County records, being part of the Northwest 1/4 of Section 10, Town 2 North, Range 11 East, City of Troy, Michigan. Containing 0.02 Acres, more or less and being subject to all easements and matters of record.

Parcel Number: 20-10-101-018
vacant Livernois Road at Cutting

and to pay therefore the sum of Thirty Thousand ~~Thousand~~ Dollars (\$ 30,000) subject to the existing building and use restrictions, easements, zoning ordinances, and other deed restrictions and conditions as specified herein.

THE SALE TO BE CONSUMMATED BY:

Delivery of the usual warranty deed conveying a marketable title. Payment of purchase money is to be made in cash or certified check made payable to the City of Troy.

2. As evidence of title, Seller agrees to furnish Purchaser as soon as possible a Commitment for Title Insurance for information purposes. Purchase of Title Insurance shall be the option of the Purchaser at Purchaser's expense.
3. If this offer is accepted by the Seller and if title can be conveyed in the condition required hereunder, the Purchaser agrees to complete the sale within 30 days after delivery of the commitment of title insurance.

4. If objection to the title is made in the Commitment for Title Insurance or based upon a written opinion of Purchaser's attorney after examination of the Abstract that the title is not in the condition required for performance hereunder, the Seller shall have 30 days from the date he is notified in writing of the particular defects claimed either (1) to fulfill the requirements in said commitment or to remedy the title defects set forth in said attorney's opinion or (2) to refund the deposit in full termination of this agreement or if unable to furnish satisfactory title. If the Seller is able to comply with such requirements or remedy such defects within the time specified as evidenced by written notification, revised commitment or endorsement to commitment, the Purchaser agrees to complete the sale within 10 days of receipt thereof. If the Seller is unable to furnish satisfactory title within the time specified, the deposit shall be refunded forthwith in full termination of this agreement.
5. Purchaser understands and agrees that although the property being conveyed may at the time of conveyance be tax exempt, that upon acceptance of this offer to purchase the property will be placed on the tax assessor's roll.
6. The covenants herein shall bind and inure to the benefit of the heirs, executors, administrators, successors and assigns of the respective parties.
7. By the execution of this instrument the Purchaser acknowledges THAT HE HAS EXAMINED THE ABOVE DESCRIBED PREMISES and is satisfied with the physical condition of structures and/or land thereon.
8. The closing of this sale shall take place at the offices of the City of Troy unless otherwise agreed.
9. Purchaser agrees to comply with Troy City Council Resolution #2007-01-028, a copy of which is attached, and understands that this sale is contingent upon City Council approval.
10. Deed Restrictions and Subsequent Conditions:
 - A. Construction shall take place only as indicated on any site plan submitted to and approved by the Building Department and Planning Department of the City of Troy and all construction shall conform to all codes of the City of Troy.
 - B. The property being conveyed herein is currently zoned and will be used only as it is defined in the Troy Zoning Ordinance as of March 18, 2013, and no other use or zoning will be permitted, said zoning currently being O – Office District.
 - C. The purchaser shall construct or pay for the construction of any and all improvements to public facilities or private improvements as required by ordinances or design standards of the City of Troy.
 - D. A violation of any of the above stated conditions shall cause the title of the property to automatically revert back to the City of Troy.
 - E. The covenants herein shall bind and inure to the benefit of the heirs, executors, administrators, successors and assigns of the respective parties.
 - F. These deed restrictions shall be recorded with the deed at the Oakland County Register of Deeds office.

11. Additional Conditions:

IN THE PRESENCE OF:

[Handwritten signature]

Purchaser

Walter E. Boyd L.S.

Date 6-24-15 Phone 248 879 0974 Address 5900 LIVEZ NAIS-

IN THE PRESENCE OF:

Seller- City of Troy

_____ L.S.

Date _____ Phone _____ Address _____

PURCHASER'S RECEIPT OF ACCEPTED OFFER

The Purchaser hereby acknowledges the receipt of the Seller's signed acceptance of the foregoing offer to purchase.

Date

Purchaser

L.S.



CITY COUNCIL AGENDA ITEM

Date: July 9, 2015

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development
Steven J. Vandette, City Engineer
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request for Acceptance of Two Permanent Easements from Troy Market Homes, LLC,
Sidwell #88-20-27-180-030

History

As part of the redevelopment of a property located in the northwest ¼ of Section 27, on Starr at Kirkton Street, the Engineering department has received two permanent easements for sidewalks and storm sewers & surface drainage from Troy Market Homes, LLC, owner of the property having Sidwell #88-20-27-180-030.

The format and content of these easements is consistent with easements previously accepted by City Council.

Financial

The consideration amount on each document is \$1.00

Recommendation

City Management recommends that City Council accept the attached permanent easements consistent with our policy of accepting easements for development and improvement purposes.



224 0 112 224 Feet



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

PERMANENT EASEMENT

Sidwell #88-20-27-180-030 (part of)
Resolution #

TROY MARKET HOMES, LLC, a Michigan limited liability company, Grantor, whose address is 1625 West Big Beaver, Suite C, Troy, MI 48084 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the **CITY OF TROY, a Michigan municipal corporation, Grantee**, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee the right to construct, operate, maintain, repair and/or replace **sidewalks**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

The North 5 feet of the following described property:

Part of Lot 114 described as commencing at the N.W. Corner of said Lot, thence N.88°35'00"E. along the North Lot Line 18.0 ft. to the point of beginning; thence continuing N.88°35'00"E. 60.0 ft., thence S.0°41'40"E. 169.0 ft. to the South Lot Line; thence along said line S.88°35'05"W. 53.0 ft.; thence N.0°41'40"W 60.0 ft.; thence S.88°34'28"W. 7.0 ft.; thence N.0°41'40"W 109.0 ft. to the point of beginning; GREENOUGH HEIGHTS SUBDIVISION, City of Troy, Oakland County, Michigan. Plat recorded in L27, P14 O.C.R.

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed (1) signature(s) this 25 day of June A.D. 2015.

TROY MARKET HOMES, LLC
a Michigan limited liability company

By Cesare Pizzo (L.S.)
*Cesare Pizzo
Its: Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 25th day of June, 2015, by Cesare Pizzo, Member of TROY MARKET HOMES, LLC, a Michigan limited liability company on behalf of said company.

LARYSA FIGOL
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 03/02/2018

Larysa Figol
*
Notary Public, _____ County, Michigan
My Commission Expires _____
Acting in _____ County, Michigan

PERMANENT EASEMENT

Sidwell #88-20-27-180-030 (part of)
Resolution #

TROY MARKET HOMES, LLC, a Michigan limited liability company, Grantor, whose address is 1625 West Big Beaver, Suite C, Troy, MI 48084 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the **CITY OF TROY, a Michigan municipal corporation, Grantee**, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee the right to construct, operate, maintain, repair and/or replace **storm sewers and surface drainage**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

The West 6 feet of the following described property:

Part of Lot 114 described as commencing at the N.W. Corner of said Lot, thence N.88°35'00"E. along the North Lot Line 18.0 ft. to the point of beginning; thence continuing N.88°35'00"E. 60.0 ft., thence S.0°41'40"E. 169.0 ft. to the South Lot Line; thence along said line S.88°35'05"W. 53.0 ft.; thence N.0°41'40"W 60.0 ft.; thence S.88°34'28"W. 7.0 ft.; thence N.0°41'40"W 109.0 ft. to the point of beginning; GREENOUGH HEIGHTS SUBDIVISION, City of Troy, Oakland County, Michigan. Plat recorded in L27, P14 O.C.R.

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed (1) signature(s) this 25th day of June A.D. 2015.

TROY MARKET HOMES, LLC.
a Michigan limited liability company

By Cesare Pizzo (L.S.)
*Cesare Pizzo
Its: Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 25th day of June, 2015, by Cesare Pizzo, Member of TROY MARKET HOMES, LLC, a Michigan limited liability company on behalf of said company.

LARYSA FIGOL
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 03/02/2018

[Signature]
Notary Public, _____ County, Michigan
My Commission Expires _____
Acting in _____ County, Michigan



CITY COUNCIL AGENDA ITEM

Date: July 9, 2015

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development
Steven J. Vandette, City Engineer
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request for Acceptance of a Permanent Easement from Michigan United Holdings, Inc.,
Sidwell #88-20-27-180-028

History

As part of the redevelopment of a property located in the northwest ¼ of Section 27, on Starr at Kirkton streets, the Engineering department has received a permanent easement for sidewalks from Michigan United Holdings, Inc., owner of the property having Sidwell #88-20-27-180-028.

The format and content of this easement is consistent with easements previously accepted by City Council.

Financial

The consideration amount on this document is \$1.00

Recommendation

City Management recommends that City Council accept the attached permanent easement consistent with our policy of accepting easements for development and improvement purposes.



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

PERMANENT EASEMENT

Sidwell #88-20-27-180-028 (part of)
Resolution #

MICHIGAN UNITED HOLDINGS INC, a Michigan corporation, Grantor, whose address is 13047 Pauline, Shelby Twp., MI 48315 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the **CITY OF TROY, a Michigan municipal corporation, Grantee**, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee the right to construct, operate, maintain, repair and/or replace **sidewalks**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

The West 5 feet and the North 5 feet of the following described property:

The West 75.5 feet of the North 109.0 feet of Lot 115, GREENOUGH HEIGHTS SUBDIVISION, City of Troy, Oakland County, Michigan. Plat recorded Liber 27, Page 14, Oakland County Records.

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed (1) signature(s) this 25 day of June A.D. 2015.

MICHIGAN UNITED HOLDINGS, INC.
a Michigan corporation

By Cesare Pizzo (L.S.)
*Cesare Pizzo
Its President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 25th day of June, 2015, by Cesare Pizzo, President of MICHIGAN UNITED HOLDINGS, INC., a Michigan corporation on behalf of said corporation.

LARYSA FIGOL
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
Commission Expires 03/02/2018

[Signature]

Notary Public, _____ County, Michigan
My Commission Expires _____
Acting in _____ County, Michigan

666.05
667.11
667.3

12" Storm

STARR DR. 50' WD.

Provide 8" Sanitary

Bin Edge Drain

No Curb 8" W M

SWALE

4' Walk Remove

5 Walk Lot Line

75.50 R.M.

Provide Rim

KIRKTON ST. 50' WD.

36" Storm

No Curb

Provide 5 ft. Sidewalk

5 ft Easement

Brick Ledges

688.47

HOUSE UNDER CONSTRUCTION

Top of Footing

Part of Wall LOT 115

Sump

5 ft.

Top of Wall

Set Stake Typical

Lot Line

75.50 R.M.

SWALE

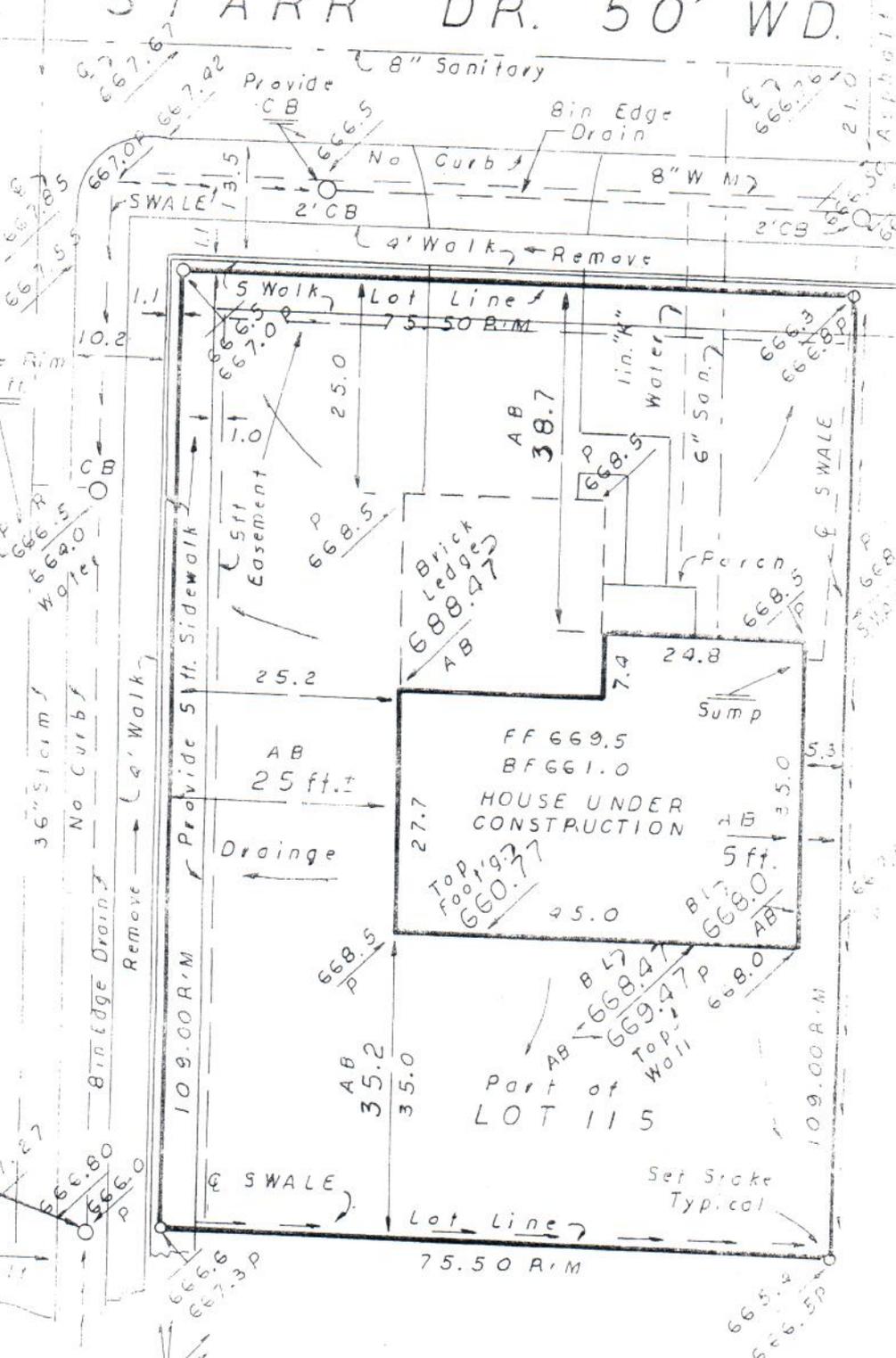
Set Iron Stakes (4)

FIELD SURVEY
Jan. 27, 2015

Scale 1" = 20'

12" W M
6 Subfeet

N





CITY COUNCIL AGENDA ITEM

Date: July 9, 2015

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development
Steven J. Vandette, City Engineer
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request for Acceptance of a Permanent Easement from Michigan United Holdings, Inc.,
Sidwell #88-20-27-180-031

History

As part of the redevelopment of a property located in the northwest ¼ of Section 27, on Kirkton Street between Starr and Hickory, the Engineering department has received a permanent easement for sidewalks from Michigan United Holdings, Inc., owner of the property having Sidwell #88-20-27-180-031.

The format and content of this easement is consistent with easements previously accepted by City Council.

Financial

The consideration amount on this document is \$1.00

Recommendation

City Management recommends that City Council accept the attached permanent easement consistent with our policy of accepting easements for development and improvement purposes.



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

PERMANENT EASEMENT

Sidwell #88-20-27-180-031 (part of)
Resolution #

MICHIGAN UNITED HOLDINGS INC, a Michigan corporation, Grantor, whose address is 13047 Pauline, Shelby Twp., MI 48315 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the **CITY OF TROY, a Michigan municipal corporation, Grantee**, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee the right to construct, operate, maintain, repair and/or replace **sidewalks**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

The West 5 feet of the following described property:

Part of Lot 114 and part of Lot 115, more particularly described as follows: Beginning at the S.W. Corner of said Lot 115, thence N.0°35'34"W. 60.0 ft.; thence N.88°35'00"E. 75.5 ft.; thence S.0°35'34"E. 1.0 ft.; thence N.88°35'05"E. 50.5 ft.; thence S.0°35'34"E. 59.0 ft.; thence S.88°35'05"W. 126.0 ft. to the point of beginning; GREENOUGH HEIGHTS SUBDIVISION, City of Troy, Oakland County, Michigan. Plat recorded Liber 27, Page 14, Oakland County Records.

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed (1) signature(s) this 6/25 day of June A.D. 2015.

MICHIGAN UNITED HOLDINGS, INC.
a Michigan corporation

By Cesare Pizzo (L.S.)
*Cesare Pizzo
Its President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 25th day of June, 2015, by Cesare Pizzo, President of MICHIGAN UNITED HOLDINGS, INC., a Michigan corporation on behalf of said corporation.

LARYSA FIGOL
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 03/02/2018

[Signature]
*
Notary Public, _____ County, Michigan
My Commission Expires _____
Acting in _____ County, Michigan



CITY COUNCIL AGENDA ITEM

Date: July 9, 2015

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development
Steven J. Vandette, City Engineer
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request for Acceptance of Two Permanent Easements from Srinivas Locula and Haripriya Locula, Sidwell #88-20-27-180-029

History

As part of the redevelopment of a property located in the northwest ¼ of Section 27, on Starr east of Kirkton Street, the Engineering department has received two permanent easements for sidewalks and storm sewers & surface drainage from Srinivas Locula and Haripriya Locula, owners of the property having Sidwell #88-20-27-180-029.

The format and content of these easements is consistent with easements previously accepted by City Council.

Financial

The consideration amount on each document is \$1.00

Recommendation

City Management recommends that City Council accept the attached permanent easements consistent with our policy of accepting easements for development and improvement purposes.



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

PERMANENT EASEMENT

Sidwell #88-20-27-180-029 (part)

Srinivas Locula and Haripriya Locula, husband and wife, Grantors, whose address is 420 Starr, Troy, MI 48083 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the **CITY OF TROY**, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, MI, 48084, grants to the Grantee the right to construct, operate, maintain, repair and/or replace **sidewalks**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

The North 5.0 feet of the following described property:

Part of Lot 114 and part of Lot 115 more particularly described as follows: Commencing at the N.W. Corner of said Lot 115, thence N.88°35'00"E. 75.5 ft. to the point of beginning; thence continuing N.88°35'00"E. 60.0 ft.; thence S.0°41'40"E. 109.0 ft.; thence N. N.88°34'28"E. 7.0 ft.; thence S.0°41'40"E. 60 ft. to the South Line of said Lot 114; thence along said Line S.88°35'05"W. 16.80 ft.; thence N.0°35'34"W. 59.0 ft.; thence S.88°35'05"W. 50.50 ft; thence N.0°35'34"W. 110.0 ft. to the point of beginning; GREENOUGH HEIGHTS SUBDIVISION, City of Troy, Oakland County, Michigan, Plat recorded Liber 27, Page 14, Oakland County Records.

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed 2 signature(s) this 1st day of July, A.D. 2015.

Srinivas (L.S.)
*Srinivas Locula

Haripriya (L.S.)
*Haripriya Locula

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 1st day of July, 2015, by Srinivas Locula and Haripriya Locula, husband and wife.

LARYSA FIGOL
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 03/02/2018

Larysa Figol
*
Notary Public, _____ County, Michigan
My Commission Expires _____
Acting in _____ County, Michigan

PERMANENT EASEMENT

Sidwell #88-20-27-180-029 (part)

Srinivas Locula and Haripriya Locula, husband and wife, Grantors, whose address is 420 Starr, Troy, MI 48083 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, MI, 48084, grants to the Grantee the right to construct, operate, maintain, repair and/or replace storm sewer and surface drainage, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

A 5.0 foot easement over the East 5.0 feet of the North 110.0 feet. Also a 6.0 foot easement over the South 6.0 feet of the North 110.0 feet and the South 60.0 feet of the following described property:

Part of Lot 114 and part of Lot 115 more particularly described as follows: Commencing at the N.W. Corner of said Lot 115, thence N.88°35'00"E. 75.5 ft. to the point of beginning; thence continuing N.88°35'00"E. 60.0 ft.; thence S.0°41'40"E. 109.0 ft.; thence N. N.88°34'28"E. 7.0 ft.; thence S.0°41'40"E. 60 ft. to the South Line of said Lot 114; thence along said Line S.88°35'05"W. 16.80 ft.; thence N.0°35'34"W. 59.0 ft.; thence S.88°35'05"W. 50.50 ft; thence N.0°35'34"W. 110.0 ft. to the point of beginning; GREENOUGH HEIGHTS SUBDIVISION, City of Troy, Oakland County, Michigan, Plat recorded Liber 27, Page 14, Oakland County Records.

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed 2 signature(s) this 1st day of July, A.D. 2015.

[Signature] (L.S.)
*Srinivas Locula

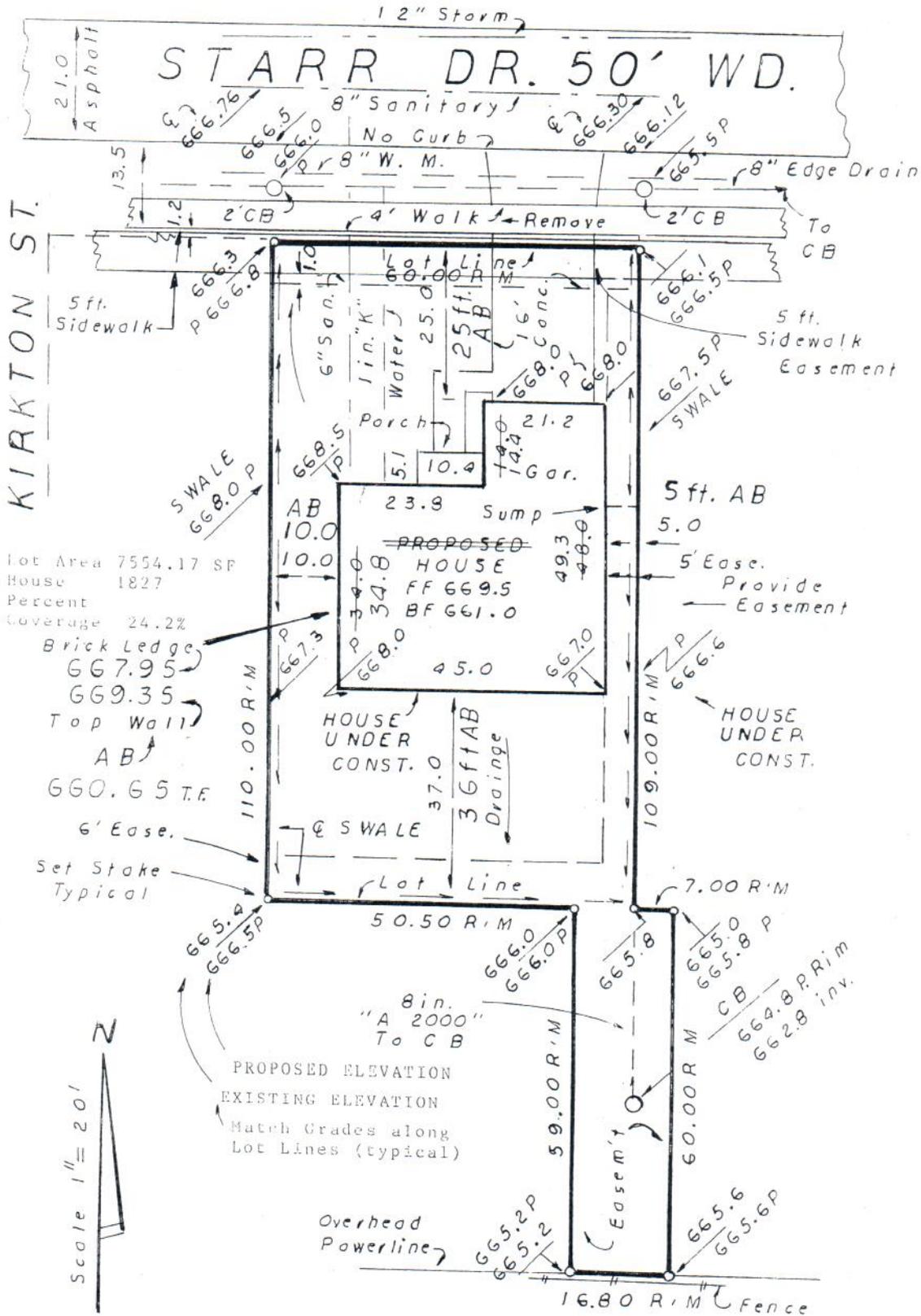
[Signature] (L.S.)
*Haripriya Locula

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 1st day of July, 2015, by Srinivas Locula and Haripriya Locula, husband and wife.

LARYSA FIGOL
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 03/02/2018

[Signature]
Notary Public, County, Michigan
My Commission Expires
Acting in County, Michigan



RESIDENTIAL PLOT PLAN
 DATE: Aug 22, 2014
 REVISED 10/7/14
 SHEET 2 of 2

AS BUILT SURVEY 1/26/15



CITY COUNCIL AGENDA ITEM

Date: July 14, 2015

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development
Steven J. Vandette, City Engineer

Subject: Private Agreement – Contract for Installation of Municipal Improvements
Multi-Tenant Development - Project No. 15.906.3

History

Alrig USA proposes to develop Multi-Tenant Development located on the northeast corner of Big Beaver and Talbot.

Troy Planning Commission recommended preliminary site plan approval on January 13, 2015.

Site grading and utility plans for this development were reviewed and recently approved by the Engineering Department. The plans include municipal improvements which will be constructed by Alrig USA on behalf of the City of Troy: including sanitary sewer, storm sewer, sidewalks, paving, soil erosion and landscaping. The required fees and refundable escrow deposits in the form of a Check, that will assure completion of the municipal improvements, have been provided by Alrig USA (see attached Private Agreement).

Financial

See attached summary of required deposits and fees for this Private Agreement.

Recommendation

Approval of the Contract for Installation of Municipal Improvements (Private Agreement) is recommended.

City Of Troy

Contract for Installation of Municipal Improvements (Private Agreement)

Project No.: **15.906.3**

Project Location: **SW 1/4 Section 22**

Resolution No:

Date of Council Approval:

This Contract, made and entered into this 20th day of July, 2015 by and between the City of Troy, a Michigan Municipal Corporation of the County of Oakland, Michigan, hereinafter referred to as "City" and Alrig USA whose address is 21 East Long Lake Road, Suite 101, Bloomfield Hills, MI 48304 and whose telephone number is 248-646-9999 hereinafter referred to as "Owners", provides as follows:

FIRST: That the City agrees to permit the installation of sanitary sewer, storm sewer, sidewalks, paving, soil erosion and landscaping in accordance with plans prepared by Stonefield Engineering & Design whose address is 2350 Franklin road, Suite 101, Bloomfield Hills, MI 48302 and whose telephone number is 248-309-3807 and approved prior to construction by the City in accordance with City of Troy specifications.

SECOND: That the Owners agree to provide the following securities to the City prior to the start of construction, in accordance with the Detailed Summary of Required Deposits & Fees (attached hereto and incorporated herein):

Refundable escrow deposit equal to the estimated construction cost of \$ 74,300.00. This amount will be deposited with the City in the form of (check one):

Cash/Check	<input checked="" type="checkbox"/>	}	10% Cash	<u>7,430.00</u>
Certificate of Deposit & 10% Cash	<input type="checkbox"/>			
Irrevocable Bank Letter of Credit & 10% Cash	<input type="checkbox"/>			
Performance Bond & 10% Cash	<input type="checkbox"/>			

Refundable cash deposit in the amount of \$ 13,430.00. This amount will be deposited with the City in the form of (check one):

Cash	<input type="checkbox"/>	Check	<input checked="" type="checkbox"/>
------	--------------------------	-------	-------------------------------------

Non-refundable cash fees in the amount of \$ 8,601.00. This amount will be paid to the City in the form of (check one):

Cash	<input type="checkbox"/>	Check	<input checked="" type="checkbox"/>
------	--------------------------	-------	-------------------------------------

Said refundable escrow deposits shall be disbursed to the Owners after approval by the City. The City reserves the right to retain a minimum of ten (10) percent for each escrowed item until the entire site/development has received final inspection and final approval by all City departments. Refundable cash deposits shall be held until final approval has been issued. Disbursements shall be made by the City within a reasonable time, after request for refund of deposits is made by the Owners.

City Of Troy

Contract for Installation of Municipal Improvements (Private Agreement)

THIRD: The owners shall contract for construction of said improvement with a qualified contractor. Owners, or their agents, and contractor(s) agree to arrange for a pre-construction meeting with the City Engineer prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, in accordance with the approved plans. Revisions to approved plans required by unexpected or unknown conflicts in the field shall be made as directed by the City.

FOURTH: Owners agree that if, for any reason, the total cost of completion of such improvements shall exceed the sums detailed in Paragraph SECOND hereof, that Owners will immediately, upon notification by the City, remit such additional amounts in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sums as detailed in Paragraph SECOND hereof, City will refund to the Owners the excess funds remaining after disbursement of funds.

FIFTH: Owners agree to indemnify and save harmless City, their agents and employees, from and against all loss or expense (including costs and attorneys' fees) by reason of liability imposed by law upon the City, its agents and employees for damages because of bodily injury, including death, at any time resulting therefrom sustained by any person or persons or on account of damage to property, including work, provided such injury to persons or damage to property is due or claimed to be due to negligence of the Owner, his contractor, or subcontractors, employees or agents, Owner further agrees to obtain and convey to the City all necessary easements and/or right-of-way for such public utilities as required by the City Engineer.

City Of Troy

Contract for Installation of Municipal Improvements (Private Agreement)

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this 9th day of July, 20 15.

OWNERS

CITY OF TROY

By:



By:

Please Print or Type

Dane M. Slater, Mayor

Please Print or Type

M. Aileen Bittner, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 9th day of July, A.D. 20 15, before me personally appeared Gabriel Schuchman known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

Lindsay M Ritz

NOTARY PUBLIC, Oakland County, Michigan

My commission expires: 8/10/19



Detailed Summary of Required Deposits & Fees
Multi-Tenant Retail
15.906.3

ESCROW DEPOSITS (PUBLIC):

Sanitary Sewers	\$5,000
Water Mains	\$0
Paving	\$1,500
Sidewalks	\$8,800
Deceleration and/or Passing Lane - MAJOR ROAD	\$0
Major Road Improvements (other than decel or passing lanes)	\$0
Underground Detention System/Restricted Outlet/Sewer Tap/Oil & Gas Trap	\$59,000
TOTAL ESCROW DEPOSITS (Refundable):	<u>\$74,300</u>

CASH FEES (Non-Refundable):

Engineering Review Fee (Private Improvements)(PA1)	\$4,541
Water Main Testing and Chlorination (PA 2)	\$0
Plan Review and Construction Inspection Fee (Public Improvements) (PA1)	\$6,019
Soil Erosion/Sedimentation Control Commercial Permit Fee (SUB 10)	\$400
Soil Erosion/Sedimentation Control Commercial Inspection Fee (SUB 10)	\$800
Less Initial Engineering Review Fee (Public & Private)(1.1%)	-\$3,159
TOTAL CASH FEES (Non-Refundable):	<u>\$8,601</u>

CASH DEPOSITS (Refundable):

Street Cleaning/Road Maintenance	\$5,000
Soil Erosion/Sedimentation Control Repair, Replace, or Maintenance	\$1,000
Punchlist & Restoration	\$7,430
TOTAL CASH DEPOSITS (Refundable):	<u>\$13,430</u>

Total Escrow & Cash Deposits (Refundable): **\$87,730**

Total Cash Fees (Non-Refundable): **\$8,601**

Total Amount: **\$96,331**

PAID

JUL 13 2015

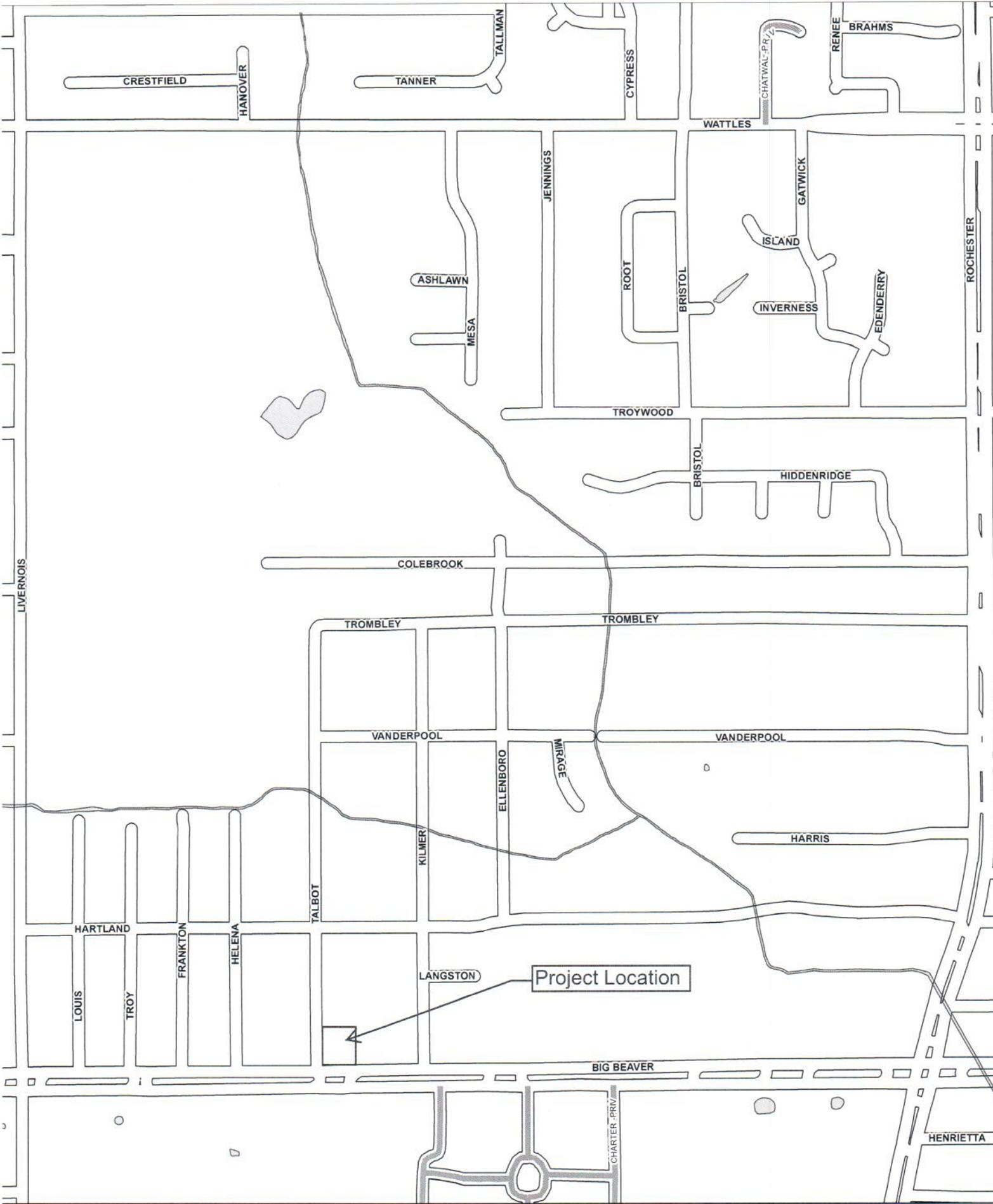
CITY OF TROY
TREASURER'S OFFICE



2 North Context Elevation
SCALE: 1/8" = 1'-0"



1 South Context Elevation
SCALE: 1/8" = 1'-0"



Legend
 — Private
 ■ Do Not Salt

Street Map

Section 22



Date: 4/10/2015



CITY COUNCIL AGENDA ITEM

Date: July 14, 2015

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development
Steven J. Vandette, City Engineer
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request to Vacate a Portion of an Existing Public Utility Easement,
Sidwell #88-20-21-326-014

History

As part of the development of a Hilton Garden Hotel facility, located in the southwest $\frac{1}{4}$ of Section 21 on Wilshire Boulevard, it is necessary to vacate a portion of an existing public utility easement previously granted to the City and recorded with Oakland County Register of Deeds in Liber 43410, Page 099, located on a property now having Sidwell #88-20-21-326-014.

The easement rights for the vacated utilities will be granted back to the property owner, Galleria of Troy, LLC, by means of a Quit Claim Deed.

The format and content of this Quit Claim deed is consistent with conveyance documents previously granted by City Council.

Financial

The consideration amount on this document is \$1.00

Recommendation

City Management recommends that City Council vacate that portion of the public utility easement previously granted to the City.



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

LIBER43410 PG099

RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS
2011 JUL 13 AM 3:02

CHECKING COMPLETED
AT REGISTER OF DEEDS
AUG 03 2011
Register of Deeds
Oakland County, MI

175491
LIBER 43410 PAGE 99

\$25.00 MISC RECORDING
\$4.00 REMONUMENTATION
09/26/2011 01:17:10 P.M. RECEIPT# 78280



PAID RECORDED - OAKLAND COUNTY
BILL BULLARD JR, CLERK/REGISTER OF DEEDS

3

PERMANENT EASEMENT (public utilities)
- MI Developments (America) Inc. - Grantor
City of Troy, a Michigan Municipal Corporation -Grantee
with respect to property located in the City of Troy, Oakland County, Michigan
Address: 600 Wilshire
Tax Parcel No. 20-21-326-007

(88-20-21-326-010)

RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS
2011 AUG 23 PM 11:24

~~11~~

Need
Releasing
of pg. 103 + 104
10' esmt.
O.K. - AN.

CHECKING COMPLETED
AT REGISTER OF DEEDS
AUG 23 2011
Register of Deeds
Oakland County, MI

2011 SEP 22 AM 10:44
RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS

original gas
pipeline.

LPRE
NCS/FAT

NCS-475999

79

LIBER43410 PG100

PERMANENT EASEMENT

(Sidwell #88-20-21-326-007)

MI DEVELOPMENTS (AMERICA) INC., a Delaware corporation, Grantor, whose address is 455 Magna Drive, Aurora, Ontario, Canada L4G7A9, the owner of the property located in the City of Troy, Oakland County, Michigan described on Exhibit "A: attached hereto and by reference made a part hereof, for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace ~~gas main~~ ^{public utilities} said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "B" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

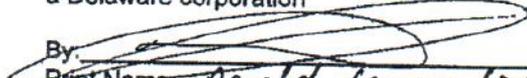
The premises so disturbed by Grantee's construction, operation, maintenance, repair and/or replacement by virtue of the easement and rights granted herein shall be restored to substantially the same condition as existed prior to Grantee's construction, operation, maintenance, repair and/or replacement by the Grantee by virtue of the easement and rights granted herein.

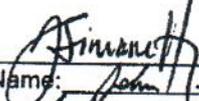
This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

This easement is exempt from real estate transfer tax pursuant to MCLA 207.505(a) and from State real estate transfer tax pursuant to the provisions of MCLA 207.526(a).

IN WITNESS WHEREOF, the undersigned hereunto affixed _____ signatures this 20 day of June, 2011.

MI DEVELOPMENTS (AMERICA) INC.,
a Delaware corporation

By: 
Print Name: Donald Cameron (DONALD CAMERON)
Its: COO (COO)

By: 
Print Name: John Simonetti (JOHN SIMONETTI)
Its: Interim CFO (INTERIM CFO)

(Acknowledgements contained on following page)

LIBER43410 PG101

Region OF York)
Town OF Rumson) ss.

The foregoing instrument was acknowledged before me on this 20 day of June, 2011 by Donald Connor, the CEO of MI Developments (America) Inc., a Delaware corporation on behalf of said corporation.


Print Name: Vito Cravo
Notary Public, _____ County, _____
Acting in _____ County
My Commission Expires: N/A

[Seal]

Region OF York)
Town OF Rumson) ss.

The foregoing instrument was acknowledged before me on this 20 day of June, 2011 by John Simenetti, the Vice CEO of MI Developments (America) Inc., a Delaware corporation on behalf of said corporation.


Print Name: Vito Cravo
Notary Public, _____ County, _____
Acting in _____ County
My Commission Expires: N/A

[Seal]

Prepared by: Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURE

LIBER 43410 PG 102

EXHIBIT "A"

Legal Description of Grantee's Property

REAL PROPERTY IN THE CITY OF TROY, COUNTY OF OAKLAND, STATE OF MICHIGAN, DESCRIBED AS FOLLOWS:

ALL THAT PART OF THE SOUTHEAST 1/4 OF THE ~~SOUTHWEST 1/4 OF SECTION 21, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 21; THENCE N.87°28'55"E., ALONG THE SOUTH LINE OF SAID SECTION 21, A DISTANCE OF 1644.21 FEET; THENCE N.02°31'05"W., 102.00 FEET; THENCE N.02°42'49"E., 450.89 FEET; THENCE N.30°30'43"E., 217.24 FEET TO THE POINT OF BEGINNING; THENCE N.79°31'26"W., 370.39 FEET TO THE POINT OF A CURVATURE OF A 510.00 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, 58.26 FEET (CHORD BEARS N.01°14'53"E., 58.22 FEET) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.02°01'28"W., 846.04 FEET; THENCE S.87°58'32"W., 120.00 FEET; THENCE N.02°01'28"W., 864.56 FEET TO THE EAST-WEST 1/4 LINE OF SAID SECTION 21; THENCE N.87°40'05"E., ALONG SAID EAST-WEST 1/4 LINE OF SAID SECTION 21, A DISTANCE OF 838.45 FEET; THENCE S.00°01'06"W., 633.78 FEET; THENCE S.00°52'45"W., 508.57 FEET; THENCE S.12°25'36"W., 274.37 FEET; THENCE S.23°06'06"W., 271.07 FEET; THENCE S.30°30'43"W., 238.41 FEET TO THE POINT OF BEGINNING.~~

PROPERTY ADDRESS: 600 WILSHIRE

TAX PARCEL NO.: 20-21-326-007

CONTAINING: 1,270,374.77 SQ. FT. OR 29.163 ACRES OF LAND.

(88)-20-21-326-010, (88)-20-21-326-011
(88)-20-21-326-012

LIBER 43410 PG 104

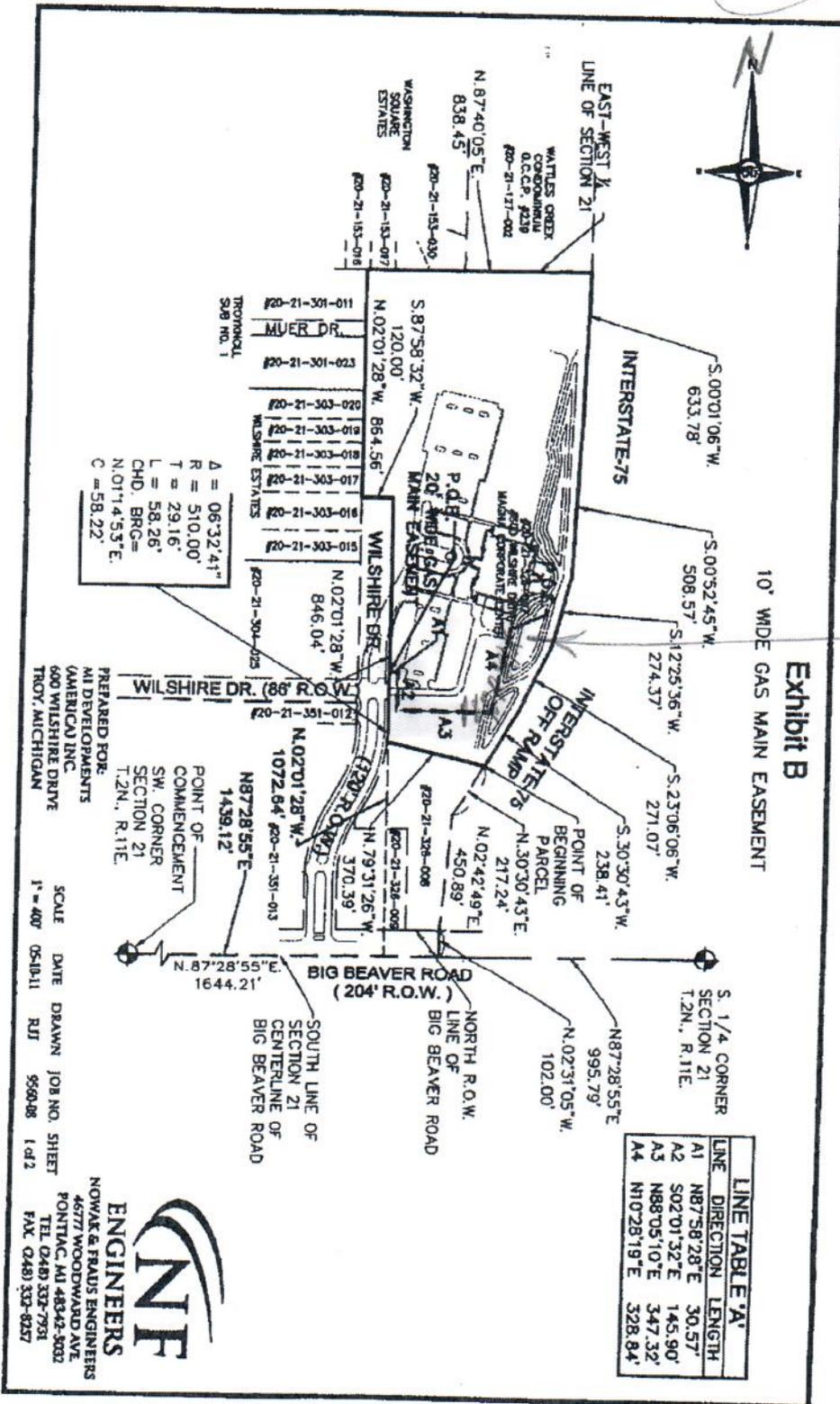


Exhibit B

10' WIDE GAS MAIN EASEMENT

LINE	DIRECTION	LENGTH
A1	N87°58'28\"E	30.57'
A2	S02°01'32\"E	145.90'
A3	N88°05'10\"E	347.35'
A4	N10°28'19\"E	328.84'

10' Easement
over service.

NFE ENGINEERS
 NOWAK & FRAUDS ENGINEERS
 46777 WOODWARD AVE
 PONTIAC, MI 48342-9032
 TEL (248) 332-7951
 FAX (248) 332-8257

PREPARED FOR:
 ALL DEVELOPMENTS
 (AMERICAN) INC.
 600 WILSHIRE DRIVE
 TROY, MICHIGAN

POINT OF COMMENCEMENT
 SW CORNER
 SECTION 21
 T.2N., R.11E

SCALE 1" = 400'

DATE 05-10-11

DRAWN RJJ

JOB NO. SHEET 9568-08 1 of 2

$A = 06.32.41"$
 $R = 510.00'$
 $T = 29.16'$
 $L = 58.26'$
 CHD. BRG =
 $N.01^{\circ}4'55".E.$
 $C = 58.22'$

LIBER 43410 PG 03

EXHIBIT "B"

Easement Legal Description and Depiction

GAS EASEMENT

A TEN (10.00) FOOT WIDE EASEMENT FOR GAS MAIN BEING DESCRIBED ALONG ITS CENTERLINE AS BEING A PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 21, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 21; THENCE N.87°28'55"E., ALONG THE SOUTH LINE OF SAID SECTION 21, A DISTANCE OF 1439.12 FEET AND N.02°01'28"W., 1072.64 FEET TO THE POINT OF BEGINNING; THENCE N.87°58'28"E. 30.57 FEET; THENCE S.02°01'32"E. 145.90 FEET; THENCE N.88°05'10"E. 347.32; THENCE N.10°28'19"E. 328.84 TO THE POINT OF ENDING.

BLOOMFIELD 27897-50 1126035v2

Part of ~~88-20-21-326-007~~
88-20-21-326-~~010~~
011

Part of 88-20-21-326-012

QUIT CLAIM DEED

Sidwell # 20-21-326-014 (part of)
Resolution #

The Grantor, **CITY OF TROY**, a Michigan municipal corporation whose address is 500 West Big Beaver, Troy, MI 48084 quit claims to **Galleria of Troy, LLC**, a Michigan limited liability company whose address is 30500 Northwestern Highway, Suite 525, Farmington Hill, MI 48334, the following described premises situated in the City of Troy, County of Oakland and State of Michigan as previously recorded in Liber 46653 Page 344 a copy of which is attached hereto (Exhibit "B");

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART OF

For the sum of One Dollar (\$ 1.00)

Dated this _____ day of _____, 2015.

CITY OF TROY
a Michigan municipal corporation

By _____
* Dane M. Slater, Mayor

By _____
* M. Aileen Dickson, City Clerk

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by Dane M. Slater, Mayor, and M. Aileen Dickson, City Clerk of The City of Troy, a Michigan municipal corporation, on behalf of the municipal corporation.

*
Notary Public, _____ County, MI
My commission expires: _____
Acting in _____ County, MI

County Treasurer's Certificate		City Treasurer's Certificate	
When recorded return to: City Clerk City of Troy 500 West Big Beaver Troy, MI 48084	Send subsequent tax bills to: Grantee	Drafted by: Larysa Figol City of Troy 500 West Big Beaver Troy, MI 48084	

Tax Parcel # 88-20-21-326-014 Recording Fee _____ Transfer Tax _____

**SKETCH OF 10' WIDE GAS EASEMENT
TO BE VACATED**

LEGAL DESCRIPTION – PARCEL 20–21–326–012

Real property in the City of Troy, County of Oakland, State of Michigan, described as follows: All that part of the Southeast 1/4 of the Southwest 1/4 of Section 21, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, being more particularly described as commencing at the Southwest corner of said Section 21; thence N87°28'55"E along the South line of said Section 21, a distance of 1803.74 feet and N02°31'05"W, 733.14 feet to the point of beginning; thence N79°31'26"W, 370.39 feet to a point on the Easterly right-of-way line of Wilshire Drive (120' wide); thence along a curve to the left a distance of 58.26 feet (having a radius of 510.00 feet and a chord bearing and distance of N01°14'53"E 58.22 feet); thence N02°01'28"W, 105.29 feet; thence N77°34'16"E, 10.70 feet; thence N88°05'10"E, 213.71 feet; thence along a curve to the left a distance of 67.44 feet (having a radius of 50.00 feet and a chord bearing and distance of N49°26'44"E 62.44 feet); thence N10°48'18"E, 174.77 feet; thence along a curve to the right a distance of 67.33 feet (having a radius of 43 feet and a chord bearing and distance of N55°39'43"E 60.66 feet); thence S79°28'52"E, 238.80 feet to a point on the Westerly line of Interstate I-75; thence continuing along said Westerly line the following two courses; S23°06'06"W, 258.44 feet and S30°30'43"W, 238.41 feet to the point of beginning. Containing 3.49 Acres.

LEGAL DESCRIPTION – 10 FOOT WIDE GAS MAIN EASEMENT VACATION

That portion of a ten (10) foot wide easement over the above described parcel as recorded in Liber 43410, Page 99, Oakland County Records over land in part of the Southeast 1/4 of the Southwest 1/4 of Section 21, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, TO BE VACATED; whose centerline is more particularly described as:

Commencing at the Southwest corner of said Section 21; thence N87°28'55"E along the South line of said Section 21 a distance of 1803.74 feet; thence N02°31'05"W, 733.14 feet; thence N79°31'26"W, 370.39 feet to a point on the Easterly right-of-way line of Wilshire Drive (120' wide); thence 58.26 feet along the arc of a curve to the left (having a radius of 510.00 feet and a chord bearing and distance of N01°14'53"E 58.22 feet); thence N02°01'28"W, 105.29 feet; thence N77°34'16"E, 10.70 feet; thence N88°05'10"E, 20.02 feet to the centerline of an existing gas easement as recorded in Liber 43410, Page 99, Oakland County Records; thence along said centerline S02°01'32"E, 54.99 feet; thence continuing along said centerline N88°05'10"E, 232.52 feet to the POINT OF BEGINNING of the area of said easement TO BE VACATED;

thence continuing along said centerline N88°05'10"E, 114.80 feet;
thence continuing along said centerline N10°28'19"E, 286.74 feet to the POINT OF ENDING.

PROFESSIONAL
ENGINEERING
ASSOCIATES

CLIENT:
GROUP 10 MANAGEMENT
30500 NORTHWESTERN HWY, SUITE 525
FARMINGTON HILLS, MI., 48334

SCALE: 1"= 100'

JOB No: 2012070

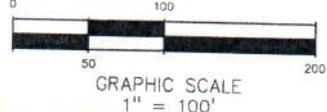
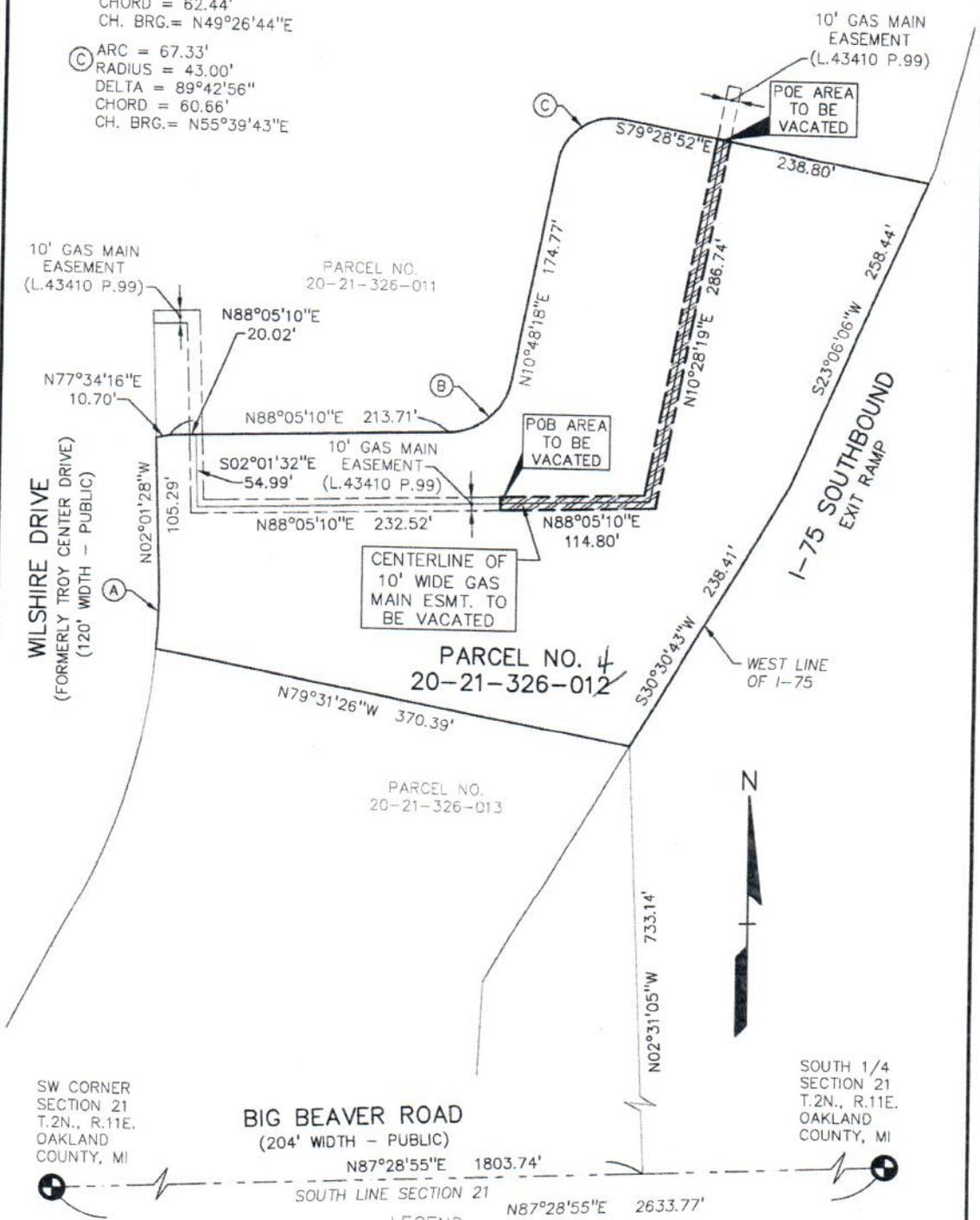
DATE: 7-14-15

DWG. No: 2 of 2

2430 Rochester Ct Suite 100
Troy, MI 48083-1872
(248) 689-9090

SKETCH OF 10' WIDE GAS EASEMENT TO BE VACATED

- (A) ARC = 58.26'
RADIUS = 510.00'
DELTA = 06°32'39"
CHORD = 58.22'
CH. BRG. = N01°14'53"E
- (B) ARC = 67.44'
RADIUS = 50.00'
DELTA = 77°16'35"
CHORD = 62.44'
CH. BRG. = N49°26'44"E
- (C) ARC = 67.33'
RADIUS = 43.00'
DELTA = 89°42'56"
CHORD = 60.66'
CH. BRG. = N55°39'43"E



LEGEND

	SECTION CORNER FOUND
	EASEMENT AREA TO BE VACATED

**PROFESSIONAL
ENGINEERING
ASSOCIATES**

2430 Rochester Ct. Suite 100
Troy, MI 48063-1872
(248) 689-9090

CLIENT: GROUP 10 MANAGEMENT 30500 NORTHWESTERN HWY, SUITE 525 FARMINGTON HILLS, MI., 48334	SCALE: 1" = 100'	JOB No: 2012070
	DATE: 7-14-15	DWG. No: 1 of 2

S:\PROJECTS\2012\2012070 175 & BIG BEAVER-JPB\SURVEY-DEPT\12070 PH-2 ESMTS\dwg\12070 GAS ESMT VAC-PH2-012.dwg; DN



CITY COUNCIL AGENDA ITEM

Date: July 17, 2015

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development
Glenn Lapin, Economic Development Specialist

Subject: Resolution calling Public Hearings Regarding Approval of District Boundary Amendments and Approval of the Amended, Restated and Extended Development Plan and Tax Increment Financing Plan of the Cities of Southfield and Troy Joint Local Development Finance Authority

Background

In 2003 the Cities of Troy and Southfield created a Joint Local Development Finance Authority (JLDFA) and Certified Technology Park (CTP), which is also designated as the Automation Alley SmartZone. The reason for creating a Joint LDFA is that the State of Michigan, through the Michigan Economic Development Corporation (MEDC), authorized a limited number of SmartZones throughout the state. The collaborative effort was the only way to create a SmartZone in Troy. This Joint LDFA does not capture tax (TIF) or have a budget.

Over the past eighteen months the City of Troy, City of Southfield and Automation Alley collaborated to solve the long term funding issues for Automation Alley. By hosting a Satellite SmartZone in the City of Port Huron, Southfield and Troy qualified for a 15-year extension of the LDFA's, Certified Technology Park (CTP) and Automation Alley SmartZone. In September of 2014 all three LDFA's and the two City Councils approved an MEDC application for the 15-year extension. The MEDC subsequently approved the extension. Therefore the Cities of Southfield and Troy are required to approve Cities of Southfield and Troy, Joint Local Development Finance Authority, Certified Technology Park, Amended, Restated and Extended Development Plan and Tax Increment Financing Plan. The City of Port Huron is a separate entity with a completely independent approval process.



CITY COUNCIL AGENDA ITEM

The Cities of Southfield and Troy, Joint Local Development Finance Authority, Certified Technology Park, Amended, Restated and Extended Development Plan and Tax Increment Financing Plan

1. City of Troy

- 15-year extension of LDFA, CTP and Automation Alley SmartZone
- Updates tax capture estimates
- 60% of the tax capture is devoted for operation, furnishing and equipping the Automation Alley business incubator/accelerator
- 40% of tax capture is devoted to marketing (Automation Alley Foundation Membership), public infrastructure improvements, building and site improvements for Automation Alley and City of Troy administrative costs
- Increased collaboration with Automation Alley, City of Southfield, City of Port Huron and St. Clair Innovation and Technology SmartZone (SCCiTech)

2. City of Southfield

- 15-year extension of LDFA, CTP and Automation Alley SmartZone
- Updates tax capture estimates
- \$50,000 a year in support to Automation Alley
- Extend boundaries of LDFA, CTP and Automation Alley SmartZone
- Lawrence Technological University establishes a business incubator and accelerator
- Significant public infrastructure improvements
- Improved marketing

3. City of Port Huron

- Although not part of the Southfield/Troy Plan the process, the St. Clair Innovation and Technology SmartZone within Port Huron provides financial support to Automation Alley

Recommendation

City Administration recommends that City Council adopt the resolution calling for two public hearings on August 24, 2015, 7:30 P.M. ET.

Attachments: JLDFA Resolution
 JLDFA/Troy Subcommittee
 JLDFA Development Plan and Tax Increment Financing Plan



CITY COUNCIL AGENDA ITEM

City Attorney's Review as to Form and Legality

Lori Grigg Bluhm, City Attorney

Date

RESOLUTION APPROVING
AMENDED, RESTATED AND EXTENDED DEVELOPMENT PLAN
AND TAX INCREMENT FINANCING PLAN

CITIES OF SOUTHFIELD AND TROY
JOINT LOCAL DEVELOPMENT FINANCE AUTHORITY TROY SUBCOMMITTEE

Minutes of a special meeting of the Board of the Cities of Southfield and Troy Joint Local Development Finance Authority Troy Subcommittee held on the 14th day of July, 2015, at 3:00 p.m., prevailing Eastern Time.

MEMEBERS PRESENT: DANE SLATER
 NICKOLAS VITALE
 JOHN SHARP

MEMBERS ABSENT: ROBIN BELTRAMINI, CHAIRPERSON
 PAUL HOEF
 ELLEN HODOREK (ALTERNATE)
 MICHAEL KIDDER
 DAVID SHIELDS

The following preamble and resolution were offered by Member Vitale and supported by Member Sharp:

WHEREAS, the City of Southfield ("Southfield") and the City of Troy ("Troy") have created the Cities of Southfield and Troy Joint Local Development Finance Authority (the "Authority"), a multi-jurisdictional local development finance authority under the provisions of Act 281, Public Acts of Michigan, 1986, as amended ("Act 281"); and

WHEREAS, the Authority currently exercises its powers within the authority district (the "Current District") specified in the Development Plan and Tax Increment Financing Plan previously approved by the Authority, Southfield and Troy (the "Current Plan"); and

WHEREAS, the Michigan Economic Development Corporation ("MEDC") has previously designated the Current District as a "certified technology park" (commonly known as a "SmartZone") in accordance with Act 281; and

WHEREAS, the Authority, Southfield and Troy are negotiating an agreement with the MEDC under which Southfield and Troy are authorized to amend the Current Plan to extend the duration of the Current Plan for an additional period of 15 years and to amend the boundaries of Current District to include additional areas in Southfield that have been or will be designated as a "certified technology park" by the MEDC, all in accordance with the provisions of Act 281; and

WHEREAS, in order to accomplish the foregoing and to provide for other matters relating thereto, the Authority has caused to be prepared an Amended, Restated and Extended Development Plan and Tax Increment Financing Plan (the "Amended Plan"), which amends and restates and extends the duration of the Current Plan; and

WHEREAS, the Authority has determined that it is necessary, in order to achieve the purposes of Act 281, to approve the Amended Plan and to request that the City Council of Southfield and the City Council of Troy approve the Amended Plan and approve the amendment of the boundaries of the Current District, as specified in the Amended Plan.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Authority hereby requests that the City Council of Southfield and the City Council of Troy amend the boundaries of the Current District to include the additional areas in Southfield as specified and described in the Amended Plan.

2. The Authority hereby determines that it is necessary for the achievement of the purposes of Act 281 to approve the Amended Plan and to submit the Amended Plan to the City Council of Southfield and the City Council of Troy for approval.

3. The Amended Plan, a copy of which is on file with the Secretary of the Authority, is hereby approved.

4. The Secretary of the Authority is hereby authorized and directed to submit a certified copy of this Resolution and the Amended Plan to the Clerks of Southfield and Troy, together with a request that the City Council of Southfield and the City Council of Troy each hold public hearings concerning the Amended Plan and the amendment of the boundaries of the Current District, and to take all other actions required to approve the Amended Plan and the amendment of the boundaries of the Current District in accordance with Act 281.

5. All resolutions and parts of resolutions in conflict with the provisions of this resolution are hereby repealed or amended to the extent of such conflict.

AYES: Vitale, Sharp, Slater

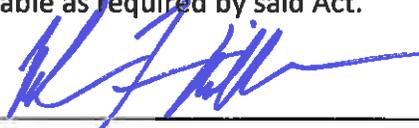
NAYS: None

RESOLUTION DECLARED ADOPTED.



Mark F. Miller Secretary/Treasurer

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Board of the Cities of Southfield and Troy Joint Local Development Finance Authority Troy Subcommittee at a special meeting held on July 14, 2015, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.



Mark F. Miller Secretary/Treasurer

RESOLUTION APPROVING
AMENDED, RESTATED AND EXTENDED DEVELOPMENT PLAN
AND TAX INCREMENT FINANCING PLAN

CITIES OF SOUTHFIELD AND TROY
JOINT LOCAL DEVELOPMENT FINANCE AUTHORITY

Minutes of a special meeting of the Board of the Cities of Southfield and Troy Joint Local Development Finance Authority held on the 14th day of July, 2015, at 3:00 p.m., prevailing Eastern Time.

MEMBERS PRESENT: Mayor Dane Slater (alternate)
John Sharp
Nickolas Vitale, Secretary
Irene Spanos (County representative, non-voting)
James Pierce, Treasurer
Fred Zorn
Mike Racklyeft

MEMBERS ABSENT: Robin Beltramini, Chair
Councilperson Ellen Hodorek (alternate)
Paul Hoef
David Shields
Michael Kidder

The following preamble and resolution were offered by Member Zorn and supported by Member Pierce:

WHEREAS, the City of Southfield ("Southfield") and the City of Troy ("Troy") have created the Cities of Southfield and Troy Joint Local Development Finance Authority (the "Authority"), a multi-jurisdictional local development finance authority under the provisions of Act 281, Public Acts of Michigan, 1986, as amended ("Act 281"); and

WHEREAS, the Authority currently exercises its powers within the authority district (the "Current District") specified in the Development Plan and Tax Increment Financing Plan previously approved by the Authority, Southfield and Troy (the "Current Plan"); and

WHEREAS, the Michigan Economic Development Corporation ("MEDC") has previously designated the Current District as a "certified technology park" (commonly known as a "SmartZone") in accordance with Act 281; and

5. All resolutions and parts of resolutions in conflict with the provisions of this resolution are hereby repealed or amended to the extent of such conflict.

AYES: Zorn, Pierce, Racklyeft, Sharp, Slater, Vitale

NAYS: None

RESOLUTION DECLARED ADOPTED.



MARK F. MILLER,

SECRETARY/TREASURER, CITIES OF SOUTHFIELD AND TROY JOINT LOCAL DEVELOPMENT
FINANCE AUTHORITY – TROY SUBCOMMITTEE

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Board of the Cities of Southfield and Troy Joint Local Development Finance Authority at a special meeting held on July 14, 2015, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.



MARK F. MILLER

SECRETARY/TREASURER, CITIES OF SOUTHFIELD AND TROY JOINT LOCAL
DEVELOPMENT FINANCE AUTHORITY – TROY SUBCOMMITTEE

CITIES OF SOUTHFIELD AND TROY
JOINT LOCAL DEVELOPMENT FINANCE AUTHORITY
CERTIFIED TECHNOLOGY PARK
AMENDED, RESTATED AND EXTENDED
DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN

Joint Local Development Finance Authority Board

City of Southfield

Fred Zorn, City Administrator
James Pierce, Assistant Finance Director
Michael Racklyeft, City Assessor

City of Troy

Robin Beltramini, Chair
Paul Hoef
Michael Kidder
John Sharp
David Shields
Nickolas Vitale
Dane Slater, Mayor (Alternate)
Ellen Hodorek, City Council (Alternate)
Irene Spanos, Oakland County

Current Plan Adopted: May 2003

Amended, Restated and Extended Plan Adopted: _____

CITIES OF SOUTHFIELD AND TROY
 JOINT LOCAL DEVELOPMENT FINANCE AUTHORITY
 CERTIFIED TECHNOLOGY PARK
 AMENDED, RESTATED AND EXTENDED
 DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN

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INTRODUCTION AND PLAN SUMMARY

The purpose of Act No. 281, Public Acts of Michigan, 1986 , as amended (Act 281 or the LDFA Act), is to encourage local development, to prevent conditions of unemployment and to promote economic growth. Act 281 provides that if the board of a local development finance authority determines that it is necessary for the achievement of the purposes of Act 281, the authority is required to prepare and submit a tax increment financing plan in accordance with the requirements of Act 281. Act 281 further provides that a tax increment financing plan shall include a development plan.

Background

The LDFA Act provides for the creation of Certified Technology Parks (CTP) (sometimes referred to herein as “SmartZones”). SmartZones are designed to create clusters of technological businesses and research institutions throughout the state. The SmartZones program is designed to encourage partnerships between municipalities, universities and businesses by creating an environment of cooperation and competition.

In November 2002, Automation Alley granted a license to the City of Southfield to use the service mark “Automation Alley” in connection with its proposed Certified Technology Park. On December 16, 2002, the City of Southfield contracted with the Michigan Economic Development Corporation (MEDC) to receive the designation of **Automation Alley SmartZone** for its Certified Technology Park (CTP). Automation Alley and the MEDC encouraged expansion of the Automation Alley SmartZone to other jurisdictions.

The LDFA Act also provides that two or more municipalities may join with one or more other municipalities located within the same county to establish a joint authority. Pursuant to the provisions of the LDFA Act, in April 2003 the City of Southfield, and in May 2003 the City of Troy, passed resolutions approving the creation of the Cities of Southfield and Troy Joint Local Development Finance Authority¹ (JLDFA) and the extension of the JLDFA district boundaries into a portion of the City of Troy. The original boundaries of the JLDFA in Southfield and Troy are also coterminous of Certified Technology Park designation.

Since being designated as a SmartZone by the Michigan Economic Development Corporation, the Automation Alley Certified Technology Park and SmartZone has been marketed both nationally and internationally by the City of Troy, City of Southfield, Oakland County and the State of Michigan as one of Michigan’s prime real estate locations. The current Development Plan and Tax Increment Financing Plan (hereinafter referred to as the Current Plan) adopted by the JLDFA in May 2003 was intended to define and promote the partnership between the City of Southfield, the City of Troy, Oakland County, the State of Michigan, Lawrence Technological University (LTU), Oakland University, Automation Alley and numerous major and smaller high-tech businesses within the designated SmartZone areas within Southfield and Troy. This Amended, Restated and Extended Development Plan and Tax Increment Financing Plan (herein referred to as the Amended, Restated and Extended Plan) amends and restates the Current Plan and addresses the extension of the JLDFA Certified Technology Park designations for an additional fifteen (15) year period beginning January 1, 2019 and ending December 31, 2033.

¹ Also known as the Automation Alley Joint Local Development Finance Authority

Under the Current Plan, the Southfield CTP is located in Sections 17 and 18 of the City of Southfield. The Amended, Restated and Extended Plan expands the Southfield CTP into Section 22 to include the campus of Lawrence Technological University and one additional property directly west of the campus on Civic Center Drive. The Amended, Restated, and Extended Plan also expands the boundaries of the Southfield CTP to include an additional approximately 234 acres of land in Southfield that was not part of the Current Plan. This 234 acres has already received designation as a Certified Technology Park by agreement with the MEDC. A legal description and map of the original boundaries of the Southfield CTP as provided in the Current Plan, and a legal description and map of the amended and expanded boundaries of the Southfield CTP as provided in the Amended, Restated, and Extended Plan are provided as Exhibits A and B. Southfield has become the home for nearly 400 high-tech companies including 90 software development companies, more than 30 telecommunication companies, three television stations and two satellite companies. Southfield also houses several “telco hotels” and numerous companies involved in research and development. These companies which are involved in many phases of high-tech activity prefer to locate in clusters due to proximity to high-speed fiber optics, broadband and satellite facilities; financial resources and other complementary businesses for efficient and quick interaction. The Southfield Development Plan and Tax Increment Financing Plan, included as part of the Current Plan, was originally intended to provide for the development of an approximately 27-acre site in northwestern Southfield as Southfield’s portion of one of Michigan’s Certified Technology Parks. The Certified Technology Park designation was later expanded by agreement with MEDC to encompass a total of approximately 261 acres in the City of Southfield, although the boundaries of the JLDFA district were not expanded at that time to include the additional 234 acres.

In the Amended, Restated and Extended Plan, the boundaries of the Southfield CTP are expanded to include the campus of Lawrence Technological University (LTU). Including LTU in the CTP further strengthens the relationship between the City and LTU for economic development and specifically permits support of the LTU business incubator/accelerator. In addition, in the Amended, Restated and Extended Plan, the boundaries of the Southfield CTP are expanded to include an additional approximately 234 acres of land in the City of Southfield previously designated as a Certified Technology Park by agreement with MEDC.

The City of Troy CTP is located in Section 26 of the City of Troy. A legal description of the City of Troy CTP and a map are provided as Exhibits A and B. Troy has become the home for nearly 500 high tech companies as defined by the Bureau of Labor Statistics² involved in research and development in all aspects of business and industry. These companies which are involved in many phases of high tech activity prefer to locate in clusters due to proximity to high speed fiber optics, broadband and satellite facilities: financial resources and complementary businesses for efficient and quick interaction. The Troy CTP was intended to provide for the development of an approximately 75 acre site in southeastern Troy, as the Automation Alley SmartZone.

THE CURRENT PLAN ADOPTED IN MAY 2003 INCLUDED THE FOLLOWING STATEMENT WHICH SHALL REMAIN IN EFFECT FOR THE AMENDED, RESTATED, AND EXTENDED PLAN. IT IS HEREBY UNDERSTOOD AND AGREED BY BOTH THE CITY OF SOUTHFIELD AND THE

² These include manufacturers of chemical, plastics, drugs, paints, petroleum products, special industrial machinery, computers, electronics, communications equipment, motor vehicles, aircraft, navigation equipment, instruments, measuring & controlling devices and photographic equipment. Also included are service firms specializing in computers & data processing, engineering, research, testing, management and public relations.

CITY OF TROY THAT ALL REVENUES GENERATED IN EACH COMMUNITY WILL ONLY BE USED FOR EXPENSES OF THAT PARTICULAR COMMUNITY AND WILL NOT BE TRANSFERRED OR USED BY THE JOINT LDFA OR OTHERWISE TO PAY EXPENSES OF THE OTHER COMMUNITY WITH THE EXCEPTION OF THE JOINT ADMINISTRATIVE EXPENSES TO OPERATE THE JOINT BOARD, INCLUDING AUDITING AND OTHER ADMINISTRATIVE EXPENSES AS APPROVED BY THE JOINT LDFA BOARD.

The City of Southfield Development Plan and Tax Increment Financing Plan

The purpose of the Southfield CTP Development Plan and Tax Increment Financing Plan adopted by the JLDFA in May 2003 was to provide for the construction and financing of public facilities within the City of Southfield necessary for the project. Specifically, it included the I-696 Interchange improvements, the repaving of portions of Franklin Road, Center Drive and American drive, improvements to Eleven Mile Road and improved landscaping/lighting/infrastructure as needed. The implementation of specific projects is more fully described in the Development Plan.

The Southfield CTP Amended, Restated and Extended Plan will provide for the completion of infrastructure improvements to serve the CTP, provide greater support to enhance the marketability and image of the CTP (SmartZone), assist in the attraction of additional services within the CTP, and promote placemaking activities within the CTP.

The Plan will provide support to Automation Alley in order to create additional jobs and technology-based businesses within the CTP, as well as support broader efforts at regional collaboration. Finally, the Plan will provide support to the collaboration effort between the City of Southfield and Lawrence Technological University to establish a business incubator and accelerator on property owned by LTU and contiguous to the campus of LTU.

The City of Troy Development Plan and Tax Increment Financing Plan

The purpose of the Troy CTP Development Plan and Tax Increment Financing Plan adopted by the JLDFA in May 2003 was to provide for the construction and financing of public facilities within the City of Troy necessary for the project. Specifically it included the local share of costs for the widening of Big Beaver Road from John R to Dequindre, and the improvement of the McCulloch Drain from the south side of Big Beaver Road for approximately $\frac{3}{4}$ mile to Bellingham Road. In addition, an on-ramp from southbound Rochester Road to northbound I-75 was intended as a long-term project associated with the Certified Technology Park and Smart Zone. The implementation of specific projects is more fully described in the Development Plan.

The Troy CTP Amended, Restated and Extended Plan will provide for the improvements to the McCulloch Drain within the Troy CTP, reconstruction/resurfacing of Bellingham Drive which provides service to the Troy CTP, improvement of access to the Troy CTP from John R. Road, reconstruction/resurfacing of Big Beaver Road in proximity and providing access to the Troy CTP, and improvement of pedestrian crossings of Big Beaver in proximity to and serving the Troy CTP, as well as improvements to the Automation Alley building and site.

The Plan will provide support to Automation Alley in order to create additional jobs and technology-based businesses within the Troy CTP, as well as support broader efforts at regional collaborations.

The Finance Plans will provide for the capture of tax revenues from all property within the Certified Technology Park including the capture of City, County, Community College, and SMART taxes and ½ of the operating levies of State, K-12 school districts and Intermediate School Districts.

The construction of the public facilities described herein will facilitate the construction of the project and thereby create economic growth and development in the Authority District and other areas of the Cities and Oakland County.

The Development Plans contain the information required by Section 15(2) of Act 281 and the Tax Increment Financing Plans contain the information required by Section 12(2) of Act 281.

Amendment and Extension of the CTP Development Plan and Tax Increment Financing Plan

In September of 2014, the Cities of Southfield and Troy sought and received approval from the Michigan Economic Development Corporation for a 15-year TIF Extension. The following summarizes how the Joint LDFA intends to meet the required legislative criteria including:

1. The Cities of Southfield and Troy, their respective LDFA's, and the Joint Southfield/Troy LDFA have agreed to host the St. Clair Innovation and Technology SmartZone (SCCiTech) as a satellite SmartZone. The Host has entered into a Memorandum of Agreement with the Satellite.
2. Satellite SCCiTech has agreed to include Local TIF in response to receiving state school TIF capture.
3. Satellite SCCiTech has a budget in excess of \$200,000 a year for operations.
4. The respective parties of the JLDFA agree to additional reporting requirements including:
 - Providing monthly reporting during the term of the TIF capture on the following information for companies served by the SmartZone: companies created, jobs created, and investment in companies by source (federal grants, state grants, venture capital, angel funding, and increase in revenue).
 - Providing annual reports during the term of the TIF capture reporting on the progress of regional collaboration.
5. Host JLDFA agrees to modify its TIF plan to include regional collaboration as part of the agreement with the satellite.
6. The Host has previously provided a summary of TIF performance against current plan as part of the extension request to MEDC.

Satellite LDFA

The Host Cities of Southfield and Troy, their respective LDFA's, and the Joint Southfield-Troy LDFA have designated the St. Clair Innovation and Technology SmartZone (SCCiTech) as a Satellite SmartZone. The boundaries of the proposed SCCiTech SmartZone are set forth in the Satellite SmartZone Plan.

In the course of considering the designation of the SCCiTech as a Satellite, the Host made the following conclusions:

- A) The Satellite has the following unique characteristics and specialties:

- 1) SCCiTech is located within a region which is the gateway for international trade, particularly Canada. It provides vital linkages to the automotive and chemical supply chains in Michigan, Ontario and the Midwest.
 - 2) SCCiTech is in a unique position in Michigan to capitalize upon commercialization and development of technologies that improve border security and improve efficiencies in the transport of goods.
 - 3) SCCiTech will focus on promoting enhanced mobility through autonomous and connected vehicles software and technologies and lightweight material research.
 - 4) SCCiTech is a key sponsor and supporter of Tech Port, a co-working and business accelerator program which is a critical catalyst to diversify the economy and drive innovation.
 - 5) SCCiTech has also formed key partnerships with Spartan Innovations, Center of Automotive Research, MSU Eli Broad School of Business, Automation Alley and other organizations.
- B) Both regional collaboration and cooperation would benefit the Host and Satellite in the following manner:
- 1) There will be a benefit from regional collaboration and cooperation to help the growth of technology based businesses and jobs. The Host and Satellite recognize the benefit of collaborative arrangements with other community partners. Expanded collaboration could be a benefit through attraction and retention of a trained workforce, nurturing existing second stage companies and formation of new technology based businesses.
 - 2) The Host and Satellite agree to financially support the activities of Automation Alley. The Hosts and Satellite each agree to provide financial support to Automation Alley. In return, enhanced services and regional collaboration will be provided by Automation Alley to the Host and Satellite.
- C) The Satellite will add to the mission of the Host in the following manner:
- 1) The unique position of SCCiTech to capitalize on all aspects of international trade meshes seamlessly with the mission of Automation Alley and the Automation Alley Smart Zone, particularly the International Trade Center.
 - 2) Commercialization and technologies that support border security and improve efficiencies in the transport of goods offer significant opportunities for innovation from the private sector as well as our educational partners.

Regional Collaboration

The Cities of Southfield and Troy, in collaboration with public- and private-sector partners, are focused on helping businesses grow. Both Cities recognize the benefit of collaborative arrangements with other community partners. Expanded collaboration will be a benefit through attraction and retention of a trained workforce, nurturing existing second stage companies and formation of new technology based businesses.

The City of Troy has formed a strong alliance with key stakeholders including Automation Alley, Walsh College, Troy Chamber of Commerce, Oakland County's Economic Development Office and the Michigan Economic Development Corporation (MEDC) to provide targeted business assistance, through an economic gardening approach. Troy's economic development staff assists local companies by identifying specific business needs and providing the information, infrastructure and connectivity necessary to address those needs. By leveraging Troy's unique community assets, partnerships and available tools to promote business growth, the City is creating an environment for investment.

The City of Southfield established a strong track record of intergovernmental collaboration with more than 150 partnerships. Centrally located within the region, the City coordinates economic development activities with MEDC, Oakland County, the Detroit Regional and Southfield Area Chambers and other state and regional organizations. Southfield also has an active partnership with Lawrence Technological University (LTU). LTU is launching the LTU Detroit Design and Technology Center in Midtown Detroit.

Troy's partnership with and support for Automation Alley has resulted in one of the most successful regional collaboration efforts in Michigan. Since its inception, Automation Alley has gained members in Oakland, Macomb, Wayne, Washtenaw, Livingston, Genesee, Ingham and St. Clair Counties. Automation Alley has opened satellite offices in Sterling Heights and Detroit. As part of the request for a 15 year extension, the City of Southfield has agreed to participate in efforts at regional collaboration by providing support for Automation Alley, including, but not limited to, becoming a foundation member and providing financial support. Therefore, both Troy and Southfield agree to support the Alley's extensive program of regional collaboration. The SCCiTech Satellite has also agreed to provide financial support to Automation Alley.

With the support of the Host and Satellite, in part, Automation Alley will continue to conduct the following regional activities:

- Workforce training across region
- Programming presented across region
- Investment in companies within region that will result in the creation of jobs
- Introduction of companies within region to global marketplace
- Continue with the Automation Alley Technology Gala which has been held in Detroit, Wayne County, Oakland County and Macomb County
- Preparation of the only State of Technology Report in Michigan

The designation of the SCCiTech satellite will greatly enhance regional collaboration. The Host communities have identified the assets of the Satellite and how such assets will be of mutual benefit. To further foster regional cooperation and collaboration, both the Host and Satellite have agreed to designate responsibility for coordination of activities between the Host and Satellite to Automation Alley.

CITY OF SOUTHFIELD
AMENDED, RESTATED AND EXTENDED DEVELOPMENT PLAN

Section 1: Amended, Restated and Extended Development Plan

Section 15 (1) of Public Act 281 of 1986 states that if a board decides to finance a project under the Act, it shall prepare a development plan. The activities of the Southfield Development Plan adopted by the JLDFA in May 2003 (hereinafter referred to as Current Plan) and the proposed activities of the Amended, Restated and Extended Plan are described. Section 15(2) states that, to the extent necessary to accomplish the proposed development program, the development plan shall contain the following:

(a) A DESCRIPTION OF THE PROPERTY TO WHICH THE PLAN APPLIES IN RELATION TO THE BOUNDARIES OF THE AUTHORITY DISTRICT AND A LEGAL DESCRIPTION OF THE PROPERTY.

At the time of adoption of the Current Plan in May, 2003, the property to which the Development Plan applied (Property) included approximately 27 acres of property designated as the CTP.

In conjunction with the approval of the Amended, Restated and Extended Plan, the boundaries of the JLDFA district in the City of Southfield will be expanded to include (i) the campus of Lawrence Technological University, which encompasses approximately 60 acres and one additional property of approximately 4.8 acres needed to expand the LTU incubator/accelerator and (ii) an additional approximately 234 acres of land in the City of Southfield that previously received Certified Technology Park designation by agreement with the MEDC.

The Amended, Restated, and Extended Plan applies to the total area within the City of Southfield portion of the original and expanded JLDFA district boundaries described above. A legal description of the Property to which the Amended, Restated, and Expanded Plan applies is attached hereto as Exhibit A and is illustrated in Exhibit B.

(b) THE DESIGNATION OF BOUNDARIES OF THE PROPERTY TO WHICH THE PLAN APPLIES IN RELATION TO HIGHWAYS, STREETS, OR OTHERWISE.

The Current Plan included property to which the Development Plan applies in the area generally bounded on the north by I-696 and Northwestern Highway; on the east by Franklin Road and; on the south by Eleven Mile Road.

The Amended, Restated and Extended Plan will expand the existing boundaries of the Southfield CTP to include the campus of LTU and one additional property. The campus of Lawrence Technological University is generally bounded on the north by Civic Center Drive, on the east by the John C. Lodge Freeway, and on the south by W. 10 Mile Road. The legal boundaries are provided in Exhibit A and illustrated in Exhibit B. The Amended, Restated and Extended Plan will also expand the existing boundaries of the Southfield CTP to include an additional approximately 234 acres of land, which is contiguous to the original 27 acres and extends the boundaries north of Eleven Mile Road to Inkster Road.

(c) THE LOCATION AND EXTENT OF EXISTING STREETS AND OTHER PUBLIC FACILITIES IN THE VICINITY OF THE PROPERTY TO WHICH THE PLAN APPLIES; THE LOCATION, CHARACTER, AND EXTENT OF THE CATEGORIES OF PUBLIC AND PRIVATE LAND USES THEN EXISTING AND PROPOSED FOR THE PROPERTY TO WHICH THE PLAN APPLIES, INCLUDING RESIDENTIAL, RECREATION, COMMERCIAL, INDUSTRIAL, EDUCATIONAL, AND OTHER USES.

The Current Plan described the following area associated with the CTP:

I-696 (M-102) is located near the northern boundary of the Southfield portion of the JLDFA. I-696 is a major east-west Federal Highway extending through the community. It consists of an eight-lane divided highway with four lanes in each direction and contains an average right-of-way of two hundred and four (204) feet.

Northwestern Highway (M-4) is a major northwesterly to southeasterly State Trunkline which is an extension of the M-10 Freeway extending through the community. It consists of an eight-lane divided highway with four lanes in each direction and contains an average right-of-way of two hundred and four (204) feet. It is located near the northeastern corner of the Southfield portion of the JLDFA.

Eleven Mile Road is an east-west, City owned, part concrete and part asphalt road with a ninety-eight-foot wide right-of-way, forming the southern boundary of the Southfield portion of the JLDFA. It extends across the City from the west to the east boundaries.

Centre Road is an eighty-six-foot wide, City owned, concrete road located near the eastern and southern boundaries of the Southfield portion of the JLDFA. It extends northerly then easterly from Eleven Mile Road to Franklin Road.

American Drive is an eighty-six-foot wide, City owned, concrete road located in the center of the Southfield portion of the JLDFA. It extends northerly then easterly from Eleven Mile Road to Franklin Road.

Inkster Road is a one-hundred and twenty foot wide right-of-way, north-south, City-owned, for the most part asphalt road. It forms the western boundary of the Southfield portion of the JLDFA and the City of Southfield.

Franklin Road is a one-hundred and twenty-foot wide, north-south, City-owned, concrete road which forms most of the eastern border of the Southfield portion of the JLDFA.

The property to which the Amended, Restated and Expanded Plan applies includes approximately 125 acres of commercial and industrial property, 21 acres of parklands, 24 acres devoted to military use and 91 acres of vacant property. All property is zoned RC Regional Center. The Amended, Restated and Extended Plan will also include Lawrence Technological University. The campus of Lawrence Technological University is an educational institution zoned ERO – Education Research Office.

(d) A DESCRIPTION OF PUBLIC FACILITIES TO BE ACQUIRED FOR THE PROPERTY TO WHICH THE PLAN APPLIES, A DESCRIPTION OF ANY REPAIRS AND ALTERATIONS NECESSARY TO MAKE THOSE IMPROVEMENTS, AND AN ESTIMATE OF THE TIME REQUIRED FOR THE COMPLETION OF THE IMPROVEMENTS.

The Current Plan described the following:

I-696 Interchange with new on and off ramps and a new parking structure will be constructed and the Franklin Road Bridge will be widened to accommodate the improvements. ROW acquisition has been negotiated for the ramps and parking structure.

American Drive and Centre Drive will be reconstructed – no additional ROW is required.

Eleven Mile from Franklin westerly will be reconstructed – no additional ROW is required.

Franklin Road will be reconstructed – no additional ROW is required.

In regards to projects described in the Current Plan, the I-696 project and a portion of the Eleven Mile reconstruction was completed. Only the Eleven Mile project used the Southfield portion of the JLDFA funds.

With the Amended, Restated and Extended Plan, the balance of Eleven Mile reconstruction will be completed by 2020. There will be reconstruction and improvements made to streets, including any necessary improvements in the right-of-way, within the Southfield portion of the JLDFA including Northwestern Hwy., Service Drive, American, Center and Franklin. These will be scheduled based upon need but are not expected to occur before 2015-2030. The parking structures will also be scheduled based on need but will not occur before 2032. Improvements to Civic Center Drive and Service Drive adjacent to and serving the LTU incubator and accelerator are also planned for 2025.

It is the intent of the Amended, Restated and Extended Plan that infrastructure improvements employ advanced “state of the art” technology to promote innovation and long-term sustainability, throughout the CTP.

The Southfield CTP will also support the establishment of the Lawrence Technological University Business and Technology business incubator and accelerator, described more fully in subsection (p). Tax increment revenues from the Southfield CTP will be used to support the establishment and operation of the business incubator/accelerator for the duration of the Amended, Restated and Extended Plan. Tax increment revenues will be used to pay for certain operational costs of the business incubator/accelerator and all or a portion of the costs of other “public facilities” for the business incubator/accelerator permitted by the LDFA Act, including costs related to the construction, improvement, renovation, maintenance, repair, furnishing and equipping of facilities to house the operations of the business incubator/accelerator.

Based on stakeholder input sessions held in December of 2014, the following additional projects, which will enhance the marketability and image of the CTP, are planned within the Southfield CTP:

- Improvements to Pebble Creek Park – Stormwater Management
- Enhanced pedestrian accessibility throughout SmartZone

- Improvements to visibility of and accessibility to SmartZone including better gateway signage and wayfinding
- Branding and marketing of SmartZone
- Streetscaping and gateway improvements
- Stormwater management improvements

The project also includes administrative costs related to the public facilities described above, including, but not limited to, architectural, engineering, legal and accounting fees and other related costs.

The anticipated construction schedule is included in Section (e) following.

(e) THE LOCATION, EXTENT, CHARACTER, AND ESTIMATED COST OF THE PUBLIC FACILITIES FOR THE PROPERTY TO WHICH THE PLAN APPLIES, AND AN ESTIMATE OF THE TIME REQUIRED FOR COMPLETION.

The Current Plan described the following projects:

- I-696 Interchange

Construction is anticipated to begin in Fall, 2003 with completion by December, 2004. The estimated total cost is \$14,000,000 with the local cost of \$3,000,000. This project is complete.

- Parking Deck

Construction is anticipated to begin in Fall, 2003 with completion by Spring, 2004. The estimated cost is \$6,000,000, all local cost. This project has been postponed until a later date when demand increases.

- American Drive, Centre Drive reconstruction

Construction of this project is projected to take place in 2005, with completion by Fall, 2005. The estimated cost for the American Drive and Centre Drive projects is \$840,000.

- Eleven Mile reconstruction (partial)

Construction of this project is projected to take place in 2005, with completion by Fall, 2005. The estimated local cost for Eleven Mile Reconstruction is \$230,000. This project is complete.

- Franklin Road reconstruction

Construction of this project is projected to take place in 2006, with completion by Fall, 2006. The estimated cost for Franklin Road Reconstruction is \$1,900,000. This project is complete.

Projects and estimated costs that are anticipated within the time frame of the Amended, Restated and Extended Plan include the following:

Project	Est. Cost	Time Frame
Roads		
Northwestern Hwy. Service Drive	\$750,000	2015
Eleven Mile (balance of reconstruction)	\$2,000,000	2020
Clare Lane	\$2,000,000	2022
Franklin (north of I-696)	\$3,000,000	2025
Civic Center Drive (between Lahser and Northwestern)	\$1,600,000	2025
Civic Center Service Drive	\$2,000,000	2025
Swanton (between Franklin and Northwestern)	\$1,300,000	2030
American Drive	\$2,500,000	2030
Miscellaneous		
Gateway signage	\$500,000	2016
Lawrence Technological University Business Incubator/Accelerator – Initial Facility Build-Out	\$200,000	2015/2016
Lawrence Technological University Business Incubator/Accelerator – Operational Costs	Up to \$100,000 per year	Duration of Plan
Pebble Creek Park – Stormwater Management	\$200,000	2018
Pedestrian Improvements	\$1,500,000	2021
Parking Structure	\$7,500,000	2032
Stormwater Management	\$2,500,000	2021
Operating and Planning Costs	\$150,000 per year	Duration of Plan

(f) A STATEMENT OF THE CONSTRUCTION OR STAGES OF CONSTRUCTION PLANNED, AND THE ESTIMATED TIME OF COMPLETION OF EACH STAGE.

Please refer to Section 1.(e).

(g) A DESCRIPTION OF ANY PORTIONS OF THE PROPERTY TO WHICH THE PLAN APPLIES, WHICH THE AUTHORITY DESIRES TO SELL, DONATE, EXCHANGE, OR LEASE TO OR FORM THE MUNICIPALITY AND THE PROPOSED TERMS.

The Current Plan described the following:

The parking deck will be constructed by the project and will be transferred to the current property owners upon completion. All roads and improvements will remain under their current jurisdictions.

With the Amended, Restated and Extended Plan, no changes are proposed.

(h) A DESCRIPTION OF DESIRED ZONING CHANGES AND CHANGES IN STREETS, STREET LEVELS, INTERSECTIONS, AND UTILITIES.

The Current Plan described the following:

The new I-696 Eastbound off ramp and Westbound on ramp will be constructed, an additional capacity lane will be added to I-696, and the Franklin Road Bridge will be widened to accommodate these improvements.

The proposed redevelopment area will be provided with a full complement of urban utility services which currently exist or which will be included in all new construction. They are, or will be sufficient to accommodate the additional development.

As indicated, the I-696 project and a portion of the I-696 project has been completed.

With the Amended, Restated and Extended Plan, no changes are proposed, other than street improvements set forth in Section 1.(e) under the Amended and Extended Plan.

(i) AN ESTIMATE OF THE COST OF THE PUBLIC FACILITY OR FACILITIES, A STATEMENT OF THE PROPOSED METHOD OF FINANCING THE PUBLIC FACILITY OR FACILITIES, AND THE ABILITY OF THE AUTHORITY TO ARRANGE THE FINANCING.

The Current Plan described the following:

The estimated cost of all public facilities is \$35,000,000 with a Southfield share of \$14,000,000 and an MDOT share of \$21,000,000. The Current Plan stated the Southfield CTP will borrow its \$14,000,000 share from the City of Southfield or will bond as needed and will repay the debt from tax increment revenues with an agreed upon interest rate. However, due to other sources of funding, the Southfield CTP did not borrow funds to complete any projects.

The estimated cost of the proposed projects are included in Section 1 (e) under the Amended, Restated and Extended Plan. Projects will be funded either partially or solely through tax increment funds. Where possible, TIF funds will be supplemented by grants or other sources of funding the City will seek. The City does not anticipate incurring bonded indebtedness to complete these projects.

(j) DESIGNATION OF THE PERSON OR PERSONS, NATURAL OR CORPORATE, TO WHOM ALL OR A PORTION OF THE PUBLIC FACILITY OR FACILITIES IS TO BE LEASED, SOLD, OR CONVEYED AND FOR WHOSE BENEFIT THE PROJECT IS BEING UNDERTAKEN, IF THAT INFORMATION IS AVAILABLE TO THE AUTHORITY.

The Current Plan described the following:

I-696 is part of the Federal Highway System and all improvements to it will remain Federal. All other roads are City owned and will remain so. The parking structure will be constructed on private adjacent property and will be transferred at no cost to the property owners upon completion. All roadway improvements are being made for the benefit of the public and will be dedicated for public use.

No changes are proposed under the Amended, Restated and Extended Plan.

(k) THE PROCEDURES FOR BIDDING FOR THE LEASING, PURCHASING, OR CONVEYING OF ALL OR A PORTION OF THE PUBLIC FACILITY OR FACILITIES UPON ITS COMPLETION, IF THERE IS NO EXPRESS OR IMPLIED AGREEMENT BETWEEN THE AUTHORITY AND PERSONS, NATURAL OR CORPORATE, THAT ALL OR A PORTION OF THE DEVELOPMENT WILL BE LEASED, SOLD, OR CONVEYED TO THOSE PERSONS.

The Current Plan described the following:

All improvements will be constructed on a competitive basis. The parking structure will be conveyed to the current land owner at no cost. The newly constructed roadway improvements will be dedicated to the appropriate public authority upon their completion.

No changes are proposed under the Amended, Restated and Extended Plan.

(l) ESTIMATES OF THE NUMBER OF PERSONS RESIDING ON THE PROPERTY TO WHICH THE PLAN APPLIES AND THE NUMBER OF FAMILIES AND INDIVIDUALS TO BE DISPLACED. IF OCCUPIED RESIDENCES ARE DESIGNATED FOR ACQUISITION AND CLEARANCE BY THE AUTHORITY, A DEVELOPMENT PLAN SHALL INCLUDE A SURVEY OF THE FAMILIES AND INDIVIDUALS TO BE DISPLACED, INCLUDING THEIR INCOME AND RACIAL COMPOSITION, A STATISTICAL DESCRIPTION OF THE HOUSING SUPPLY IN THE COMMUNITY, INCLUDING THE NUMBER OF PRIVATE AND PUBLIC UNITS IN EXISTENCE OR UNDER CONSTRUCTION, THE CONDITION OF THOSE IN EXISTENCE, THE NUMBER OF OWNER-OCCUPIED AND RENTER-OCCUPIED UNITS, THE ANNUAL RATE OF TURNOVER OF THE VARIOUS TYPES OF HOUSING AND THE RANGE OF RENTS AND SALE PRICES, AN ESTIMATE OF THE TOTAL DEMAND FOR HOUSING IN THE COMMUNITY, AND THE ESTIMATED CAPACITY OF PRIVATE AND PUBLIC HOUSING AVAILABLE TO DISPLACED FAMILIES AND INDIVIDUALS.

The Current Plan described the following:

The Development Plan does not require public acquisition of any residential property nor the relocation of any residents. All privately owned commercial property ROW's will be acquired by negotiations. No residents will be displaced.

There is no public housing presently available in the City. On the whole, housing conditions in the City of Southfield can be classified as standard and adequate opportunity exists for relocation within the City on an owner or rental basis.

No changes are proposed under the Amended, Restated and Extended Plan.

(m) A PLAN FOR ESTABLISHING PRIORITY FOR THE RELOCATION OF PERSONS DISPLACED BY THE DEVELOPMENT.

The Current Plan described the following:

The Development Plan does not include the construction of new housing within the Development Area nor the relocation by public means of any existing residents as no relocation is necessary to implement the development plan.

No changes are proposed under the Amended, Restated and Extended Plan.

(n) PROVISION FOR THE COSTS OF RELOCATING PERSONS DISPLACED BY THE DEVELOPMENT, AND FINANCIAL ASSISTANCE AND REIMBURSEMENT OF EXPENSES, INCLUDING LITIGATION EXPENSES AND EXPENSES INCIDENT TO THE TRANSFER OF TITLE, IN ACCORDANCE WITH THE STANDARDS AND PROVISIONS OF THE FEDERAL UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970, 42 U.S.C. 4601 TO 4655.

The Current Plan described the following:

No relocation is anticipated under the development plan. Relocation benefits, if necessary, will be provided in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (Public Law 91-646).

No changes are proposed under the Amended, Restated and Extended Plan.

(o) A PLAN FOR COMPLIANCE WITH ACT NO. 227 OF THE PUBLIC ACTS OF 1972, BEING SECTIONS 213.321 TO 213.332 OF THE MICHIGAN COMPILED LAWS.

The Current Plan described the following:

Act 227 of P.A. 1972 is an act to provide financial assistance, advisory services and reimbursement of certain expenses to persons displaced from real property or deprived of certain rights in real property. Under this Act, a displaced person is defined as a “person who vacates real property or removes his personal property therefrom pursuant to a program undertaken by a state agency (political subdivision of the state) which results in the acquisition of the real property in whole or in part, or in order to vacate the real property”. This Act requires procedures and policies comparable to the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the benefits references in paragraph (n) satisfy the requirements of this paragraph.

No changes are proposed under the Amended, Restated and Extended Plan.

(p) OTHER MATERIAL WHICH THE AUTHORITY OR GOVERNING BODY CONSIDERS PERTINENT.

The Current Plan described the following:

Although the Interchange portion of the Development Plan has received Michigan Department of Transportation and Federal Highway Administration approval for funding and it is included in the Regional Transportation Improvement Program, there may be a delay in the interchange portion of the Development Plan due to MDOT’s Preserve First policy. If this occurs, there may be some shifting in construction schedules and phasing of work to be done.

With the Amended, Restated and Extended Plan, the partners in the Host-Satellite relationship are providing financial support of Automation Alley provided sufficient TIF funds are available. Automation Alley will be responsible for coordinating between the Host-Satellite communities to advance regional collaboration. The Southfield CTP is also undertaking a number of other programs and projects to enhance economic development as follows:

Design Plan and Improvements - A Design Plan has been prepared that will identify improvements and amenities that will make the CTP more attractive to new investment. Stakeholders have identified a need for better identification of the CTP along with an upgraded image. Specific improvements identified in the Design Plan process include improved identification and wayfinding.

Marketing and Promotion – Additional funding will be directed towards the Marketing and Promotion of the CTP. Such activities may include, but not limited to, improved website promotion, special events and brochures.

LTU Business and Technology Center – The Southfield CTP will support the establishment of a business incubator/accelerator on the campus of Lawrence Technological Center. Establishing the LTU Business Technology Center business incubator/accelerator is a natural outgrowth of entrepreneurial education and support that has been a focus of the University for many years.

LTU and the City of Southfield through the Automation Alley SmartZone are collaborating to establish a temporary Business and Technology Center in a 4,000 square foot space within a building located on the campus of and owned by LTU until the 17,000 square foot facility to be located in Mark Plaza property is available. Property has also been sought to permit future expansion of the business incubator. The LTU Center will be operated by LTU Economic Development, with day to day management provided by the LTU Collaboratory. Oversight will be provided by a seasoned Advisory Board that includes business and economic developers, innovators, entrepreneurs, investors, and attorneys.

Specific objectives of the Center will be to:

- Create jobs through new and expanded economic activity
- Help start-ups define their customers, improve their products and raise capital
- Foster production of ground-breaking technologies in key industry sectors
- Benefit businesses through public/private participation
- Improve access to LTU's academic resources applied research capabilities, and entrepreneurial culture
- Leverage the City's location, accessibility and assets as a major economic catalyst
- Enhance the quality of life in the City and Region to retain and attract talent

CITY OF SOUTHFIELD
AMENDED, RESTATED AND EXTENDED
TAX INCREMENT FINANCING PLAN

Section 2: Amended, Restated and Extended Tax Increment Financing Plan

The activities of the Tax Increment Financing Plan adopted by the JLDFA in May 2003 (hereinafter referred to as Current Plan) and the proposed activities of the Amended, Restated and Extended Plan are described. Section 12 (1) of the LDFA Act states that when a board decides to finance a project pursuant to the Act, it shall prepare a tax increment financing plan which shall include:

(a) A STATEMENT OF THE REASONS THAT THE PLAN WILL RESULT IN THE DEVELOPMENT OF CAPTURED ASSESSED VALUE THAT COULD NOT OTHERWISE BE EXPECTED. THE REASONS MAY INCLUDE, BUT ARE NOT LIMITED TO, ACTIVITIES OF THE MUNICIPALITY, AUTHORITY, OR OTHERS UNDERTAKEN BEFORE FORMULATION OR ADOPTION OF THE PLAN IN REASONABLE ANTICIPATION THAT THE OBJECTIVES OF THE PLAN WOULD BE ACHIEVED BY SOME MEANS.

The Current Plan described the following:

New ramps on I-696 would provide improved access to and from the freeway for businesses, police, fire, and other emergency vehicles. They would provide safer, direct movements between I-696, Northwestern Highway, and the Southfield CTP, negating the existing convoluted movements through the congested Northwestern/Telegraph interchange. The District has been zoned "Regional Center" since 1965 but has not been fully developed as such indicating the lack of adequate public facilities including roads. American Drive and Centre Drive are both in poor condition and they have deteriorated partially as a result of their proximity to the wetlands in the area. Franklin Road has substantially deteriorated due to the unusually high heavy truck traffic generated by the public road agency yards located at the north end of the project area. Eleven Mile Road has similarly deteriorated due to the truck traffic to the yards and to heavy traffic patterns caused by employees working at the Blue Cross facility. Due to the poor condition of these roads, adjacent property owners have been unwilling or unable to expand and have expressed a need to move out of the City if conditions do not improve. The Chrysler Corporation has already moved from the area and will consolidate outside the City.

The construction of the project will provide additional assessed valuation resulting in tax increments to finance the public facilities and redevelopment. Without the planned public facilities to be acquired, constructed and financed pursuant hereto the project would not be feasible.

The above statements are accurate, although Blue Cross relocated out of the area. The facility has been purchased and is being reoccupied by a variety of businesses.

The Amended, Restated and Extended Plan is intended to invest in technologically advanced infrastructure supporting the CTP, improve the marketing and image of the CTP, assist in establishing a business incubator and accelerator at LTU and to support the activities of Automation Alley to attract and retain technology based businesses and jobs within the Southfield CTP, the City of Southfield and the region. Without the Amended, Restated and Extended Plan, the City of Southfield would not be able to support these activities to the extent that is set forth in this Plan.

(b) AN ESTIMATE OF THE CAPTURED ASSESSED VALUE FOR EACH YEAR OF THE PLAN. THE PLAN MAY PROVIDE FOR THE USE OF PART OR ALL OF THE CAPTURED ASSESSED VALUE OR, SUBJECT TO THE SUB-SECTION (3), OF THE TAX INCREMENT REVENUES

ATTRIBUTABLE TO THE LEVY OF ANY TAXING JURISDICTION, BUT THE PORTION INTENDED TO BE USED SHALL BE CLEARLY STATED IN THE PLAN. THE BOARD OR THE MUNICIPALITY CREATING THE AUTHORITY MAY EXCLUDE FROM CAPTURED ASSESSED VALUE A PERCENTAGE OF THE CAPTURED ASSESSED VALUE AS SPECIFIED IN THE PLAN OR GROWTH IN PROPERTY VALUE RESULTING SOLELY FROM INFLATION. IF EXCLUDED, THE PLAN SHALL SET FORTH THE METHOD FOR EXCLUDING GROWTH IN PROPERTY VALUE RESULTING SOLELY FROM INFLATION.

Current Plan

The Current Plan described the following:

Please refer to Exhibit C for an estimate of the captured assessed value for each year of the plan. No exclusion for inflation is planned. From the time of approval of the TIF Plan for the Southfield CTP, the City captured TIF revenue from only the original 27 acre portion. Revenues were not collected from the balance of the 261 acres. Referring to the estimates found in Exhibit C, the actual performance of the tax increment financing plan is set forth in Table 1 as follows:

Table 1 Estimated and Actual Captured Taxes Southfield Portion of JLDFA 2003-2018		
<i>Fiscal Year</i>	<i>Estimated Captured Taxes</i>	<i>Actual Captured Taxes</i>
2002/2003	0	0
2003/2004	32,146	0 ¹
2004/2005	177,332	116,478
2005/2006	246,634	259,676
2006/2007	391,635	272,671
2007/2008	550,332	282,825
2008/2009	642,237	271,692
2009/2010	656,822	309,095
2010/2011	672,835	283,717
2011/2012	688,032	276,990
2012/2013	703,533	243,403
2013/2014	719,344	242,477
2014/2015	735,471	246,114
2015/2016	751,921	2,710,719 ²
2016/2017	768,699	2,551,703 ²
2017/2018	785,814	2,399,869 ²

1. Delay due to amendment of District boundaries.

2. Estimates.

An estimate of the capture of assessed value for each year of the Amended, Restated and Extended Plan is provided in Exhibit D. The TIF capture under the Amended, Restated and Extended Plan will include tax capture from the entire area of the Southfield CTP, with the exception of the campus of LTU. This additional capture is reflected in Exhibit D. No exclusion for inflation is planned.

(c) THE ESTIMATED TAX INCREMENT REVENUES FOR EACH YEAR OF THE PLAN.

Estimated tax increment revenues for the Current Plan are provided in Exhibit C:

Exhibit D provides an estimate of the tax increment revenues for each year of the Amended, Restated and Extended Plan. No exclusion for inflation is planned.

(d) A DETAILED EXPLANATION OF THE TAX INCREMENT PROCEDURE.

Tax increment financing for a Certified Technology Park permits the JLDFA to capture certain tax revenues attributable to increases in the Taxable Values of all real and personal property that is located in the Certified Technology Park and included in the tax increment financing plan.

At the time the tax increment financing plan is approved by the City Council the Taxable Value of the real and personal property located in the Certified Technology Park (the “Initial Assessed Value”) is established. The Initial Assessed Value is the Taxable Value of all of the real and personal property within the Certified Technology Park for the base year. Property exempt from taxation at the time of determination of the Initial Assessed Value will be given an Initial Assessed Value of zero. In each subsequent year for the duration of the tax increment financing plan the “Current Assessed Value” of the real and personal property in the Certified Technology Park will be determined. The Current Assessed Value for each year is the Taxable Value of all of the real and personal property located in the Certified Technology Park for that year.

The amount by which the Current Assessed Value exceeds the Initial Assessed Value in any one year is the “Captured Assessed Value.” For the duration of the tax increment financing plan, the local taxing jurisdiction will continue to receive tax revenues based upon the Initial Assessed Value established in the base year. The JLDFA, however, receives that portion of the tax levy of all taxing jurisdictions paid each year on the Captured Assessed Value of the property included in the tax increment financing plan. It should be noted that the JLDFA does not receive any part of millage specifically levied for the payment of principal and interest on obligations approved by the electors or obligations pledging the unlimited taxing power of the local governmental unit. The JLDFA will also capture only ½ of the “Education mills” which includes the local school district, the intermediate school district and the State Education Tax mills. The capture of the local school district, intermediate school district and State Education Tax mills will be subject to adjustment by the JLDFA if and to the extent required by Section 12(3) of the LDFA Act.

Tax increment revenues from the Southfield Certified Technology Park may be used for public facilities for any eligible property located in the Southfield Certified Technology Park (or for the repayment of advances made for such purposes) as provided in and in accordance with Act 281, subject to approval of the MEDC if such approval is required by Act 281.

The Southfield CTP will have two initial assessed values (one for the original approximately 27 acres and one for the balance of the Southfield CTP).

Table 2 shows current millages and portions of each jurisdiction millage captured under the Current Plan.

Table 2
Captured Millages
Current Plan

Taxing Authority	Total Mills	Non-Captured or Debt Mills	Captured Mills
City of Southfield	15.8781	0	15.8781
Oakland County	4.6523	0	4.6523
Oakland Interm SD*	3.4224	1.7112	1.7112
Community College	1.6090	0	1.6090
State Education*	6.0000	3.0000	3.0000
School Operating*	20.6345	10.3173	10.3173
OCPTA	0.3207	0	0.3207
Total Mills	52.5086	15.0283	37.4801

* = ½ millage levy minus debt

Table 3 shows the current millages and the portions of each jurisdiction millage captured under the Amended, Restated, and Extended Plan. The millage rates used are only for the purpose of estimating tax revenue and are not intended to be a cap on the total mills that may be captured in the future.

Table 3
Captured Millages
Amended, Restated and Extended Plan

Taxing Authority	Total Mills	Non-Captured or Debt Mills	Captured Mills
City of Southfield	23.7441	0	23.7441
Oakland County	4.6461	0	4.6461
Oakland Interm ¹	3.369	1.6845	1.6845
Community College	1.5844	0	1.5844
State Education ²	6.0000	3.0000	3.0000
School Operating ³	18.0/6.0	9.0000/3.00	9.0000/3.000
OCPTA	1.0000	0	1.0000
Total Mills	58.3436/46.3436	13.6845/7.6845	44.6591/38.6591

¹ = ½ millage levy minus debt

² = ½ millage levy of real property and commercial personal property

³ = ½ millage levy of real property or 9.0 mills and commercial personal property or 3.0 mills

Table 2 and 3 represent the millage rates for the purposes of estimating tax increment revenues but are not intended to be a cap on the total mills that can be captured in the future.

(e) THE MAXIMUM AMOUNT OF NOTE OR BONDED INDEBTEDNESS TO BE INCURRED, IF ANY.

The maximum amount of note indebtedness to the Southfield CTP will be \$14,000,000 plus interest subject to actual construction costs. While the Current Plan called for bonded indebtedness, no debt was incurred.

Under the Amended, Restated and Extended Plan, the Southfield CTP does not plan on incurring any bonded indebtedness.

(f) THE AMOUNT OF OPERATING AND PLANNING EXPENDITURES OF THE AUTHORITY AND MUNICIPALITY, THE AMOUNT OF ADVANCES EXTENDED BY OR INDEBTEDNESS INCURRED BY THE MUNICIPALITY, AND THE AMOUNT OF ADVANCES BY OTHERS TO BE REPAID FROM TAX INCREMENT REVENUES.

The amount of operating and planning expenditures of the Southfield CTP and the City of Southfield in connection with the activities of the JLDFA under the Current Plan was estimated to be \$100,000 per year. It was not anticipated that there would be any indebtedness incurred by the City. The Current Plan provides that the JLDFA Board may request a loan from the City of Southfield to provide interim financing for the Southfield costs of the Development Plan. The loan will be repaid from tax increment revenues as received.

The amount of operating and planning expenditures of the Southfield CTP are not expected to exceed \$150,000 per year under the Amended, Restated and Extended Plan. The JLDFA Board may request a loan from the City of Southfield to provide interim financing for the Southfield costs of the Development Plan. The loan will be repaid from tax increment revenues as received.

(g) THE COSTS OF THE PLAN ANTICIPATED TO BE PAID FROM TAX INCREMENT REVENUES AS RECEIVED.

It was anticipated that the costs of the implementation of the Current Development Plan would be paid entirely from tax increment revenues as received.

No change is proposed with the Amended, Restated and Extended Development Plan.

(h) THE DURATION OF THE DEVELOPMENT PLAN AND THE TAX INCREMENT PLAN.

The Current Development Plan and the Tax Increment Financing Plan provided that it would continue for the period of time needed to collect and disburse tax increment revenues resulting from taxes levied prior to December 31, 2018, or such other period as may be needed to repay the amounts borrowed by the Authority.

The Amended, Restated and Extended Development Plan and Tax Increment Financing Plan becomes effective when approved and will continue for the additional period of time needed to collect and disburse tax increment revenues resulting from taxes levied before December 31, 2033.

(i) AN ESTIMATE OF THE IMPACT OF TAX INCREMENT FINANCING ON THE REVENUES OF ALL TAXING JURISDICTIONS IN WHICH THE ELIGIBLE PROPERTY IS OR IS ANTICIPATED TO BE LOCATED.

Except for those portions of millage specifically levied for the payment of principal and interest of obligations approved by electors or obligations pledging the unlimited taxing power of the local governmental units (the 'debt' portion of their millage) and ½ of all school captures for the duration of the extended plan, the tax revenues of the taxing jurisdictions for property within the CTP will not increase as a result of increases in the taxable value of property in the CTP until the termination of the Amended, Restated and Extended Tax Increment Financing Plan. However, the taxing jurisdictions have and are

expected to continue to benefit from increased property values and accompanying tax increases from other nearby property outside the CTP.

(j) A LEGAL DESCRIPTION OF THE ELIGIBLE PROPERTY TO WHICH THE TAX INCREMENT FINANCING PLAN APPLIES OR SHALL APPLY UPON QUALIFICATION AS ELIGIBLE PROPERTY.

The property to which the Current Plan applies consists of all real and personal property in the City of Southfield, County of Oakland, State of Michigan, located within the current boundaries of the CTP described on Exhibit A.

The property to which the Amended, Restated and Extended Plan applies includes all real and personal property in the original JLDFA district boundaries in the City of Southfield described in the Current Plan and, in addition, includes all real and personal property in the expanded JLDFA district boundaries in the City of Southfield described in Exhibit A.

(k) AN ESTIMATE OF THE NUMBER OF JOBS TO BE CREATED AS A RESULT OF IMPLEMENTATION OF THE TAX INCREMENT FINANCING PLAN.

The Current Plan estimated that the construction of the Project will result in the creation of approximately 5000 new jobs and the retention of approximately 250 jobs in the City. It was expected that the direct job creation would result in additional indirect jobs.

There are currently an estimated 4,650 jobs within the Southfield CTP. Improvements that have been included and improvements contemplated by this plan will help ensure the retention of these jobs. Federal Mogul recently made a \$700 million investment bringing 700 jobs. With additional improvements to the CTP, it is anticipated that at least one new employer or employers of 1,000 jobs will be attracted.

While not located in the Southfield CTP, BASF will be making a \$19 million investment adding 154 jobs to the 400 which exist. Road improvements completed by the LDFA have assisted in their expansion. It is expected that the existence of this project will result in additional indirect jobs.

(l) THE PROPOSED BOUNDARIES OF A CERTIFIED TECHNOLOGY PARK TO BE CREATED UNDER AN AGREEMENT PROPOSED TO BE ENTERED INTO PURSUANT TO SECTION 12a, AN IDENTIFICATION OF THE REAL PROPERTY WITHIN THE CERTIFIED TECHNOLOGY PARK TO BE INCLUDED IN THE TAX INCREMENT FINANCING PLAN FOR PURPOSES OF DETERMINING TAX INCREMENT REVENUES, AND WHETHER PERSONAL PROPERTY LOCATED IN THE CERTIFIED TECHNOLOGY PARK IS EXEMPT FROM DETERMINING TAX INCREMENT REVENUES.

The boundaries of the Current Southfield CTP are included in Exhibit A and are illustrated in the map included as Exhibit B.

The boundaries under the Amended, Restated and Extended Plan area also included in Exhibit A and are illustrated in the map included as Exhibit B.

The entirety of the current JLDFA district boundaries in the City of Southfield and of the expanded JLDFA district boundaries in the City of Southfield described in Exhibit A have been or will be designated as a Certified Technology Park pursuant to agreements entered into or to be entered into with the MEDC.

Under both the Current Plan and the Amended, Restated and Extended Plan, personal property is not exempt from determining tax increment revenues.

SOUTHFIELD EXHIBITS

<u>Exhibit</u>	<u>Description</u>
A	Southfield CTP Legal Description
B	Map of Southfield CTP
C	Captured Assessed Value of Current Plan
D	Captured Assessed Value of Amended and Extended Plan

EXHIBIT A – SOUTHFIELD CTP LEGAL DESCRIPTION

District Boundaries in Current Plan

Part of the S.W. $\frac{1}{4}$ of Section 17 and the S. $\frac{1}{2}$ of Section 18, T.1N., R.10E., City of Southfield, Oakland County, Michigan and more particularly described as commencing at the S.W. corner of said Section 18, distant North, 60 feet and East, 60 feet to the POINT OF BEGINNING of this description; thence northerly along the east line of Inkster Road, approximately 1,682 feet to a point on the south line of I-696; thence easterly along the said south line of I-696, approximately 5,406 feet to a point on the west line of Franklin Road; thence southeasterly along the said west line, approximately 1,653 feet to a point on the east line of Center Drive; thence southwesterly along the said east line, approximately 640 feet to the northwest corner of parcel sidwell number 2417-352-001; thence east along the north line of said sidwell number 2417-352-001, approximately 540 feet to the northeast corner of parcel sidwell number 2417-352-002; thence south along the east line of said sidwell number 2417-352-002, approximately 738 feet to a point on the north line of Eleven Mile Road; thence west along the said north line of Eleven Mile Road, approximately 2,967 feet to the southeast corner of parcel sidwell number 2418-400-029; thence northerly along the east line of sidwell number 2418-400-029, approximately 554 feet to the northeast corner of said sidwell number 2418-400-029; thence westerly along the north line of said sidwell number 2418-400-029, approximately 1,129 feet to the northwest corner of said sidwell number 2418-400-029; thence southerly along the west line of said sidwell number 2418-400-029, approximately 847 feet to the southwest corner of said sidwell number 2418-400-029 and a point on the north line of Eleven Mile Road, approximately 2,650 feet to the POINT OF BEGINNING.

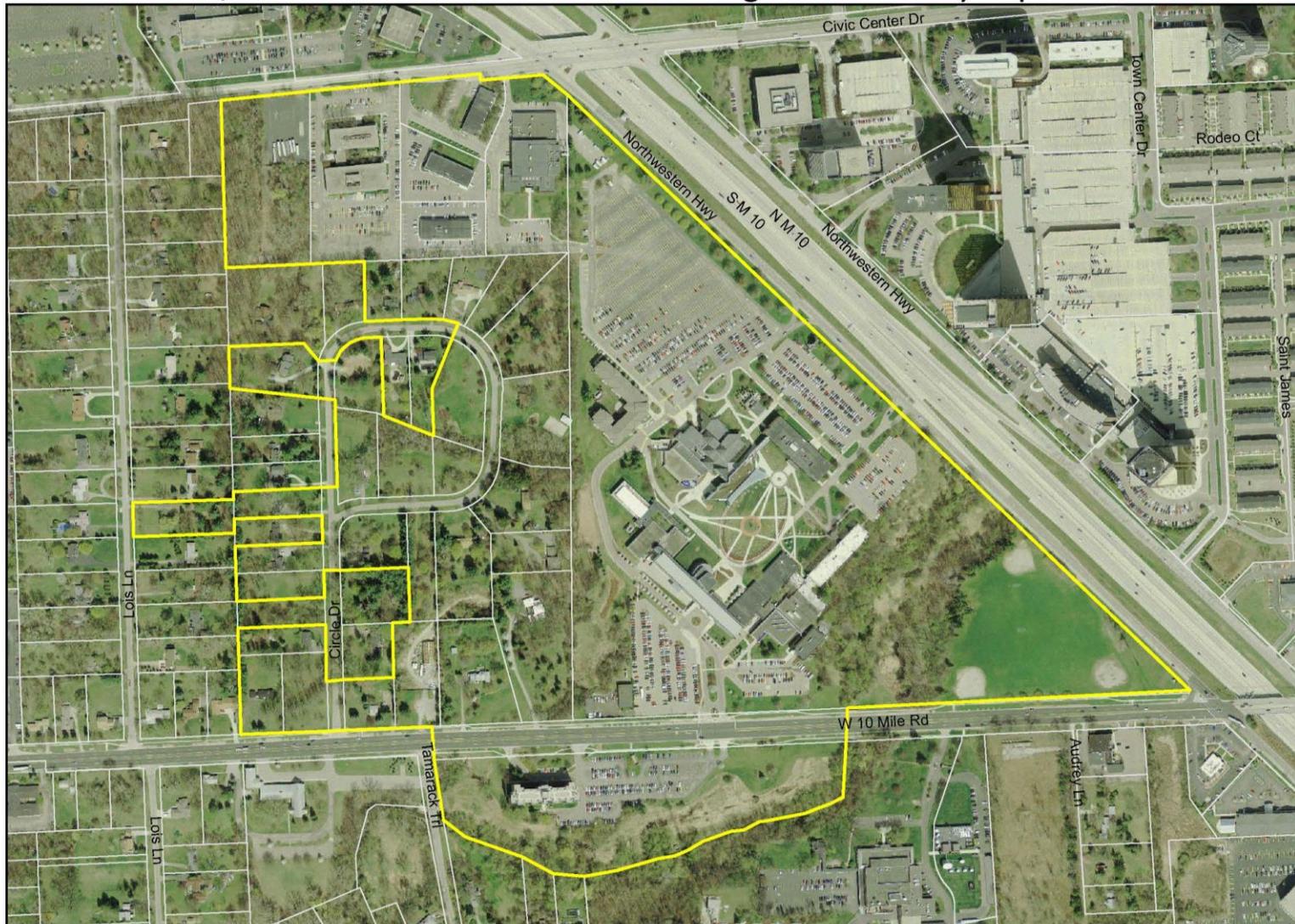
Also part of the N.W. $\frac{1}{4}$ of Section 17 and the N.E. $\frac{1}{4}$ of Section 18, T.1N.,R.10E., City of Southfield, Oakland County, Michigan and more particularly described as commencing at the intersection of the center lines of Franklin and Beck Roads, distant southeasterly, 45 feet and northeasterly, 91 feet to a point on the east line of Beck Road and the POINT OF BEGINNING of this description; thence northeasterly along the east line of Beck Road, approximately 916 feet to a point on the south line of Northwestern Highway; thence southeasterly along the said south line of Northwestern Highway, approximately 1,175 feet to a point on the north line of I-696; thence southwesterly along the said north line of I-696, approximately 1,063 feet to a point on the north line of Franklin Road; thence northwesterly along the north line of Franklin Road, approximately 239 feet to the POINT OF BEGINNING.

Expanded District Boundaries included in the Amended, Restated and Extended Plan

T1N, R10E, SEC 22 PART OF SE $\frac{1}{4}$ BEG AT PT DIST N 02-47-50 E 60.04 FT FROM S $\frac{1}{4}$ COR, TH N 02-47-50 E 2284.63 FT, TH ALG CURVE TO RIGHT, RAD 3660.72 FT, CHORD BEARS S 44-32-48 E 191.72 FT, DIST OF 191.74 FT, TH S 43-02-46 E 2958.99 FT, TH S 23-48-35 W 9.95 FT, TH N 89-20-04 W 2261.89 FT TO BEG 59.78 AC.

T1N, R10E, SEC 22 330C SECTION 22 PART OF E $\frac{1}{2}$ OF SW $\frac{1}{4}$ BEG AT PT DIST S 86-40-50 W 616.67 FT FROM CEN OF SEC, TH S 02-02-30 W 692.95 FT, TH W 330 FT, TH N 02-02-30 E 674 FT APPROX TO CEN LINE OF 101/2 MILE RD TH N 86-40-50 E 330 FT ALG CEN LINE OF 101/2 MILE RD TO THE BEG EXC NLY 41 FT DED TO R.O.W. 4.850A 000000.

Exhibit B Southfield CTP – Lawrence Technological University Expansion



Carlisle/Wortman Associates, Inc.
Source: City of Southfield, Oakland County GIS
5/18/2015



EXHIBIT C – CITY OF SOUTHFIELD CTP

Exhibit C City of Southfield CTP Estimated TIF Captured from Current Plan 2003-2018				
<i>Year</i>	<i>Base Assessed Value</i>	<i>Total Real & personal</i>	<i>Capture Value</i>	<i>Estimated Captured Taxes (37.4801) (\$)</i>
2002/2003	2,321,650			0
2003/2004	2,321,650	3,179,330	857,680	32,146
2004/2005	2,321,650	5,452,163	3,130,513	117,332
2005/2006	2,321,650	8,902,048	6,580,398	246,634
2006/2007	2,321,650	12,770,804	10,449,154	391,635
2007/2008	2,321,650	17,004,974	14,683,324	550,332
2008/2009	2,321,650	19,457,074	17,135,424	642,237
2009/2010	2,321,650	19,846,215	17,524,565	656,822
2010/2011	2,321,650	20,273,437	17,951,787	672,835
2011/2012	2,321,650	20,678,906	18,357,256	688,032
2012/2013	2,321,650	21,092,488	18,770,834	703,533
2013/2014	2,321,650	21,514,334	19,192,684	719,344
2014/2015	2,321,650	21,944,621	19,622,971	735,471
2015/2016	173,539,360	59,166,230	59,166,230	2,710,719
2016/2017	170,068,573	55,695,443	59,166,230	2,551,703
2017/2018	166,667,201	52,294,071	59,166,230	2,399,869
Total Captured Taxes - \$13,818,644				

EXHIBIT D – City of Southfield CTP
 Captured Assessed Value of Amended, Restated and Extended Plan
 2015/16 – 2018/19 and 2019/20 – 2033-34

Year	Base Taxable Value	Taxable Value Projected	Total Increment per Year	Capture of City taxes, or 23.74410 mils	Capture County Operating Taxes, or 4.6461 mils	Capture of OCPTA taxes, or 1.0 mils	50% Capture of ISD, or 1.68450 mils	Capture of OCC taxes, or 1.5844 mils	50% Capture of School Operating Taxes, or RP 9.0 mils and Comm PP taxes, or 3.0 mils	50% State Education Tax RP & Comm PP Taxes, or 3.0 mils	Total Annual Capture
2003/2014	8,669,220	8,776,460	107,240	2,546	498	107	181	170	322	643	4,468
2015/16	114,373,130	173,539,360	59,166,230	1,404,849	274,892	59,166	99,666	93,743	423,405	354,997	2,710,719
2016/17	114,373,130	170,068,573	55,695,443	1,322,438	258,767	55,695	93,819	88,244	398,568	334,173	2,551,703
2017/18	114,373,130	166,667,201	52,294,071	1,241,676	242,963	52,294	88,089	82,855	374,227	313,764	2,395,869
2018/19	114,373,130	167,500,537	53,127,407	1,261,462	246,835	53,127	89,493	84,175	380,190	318,764	2,434,048
2019/20	114,373,130	168,338,040	53,964,910	1,281,348	250,726	53,965	90,904	85,502	386,184	323,789	2,472,419
2020/21	114,373,130	169,179,730	54,806,600	1,301,333	254,637	54,807	92,322	86,836	392,207	328,840	2,510,981
2021/22	114,373,130	170,025,629	55,652,499	1,321,418	258,567	55,652	93,747	88,176	398,260	333,915	2,549,736
2022/23	114,373,130	170,875,757	56,502,627	1,341,604	262,517	56,503	95,179	89,523	404,344	339,016	2,588,685
2023/24	114,373,130	171,730,136	57,357,006	1,361,890	266,486	57,357	96,618	90,876	410,458	344,142	2,627,828
2024/25	114,373,130	172,588,786	58,215,656	1,382,278	270,476	58,216	98,064	92,237	416,603	349,294	2,667,168
2025/26	114,373,130	174,314,674	59,941,544	1,423,258	278,494	59,942	100,972	94,971	428,954	359,649	2,746,240
2026/27	114,373,130	176,057,821	61,684,691	1,464,647	286,593	61,685	103,908	97,733	441,428	370,108	2,826,103
2027/28	114,373,130	177,818,399	63,445,269	1,506,451	294,773	63,445	106,874	100,523	454,027	380,672	2,906,764
2028/29	114,373,130	179,596,583	65,223,453	1,548,672	303,035	65,223	109,869	103,340	466,752	391,341	2,988,232
2029/30	114,373,130	181,392,549	67,019,419	1,591,316	311,379	67,019	112,894	106,186	479,604	402,117	3,070,515
2030/31	114,373,130	183,206,475	68,833,345	1,634,386	319,807	68,833	115,950	109,060	492,585	413,000	3,153,620
2031/32	114,373,130	185,038,539	70,665,409	1,677,887	328,319	70,665	119,036	111,962	505,696	423,992	3,237,557
2032/33	114,373,130	186,888,925	72,515,795	1,721,822	336,916	72,516	122,153	114,894	518,938	435,095	3,322,333
2033/34	114,373,130	188,757,814	74,384,684	1,766,197	345,599	74,385	125,301	117,855	532,312	446,308	3,407,957
Total				27,557,481	5,392,279	1,160,603	1,955,036	1,838,860	8,305,064	6,963,620	53,172,943

Note:

Years 2003 - 2014 has a Base year value total from 2003

Years 2015/16 thru 2033/34 has a Base year value from 2015

50% Capture of School Op uses TV for Real Property at 9.0 mils and PP at 3.0 mils

CITY OF TROY
AMENDED, RESTATED AND EXTENDED
DEVELOPMENT PLAN

Section 1: Amended, Restated and Extended Development Plan

Section 15 (1) of Public Act 281 of 1986 states that if a board decides to finance a project under this Act, it shall prepare a development plan. The activities of the Troy Development Plan adopted by the JLDFA in May 2003 (hereinafter referred to as Current Plan) and the proposed activities of the Amended, Restated and Extended Plan are described. Section 15(2) states that, to the extent necessary to accomplish the proposed development program, the development plan shall contain the following:

(a) A DESCRIPTION OF THE PROPERTY TO WHICH THE PLAN APPLIES IN RELATION TO THE BOUNDARIES OF THE AUTHORITY DISTRICT AND A LEGAL DESCRIPTION OF THE PROPERTY.

The property to which the Development Plan applies (Property) includes approximately 73.61 acres of land within the Troy CTP, which is the total area of the Troy portion of the District. The legal description of the Property is attached hereto as Exhibit A and is illustrated in Exhibit B.

There are no changes proposed in the Amended, Restated and Extended Plan.

(b) THE DESIGNATION OF BOUNDARIES OF THE PROPERTY TO WHICH THE PLAN APPLIES IN RELATION TO HIGHWAYS, STREETS, OR OTHERWISE.

The property to which the Development Plan applies is generally bounded on the north by Big Beaver Road; on the East by John R. Road; on the West by Rochester Road and I-75; and to the South by Maple Road. Exact legal boundaries are provided in Exhibit A and illustrated in Exhibit B.

There are no changes proposed in the Amended, Restated and Extended Plan.

(c) THE LOCATION AND EXTENT OF EXISTING STREETS AND OTHER PUBLIC FACILITIES IN THE VICINITY OF THE PROPERTY TO WHICH THE PLAN APPLIES; THE LOCATION, CHARACTER, AND EXTENT OF THE CATEGORIES OF PUBLIC AND PRIVATE LAND USES THEN EXISTING AND PROPOSED FOR THE PROPERTY TO WHICH THE PLAN APPLIES, INCLUDING RESIDENTIAL, RECREATIONAL, COMMERCIAL, INDUSTRIAL, EDUCATIONAL, AND OTHER USES.

Big Beaver Road (16 Mile Road) forms the northern boundary of the Troy CTP. It is a major east-west County road extending through Troy. From Coolidge Highway to Dequindre Road, Big Beaver is a six lane divided road with three lanes in each direction and an average right-of-way of two hundred and four (204) feet.

I-75 is a major north/south Federal Interstate providing access to the Troy portion of the CTP to the City of Detroit, Pontiac, Flint, I-696 and M-59.

Also to the west lies Rochester Road, a six lane divided road north of I-75 and a four lane divided road south of I-75 which provides access to Stephenson Highway, a four lane divided road with 2 lanes in each direction. Rochester Road and Stephenson Highway are both major thoroughfares with on and off access to I-75.

To the south is Maple Road (15 Mile Road), a five lane County road running east and west, extending from Macomb County and the City of Sterling Heights to the east, to the City of Birmingham to the west.

To the east is John R Road, a five lane County road running north and south, extending from the south at the City of Madison Heights north to the City of Rochester Hills.

Approximately fifty-five (55) acres of the Troy portion of the CTP were zoned R-C (Research Center) and approximately 20 acres were zoned M-1, at the time of adoption of the Plan in May 2003.

Amended and Extended Plan

The only change which has occurred is the rezoning of the M-1 to IB-Integrated Business. This change came as a result of the comprehensive revision of the Troy Zoning Ordinance.

(d) A DESCRIPTION OF PUBLIC FACILITIES TO BE ACQUIRED FOR THE PROPERTY TO WHICH THE PLAN APPLIES, A DESCRIPTION OF ANY REPAIRS AND ALTERATIONS NECESSARY TO MAKE THOSE IMPROVEMENTS, AND AN ESTIMATE OF THE TIME REQUIRED FOR THE COMPLETION OF THE IMPROVEMENTS.

Current Plan

The Current Plan described the following projects:

Phase I

The Big Beaver project potentially required the full acquisition of 13 to 15 parcels along the south side of Big Beaver, from Dequindre to the west. If these parcels became full acquisitions the homes currently on the property would be demolished as part of the project. Relocation of the affected homeowners would be part of the right-of-way phase of the project. There was also the potential for various temporary construction easements and grading permits along the entire project length.

The right-of-way phase was in progress and was expected to be completed by December 2004. The City prepared preliminary right-of-way plans to be approved by MDOT prior to any acquisition taking place. The right-of-way phase was estimated at \$4,200,000. The City's share of this amount was \$840,000.

Also the McCulloch Drain improvement project. See Section 1(f).

Phase II

Future projects included the renovation of the street grid to the south and east serving the Troy portion of the . In addition, an on-ramp from southbound Rochester Road to northbound I-75 would be an intended long-term project associated with the Troy CTP.

In regards to the projects and activities described in Phase I , the City of Troy was able to secure funding from other sources and did not use LDFA funds to complete the Big Beaver project. The entire McCulloch Drain project was not implemented due to cost constraints, although there were drainage improvements made to improve the Automation Alley site.

Regarding Phase II projects, the improvement to the street grid south and east of the Troy portion of the JLDFA will be carried forward as a project in the Amended, Restated and Extended Plan.

The improvements that are proposed to be completed in the Amended, Restated and Extended Plan include the following:

1. Repair/reconstruction of Bellingham Drive within the area that services the CTP
2. Improvement of pedestrian access to and within the CTP
3. Repair/reconstruction of Big Beaver in proximity to and serving the Troy portions of the CTP
4. Improvement of the street grid south of the Troy portion of the CTP to improve southerly access from John R
5. Improvement of the McCulloch Drain in proximity to the National Electrical Contractors Association offices located within the CTP
6. Improvements to the building, surface parking and associated site improvements for Automation Alley which will benefit expansion of the business incubator/accelerator.
7. The project also includes administrative costs related to the public facilities described above, including but not limited to architectural, engineering, legal and accounting fees and other related costs.

The anticipated construction schedule is included in Section (e) following.

(e) THE LOCATION, EXTENT, CHARACTER, AND ESTIMATED COST OF THE PUBLIC FACILITIES FOR THE PROPERTY TO WHICH THE PLAN APPLIES, AND THE ESTIMATE OF THE TIME REQUIRED FOR COMPLETION.

The Current Plan described the following projects and funding mechanism:

The Big Beaver, Rochester to Dequindre project consisted of the widening of the existing four (4) and five (5) lane concrete boulevard to provide for a six (6) lane concrete boulevard with median cross overs and right turn lanes at the intersections of Rochester, John R and Dequindre. Also included was ~~will be~~ the rehabilitation of areas of failed concrete pavement, drive approaches and curb and gutter.

The estimated construction cost ~~is~~ was \$2,803,000. The City's share of the construction phase ~~is~~ was \$603,000.

The project ~~is~~ was anticipated to begin in April 2005 with a projected completion date of November 2005. Final project clean up and restoration, as needed, would take place in the Spring of 2006.

In each calendar year, 60% of the revenue generated by the captured millage within the boundaries of the Certified Technology Park was allocated for support of the business accelerator/incubator program and 40% was allocated for public infrastructure, either in or associated with the Troy Certified Technology Park. However, in any calendar year the 40% allocated for infrastructure was not less than the revenue generated by the total City millage levied against the total captured taxable value in each calendar year. If this latter sum was greater than 40%, then the accelerator program would receive 60% of the tax increment revenue minus the sum necessary to provide a full allocation for infrastructure.

The City did not use TIF funds to complete the Big Beaver Project. The full McCulloch Drain project was not implemented due to cost, although a portion of the drain in proximity to Automation Alley was completed.

The Troy portion of the JLDFA has provided funding support of Automation Alley for the business accelerator/incubator program in accordance with the formula set forth in the Current Plan, despite the economic downturn and reduction in TIF revenues.

In the Amended, Restated and Extended Plan the funding formula will be modified to provide greater clarity. Annually, the tax increment revenues available to the Troy CTP shall be used in those amounts specified in the following:

- Sixty (60) percent shall be devoted to operation, furnishing and equipping the Automation Alley business incubator/accelerator.
- Forty (40) percent shall be devoted to the following:
 - Marketing expense of the Troy CTP including Foundation membership in Automation Alley
 - Public infrastructure improvements to streets, drains and pedestrian systems serving the Troy CTP
 - Building, parking and site improvements to Automation Alley
 - Costs incurred by the City of Troy to administer the Troy CTP

The Troy CTP anticipates that the following projects as described in Section 1(d) will be conducted in accordance within the following time frame, estimated time of completion, and estimated cost:

**Table 1
Proposed Projects
Troy CTP**

Projects	Cost (\$)	Estimated Time Frame/ Time of Completion
1. Repair/reconstruction of Bellingham Drive	100,000	FY 2023/24
2. Improvement of pedestrian access	200,000	FY 2016/17
3. Repair/reconstruction of Big Beaver Road	200,000	FY 2028/29
4. Repair/reconstruction Brinston, Alger, Larchwood, Austin, Woodslee, Birchwood, Chopin Streets	100,000	FY 2033/34
5. Repair/reconstruction of John R	100,000	FY 2033/34
6. Improvements to Automation Alley building, parking and associated site improvements	200,000	FY 2020/21

(f) A STATEMENT OF THE CONSTRUCTION OR STAGES OF CONSTRUCTION PLANNED, AND THE ESTIMATED TIME OF COMPLETION OF EACH STAGE.

The Current Plan described the construction, stages and estimated time of completion.

The Big Beaver, Rochester to Dequindre project was to be constructed while maintaining traffic.

It was anticipated that the construction would take up to six (6) months to complete and restoration and final clean up would take approximately one (1) month to complete. The final contract completion date was anticipated to be June of 2006.

The proposed McCulloch Drain improvements was to include the construction of a 2.5 MCF storage basin facility along Wattles Road (north and west of the CTP). In conjunction with the retention facility, a 6-foot to 6.5-foot diameter storm drain along Rochester Road was to be constructed to transport storm water to a 13-foot diameter storm drain beginning in the vicinity of Rochester Road and Big Beaver Road. The proposed 13-foot diameter sewer would then extend southeasterly, along with the southern boundary of the proposed SmartZone, to the confluence of the existing 14-foot diameter Douglas Drain located at the southeast corner of the CTP boundary. The estimated construction cost for this project was \$11,000,000 with 100% of the project cost being paid for by the City.

As indicated, the City did not use TIF funds to complete the Big Beaver project. The full McCulloch Drain project was not implemented due to cost, although a portion was improved in proximity to Automation Alley.

In the Amended, Restated and Extended Plan, the planned construction, construction stages and estimated time of completion are described in Table 1, in Section 1.(c).

(g) A DESCRIPTION OF ANY PORTIONS OF THE PROPERTY TO WHICH THE PLAN APPLIES, WHICH THE AUTHORITY DESIRES TO SELL, DONATE, EXCHANGE, OR LEASE TO OR FROM THE MUNICIPALITY AND THE PROPOSED TERMS.

In the Current Plan and in the Amended, Restated and Extended Plan, there will be no property which the Authority desires to sell, donate, exchange or lease to or from the City of Troy.

(h) A DESCRIPTION OF DESIRED ZONING CHANGES AND CHANGES IN STREETS, STREET LEVELS, INTERSECTIONS, AND UTILITIES.

The Current Plan described the following:

The former Preston Trucking site could seek a rezoning from M-1 (Light Industrial) to R-C (Research Center). For street changes see Section 1(d)(e)(f) for Big Beaver Road changes and for Phase II a complete renovation was planned for the street grid south and east of the Certified Technology Park. (Bellingham to John R)

The former Preston Trucking site was redeveloped as Old Dominion Trucking, thereby adding jobs and tax base to the Troy CTP.

In the Amended, Restated and Extended Plan, all street changes are identified in Section 1.(d)(e)(f). Zoning changes are identified in Section 1.(c).

(i) AN ESTIMATE OF THE COST OF THE PUBLIC FACILITY OR FACILITIES, A STATEMENT OF THE PROPOSED METHOD OF FINANCING THE PUBLIC FACILITY OR FACILITIES, AND THE ABILITY OF THE AUTHORITY TO ARRANGE THE FINANCING.

The Current Plan described the following:

The estimated cost of all public facilities in Phase I was \$18,003,000. The Michigan Department of Transportation agreed to pay \$5,560,000 of the cost and the LDFA would pay the balance of \$1,443,000 for the road project.

The proposed method of financing the public facilities may be summarized as follows:

The Troy LDFA would bond its share or the City of Troy would exercise its bonding authority on behalf of the LDFA.

The Troy LDFA did not provide funds for the projects identified in Section 1.(d)(e)(f), with the exception of the improvements to the McCulloch Drain in proximity to Automation Alley. There was no bonded indebtedness incurred.

In the Amended, Restated and Extended Plan, projects within the Troy CTP will be on a “pay as you go” basis. There will be no bonded indebtedness incurred.

(j) DESIGNATION OF THE PERSON OR PERSONS, NATURAL OR CORPORATE, TO WHOM ALL OR A PORTION OF THE PUBLIC FACILITY OR FACILITIES IS TO BE LEASED, SOLD, OR CONVEYED AND FOR WHOSE BENEFIT THE PROJECT IS BEING UNDERTAKEN, IF THAT INFORMATION IS AVAILABLE TO THE AUTHORITY.

The Current Plan described the following:

The City constructed the Big Beaver widening. The Big Beaver Road project, including all improvements, is owned by the Road Commission for Oakland County.

All other roads are City owned and will remain so.

All City roadway improvements are being made for the benefit of the public and will be dedicated for public use. The improvements of the McCulloch Drain will be contracted by the County Drain Commission and remain property of the Oakland County Drain Commission.

The City did not proceed with the full McCulloch Drain project, although a portion of the Drain was improved in proximity to Automation Alley.

In the Amended, Restated and Extended Plan, all projects identified in Section 1.(d)(e)(f) will be constructed by the City. Any improvements made to Big Beaver will be owned by the Road Commission for Oakland County. Any improvements made to storm drainage within the Troy CTP will be completed by either the City, or the Oakland County Water Resources Commissioner.

(k) THE PROCEDURES FOR BIDDING FOR THE LEASING, PURCHASING, OR CONVEYING OF ALL OR A PORTION OF THE PUBLIC FACILITY OR FACILITIES UPON ITS COMPLETION, IF THERE IS NO EXPRESS OR IMPLIED AGREEMENT BETWEEN THE AUTHORITY AND

PERSONS, NATURAL OR CORPORATE, THAT ALL OR A PORTION OF THE DEVELOPMENT WILL BE LEASED, SOLD, OR CONVEYED TO THOSE PERSONS.

The Current Plan described the following:

All improvements would be constructed on a competitively bid basis. The newly constructed roadway and drain will be dedicated to the appropriate public authority upon their completion.

In the Amended, Restated and Extended Plan, all improvements will be bid on a competitive basis. There will be no newly constructed roadways. All improvements will be to existing roadways which serve the Troy CTP.

(l) ESTIMATES OF THE NUMBER OF PERSONS RESIDING ON THE PROPERTY TO WHICH THE PLAN APPLIES AND THE NUMBER OF FAMILIES AND INDIVIDUALS TO BE DISPLACED. IF OCCUPIED RESIDENCES ARE DESIGNATED FOR ACQUISITION AND CLEARANCE BY THE AUTHORITY, A DEVELOPMENT PLAN SHALL INCLUDE A SURVEY OF THE FAMILIES AND INDIVIDUALS TO BE DISPLACED, INCLUDING THEIR INCOME AND RACIAL COMPOSITION, A STATISTICAL DESCRIPTION OF THE HOUSING SUPPLY IN THE COMMUNITY, INCLUDING THE NUMBER OF PRIVATE AND PUBLIC UNITS IN EXISTENCE, THE NUMBER OF OWNER-OCCUPIED AND RENTER-OCCUPIED UNITS, THE ANNUAL RATE OF TURNOVER OF THE VARIOUS TYPES OF HOUSING AND THE RANGE OF RENTS AND SALE PRICES, AN ESTIMATE OF THE TOTAL DEMAND FOR HOUSING IN THE COMMUNITY, AND THE ESTIMATED CAPACITY OF PRIVATE AND PUBLIC HOUSING AVAILABLE TO DISPLACED FAMILIES AND INDIVIDUALS.

The Current Plan described the following:

The Development Plan required public acquisition of between 13 to 15 residential properties and the relocation of these residents in order to accommodate the widening of Big Beaver. (See Section 1(d)). No privately owned commercial properties were acquired.

There is no public housing presently available in the City. On the whole, housing conditions in the City of Troy can be classified as standard and adequate opportunity exists for relocation within the City on an owner or rental basis.

While all of the above statements are accurate, the Troy LDFA did not provide funding for the Big Beaver project.

In the Amended, Restated and Extended Plan, there will be no public acquisition of occupied residences for any project set forth in Section 1.(d)(e)(f).

(m) A PLAN FOR ESTABLISHING PRIORITY FOR THE RELOCATION OF PERSONS DISPLACED BY THE DEVELOPMENT.

Current Plan

The Development Plan does not include the construction of new housing within the Development Area. Relocation of between 13 to 15 residential property owners was in full compliance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601 to 4655.

While all of the above statements are accurate, the Troy LDFA did not provide funding for the Big Beaver project.

In the Amended, Restated and Extended Plan, there will be no public acquisition of occupied residences for any project set forth in Section 1.(d)(e)(f).

(n) PROVISION FOR THE COSTS OF RELOCATING PERSONS DISPLACED BY THE DEVELOPMENT, AND FINANCIAL ASSISTANCE AND REIMBURSEMENT OF EXPENSES, INCLUDING LITIGATION EXPENSES AND EXPENSES INCIDENT TO THE TRANSFER OF TITLE, IN ACCORDANCE WITH THE STANDARDS AND PROVISIONS OF THE FEDERAL UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970, 42 U.S.C. 4601 TO 4655.

The Current Plan described the following:

Relocation benefits will be provided in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (Public Law 91-646).

While all of the above statements are accurate, the Troy LDFA did not provide funding for the Big Beaver project.

In the Amended, Restated and Extended Plan, there will be no public acquisition of occupied residences for any project set forth in Section 1.(d)(e)(f).

(o) A PLAN FOR COMPLIANCE WITH ACT NO. 227 OF THE PUBLIC ACTS OF 1972, BEING SECTIONS 213.321 TO 213.332 OF THE MICHIGAN COMPILED LAWS.

The Current Plan described the following:

Act 227 of P.A. 1972 is an act to provide financial assistance; advisory services and reimbursement of certain expenses to persons displaced from real property or deprived of certain rights in real property. Under this Act, a displaced person is defined as a “person who vacates real property or removes his personal property there from pursuant to a program undertaken by a state agency (political subdivision of the state) which results in the acquisition of the real property in whole or in part, or in order to vacate the real property”. This Act requires procedures and policies comparable to the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the benefits references in paragraph (n) satisfy the requirements of this paragraph.

While all of the above statements are accurate, the Troy LDFA did not provide funding for the Big Beaver project.

In the Amended, Restated and Extended Plan, there will be no public acquisition of occupied residences for any project set forth in Section 1.(d)(e)(f).

(p) OTHER MATERIAL, WHICH THE AUTHORITY OR GOVERNING BODY CONSIDERS PERTINENT.

In the Amended, Restated and Extended Plan, all partners in the Host Satellite relationship agree to participate in and support regional collaboration as a means to create technology based business and jobs. The City of Troy and the Troy LDFA have and will continue to support Automation Alley in the pursuit of technology-based businesses and jobs. This will include support of Automation Alley operational costs and support of costs of the business incubator/accelerator program, as provided in this Development Plan. In return, Automation Alley will be responsible for coordinating regional collaboration efforts between the Host-Satellite LDFAs.

CITY OF TROY
AMENDED, RESTATED AND EXTENDED
TAX INCREMENT FINANCING PLAN

Section 2: Amended, Restated and Extended Tax Increment Financing Plan

The activities of the Tax Increment Financing Plan adopted by the JLDFA in May 2003 (hereinafter referred to as Current Plan) and the proposed activities of the Amended, Restated and Extended Plan are described. Section 12(1) of the LDFA Act states that when a board decides to finance a project pursuant to the Act, it shall prepare a tax increment financing plan which shall include:

(a) A STATEMENT OF THE REASONS THAT THE PLAN WILL RESULT IN THE DEVELOPMENT OF CAPTURED ASSESSED VALUE THAT COULD NOT OTHERWISE BE EXPECTED. THE REASONS MAY INCLUDE, BUT ARE NOT LIMITED TO, ACTIVITIES OF THE MUNICIPALITY, AUTHORITY, OR OTHERS UNDERTAKEN BEFORE FORMULATION OR ADOPTION OF THE PLAN IN REASONABLE ANTICIPATION THAT THE OBJECTIVES OF THE PLAN WOULD BE ACHIEVED BY SOME MEANS.

The Current Plan described the following:

Approximately fifty-five acres of the Troy CTP is the former Big Beaver Airport, which was underutilized for a number of years and while Zoned M-1, was tax-exempt property. The former Preston Trucking Company has been vacant for approximately three years and little activity has occurred during that period of time. In addition, the generally highly competitive situation for technology companies and the high price of real estate in Troy has placed the future of this entire area in jeopardy.

The construction of the project will provide additional assessed valuation resulting in tax increment to finance the public facilities and redevelopment. Without the plan, public facilities to be acquired, constructed and financed pursuant to the project would not be feasible.

The construction of the project will provide additional assessed valuation resulting in tax increments to finance the public facilities and redevelopment. Without the planned public facilities to be acquired, constructed and financed pursuant hereto the project would not be feasible.

The above statements in the current Plan are accurate, although the Preston Trucking Company remained vacant until 2013. It is now occupied by Old Dominion Trucking, Inc.

The primary focus of the Amended, Restated and Extended Plan is to attract and retain technology based businesses and jobs within the Troy CTP, the City of Troy and the region by supporting the activities of Automation Alley. Without the JLDFA, the City of Troy would not have any funding source to attract and retain technology based businesses and jobs and to support Automation Alley to the extent that is set forth in this Plan.

The Plan will also result in the use of tax increment dollars to fund infrastructure to support the Automation Alley Smart Zone and enhance City of Troy infrastructure.

(b) AN ESTIMATE OF THE CAPTURED ASSESSED VALUE FOR EACH YEAR OF THE PLAN. THE PLAN MAY PROVIDE FOR THE USE OF PART OR ALL OF THE CAPTURED ASSESSED VALUE OR, SUBJECT TO THE SUB-SECTION (3), OF THE TAX INCREMENT REVENUES ATTRIBUTABLE TO THE LEVY OF ANY TAXING JURISDICTION, BUT THE PORTION INTENDED TO BE USED SHALL BE CLEARLY STATED IN THE PLAN. THE BOARD OR THE MUNICIPALITY CREATING THE AUTHORITY MAY EXCLUDE FROM CAPTURED ASSESSED VALUE A PERCENTAGE OF THE CAPTURED ASSESSED VALUE AS SPECIFIED IN THE PLAN OR GROWTH IN PROPERTY VALUE RESULTING SOLELY FROM INFLATION. IF EXCLUDED, THE PLAN SHALL SET FORTH THE METHOD FOR EXCLUDING GROWTH IN PROPERTY VALUE RESULTING SOLELY FROM INFLATION.

The Current Plan described the following:

Exhibit C provides an estimate of the captured assessed value for each year of the plan. No exclusion for inflation is planned.

Referring to the estimates found in Exhibit C, the actual performance of the tax increment financing plan is illustrated in Table 2 as follows:

Table 2

Estimated and Actual Captured Taxes Troy LDFA 2003-2018		
Fiscal Year	Estimated Captured Taxes	Actual Captured Taxes
2002/2003	0	0
2003/2004	188,650.64	138,879
2004/2005	537,569.09	138,881
2005/2006	824,502.03	212,602
2006/2007	831,598.76	248,244
2007/2008	839,138.53	296,552
2008/2009	847,117.90	295,134
2009/2010	855,533.66	292,368
2010/2011	864,382.85	196,186
2011/2012	873,662.77	123,990
2012/2013	883,370.93	86,234
2013/2014	893,505.08	184,443
2014/2015	904,063.21	125,448
2015/2016	915,043.51	130,443*
2016/2017	926,444.40	130,084*
2017/2018	938,264.52	135,896*
Total	12,122,847.86	2,735,381

*Estimated

For the Amended, Restated and Extended Plan, please refer to Exhibit D for an estimate of the capture of the assessed value for each year. No exclusion for inflation is planned.

(c) THE ESTIMATED TAX INCREMENT REVENUES FOR EACH YEAR OF THE PLAN.

The estimates of tax increment revenues for the Current Plan are provided in Exhibit C.

The estimates of tax increment revenues for the Amended, Restated and Extended Plan are provided in Exhibit D.

(d) A DETAILED EXPLANATION OF THE TAX INCREMENT PROCEDURE.

The Current Plan described the tax increment procedures as follows:

Tax increment financing for a Certified Technology Park permits the JLDFA to capture certain tax revenues attributable to increases in the Taxable Value of all real and personal property that is located in the CTP and included in the Tax Increment Financing Plan.

Property value increases, in the case of the proposed Automation Alley SmartZone and Preston Trucking (now Old Dominion Trucking), will be attributable to the project.

At the time the tax increment financing plan is approved by the City Council the Taxable Value of the real and personal property located in the CTP (the “Initial Assessed Value”) is established. The Initial Assessed Value is the Taxable Value of all of the real and personal property within the property within the CTP for the base year. Property exempt from taxation at the time of the determination of the Initial Assessed Value will be given an Initial Assessed Value of zero. In each subsequent year for the duration of the tax increment financing plan the “Current Assessed Value” of the real and personal property will be determined. The Current Assessed Value for each year is the Taxable Value of all of the property located in the CTP for that year.

The amount by which the Current Assessed Value exceeds the Initial Assessed Value in any one year is the “Captured Assessed Value”. For the duration of the tax increment financing plan, the local taxing jurisdictions will continue to receive tax revenues based upon the Initial Assessed Value established in the base year. The LDFA, however, receives that portion of the tax levy of all taxing jurisdictions paid each year on the Captured Assessed Value of the property included in the tax increment financing plan. It should be noted that the LDFA does not receive any part of millage specifically levied for the payment of principal and interest on obligations approved by the electors or obligations pledging the unlimited taxing power of the local governmental unit. Tax increment revenues from the Troy LDFA may be used for public facilities for any eligible property located in the Troy CTP or for the repayment of advances made for such purposes as provided in and in accordance with Act 281, subject to the approval of the MEDC if such approval is required by Act 281.

Table 3 shows the current millages and the portions of each jurisdiction’s millage captured under the Current Plan.

**Table 3
Captured Millages
Current Plan**

Taxing Authority	Total Mills	Non-Captured or Debt Mills	Captured Mills	City Only
City of Troy*	9.4500	0.7500	8.7000	9.4500
Oakland County	4.6523	0	4.6523	0
Transportation	0.6000	0	0.6000	0
Oakland Interm SD**	3.4224	0	1.7112	0
Community College	1.6090	0	1.6090	0
State Education**	6.0000	3.0000	3.0000	0
School Operating**	18.0000	9.0000	9.0000	0
School Debt	3.1400	3.1400	0	0
Administration	0.3742	0.3742	0	0
Total Mills	47.2479	16.2642	29.2725	9.4500

* = millage levy minus debt

**= ½ millage levy

For the Amended, Restated and Extended Plan, the explanation of tax increment financing is unchanged. Table 4 shows the current millages and the portions of each jurisdiction’s millage that captured under the Amended, Restated, and Extended Plan. Please note that the format of Table 4 has been changed from the Current Plan to more accurately reflect captured millages. The LDFA will capture ½ of the “Educational mills” which includes the local school district, the intermediate school district, and the state education tax mills. The capture of the local school district, intermediate school district and state education tax mills will be subject to adjustment by the JLDFFA if and to the extent required by Section 12(3) of the LDFA Act. The millage rate used are for the purpose of estimating tax revenue but are not intended to be a cap on the total mills that can be captured in the future.

Table 4
Captured Millages
Amended, Restated and Extended Plan

Taxing Authority	Total Mills	Non-Capt or Debt Mills	Captured Mills	City Only
City of Troy*	10.5 / 9.8	0.706	9.7940 / 9.094	10.5 / 9.8
Oakland County	4.6461	0	4.6461	0
Transportation	1.0	0	1.0	0
Oakland Interm SD	3.369	1.684	1.684	0
Community College**	1.5844	0	1.5844	0
State Education**	6.0000	3.0000	3.0000	0
School Operating**	RP 18.0 / PP 6.0	RP 9.0 / PP 3.0	RP 9.0 / PP 3.0	0
School Hold Harmless	5.3741	2.68705	0	0
Total Mills	32.1036 / 31.4036	14.07755 / 11.07755	27.709 / 24.709	10.5 / 9.8

* = millage levy minus debt

** = 1/2 millage levy minus debt

(e) THE MAXIMUM AMOUNT OF NOTE OR BONDED INDEBTEDNESS TO BE INCURRED, IF ANY.

The Current Plan described the following:

The maximum amount of indebtedness for Phase 1 to the Troy CTP was estimated to be \$12,443,000, although there was no indebtedness incurred.

In the Amended, Restated and Extended Plan, the Troy CTP will not incur any bonded indebtedness.

(f) THE AMOUNT OF OPERATING AND PLANNING EXPENDITURES OF THE AUTHORITY AND MUNICIPALITY, THE AMOUNT OF ADVANCES EXTENDED BY OR INDEBTEDNESS INCURRED BY THE MUNICIPALITY, AND THE AMOUNT OF ADVANCES BY OTHERS TO BE REPAID FROM TAX INCREMENT REVENUES.

The Current Plan described the following:

The amount of operating and planning expenditures of the Authority and the City in connection with the activities of the Authority was estimated to be \$100,000 per year. It was not anticipated that there would be any indebtedness incurred by the City.

The actual costs of operating and planning expenditures were considerably less.

In the Amended, Restated and Extended Plan, the amount of operating and planning expenditures of the Troy LDFA and the City in connection with the activities of the CTP are not expected to exceed \$25,000 per year.

(g) THE COSTS OF THE PLAN ANTICIPATED TO BE PAID FROM TAX INCREMENT REVENUES AS RECEIVED.

The Current Plan described the following:

It is anticipated that the costs of the implementation of the Development Plan will be paid entirely from tax increment revenues as received.

While it is anticipated that the costs of the implementation of the Amended, Restated and Extended Development Plan will come largely from tax increment revenues, the City and the Troy LDFA intend to pursue other sources of public and private funding to achieve the objectives of this Plan.

(h) THE DURATION OF THE DEVELOPMENT PLAN AND THE TAX INCREMENT PLAN.

The Current Plan described the following:

The Development Plan and the Tax Increment Financing Plan were to continue for the period of time needed to collect and disburse tax increments resulting from taxes levied after December 31, 2003. The Development Plan and Tax Increment Plan was expected to last for 15 years.

The Amended, Restated and Extended Development Plan and Tax Increment Financing Plan becomes effective when approved will last for an additional period of 15 years, continuing for the period of time needed to collect and disburse tax increments resulting from taxes levied before December 31, 2033.

(i) AN ESTIMATE OF THE IMPACT OF TAX INCREMENT FINANCING ON THE REVENUES OF ALL TAXING JURISDICTIONS IN WHICH THE ELIGIBLE PROPERTY IS OR IS ANTICIPATED TO BE LOCATED.

The Current Plan described the following:

Except for those portions of millage specifically levied for the payment of principal and interest of obligations approved by electors or obligations pledging the unlimited taxing power of the local governmental units (the 'debt' portion of their millage), and ½ of all school captures for the duration of the extended plan, the tax revenues of the taxing jurisdictions for property within the CTP will not increase as a result of increases in the Taxable Value of property within the CTP until the termination of the Amended and Restated and Extended Tax Increment Financing Plan. However, the taxing jurisdictions have and are expected to continue to benefit from increased property values and accompanying tax increases for ineligible property within the CTP and from other nearby property outside the CTP.

No change will occur with the Amended, Restated and Extended Plan.

(j) A LEGAL DESCRIPTION OF THE ELIGIBLE PROPERTY TO WHICH THE TAX INCREMENT FINANCING PLAN APPLIES OR SHALL APPLY UPON QUALIFICATION AS ELIGIBLE PROPERTY.

The Current Plan described the following:

The property to which the Current Plan applies consists of all real and personal property in the City of Troy, County of Oakland, State of Michigan located within the boundaries of the CTP described on Exhibit A attached.

No change will occur with the Amended, Restated and Extended Plan.

(k) AN ESTIMATE OF THE NUMBER OF JOBS TO BE CREATED AS A RESULT OF IMPLEMENTATION OF THE TAX INCREMENT FINANCING PLAN.

The Current Plan described the following:

It is estimated that the construction of the projects will result in the creation of 700 jobs in the City. It is expected that the existence of this project will result in additional indirect jobs. In addition, one hundred (100) jobs are anticipated from construction activity.

With the Amended, Restated and Extended Plan, it is estimated that the construction of the projects described in Section 1 (d)(e)(f) and support of the activities of Automation Alley will result in the creation of over 360 jobs within the CTP. This job growth will likely come from existing companies such as Seco Tools, Precision Global Systems, Altair, Plastic Omnium, NBS Commercial Interiors and Old Dominion Trucking.

(l) THE PROPOSED BOUNDARIES OF A CERTIFIED TECHNOLOGY PARK TO BE CREATED UNDER AN AGREEMENT PROPOSED TO BE ENTERED INTO PURSUANT TO SECTION 12a, AN IDENTIFICATION OF THE REAL PROPERTY WITHIN THE CERTIFIED TECHNOLOGY PARK TO BE INCLUDED IN THE TAX INCREMENT FINANCING PLAN FOR PURPOSES OF DETERMINING TAX INCREMENT REVENUES, AND WHETHER PERSONAL PROPERTY LOCATED IN THE CERTIFIED TECHNOLOGY PARK IS EXEMPT FROM DETERMINING TAX INCREMENT REVENUES.

The entirety of the current district boundaries of the Troy portion have been designated as a Certified Technology Park pursuant to agreements entered into with the MEDC. Under both the Current Plan and the Amended, Restated and Extended Plan, personal property is not exempt in this Certified Technology Park.

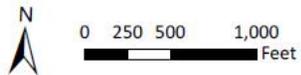
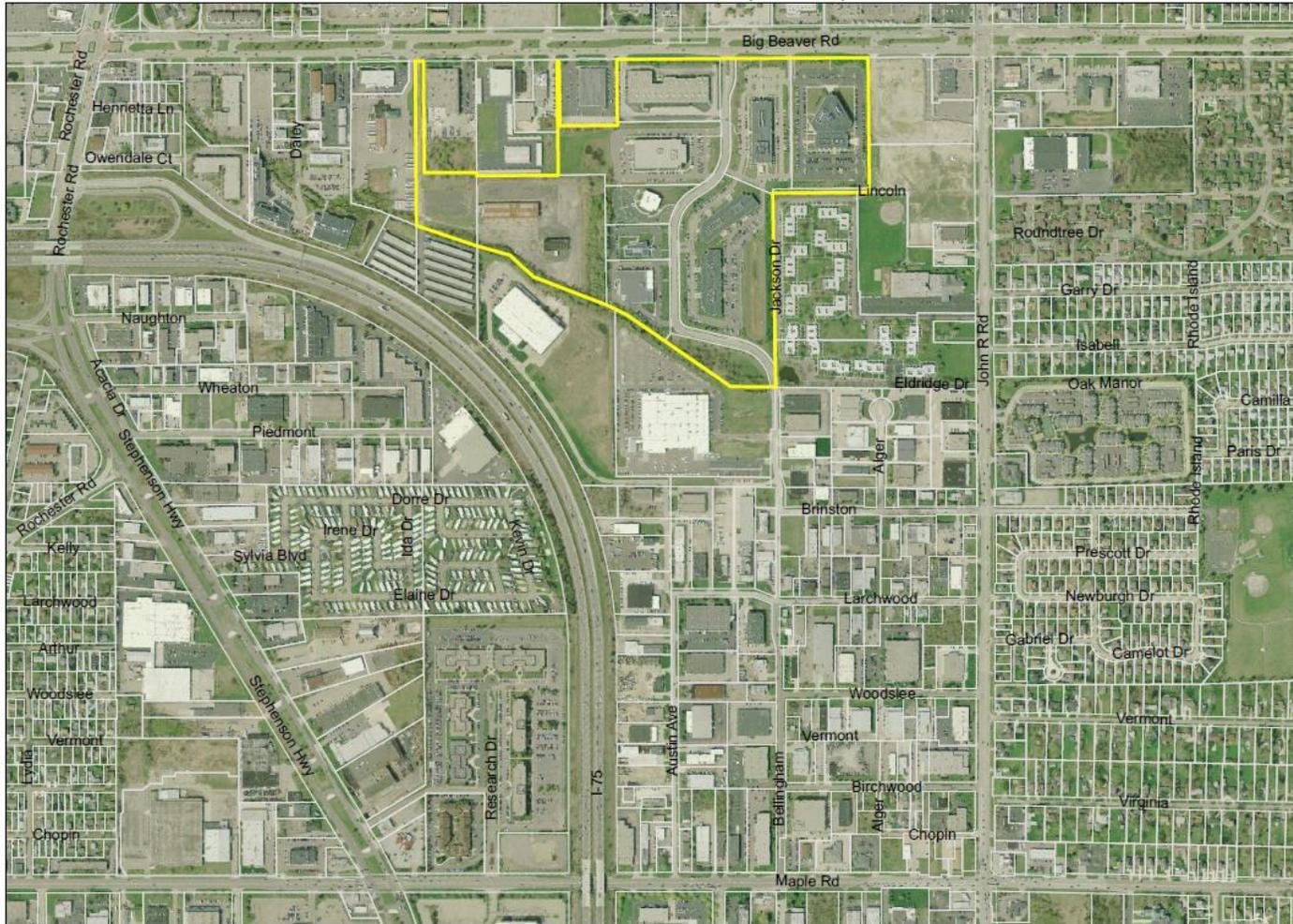
TROY EXHIBITS

<u>Exhibit</u>	<u>Description</u>
A	Legal Description – Troy CTP
B	Map -Troy CTP
C	Captured Assessed Value of Current Plan
D	Captured Assessed Value of Amended, Restated and Extended Plan

EXHIBIT A – LEGAL DESCRIPTION – TROY CTP

PART OF THE NORTH ½ SECTION 26, T. 2N., R. 11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS: COMMENCING AT THE NORTHEAST CORNER OF SECTION 26, THENCE S 89° 42' 00" W. 720.60 FEET ALONG THE NORTH LINE OF SECTION 26; THENCE S. 00° 29' 22" E. 102.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH LINE OF BIG BEAVER ROAD (204.00 FEET WIDE); THENCE CONTINUING S. 00° 29' 22" E. 837.99 FEET (RECORDED AS S. 00° 11' 31" W.); THENCE S. 89° 42' 00" W. 600.00 FEET; THENCE S. 00° 29' 22" E. 1,231.93 FEET (RECORDED AS S. 00° 11' 31" W.); THENCE N. 89° 21' 30" W. 275.00 FEET (RECORDED AS DUE WEST) TO THE CENTERLINE OF THE STURGIS DRAIN EASEMENT; THENCE N. 55° 11' 44" W. 785.73 FEET (RECORDED AS N. 53° 50' 14" W.) ALONG THE CENTERLINE OF STURGIS DRAIN EASEMENT; THENCE N. 64° 27' 00" W. 141.02 FEET (RECORDED AS N. 65° 05' 30" W.) ALONG THE CENTERLINE OF THE STURGIS DRAIN EASEMENT; THENCE N. 66° 04' 33" W. 497.19 FEET; THENCE N. 47° 34' 57" W. 200.22 FEET; THENCE N. 74° 32' 17" W. 210.77 FEET; THENCE N. 71° 34' 14" W. 397.45 FEET; THENCE N. 00° 35' 17" W. 1025.71 FEET; THENCE N. 89° 34' 43" E. 50.76 FEET; THENCE S. 00° 35' 17" E. 698 FEET; THENCE N. 89° 34' 43" E. 325 FEET; THENCE S. 01° 06' 40" E. 18.72 FEET; THENCE N 89° 31' 16" E. 510.00 FEET; THENCE N. 00° 36' 00" W. 716.12 (RECORDED AS N. 00° 56' 45" E.) TO THE SOUTH LINE OF BIG BEAVER ROAD; THENCE N. 89° 35' 11" E. 14.37 FEET (RECORDED AS S. 88° 53' 15" E.) ALONG THE SOUTH LINE OF BIG BEAVER ROAD TO THE NORTH AND SOUTH ¼ LINE OF SECTION 26; THENCE S. 00° 36' 00' E. 410 FEET (RECORDED AS S. 00° 04' 55" E.) ALONG THE NORTH AND SOUTH ¼ LINE OF SECTION 26; THENCE N. 89° 42' 00" E. 358.00 FEET; THENCE N. 00° 36' 00" W. 410.00 FEET (RECORDED AS N. 00° 04' 55" W.) TO THE SOUTH LINE OF BIG BEAVER ROAD; THENCE N. 89° 42' 00" E. 1564.00 FEET ALONG THE SOUTHERLY LINE OF BIG BEAVER ROAD (204 FEET WIDE) TO THE POINT OF BEGINNING. CONTAINING 73.61 ACRES MORE OR LESS.

Exhibit B Troy CTP



Carlisle/Wortman Associates, Inc.
Source: City of Troy, Oakland County GIS
7/10/2015



EXHIBIT C

City of Troy CTP
 Estimated TIF Captured from Current Plan
 2003-2018

Schedule of Estimated Projected (*Taxable) Values & Captured Taxes				
Year	Base *Assessed Value	Total Real & Personal	Captured Value	Captured Taxes (29.2725) (Mills)
2003	13,548,470	13,548,470	0	0.00
2004	13,548,470	19,993,107	6,444,637	188,650.64
2005	13,548,470	31,912,774	18,364,304	537,569.09
2006	13,548,470	41,714,907	28,166,437	824,502.03
2007	13,548,470	41,957,344	28,408,874	831,598.76
2008	13,548,470	42,214,916	28,666,446	839,138.53
2009	13,548,470	42,487,505	28,939,035	847,117.90
2010	13,548,470	42,775,002	29,226,532	855,533.66
2011	13,548,470	43,077,306	29,528,836	864,382.85
2012	13,548,470	43,394,324	29,845,854	873,662.77
2013	13,548,470	43,725,972	30,177,502	883,370.93
2014	13,548,470	44,072,172	30,523,702	893,505.08
2015	13,548,470	44,432,857	30,884,387	904,063.21
2016	13,548,470	44,807,963	31,259,493	915,043.51
2017	13,548,470	45,197,437	31,648,967	926,444.40
2018	13,548,470	45,601,233	32,052,763	938,264.52
Total 15 year Captured Taxes				12,122,847.86

EXHIBIT D

City of Troy CTP
 Captured Assessed Value of Amended and Extended Plan
 2015/16 – 2018/19 and 2019/20 – 2034/35

Year	Base Taxable Value	Taxable Value Projected	Total Increment per Year	Capture of City taxes, or 9.7940 mils, after 2015/16 no library, or 9.0974 mils	Capture of County Operating Taxes, or 4.6461 mils	Capture of OCPTA taxes, or 1.0 mils	50 % Capture of ISD, or 1.68450 mils	Capture of OCC taxes, or 1.5844 mils	50% Capture of School Operating Taxes, or RP 9.0 mils and commercial PP taxes, or 3.0 mils	50% Capture of school hold harmless commercial & industrial PP taxes, or 2.68705 mils	50% State Education tax RP & commercial PP taxes, or 3.0 mils	Total Annual Capture
2015/16	14,447,380	22,850,510	8,403,130	82,329	39,042	8,403	14,155	13,314	5,136	21,921	0	184,299
2016/17	14,447,380	21,614,437	7,203,056	65,529	33,466	7,203	12,134	11,413	7,118	18,126	0	154,988
2017/18	14,447,380	21,315,797	6,868,417	62,485	31,911	6,868	11,570	10,882	9,131	16,647	0	149,495
2018/19	14,447,380	21,322,698	6,875,318	62,548	31,943	6,875	11,581	10,893	11,176	6,566	0	151,094
2019/20	14,447,380	20,824,268	6,376,888	58,013	29,628	6,377	10,742	10,104	13,253	14,140	6,566	148,821
2020/21	14,447,380	20,656,578	6,209,198	56,488	28,849	6,209	10,459	9,838	15,363	13,082	7,318	147,607
2021/22	14,447,380	20,534,640	6,087,260	53,378	28,282	6,087	10,254	9,645	17,506	12,137	8,084	147,374
2022/23	14,447,380	20,454,326	6,006,946	54,648	27,909	6,007	10,119	9,517	19,683	11,294	8,861	148,038
2023/24	14,447,380	20,411,926	5,964,546	54,263	27,712	5,965	10,047	9,450	21,895	10,543	9,650	149,525
2024/25	14,447,380	20,404,112	5,956,732	54,191	27,676	5,957	10,034	9,438	24,141	9,875	10,451	151,762
2025/26	14,447,380	20,427,893	5,980,513	54,407	27,786	5,981	10,074	9,476	26,423	9,281	11,264	154,692
2026/27	14,447,380	20,480,585	6,033,205	54,886	28,031	6,033	10,163	9,559	28,741	8,754	12,090	158,258
2027/28	14,447,380	20,659,944	6,212,564	56,518	28,864	6,213	10,465	9,843	31,096	8,557	12,929	164,484
2028/29	14,447,380	20,848,623	6,401,243	58,235	29,741	6,401	10,783	10,142	33,488	8,371	13,780	170,944
2029/30	14,447,380	21,046,438	6,599,058	60,034	30,660	6,599	11,116	10,456	35,917	8,205	14,645	177,631
2030/31	14,447,380	21,253,220	6,805,840	61,915	31,621	6,806	11,464	10,783	38,385	8,049	15,523	184,545
2031/32	14,447,380	21,468,812	7,021,432	63,877	32,622	7,021	11,828	11,125	40,892	7,905	16,320	191,778
2032/33	14,447,380	21,693,071	7,245,691	65,917	33,664	7,246	12,205	11,480	43,438	7,772	17,239	199,123
2033/34	14,447,380	21,925,864	7,478,484	68,035	34,746	7,478	12,598	11,849	46,025	7,651	18,239	206,620
Total				1,149,695	584,153	125,730	211,791	199,206	468,807	218,392	183,131	3,140,905

Chair Edmunds called the Regular meeting of the Troy City Planning Commission to order at 7:00 p.m. on June 23, 2015 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

- Ollie Apahidean
- Karen Crusse
- Donald Edmunds
- Michael W. Hutson
- Tom Krent
- Padma Kuppa
- Philip Sanzica
- Thomas Strat
- John J. Tagle

Also Present:

- R. Brent Savidant, Planning Director
- Ben Carlisle, Carlisle/Wortman Associates, Inc.
- Allan Motzny, Assistant City Attorney
- David Roberts, Assistant Fire Chief/Fire Prevention
- Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2015-06-037

Moved by: Krent
 Seconded by: Tagle

RESOLVED, To approve the Agenda as prepared.

Yes: All present (9)

MOTION CARRIED

3. APPROVAL OF MINUTES

Resolution # PC-2015-06-038

Moved by: Strat
 Seconded by: Apahidean

RESOLVED, To approve the minutes of the June 9, 2015 Regular meeting as submitted.

Yes: Apahidean, Crusse, Edmunds, Hutson, Krent, Kuppa, Sanzica, Strat
 Abstain: Tagle

MOTION CARRIED

4. PUBLIC COMMENT – Items not on the Agenda

There was no one present who wished to speak.

5. ZONING BOARD OF APPEALS (ZBA) REPORT

Mr. Sanzica reported there was no Zoning Board of Appeals meeting in June.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Savidant reported there was no Downtown Development Authority meeting in June.

7. PLANNING AND ZONING REPORT

Mr. Savidant informed the Planning Commission of recently submitted applications.

PRELIMINARY SITE PLAN REVIEW

8. PRELIMINARY SITE PLAN REVIEW (File Number SP 998) – Proposed Murray Plaza, West side of Rochester between Vanderpool and Trombley (3385 Rochester), Section 22, Currently Zoned GB (General Business) District

Mr. Carlisle reported the revised Site Plan Application addresses all the items identified in his report dated June 3, 2015 and recommended approval of the application. Mr. Carlisle noted the revised plans reflect a dense evergreen buffer along the rear property line which more than satisfies the landscape requirements.

Mr. Savidant reminded the Board that the applicant circulated building material samples at the June 9, 2015 meeting.

The applicant was not present.

Resolution # PC-2015-06-039

Moved by: Sanzica

Seconded by: Krent

RESOLVED, That Preliminary Site Plan Approval, pursuant to Article 8 of the Zoning Ordinance, as requested for the proposed Murray Plaza, located west side of Rochester between Vanderpool and Trombley (3385 Rochester), Section 22, within the GB (General Business) District, be granted.

Yes: All present (9)

MOTION CARRIED

The applicant arrived and was advised the Board granted Preliminary Site Plan approval.

ZONING ORDINANCE TEXT AMENDMENT

9. PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 247) – Oil and Gas Extraction

Mr. Savidant gave a PowerPoint presentation. He addressed the proposed regulations as relates to:

- Zoning District
- Special Use permit
- Minimum lot size and setbacks
- Screening and lighting
- Potential oil and gas sites (map)
- Nuisance performance standards
- Submittal requirements
- Comparison with Rochester Hills regulations

Mr. Motzny addressed the proposed regulations with respect to the constitutionality and non-exclusionary aspects of the law.

PUBLIC HEARING OPENED

Jennifer Halucha of 3219 Abington would like the City to strengthen its proposed regulations. She addressed regulations imposed by other communities.

Lois Pylat of 2378 Topaz encouraged members of government to contact Lansing in an effort to stop fracking. She addressed the potential for health consequences.

Cynthia Khan of 6902 Aurora addressed the dependency on other countries for energy and encouraged the use of our country's resources.

Toni Kovach of 2370 Topaz would like the City to strengthen the proposed regulations and provide protection of those who are in ill health.

Michael Ross of 152 Randall addressed the viable direction in which our country needs to go to stabilize its borders and international economy.

John Griffin of American Petroleum Institute, 124 W Allegan, Lansing, encouraged interested parties to learn more about the extraction of oil and fracking before speaking negatively on the matter. He addressed permitting in Troy, geological findings in Oakland County, protection of property rights and State regulations.

PUBLIC HEARING CLOSED

Chair Edmunds encouraged residents to contact their State legislators.

Mr. Savidant advised the audience the Planning Commission is the recommending body for a proposed text amendment and a Public Hearing will be scheduled at a future City Council meeting for consideration.

Resolution # PC-2015-06-040

Moved by: Hutson
 Seconded by: Kuppa

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles 2, 4, and 6 of Chapter 39 of the Code of the City of Troy, which includes miscellaneous provisions related to oil and gas extraction, be amended as printed on the proposed Zoning Ordinance Text Amendment.

Yes: All present (9)

MOTION CARRIED

REZONING REQUEST

- 10. **PUBLIC HEARING – REZONING APPLICATION (File Number Z 746)** – Proposed Troy Fire Station No. 4, North side of Maple, East of John R (2103 and 2121 E Maple), Section 25, From R-1E (One Family Residential) District to NN ‘C’ (Neighborhood Node ‘C’)

Mr. Carlisle addressed the proposed rezoning as relates to the Master Plan, compatibility with the surrounding areas and the rezoning standards of the Zoning Ordinance. Mr. Carlisle stated that if the proposed rezoning is approved, the existing fire station would remain in service during the construction of the new fire station. He recommended approval of the proposed rezoning.

Assistant Fire Chief David Roberts was present.

Mr. Savidant addressed a conceptual drawing of the building layout.

PUBLIC HEARING OPENED

The following residents were present to express opposition to the proposed rezoning because of the close proximity of the new fire station to their homes.

- Natasha Duda, 2167 E Maple
- Lena Tereziu, 2155 E Maple
- Theodhor Duda, 2167 E Maple

PUBLIC HEARING CLOSED

Resolution # PC-2015-06-041

Moved by: Sanzica
 Seconded by: Strat

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1E to NN 'C' rezoning request, located on the north side of Maple Road, east of John R (2103 and 2121 E. Maple Road), in Section 25, being approximately 0.885 acres in size, be approved.

Yes: All present (9)

MOTION CARRIED

OTHER BUSINESS

11. CONDITIONAL REZONING APPLICATION (File Number CR 013) – Proposed Amber Studios and Lofts, East side of Livernois between Vermont and Birchwood, Section 21, From O (Office) District to MR (Maple Road) District

Mr. Carlisle introduced the proposed Conditional Rezoning application. He addressed the application with respect to the Master Plan and site plan issues relating to height, density and parking.

Present were Dennis Cowan of Plunkett Cooney, Jerome Amber of Amber Properties Company and Justin Wieber of Stantec.

There was discussion on:

- Master Plan consistency
- Market demand for studio living
- Building architecture, height, mezzanine, balcony screening.
- Good location, positive reuse of vacant property
- Vacation of alley
- Parking
- Snow removal
- Stormwater management.
- Surrounding vitality, magnets (MJR Theatre)
- Single person tenancy
- Pet policy

12. PUBLIC COMMENT – Items on Current Agenda

There was no one present who wished to speak.

13. PLANNING COMMISSION COMMENT

There were general Planning Commission comments.

Mr. Strat shared with the Board that he is moving from the City of Troy and his last Planning Commission meeting would be July 14.

The Regular meeting of the Planning Commission adjourned at 9:15 p.m.

Respectfully submitted,

Donald Edmunds, Chair

Kathy L. Czarnecki, Recording Secretary

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Chair Edmunds called the Regular meeting of the Troy City Planning Commission to order at 7:00 p.m. on June 23, 2015 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

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Karen Crusse
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John J. Tagle

Also Present:

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Resolution # PC-2015-06-037

Moved by: Krent
Seconded by: Tagle

RESOLVED, To approve the Agenda as prepared.

Yes: All present (9)

MOTION CARRIED

3. APPROVAL OF MINUTES

Resolution # PC-2015-06-038

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Seconded by: Apahidean

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Abstain: Tagle

MOTION CARRIED

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The applicant was not present.

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Seconded by: Krent

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PUBLIC HEARING CLOSED

Resolution # PC-2015-06-041

Moved by: Sanzica

Seconded by: Strat

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MOTION CARRIED**OTHER BUSINESS**

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Kathy L. Czarnecki, Recording Secretary

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CITY COUNCIL AGENDA ITEM

Date: July 9, 2015

To: Brian Kischnick, City Manager

From: Maggie Hughes, Management Analyst

Subject: Update on the Request from Resident Martha Wells for SMART Bus Shelters in Troy

History

At the June 22, 2015 City Council meeting resident Martha Wells raised concerns regarding the lack of bus shelters or benches at SMART stops in the City of Troy. She cited the brutal and unpredictable nature of Michigan's weather as the main reason for her comments. Since this time, the City Manager's Office has been exploring opportunities to address the problem.

Action

Staff began by speaking with SMART Ombudsman Madonna Van Fossen who requested that the city create a "wish list" of stops that we would like to see upgraded. She added that, in regards to shelter installations:

"Depending upon the number of stops you would like upgraded SMART will decide how many they will cover financially. Since we service three counties (Wayne, Oakland, and Macomb), there has to be a balanced amount of funds spent for installations and upgrades between them. Therefore, once you request in passed along [sic], many variables are researched and a final determination made."

Below is the list of stops that will be submitted for consideration. This list includes input from Ms. Wells as well as staff recommendations.

1. North west quadrant of Maple and Coolidge intersection (Servicing routes 460, 465, 780)
2. Oakland Mall (Specific stop to be determined based on ridership numbers from SMART)
3. South west quadrant, across from Kona Grill, of Livernois and Big Beaver intersection (Servicing route 430)
4. South east quadrant, near MJR, of Maple and Livernois intersection
5. Golfview at Dorchester, near Somerset Collection and Somerset Apartments (Servicing routes 430, 460, 780)

Next Steps

This list will be submitted to SMART on Tuesday, July 21. It will take two to three weeks to collect ridership numbers that will be used to value and determine which stops will be considered for an upgrade. The City of Troy will continue to work with SMART and Ms. Wells throughout the project.



* North west quadrant of Maple and Coolidge intersection

June 24, 2015

To: Mayor Slater and City Council

From: Martha Wells, Troy resident

Subject: Enclosed Bus Shelters

I appreciate having had the opportunity to voice my concerns for the provision of sheltered bus stops along Troy bus routes, at the June 22 council meeting.

Waiting for a bus in a thunderstorm or in blustery cold weather can be a challenge even for the best of us. For some, it may mean arriving to work late, or missing work altogether because of the inability to wait in the rain or to trudge through the snow. What can be done?

The availability of enclosed shelter at the bus stops coincides with Troy's vision statement which includes making Troy "an attractive place to live, work, and grow a business." There are a number of fronts on which to argue that as businesses grow, so will the magnitude of people traveling to those new jobs. While it is not the City's responsibility to see that bus shelters exist, a city is certainly exemplary when it shows concern for all of its workforce, those that live in the city and those that don't.

Additionally, as the City continues to grow, the potential benefits of providing enclosed shelters for bus riders may include: enhanced bus service in the Troy area, increase ridership leading to a minimization of vehicle emissions, and perhaps will encourage older citizens to remain active. All of which helps Troy to remain the "City of the Future."

I look forward to this new phase of investing in the workforce.

Respectfully,

Martha C. Wells

From: Martha Wells [mailto:yourgracemercy@yahoo.com]

Sent: Wednesday, June 24, 2015 11:39 AM

To: Maggie Hughes

Subject: Re: Bus Shelters

Good morning, Maggie. I am elated to say the least, to see that "something" is being done already concerning providing shelter at the bus stops. I am willing to work with you on this endeavor in any way that I can. My initial thought to your request is that the covered shelters should be placed at the "major" stops (i.e. connecting bus stop, most riders board here etc) however, I will try to get my hands on a Troy bus schedule and will get back to you asap. Also, please see attached letter to the City Council.

Note: The quickest way to reach me would be to text me (at least for now).

Thanks

Martha Wells

Count your blessings.

On Wednesday, June 24, 2015 11:06 AM, Maggie Hughes <Maggie.Hughes@troymi.gov> wrote:

Good morning Ms. Wells,

This is Maggie Hughes from the City Manager's Office following-up on your request for bus shelters/benches in the City of Troy. I spoke today with Madonna Van Foosen from SMART, the operators of our bus service, and was asked to create a "wish list" of bus stops that we would like to receive shelters. Because you brought this issue to City Council's attention I would be remiss to not include you in the process! If you would like to submit to me a list of stop location that you believe are most in need of shelters/benches please either respond to this email, call me at 248-524-3327, or come visit me in the City Manager's Office.

Thank you again for sharing your concerns. I believe together we can have a huge impact on our community!

Maggie Hughes | Management Analyst

[City of Troy](#) | [500 W. Big Beaver, Troy, MI 48084](#) | [Office: 248.524.3327](#) | [Cell: 248.410.7241](#) | [troymi.gov](#)

"We believe a strong community embraces diversity, promotes innovation, and encourages collaboration. We strive to lead by example within the region. We do this because we want everyone to choose Troy as their community for life. We believe in doing government the best."



CITY COUNCIL AGENDA ITEM

Date: July 17, 2015

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development
Steven J. Vandette, City Engineer
Larysa Figol, Sr. Right-of-Way Representative

Subject: UPDATE: Sale of Surplus City Parcels

City Council approved the sale of eleven (11) City owned remnant parcels on April 7, 2014. The development potential of the parcels fell into 2 categories, buildable and those whose development potential would best be realized if combined with an adjacent property.

5 BUILDABLE PARCELS

Of the 11 parcels, 5 were deemed buildable parcels and offered for sale to the public. Bid documents were upload to MITN.info with a bid deadline date of December 18, 2014. Four of the five properties received bids and City Council approved the highest bids at their January 12, 2015 meeting. Staff has closed on all four parcels that received bids.

6 ASSEMBLAGE PARCELS

Staff sent letters to owners of properties that abut City owned parcels. We received no response from abutting property owners to 3 of our parcels.

Of the remaining 3 parcels; we sold one, are waiting for confirmation of fee simple ownership on another and received an offer to purchase for the parcel located at Livernois and Cutting. This purchase offer will be presented to City Council at their July 20, 2015 meeting.

DEVELOPMENT POTENTIAL	PIN	ADDRESS/LOCATION	ZONING	ACRE	APPRAISED AMOUNT	Highest Bid/Sale Amount	STATUS
Buildable	88-20-03-126-006	6972 Donaldson	R-1B	0.95	\$55,000	\$107,500	Closed Deed recorded
Buildable	88-20-20-226-038	Engineering Field Office/Boulan Park	CF	0.56	\$80,000	\$130,000	Closed Deed to be recorded
Buildable	88-20-16-476-027	Livernois & Paragon	R-1B	0.42	\$45,000	\$65,000	Closed Deed recorded
Buildable	88-20-16-476-028	Livernois & Paragon	R-1B	0.42	\$45,000	\$55,000	Closed Deed recorded
Buildable	88-20-24-451-029	Big Beaver, West of Waterfall	R-1E	0.31	\$55,000	No bids received	
Assemblage	88-20-10-101-018	Old Fire Station 2	O	0.34	\$59,000	\$30,000	Offer to purchase from one of adjoining property owners. To City Council for acceptance on 7-20-15
Assemblage	88-20-28-227-006	2995 Livernois	BB	0.18	\$40,000		No interest from adjoining property owner
Assemblage	88-20-22-358-028	Big Beaver & Frankton	BB	0.21	\$36,000		Staff is waiting for proof of fee ownership from adjacent property owner to proceed with sale process
Assemblage	88-20-27-155-013	Hickory & Plum	R-1E	0.17	\$55,000		No interest from adjoining property owners
Assemblage	88-20-34-201-003	598 E. Maple	IB	0.14	\$6,200	\$6,300	Closed Deed recorded
Assemblage	88-20-26-483-053	John R & Maple	CB	0.39	\$70,000		No interest from adjacent property owner

\$393,800

ADAMS

COOLIDGE

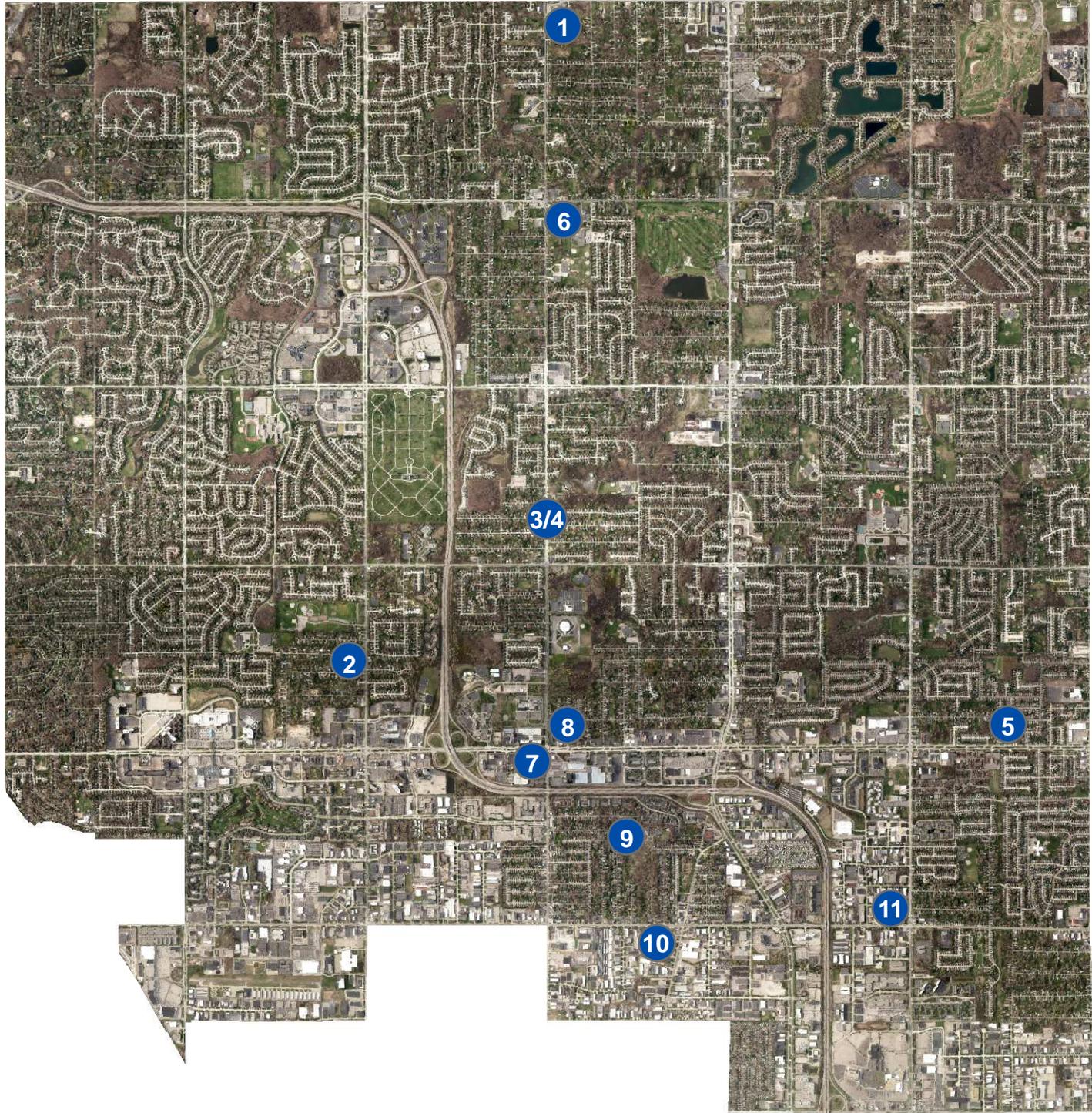
CROOKS

LIVERNOIS

ROCHESTER

JOHN R

DEQUINDRE



SOUTH BLVD

SQUARE LAKE

LONG LAKE

WATTLES

BIG BEAVER

MAPLE

FOURTEEN MILE



CITY COUNCIL REPORT

Date: July 16, 2015

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development
 Steven J. Vandette, City Engineer
 William J. Huotari, Deputy City Engineer/Traffic Engineer

Subject: Summary of Traffic Committee Discussion of Tucker Barricade

A Private Agreement for Hunters Park 2 Site Condominiums is on the agenda tonight for approval of municipal improvements related to the development.

An independent but parallel item regarding an existing barricade on Tucker was raised during the preliminary site plan approval for Hunters Park 2. James and Dorothy Konarske stated their opposition to the project at the Planning Commission, based primarily on the proposed vehicular connection with Drake. This connection eliminated the “dead end” status of Drake and provided a more direct vehicular connection with John R Road. The Konarkse’s submitted a request to remove the barricade on Tucker Street, east of John R.

The issue of interconnectivity and the removal of the barricade on Tucker Street was placed on the agenda at the Traffic Committee meeting of July 15, 2015. Notices were sent to properties in the SE quarter of Section 13 (322 addresses).

Twenty-five (25) residents signed in at the meeting regarding the Tucker barricade item, but many more were in attendance and the venue was moved from the Lower Level Conference Room to City Council Chambers to accommodate the public in attendance.

A petition was submitted opposed to the removal of the barricade and was signed by sixty-two (62) residents in the immediate area. Emails in opposition to removing the barricade were received from twenty-five (25) residents. Emails supporting removal were received from seven (7) residents.

A majority of residents spoke in opposition to removing the barricade, while a minority spoke in favor of removing the barricade.

A motion was made at the conclusion of public comment to “*Leave the barricade in place and encourage an Emergency Vehicle Address (EVA)*”. **This motion ended in a tie vote (3-3).**

The item will next be included on the Planning Commission agenda at their meeting of August 11. A complete report with minutes of both meetings and supporting documentation will be provided to City Council at their meeting of August 24, 2015.

WJH/wjh\G:\Traffic\aaa Traffic Committee\2015\7_July 15\Tucker Summary_July 15 2015_TC.doc

June 30, 2015

Dear Mr. Featherston

I would like to put in a good word for Mr. Riley. He is very knowledgeable in his area of expertise, very conscientious and always gives helpful information to the home owner. I hope the City of Iray realizes what a wonderful employee they have in Mr. Riley.

Sincerely,
Charlene Femminine
2137 Rutgers
Iray, MI 48085