



151 Martin  
Birmingham, MI 48009  
248.530.1800

## **BIRMINGHAM BROWNFIELD REDEVELOPMENT AUTHORITY AGENDA**

**Thursday, March 10, 2015 at 8:30 a.m.**

Birmingham City Hall (151 Martin Street)  
Lower Level Conference Room

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1. Call to Order
2. Approval of minutes of February 18, 2016 meeting.
3. Resolution approving the Brownfield Plan and associated Reimbursement Agreement pertaining to the Brownfield Plan for **34965 Woodward** (Peabody's Restaurant) and requesting the City Clerk to forward the Brownfield Plan and Reimbursement Agreement to the Birmingham City Commission for their review and consideration.
4. Project Updates
5. Open to the public for items not on the Agenda
6. Adjournment

*Approved minutes of the meeting are available in the Community Development Office or online at [www.bhamgov.org](http://www.bhamgov.org).*

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Persons with disabilities that may require assistance for effective participation in this public meeting should contact the City Clerk's Office at the number (248) 530-1880, or (248) 644-5115 (for the hearing impaired) at least one day before the meeting to request help in mobility, visual, hearing, or other assistance.

Las personas con incapacidad que requieren algún tipo de ayuda para la participación en esta sesión pública deben ponerse en contacto con la oficina del escribano de la ciudad en el número (248) 530-1800 o al (248) 644-5115 (para las personas con incapacidad auditiva) por lo menos un día antes de la reunión para solicitar ayuda a la movilidad, visual, auditiva, o de otras asistencias. (Title VI of the Civil Rights Act of 1964).

**Brownfield Redevelopment Authority  
MINUTES  
City Commission Room of the Municipal Building  
151 Martin Street, Birmingham, Michigan**

**Thursday, February 18, 2016  
8:30 a.m.**

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Chairperson Gotthelf welcomed everyone and convened the meeting at 8:35 a.m.

Members Present: Chairperson Beth Gotthelf  
Paul Robertson, Jr.  
Robert Runco  
Wendy Zabriskie

Member Absent: Dani Torcolacci

Also Present: Dan Cassidy, Vice President of SME  
Matthew Shiffman, Alden Development Group, LLC  
Developer of 34965 Woodward Ave., Peabody's  
Restaurant  
Brett Stuntz, AKT Peerless Environmental Services, City's  
Brownfield Consultant  
Chris Longe, Project Architect

Administration: Jana Ecker, Planning Director  
Mark Gerber, Finance Director  
Jeffrey Haynes, City Attorney  
Mario Mendoza, Recording Secretary  
Joseph Valentine, City Manager

**1. Approval of August 13, 2015 Minutes**

**Motion by Mr. Robertson**

**Seconded by Mr. Runco to approve the August 13, 2015 minutes as presented.**

**Voice**

**Vote: Yeas, Robertson, Runco, Gotthelf, Zabriskie  
Nays, 0  
Absent, Torcolacci**

**Motion carried, 4-0.**

**2. Resolution approving the Brownfield Plan and associated Reimbursement Agreement pertaining to the Brownfield Plan for 34965 Woodward Ave. (Peabody's Restaurant) and requesting the city clerk to forward the Brownfield Plan and Reimbursement Agreement to the Birmingham City Commission for their review and consideration.**

Ms. Ecker offered background. In December 2015, the owner of the above-captioned property submitted a draft Brownfield Plan ("the Plan") to the City in anticipation of the construction of a new mixed-use, five-story development proposed for the site. The Plan outlines numerous environmental concerns on the site, including historical operations performed at the site, contamination from adjacent sites that has migrated onto the site, and contamination on the subject site, including the presence of petroleum hydrocarbon constituents and heavy metals in the soil, and barium in the groundwater.

City staff, the city attorney and our environmental consultants at AKT Peerless reviewed the draft Plan and requested additional information on the extent of the contamination. The applicant submitted a more detailed Plan, and the City provided comments and suggested several changes. On January 27, 2016, the applicant submitted a revised Plan reflecting the changes discussed, requesting the reimbursement of \$1,438,238.00 in environmental cleanup costs in order to clean the site to meet the Michigan Department of Environmental Quality standards.

Ms. Ecker advised that both the City's legal counsel and the City's environmental consultant have reviewed the Brownfield Plan for 34965 Woodward, and all requested amendments have been made by the applicant.

Mr. Chris Longe, the architect, provided a general idea of what the proposed building will look like. It will be mixed-use and will step back at the fifth floor. The components of floors 2 and 3 have not been determined; however floors 4 and 5 must be residential. They anticipate two floors of underground parking for 88 spaces. The building materials will be limestone with steel windows. This will be a significant structure on Woodward Ave.

In response to Chairperson Gotthelf, Ms. Ecker replied the Peabody Building is not a historic site and it is not located in a historic district.

Mr. Dan Cassidy, Vice President of SME, summarized the background as it relates to the Environmental Site Assessment. From an engineering perspective it will be a significant challenge to construct so they don't undermine the structure and integrity of the Greenleaf foundation while developing the foundation system for the new building.

Throughout time there were many different structures and uses on the property. Soil and groundwater at the property is contaminated with concentrations of metals and volatile organic compounds that exceed Michigan's cleanup and safe use standards. As

to the existing building, there are a number of suspect building materials that contain asbestos, and probably lead paint that will have to be assessed and abated.

Looking at the Brownfield Plan, the group studied the table relating to costs. The demolition is categorized as a necessary environmental activity because impacted fill that is below Peabody's must be removed. However, they have omitted that cost from their request. The hazardous materials assessment and abatement (estimates) have been left in. Expenses related to BEA activities, Due Care Activities, and Soil Management were discussed.

Chairperson Gotthelf thought it might be helpful to have a workshop with staff and with the City Commission so that the Authority understands the direction they should take in the future as the City evolves. Discussion turned to the disposal of fill that comes off of a site. At times it may be relatively clean and can be sold and re-used. Therefore, the person taking it away is going to absorb the transportation costs.

The chairperson asked staff to put together a comparison of all general costs that were requested and approved on the sites where the Authority has already asked for reimbursement. That will provide some guidance and consistency for this site and a running chart can be kept for reference in the future.

Mr. Cassidy explained that installing a vapor barrier is a likely potential cost. They are installed on the exterior of the foundation walls to prevent vapors from migrating through the foundation walls or up through floors and into the interior space. Mr. Robertson commented he would put one in every time as a precaution. Mr. Cassidy noted there are definitely contaminants coming from the Greenleaf property to the south. There is a question mark on the Peabody side, and supportive evidence with the chemical results to the north. They included the vapor barrier but hope not to incur the cost. However, they want it in their request as a contingency in case it is needed.

Mr. Cassidy went on to discuss groundwater management. Their request is in the ballpark of what they incurred on the Balmoral and Greenleaf projects. They are asking for the difference between what would normally be incurred on a construction project and what would be incurred because this is a Brownfield site. Their goal is to get the project done in compliance with State law as cost effectively as possible.

The only other item remaining is dust suppression. They anticipate that the dust is contaminated and has to be disposed of differently. Again, they are asking for the difference between what would normally be incurred on a construction project and what would be incurred because this is a Brownfield site.

It was concluded that payback on the project would occur in year seven. Values in the City are not only holding, but increasing.

Mr. Matthew Shiffman, one of the developers of the proposed Peabody project, said they have taken a careful look at the parking issues and the parking report that has been developed by the City. They are trying to self-contain their parking and even add additional spaces. The Peabody project covers the requirements on the residential but it puts all the burden of office and retail into the parking structure. On the Brookside Terrace project they are at \$75,000 per space for the second level down. The first level is cheaper. Because of that they will charge premiums for the ability to create additional parking for their users. They are trying to be thoughtful of what is taking place in the City. Additionally, he will ask the owners for a timing extension on the closing in order to give the Authority time to study the comparison costs that will be provided by staff. Lastly, Mr. Shiffman added they are working hard with the owner of the frame shop and hope to be able to incorporate it in the project.

Mr. Robertson assured the developer it isn't that there won't be a Brownfield; it is the amount that is in question.

**Motion by Mr. Robertson**

**Seconded by Mr. Runco to postpone 34965 Woodward Ave. (Peabody's Restaurant) to Wednesday, March 9 at 8:30 a.m.**

**Voice**

**Vote: Yeas, Robertson, Runco, Gotthelf, Zabriskie  
Nays, 0  
Absent, Torcolacci**

**Motion carried, 4-0.**

**3. Resolution approving the TIF reimbursement for the previously approved Brownfield project at 33588 Woodward Ave. (Citgo/Shell) and directing the Brownfield Redevelopment Authority to reimburse the applicant for expenses up to \$226,153 as covered under their Reimbursement Agreement dated June 29, 2015, as listed in the reimbursement request dated January 26, 2016, to the extent of property taxes captured to date for 33588 Woodward Ave.**

Ms. Ecker verified that the owner of 33588 Woodward Ave. has submitted all of their receipts and invoices and they were sent to AKT Peerless, the City's Brownfield environmental consultants, who reviewed the reimbursement request and are recommending reimbursement of up to \$226,153.

Mr. Brett Stuntz, AKT Peerless Environmental Services, advised that the Brownfield plan capped the amount of reimbursement at \$226,153. However, the submitted costs for reimbursement were higher than that, but there were some that AKT would have questioned whether they were actually reimbursable costs under the Plan and the Agreement.

**Motion by Mr. Robertson**

**Seconded by Ms. Zabriskie to approve the TIF reimbursement for the previously approved Brownfield project at 33588 Woodward Ave. (Citgo/Shell) and directing the Brownfield Redevelopment Authority to reimburse the applicant for expenses up to \$226,153 as covered under their Reimbursement Agreement dated June 29, 2015, as listed in the reimbursement request dated January 26, 2016, to the extent of property taxes captured to date for 33588 Woodward Ave.**

Chairperson Gotthelf noted the City wants to encourage its redevelopment, but this is money the City would have had but it does not. If paying a developer back is the only way to get a site redeveloped, that is one thing. However it should not just be free money for them for something they would have done anyway. Mr. Stuntz thought maybe the Authority should back off or cap certain activities in Birmingham and say they are not going to be approved.

**Voice**

**Vote: Yeas, Robertson, Zabriskie, Runco, Gotthelf  
Nays, 0  
Absent, Torcolacci**

**Motion carried, 4-0.**

**4. Initial Screening Requirements for Brownfield applications.**

Chairperson Gotthelf emphasized that Brownfields are not intended to reward the person who caused the contamination. That should be taken into consideration by the Brownfield Redevelopment Authority, because the City doesn't want someone buying the property at a reduced price because of its contamination and then double dipping by applying for a Brownfield reimbursement. Perhaps the Authority should think more about the type of information it wants in advance in order to make thoughtful and informed decisions.

Mr. Valentine noted the activity level in terms of the Brownfields that have come in has increased. Rather than just processing the applications, the Authority should have the ability to review the applications in the context of whether they meet the objectives of the City as well as having a criteria to evaluate them against in order to make that determination. That was the intent of the modifications being proposed today.

Mr. Robertson commented the application contains all of the questions that the Authority ends up asking when applicants come in anyway. It is great to have them on the front end. It is all about the soil and disposal and what they would have done

anyway. Also, it is about the contamination and whether the applicant got the property at a discount.

Mr. Haynes added that an item should be included that breaks down the transport and disposal costs of soil. Mr. Robertson said the first question should be what it would cost if this was totally clean soil. Then, if this was a contaminated site what would they be doing differently. Mr. Haynes said rather than a generic question, break it down so the applicant understands where the board will be focusing on the specific line item costs.

Consensus was that the Brownfield Project Application form should include a section on initial screening requirements as discussed. Mr. Valentine agreed to come back to the next meeting with the format the Authority has indicated they want to see revised. He advised that when the Authority determines what they want the ceilings to be, it ought to be formalized in the policy of the Brownfield Authority. That will provide the ability to be objective rather than somewhat arbitrary in the reviews.

Mr. Valentine summarized that going forward in this direction meets the expectations. Additionally, the processes can certainly be modified in the future if needed.

Mr. Gerber noted a few projects have stretched the timeline they typically would like to see for reimbursement to come back. There is some intrinsic value in removing the contaminant from the community but there is also the timeline it will take to make that happen. Maybe looking at future projects, the Brownfield Redevelopment Authority should consider how much time it will take to reimburse the City.

## **5. Project Updates**

Ms. Ecker announced that 856 N. Old Woodward will be coming in the near future.

## **6. Open to the public for items not on the Agenda (no public comments)**

## **7. Adjournment**

No further business being evident, the board passed a motion to adjourn.

Respectfully submitted,

Carole Salutes  
Recording Secretary

Brownfield Plans for Woodward/Peabody Block

Development	Requested Amount (Brownfield Plan Grand Total Estimate)	Approved Amount (Brownfield Authority + City Commission)	Eligible Expenses per Reimbursement Agreement	Reimbursed Expenses to Date
34965 Woodward Ave. (Former Peabody's site)	\$1,438,238.00 <ul style="list-style-type: none"><li>On 1/27/2016, the applicant submitted a Brownfield Plan to the Brownfield Redevelopment Authority (BRA)</li><li>The plan outlined its brownfield activities that amount to \$1,438,238 in TIF reimbursements.</li></ul>	<div></div> <div>\$477,670</div> <ul style="list-style-type: none"><li>The applicant's brownfield plan has not yet been approved.</li></ul>	<div></div> <div>N/A</div> <ul style="list-style-type: none"><li>The applicant has not yet signed a reimbursement agreement.</li></ul>	<div></div> <div>N/A</div> <ul style="list-style-type: none"><li>The applicant has not yet submitted an application for reimbursed expenses.</li></ul>
34901 - 34953 Woodward Ave (Balmoral Place)	\$1,274,837.00 <ul style="list-style-type: none"><li>Brownfield plan submitted on 7/6/2011 for \$1,274,837</li><li>BRA inquired about \$331,200 for excavation shoring expenses and \$248,515 proposed for soil waste management; and whether 85% of the soil needed to be trucked away.</li><li>Request to revise numbers based on issues raised.</li></ul>	<div></div> <div>\$797,167</div> <ul style="list-style-type: none"><li>On 9/8/11, BRA reviewed revised plans with a total reduction of \$477,670</li><li>Cost reductions were made to shoring, soil management, remediation excavation, heating oil removal, and overall contingency.</li><li>The revised plan also cited marginal cost increases in groundwater mangement and brownfield and work plan expenses.</li><li>BRA unanimously approved the Brownfield Plan with the maximum amount of \$797,167</li><li>On 9/26/2011, the City Commission unanimously approved the resolution to reimburse the eligible costs of \$797,167.</li></ul>	<div></div> <div>\$797,167.00</div> <ul style="list-style-type: none"><li>Remediation bid specifications and bidding</li><li>Secure remediation work area</li><li>Remediation contractor general conditions</li><li>Excavation Shoring</li><li>Soil waste characterization/disposal approval</li><li>Soil Management</li><li>Heating Oil UST Removal</li><li>Excavation Equipment Decontamination and Decon Waste Water Handling</li><li>Remediation Excavation, Observation and Verification</li><li>Groundwater Management</li><li>Site specific Health and Safety Plan</li><li>Due Care Plans (construction and future use)</li><li>Brownfield Financial Management</li><li>Summary Report Preparation</li><li>Brownfield Plan</li><li>Work Plans</li></ul>	<div></div> <div>N/A</div> <ul style="list-style-type: none"><li>The applicant has not yet submitted an application for reimbursed expenses.</li></ul>
34977 Woodward Ave (Catalyst Dev./Greenleaf Trust Bldg.)	\$1,360,805.00 <ul style="list-style-type: none"><li>A Brownfield Plan submitted 7/28/2008 for \$1,360,805</li><li>On 8/11/2008, discussion occurred at BRA meeting whether the submitted brownfield plan estimated cost for soil management can be reduced</li><li>BRA determined that all of the soil has to be treated as contaminated and that a revised plan should reflect the differential.</li></ul>	<div></div> <div>\$1,355,184.00</div> <ul style="list-style-type: none"><li>On 8/11/2008, BRA approved the Brownfield Plan with the maximum amount of \$1,360,805 plus interest</li><li>On 9/8/2008, City Commission approved the brownfield plan with the condition that the applicant enter into reimbursement agreement with City</li><li>11/10/2008 - the City Commission approved the reimbursement agreement for \$1,355,184 + interest.</li></ul>	<div></div> <div>\$1,355,184.00</div> <ul style="list-style-type: none"><li>Phase I Environmental Cost Assessment (ESA)</li><li>Phase II ESA</li><li>Baseline Environmental Assessment</li><li>Remediation bid specifications and bidding</li><li>Secure remediation work area</li><li>Remediation contractor general conditions</li><li>Excavation shoring</li><li>Vapor intrusion mitigation system</li><li>Soil waste characterization/disposal approval</li><li>Soil management</li><li>Excavation field oversight</li><li>Remediation verification sampling and analysis</li><li>Excavation Dewatering</li><li>On-site waste water treatment system</li><li>Site specific Health and Safety Plan</li><li>Due Care Plans (construction and future use)</li><li>Brownfield site management</li><li>Reporting</li><li>Brownfield Plan</li><li>Work Plans</li><li>Asbestos Abatement and Demolition</li></ul>	<div></div> <div>\$761,581.35</div> <ul style="list-style-type: none"><li>The applicant submitted an application for eligible cost reimbursement on 7/1/2014 for \$761,581.35</li></ul>



ACT 381 ELIGIBLE COSTS - DETAILED SUMMARY  
Proposed Mixed Use Development  
34977 Woodward Avenue  
Birmingham, Michigan

REDEVELOPMENT ACTIVITY	BROWNFIELD QUANTITY	GREENFIELD QUANTITY	UNITS	UNIT COST	COST FOR CONTAMINATED SITE  (Brownfield Quantity x Unit Cost)	COST FOR UNCONTAMINATED SITE  (Greenfield Quantity x Unit Cost)	ELIGIBLE BROWNFIELD COST  (diff. b/w cost for contam. and cost for uncontam.)	COMMENTS	FUNDING SOURCE	
									TIF-Local Only	TIF-Local/School
BEA										
(1) Phase I Environmental Assessment (ESA) - AAI	1	0	ea	\$3,000	\$3,000	\$0	\$3,000		\$3,000	\$0
(2) Phase II ESA	1	0	ea	\$20,000	\$20,000	\$0	\$20,000		\$20,000	\$0
(3) Baseline Environmental Assessment (BEA)	1	0	ea	\$3,500	\$3,500	\$0	\$3,500	Assumes Category N BEA	\$3,500	\$0
Due Care										
(4) Remediation Bid Specifications and Bidding	1	0	ea	\$20,000	\$20,000	\$0	\$20,000	Remediation bids and specs, contractor meetings, and review	\$0	\$20,000
(5) Secure Remediation Work Area	1,000	0	lf	\$8	\$8,000	\$0	\$8,000	Assumes 5 foot high construction fence with signage around site perimeter	\$0	\$8,000
(6) Remediation Contractor General Conditions	1	0	ea	\$20,000	\$20,000	\$0	\$20,000	Includes mobilization, demobilization, silt fencing, waste water permitting	\$0	\$20,000
(7) Excavation Shoring										
Soldier piles and lagging	0	10,800	sq ft	\$50	\$0	\$540,000	\$324,000	Assumes excavation shoring on all four sides extending 20 feet below grade.	\$0	\$324,000
Sealed sheet piles	10,800	0	sq ft	\$80	\$864,000	\$0	\$0			
(8) Vapor Intrusion Mitigation System	1	0	ea	\$20,000	\$20,000	\$0	\$20,000	Assumes 11,000 sq. ft. of vapor barrier around perimeter of building.	\$0	\$20,000
(9) Soil Waste Characterization/Disposal Approval	1	0	ea	\$3,000	\$3,000	\$0	\$3,000		\$0	\$3,000
(10) Soil Management (12,513 trucked cy)								Assumes a 165' x 105' x 15' excavation, bulked by 30% for excavation		
Excavation (soil contaminated, not suitable for off-site reuse; fill)	12,513		trucked cy	\$6	\$75,078	\$0	\$387,903	A \$1 per cubic yard premium is added to cover additional contractor costs for HAZWOPER trained personnel.	\$0	\$387,903
*Transportation (soil disposal in Type II landfill; fill)	12,513		trucked cy	\$15	\$187,695	\$0	\$0	Per MDEQ TIF eligibility requirements		
Disposal (contaminated soil disposal in Type II landfill)	12,513		trucked cy	\$10	\$125,130	\$0	\$0			
(11) Excavation Equipment Decon and Waste Water Handling	1	0	ea	\$20,000	\$20,000	\$0	\$20,000	Includes \$5,000 for mud mat, \$10,000 for truck wash, and \$5,000 for waste water disposal.	\$0	\$20,000
(12) Excavation Field Oversight	30	0	days	\$850	\$25,500	\$0	\$25,500	30 working days of excavation	\$0	\$25,500
(13) Remediation Verification Sampling and Analysis	35	0	samples	\$500	\$17,500	\$0	\$17,500	Labor and analysis, based on MDEQ statistical guidance for verification sampling	\$0	\$17,500
(14) Excavation Dewatering										
Dewatering (uncontaminated)	0	240,000	gal	\$0.001	\$0	\$240	\$1,440	Labor and equipment for 10 dewatering events. Assumes pumping to sanitary sewer following on-site treatment.	\$0	\$1,440
Dewatering (contaminated)	240,000	0	gal	\$0.007	\$1,680	\$0	\$0			
(15) On-site Waste Water Treatment	1	0	ea	\$25,000	\$25,000	\$0	\$25,000	Assumes 3,000 lb carbon system lease and spent carbon disposal, system operation labor, and frac tank.	\$0	\$25,000
(16) Site Specific health and safety plan	1	0	ea	\$3,000	\$3,000	\$0	\$3,000		\$0	\$3,000
(17) Due Care Plans										
Construction	1	0	ea	\$3,500	\$3,500	\$0	\$3,500		\$0	\$3,500
Future Use	1	0	ea	\$3,500	\$3,500	\$0	\$3,500		\$0	\$3,500
(18) Brownfield Site Management	1	0	ea	\$20,000	\$20,000	\$0	\$20,000	For TIF cost tracking, BBRA and MDEQ consultation/coordination, BBRA fees	\$0	\$20,000
(19) Reporting	1	0	ea	\$10,000	\$10,000	\$0	\$10,000	One report to document removal activities	\$0	\$10,000
Work Plans**										
(22) Brownfield Plan	1	0	ea	\$2,000	\$2,000	\$0	\$2,000	Preparation of a Brownfield Plan is an eligible brownfield activity per the Act 381 Amendment dated January 2008.	\$2,000	\$0
(23) Initial Work Plan	1	0	ea	\$2,500	\$2,500	\$0	\$2,500	Act 381 Work Plan	\$0	\$2,500
(24) Work Plan Amendment	1	0	ea	\$1,500	\$1,500	\$0	\$1,500	One future Amendment planned	\$0	\$1,500
Subtotal Environmental Activities					\$1,485,083	\$540,240	\$944,843		\$28,500	\$916,343
Contingency				15.0%	\$222,762	\$0	\$222,762		\$0	\$222,762
Total Environmental Activities					\$1,707,845	\$540,240	\$1,167,605		\$28,500	\$1,139,105
Demolition										
(20) Asbestos Abatement	1	0	ea	\$12,000	\$12,000	\$0	\$12,000	Asbestos abatement and building demolition is an eligible brownfield activity per the Act 381 Amendment dated January 2008.	\$0	\$12,000
(21) Building Demolition	1	0	ea	\$150,000	\$150,000	\$0	\$150,000		\$0	\$150,000
Work Plans**										
(22) Brownfield Plan	1	0	ea	\$2,000	\$2,000	\$0	\$2,000	Preparation of a Brownfield Plan is an eligible brownfield activity per the Act 381 Amendment dated January 2008.	\$2,000	\$0
(23) Initial Work Plan	1	0	ea	\$2,500	\$2,500	\$0	\$2,500	Act 381 Work Plan	\$0	\$2,500
(24) Work Plan Amendment	1	0	ea	\$1,500	\$1,500	\$0	\$1,500	One future Amendment planned	\$0	\$1,500
Subtotal Non-Environmental Activities					\$168,000	\$0	\$168,000		\$2,000	\$166,000
Contingency				15.0%	\$25,200	\$0	\$25,200		\$0	\$25,200
Total Non-Environmental Activities					\$193,200	\$0	\$193,200		\$2,000	\$191,200
GRAND TOTAL					\$1,901,045	\$540,240	\$1,360,805		\$30,500	\$1,330,305

Note:

\*TIF allowable per MDEQ policy

\*\* Work plan costs are split between environmental and non-environmental activities

ACT 381 ELIGIBLE COSTS - DETAILED SUMMARY  
Proposed Mixed Use Development  
34901 Woodward Avenue  
Birmingham, Michigan

REDEVELOPMENT ACTIVITY	BROWNFIELD QUANTITY	GREENFIELD QUANTITY	UNITS	UNIT COST	COST FOR CONTAMINATED SITE  (Brownfield Quantity x Unit Cost)	COST FOR UNCONTAMINATED SITE  (Greenfield Quantity x Unit Cost)	ELIGIBLE BROWNFIELD COST  (diff. b/w cost for contam. and cost for uncontam.)	FUNDING SOURCE
								TIF-LocalTIF-SchoolTOTAL
Due Care								
(1)Remediation Bid Specifications and Bidding	1	0	ea	\$20,000	\$20,000	\$0	\$20,000	\$9,652.27\$10,347.73\$20,000.00
(2)Secure Remediation Work Area								
Fencing	600	600	lf	\$35	\$21,000	\$21,000	\$0	\$- \$- \$-
Signage	1	0	ea	\$1,500	\$1,500	\$0	\$1,500	\$723.92\$776.08\$1,500.00
(3)Remediation Contractor General Conditions	1	0	ea	\$20,000	\$20,000	\$0	\$20,000	\$9,652.27\$10,347.73\$20,000.00
Excavation Shoring (Due Care)								
(4)Dewatering/Exacerbation Pre-Construction Assessment	1	0	ea	\$15,000	\$15,000	\$0	\$95,000	\$45,848.30\$49,151.70\$95,000.00
Sealed sheet piles for Due Care (contingency)	1	0	ea	\$80,000	\$80,000	\$0		
(5)Soil Waste Characterization/Disposal Approval	1	0	ea	\$3,000	\$3,000	\$0	\$3,000	\$1,447.84\$1,552.16\$3,000.00
Soil Management								
Excavation (non-contaminated)	2,375	14,275	tons	\$3	\$7,125	\$42,825		
(6)Excavation (contaminated fill)	11,900	0	tons	\$4	\$47,600	\$0	\$190,400	\$91,889.64\$98,510.36\$190,400.00
Transportation (local site-non landfill)	2,375	14,275	tons	\$3	\$7,125	\$42,825		
*Transportation (Type II landfill)	11,900	0	tons	\$8	\$95,200	\$0		
Off-site disposal (local site-non landfill)	2,375	14,275	tons	\$0	\$0	\$0		
Off-site disposal (Type II Landfill)	11,900	0	tons	\$10	\$119,000	\$0		
(7)Heating Oil UST Removal	1	0	ea	\$8,000	\$8,000	\$0	\$8,000	\$3,860.91\$4,139.09\$8,000.00
(8)Excavation Equipment Decon and Decon Waste Water Handling	1	0	ea	\$20,000	\$20,000	\$0	\$20,000	\$9,652.27\$10,347.73\$20,000.00
Remediation Excavation Observation, Verification Sampling and								
Field Observation and Sample Collection	45	0	days	\$1,160	\$52,200	\$0		
(9)VSR Sample Analysis	40	0	samples	\$350	\$14,000	\$0	\$86,200	\$41,601.30\$44,598.70\$86,200.00
Coordination, Management, and Data Evaluation	1	0	ea	\$20,000	\$20,000	\$0		
Groundwater Management								
(10)Frac-tank Delivery and Rental	1	0	ea	\$20,000	\$20,000	\$0	\$126,000	
3,000-lbs Carbon Bed Treatment System	1	0	ea	\$60,000	\$60,000	\$0		
Sanitary discharge permit application	1	0	ea	\$5,000	\$5,000	\$0		
Dewatering Discharge fee	2,000,000	0	gallons	\$0.008	\$16,000	\$0		\$60,809.32\$65,190.68\$126,000.00
Treatment System Operation	1	0	ea	\$20,000	\$20,000	\$0		
Frac-tank decontamination	1	0	ea	\$5,000	\$5,000	\$0		
(11)Site Specific health and safety plan	1	0	ea	\$3,000	\$3,000	\$0	\$3,000	\$1,447.84\$1,552.16\$3,000.00
Due Care Plans								
(12)Construction	1	0	ea	\$3,500	\$3,500	\$0	\$7,000	\$3,378.30\$3,621.70\$7,000.00
Future Use	1	0	ea	\$3,500	\$3,500	\$0		
(13)Brownfield Financial Management	1	0	ea	\$20,000	\$20,000	\$0	\$20,000	\$9,652.27\$10,347.73\$20,000.00
(14)Summary Report Preparation	1	0	ea	\$10,000	\$10,000	\$0	\$10,000	\$4,826.14\$5,173.86\$10,000.00
Work Plans								
(15)Brownfield Plan	1	0	ea	\$4,000	\$4,000	\$0	\$4,000	\$1,930.45\$2,069.55\$4,000.00
(16)Work Plan	1	0	ea	\$6,000	\$6,000	\$0	\$6,000	\$2,895.68\$3,104.32\$6,000.00
Subtotal Environmental Activities					\$726,750	\$106,650	\$620,100	\$299,269\$320,831\$620,100
Contingency (does not include items 1, 2, and 11 through 16)				15.0%	\$95,513	\$15,998	\$79,515	\$38,375\$41,140\$79,515
Total Environmental Activities					\$822,263	\$122,648	\$699,615	\$337,644\$361,971\$699,615
Eligible amount for interest calculation (Total Environmental Activities excluding Brownfield Plan and Work Plan)							\$689,615	\$332,818\$356,797\$689,615
Eligible Interest based on MEDC Simple Interest Spreadsheet using 5% simple interest, 50% of eligible cost with a five year payoff (\$53,401), and 50% of eligible cost with a four year payoff (\$44,151).							\$97,552	\$47,080\$50,472\$97,552
GRAND TOTAL							\$797,167	\$384,724\$412,443\$797,167

Note:  
\*TIF allowable per MDEQ policy

**Table 1**  
**Brownfield Eligible Activities Cost Summary**  
**34965 Woodward Avenue Redevelopment**  
**Birmingham, Michigan**  
**SME Project No: 072734.01**  
**12/22/2015**

ELIGIBLE ACTIVITIES											
TASK/ACTIVITY	COST ITEM	BROWNFIELD UNIT COST	GREENFIELD UNIT COST	UNITS	QUANTITY	BROWNFIELD COST (Extra costs incurred due to presence of contamination)	GREENFIELD COST (Development costs for a non-contaminated site)	ELIGIBLE COST (Brownfield cost - Greenfield cost)	TIF SOURCES		
									Local	State	
NON-ENVIRONMENTAL COSTS											
Site Demolition Activities											
Site Demolition	Demolition of restaurant building and basement and removal of the existing pavements and utilities	\$0	\$120,000	ea.	1	\$0	\$120,000				
	Hazardous materials assessment	\$20,000	\$0	ea.	1	\$20,000	\$0				
	Hazardous materials abatement:										
	Abatement design and monitoring	\$20,000	\$0	ea.	1	\$20,000	\$0	\$135,000	\$67,497	\$67,503	
	ACM roofing abatement	\$6	\$0	sq. ft.	6,000	\$36,000	\$0				
	ACM pipe insulation abatement	\$10	\$0	lf	500	\$5,000	\$0				
	ACM floor tiles, ceiling tiles and base board abatement	\$2	\$0	sq. ft.	2,000	\$4,000	\$0				
	ACM plaster and wall board system abatement	\$5	\$0	sq. ft.	10,000	\$50,000	\$0				

Notes:  
1. The costs included anticipate all excavated soil will be disposed in a type II landfill.  
2. The contingency amount is equal to 15% of the eligible costs.



## MEMORANDUM

Planning Division

**DATE:** February 11, 2016

**TO:** Brownfield Redevelopment Authority

**FROM:** Jana L. Ecker, Planning Director

**SUBJECT:** Review of Brownfield Plan for 34965 Woodward – Peabody's Restaurant

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In December 2015, the owner of the above-captioned property submitted a draft Brownfield Plan ("the Plan") to the City in anticipation of the construction of a new mixed use, five story development proposed for the site. The Brownfield Plan outlines numerous environmental concerns on the site, including historical operations performed at the site, contamination of the adjacent sites, and contamination on the subject site, including the presence of petroleum hydrocarbon constituents and heavy metals in the soil, and barium in the groundwater.

City staff, the City Attorney and our environmental consultants at AKT Peerless reviewed the draft Plan and requested additional information on the extent of the contamination. The applicant submitted a more detailed Plan, and the City provided comments and suggested several changes. On January 27, 2016, the applicant submitted a revised Plan reflecting the changes discussed, requesting the reimbursement of \$1,438,238.00 in environmental cleanup costs in order to clean up the site to meet the Michigan Department of Environmental Quality standards.

Both the City's legal counsel and the City's environmental consultant have reviewed the Brownfield Plan for 34965 Woodward, and all requested amendments have been made by the applicant. A copy of the Brownfield Plan and the proposed Reimbursement Agreement are attached for your review.

**SUGGESTED ACTION:**

To adopt the following resolution:

**RESOLUTION APPROVING THE BROWNFIELD PLAN FOR  
34965 WOODWARD (CURRENTLY PEABODY'S RESTAURANT)**

Whereas, the City of Birmingham has created a Brownfield Redevelopment Authority and appointed members to serve on the Authority, pursuant to 1996 PA 381, and

Whereas, the Brownfield Redevelopment Authority is charged with the review of Brownfield Plans for Brownfield projects in the City of Birmingham, and

Whereas, the owner/developer 34965 Woodward, LLC, intends to develop a new mixed use building at 34965 Woodward, and has determined that the subject property is in need of approximately \$1,438,238.00 in environmental cleanup in order to meet certain Michigan Department of Environmental Quality standards, and

Whereas, SME has prepared a Brownfield Plan for the environmental cleanup of the site at 34965 Woodward, dated January 27, 2016, and

Whereas, the Brownfield Redevelopment Authority has reviewed the Brownfield Plan.

NOW THEREFORE BE IT RESOLVED THAT:

The Brownfield Redevelopment Authority approves the Brownfield Plan for 34965 Woodward (currently Peabody's Restaurant) prepared by SME dated January 27, 2016 and requests the City Clerk to forward the Brownfield Plan and associated Reimbursement Agreement to the Birmingham City Commission for its review and approval pursuant to Act 381.



PEABODY FAMILY, LLC  
34965 Woodward Avenue  
Birmingham, Michigan 48009

November 10, 2015

Re: Brownfield application for the certain real property and improvements located in the City of Birmingham, Oakland County, Michigan, commonly known as 34965 Woodward Avenue (the "Property")

To Whom It May Concern:

This letter hereby authorizes Alden Development Group LLC, a Michigan limited liability company, and its authorized representatives (collectively, "ADG") to submit a Brownfield application to the City of Birmingham, the Michigan Department of Environmental Quality and/or the Michigan Strategic Fund and any other local, state and private authorities/agencies, as applicable, pertaining to the Property. This letter also authorizes ADG to pursue all approvals of the Brownfield Plan, Brownfield Work Plan and Reimbursement Agreement by the City of Birmingham, the Michigan Department of Environmental Quality and/or the Michigan Strategic Fund and any other local, state and private authorities/agencies, as applicable, pursuant to the Michigan Brownfield Redevelopment Financing Act, 1996 PA 381, as amended, MCL 125.2651 et seq.

Please contact me if you have any questions regarding this matter.

Very truly yours,

PEABODY FAMILY, LLC, a  
Michigan limited liability company

By

Name:

Its:

STATE OF MICHIGAN )  
 )ss  
COUNTY OF \_\_\_\_\_)

The foregoing instrument was acknowledged before me this 11 day of November, 2015, by Susan Peabody, the Managing Member of Peabody Family, LLC, a Michigan limited liability company, who executed the foregoing on behalf of such limited liability company.

DEBBIE PASKU  
Notary Public, State of Michigan  
County of Macomb  
My Commission Expires Jul. 25, 2018  
Acting in the County of Oakland

Name:

Notary Public, Macomb County,

My Commission Expires: July 25, 2018

Acting in Oakland County, \_\_\_\_\_



## **BROWNFIELD REDEVELOPMENT AUTHORITY PROJECT APPLICATION**

*This application form must be completed and signed by the applicant in order to initiate the project review process by the City of Birmingham Brownfield Redevelopment Authority. Please submit Application; \$1,500 Application Fee; other applicable fees; and supplemental materials to the Birmingham Brownfield Redevelopment Authority, P.O. Box 3001, Birmingham, MI 48012.*

### **APPLICANT INFORMATION**

<b>Company Name:</b>	Alden Development Group, LLC
<b>Contact Person:</b>	Matthew Shiffman
<b>Mailing Address:</b>	27777 Franklin Road; Suite 200 Southfield, Michigan 48034
<b>Telephone Number:</b>	248-939-9000
<b>Fax Number:</b>	n/a
<b>E-mail Address:</b>	matthewjshiffman@gmail.com

### **PROPERTY OWNER INFORMATION**

<b>Company Name:</b>	Alden Development Group, LLC
<b>Contact Person:</b>	Matthew Shiffman
<b>Mailing Address:</b>	27777 Franklin Road; Suite 200 Southfield, Michigan 48034
<b>Telephone Number:</b>	248-939-9000
<b>Fax Number:</b>	n/a
<b>E-mail Address:</b>	matthewjshiffman@gmail.com

**Project Information**

**Project Address:** 34965 Woodward Avenue  
Birmingham, Michigan 48009  
**Parcel ID Number(s):** 08-19-36-207-008  
**Legal Description:** Please refer to the attached property information summary  
and plat map

**Proposed Project Description:**

The proposed redevelopment project will include a multi-story, a mixed-use, residential  
and retail/commercial development with a two-story underground parking garage.  
The Peabody's restaurant will be razed as part of the redevelopment.

**Proposed Redevelopment Use(s):**

The ground floor of the proposed building will consist of commercial and/or retail  
units. The other floors will consist of commercial and/or residential units.

**Anticipated Project Schedule and Critical Dates:**

Estimated demolition of current structure to begin June 1, 2016  
Estimated construction to begin September 1, 2016  
Estimated construction to be completed June 1, 2018



**Status of Development Permits and Applications:**

The property is currently under contract by the applicant. Development permits and applications are pending and will be submitted upon closing.

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**Description of Known, or Suspected Environmental Contamination Concerns:**

Soil and groundwater at the property is contaminated with concentrations of metals and volatile organic compounds that exceed Michigan's cleanup and safe use standards. Please refer to the attached Baseline Environmental Assessment (BEA) report excerpt for additional information.

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- *Attach additional pages if needed, and supporting documents or reports, if available.*

**Summary of Needed Eligible Activities and Projected Costs (if known):**

The eligible activities and projected costs are still being evaluated at this time, but will generally consist of environmental due diligence assessments, hazardous building materials abatement, building demolition, contaminated soil management and other environmental response activities.

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- *Attach additional pages if needed, and supporting documents or reports, if available.*

**Projected Private Investment in Redevelopment:**

Projected investment to be approximately 40-45 million USD.

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**Anticipated Job Creation or Retention Impacts:**

Once construction is finished, it is anticipated that 400 plus new jobs could be created by the redevelopment of this site.

**Other Significant Project Information:**

The redevelopment of this specific piece of land would be a positive attribute to the City of Birmingham because:

- There is a tremendous demand for high end commercial space in the downtown CBD. Companies are actively looking to lease commercial space in excess of 10,000 sq feet.
- There is a tremendous demand for high-end residential for-sale or rental units in the central business district of Birmingham.
- This project will significantly enhance the streetscape on the Woodward-Maple corridor which is the gateway to the city of Birmingham. It will make the streetscape more in-line with surrounding buildings.
- There will be the removal and mitigation of long term residual contamination located in the soils beneath the subject site.
- We will be providing an additional 2 below-grade stories of on-site parking which will alleviate the stress on the city's existing parking structures.

  
Applicant's Signature

  
Property Owner's Signature

Date

  
Date

---

### Attachments

*Please check each box to indicate that the required materials have been included with this application. All attached documents should be listed here.*

- ☐ If the property owner is not the Applicant, a signed and notarized letter from the property owner, authorizing the Applicant to submit this application form must be submitted.
- ☐ A copy of the current title commitment and proof of ownership.
- ☐ Copies of proposed preliminary site development, or concept plans, to illustrate how the proposed redevelopment and land uses will be situated on the subject property, and documenting access to all necessary utilities and infrastructure.
- ☐ A detailed project budget illustrating all related project expenses, sources of funding, and project financial needs.
- ☒ Other: Property Description and plat map
- ☒ Other: BEA report (excerpt), dated September 16, 2015
- ☐ Other: \_\_\_\_\_
- ☐ Other: \_\_\_\_\_
- ☐ Other: \_\_\_\_\_

#### Office Use Only

Date Application Received: \_\_\_\_\_

Date Application Fee Received: \_\_\_\_\_ By: \_\_\_\_\_

Date of Final Site Plan Approval by Planning Board (if required): \_\_\_\_\_

Date of Initial Brownfield Redevelopment Authority Meeting: \_\_\_\_\_

Date of Approval by Brownfield Redevelopment Authority: \_\_\_\_\_

Date of Final Approval by City Commission: \_\_\_\_\_

Notes:

CITY OF BIRMINGHAM  
ORDINANCE NO. 1868

AN ORDINANCE TO AMEND APPENDIX A - FEES, CHARGES, BONDS AND INSURANCE, SECTION 7.33, LICENSES FOR (A-D), OF THE CODE OF THE CITY OF BIRMINGHAM ESTABLISHING AN APPLICATION FEE FOR A BROWNFIELD DEVELOPMENT.

THE CITY OF BIRMINGHAM ORDAINS:

Section 7.33 of Appendix A, Fees, Charges, Bonds and Insurance, of the Code of the City of Birmingham shall be amended by adding the following:

Fee

Brownfield Developments:

Application fee (non-refundable and non-reimbursable).....\$1,500.00

ORDAINED this 27th day of June, 2005, to become effective upon publication.

Rackeline J. Hoff, Mayor

Nancy Weiss, City Clerk

CITY OF BIRMINGHAM  
ORDINANCE NO.1869

AN ORDINANCE TO AMEND APPENDIX A - FEES, CHARGES, BONDS AND INSURANCE, OF THE CODE OF THE CITY OF BIRMINGHAM BY ADDING A NEW SECTION 7.40, WHICH REQUIRES THE REIMBURSEMENT OF THE CITY'S OUTSIDE CONSULTANT FEES.

THE CITY OF BIRMINGHAM ORDAINS:

Appendix A, Fees, Charges, Bonds and Insurance, of the Code of the City of Birmingham shall be amended by adding a new Section 7.40 as follows:

[Sec.] 7.40 Outside Consultant Fees Reimbursement.

Where a review of applications, plans, construction documents, Brownfield development documents or any other documents is performed by outside consultants engaged by the city, a review fee shall be charged at 1.05 times the actual cost. Payment shall be in advance of the review based on estimated cost.

ORDAINED this 27th day of June, 2005, to become effective upon publication.

Rackeline J. Hoff, Mayor

Nancy Weiss, City Clerk

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**General Property Information**

Printer friendly version

Parcel: 08-19-36-207-008 Unit: City of Birmingham

[View this parcel on a map](#)

**Property Address** [collapse]

34965 WOODWARD AVE  
BIRMINGHAM, MI 48009-0931

**Owner Information** [collapse]

PEABODY FAMILY LLC	<b>Unit:</b>	08
34965 WOODWARD AVE		
BIRMINGHAM, MI 48009-0931		

**Taxpayer Information** [collapse]

SEE OWNER INFORMATION

**General Information for Tax Year 2015** [collapse]

<b>Property Class:</b>	201 - 201 Bus Imp	<b>Assessed Value:</b>	\$820,110
<b>School District:</b>	030 - 030 Birmingham City Sch	<b>Taxable Value:</b>	\$658,060
<b>State Equalized Value:</b>	\$820,110	<b>Map #</b>	POST
<b>PPBusCode</b>	0	<b>Date of Last Name Chg:</b>	10/31/2008
		<b>Date Filed:</b>	
		<b>Notes:</b>	N/A
<b>Historical District:</b>	N/A	<b>Census Block Group:</b>	N/A

Principal Residence Exemption	June 1st	Final
2016	0.0000 %	-
2015	0.0000 %	0.0000 %

Previous Year Info	MBOR Assessed	Final S.E.V.	Final Taxable
2014	\$794,880	\$794,880	\$647,700
2013	\$827,120	\$637,500	\$637,500

**Land Information** [collapse]

<b>Frontage</b>	<b>Depth</b>
-----------------	--------------

<b>Lot 1:</b>	1.00 Ft.	0.00 Ft.
<b>Lot 2:</b>	0.00 Ft.	0.00 Ft.
<b>Lot 3:</b>	0.00 Ft.	0.00 Ft.
<b>Total Frontage:</b>	1.00 Ft.	<b>Average Depth:</b> 0.00 Ft.

<b>Total Acreage:</b>	0.51	
<b>Zoning Code:</b>	BI	
<b>Total Estimated Land Value:</b>	\$1,159,780	<b>Mortgage Code:</b> 00000
<b>Land Improvements:</b>	\$11,362	<b>Lot Dimensions/Comments:</b>
<b>Renaissance Zone:</b>	NO	
<b>Renaissance Zone Expiration Date:</b>		
<b>ECF Neighborhood Code:</b>	CRS	

**Legal Information for 08-19-36-207-008**[\[collapse\]](#)

T2N, R10E, SEC 36 BROWNELL SUB LOTS 10, 11 & 12, ALSO PART OF LOT 13 DESC AS BEG AT NE LOT COR, TH S 15-43-00 E 26.46 FT ALGELY LOT LINE, TH S 69-45-15 W 72.82 FT, TH N 20-05-00 W TO N LOT LI, TH NELY ALG SD LINE TO BEG

**Sales Information****1 sale record(s) found.**

Sale Date	Sale Price	Instrument	Grantor	Grantee	Terms Of Sale	Liber/Page
09/12/2008	\$1.00	WD	JEROME BARBARA PEABODY	PEABODY FAMILY	5-NotArmsLength	40655:750

☒ Load Building Information on this Page.**Building Information****1 building(s) found.**

Description	Floor Area	Yr Built
<input type="checkbox"/> Commercial/Industrial Building 1 - Restaurant	5697 Sq. Ft.	1980

**General Information**

<b>Floor Area:</b>	5697 Sq. Ft.	<b>Estimated TCV:</b>	N/A
<b>Occupancy:</b>	Restaurant	<b>Class:</b>	C
<b>Stories Above Ground:</b>	1	<b>Average Story Height:</b>	16
<b>Basement Wall Height:</b>	0	<b>Year Remodeled:</b>	0
<b>Year Built:</b>	1980	<b>Heat:</b>	Complete H.V.A.C
<b>Percent Complete:</b>	100%	<b>Functional Percent Good:</b>	100%
<b>Physical Percent Good:</b>	40%	<b>Effective Age:</b>	47 yrs.
<b>Economic Percent Good:</b>	100%		

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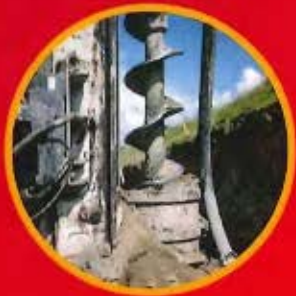
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## **BASELINE ENVIRONMENTAL ASSESSMENT REPORT**

Conducted Pursuant to Section 20126(1)(c) of 1994 PA 451,  
Part 201, as amended

34965 Woodward Avenue, Birmingham, Michigan

SME Project Number: 072734.00

September 16, 2015





The Kramer Building  
43980 Plymouth Oaks Blvd.  
Plymouth, MI 48170-2584

T (734) 454-9900

[www.sme-usa.com](http://www.sme-usa.com)

September 16, 2015

Mr. Matthew Shiffman  
Alden Development Group, LLC  
27777 Franklin Road, Suite 200  
Southfield, Michigan 48034

RE: Baseline Environmental Assessment  
34965 Woodward Avenue  
Birmingham, Michigan 48009  
SME Project Number: 072734.00

Dear Mr. Shiffman:

Please find enclosed one original Baseline Environmental Assessment (BEA) report for the referenced facility. We prepared this BEA report on behalf of Alden Development Group, LLC. A copy of the BEA Submittal Form is included with this BEA report.

The enclosed BEA report is being submitted to the Michigan Department of Environmental Quality (MDEQ) in accordance with Section 20126(1)(c) of Part 201 of the Natural Resources and Environmental Protection Act, PA Act 451 of 1994, as amended.

If you have questions regarding the BEA report or enclosed form, please call.

Sincerely,

**SME**

A handwritten signature in blue ink that reads "Paul A. Glasser".

Paul A. Glasser  
Staff Geologist

A handwritten signature in blue ink that reads "Matt Vander Elde".

Matthew A. Vander Elde, P.G., CPG  
Senior Project Geologist

Enclosures: BEA Report, Submittal Form, and MDEQ Cover Letter – One Electronic Copy

## TABLE OF CONTENTS

1.0 INTRODUCTION .....	1
2.0 PROPERTY INFORMATION .....	2
3.0 SUMMARY OF PHASE I ENVIRONMENTAL SITE ASSESSMENT .....	3
4.0 PHASE II ENVIRONMENTAL SITE ASSESSMENTS.....	4
4.1 MCDOWELL PHASE II ENVIRONMENTAL SITE ASSESSMENT .....	4
4.2 SME SUPPLEMENTAL PHASE II ENVIRONMENTAL SITE ASSESSMENT .....	4
4.2.1 SAMPLING PLAN .....	4
4.2.2 CHEMICAL ANALYSES .....	5
5.0 KNOWN CONTAMINATION.....	6
5.1 RESULTS FROM PREVIOUS PHASE II ESA .....	6
5.2 RESULTS FROM SME'S SUPPLEMENTAL PHASE II ESA .....	6
5.2.1 SURFACE AND SUBSURFACE CONDITIONS.....	6
5.2.2 CHEMICAL ANALYSES RESULTS .....	6
5.2.3 DATA VERIFICATION/VALIDATION AND USABILITY .....	7
6.0 FACILITY STATUS .....	8
7.0 IDENTIFICATION OF BEA AUTHOR.....	9
8.0 REFERENCES .....	10

## FIGURES

FIGURE 1: PROPERTY LOCATION MAP

FIGURE 2: PROPERTY AND ASSESSMENT SUMMARY DIAGRAM – SOIL AND  
GROUNDWATER

## TABLES

TABLE 1: SUMMARY OF ANALYSIS RESULTS – SOIL

TABLE 2: SUMMARY OF ANALYSIS RESULTS – GROUNDWATER

## APPENDIX A

LEGAL DESCRIPTION

## APPENDIX B

MCDOWELL & ASSOCIATES PHASE I ESA – JULY 22, 2015

## **APPENDIX C**

### **FIELD SAMPLING PROCEDURES SUMMARY**

## **APPENDIX D**

### **LABORATORY ANALYTICAL REPORTS**

## **APPENDIX E**

### **MCDOWELL & ASSOCIATES PHASE II ESA DOCUMENTS**

## **APPENDIX F**

### **SOIL BORING LOGS**

## **APPENDIX G**

### **DATA VALIDATION**

## 1.0 INTRODUCTION

We prepared this report to document the results of a Baseline Environmental Assessment (BEA) of one parcel of land located at 34965 Woodward Avenue in the City of Birmingham, Oakland County, Michigan (the Property). We prepared this BEA report on behalf of Alden Development Group, LLC, which plans to acquire the Property and redevelop it for a mixed commercial/residential use.

We conducted this BEA pursuant to Section 20126 of Part 201 of the Natural Resources and Environmental Protection Act (NREPA), Public Act 451 of 1994, as amended (Part 201). This report was prepared in general accordance with the Michigan Department of Environmental Quality (MDEQ) "Baseline Environmental Assessment Submittal Form" [Form EQP 4025 (02/2015)] and the MDEQ guidance document titled "Contents of a BEA Report." We are providing this BEA report to the MDEQ in accordance with Section 20126(1)(c) of Part 201.

In the process of obtaining information for preparation of this BEA report, we followed procedures that represent current reasonable and accepted environmental practices and principles, in a manner consistent with the level of care and skill ordinarily exercised by members of this profession. The goal of this BEA was to evaluate if the Property was a facility as defined by Part 201; determination of the nature and extent of environmental contamination was not a goal of the BEA. We conducted a portion of the environmental site assessment activities upon which this BEA report is based. We also incorporated into this BEA report information obtained from an environmental assessment conducted in April 2015 by McDowell & Associates (McDowell). We cannot guarantee all potential contaminants have been identified. Undetected contamination resulting from historical activities or off-site sources may be present on the Property.

## 2.0 PROPERTY INFORMATION

The Property is comprised of one parcel totaling 0.51 acres of land in the central portion of the City of Birmingham, Oakland County, Michigan. The Property is located at 34965 Woodward Avenue (formerly 154 South Hunter Boulevard), north of Brown Street and south of East Maple Road. The Property's parcel number is 08-19-36-207-008.

A scaled area map showing the location of the Property and surrounding areas is shown on Figure 1. Property features are shown on Figure 2. The Property is developed with one, one-story restaurant. The remainder of the Property is covered by asphalt parking. The Property summary sheet, which includes the Property address and Oakland County's abbreviated legal description, and an annotated plat map are provided in Appendix A.



### 3.0 SUMMARY OF PHASE I ENVIRONMENTAL SITE ASSESSMENT

We reviewed a Phase I Environmental Site Assessment (ESA) report prepared by McDowell & Associates (McDowell), dated July 22, 2015 (Appendix B). The Phase I ESA was reportedly conducted according to the ASTM International (ASTM) Practice E 1527-13. Historical operations on the Property reportedly included a saw mill, a feed mill, a blacksmith, and automobile and machine shops. McDowell identified the following recognized environmental conditions (RECs) in their Phase I ESA report:

- Fill soil consisting of topsoil and sand with asphalt millings, cinders, gravel, metal pieces, brick, and concrete was encountered to depths up to 6'8" below ground surface (bgs) in each of the three borings made on subject property as part of a Soils Investigation.
- A blacksmith is shown on the northwest portion of the Property in the 1910 Sanborn Fire Insurance Map. The historic use of the subject property as a blacksmith may have impacted the subject property.
- The symbol for "horizontal steam boiler" is shown in the eastern building in the 1910 and 1915 Sanborn Fire Insurance Maps and "heat steam" is listed as the heating source in the 1921 and 1926 Sanborn Fire Insurance Maps. The fuel source for the historic boilers is unknown.
- A portion of a rail spur is shown on the southeastern portion of the subject property in the 1921, 1926, and 1931 Sanborn Fire Insurance Maps.
- The northwest building on the subject property is shown with several automotive and machine shop uses in the 1915, 1921, 1926, and 1931 Sanborn Fire Insurance Maps. The symbol for "open hoist" is depicted in the northwestern building in the 1931 and 1949 Sanborn Fire Insurance Maps.
- "Catalyst Development Co 8 LLC" and "Shell Hunter" have been identified as an open LUST and BEA site at 34977 Woodward Avenue, which adjoins the subject property. MDEQ information for that site indicated a tank was discovered and a release was reported during construction of the current building at that site, and that corrective action to close the release had not been completed to date. Brownfield correspondence indicated a vapor mitigation system was installed at that site because sidewall samples from the excavation adjoining the subject property contained elevated levels of petroleum hydrocarbons. The potential exists for contamination to have migrated toward the subject property.

McDowell indicated in their report the use of the Property prior to 1904 is unknown, but this did not represent a significant data gap, given the known historic uses of the Property since that time. The Phase I ESA appears to have been completed by McDowell without any exceptions to, or deletions from, ASTM E1527-13, except for the following:

- McDowell indicated the Phase I User did not provide McDowell with a copy of the recorded land title records search.
- McDowell indicated information identified as a suspect REC for the subject property was discussed within the body of their Phase I ESA report, and not separately under Section 7.1 "Findings and Opinions."
- McDowell indicated the format of their Phase I ESA report was modeled after the recommended format provided by ASTM E 1527-13, but some adjustments may have been made to meet User, lender, or site-specific requirements.

## 4.0 PHASE II ENVIRONMENTAL SITE ASSESSMENTS

### 4.1 MCDOWELL PHASE II ENVIRONMENTAL SITE ASSESSMENT

McDowell conducted a Phase II ESA on April 26, 2015, which included collecting and analyzing 12 soil samples. A summary of McDowell's assessment is included in Section 6.1. We relied on data generated by and data reported by McDowell in the preparation of this BEA report. In our opinion, the relevant data generated and reported by McDowell is reliable and relevant to define environmental conditions at the Property.

### 4.2 SME SUPPLEMENTAL PHASE II ENVIRONMENTAL SITE ASSESSMENT

SME conducted a supplemental Phase II ESA of the Property on August 6, 2015. Our Phase II ESA consisted of collecting and analyzing 13 soil samples and 2 groundwater samples. A summary of the sampling plan and sample collection, chemical analysis, and quality assurance / quality control (QA/QC) procedures are presented in the following subsections. A summary of our operating procedures is attached in Appendix C. Copies of our detailed standard operating procedures will be provided upon request.

#### 4.2.1 SAMPLING PLAN

We developed our sampling plan to augment data collected by McDowell & Associates. Sample locations and rationales, quality control samples, sample collection procedures, and field quality assurance procedures are discussed in the following sections.

#### SAMPLING LOCATIONS AND RATIONALES

We advanced six, hydraulically driven, direct-push soil borings and two hand auger soil borings (SB1 through SB6 and HA1 through HA2, respectively; Figure 2) to augment the data previously collected by McDowell. We collected soil and groundwater samples for chemical analyses at depths where field indicators of impact, such as elevated photoionization detector (PID) measurements, visible staining, or unusual odors, were observed. If we identified no field indicators of impact, we collected soil samples from the fill and/or native clay. We collected one duplicate soil and one duplicate groundwater sample from sampling locations SB5 and SB2, respectively, to evaluate matrix homogeneity and the precision of the sampling activities. The specific locations and rationales for the soil samples collected from the soil borings are outlined in the table below.

SAMPLE ID	SAMPLING RATIONALE
SB1, SB2, SB3, HA1, and HA2	Evaluate potential environmental impacts associated with fill soils and historical commercial operations that occurred on the Property.
SB4, SB5, and SB6	Evaluate potential environmental impacts associated with potential migration of contaminants from the reported UST releases on the north-adjointing site.



## **SAMPLE COLLECTION**

We collected soil samples from each soil boring for classification, field screening, and/or laboratory analyses. We visually classified the soil samples in accordance with ASTM D2488, Standard Practice for Description and Identification of Soils (Visual-Manual Procedure). We field screened the soil samples for the presence of ionizable volatile organic compounds (VOCs) using a calibrated 10.6 eV photoionization detector (PID). We retained FMG Concrete Cutting, Inc. to core two, four-inch diameter holes in the concrete basement floor to facilitate sampling beneath the building (HA1 and HA2).

We collected a groundwater sample from a temporary groundwater monitoring well installed in the borehole at SB2. We collected a groundwater sample using low-flow sampling technique, from the screened interval, approximately 7 to 12 feet bgs.

The collection depths of each soil and groundwater sample are included in Table 1 and Table 2, respectively. Soil and groundwater samples were collected in general accordance with our standard operating procedures, a summary of which is included in Appendix C.

## **FIELD QUALITY ASSURANCE**

Our team members wore a new pair of disposable nitrile sampling gloves during collection of each sample to minimize cross-contamination. Direct-push sampling equipment was decontaminated with high-pressure, hot water before use and between sample locations. We decontaminated other soil sampling equipment with a laboratory grade detergent mixed in distilled water, and rinsed equipment with distilled water before each use. Soil and groundwater sampling, well installation, sample handling, and custody procedures were conducted as described in Appendix C.

### **4.2.2 CHEMICAL ANALYSES**

We submitted 13 soil samples and 2 groundwater samples, including a duplicate soil and duplicate groundwater sample, to Fibertec Environmental Services (Fibertec) of Holt, Michigan, for chemical analyses of the following parameters: VOCs, polynuclear aromatic hydrocarbons (PAHs), arsenic, barium, cadmium, chromium, copper, lead, mercury, selenium, silver, and zinc. The specific analytes for each sample are presented in Table 1 (soil) and Table 2 (groundwater). We selected the target analytes to be representative of, or indicator parameters for, the contaminants reasonably expected to be present in the environmental media sampled at each location based on the known historical uses of the Property and proximate sites. Fibertec analyzed the samples using the reference methods listed below:

- VOCs – EPA Methods 8260;
- PAHs – EPA Method 8270;
- arsenic, barium, cadmium, chromium, copper, lead, selenium, silver, and zinc – EPA Methods 6010/6020; and
- mercury – EPA Methods 7470/7471.

Copies of the laboratory reports, the complete list of specific analytical reference methods, reporting limits, and chain of custody documentation are included in Appendix D.

## 5.0 KNOWN CONTAMINATION

Summaries of subsurface conditions encountered during McDowell's Phase II ESA and SME's Supplemental Phase II ESA are provided in the following subsections.

### 5.1 RESULTS FROM PREVIOUS PHASE II ESA

The environmental conditions at the Property as determined from the tables, figures, and boring logs prepared by McDowell and a laboratory analytical report prepared for McDowell by Merit Laboratories, Inc. of East Lansing, Michigan (Appendix E). McDowell reported that arsenic, copper, mercury, selenium, and zinc were measured in soil at concentrations greater than Part 201 generic residential cleanup criteria. The locations of the exceedances are depicted on Figure 2 and the CAS numbers are: arsenic (7440-38-2), copper (7440-50-8), mercury (7439-97-6), selenium (7782-49-2), and zinc (7440-66-6).

### 5.2 RESULTS FROM SME'S SUPPLEMENTAL PHASE II ESA

#### 5.2.1 SURFACE AND SUBSURFACE CONDITIONS

Descriptions of the soil conditions encountered at SME's eight soil boring locations (SB1 through SB6 and HA1 through HA2) are documented in the soil boring logs in Appendix F. The soil conditions encountered by SME were generally consistent with the soil conditions reported by McDowell (Appendix E). In general, the surface materials consisted of approximately 3 inches of asphalt in the parking area or 3 inches of concrete in the building's basement. The surface materials were underlain by sand fill containing varying amounts of silt and gravel and occasional coal, slag, glass, incinerator ash, and cinder debris. The fill material generally extended to depths of 6 feet to 9 feet bgs. The fill materials were underlain by native sand with varying amounts of silt and gravel or clay to the explored depths of the borings (up to 15 feet bgs). Petroleum odors, staining, and/or elevated PID readings were observed in samples collected from soil borings HA1, HA2, SB3, SB4, SB5, and SB6.

Groundwater was encountered at approximately 11 feet bgs in soil boring SB1 and at approximately 7 feet bgs in soil boring SB2. Groundwater was not encountered at the other sampling locations.

#### 5.2.2 CHEMICAL ANALYSES RESULTS

Results from the chemical analyses performed on soil and groundwater samples collected during SME's assessment are summarized in the following paragraphs and are presented in Table 1 (soil) and Table 2 (groundwater). We compared the results to the relevant Part 201 generic residential cleanup criteria (Part 201 criteria) to determine if the Property is a "facility", as defined in Part 201. Target analytes present at concentrations greater than the Part 201 criteria are indicated in Tables 1 and 2 and depicted on Figure 2. Laboratory analytical reports and chain of custody documentation are provided in Appendix D.

Concentrations of benzene, ethylbenzene, 1,2,4-trimethylbenzene, arsenic, mercury, and selenium exceeded one or more Part 201 criteria in multiple soil samples collected from the Property. Concentrations of barium exceeded Part 201 criteria in the groundwater and duplicate groundwater sample collected from SB2. A summary of the constituents, chemical abstract numbers, measured concentrations, sample locations, and Part 201 criteria exceeded is presented in Table 1 (soil) and Table 2 (groundwater). No other target compounds were measured at concentrations exceeding the Part 201 criteria.

### 5.2.3 DATA VERIFICATION/VALIDATION AND USABILITY

We evaluated the representativeness of the data collected during SME's assessment to determine if the data set was valid and of usable quality. Our discussion of field and laboratory quality control results and our conclusions are summarized below. The laboratory QC results are detailed in the laboratory case narratives included in Appendix G.

The laboratory quality control sample results, including results for method blanks, matrix spike/matrix spike duplicates, laboratory control samples/laboratory control sample duplicates, and surrogates, except as discussed below, were within the laboratory's QC limits and met the DQOs of this assessment.

The relative percent differences (RPDs) in analysis results for target analytes in the duplicate soil samples were within 50%. The measured concentrations of chloromethane and lead were above the laboratory reporting limits in one of the duplicate samples, but not the other; therefore, the RPD for these analytes exceeded 50%. The elevated RPD did not affect our conclusions or the objective of determining if the Property is a facility because the measured concentrations of each of these analytes were below Part 201 criteria, and other constituents were measured at concentrations above the Part 201 criteria.

## 6.0 FACILITY STATUS

The cumulative results of the ESAs conducted by SME and McDowell demonstrated the Property is a "facility" as defined by Part 201 because benzene, ethylbenzene, 1,2,4-trimethylbenzene, arsenic, copper, mercury, selenium, and zinc were measured in soil samples at concentrations greater than one or more Part 201 generic residential cleanup criteria. Additionally, the measured concentrations of barium in groundwater were greater than Part 201 generic residential cleanup criteria. For these contaminants, the concentrations, sampling locations and depths, CAS numbers, and criteria exceeded are presented in Table 1 (soil) and Table 2 (groundwater). The sampling locations with concentrations exceeding the Part 201 criteria are also depicted on Figure 2.

## 7.0 IDENTIFICATION OF BEA AUTHOR

This Baseline Environmental Assessment (BEA) report was prepared by Paul A. Glasser and reviewed by Matthew A. Vander Eide, P.G., CPG and Daniel R. Cassidy, CPG. Contact information for Mr. Vander Eide is included below.

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## 8.0 REFERENCES

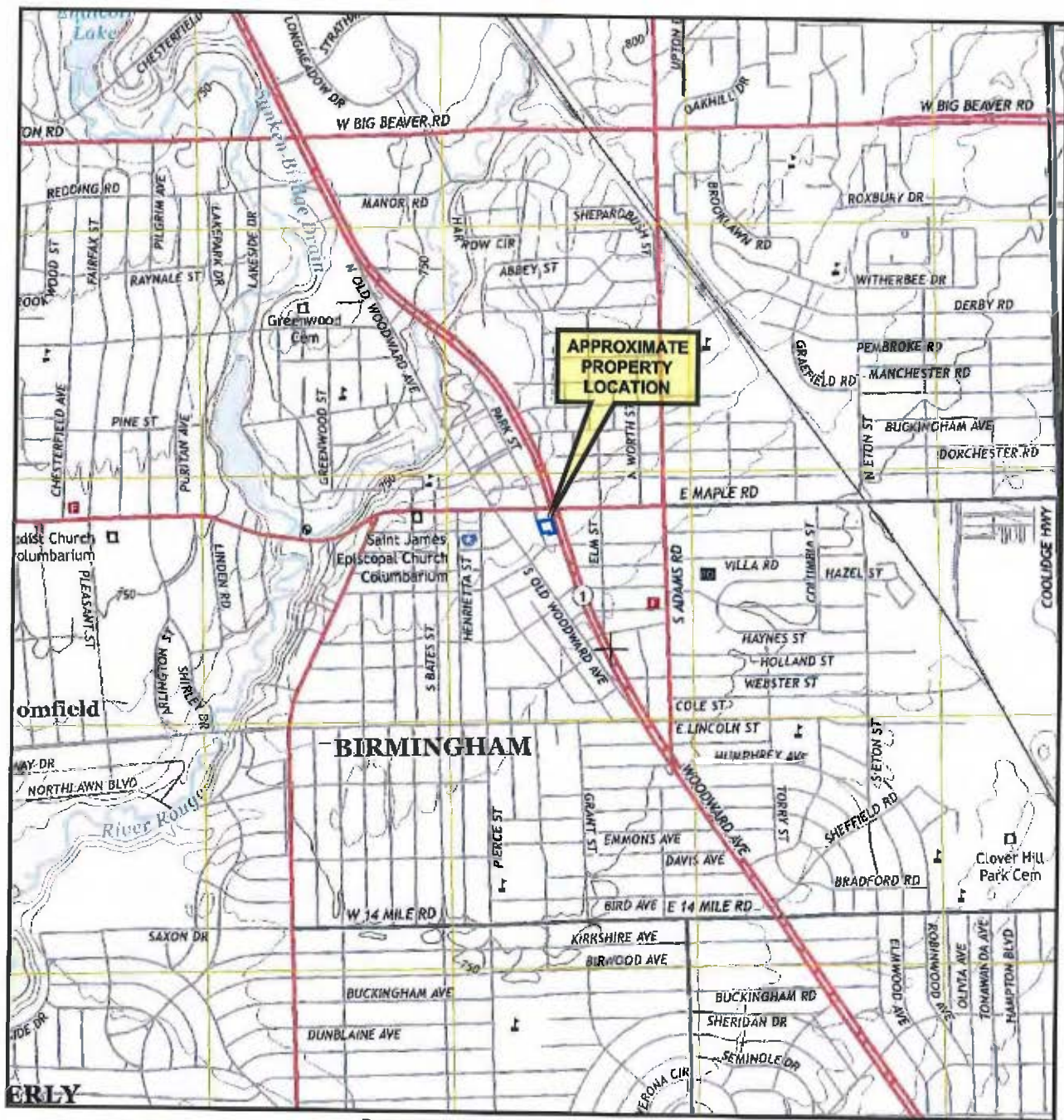
1. Part 201 of 1994 PA 451, as amended, the Natural Resources and Environmental Protection Act
2. Michigan Department of Environmental Quality, Promulgated Cleanup Criteria, R 299.44, R 299.46, and R 299.49, Part 201 Generic Residential Cleanup Criteria and Screening Levels, December 30, 2013.
3. McDowell & Associates, **Phase I Environmental Site Assessment of Existing Restaurant, 34965 Woodward Avenue, Birmingham, Michigan** July 22, 2015.
4. Selected documents prepared by or for McDowell & Associates following their 2015 Phase II environmental site assessment activities including a soil boring location map, data tables, soil boring logs and a laboratory report prepared by Merit Laboratories, Inc. (refer to Appendix E).

## **FIGURES**

**FIGURE 1: PROPERTY LOCATION MAP**

**FIGURE 2: PROPERTY ASSESSMENT AND SUMMARY DIAGRAM – SOIL AND  
GROUNDWATER**

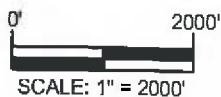




Base map obtained from USGS Store website

USGS QUADRANGLE(s) REFERENCED

BIRMINGHAM (MI) 2014



No.	Revision Date	Date	8-31-15
	Drawn By	JAB	
	Designed By	PAG	
	Scale	1" = 2000'	
	Project	072734.00	

**PROPERTY LOCATION MAP**  
**34965 WOODWARD AVENUE**  
**BIRMINGHAM, MICHIGAN**



**Figure No. 1**





www.sme-inc.com

Project

34965 WOODWARD  
AVENUE

Project Location

BIRMINGHAM,  
MICHIGAN 48009

Sheet Name

PROPERTY  
ASSESSMENT  
AND SUMMARY  
DIAGRAM -  
SOIL AND  
GROUNDWATER

No.

Revs on Date

Date 09-09-15

CADD JAB

Designer PAG

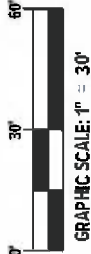
Scale 1" = 30'

Project 072734.00

Figure No.

2

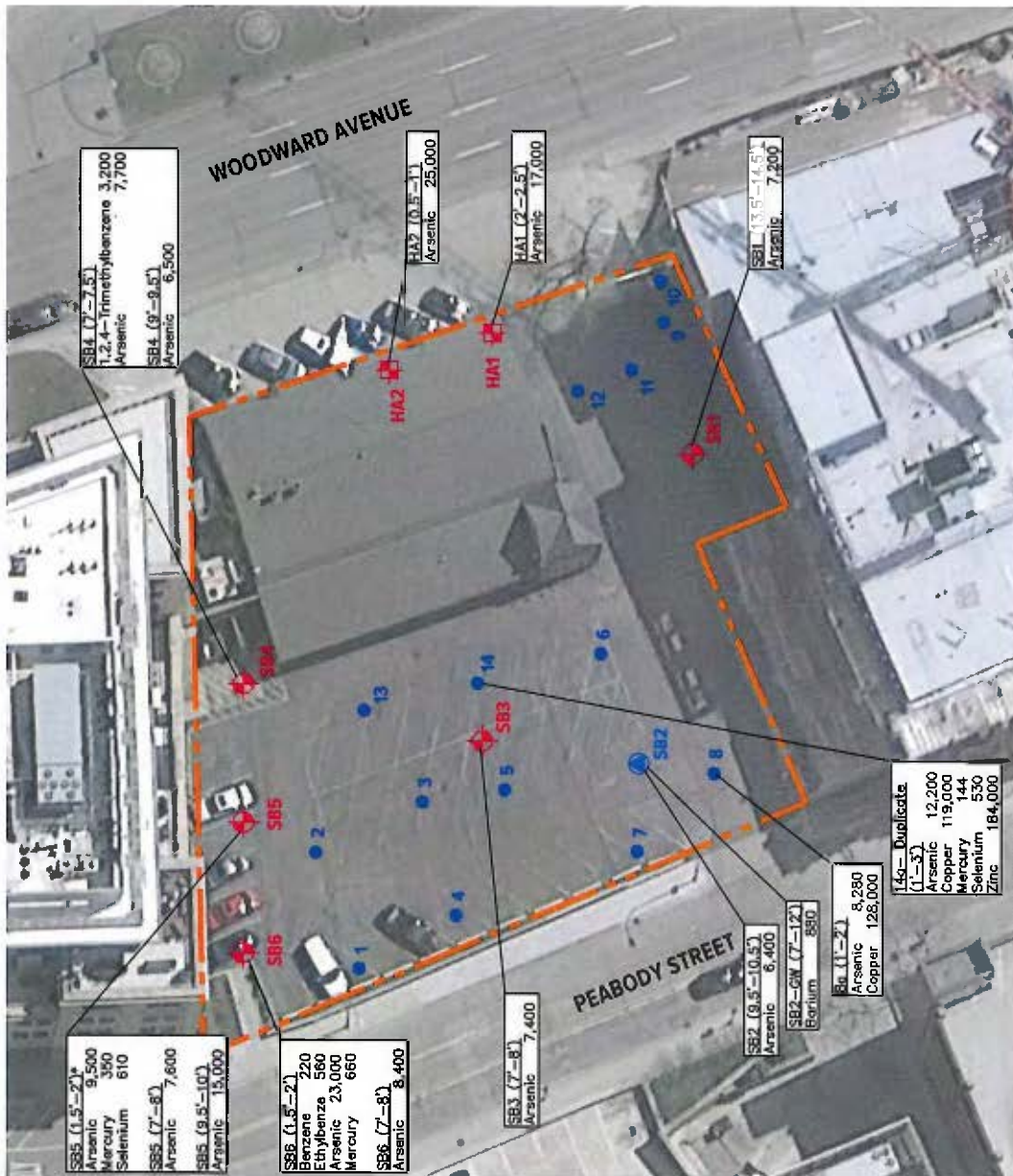
THIS DRAWING IS THE PROPERTY OF SME INC. AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF SME INC.



GRAPHIC SCALE: 1" = 30'

### LEGEND

- APPROXIMATE PROPERTY BOUNDARY
- APPROXIMATE SME SOIL BORING LOCATION (AUGUST 2015)
- APPROXIMATE SME TEMPORARY MONITORING WELL LOCATION (AUGUST 2015)
- APPROXIMATE SME HAND AUGER LOCATION (AUGUST 2015)
- APPROXIMATE MCDOWELL & ASSOCIATES SOIL BORING LOCATION (APRIL 2015)



- NOTES:
- DRAWING INFORMATION TAKEN FROM GOOGLE EARTH PRO AND A PREVIOUS ASSESSMENT PREPARED BY MCDOWELL & ASSOCIATES.
  - SOIL CONCENTRATIONS REPORTED IN MICROGRAMS PER KILOGRAM ( µg/kg).
  - GROUNDWATER CONCENTRATIONS REPORTED IN MICROGRAMS PER LITER ( µg/L).
  - RESULTS SHOWN EXCEED ONE OR MORE RESIDENTIAL GENERIC CLEANUP CRITERIA.
  - \* CONCENTRATIONS SHOWN ARE THE GREATER OF TWO DUPLICATE SAMPLES

## **TABLES**

**TABLE 1: SUMMARY OF ANALYSIS RESULTS - SOIL**

**TABLE 2: SUMMARY OF ANALYSIS RESULTS - GROUNDWATER**



SUMMARY OF ANALYSIS RESULTS - SOIL  
34965 WOODWARD AVENUE, BIRMINGHAM, MICHIGAN  
SME Project No. 072734.00  
Page 1 of 2

- a. Concentrations reported in micrograms per kilogram (ug/kg).
- b. Criteria taken from ROD Operational Memorandum No. A Tables 2, Sub- Required Part 201. Genetic Cleanup Criteria and Screening was dated December 30, 2013.
- c. Detected results shown in bold. Results exceeding one or more criteria are showed as are the criteria.
- d. If italicized. The respective criterion was below the Statewide Default Background Level (SDBL) and therefore the value defaulted to the SDBL value
- e. Other VOCs and PAHs - Refer to the analytical report for the full list of analytes.
- f. ID - Identifier used to develop criteria.
- g. CS - Criterion is specific to individual constituent.
- h. SCL - Analytical result was below laboratory reporting limit (ug).
- i. NC - No criterion.
- j. \* - Not Applicable.

Notes:

1. GSP Parameters were calculated for the indicated metals using the HDEQ spreadsheet for calculating GSD. A default water hardness value of 150 mg/L as CaCO<sub>3</sub> was used. Results are presented for surface water receiving bottom sediments and for drinking water source.
2. Concentrations were also compared to the following water source:  
a. Surface Water: All values to Federal Air Pollution Criteria.  
b. Surface Water: All values to Federal Air Pollution Criteria.  
c. Surface Water: All values to Federal Air Pollution Criteria.  
d. Surface Water: All values to Federal Air Pollution Criteria.  
e. Surface Water: All values to Federal Air Pollution Criteria.  
f. Surface Water: All values to Federal Air Pollution Criteria.  
g. Surface Water: All values to Federal Air Pollution Criteria.  
h. Surface Water: All values to Federal Air Pollution Criteria.  
i. Surface Water: All values to Federal Air Pollution Criteria.  
j. Surface Water: All values to Federal Air Pollution Criteria.  
k. Surface Water: All values to Federal Air Pollution Criteria.  
l. Surface Water: All values to Federal Air Pollution Criteria.  
m. Surface Water: All values to Federal Air Pollution Criteria.  
n. Surface Water: All values to Federal Air Pollution Criteria.  
o. Surface Water: All values to Federal Air Pollution Criteria.  
p. Surface Water: All values to Federal Air Pollution Criteria.  
q. Surface Water: All values to Federal Air Pollution Criteria.  
r. Surface Water: All values to Federal Air Pollution Criteria.  
s. Surface Water: All values to Federal Air Pollution Criteria.  
t. Surface Water: All values to Federal Air Pollution Criteria.  
u. Surface Water: All values to Federal Air Pollution Criteria.  
v. Surface Water: All values to Federal Air Pollution Criteria.  
w. Surface Water: All values to Federal Air Pollution Criteria.  
x. Surface Water: All values to Federal Air Pollution Criteria.  
y. Surface Water: All values to Federal Air Pollution Criteria.  
z. Surface Water: All values to Federal Air Pollution Criteria.

Concentrations reported in micrograms per kilogram (µg/kg).

1. Clients taken from ROD Operational Memorandum No. 1, Tables 2, Soil Remedial Part 204 Genetic Cleanup Criteria and Screening was dated December 30, 2013.

2. Detected results shown in bold. Results exceeding one or more criteria are shaded as are the criteria.

3. If detected, The respective criterion was below the Sixsigma Default Background Level (SDBL) and therefore the value defaulted to the SDBL value

4. Other VOCs and PAHs - Refer to the analytical report for the full list of analytes.

5. GC - Gas Chromatography

6. GC-MS - Gas chromatography-mass spectrometry

7. SRU - Analytical result was below laboratory reporting limit (µg)

8. NC - No criterion.

9. NA - Not Applicable

10. \* - GTS Production was calculated for the indicated metals using the HCEQ spreadsheet or calculating GSI. A default water hardness value of 150 mg/kg as CaCO<sub>3</sub> was used. Results are presented for surface water resulting bottles not produced as a drinking water source.

11. ND - Not Detected. This result was found to be below the detection limit and found to be below the default value set in our Air Inhalation Criteria, Ingestion Air Inhalation Criteria, and Pathologic Swallowing Criteria.

12. SAT - Saturation Concentration setting = 1e6.



TABLE 1  
SUMMARY OF ANALYSIS RESULTS - SOIL  
34955 WOODWARD AVENUE, BIRMINGHAM, MICHIGAN  
SME Project No. 072734.00  
Page 2 of 2

CONSTITUENT	CHEMICAL ABSTRACT SERVICE NUMBER	STATEWIDE DEFAULT BACKGROUND LEVELS	PART 201 GENERIC CLEANUP CRITERIA					Sample Locations (ft below ground surface)												
			Residential Drinking Water Protection Criteria	Residential Direct Contact Criteria	Groundwater Surface Water Interface Protection Criteria	Date Collected														
						205	206	207	208	HA1	HA2	McLennan & Associates By	MC 200-1-3 14-0-2-1 1-1-3							
									Native Clay	1.5'-2'	7'-8'	Native Clay	208	209	210	211	212	213		
Volatile Organic Compounds (VOCs)									Native Clay	1A/06/15	04/06/15	08/06/15	04/26/15							
1,1,1-Trichloroethane	74-149-2	NA	100	180,000	4,000	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	
1,1-Dichloroethane	104-67-8	NA	1,600	250,000	10	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	
1,2-Dichloroethane	105-99-8	NA	1,600	250,000	10	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	
1,1,1,2-Tetrachloroethane	100-14-4	NA	1,500	22,000,000	300	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	
1,1,2-Trichloroethane	107-06-3	NA	35,000	18,000,000	750	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	
1,2-Dichlorobenzene	106-88-3	NA	1,600	250,000	10	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	
1,2,4-Trichlorobenzene	106-88-3	NA	15,000	30,000,000	5,400	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	
1,2,4-Trichlorobenzene	96-13-6	NA	2,100	32,000,000	570	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	
Xylenes	1332-20-7	NA	5,600	410,000,000	870	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	
Other VOCs	CS	NA	CS	CS	CS	CS	CS	CS	CS	CS	CS	CS	CS	CS	CS	CS	CS	CS	CS	
Fluorine	76-73-7	NA	300,000	27,000,000	5,300	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	
2-Methylmethylenes	91-57-6	NA	57,000	5,100,000	4,200	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	
Phenanthrene	85-01-6	NA	58,000	1,600,000	2,100	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	
Other PAHs	CS	NA	CS	CS	CS	CS	CS	CS	CS	CS	CS	CS	CS	CS	CS	CS	CS	CS	CS	
Arsenic	7440-39-2	5,800	2,000	7,000	5,800	15,000	23,000	3,400	17,000	23,000	3,400	17,000	23,000	3,400	17,000	23,000	3,400	17,000	23,000	
Barium	7440-39-3	75,000	1,300,000	37,000,000	440,000	50,000	77,000	49,000	11,000	22,000	67,400	87,300	27,300	87,300	27,300	87,300	27,300	87,300	27,300	
Cadmium	7440-43-9	1,200	8,000	550,000	3,600	130	110	110	180	230	450	1,080	1,080	1,080	1,080	1,080	1,080	1,080	1,080	
Chromium, Total	7440-47-3	18,000	1,000,000,000	790,000,000	1,000,000,000	17,600	7,000	16,000	9,400	8,600	3,840	6,140	119,000	119,000	119,000	119,000	119,000	119,000	119,000	
Copper	7440-50-9	32,000	5,800,000	20,000,000	75,000	19,600	11,000	15,000	18,000	13,000	123,000	204,000	204,000	204,000	204,000	204,000	204,000	204,000	204,000	
Lead	7439-92-1	21,000	700,000	400,000	5,100,000	7,500	84,000	8,200	12,000	13,000	88	88	144	144	144	144	144	144	144	
Magnesium	7439-97-1	130	1,700	160,000	130	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	<RL	
Manganese	7439-96-9	400	4,000	2,600,000	470	240	210	210	210	210	210	210	210	210	210	210	210	210	210	
Selenium	7440-22-4	1,000	2,200,000	17,100,000	170,000	46,000	81,000	46,000	70,000	37,000	73,800	104,000	104,000	104,000	104,000	104,000	104,000	104,000	104,000	
Zinc	7440-66-8	47,000	2,200,000	17,100,000	170,000	46,000	81,000	46,000	70,000	37,000	73,800	104,000	104,000	104,000	104,000	104,000	104,000	104,000	104,000	

- Notes:
- Concentrations reported in micrograms per kilogram (µg/kg).
  - Criteria taken from RRD Operational Memorandum No. 1, Table 2. Soil Residential Part 201 Generic Cleanup Criteria and Screening Levels dated December 30, 2013.
  - Decoded results shown in bold. Results exceeding one or more criteria are shaded, as are the criteria.
  - CS - Insufficient data to develop criteria.
  - Other VOCs and PAHs - Refer to the analytical report for the full list of analytes.
  - ID - Insufficient data to develop criteria.
  - CS - Criterion is specific to individual constituent.
  - <RL - Analytical result was below laboratory reporting limits.
  - NC - No criterion.
  - NA - Not Applicable.
  - \* - GSI Protection was calculated for the indicated metals using the MDEQ spreadsheet for calculating GSI. A default water hardness value of 150 mg/kg as CaCO<sub>3</sub> was used. Results are presented for surface water receiving bodies not protected as a drinking water source.
  - Concentrations were also compared to and found to be below Soil Volatilization to Indoor Air Inhalation Criteria, Infinite Source Volatilization to Soil Saturation Concentration Screening Levels, and Particulate Soil Inhalation Criteria.





TABLE 2  
GROUNDWATER ANALYTICAL RESULTS  
34965 WOODWARD AVENUE, BIRMINGHAM, MICHIGAN  
SME Project No. 072734.00  
Page 1 of 1

CONSTITUENT	CHEMICAL ABSTRACT SERVICE NUMBER	PART 201 RESIDENTIAL CLEANUP CRITERIA		Sample Identification	
		Residential Drinking Water Criteria	Groundwater Surface Water Interface Criteria	Screened Interval (feet below ground surface)	Date Collected
Volatile Organic Compounds (VOCs)					
	74-87-3	260	ID	SBZ-GW	SBZ-GW Duplicate
	CS	CS	CS	(7' - 12')	(7' - 12')
Polynuclear Aromatic Hydrocarbons (PAHs)					
	CS	CS	CS	08/06/15	08/06/15
Metals					
	7440-38-2	10	10	<RL	<RL
	7440-39-3	2,000	670*	880	880
	7440-43-9	5	3*	<RL	<RL
	7440-47-3	100	100*	<RL	<RL
	7440-50-8	1,000	13*	6.8	7.2
	7439-92-1	4	14*	3.7	<RL
	7439-97-6	2	0.0073	<RL	<RL
	7782-49-2	50	5	<RL	<RL
	7440-22-4	34	0.2	<RL	<RL
	7440-66-8	2,400	170	<RL	<RL

- Notes:
- Concentrations reported in micrograms per liter (ug/L).
  - Criteria taken from RRD Operational Memorandum No. 1, Table 1, Groundwater, Residential and Nonresidential Part 201 Generic Cleanup Criteria and Screening levels, dated December 30, 2013.
  - Detectable results shown in bold. Results exceeding one or more criteria are shaded, as are the criteria.
  - Other VOCs and PAHs - Refer to the analytical report for the full list of VOCs and PAHs.
  - ID - Insufficient data to develop criteria.
  - CS - Criterion is specific to individual constituent.
  - \* - GSI Protection was calculated for the indicated metals using the MDEQ spreadsheet for calculating GSI. A default water hardness value of 150 mg/kg as CaCO<sub>3</sub> was used to calculate GSI. Results are presented for surface water receiving bodies not protected as a drinking water source.
  - Concentrations were also compared to and found to be below Groundwater Volatilization to Indoor Air Inhalation Criteria and Flammability and Explosivity screening levels.



## **BROWNFIELD PLAN FOR:**

34965 Woodward Avenue, Birmingham, Michigan

Birmingham Brownfield Redevelopment Authority  
151 Martin Street, PO Box 3001  
Birmingham, Michigan 48012  
Contact: Ms. Jana Ecker (248) 530-1841

Prepared with the assistance of:  
SME  
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# TABLE OF CONTENTS

<b>I.</b>	<b>INTRODUCTION.....</b>	<b>1</b>
A.	PLAN PURPOSE .....	1
B.	PROPERTY DESCRIPTION.....	1
C.	BASIS OF ELIGIBILITY.....	1
D.	PROJECT DESCRIPTION .....	1
<b>II.</b>	<b>GENERAL DEFINITIONS AS USED IN THIS PLAN .....</b>	<b>2</b>
<b>III.</b>	<b>BROWNFIELD PLAN .....</b>	<b>2</b>
A.	DESCRIPTION OF COSTS TO BE PAID WITH TAX INCREMENT REVENUES AND SUMMARY OF ELIGIBLE ACTIVITIES.....	2
B.	ESTIMATE OF CAPTURED TAXABLE VALUE AND TAX INCREMENT REVENUES .....	3
C.	METHOD OF FINANCING PLAN COSTS AND DESCRIPTION OF ADVANCES BY THE MUNICIPALITY .....	3
D.	MAXIMUM AMOUNT OF NOTE OR BONDED INDEBTEDNESS.	3
E.	DURATION OF BROWNFIELD PLAN .....	3
F.	ESTIMATED IMPACT OF TAX INCREMENT FINANCING ON REVENUES OF TAXING JURISDICTIONS.....	4
G.	LEGAL DESCRIPTION, PROPERTY MAP, PROPERTY CHARACTERISTICS AND PERSONAL PROPERTY .....	4
H.	ESTIMATES OF RESIDENTS AND DISPLACEMENT OF FAMILIES	4
I.	PLAN FOR RELOCATION OF DISPLACED PERSONS .....	4
J.	PROVISIONS FOR RELOCATION COSTS.....	4
K.	STRATEGY FOR COMPLIANCE WITH MICHIGAN'S RELOCATION ASSISTANCE LAW .....	4
L.	DESCRIPTION OF THE PROPOSED USE OF LOCAL PROPERTY REMEDIATION REVOLVING FUND (LSRRF) .....	4
M.	OTHER MATERIAL THAT THE AUTHORITY OR GOVERNING BODY CONSIDERS PERTINENT .....	5

**APPENDIX A**  
**ELIGIBLE ACTIVITIES COST TABLE**

**APPENDIX B**  
**SUMMARY OF TAX INCREMENT FINANCING AND REIMBURSEMENT**  
**OF ELIGIBLE ACTIVITIES**

**APPENDIX C**  
**ALTA SURVEY DESCRIBED IN SECTION III(G) OF THIS PLAN**

**APPENDIX D**  
**PROJECT CONCEPTUAL DRAWINGS**

## **I. INTRODUCTION**

### **A. PLAN PURPOSE**

The Birmingham Brownfield Redevelopment Authority (Authority; BBRA), duly established by resolution of the Birmingham City Commission, pursuant to the Brownfield Redevelopment Financing Act, Michigan Public Act 381 of 1996, MCLA 125.2651 et. seq., as amended (Act 381), is authorized to exercise its powers within the limits of the City of Birmingham. The purpose of this Brownfield Plan (the Plan), to be implemented by the BBRA, is to satisfy the requirements of Act 381 for including the eligible property described below, designated as 34965 Woodward Avenue, Birmingham, Michigan (the “Property”), in a Brownfield Plan. The Property consists of one parcel of land that is a “facility” as defined by Part 201 of Michigan’s Natural Resources and Environmental Protection Act (1994 P.A. 451, as amended). The Property is located within the boundaries of the City of Birmingham. The project will be constructed on the site of the existing Peabody’s Restaurant and parking lot.

This Plan allows the BBRA to use tax increment revenue to reimburse the developer, Alden Development Group, LLC (ADG), for the costs of eligible activities required to prepare the Property for safe redevelopment and reuse (see Section III). Given the nature of the expenses proposed, the capture of tax increment generated by ADG’s proposed redevelopment is necessary to ensure the economic viability of the redevelopment.

### **B. PROPERTY DESCRIPTION**

The Property consists of one parcel of land occupying approximately 0.5 acres of land near the southwest corner of Woodward Avenue and Maple Road in the City of Birmingham. The parcel identification number is 08-19-36-207-008 and the property address 34965 Woodward Avenue, Birmingham, Michigan. Additional property description information is provided in Section III (G).

### **C. BASIS OF ELIGIBILITY**

The Property is eligible for inclusion in this Brownfield Plan in accordance with MCL 125.2652(n) because the Property is a “facility” as defined by 1994 P.A. 451, as amended.

### **D. PROJECT DESCRIPTION**

This redevelopment will take place on the property currently occupied by Peabody’s Restaurant and its associated parking. Prior to the opening of the restaurant in 1975, operations on the Property included a feed and saw mill, blacksmith, machine shop, rail spur, and automotive repair. A Phase I environmental site assessment (ESA) of the Property was conducted in 2015. According to the Phase I ESA report, the historical operations were identified as an environmental concern. In addition, the north- and south- adjoining sites were listed contaminated sites. Records reviewed during the Phase I ESA indicated a vapor mitigation system was installed on the north- adjoining site because elevated levels of petroleum hydrocarbon constituents were measured in soil. The potential for vapor migration from the north- adjoining site on to the Property is an environmental concern. Finally, fill soil with asphalt millings, cinders, gravel, metal pieces, brick, and concrete was also identified as an environmental concern.

A Phase II ESA was conducted on the Property in 2015 to further evaluate the environmental concerns identified in the Phase I ESA report. A total of 19 soil borings were advanced on the Property and soil and groundwater samples were collected. Soil on the Property is contaminated with petroleum hydrocarbon constituents, including benzene, ethylbenzene and 1,2,4-trimethylbenzene, and heavy metals including arsenic copper, mercury, selenium and zinc. Soil contamination was encountered throughout the Property, and extended to at least 15 feet below ground surface (bgs). Groundwater contaminated with barium was encountered at a depth of 7 to 12 feet bgs.

The Property location is ideal for redevelopment. Upon approval of the BBRA, ADG expects to acquire the Property in early 2016; however, the redevelopment of the Property is hindered by the environmental challenges created by the presence of contaminated soil and groundwater on the Property and migrating from the north and northwest adjoining properties and hazardous building materials (asbestos) in the existing restaurant building.

ADG's redevelopment plans address the City of Birmingham's needs for additional high-end residential and commercial spaces while avoiding any increased demand for parking in the City's central business district by providing it on site at significant expense. The redevelopment plans include demolition of the existing restaurant and parking lot, and construction of a multi-story, mixed-use, residential and retail/commercial building with a two-story underground parking garage, with 92 new parking spaces. Conceptual design drawings for the project are provided in Appendix D.

The total anticipated investment for the project is approximately \$30 million; creating approximately 400 new full-time office and retail jobs and 100 temporary construction jobs. The project will add significant tax base to the City of Birmingham, as well as stimulate additional commercial development and economic activity in the area.

## **II. GENERAL DEFINITIONS AS USED IN THIS PLAN**

All words or phrases not defined herein shall have the same meaning as such words and phrases included in Act 381.

## **III. BROWNFIELD PLAN**

### **A. DESCRIPTION OF COSTS TO BE PAID WITH TAX INCREMENT REVENUES AND SUMMARY OF ELIGIBLE ACTIVITIES**

ADG will be reimbursed for the costs of eligible environmental activities necessary to prepare the Property for redevelopment. The costs of eligible activities included in, and authorized by, this Plan will be reimbursed with incremental local and school operating tax revenues generated by the Property after redevelopment and captured by the BBRA, subject to any limitations and conditions described in this Plan, approvals of the Michigan Department of Environmental Quality (MDEQ) for school operating tax capture, and the terms of a Reimbursement Agreement between ADG and the Authority (the "Reimbursement Agreement"). Administrative expenses of the BBRA will not be reimbursed through capture of incremental taxes.

No personal property taxes are projected to be captured by this Plan.

The estimated total cost of environmental activities eligible for reimbursement from tax increment revenues is \$1,438,238; however, costs may increase or decrease provided that the costs remain below the overall total approved amount of \$1,438,238. The eligible activities are summarized in Table 1 in Appendix A.

The individual costs of environmental activities eligible for reimbursement are estimated and may increase or decrease, depending on the nature and extent of unknown conditions encountered. No costs of eligible activities will be qualified for reimbursement except to the extent permitted in accordance with the terms and conditions of the Reimbursement Agreement and Section 2 of Act 381 of 1994, as amended (MCL 125.2652). The Reimbursement Agreement and this Plan will dictate the total cost of eligible activities subject to reimbursement. As long as the total cost limit described in this Plan is not exceeded, line item categories and costs of eligible activities may be adjusted without Plan amendment after the date of this Plan, to the extent the adjustments do not violate the terms of Act 381.

## **B. ESTIMATE OF CAPTURED TAXABLE VALUE AND TAX INCREMENT REVENUES**

The estimated 2015 taxable value of the Property is \$658,060, which is the initial taxable value for this Plan. This value was obtained from the City of Birmingham Treasurer's Office. The anticipated taxable value at project completion is estimated to be \$7,500,000, based on 25% of the proposed development costs. For planning purposes, the taxable value for tax year 2018 is assumed to be 50% of the full taxable value, with the full value estimated by tax year 2019. The actual taxable value will be determined by the City Assessor.

The BBRA will capture 100% of the incremental local tax revenues generated from the Property to reimburse ADG for the costs of eligible activities under this Plan in accordance with the Reimbursement Agreement. The BBRA will capture 100% of the incremental school operating tax revenues generated from real property to reimburse the costs of eligible environmental activities pursuant to work plans approved by the MDEQ. Estimated taxable values, tax increment revenues to be captured, impacts on taxing jurisdictions, and eligible activities reimbursement cash flows are presented in Table 2 (Appendix B). The actual annual incremental taxable value and captured tax increment revenue will be determined by the City of Birmingham. The actual increased taxable value of the land and all future taxable improvements on the Property may vary.

It is the intent of this Plan to provide for the proportional capture of all eligible tax increments in whatever amounts and in whatever years they become available until all eligible costs described in the Plan are paid or 30 years, whichever is shorter. It is estimated that all eligible costs will be reimbursed within seven years. If the MDEQ elects not to participate in this Project, the portion of capture related to their proportionate share will be assumed by, made whole by, and become the responsibility of the other taxing entities to the extent allowed by Act 381.

## **C. METHOD OF FINANCING PLAN COSTS AND DESCRIPTION OF ADVANCES BY THE MUNICIPALITY**

ADG is ultimately responsible for financing the costs of eligible activities included in this Plan. Neither the BBRA nor the City of Birmingham will advance any funds to finance the eligible activities. All Plan financing commitments and activities and cost reimbursements authorized under this Plan shall be governed by the Reimbursement Agreement. The inclusion of eligible activities and estimates of costs to be reimbursed in this Plan is intended to authorize the BBRA to fund such reimbursements. The amount and source of any tax increment revenues that will be used for purposes authorized by this Plan, and the terms and conditions for such use and upon any reimbursement of the expenses permitted by the Plan, will be provided solely under the Reimbursement Agreement.

Reimbursements under the Reimbursement Agreement shall not exceed the cost of eligible activities and reimbursement limits described in this Plan, unless it is further amended.

## **D. MAXIMUM AMOUNT OF NOTE OR BONDED INDEBTEDNESS**

Not applicable.

## **E. DURATION OF BROWNFIELD PLAN**

The duration of this Brownfield Plan for the Property shall not exceed the shorter of the following: reimbursement of all eligible costs, cumulatively not to exceed \$1,438,238, or 30 years tax capture after the first year of tax capture under this Plan. The date for beginning tax capture shall be 2018, unless otherwise amended by the BBRA. It is anticipated that the eligible expenses should be fully reimbursed

within seven years, at which point the full increment will be available to the municipality and the State for use.

## **F. ESTIMATED IMPACT OF TAX INCREMENT FINANCING ON REVENUES OF TAXING JURISDICTIONS**

Incremental local and state tax revenues generated by the project will be captured by the BBRA until all incurred eligible brownfield redevelopment costs are reimbursed. The tax revenue available for capture by the BBRA will be split between local and state sources, with 50.002% being reimbursed with local tax revenues and 49.998% being reimbursed with state tax revenues, based on the millage rates obtained from the City of Birmingham Treasurer's Office. The impact of the BBRA incremental tax capture on local taxing authorities is presented in Table 2 (Appendix B).

## **G. LEGAL DESCRIPTION, PROPERTY MAP, PROPERTY CHARACTERISTICS AND PERSONAL PROPERTY**

The property consists of single, approximately 0.5-acre parcel with a current address of 34965 Woodward Avenue, Birmingham, Michigan. A legal description and an ALTA survey of the Property are included in Appendix C.

## **H. ESTIMATES OF RESIDENTS AND DISPLACEMENT OF FAMILIES**

No occupied residences are involved in the redevelopment, no persons reside at the Property, and no families or individuals will be displaced as a result of this development. Therefore, a demographic survey and information regarding housing in the community are not applicable and are not needed for this Plan.

## **I. PLAN FOR RELOCATION OF DISPLACED PERSONS**

No persons will be displaced as a result of this development; therefore, a Plan for relocation of displaced persons is not applicable and is not needed for this Plan.

## **J. PROVISIONS FOR RELOCATION COSTS**

No persons will be displaced as result of this development and no relocation costs will be incurred; therefore, provision for relocation costs is not applicable and is not needed for this Plan.

## **K. STRATEGY FOR COMPLIANCE WITH MICHIGAN'S RELOCATION ASSISTANCE LAW**

No persons will be displaced as result of this development; therefore, no relocation assistance strategy is needed for this Plan.

## **L. DESCRIPTION OF THE PROPOSED USE OF LOCAL PROPERTY REMEDIATION REVOLVING FUND (LSRRF)**

The BBRA has decided not to capture incremental revenues for their LSRRF for this Plan.



## **M. OTHER MATERIAL THAT THE AUTHORITY OR GOVERNING BODY CONSIDERS PERTINENT**

There is no other material that the BBRA or governing body considers pertinent.

**APPENDIX A**

**ELIGIBLE ACTIVITIES COST TABLE**



Table 1  
Brownfield Eligible Activities Cost Summary  
34965 Woodward Avenue Redevelopment  
Birmingham, Michigan  
SME Project No: 072734.01  
1/27/2016

ELIGIBLE ACTIVITIES															
TASK/ACTIVITY	COST ITEM	BROWNFIELD UNIT COST	GREENFIELD UNIT COST	UNITS	QUANTITY							TIF SOURCES			
												Local	State		
ENVIRONMENTAL ACTIVITIES															
Environmental Response Activities															
Site Demolition <sup>1</sup>	Demolition of restaurant building and basement and removal of the existing pavements and utilities	\$0	\$120,000	ea.	1							\$135,000	\$67,497	\$67,503	
	Hazardous materials assessment	\$20,000	\$0	ea.	1										
	Hazardous materials abatement:														
	Abatement design and monitoring	\$20,000	\$0	ea.	1										
	ACM roofing abatement	\$6	\$0	sq. ft.	6,000										
	ACM pipe insulation abatement	\$10	\$0	lf	500										
	ACM floor tiles, ceiling tiles and base board abatement	\$2	\$0	sq. ft.	2,000										
	ACM plaster and wall board system abatement	\$5	\$0	sq. ft.	10,000										
BEA Activities															
Phase I ESA	Phase I ESA; Updates	\$5,000	\$0	ea.	1										
Phase II ESA/BEA	Phase II ESA	\$30,000	\$0	ea.	1										
	BEA report	\$5,000	\$0	ea.	1										
Due Care Activities															
Documentation of Due Care Compliance	Preparation of due care compliance documentation, in accordance with Part 201 (two plans: construction and post-construction)	\$3,500	\$0	ea.	2										
Due Care Response Activity Planning and Management	Evaluate and design engineering controls and remediation plans for response activities. Due care consulting and management during contractor bidding and throughout the construction phase	\$20,000	\$0	ea.	1							\$73,750	\$36,874	\$36,876	
	On-site remediation excavation observation	\$1,500	\$0	days	30										
	Verification sampling, analysis and documentation	\$350	\$0	per sample	25										
Site Specific Health and Saftey Plan	Health and Safety Plan for consultants and contractors	\$500	\$0	ea.	1										
Soil Management <sup>2</sup>	Disposal characterization sampling and analysis	\$5,000	\$0	ea.	1							\$545,000	\$272,489	\$272,511	
	Transport and disposal of contaminated soil (Type II landfill)	\$18	\$0	cyd	30,000										
Groundwater Management	Rental of on-site frac storage tank for temporary on-site groundwater storage	\$300	\$0	day	60							\$89,000	\$44,498	\$44,502	
	Groundwater disposal characterization sampling	\$1,000	\$0	ea.	1										
	Discharge non-contaminated water in municipal sanitary system (w/t permit)	\$0	\$0.15	gal	200,000										
	On-site treatment and discharge contaminated water in municipal system (w/t permit)	\$0.50	\$0	gal	200,000										
Prevent Exacerbation of Contaminated Soil via Soil Trackout and Dust	Characterization sampling	\$600	\$0	ea.	1							\$3,000	\$1,500	\$1,500	
	Dust suppression	\$300	\$0	day	45										
	Non-contaminated street sweepings transport and disposal	\$0	\$11	cyd	200										
	Contaminated street sweepings transport and disposal	\$23	\$0	cyd	200										
Chemical Vapor Mitigation Controls	Design vapor retarding system	\$20,000	\$0	ea.	1							\$340,000	\$169,993	\$170,007	
	Install vapor retarding membrane below building floor and sidewalls	\$6	\$0	sq. ft.	50,000										
	Installation monitoring, quality control testing (smoke tests)	\$20,000	\$0	ea.	1										
Environmental Activities Contingency <sup>3</sup>		\$1,233,250	\$0	ea.	0.15										
Brownfield Work Plans															
Preparation and review of Brownfield Plan and Act 381 Work Plan	Brownfield Plan	\$5,000	\$0	ea.	1										
	Act 381 Work Plan	\$15,000	\$0	ea.	1										
TOTAL ELIGIBLE COSTS:												\$1,438,238		\$721,590	\$716,647

Notes:

1. Selected Site Demolition activities are included as an environmental activity because the presence of the building prevents access to contaminated soil that must be excavated and removed from the site. Demolition of the building and excavation of contaminated soils cannot begin until assessment and abatement of hazardous materials has been completed.
2. The costs included anticipate all excavated soil will be disposed in a type II landfill.
3. The contingency amount is equal to 15% of the eligible costs; brownfield work plan costs are excluded.

## **APPENDIX B**

### **SUMMARY OF TAX INCREMENT FINANCING AND REIMBURSEMENT OF ELIGIBLE ACTIVITIES**



Table 2  
Impact to Taxing Jurisdictions Summary  
34965 Woodward Avenue Redevelopment  
Birmingham, Michigan  
SME Project No: 072734.01  
1/20/2016

		2017 (Y1)	2018 (Y2)	2019 (Y3)	2020 (Y4)	2021 (Y5)	2022 (Y6)	2023 (Y7)	2024 (Y8)	2025 (Y9)	2026 (Y10)	2027 (Y11)	2028 (Y12)	2029 (Y13)	2030 (Y14)	2031 (Y15)	
Initial Taxable Value	\$ 658,060																
Taxable Value after Improvement <sup>(1)</sup>		\$ 658,060	\$ 3,750,000	\$ 7,500,000	\$ 7,575,000	\$ 7,650,750	\$ 7,727,258	\$ 7,804,530	\$ 7,882,575	\$ 7,961,401	\$ 8,041,015	\$ 8,121,425	\$ 8,202,640	\$ 8,284,666	\$ 8,367,513	\$ 8,451,188	
Total Capturable Taxable Value		\$ -	\$ 3,091,940	\$ 6,841,940	\$ 6,916,940	\$ 6,992,690	\$ 7,069,198	\$ 7,146,470	\$ 7,224,515	\$ 7,303,341	\$ 7,382,955	\$ 7,463,365	\$ 7,544,580	\$ 7,626,606	\$ 7,709,453	\$ 7,793,128	
State Taxes - Millages																	
State Education Tax (SET)	6.0000	\$ -	\$ 18,552	\$ 41,052	\$ 41,502	\$ 41,956	\$ 42,415	\$ 42,879	\$ 43,347	\$ 43,820	\$ 44,298	\$ 44,780	\$ 45,267	\$ 45,760	\$ 46,257	\$ 46,759	
School Operating	18.0000	\$ -	\$ 55,655	\$ 123,155	\$ 124,505	\$ 125,868	\$ 127,246	\$ 128,636	\$ 130,041	\$ 131,460	\$ 132,893	\$ 134,341	\$ 135,802	\$ 137,279	\$ 138,770	\$ 140,276	
Total State Millages Available for Capture by BRA	24.0000	\$ -	\$ 74,207	\$ 164,207	\$ 166,007	\$ 167,824	\$ 169,661	\$ 171,515	\$ 173,388	\$ 175,280	\$ 177,191	\$ 179,121	\$ 181,069	\$ 183,039	\$ 185,027	\$ 187,035	
Local Taxes - Millages (2015)																	
City Operating	11.4943	\$ -	\$ 35,540	\$ 78,643	\$ 79,505	\$ 80,376	\$ 81,255	\$ 82,144	\$ 83,041	\$ 83,947	\$ 84,862	\$ 85,786	\$ 86,720	\$ 87,662	\$ 88,615	\$ 89,577	
City Ref	0.9170	\$ -	\$ 2,835	\$ 6,274	\$ 6,343	\$ 6,412	\$ 6,482	\$ 6,553	\$ 6,625	\$ 6,697	\$ 6,770	\$ 6,844	\$ 6,918	\$ 6,994	\$ 7,070	\$ 7,146	
Library	1.1000	\$ -	\$ 3,401	\$ 7,526	\$ 7,609	\$ 7,692	\$ 7,776	\$ 7,861	\$ 7,947	\$ 8,034	\$ 8,121	\$ 8,210	\$ 8,299	\$ 8,389	\$ 8,480	\$ 8,572	
OCC	1.5819	\$ -	\$ 4,891	\$ 10,823	\$ 10,942	\$ 11,062	\$ 11,183	\$ 11,305	\$ 11,428	\$ 11,553	\$ 11,679	\$ 11,806	\$ 11,935	\$ 12,065	\$ 12,196	\$ 12,328	
PR/HCMA	4.5456	\$ -	\$ 14,055	\$ 31,101	\$ 31,442	\$ 31,786	\$ 32,134	\$ 32,485	\$ 32,840	\$ 33,198	\$ 33,560	\$ 33,925	\$ 34,295	\$ 34,668	\$ 35,044	\$ 35,424	
OIS	3.3633	\$ -	\$ 10,399	\$ 23,011	\$ 23,264	\$ 23,519	\$ 23,776	\$ 24,036	\$ 24,298	\$ 24,563	\$ 24,831	\$ 25,102	\$ 25,375	\$ 25,651	\$ 25,929	\$ 26,211	
OCPTA	0.9998	\$ -	\$ 6,841	\$ 6,841	\$ 6,916	\$ 6,991	\$ 7,068	\$ 7,145	\$ 7,223	\$ 7,302	\$ 7,381	\$ 7,462	\$ 7,543	\$ 7,625	\$ 7,708	\$ 7,792	
Total Local Millages Available for Capture by BRA	24.0019	\$ -	\$ 74,212	\$ 164,219	\$ 166,021	\$ 167,838	\$ 169,674	\$ 171,529	\$ 173,402	\$ 175,294	\$ 177,204	\$ 179,135	\$ 181,085	\$ 183,054	\$ 185,042	\$ 187,050	
Total Available Tax Capture by BRA (Local + State Millages)	48.0019	\$ -	\$ 148,419	\$ 328,426	\$ 332,028	\$ 335,662	\$ 339,335	\$ 343,044	\$ 346,790	\$ 350,574	\$ 354,395	\$ 358,256	\$ 362,154	\$ 366,093	\$ 370,069	\$ 374,085	
City administrative (local only)		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
State Revolving Fund (3 mills)		\$ -	\$ 9,276	\$ 20,526	\$ 20,751	\$ 20,978	\$ 21,208	\$ 21,440	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 114,179
Annual State Increment Capture by BRA for Reimbursement		\$ -	\$ 64,931	\$ 143,681	\$ 145,256	\$ 146,846	\$ 148,453	\$ 67,480	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 716,647
Annual Local Increment Capture by BRA for Reimbursement		\$ -	\$ 74,212	\$ 164,219	\$ 166,021	\$ 167,838	\$ 149,300	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 721,590
Total Annual Increment Capture by BRA for Reimbursement <sup>(2)</sup>		\$ -	\$ 139,143	\$ 307,900	\$ 311,277	\$ 314,684	\$ 297,753	\$ 67,480	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,438,237
Non-Environmental Costs																	Non-Environmental
State Tax Reimbursement		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Unreimbursed Non-Environmental Costs (State portion)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Local Tax Reimbursement		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Unreimbursed Non-Environmental Costs (Local portion)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Unreimbursed Non-Environmental Costs	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Environmental Costs																	Environmental
State Tax Reimbursement		\$ -	\$ 64,931	\$ 143,681	\$ 145,256	\$ 146,846	\$ 148,453	\$ 59,980									\$ 709,147
Unreimbursed Environmental Costs (State portion)	\$ 709,147	\$ 709,147	\$ 644,216	\$ 500,535	\$ 355,279	\$ 208,433	\$ 59,980	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Local Tax Reimbursement		\$ -	\$ 74,212	\$ 164,219	\$ 166,021	\$ 167,838	\$ 136,800	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 709,090
Unreimbursed Environmental Costs (Local portion)	\$ 709,090	\$ 709,090	\$ 634,878	\$ 470,659	\$ 304,638	\$ 136,800	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Unreimbursed Environmental Costs	\$ 1,418,237	\$ 1,418,237	\$ 1,279,094	\$ 971,194	\$ 659,917	\$ 345,233	\$ 59,980	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Brownfield Plan Costs																	Brownfield Plan
State Tax Reimbursement		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,500
Unreimbursed Brownfield Plan Costs (State portion)	\$ 7,500	\$ 7,500	\$ 7,500	\$ 7,500	\$ 7,500	\$ 7,500	\$ 7,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Local Tax Reimbursement		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,500
Unreimbursed Brownfield Plan Costs (Local portion)	\$ 12,500	\$ 12,500	\$ 12,500	\$ 12,500	\$ 12,500	\$ 12,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Unreimbursed Brownfield Costs	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 7,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
																	TOTAL
Annual Reimbursement to Developer		\$ -	\$ 139,143	\$ 307,900	\$ 311,277	\$ 314,684	\$ 297,753	\$ 67,480	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,438,237

Notes:

<sup>(1)</sup> Assumes 50% taxable value by December of 2017. Taxable value growth estimated at 1% per year after full value is reached by December 2018.

<sup>(2)</sup> This projection does not include personal property tax due to the uncertainty of availability; however, if available, personal property tax will be captured.

## **APPENDIX C**

### **LEGAL DESCRIPTION DESCRIBED IN SECTION III(G) OF THIS PLAN**



## SITE DATA

SITE AREA: 23,457.94 SQUARE FEET OR 0.539 ACRES

ZONED: B-3, OFFICE-RESIDENTIAL DISTRICT  
W/ D-4 OVERLAY DISTRICT

PARKING SPACES:  
40 REGULAR PARKING SPACES AND  
2 BARRIER-FREE PARKING SPACES

B-3 (OFFICE-RESIDENTIAL) DISTRICT DEVELOPMENT STANDARDS:

MINIMUM LOT AREA PER UNIT: N/A

MINIMUM OPEN SPACE: N/A

MAXIMUM LOT COVERAGE: N/A

D-4 DOWNTOWN BIRMINGHAM OVERLAY DISTRICT REGULATIONS:

3.03

C. THE PROVISIONS OF THE DOWNTOWN BIRMINGHAM OVERLAY DISTRICT, WHEN IN CONFLICT WITH OTHER ARTICLES OF THE ZONING ORDINANCE, SHALL TAKE PRECEDENCE.

3.04 A. BUILDING HEIGHT, OVERLAY

3. D4 ZONE (FOUR OR FIVE STORIES):

- EAVE LINE SHALL BE NO MORE THAN 50 FEET
- PEAK OR RIDGE OF ANY SLOPED ROOF SHALL BE NO MORE THAN 70 FEET AS MEASURED TO THE AVERAGE GRADE.
- MAXIMUM OVERALL HEIGHT INCLUDING MECHANICAL AND OTHER EQUIPMENT SHALL BE NO MORE THAN 80 FEET.
- THE FIFTH STORY IS PERMITTED IF IT IS ONLY FOR RESIDENTIAL USE.
- ALL BUILDINGS CONTAINING A FIFTH STORY SHOULD BE DESIGN HARMONIOUSLY WITH ADJACENT STRUCTURES IN TERMS OF MASS, SCALE AND PROPORTION, TO THE BEST EXTENT POSSIBLE.
- THE FIFTH STORY SHALL CONTINUE IN A DIFFERENT PLANE, BEGINNING AT THE EAVE LINE, NO GREATER THAN 45 DEGREES MEASURED TO THE HORIZONTAL OR SET BACK 10 FEET FROM ANY BUILDING FACADE.
- ALL BUILDINGS CONSTRUCTED IN THE D4 ZONE MUST CONTAIN A MINIMUM OF 2 STORIES AND MUST HAVE A MINIMUM EAVE HEIGHT OF 20 FEET.

B. BUILDING PLACEMENT, BUILDINGS AND THEIR ELEMENTS SHALL BE PLACED ON LOTS AS FOLLOWS:

- FRONT BUILDING FACADES AT THE FIRST STORY SHALL BE LOCATED AT THE FRONTAGE LINE, EXCEPT THE PLANNING BOARD MAY ADJUST THE REQUIRED FRONT YARD TO THE AVERAGE FRONT SETBACK OF ANY ADJUTING BUILDING.
- SIDE SETBACKS SHALL NOT BE REQUIRED.
- A MINIMUM OF 10 FOOT REAR YARD SETBACK SHALL BE PROVIDED FROM THE REAR OF THE ALLEY, EXCEPT THAT THE PLANNING BOARD MAY ALLOW THIS SETBACK TO BE REDUCED OR ELIMINATED, IN THE ABSENCE OF AN ALLEY, THE REAR SETBACK SHALL BE EQUAL TO THAT OF AN ADJACENT, PRE-EXISTING BUILDING.

THE ABOVE SETBACK & HEIGHT REQUIREMENTS WERE OBTAINED FROM THE CITY OF BIRMINGHAM ZONING ORDINANCE.

NOTE: A SURVEYOR CANNOT MAKE A CERTIFICATION ON THE BASIS OF AN INTERPRETATION OR OPINION OF ANOTHER PARTY. A ZONING ENDORSEMENT LETTER SHOULD BE OBTAINED FROM THE CITY OF BIRMINGHAM TO INSURE CONFORMITY AS WELL AS MAKE A FINAL DETERMINATION OF THE REQUIRED BUILDING SETBACK REQUIREMENTS.

## LEGAL DESCRIPTION - PER PRO FORMA

LAND SITUATED IN THE CITY OF BIRMINGHAM IN THE COUNTY OF OAKLAND IN THE STATE OF MICHIGAN:

LOTS NUMBERED TEN (10), ELEVEN (11), AND TWELVE (12), AND NORTH 25 FEET OF LOT NUMBERED THIRTEEN (13), EXCEPT THE WESTERLY 69.99 FEET THEREOF, BROWNELL SUBDIVISION IN THE VILLAGE OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN, BEING A PART OF THE WEST HALF OF NORTHEAST QUARTER OF SECTION 36, TOWN 2 NORTH, RANGE 10 EAST, AS RECORDED IN LIBER 4, PAGE 35 OF PLATS, OAKLAND COUNTY RECORDS.

TAX ID NUMBER: 4035-19-36-207-008

ADDRESS: 34965 WOODWARD AVE., BIRMINGHAM, MI 48009

## PRO FORMA NOTES

REFERENCE: TITLE SOURCE INC. (AGENT FOR FIDELITY NATIONAL TITLE INSURANCE COMPANY) PRO FORMA, FILE NUMBER: 60145562, RECEIVED: JUNE 1, 2015.

EXCEPTIONS FROM COVERAGE:

- EXCEPTIONS 1 AND 5 REFER TO THE OWNERSHIP OF THE PROPERTY AND/OR ARE NOT PLOTTABLE.
- EASEMENT GRANTED TO CONSUMERS POWER COMPANY, RECORDED NOVEMBER 18, 1974 IN LIBER 6395, PAGE 248. (AS PLOTTED HEREON)
- JOINT UNDERGROUND EASEMENT GRANTED TO THE DETROIT EDISON COMPANY AND MICHIGAN BELL TELEPHONE COMPANY, RECORDED JANUARY 24, 1965 IN LIBER 9256, PAGE 759. (AS PLOTTED HEREON)
- TERMS AND CONDITIONS CONTAINED IN MEMORANDUM OF AGREEMENT, RECORDED JANUARY 27, 2009 IN LIBER 40847, PAGE 540; TERMS AND CONDITIONS CONTAINED IN FIRST AMENDMENT TO MEMORANDUM OF AGREEMENT, RECORDED MAY 28, 2015 IN LIBER 48221, PAGE 656. (AS PLOTTED HEREON)

## ALTA SURVEY NOTES

THERE IS NO EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS, EXCEPT AS NOTED.

THERE IS NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES AND THERE IS NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIR, EXCEPT AS NOTED.

THERE IS NO EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

THERE IS NO EVIDENCE OF ANY WETLAND AREAS.

## BASIS OF BEARING NOTE

ALL BEARINGS ARE IN RELATION TO THE PREVIOUSLY ESTABLISHED EAST LINE OF "BROWNELL SUBDIVISION" AS RECORDED IN LIBER 4 OF PLATS, PAGE 35, OAKLAND COUNTY RECORDS. (N.17°00'00"W.)

## FLOOD HAZARD NOTE

THE PROPERTY DESCRIBED ON THIS SURVEY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THE PROPERTY LIES WITHIN ZONE X OF THE FLOOD INSURANCE RATE MAP IDENTIFIED AS MAP NO. 26125C0537F BEARING AN EFFECTIVE DATE OF SEPT. 29, 2006.

## TOPOGRAPHIC SURVEY NOTES

ALL ELEVATIONS ARE EXISTING ELEVATIONS, UNLESS OTHERWISE NOTED.

UTILITY LOCATIONS WERE OBTAINED FROM MUNICIPAL OFFICIALS AND RECORDS OF UTILITY COMPANIES, AND NO GUARANTEE CAN BE MADE TO THE COMPLETENESS, OR EXACTNESS OF LOCATION.

## CERTIFICATE OF SURVEY

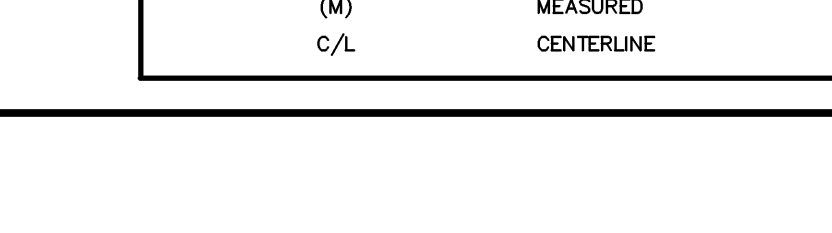
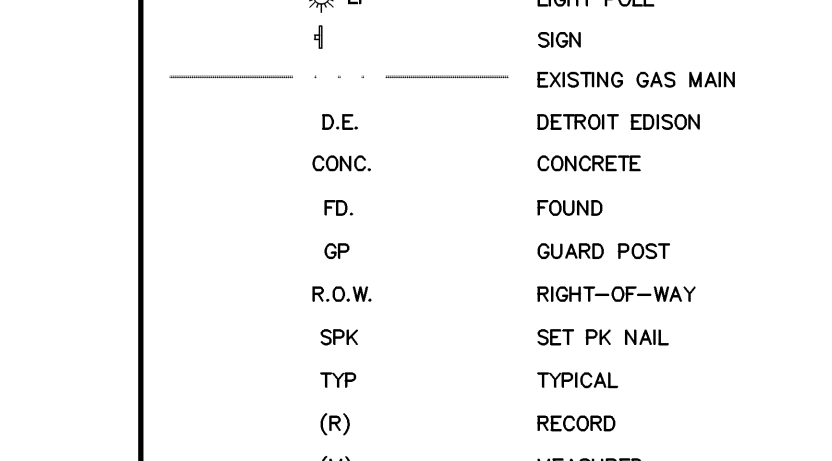
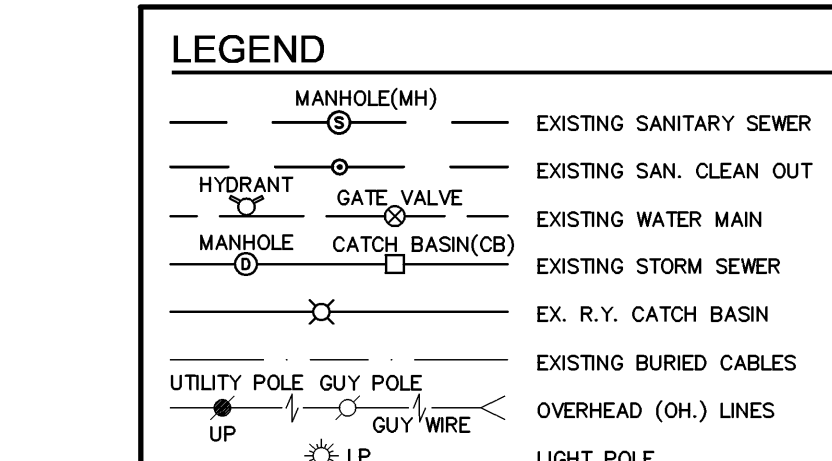
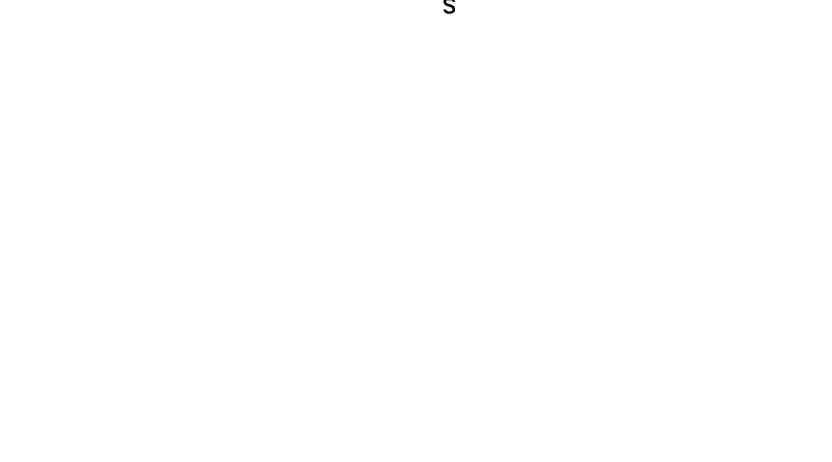
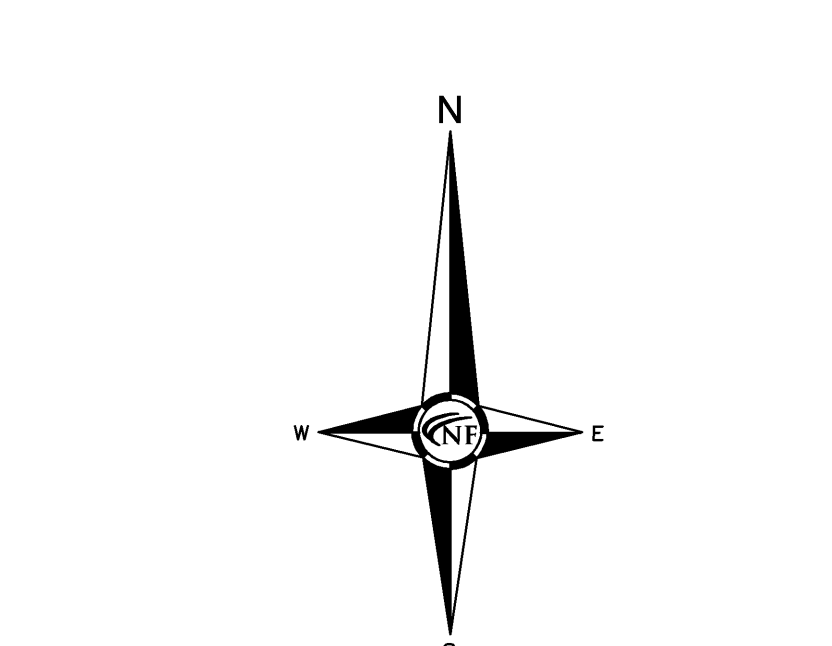
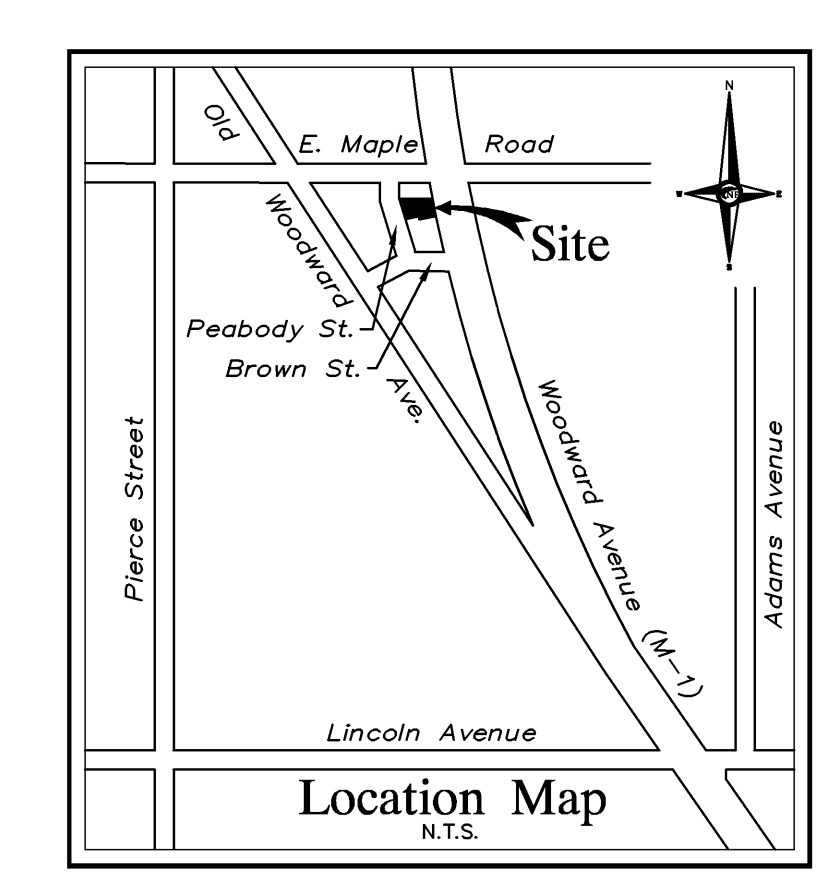
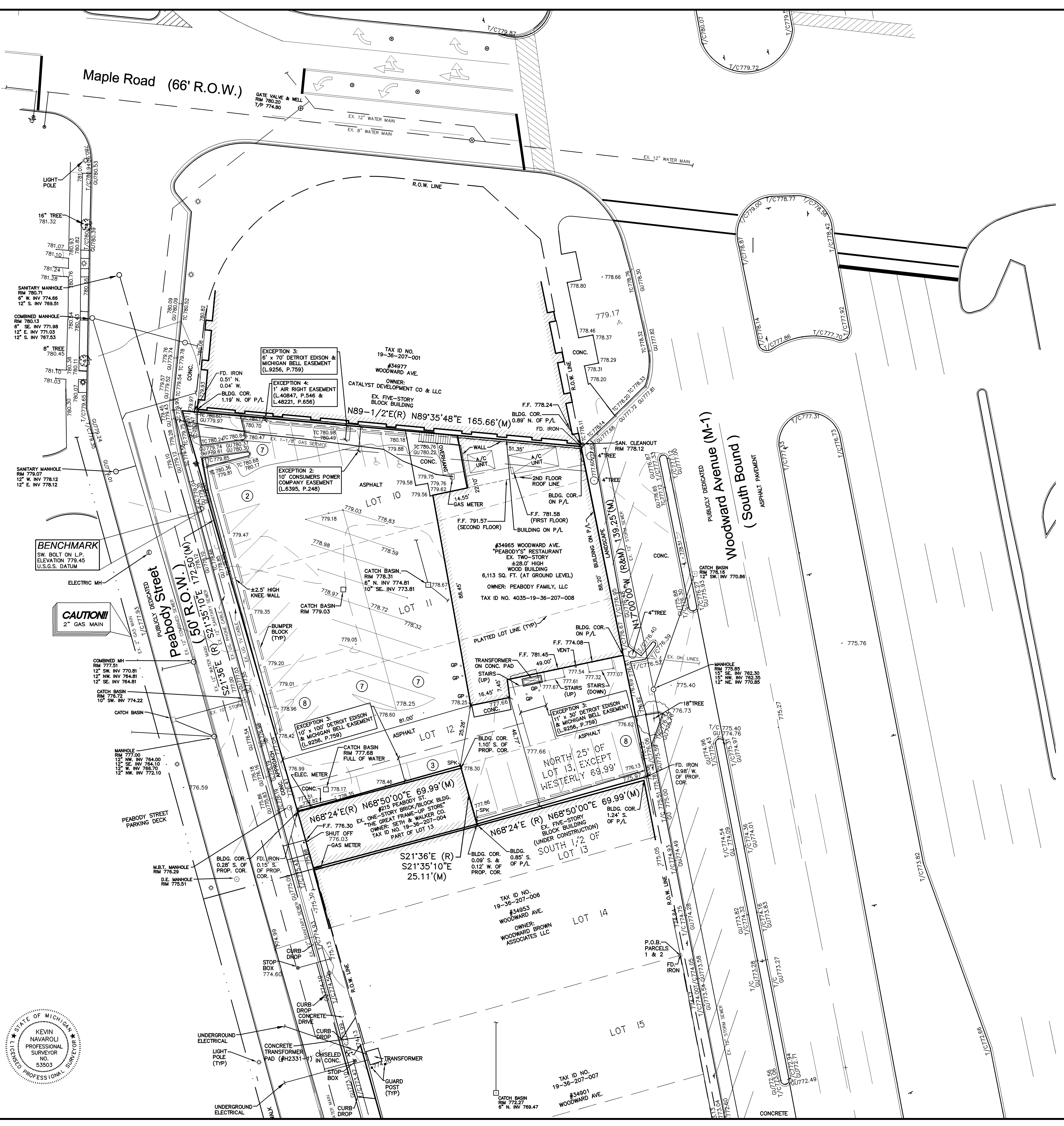
CERTIFIED TO:

-ALDEN DEVELOPMENT GROUP, LLC, A MICHIGAN LIMITED LIABILITY COMPANY  
-PEABODY FAMILY LLC, A MICHIGAN LIMITED LIABILITY COMPANY  
-TITLE SOURCE, INC.  
-FIDELITY NATIONAL TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDE ITEMS 1, 2, 3, 4, 6(D), 7(G), 7(H)(1), 7(G), 8, 9, 10(C), 11(C), 13, 14, 16, 17, 18, 19 AND 21 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON APRIL 30, 2015.

KEVIN NAVAROLI  
PROFESSIONAL SURVEYOR  
NO. 53503

6-2-2015  
DATE



**NF ENGINEERS**  
CIVIL ENGINEERS  
LAND SURVEYORS  
LAND PLANNERS

NOWAK & FRAUS ENGINEERS  
4677 WOODWARD AVE.  
PONTIAC, MI 48342-5032  
TEL. (248) 332-7931  
FAX. (248) 332-8257

PROJECT  
34965 Woodward Avenue  
Birmingham, MI 48009

CLIENT  
Alden Development  
Group LLC  
c/o Grand Sakwa  
Management LLC  
28470 Thirteen Mile Road,  
Suite 220  
Farmington Hills, MI 48334

Contact: Nicholas Donofrio  
248.855.5500 - Phone  
248.855.0915 - Fax

PROJECT LOCATION  
Part of the NE 1/4  
of Section 36  
T.2N., R.10E.  
City of Birmingham,  
Oakland County, Michigan

SHEET  
ALTA/ACSM Land Title /  
Topographic Survey

**811**  
Know what's below  
Call before you dig.

REVISIONS  
05-06-15 SURVEY ISSUED  
05-27-15 REVISED PER CLIENT REVIEW  
05-28-15 REVISED LEGAL DESCRIPTION  
06-02-15 REVISED PER PRO FORMA

DRAWN BY:  
M. Carnaghi

DESIGNED BY:

APPROVED BY:  
K. Navaroli

DATE:  
May 6, 2015

SCALE: 1" = 20'

NFE JOB NO. 1568 SHEET NO. 1 of 1

## **APPENDIX D**

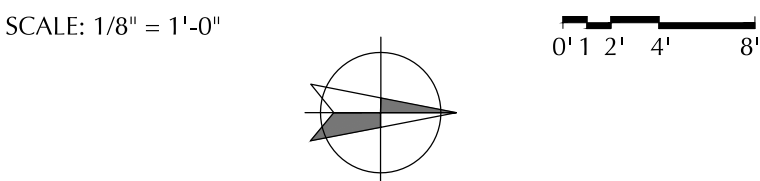
### **PROJECT CONCEPTUAL DRAWINGS**



34965 Woodward Avenue  
Birmingham, MI 48009



PROPOSED FRONT ELEVATION



CHRISTOPHER J LONGE AIA  
ARCHITECTURE  
INTERIORS  
124 Peabody, Birmingham, Michigan 48009 248.258.6940





*Passionate People Building  
and Revitalizing our World*

