



151 Martin
Birmingham, MI 48009
248.530.1800

BIRMINGHAM BROWNFIELD REDEVELOPMENT AUTHORITY AGENDA
Wednesday, September 5, 2018 at 8:30 a.m.
Birmingham City Hall (151 Martin Street)
City Commission Room

1. Call to Order
2. Approval of minutes of June 22, 2018 meeting.
3. Request to add **215 Peabody to the approved Brownfield Plan for 34965 Woodward.**

Suggested Motion:

To recommend that the City Commission approve the developer's request to amend the Brownfield Plan for 34965 Woodward to include the property known as 215 Peabody.

4. Project Updates – **2400 E. Lincoln**
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.

Notice: Due to Building Security, public entrance during non-business hours is through the Police Department—Pierce St. Entrance only. Individuals with disabilities requiring assistance to enter the building should request aid via the intercom system at the parking lot entrance gate on Henrietta St.

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**

**Wednesday, June 22, 2018
8:30 a.m.**

1. Chairperson Beth Gotthelf welcomed everyone and convened the meeting at 8:30 a.m.

Members Present: Chairperson Beth Gotthelf
Harry Awdey
Dani Torcolacci
Wendy Zabriskie

Member Absent: Robert Runco

Also Present: Jane Awdish, Beier Howlett

Administration: Jana Ecker, Planning Director
Mark Gerber, Finance Director
Jeffrey Haynes, Beier Howlett, City Attorney
Carole Salutes, Recording Secretary
Joseph Valentine, City Manager

The Brownfield Authority members welcomed Mr. Awdey and introduced themselves to him.

2. Approval of July 12, 2017 Minutes

Motion by Ms. Torcolacci

Seconded by Chairperson Gotthelf to approve the July 12, 2017 minutes as presented.

Voice

**Vote: Yeas, 3
Nays, 0
Abstain: 1 (Zabriskie)
Absent, 1**

Motion carried, 3-0.

3. Discussion of Collateral Assignment for 856 N. Old Woodward Ave.

Request for consent of the City to assignment of the developer's reimbursements from the tax increment financing for this parcel to Chemical Bank.

Ms. Zabriskie recused herself from this discussion because her law firm and she personally are involved in the financing of the project to be discussed.

Ms. Ecker advised that the City Attorney has reviewed the agreement, and provided a letter recommending approval by the City of the requested assignment.

Mr. Haynes gave an overview of the request. He advised that Mr. Frank Simon, the developer, contacted him about the proposed assignment of the Reimbursement Agreement proceeds to his bank and asked that the City consent to it. Under the Reimbursement Agreement the developer could assign his rights to the reimbursement to his bank without the City's consent; however he wanted the City's consent.

Mr. Haynes said that he then inserted that the City doesn't waive any rights against Mr. Simon by virtue of its consent. With those changes, the document was acceptable to him.

Chairperson Gotthelf indicated that she looked at it as well, and thought that it was very comprehensive.

Motion by Ms. Torcolacci

Seconded by Mr. Awdey to recommend that the City Commission approve the developer's request and consent to an assignment of the developer's reimbursements from the tax increment financing for 856 N. Old Woodward Ave. to Chemical Bank.

Voice

**Vote: Yeas, 3
Nays, 0
Recused, 1 (Zabriskie)
Absent, 1 (Runco)**

Motion carried, 3-0.

4. Project Updates

Ms. Ecker informed the Authority members about new developments that are coming through:

- N. Old Woodward Ave., Peabody development;
- 469-479 S. Old Woodward Ave., Former Mountain King and Talmer Bank site that has some environmental contamination. They are requesting a rezoning to D-5, Community Impact Study, and Preliminary Site Plan Review which would allow them to go up in height if approved.
- NW corner of Woodward Ave. and Maple Rd., Hilton site. A five-story, mixed-use building is proposed.

5. Request to meet **in closed session** under section 8 (h) of the Open Meetings Act MCL 15.268 (h) to consider material exempt from disclosure under section 13 (l) (g) of the Freedom of Information Act, MCL 15.243 (l) (g) information subject to the attorney-client privilege.

Motion by Mr. Awdey

Seconded by Ms. Zabriskie to meet in closed session at 8:47 a.m.

Rollcall

Vote: Yeas, 4
Nays, 0
Absent, 1 (Runco)

Motion carried, 4-0.

The closed session ended at 9:16 a.m.

Motion by Ms. Zabriskie

Seconded by Ms. Torcolacci that this Authority recommend to the City Commission to authorize Counsel to re-open the bankruptcy case of 2400 Lincoln, LLC to address the legal issue of whether that entity has standing to make a claim for reimbursement under our Reimbursement Agreement.

Rollcall

Vote: Yeas, 4
Nays, 0
Absent, 1 (Runco)

Motion carried, 4-0.

6. Open to the public for items not on the Agenda (no public available)
7. Adjournment

No further business being evident, the board passed a motion to adjourn at 9:20 a.m.

Respectfully submitted,

Carole Salutes
Recording Secretary



MEMORANDUM

Planning Division

DATE: August 15, 2018

TO: Brownfield Redevelopment Authority

FROM: Jana L. Ecker, Planning Director

SUBJECT: Brownfield Plan Amendment – 34965 Woodward

Please see the attached letter from Arthur Siegal, attorney for the owners of 34965 Woodward Avenue (the former Peabody's restaurant) and 215 Peabody (the former Frame Shop), dated July 26, 2018. At this time, the developer of the above property is seeking approval by the City to amend the Brownfield Plan for 34965 Woodward to include the property at 215 Peabody. Both parcels are now under the same ownership, and the developer is in the process of combining the parcels to allow construction of the proposed 5 story building on both parcels. Oakland County has advised that they will not combine the parcels until the Brownfield Plan is amended to include both properties.

The City Attorney has reviewed the request, and a letter is attached recommending approval by the City of the requested amendment to the Brownfield Plan for 34965 Woodward to include 215 Peabody under the approved Brownfield Plan.

SUGGESTED ACTION:

To recommend that the City Commission approve the developer's request to amend the Brownfield Plan for 34965 Woodward to include the property known as 215 Peabody.



27777 FRANKLIN ROAD, SUITE 2500 • SOUTHFIELD, MICHIGAN 48034-8214
PHONE 248.351.3000 • FAX 248.351.3082
www.jaffelaw.com

Arthur H. Siegal
asiegal@jaffelaw.com

July 26, 2018

Jeffrey K. Haynes, Esq.
Beier Howlett
3001 W Big Beaver Road
Suite 200
Troy, MI 48084

VIA EMAIL
AND REGULAR MAIL

Re: Brownfield Plan for 34965 Woodward Avenue, Birmingham

Dear Mr. Haynes:

This letter is a follow-up to our email dialogue of last week. As you know, the Brownfield Redevelopment Authority and City of Birmingham approved a Brownfield Plan for the above noted property (the former Peabody's property). The Brownfield Plan includes only one parcel, Tax Id No. 4035-19-36-207-008.

Following that approval, the Developer opted to acquire the immediately adjacent property (the former framing shop at 215 Peabody, tax ID-19-36-207-004, the legal description for which is below) and intends to include that parcel as part of the development. The Developer wants to merge the two parcels under one Tax ID No. (the former one) with no other changes to the Brownfield Plan. We understand that the County will not merge such tax ID numbers when one parcel is subject to a Brownfield Plan and the other is not. To allow this to proceed, we propose amending the Brownfield Plan to include the additional parcel, with no other changes to the Brownfield Plan. There will be no increase in costs or reimbursement as described in the Brownfield Plan and, as a result of the parcel combination, there may possibly be an increase in the pace of reimbursement.

As you know, under Act 381, the term "eligible property" includes parcels of property that are adjacent or contiguous to other eligible property, if the development of the adjacent or contiguous parcels is estimated to increase the captured taxable value of that property. MCL 125.2652(p). Also, Act 381 provides that a Brownfield Plan "may be amended to apply to additional parcels of eligible property."

Therefore, my client requests the following amendment to the Brownfield Plan:

The previously approved Brownfield Plan is amended to include an additional parcel of property with the following legal description:

Land situated in the City of Birmingham, County of Oakland, State of Michigan more fully described as:

Part of North 1/2 of Lot 13, BROWNELL'S SUBDIVISION, according to the plat thereof recorded in Liber 4 of Plats, page 35, Oakland County Records; described as beginning at the Northwest corner of said Lot 13, thence North 69°45'10" East 69.99 feet; thence South 20°05'0" seconds, East 25 feet; thence South 69°45'15" West 69.99 feet to the East line of Brownell Street being the front lot line of said lot; thence North 20°05'0" seconds West 25 feet to the point of beginning; Brownell Subdivision being a part of the West 1/2 of the Northeast 1/4 of Section 36, in the Village of Birmingham, Town 2 North, Range 10 East, Oakland County, Michigan.

Commonly known as: 215 Peabody Street, Birmingham, Michigan 48009
Tax Parcel ID No.: 19-36-207-004

Specifically:

1. Section I, Introduction, Paragraph B. should be revised as follows:

The property consists of two parcels of land occupying less than one acre of land near the southwest corner of Woodward Avenue and Maple Road in the City of Birmingham. The parcel identification numbers are 08-19-36-207-008 and 19-36-207-004 and the properties addresses are currently 34965 Woodward Avenue, and 215 Peabody Street, Birmingham Michigan. Additional property description is provided in Section III (G). The intention is to merge the two parcels under the former tax identification number but it is possible that they will be assigned a new tax id number. These two parcels are described herein as "the Property."

2. Section I, Introduction, Paragraph C should be revised to read as follows:

The Property is eligible for inclusion in this Brownfield Plan in accordance with MCL 125.2652(n) because one parcel of the Property is a "facility" as defined by 1994 P.A. 451, as amended, and the other parcel is contiguous to the facility in accordance with MCL 125.2652(p).

3. The first two sentences of Section I, Introduction, Paragraph D should be revised to read as follows:

The redevelopment will take place on the Property previously occupied by Peabody's Restaurant, its associated parking and the former adjoining Great Frame Up store. Prior to the opening of the restaurant in 1975, operations on the Peabody parcel included a feed and saw mill, blacksmith, machine shop, rail spur and automotive repair.

4. Section III, Brownfield Plan, Paragraph G should be revised to read as follows:

The Property consists of two parcels of land occupying less than one acre with the current addresses of 34965 Woodward Avenue, and 215 Peabody Street, Birmingham Michigan. Legal descriptions and ALTA surveys of the Property are included in Appendix C.

5. Appendix C should read:

Lots 10, 11, 12, and the north 25 feet of Lot 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.

Commonly known as 34965 Woodward Avenue, Birmingham Michigan 48009.
Tax Parcel ID No. 19-36-207-008

Part of North 1/2 of Lot 13, BROWNELL'S SUBDIVISION, according to the plat thereof recorded in Liber 4 of Plats, page 35, Oakland County Records; described as beginning at the Northwest corner of said Lot 13, thence North 69°45'10" East 69.99 feet; thence South 20°05'0" seconds, East 25 feet; thence South 69°45'15" West 69.99 feet to the East line of Brownell Street being the front lot line of said lot; thence North 20°05'0" seconds West 25 feet to the point of beginning; Brownell Subdivision being a part of the West 1/2 of the Northeast 1/4 of Section 36, in the Village of Birmingham, Town 2 North, Range 10 East, Oakland County, Michigan.

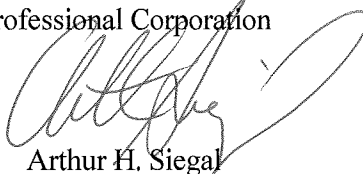
Commonly known as: 215 Peabody Street, Birmingham, Michigan 48009
Tax Parcel ID No.: 19-36-207-004

With this amendment, we do not believe any change to the Reimbursement Agreement is required and would pursue a parallel minor amendment to the Act 381 Work Plan with the MDEQ. The Developer wishes to cooperate with the City and the BBRA to resolve this matter as quickly as possible. If it would be possible to schedule a special meeting of the BBRA in the next two to three weeks, we would be most appreciative. If there is anything else we can provide you to allow us to move this matter forward to conclusion, please let me know. After you have had a chance to review this letter and the attached documentation, please call me to discuss how to proceed with this minor amendment.

Thank you for your cooperation in advance. We await your prompt reply.

Sincerely,

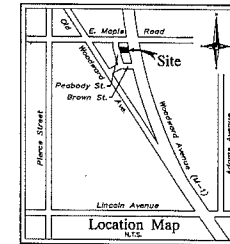
JAFFE, RAITT, HEUER & WEISS
Professional Corporation



Arthur H. Siegal

AHS/br
Enclosure

cc: Mr. Matthew Shiffman
Richard Rattner, Esq.
Mr. Dan Cassidy



NF
ENGINEERS
CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS

NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL. (248) 332-7931
FAX. (248) 332-8257

SEAL

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



REVISIONS
05-09-15 SURVEY ISSUED


DRAWN BY:
M. Carnaghi

DESIGNED BY: _____

APPROVED BY:
K. Navaroli

DATE:
May 6, 2015

SCALE: 1" = 20'

A horizontal graphic scale bar with markings at 0, 10, 20, and 30 feet. The bar is divided into segments corresponding to these measurements.

NFS JOB NO. I568

SHEET NO. 1 of 1

SITE DATA

SITE AREA: 23,487.84 SQUARE FEET OR 0.536 ACRES
ZONED: B-3, OFFICE-RESIDENTIAL DISTRICT
N/D-4 OVERLAY DISTRICT
PARKING SPACES:
40 REGULAR PARKING SPACES AND
3 BARRIER-FREE PARKING SPACES
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
COMPLIANCE CERTIFICATE MUST BE OBTAINED FROM THE CITY OF
BIRMINGHAM TO INSURE CONFORMITY AS WELL AS MAKE A FINAL
DETERMINATION OF THE REQUIRED BUILDING SETBACK REQUIREMENTS.

August 21, 2018

Birmingham Brownfield Redevelopment Authority
151 Martin Street, P.O. Box 3001
Birmingham, MI 48012-3001

Via electronic mail

***Re: 34965 Woodward (former Peabody's)
Amendment to Brownfield Plan***

Dear Board Members:

The owner of this parcel seeks to combine this parcel with the adjacent parcel that formerly housed the framing shop into a single tax identification number. I understand from conversations with the attorneys for the developer that the county refuses to combine the parcel identification numbers for these two parcels because one is under a brownfield plan and the other is not. Neither the developer's attorneys nor I see any legal basis for the county's view.

The brownfield statute defines "eligible property" as property for which eligible activities are identified under a brownfield plan and adjacent or contiguous property. MCL 125.2652(p). The developer has proposed an amendment to the brownfield plan to include the adjacent property in the parcel description. The developer represents that this lot combination will not increase costs or modify the reimbursement agreement. The developer represents that there may be an increase in the pace of reimbursement by combining these two parcels.

Because the brownfield statute authorizes this combination of parcels, I recommend that the BBRA agree to the amendment of the brownfield plan.

If you have any questions, please contact me.

Very truly yours,

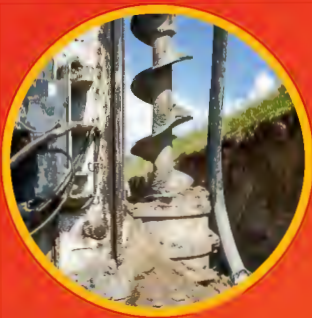
BEIER HOWLETT, P.C.



Jeffrey K. Haynes

JKH/jms

cc: Joseph Valentine, City Manager
Jana Ecker, Planning Director



BROWNFIELD PLAN FOR:

34965 Woodward Avenue and 215 Peabody Street, 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
As Amended August 9, 2018



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APPENDIX A

ELIGIBLE ACTIVITIES COST TABLE

APPENDIX B

SUMMARY OF TAX INCREMENT FINANCING AND REIMBURSEMENT OF ELIGIBLE ACTIVITIES

APPENDIX C

LEGAL DESCRIPTION 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 two parcels of land occupying less than one acre of land near the southwest corner of Woodward Avenue and Maple Road in the City of Birmingham. The parcel identification numbers are 08-19-36-207-008 and 08-19-36-207-004 and the properties addresses are currently 34965 Woodward Avenue, and 215 Peabody Street, Birmingham Michigan. Additional property description is provided in Section III (G). The intention is to merge the two parcels under the former tax identification number but it is possible that the new parcel will be assigned a new tax identification number. These two parcels are described herein as "the Property."

C. BASIS OF ELIGIBILITY

The Property is eligible for inclusion in this Brownfield Plan in accordance with MCL 125.2652(n) because the former Peabody parcel of the Property is a "facility" as defined by 1994 P.A. 451, as amended, and the other parcel is contiguous to the facility in accordance with MCL 125.2652(p).

D. PROJECT DESCRIPTION

This redevelopment will take place on the property formerly occupied by Peabody's Restaurant, its associated parking, and the former frame shop. Prior to the opening of the restaurant in 1975, operations on the Peabody parcel 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-adjointing sites were listed contaminated sites. Records reviewed during the Phase I ESA indicated a vapor mitigation system was installed on the north-adjointing site because elevated levels of petroleum hydrocarbon constituents were measured in soil. The potential for vapor migration from the north-adjointing 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 \$1,334,738; however, costs may increase or decrease provided that the costs remain below the overall total approved amount of \$1,334,738. 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 \$1,334,738, 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 two parcels of land occupying less than one acre with the current addresses of 34965 Woodward Avenue, and 215 Peabody Street, Birmingham Michigan. Legal descriptions and ALTA surveys 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
3/22/2016

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 | |
| ENVIRONMENTAL ACTIVITIES | | | | | | | | | | | |
| Environmental Response Activities | | | | | | | | | | | |
| Site Demolition ¹ | Demolition of restaurant building and basement and removal of the existing pavements and utilities | \$0 | \$120,000 | ea. | 1 | \$0 | \$120,000 | \$135,000 | \$67,497 | \$67,503 | |
| | 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 | | | | |
| | 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 | | | | | |
| | | | | | | | Environmental Response Activities Subtotal: | \$135,000 | \$67,497 | \$67,503 | |
| BEA Activities | | | | | | | | | | | |
| Phase I ESA | Phase I ESA; Updates | \$5,000 | \$0 | ea. | 1 | \$5,000 | \$0 | \$5,000 | \$2,500 | \$2,500 | |
| Phase II ESA/BEA | Phase II ESA | \$30,000 | \$0 | ea. | 1 | \$30,000 | \$0 | \$35,000 | \$17,499 | \$17,501 | |
| | BEA report | \$5,000 | \$0 | ea. | 1 | \$5,000 | \$0 | | | | |
| | | | | | | | BEA Activities Subtotal: | \$40,000 | \$19,999 | \$20,001 | |
| 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 | \$7,000 | \$0 | \$7,000 | \$3,500 | \$3,500 | |
| 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 | \$20,000 | \$0 | \$73,750 | \$36,874 | \$36,876 | |
| | On-site remediation excavation observation | \$1,500 | \$0 | days | 30 | \$45,000 | \$0 | | | | |
| | Verification sampling, analysis and documentation | \$350 | \$0 | per sample | 25 | \$8,750 | \$0 | | | | |
| Site Specific Health and Saftey Plan | Health and Safety Plan for consultants and contractors | \$500 | \$0 | ea. | 1 | \$500 | \$0 | \$500 | \$250 | \$250 | |
| Soil Management | Disposal characterization sampling and analysis | \$5,000 | \$0 | ea. | 1 | \$5,000 | \$0 | \$455,000 | \$227,491 | \$227,509 | |
| | Transport of non-contaminated clay soil (other than a landfill) | \$0 | \$3 | tons | 30,000 | \$0 | \$90,000 | | | | |
| | Transport and disposal of contaminated fill soil (Type II landfill) | \$18 | \$0 | tons | 13,000 | \$234,000 | \$0 | | | | |
| | Transport and disposal of contaminated clay soil (Type II landfill) | \$18 | \$0 | tons | 17,000 | \$306,000 | \$0 | | | | |
| Groundwater Management | Rental of on-site frac storage tank for temporary on-site groundwater storage | \$300 | \$0 | day | 60 | \$18,000 | \$0 | \$89,000 | \$44,498 | \$44,502 | |
| | Groundwater disposal characterization sampling | \$1,000 | \$0 | ea. | 1 | \$1,000 | \$0 | | | | |
| | Discharge non-contaminated water in municipal sanitary system (w/t permit) | \$0 | \$0.15 | gal | 200,000 | \$0 | \$30,000 | | | | |
| | On-site treatment and discharge contaminated water in municipal system (w/t permit) | \$0.50 | \$0 | gal | 200,000 | \$100,000 | \$0 | | | | |
| Prevent Exacerbation of Contaminated Soil via Soil Trackout and Dust | Characterization sampling | \$600 | \$0 | ea. | 1 | \$600 | \$0 | \$3,000 | \$1,500 | \$1,500 | |
| | Dust suppression | \$300 | \$0 | day | 45 | \$13,500 | \$13,500 | | | | |
| | Non-contaminated street sweepings transport and disposal | \$0 | \$11 | cyd | 200 | \$0 | \$2,200 | | | | |
| | Contaminated street sweepings transport and disposal | \$23 | \$0 | cyd | 200 | \$4,600 | \$0 | | | | |
| Chemical Vapor Mitigation Controls | Design vapor retarding system | \$20,000 | \$0 | ea. | 1 | \$20,000 | \$0 | \$340,000 | \$169,993 | \$170,007 | |
| | Install vapor retarding membrane below building floor and sidewalls | \$6 | \$0 | sq. ft. | 50,000 | \$300,000 | \$0 | | | | |
| | Installation monitoring, quality control testing (smoke tests) | \$20,000 | \$0 | ea. | 1 | \$20,000 | \$0 | | | | |
| | | | | | | | Due Care Activities Subtotal: | \$968,250 | \$484,106 | \$484,144 | |
| | | | | | | | Environmental Activities Subtotal: | \$1,143,250 | \$571,602 | \$571,648 | |
| Environmental Activities Contingency ³ | | \$1,143,250 | \$0 | ea. | 0.15 | \$171,488 | \$0 | \$171,488 | \$85,740 | \$85,747 | |
| | | | | | | | Environmental Activities Total: | \$1,314,738 | \$657,342 | \$657,395 | |
| Brownfield Work Plans | | | | | | | | | | | |
| Preparation and review of Brownfield Plan and Act 381 Work Plan | Brownfield Plan | \$5,000 | \$0 | ea. | 1 | \$5,000 | \$0 | \$5,000 | \$5,000 | \$0 | |
| | Act 381 Work Plan | \$15,000 | \$0 | ea. | 1 | \$15,000 | \$0 | \$15,000 | \$7,500 | \$7,500 | |
| | | | | | | | Brownfield Work Plans Subtotal: | \$20,000 | \$12,500 | \$7,500 | |
| TOTAL ELIGIBLE COSTS: | | | | | | | | \$1,334,738 | \$669,842 | \$664,895 | |

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 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
3/18/2016

| | | 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 ⁽¹⁾ | | \$ 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 | \$ 15,728 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 664,895 |
| Annual Local Increment Capture by BRA for Reimbursement | | \$ - | \$ 74,212 | \$ 164,219 | \$ 166,021 | \$ 167,838 | \$ 97,552 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 669,842 |
| Total Annual Increment Capture by BRA for Reimbursement ⁽²⁾ | | \$ - | \$ 139,143 | \$ 307,900 | \$ 311,277 | \$ 314,684 | \$ 246,005 | \$ 15,728 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 1,334,737 |
| 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 | \$ 8,228 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 657,395 |
| Unreimbursed Environmental Costs (State portion) | \$ 657,395 | \$ 657,395 | \$ 592,464 | \$ 448,783 | \$ 303,527 | \$ 156,681 | \$ 8,228 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Local Tax Reimbursement | | \$ - | \$ 74,212 | \$ 164,219 | \$ 166,021 | \$ 167,838 | \$ 85,052 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 657,342 |
| Unreimbursed Environmental Costs (Local portion) | \$ 657,342 | \$ 657,342 | \$ 583,130 | \$ 418,911 | \$ 252,890 | \$ 85,052 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Unreimbursed Environmental Costs | \$ 1,314,737 | \$ 1,314,737 | \$ 1,175,594 | \$ 867,694 | \$ 556,417 | \$ 241,733 | \$ 8,228 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 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 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Annual Reimbursement to Developer | | \$ - | \$ 139,143 | \$ 307,900 | \$ 311,277 | \$ 314,684 | \$ 246,005 | \$ 15,728 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 1,334,738 |

Notes:

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

⁽²⁾ 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

Lots 10, 11, 12, and the north 25 feet of Lot 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.

Commonly known as 34965 Woodward Avenue, Birmingham Michigan 48009. Tax Parcel ID No. 08-19-36-207-008

Part of North 1/2 of Lot 13, BROWNELL'S SUBDIVISION, according to the plat thereof recorded in Liber 4 of Plats, page 35, Oakland County Records; described as beginning at the Northwest corner of said Lot 13, thence North 69°45'10" East 69.99 feet; thence South 20°05'0" seconds, East 25 feet; thence South 69°45'15" West 69.99 feet to the East line of Brownell Street being the front lot line of said lot; thence North 20°05'0" seconds West 25 feet to the point of beginning; Brownell Subdivision being a part of the West 1/2 of the Northeast 1/4 of Section 36, in the Village of Birmingham, Town 2 North, Range 10 East, Oakland County, Michigan.

Commonly known as: 215 Peabody Street, Birmingham, Michigan 48009

Tax Parcel ID No.: 08-19-36-207-004

SEAL

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



Know what's below
Call before you dig.

REVISIONS
05-06-15 SURVEY ISSUED

DRAWN BY:
M. Carnaghi

DESIGNED BY:

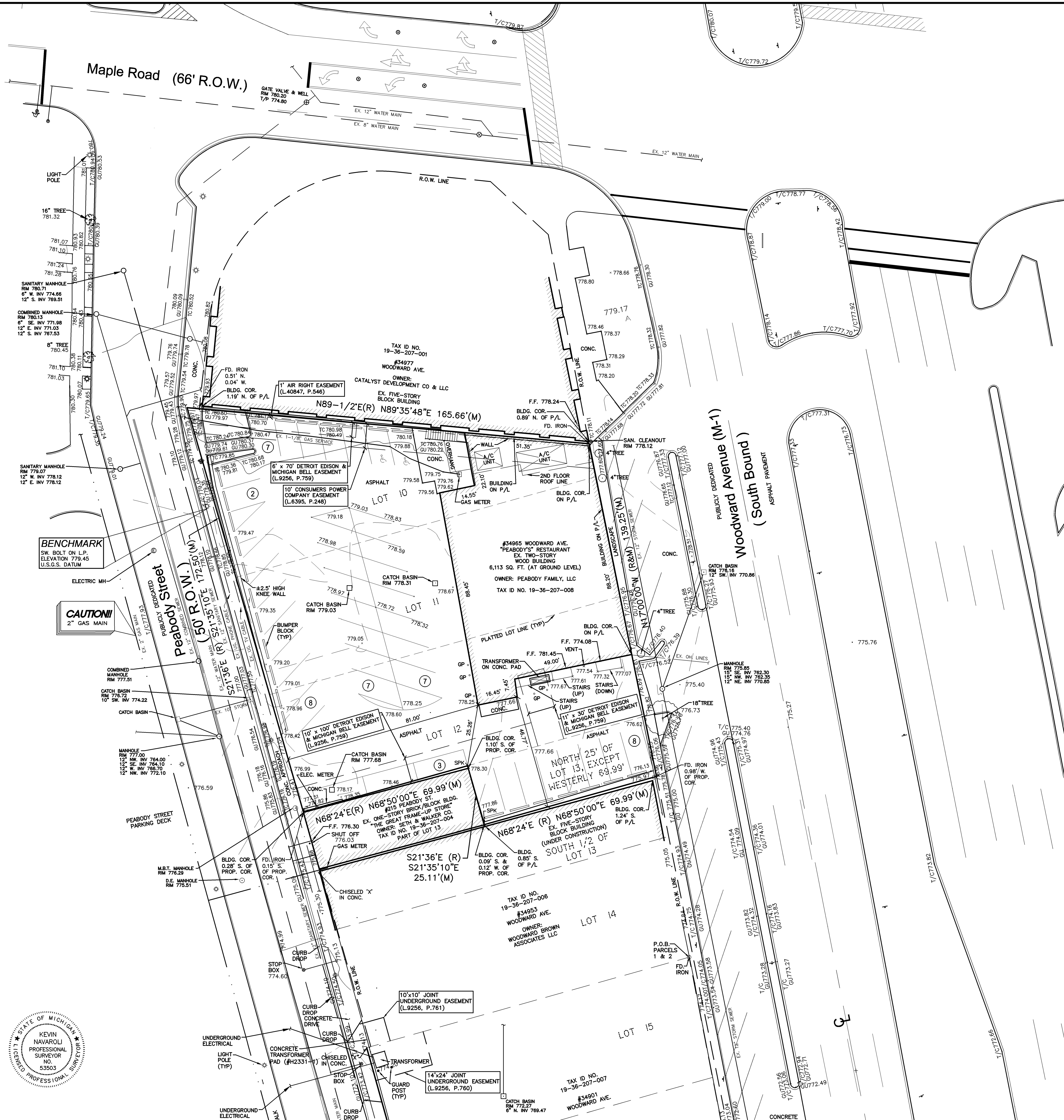
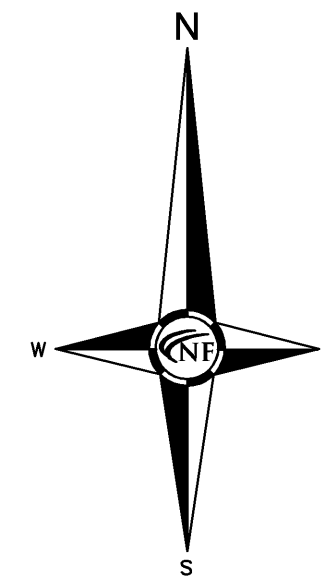
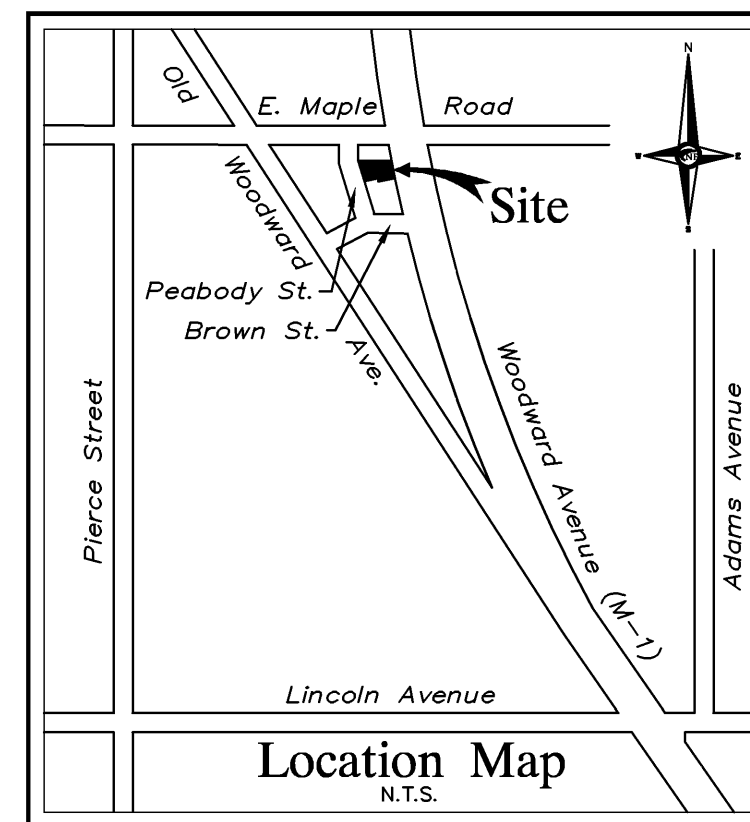
APPROVED BY:
K. Navaroli

DATE:
May 6, 2015

SCALE: 1" = 20'

20 10 0 10 20 30

NFE JOB NO. SHEET NO.
1568 1 of 1



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

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 TITLE COMMITMENT

LAND SITUATED IN THE CITY OF BIRMINGHAM IN THE COUNTY OF
OAKLAND IN THE STATE OF MICHIGAN, BEING DESCRIBED AS:

LOTS 10, 11, AND 12 AND NORTH 25 FEET OF LOT, EXCEPT THE
WESTERLY 69.99 FEET THEREOF, BROWNELL SUBDIVISION, AS
RECORDED IN LIBER 4, PAGE 35 OF PLATS, OAKLAND COUNTY
RECORDS.

TAX ID NUMBER: 19-36-207-008

ADDRESS: 34965 WOODWARD AVE., BIRMINGHAM, MI 48009

TITLE REPORT NOTES

REFERENCE TITLE SOURCE INC. (AGENT FOR FIDELITY NATIONAL
TITLE INSURANCE COMPANY) COMMITMENT NUMBER: 60148562,
EFFECTIVE DATE: MARCH 2, 2015.

SCHEDULE B-I (EXCEPTIONS):
EXCEPTIONS: 1, 2, 3, 4, 5, 6 AND 11 REFER TO THE OWNERSHIP
OF THE PROPERTY AND/OR ARE NOT PLOTTABLE.

7. EASEMENT GRANTED TO CONSUMERS POWER COMPANY
RECORDED NOVEMBER 18, 1974 IN LIBER 6395, PAGE 248. (AS
PLOTTED HEREON)

8. TERMS AND CONDITIONS CONTAINED IN RESOLUTION RECORDED
JULY 2, 1984 IN LIBER 8715, PAGE 137. (NOT A PLOTTABLE
EXCEPTION)

9. JOINT UNDERGROUND EASEMENT GRANTED TO THE DETROIT
EDISON COMPANY AND MICHIGAN BELL TELEPHONE COMPANY
RECORDED JANUARY 24, 1985 IN LIBER 9256, PAGE 759. (AS
PLOTTED HEREON)

10. TERMS AND CONDITIONS CONTAINED IN MEMORANDUM OF
AGREEMENT RECORDED JANUARY 27, 2009 IN LIBER 40847, PAGE
546. (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,
PUMP 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, 2008.

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
-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(a), 7(a), 7(b)(1), 8, 9,
10(a), 11(a), 13, 14, 15, 17, 18, 19 AND 21 OF TABLE A THEREOF.
THE FIELD WORK WAS COMPLETED ON APRIL 30, 2015.

5-6-2015
DATE
KEVIN NAVAROLI, P.S. NO. 53503



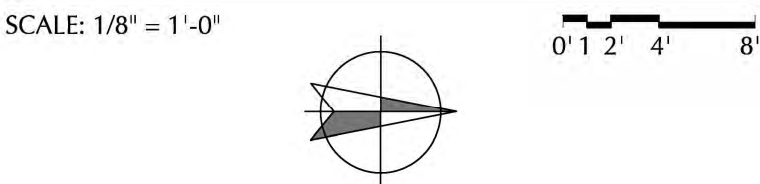
APPENDIX D

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



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