PONTIAC CITY COUNCIL

Kermit Williams, District 7 President Randy Carter, District 4 President Pro Tem



Patrice Waterman, District 1
Don Woodward, District 2
Mary Pietila, District 3
Gloria Miller, District 5
Dr. Doris Taylor Burks, District 6

It is this Council's mission "To serve the citizens of Pontiac by committing to help provide an enhanced quality of life for its residents, fostering the vision of a family-friendly community that is a great place to live, work and play."

Sheila Grandison, CMC Deputy City Clerk

FORMAL MEETING (AMENDED AGENDA)

July 23, 2019 6:00 P.M. 106th Session of the 10th Council

Call to order

Invocation

Pledge of Allegiance

Roll Call

Authorization to Excuse Councilmembers

Amendment to the Agenda (Add Discussion regarding 2019 Local Street Project after the approval of the minutes)

Approval of the Amended Agenda

Approval of the Minutes

- 1. July 16, 2019 Special Meeting
- 2. July 16, 2019 Study Session

Discussion (Add-On)

2019 Local Street Project

Subcommittee Reports

3. Public Safety – July 12, 2019 – Narrative

Recognition of Elected Officials

Agenda Address

Special Presentation

4. AUCH

Ordinance

5. Adoption of an Ordinance to allow Redevelopment Liquor Licenses and Conditions for Issuance and Operations

Resolutions

Planning

6. Resolution to proceed with the Redevelopment Ready Communities (RCC) Program of the Michigan Economic Development Corporation (MEDC). (This item is from the May 14, 2019 Council Meeting. During the May 14, 2019 Meeting, City Council requested that this item be referred to the Community Development Sub Committee. The item was discussed during the May 21, 2019 Community Development Sub Committee Meeting.)

Department of Public Works

- 7. Resolution to grant the easements for the Phoenix Center and McKinley Street Property as requested by the Water Resources Commissioner's Office and to authorize Mayor to sign requested easement agreements. (This item is from the July 9, 2019 Council Meeting.)
- 8. Resolution to authorize the Mayor to enter into an extension of the AT&T Right-of-way Telecommunications Permit through September 30, 2020. (This item is from the July 9, 2019 Council Meeting.)
- 9. Resolution to grant an easement for United Shore to construct a parking lot extension for their location on South Boulevard and Martin Luther King Jr. Boulevard and authorize the Mayor to sign the easement agreement

Monthly Mayoral Reports

- Monthly Staff Changes Report.
 (The June report was not submitted.)
- 11. City Credit Card Statement (The June report was not submitted.)

Public Comment

Mayor, Clerk and Council Closing Comments

Adjournment

AMENDMENT TO THE AGENDA



CITY OF PONTIAC OFFICIAL MEMORANDUM

Mayor Deirdre Waterman

Department of Public Works
Engineering Division

TO:

Honorable City Council

FROM:

John Balint, Director DPW/ City Engineer

DATE:

July 19, 2019

RE:

2019 Local Street Project

Honorable City Council,

At the DPW Subcommittee meeting that was held on July 17th at 4 pm at City Hall, the 2019 Local Street project was discussed. The attendees of the meeting where: Councilwoman Doris Taylor-Burks (Chairperson), Council President Kermit Williams, Council President Pro-Tem Randy Carter, Ms. Sharpe, Mr. Johnson, Mr. Ringo and myself.

Questions regarding the 2019 Local Street project were discussed such as how streets are selected and what specifications are used in construction. I believe that the Council members present were satisfied with the answers provided.

It is the request of the Department of Public Works that this item be renewed by a member of City Council at the next City Council meeting on Tuesday, July July 23rd for discussion and if acceptable, be voted on at the following meeting on July 30th.

Please contact me with any questions or concerns.

Sincerely,

John Balint Director, DPW

#1 MINUTES SPECIAL MEETING July 16, 2019

Official Proceedings Pontiac City Council 104th Session of the Tenth Council

A Special Meeting of the City Council of Pontiac, Michigan was called to order in City Hall, Tuesday, July 16, 2019 at 5:00 p.m. by Council President Kermit Williams.

Call to Order

Roll Call

Members Present: Pietila, Taylor-Burks, Waterman and Williams.

Members Absent: Carter, Miller and Woodward.

Mayor Waterman was absent. She arrived at 5:01 p.m.

Clerk announced a quorum.

19-354 Excuse Councilperson Randy Carter, Gloria Miller and Don Woodard for personal reasons. Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Ayes: Pietila, Taylor-Burks, Waterman and Williams

No: None

Motion Carried.

19-355 **Motion to move Public Comment after approval of minutes.** Moved by Councilperson Waterman and second by Councilperson Pietila.

Ayes: Pietila, Taylor-Burks, Waterman and Williams

No: None

Motion Carried.

19-356 **Approval of the agenda with amendment.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

Ayes: Taylor-Burks, Waterman, Williams and Pietila

No: None

Motion Carried.

Councilman Randy Carter arrived at 5:05 p.m.

One (1) individual addressed the body during public comment.

July 16, 2019 Special

Discussion-Community Benefits Ordinance

During the discussion Councilwoman Pietila asked that youth recreation be removed from Tier 1 and 2. Also, she requested that park safety and clean-up be added under tier 1. Council President Williams requested that a neighborhood revitalization study be added to tier 1 and 2. Councilwoman Waterman requested that health initiatives be added under tier 1.

Councilwoman Gloria Miller arrived at 5:44 p.m.

The Clerk informed the City Attorney that any reference to the Medical Marihuana Ordinance should be stated as Ordinance 2357(B) not Ordinance 2357.

Attorney Sharpe the Legislative Counsel suggested that section 8 should include the appeal process from Ordinance 2357 (B) for tier 1. Also, Attorney Sharpe recommended that any applicant who request an exemption under section 6 would need to explain the reason for the exemption. The City Attorney stated that he will change the language to call it an application for an exemption.

Councilwoman Waterman asked the question. Where are the funds going?

Council President Adjourned meeting at 5:54 p.m.

GARLAND S. DOYLE INTERIM CITY CLERK

#2 MINUTES STUDY SESSION July 16, 2019

Official Proceedings Pontiac City Council 105th Session of the Tenth Council

A Study Session of the City Council of Pontiac, Michigan was called to order in City Hall, Tuesday, July 16, 2019 at 6:02 p.m. by Council President Kermit Williams.

Call to Order

Roll Call

Members Present: Carter, Miller, Waterman and Williams. Pietila and Taylor-Burks arrived at 6:04 p.m.

Members Absent: Woodward. Mayor Waterman was present. Clerk announced a quorum.

19-357 **Excuse Councilperson Don Woodard for personal reasons.** Moved by Councilperson Waterman and second by Councilperson Pietila.

Ayes: Miller, Pietila, Taylor-Burks, Waterman, Williams and Carter

No: None

Motion Carried.

19-358 Motion to add an agenda item on an Easement for United Shore and an add-on Resolution for the Cable Division to the agenda and remove item #18 (discussion on Local Street Improvement Project.) Moved by Councilperson Taylor-Burks and second by Councilperson Miller.

Ayes: Taylor-Burks, Waterman, Williams, Carter and Miller

No: Pietila

Motion Carried.

19-359 **Approval of the agenda with amendments.** Moved by Councilperson Taylor-Burks and second by Councilperson Miller.

Ayes: Taylor-Burks, Waterman, Williams, Carter, Miller and Pietila

No: None

Motion Carried.

19-360 **Approval of meeting minutes for July 9, 2019.** Moved by Councilperson Taylor-Burks and second by Councilperson Miller.

Ayes: Taylor-Burks, Waterman, Williams, Carter, Miller and Pietila

No: None

Motion Carried.

Thirteen (13) individuals addressed the body during public comment.

Discussions

Perry Street Road Diet Summary

Since litigation will not be pursued at this time, the Mayor and Council agreed that the Mayor's Administration will talk to MDOT about having the bike lanes removed. The six month trial period has ended. The Mayor stated that it did not work. The City Council approved a resolution to have the bike lanes removed on June 11, 2019.

Pontiac Youth Recreation and Enrichment Center (PYREC) Management Changes and Participants Update

Cable

Ordinance

First Reading: An Ordinance to allow Redevelopment Liquor Licenses and Conditions for Issuance and Operations

19-361 **Suspend the Rules.** Move by Councilperson Taylor-Burks and second by Councilperson Waterman.

Ayes: Williams, Carter, Miller, Pietila, Taylor-Burks and Waterman No: None

Motion Carried.

Resolution to consider appeal from A&S Kajy Enterprise, Inc., parcel #64-14-16-402-030, also known as 1124 Joslyn Avenue; regarding Planning Commission's denial of their Special Exception Permit application to sell packaged liquor at 1124 Joslyn Avenue. (This item is from the July 9, 2019 Council Meeting.) Moved by Councilperson Miller and second by Councilperson Carter. There was discussion on clarifying which Resolution the Council passed. Did they passed the approval or denial for the said resolution? Council rescind the previous vote.

19-363 **Motion to rescind the previous vote.** Moved by Councilperson Carter and second by Councilperson Taylor-Burks.

Ayes: Carter, Miller, Taylor-Burks, and Williams

No: Pietila

Motion Carried.

Councilwoman Patrice Waterman was absent during the vote.

Councilwoman Mary Pietila and Councilwoman Patrice Waterman left the meeting.

19-364 Resolution to approve Appeal 19-03 Special Exception Permit application to sell packaged liquor at 1124 Joslyn Avenue from A&S Kajy Enterprise, Inc., parcel #64-14-16-402-030. Moved by Councilperson Carter and second by Councilperson Miller.

Whereas, the City has received an application for a Special Exception Permit for parcel #64-14-16-402-030, also known as 1124 Joslyn Avenue for the Applicant, A&S Kajy Enterprise, Inc., and; Whereas, the Planning Division has reviewed the applicant's Special Exception Permit request to sell packaged alcoholic beverages with a Special Designated Distributor [SDD] license, in addition to the existing Special Designated Merchant [SDM] license for the sale of beer and wine sales, and; Whereas, the Planning Division has reviewed the requirements set forth in Section 2.515 of the Zoning Ordinance and Section 10.188 of the Pontiac Municipal Code and the Planning Division determined that aforementioned request and proposed sale of packaged liquor does not comply with the City of Pontiac Zoning Ordinance, and;

Whereas, in accordance with the procedures outlined in the Zoning Ordinance, Section 6,302 as it relates to Special Exception Permit Review Procedures and Requirements, the request has undergone the required; technical review, Public Hearing, and Planning Commission decision, and;

Whereas, on April 3, 2019 a Public Hearing was held, the Planning Commission voted to deny the request sale of packaged liquor at 1124 Joslyn Avenue,

Whereas, Following Section 6.303, [H. Appeals] of the Zoning Ordinance, the applicant submitted a letter to the Planning Manager Gustafsson within ten days of the Planning Commission decision requesting an appeal from City Council,

Now, Therefore, Be It Resolved that the City Council for the City of Pontiac appeal the Planning Commission decision to grant a Special Designated Distributor license at parcel #64-14-16-402-030, also known as 1124 Joslyn Avenue from the applicant, A&S Kajy Enterprise, Inc.

Ayes: Miller, Taylor-Burks, Williams and Carter

No: None

Resolution Passed.

19-365 Suspend the rules to vote on items #8, #9, #10 and #18. Moved by Councilperson Taylor-Burks and second by Councilperson Miller.

Ayes: Taylor-Burks, Williams, Carter and Miller

No: None

Motion Carried.

Resolution that mandates that copies of all contracts and agreements entered into by the Mayor and on behalf of the City of Pontiac be forwarded to the City Clerk's Office within five (5) business days of execution. Moved by Councilperson Taylor-Burks and second by Councilperson Miller.

WHEREAS, pursuant to 3.201 (d) of the Pontiac City Charter, the City Clerk is responsible for maintaining the records of the City and making them available to the public as provided by law; and, WHEREAS, the Pontiac Municipal Code section 2-521, provides that the Mayor shall with the concurrence of the Council adopt administrative rules regarding the retention of professional services; and,

WHEREAS, it is imperative that the Clerk's office maintain accurate and up-to date records. NOW, THEREFORE BE IT RESOLVED that the Pontiac City Council hereby mandates that copies of all contracts and agreements entered into by the Mayor and on behalf of the City of Pontiac, be forwarded to the City Clerk's office within five (5) business days of execution.

Ayes: Taylor-Burks, Williams, Carter and Miller

No: None

Resolution Passed.

19-367 Resolution that requires approved minutes and amended agendas be available for public inspection and posted on the City's website within five days after the meeting. Moved by Councilperson Miller and second by Councilperson Carter.

WHEREAS, pursuant to 3.201 (b) of the Pontiac City Charter, the City Clerk serves as clerk of the Council, gives required public notices, and keeps a record of all ordinances, resolutions and other proceedings; and,

WHEREAS, MCL 15.269 (3) states that a public body shall make proposed minutes available for public inspection within eight (8) business days after the meeting to which the minutes refer and the public body shall make approved minutes available for public inspection within five (5) business days after the meeting at which the minutes are approved by the public body; and,

WHEREAS, corrections in the minutes must be made no later than the next meeting after the meeting to which the minutes refer. Corrected minutes must be available no later than the next meeting after the correction and must show both the original entry and the correction; and,

WHEREAS, MCL 15.271 sec 11. (1), expressly states, that if a public body is not complying with the Open Meetings Act, the attorney general, prosecuting attorney of the county in which the public body serves, or a person may commence a civil action to compel compliance or to enjoin further noncompliance with the Act.

NOW, THEREFORE BE IT RESOLVED that the Pontiac City Council hereby requires that approved minutes and amended agendas be available for public inspection and posted on the City's website within five (5) days after the meeting to which the minutes or amended agenda were approved by the Pontiac City Council.

Ayes: Williams, Carter, Miller and Taylor-Burks

No: None

Resolution Passed.

19-368 Resolution recognizing the 34th Pastoral Anniversary of Pastors Earl and Earnestine Crump, Door of Faith Christian Ministries. Moved by Taylor-Burks and second by Councilperson Carter.

WHEREAS, Pastors Earl and Earnestine Crump have been remarkable and extraordinary residents of the City of Pontiac, Michigan as loving parents, family advocates, spiritual leaders, friends and supporters of the Pontiac School District; and,

WHEREAS, Pastors Earl and Earnestine Crump have shown their personal and spiritual commitment to the Lord by virtue of their thirty-four years of spiritual leadership and guidance to their congregation and community of Pontiac, Michigan and surrounding areas as Pastors of DOOR OF FAITH Christian Ministries; and,

WHEREAS, The citizens of Pontiac, Michigan desire to recognize, honor and express their pride and appreciation to Pastors Earl And Earnestine Crump for their personal achievements, and commitments as spiritual leaders and confidants; and,

WHEREAS, The City of Pontiac and along with the members of DOOR OF FAITH Christian Ministries acknowledge with acclamation the value and worth in achievement rendered by this man and woman of God, with a dinner celebrating their 34th Pastoral Anniversary on Sunday, July 28, 2019.

NOW THEREFORE BE IT RESOVLED, The Pontiac City Council pauses in our deliberations and recognize the 34th Pastoral Anniversary of Pastors Earl and Earnestine Crump.

Ayes: Williams, Carter, Miller and Taylor-Burks

No: None

Resolution Passed.

19-369 Resolution to instruct the City Attorney to amend City of Pontiac Ordinance 2287 and place the Cable Division and Appointment of the Cable Director under the legislative branch of City government. (Agenda item ad-on) Moved by Councilperson Taylor-Burks and second by Councilperson Miller.

WHEREAS, the Cable division plays a vital and integral role in the dissemination of information to the residents of the City of Pontiac; and

WHEREAS, the Cable division should allow for the facilitation, encouragement of the production of local programming, cablecasting of programs over access channels within the city, and provide, accurate, timely and uninterrupted information; and,

WHEREAS, the citizens are not being provided a quality, prompt and uninterrupted service; and, WHEREAS, Emergency Financial Manager Order S-280 and City of Pontiac ordinance number 2287, adopted June 17, 2013, restructured departments and moved the Cable division under the Department of Community Development; and,

WHEREAS, City of Pontiac ordinance number 2287 which is codified in section 2-144 of the Pontiac Municipal Code, provides that the Cable Director's appointment shall be made by the Director of Community Development with the consent of the Mayor; and;

WHEREAS, prior to the adoption of the Emergency Financial Manager's Order and City of Pontiac ordinance number 2287, the Cable division was under the Pontiac City Council; and,

WHEREAS, the Pontiac City Council believes it is in the best interest of the City of Pontiac and the citizens, to amend the City of Pontiac ordinance to reflect the prior organizational structure of the cable division; and,

WHEREAS, pursuant to section 4.202 of the Pontiac City Charter, the City Attorney is hereby instructed to amend City of Pontiac ordinance 2287.

NOW, THEREFORE BE IT RESOLVED the Pontiac City Council hereby instructs the City Attorney to amend City of Pontiac ordinance 2287 and place the Cable division and appointment of the Cable Director under the legislative branch of City government; thereby, under the direct supervision of the Pontiac City Council.

Ayes: Carter, Miller, Taylor-Burks and Williams

No: None

Resolution Passed.

Communications from the City Clerk

Communication informing the City Council that the Deputy Mayor has not allowed the I.T. staff to post City Council Meetings Agenda Packets, Amended Agenda and Approved Minutes on the City's website. The following items have not been posted.

Agenda Packets:

June 13, 2019 Public Hearing on the Budget June 24, 2019 Special Meeting on the Budget

Amended Agendas:

June 4, 2019

June 11, 2019

June 13, 2019 Special Meeting on the Budget

June 18, 2019

July 9, 2019

Approved Minutes:

June 6, 2019 Special Meeting on the Budget

June 7, 2019 Special Meeting on the Budget

June 10, 2018 Special Meeting on the Budget

June 11, 2019

June 13, 2019 Special Meeting on the Budget

June 13, 2019 Public Hearing on the 2019-2020 Proposed Budget

June 18, 2019

June 21, 2019 Special Meeting on the Budget

June 24, 2019 Special Meeting on the Budget

June 25, 2019

June 29, 2019

July 2, 2019

The Clerk informed the Council that the Mayor's Office finally allowed I.T. to post the items. All items were posted yesterday on the City's website.

Communication informing City Council that the Deputy City Clerk Sheila Grandison, CMC has received the designation of Certified Municipal Clerk (CMC) from the International Institute of Municipal Clerks.

Monthly Mayoral Reports

Monthly Check Register

(Received the Finance Department's response to Councilwoman Miller questions asked during the July 9, 2019 meeting)

Monthly Staff Changes Report. (The June report was not submitted.)

City Credit Card Statement

(Finance department stated that they would provide the June report at the July 9, 2019 meeting. The report has not been submitted.)

Council Pro-Tem Randy Carter asked for Point of Privilege

Council President Kermit Williams Adjourned meeting at 8:22 p.m.

GARLAND S. DOYLE INTERIM CITY CLERK

#3 SUBCOMMITTEE REPORT



WATERFORD REGIONAL FIRE DEPARTMENT

2495 Crescent Lake Road • Waterford, MI 48329 Phone: 248.673.0405 • Fax: 248.674.4095 www.waterfordmi.gov

Matthew J. Covey, Acting Fire Chief • Carl J. Wallace, Fire Marshal

MONTHLY FIRE DEPARTMENT REPORT

For the City of Pontiac

June 2019

Total calls - month: 473 Average Response Time 4.41 per call

Fires: **14** 4.9% EMS: **299** 63.7% False Alarms: **30** 8.1%

Total calls - YTD: 2,372

Fires: **108** 4.53% EMS: **1,499** 62.93% False Alarms: **187** 7.85%

Mont	h Count Respons	e Times YTD average	YTD Count
FS-6	Fires – 4	5.53	23
	EMS - 46	5.41	272
FS-7:	Fires - 7	5.29	57
	EMS - 142	4.48	672
FS-8:	Fires - 1	5.08	17
	EMS - 67	5.10	319
FS-9:	Fires - 2	5.01	9
	EMS - 42	4.20	233

Fire Injuries to personnel: 1 minor

Fire Injuries to civilian:

Notable events/incidents for month:

Comparing to 2018: Fire Calls are down by 30.77%. Total call volume up year to date by 14.56%

Fire Training:

All Fire personnel attended building construction training
Oakland Community College Fire Training conducted a Rapid Intervention Class
Fire Officer 3 training held at fire station 1 for our current officers
Chief Lyman Retired after 33 years in the fire service

DISPATCH	Jan-19	Feb-19	19-Mar	Apr-19	May-19	Jun-19
Abdominal Pain	31	31	36	32	36	30
airmedical transport	1		1			
ALLergies	8	7	6	6	7	9
ALTERED MENTAL STATUS	12	15	9	12	16	12
Animal bites	1	2	2	1	1	5
Assault	20	29	31	30	40	55
Invalid assist	2	6	2	3	5	4
Pedestrian struck by Auto		0				
Back Pain	9	14	17	12	12	13
Breathing Problems	115	130	127	126	165	118
Burns	2	2	1		2	3
Cardiac Arrest	15	7	11	9	13	
Chest pain	77	77	69	76	86	67
Choking	3	2	4	1	1	
CO poisoning	2	0	4	5	1	
Seizures	49	29	39	67	49	45
Diabetic Issues	22	17	20	25	24	20
Drowning	0	0				
Electrocution	0	0				1
Eye issues	0	1	1	2		2
Fainting	0	0				
Fall Victim	76	73	58	65	58	60
Fever	0	0				6
Fire	1	2	3	1	3	2
Headache	8	6	7	5	5	9
Heart Problems	12	5	5	15	7	12
Heat/Cold Exposures	0	1		2		
Hemorrhage from Laceration	16	12	9	15	20	16
Industrial Accident	0	0				1
Medical alarms	5	19	13	19	21	23
MCI	0	0				
Ingested Poison	0	0				
Non Emergent requests	15	19				

Overdose	49	32	27	31	47	51
Pregnancy/Childbirth	24	4	4	6	13	12
Psychiatric Problems	32	36	32	32	36	56
Respiratory Arrest	0	0				
"Sick" Person	164	123	156	189	164	228
Standby	3	0				1
stab/Gunshot Wound	3	4		5	7	10
Stroke/CVA	19	12	16	19	16	17
Traffic Accidents	38	35	35	28	54	86
Palliative care	21	13	26	27	29	31
Traumatic Injury	18	14	9	18	21	17
Unconscious/unknown cause	50	20	51	60	72	52
UNKNOWN	14	0	7	28	25	23
"Person DOWN"	0	0	33	16		11
Sexual Assault	0	0				
Well Person Ck	0	1	3	3	2	5
total	937	800	874	991	1058	1113

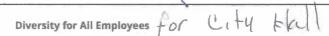
AVERAGE RESPONSE TIMES BY ZIP CODE

	Nov-18	18-Dec	Jan-19	Feb 20-19	19-Mar	Apr-19	May-19	19-Jun
48340	6	5.5	5.5	5.4	5.2	5.3	5.1	5
48341	5	5	5	5	5	4.9	4.9	4.9
48342	5	5	5	4.8	4.9	4.9	4.8	4.8
48343	5	4.8	4.9	4.8	4.9	4.8		
Monthly	5.25	5.07	5.1	5.025	5	4.95	4.93	4.9



Menu Script

- 1, Welcome
- 2. Session Objectives
- 3. How Are We Diverse?
- 4. Your Diversity History
- 5. Silent Diversity
- 6. Challenges
- 7. Opportunities
- 8. Knowledge Check 1
- 9. Review
- 10. Discrimination and Diversity
- 11. Harassment and Diversity
- 12. Legal Protections
- 13. Legal Protections (cont.)
- 14. Diversity Policy
- 15. Diversity Policy (cont.)
- 16. Knowledge Check 2
- 17. What Are You Learning?
- 18. Perception or Reality?
- 19. Making Diversity Work
- 20. Making Diversity Work (cont.)
- 21, More on Making Diversity Work
- 22. Key Points to Remember
- 23. Quiz
- 24. Log Off







#4 SPECIAL PRESENTION

Garland Doyle

From:

James Johnson

Sent:

Thursday, July 11, 2019 9:58 AM

To:

Garland Doyle

Cc:

Jane Bais-DiSessa; Tamura Veasy

Subject:

Please add AUCH as a special presentation for 0723

Follow Up Flag:

Follow up

Flag Status:

Flagged

Good Morning Mr. Clerk,

Mr. Clerk per our conversation this morning please add AUCH for a special presentation on 07/23/2019. Thank you in advance for your time and efforts.

Professionally,

James Johnson Community Relations Specialist <u>jjohnson@pontiac.mi.us</u> 248-758-3039



#5 ORDINANCE



CITY OF PONTIAC Department of Building Safety PLANNING DIVISION

7450 Woodward Ave | PONTIAC, MICHIGAN 48342-5009 TELEPHONE: (248) 758-2800 | FAX: (248) 758-2827

Mayor Deirdre Waterman

TO:

MAYOR DEIRDRE WATERMAN, CITY COUNCIL & COUNCIL PRESIDENT

FROM:

OFFICE OF DEPUTY MAYOR JANE BIAS-DISESSA VERN GUSTAFSSON – PLANNING MANAGER

SUBJECT:

BISTRO REDEVELOPMENT LIQOUR LICENSE ORDINANCE

DATE:

JULY 11, 2019

I have attached for your consideration and first reading pursuant to Charter Section 3.112, a proposed Bistro Redevelopment Liquor License Ordinance. The implementation of the Bistro Redevelopment Liquor License program supports business located in designated TIFA Districts to be granted "Bistro" Liquor Licenses. These licenses are created from Public Act 501 of 2006, establishing Redevelopment Liquor Licenses and encouraging businesses who desire to locate in cities with limited or no liquor licenses available to redevelopment areas within the city. The Bistro Liquor License will benefit those businesses downtown who engage in dining, entertainment, or recreation as a primary use, while the sale of alcohol for on-site consumption will be a secondary use. The issuance of Bistro Licenses will serve as an Economic Development tool, increasing vehicular and pedestrian foot traffic in the Downtown area, while also increasing services to local business and their patrons.

The provided Bistro Redevelopment Liquor License Ordinance outlines the requirements and restrictions for licensure, process and procedure for application, and permit revocation and review. The granting of Bistro Licenses will require the submission of a Bistro License Application provided by the city, Planning Commission Special Exemption Permit review, and City Council approval is required for the initial issuance, reissuance, and transfer of Bistro Licenses. Upon an adopted resolution approving a requested Bistro License the Liquor Control Commission (LLC) will provide to the applicant a Bistro License for \$20,000.

ORDINANCE NO. ____

AN ORDINANCE TO ALLOW REDEVELOPMENT LIQUOR LICENSES AND CONDITIONS FOR ISSUANCE AND OPERATIONS

THE CITY OF PONTIAC ORDAINS:

I. BISTRO RESTAURANTS

- (1) An applicant for a liquor license may propose to utilize the license for purposes of the operation of a bistro. Dining, entertainment, or recreation may be the primary purpose of the bistro. Unique and diverse venues with specialized menus that attract new patronage are encouraged.
- (2) For purposes of this chapter, a "bistro" is defined as being a fixed food service establishment with interior seating that meets all of the following criteria:
 - (a) The liquor license must be a redevelopment district or development district license, as defined in the Michigan Liquor Control Code, MCLA § 436.1101 et seq., as amended.
 - (b) Interior seating (including bar seating) can be no less than 50 people and no greater than 150 people.
 - (c) Sidewalk Cafes and Outdoor Dining Patios as defined in Section 2.539 of the Pontiac Zoning Ordinance are permitted in establishments with Bistro Liquor Licenses, provided that the City determines that there is sufficient space on an adjacent public sidewalk. Rooftop seating does not qualify as seasonal sidewalk cafe seating. Alcohol may only be served to seated patrons in sidewalk seating areas.
 - (d) Bar seating shall be limited to 25% or less of the interior seating.
 - (e) The establishment shall close no later than 12:00AM. With the prior approval of City Council, an establishment may remain open to offer food service.
 - (f) Sales of food shall total not less than 50% of the total revenue of the establishment.
 - (g) The licensee must otherwise comply with all requirements of the City Code.
- (3) Bistro Restaurants may only be located in the C-2 Downtown Zoning District.
- (4) Bistro Restaurant liquor licenses may not be transferred to other businesses, nor other addresses. A Bistro Restaurant liquor license may be transferred to a subsequent owner of the business originally granted the Bistro Restaurant liquor license if approved by the City Council, which shall use the criteria set forth in Section 8(a)-(h) to make such determination.
- (5) Prior to requesting approval by the City Council, a Bistro Restaurant shall obtain a Special

Exception Permit from the City Planning Commission.

- (6) Prior to operating a bistro, a licensee shall enter into a Development Agreement with the City setting forth all rehabilitation/restoration plans and operating requirements for the Bistro Restaurant. Failure to comply with the terms and conditions of the Agreement shall be grounds for the City Council to recommend revocation of the license by the Michigan Liquor Control Commission.
- (7) Grounds for Immediate Review. A bistro license holder may be subject to immediate review by the City Council if he or she is cited for three violations within one calendar year. When under review, the City Council may determine that the bistro license holder is no longer operating within the best interests of the city, and the City Council may recommend revocation of the bistro license to the Michigan Liquor Control Commission.
 - (a) A violation includes any of the following:
 - (i) Violations issued from the Michigan Liquor Control Commission.
 - a. Citations from the City.
 - (ii) Citations issued from any other governmental body.
- (8) Approval. If the City Council is satisfied that the establishment or operation will provide a benefit to the City of Pontiac and constitute an asset to the community, it will adopt a resolution granting approval, subject to the satisfaction of any conditions stated in the resolution. The City Council shall consider the following nonexclusive list of criteria to assist in the determination if the establishment will provide a benefit and be an asset to the community.
 - (a) The applicant's demonstrated ability to finance the rehabilitation/restoration as set forth in the Development Agreement.
 - (b) The applicant's demonstrated ability to finance the operations of the proposed project.
 - (c) The applicant's track record with the city, including responding to city and/or citizen concerns.
 - (d) Whether the applicant has an adequate site plan to handle the bistro liquor license activities at the proposed establishment.
 - (e) Whether the applicant has adequate health and sanitary facilities at the proposed establishment.
 - (f) Potential community benefits proposed by the applicant.
 - (g) The applicant's ability to employ city residents.

- (h) Whether the applicant has outstanding obligations to the city (i.e., property taxes, utilities, etc.). Applicant shall be automatically denied if applicant has any outstanding/past-due obligations to the city or other municipality or governmental agency.
- (9) Approval Procedures and Requirements;
 - A. Submission & Initiation of Licensee Process. A property owner with business interest in an existing establishment, a possessory interest entitled to exclusive possession, or a contractual interest may submit to the City of Pontiac Planning Division an application requesting a Bistro Redevelopment Liquor License.
 - B. Submission of application. All requirements of the Bistro Redevelopment License Application and Special Exemption Application must be submitted to the Planning Division with all required information included to be considered complete, incomplete applications will not be reviewed. Applications must be submitted 45 days prior to the scheduled Planning Commission Meeting.
 - C. **Technical Review.** Upon receipt of the Bistro License Application, and prior to the scheduled Planning Commission Special Exemption Review, the Planning Division must conduct a technical review of the application findings based on the criteria outline above Section 8(a)-(h), as well as those criteria outline in the Zoning Ordinance for Special Exemption Review.
 - D. Special Exemption and Application Review. Upon the Planning Commission's review of the proposed Bistro Redevelopment Liquor License, the Planning Commission will offer a recommendation to City Council for Denied or Approval of the license request.
 - E. City Council License Review. Upon receipt of the Planning Commission recommendation of the proposed Bistro Redevelopment Liquor License. City Council will affirm that the proposed site complies with the City of Pontiac Zoning Ordinance and section 8(a)-(h) of this ordinance, and vote to adopt a resolution to approve or deny the applicant's request for a Bistro Redevelopment Liquor License.

I hereby certify this ordinance was a Council of the City of Pontiac on the	adopted at a second reading of the ordinance by the City day of, 2019.
	Garland Doyle, Interim City Clerk
T Coult on 1 and 1	aire is a toron course of the Oudiness or accord house of the
	oing is a true copy of the Ordinance as passed by the City n a publication of general circulation on the day of
14	Garland Doyle, Interim City Clerk

#6 RESOLUTION



CITY OF PONTIAC Department of Building Safety PLANNING DIVISION

47450 Woodward Ave | PONTIAC, MICHIGAN 48342-5009 TELEPHONE: (248) 758-2800 | FAX: (248) 758-2827

Mayor Deirdre Waterman

TO:

HONORABLE MAYOR, COUNCIL PRESIDENT AND CITY COUNCIL

FROM:

DONOVAN SMITH-CITYPLANNER

THROUGH THE OFFICE OF DEPUTY MAYOR, JANE BAIS-DISESSA

SUBJECT:

RESOLUTION TO PROCEED WITH THE REDEVELOPMENT READY COMMUNITIES (RCC) PROGRAM

OF THE MICHIGAN ECONOMIC DEVELOPMENT CORPORATION (MEDC)

DATE:

June 5, 2019

Intent and Purpose

Pursuant the Redevelopment Ready Community (RRC) Certification from the Michigan Economic

Development Corporation(MEDC), this could provide the City of Pontiac with a competitive edge amongst local communities; attracting more business and talent to support local job growth and driving economic development. Based on the results of the Redevelopment Ready Communities Evaluation, the City has completed or has actively engaged in completing 68% of the required RRC evaluation criteria. The Planning Division has reviewed the MEDC Redevelopment Ready Baseline Report and has coordinated a presentation of the program and results of the baseline evaluation to City Council by MEDC RRC Program Staff on March 26, 2019. Additionally, the Planning Division has developed a phased scheduled plan to complete the required criteria of the Redevelopment Ready Communities Program, this report was presented to the Community Development Sub-Committee on May 21, 2019. Finally, based on the results of the self-evaluation, baseline evaluation, and internal Planning Division technical review it is projected that City staff will be capable of completing the remaining 32% of RRC criteria by Spring 2020. During this time the city will engage in the following improvements;

- Phase 1 (Ending April 2019) Internal Process and Document review, and Developers Guide to Development
- Phase 2 (Ending June 2019) Redevelopment Sites (Part 1) & Public Participation Strategy Development
- Phase 3 (Ending Oct 2019) Redevelopment Sites (Part 2) & Masterplan Update and Board reviews
- Phase 4 (Ending March 2019) Redevelopment Ready Community Planning & Economic Development

Apart of the City's commitment to the Redevelopment Ready Program includes the submission of quarterly progress reports on the status and the completion of program areas identified in the baseline Redevelopment Ready Report. City Council will also receive quarterly progress reports on program completion, and is encouraged to actively engage in Civic Participation with City Staff, Planning Commission, and other community stakeholders in the planning and execution of the following program areas;

- Public Participation Guide for Engagement & Public Input Phase 2
- Identify Potential Redevelopment Sites for Visioning & Desired Development Outcomes Phase 2
- Review & Affirm or Revise Fee Schedule Phase 2
- Review & Affirm or Revise Adopted Masterplan (Include Updating Zoning Text) Phase 3
- Adopt Capital Improvements Plan Phase 4
- Review & Adopt Downtown Plan Phase 4

The Redevelopment Ready Communities Program engages the City of Pontiac allows for more seamless and welcoming environment for developers and economic development in the city. This is a great opportunity for the City of Pontiac to position itself to a leader in Oakland County for redevelopment, the improvement of targeted areas and neighborhoods, and increasing the level of engagement and participation between local government and the public citizen.

Resolution

- Whereas, the City of Pontiac is actively committed to improving the economic development conditions of the city and improving the quality of life for tax payers and residents; and,
- Whereas, on October 15, 2018, the City of Pontiac submitted a RRC Self-Evaluation to the MEDC to determine the necessary commitment from the City of Pontiac to obtain Redevelopment Ready Community Certification; and,
- Whereas, on March 26, 2019, the MEDC presented to City Council the results of the Redevelopment Ready Communities Evaluation for the City of Pontiac, and the City of Pontiac recognizes the value of this program and the importance of aligning our community readiness for new development and redevelopment of existing properties; and,
- Whereas, the City of Pontiac understands the staff commitment to complete the requirements outlined in the RRC City of Pontiac Evaluation for certification; and,
- Now Therefore, Be It Resolved, that the City of Pontiac commits to proceed with the pursuit for Redevelopment Ready Community Certification.

Redevelopment Ready Communities

City of Pontiac 2019-2020 | Work Plan

I" Phase - Internal Process Review & Development Guidelines - Ends April 2019

- ✓ 1. Internal Planning Department Process Documents
- ✓ 2. Board & Commission Orientation Packets
 - ✓ a. Zoning Board of Appeals
 - ✓ b. Historic District Commission
 - ✓ c. Planning Commission
- Preliminary Application Meeting Economic Director and Planning Manager
- ✓ 4. Zoning Compliance Meeting Review City Planner
- ✓ 5. Application Process Flowchart Revisions
 - ✓ a. Site Plan Review
 - ✓ b. Historic District Commission
 - ✓ c. Zoning Board of Appeals
 - √ d. Zoning Map Amendment
- ✓ 6. City of Pontiac Developers Guide

April 9, 2019



CITY OF PONTIAC Department of Building Safety & Planning PRE-APPLICATION CONCEPTUAL REVIEW MEETING

(see pages 6-5 through 6-14 in Site Plan Review Guidelines)

A. Pre-Application Conceptual Review Meeting Purpose.

To expedite site plan review by identifying potential problems as early as possible, all prospective applicants are encouraged, but not required, to engage in a conceptual consultation as described below.

B. Parameters of Pre-Application Review

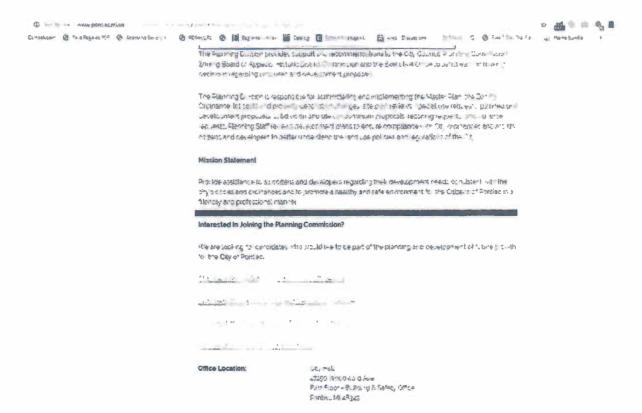
- At the meeting, the potential applicant may address the city staff concerning a
 potential application, but must limit the presentation to the intent and the
 location of the proposal, without going beyond a description of the basic concept
 of the proposal.
- 2. City staff will distribute a Guide for Development and outline the steps that an applicant may take to obtain board approval for proposed developments. Staff may discuss the content of the City of Pontiac Master Plan and its relation to the potential applicant's proposal, in addition to cite specific sections of these regulations or the Zoning Ordinance. The board may make suggestions which might be of assistance in resolving problems with meeting the requirements of a formal application.
- 3. The city staff shall not approve or disapprove the proposal.
- 4. No comments made during this consultation shall bind either the applicant or the city staff
- Statements made by city staff shall not be the basis for disqualifying said members or invalidating any action eventually taken on anapplication.

C. Information requested to be supplied.

It is recommended that the prospective applicant submit the following information in writing during submission of meeting request up to 1 week prior to the Pre-Application Meeting:

- 1. The location of the proposed development
- Correct names and mailing addresses of owner(s) of record (and the applicant, if different)
- 3. A brief narrative description of the proposal
- 4. Drawing or sketch of plan
- 5. Any other information that the applicant feels will be helpful

Community Development Pre-Application Online Submission



Development Pre-Application Site Concept & Zoning Compliance Meeting Request (Red Line)

Most development projects require coordination between various municipal departments as well as proposal presentations, board, City Council, and staff approvals. To better provide these services and to provide developers with insight on process workflows, developers are encouraged to submit for Pre-Application Site Planning or Zoning Compliance Review Meetings prior to the submission of plans and the submission for permits.

Download Pre-Application Concept Review Guide

City of Pontiac Development Review Guide

(Link to Meeting Request Questionnaire)

http://www.pontiac.mi.us/about/business registration.php

- 1. Main Features of Registration (Request Dates, and submission of
 - o The location of the proposed development
 - Correct names and mailing addresses of owner(s) of record (and the applicant, if different)
 - o A brief narrative description of the proposal
 - o Drawing or sketch of plan (attachment is possible)
 - Any other information that the applicant feels will be helpful
- 2. Submissions are forwarded to Donovan & Vern's Email

PILOT Submittal/Review Process

- 1. Submit request to Economic Development Director and Finance Director
- 2. Attend Internal Economic Development Meeting
- 3. Attend Community Development Sub-Committee Meeting
- 4. Attend Finance Sub-Committee Meeting
- 5. Ordinance Introduction to City Council
- 6. Ordinance Adoption by City Council

PILOT Review Internal Process

- 1. Mayor/Economic Development Director/Finance Director to review application
- 2. Community Development Sub-Committee
- 3. Finance Sub-Committee
- 4. Ordinance Introduction to City Council
- 5. Clerk to publish summary of proposed ordinance
- 6. Ordinance Adoption by City Council
- 7. Clerk to publish ordinance before ordinance's effective date

PA198/PA210/OPRA Submittal & Review Process

- 1. Submit request to City Clerk
- 2. Copy Economic Development Director and Finance Director
- 3. Attend Internal Economic Development Meeting
- 4. Attend Community Development Sub-Committee Meeting
- 5. Attend Finance Sub-Committee Meeting
- 6. City Council schedules public hearing on creation of District
- 7. City Council holds public hearing on creation of District & votes to approve or deny
- 8. City Council schedules public hearing on application
- 9. City Council holds public hearing on application and votes to approve or deny

PA198/PA210/OPRA Submittal & Review Internal Process

- 1. Mayor/Economic Development Director/Finance Director/Assessor review application
- 2. Community Development Sub-Committee
- 3. Finance Sub-Committee
- 4. City Council schedules public hearing on creation of District
- 5. City Council holds public hearing on creation of District & votes to approve or deny
- 6. City Council schedules public hearing on application
- 7. City Council holds public hearing on application and votes to approve or deny
- 8. State Review Property Services Division, MEDC & State Tax Commission. Exemptions are not effective until approved by the STC



GUIDE TO DEVELOPMENT CITY OF PONTIAC

Created January 2019

The Guide to Development includes a snapshot overview of the development review process in the City of Pontiac. The document explains the review process, policies, steps, and other relevant information for applicants. Links to web pages are provided throughout the document for easy access to the most up-to-date forms, applications, and more information.

This document is not intended to include all of the requirements of the City Ordinances or Codes, nor is it a replacement for the Zoning Ordinance or other local ordinances. Applicants should review the specific ordinances and talk to responsible staff about their development projects.

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Contact Information

The City of Pontiac website (http://www.pontiac.mi.us) contains maps, applications, the City's Zoning Code and Master Plan, and much more. The Community Development tab provides links to the Building Department & Planning Division permits, applications, incentives and resources.

CITY OF PONTIAC Department of Building Safety & Planning Planning Division

47450 Woodward Ave, Pontiac MI 48342 T: 248.758.2800

F: 248.758.2827

Contact Quick Reference

Assignment	Staff	Department	Phone Number	Email
Financial Opportunities & Incentives, Economic Development Assistance	Rachel Loughrin	Economic Development	(248)758-	RLoughrin@pontiac.mi.us
General Development Zoning districts & Requirements, Site selection	Donovan Smith	Planning Division	(248)758-2815	Dsmith@Pontiac.Mi.Us
Right-of-Way (Public Land) & Stormwater, Engineering	John Balint	Department of Public Works	(248)758-3600	
Building & Trade Permits		Building & Safety	(248)758-2800	
Business Licensing	Tammy Cooper	Planning Division	(248)758-2826	TCooper@Pontiac.Mi.Us
Code Enforcement	Patrick Brzozowski	Planning Division	(248)758-2820	PBrzozowski@Pontiac.Mi.Us

The Development Review Process

The following outlines the process for development review in the City of Pontiac. The guide describes the relevant reviewing bodes for planning and development projects in the City and includes estimated timelines for such proposals. It outlines the planning and zoning approval process and the applications and other materials needed. This is followed by an overview of the approval process of other permits and licenses necessary throughout the development project, including building and construction permits, rental licenses, and building licenses.

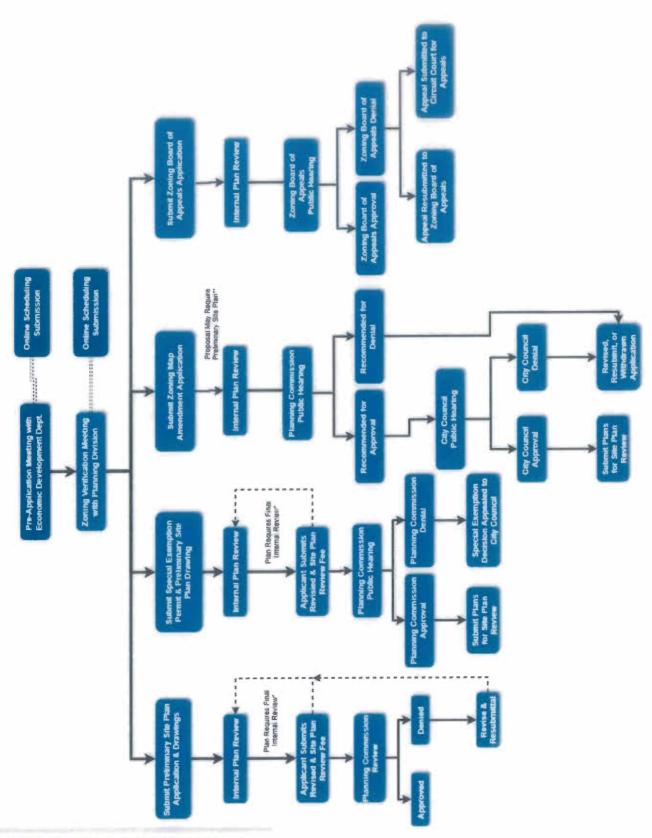
In addition, the document includes business assistance information and the review process for Tax Increment Financing (TIF), Personal Property Tax Abatement, and Industrial Facilities Exemption applications. It includes an overview of TIF and the review process for the development of publiclyowned properties.

The flowchart covers planning and zoning applications. These applications require a multi-step review process, including staff review, various commission and board reviews, public hearings, Planning Commission (PC) review, and City Council (CC) review. In addition, the flowchart includes the building and construction permits that need to be obtained in order to implement the approved project.

The flowchart shown on the next page outlines the development approval process followed in the City of Pontiac. The diagram includes required and recommended meetings and actions, and outlines the boards and commissions required to review development applications. Depending on the nature of the project, multiple city departments will review the proposed project.

In general, most building construction and land modifications require a site plan application and depending on the use may also require a special use permit. A special use permit could also be required where a simple change of use is proposed for a building where no construction is occurring. A single project could require both a site plan and a special use permit application or just one or the other.

Development Review Process Flowchart



Reviewing Bodies for Development Applications & Timeline

The City's Zoning Code outlines the procedures for development applications. Depending on the nature and location of the project, select City boards and commissions will review the project. The relevant boards and commissions are described below, including meeting dates and times. Meetings take place at City Hall unless noted.

- Zoning Board of Appeals interprets and grants variances from provisions of the zoning code; conducts hearings and resolves disputes regarding decisions of the zoning official.
 - o Third Monday at 7:00pm
- Historic District Commission interprets and grants alterations to buildings and structures in the Pontiac Historic Districts.
 - o Second Tuesday at 6:00pm
- Planning Commission creates and updates the Master Plan and reviews rezoning requests, site plans, special use permits, and other land use applications.
 - o First Monday at 6:30pm

The timeline for the approval process of development applications depends on the schedule of each board and commission that needs to review the project, the public notice requirements in each case, and the publication time for media release. In general, the entire approval process could take 30 to 90 days for a site plan application, and applications should be submitted 30-45 days in advance of the next board of commission meeting.

Pre-Application Meeting

The prospective developer(s) or representative(s) of an entity wishing to (re)develop a property in the City of Pontiac is encouraged to meet with the City's Community and Economic Development Director prior to when the official application is submitted. Pre-Application meetings can be scheduled online on by contacting Rachael Loughrin rloughrin@pontiac.mi.us or Vern Gustafsson Vgustafsson@pontiac.mi.us.

During this meeting, the developer may outline the proposed development idea and any initial conceptual architectural designs available. For larger projects, the City staff may encourage the developer to seek the opinion of the community most affected by the proposed project. City staff can provide contact information for relevant neighborhood associations and other groups of interest. Staff may attend those meetings in order to answer questions from the community with regard to zoning regulations and the Master Plan as it relates to the proposed project.

Zoning Compliance & Verification Meeting

The prospective developer(s) or representative(s) seeking to submit planning and zoning applications can request zoning verification meetings to determine a site compliance with the City of Pontiac Zoning Ordinance. Planning & Zoning applications (Zoning Compliance Requests, Site Plan Review Applications, Special Land Use Requests, Zoning Board of Appeals, and Historic District Commission Applications) can be found here.

The staff will provide the developer with background information on the site, previous plans submitted, the community vision for the site, an overall opinion of the proposed idea, and a description of the approval process and timeline.

The table of uses can be found in the Zoning Ordinance, Section 2.05. Use the table to determine whether the use is permitted, not permitted, or permitted by Special Land Use by zoning district. Use the Zoning Map, Section 2.04 of the Zoning Ordinance, to determine the locations of zoning districts.

For general questions related to zoning, contact Donovan Smith, (248)758-2815, Dsmith@Pontiac.mi.us.

Community Vision: The Master Plan

The Master Plan is one of the primary tools used by the City of Pontiac's City Council, boards and commissions, and the staff that make decisions affecting the future land use of the community. A Master Plan is a broad based policy document for the physical, economic, and social development of the city as it relates to land use. It has a long-range perspective that provides a coordinated approach to making important decisions.

Prospective developers should review the City's Master Plan to make sure the proposed project helps fulfill the goals of the plan. The plan can be found here.

City of Pontiac 2014 Master Plan

Additional plans have been created to supplement the Master Plan.

- Pontiac Moving Forward
- Pontiac Parks & Recreation Plan
- Pontiac Complete Streets

Site Plan and Special Use Permit Review Process Requirements & Applications

Site plan and special use permit approvals involve first submitting the following documents to the Community and Economic Development Department, pre-application meetings are suggested, however not required.

- A completed application form
- The required written information
- A signed copy of the checklist
- Four (3) copies of conforming plans The
- Required application fee
- Proof of property ownership, or authority to submit plans on behalf of the owner
- A complete legal description of the property

Applications must be received three (6) weeks prior to the date of the Planning Commission meeting in order to be placed on the Commission's agenda. Plan submission requires three (3) sets of plans and a digital site plan with all application materials. Plan documents must be accurate and legible, drawn to a scale no less than 1'' = 50'. The Director may also request copies of all plans and drawings in a reduced size format.

The required site plan elements are detailed in the application form. Consult Article 11 of the Zoning Ordinance to determine when a project requires site plan review. Some projects may qualify for administrative review.

Uses Requiring Site Plan Review

Key:	NR: Not Required	AR: Admin. Review	Sk: Sketch Plan	SP: Site	e Plan Re	view
				100 100	Sh	30
		NEW CONSTRUCTION				
Accessory Structures	(smaller than 200 sq. ft. or resid	dential)				Г
n any district, up to 2 building permits are r	00 sq. ft. in area and accessory stre required)	uctures of any size accessory to a s	ingle family dwelling unit	6		
	Accessory Structures (non	residential larger than 200 sq. ft	.)			
	reater that are accessory to any use uire sketch plan review if the acces					
Manor House					Without Street	
New construction of a unit manor house	new 3-4 unit manor house structu	re on a single lot, or conversion of	an existing structure to a 3-4		•	
Non-Residential or M	Iultiple Family					
Construction of any no nousing community	on-residential structure, multiple-fa	amily apartment building with 3 or	more units, or manufactured			-
)ne or two family dv	vellings on a single lot			•		
	<i>607</i>		A B			
An increase of up to 10	ea (minor) 0% of the existing floor area for ar y of the following do not apply, ske		ly building when all of the			
ollowing apply. If any	0% of the existing floor area for ar		ly building when all of the		•	
An increase of up to 10 collowing apply. If any is located o	0% of the existing floor area for ar y of the following do not apply, ske	etch plan review is required.	ly building when all of the			
An increase of up to 10 collowing apply. If any is located o will not be	0% of the existing floor area for ar y of the following do not apply, ske on a rear or side facade	etch plan review is required.				
on increase of up to 10 collowing apply. If any is located on will not be will not neg	0% of the existing floor area for ary of the following do not apply, ske on a rear or side facade visible from a major or minor thorgatively impact surrounding proper	etch plan review is required.				
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SITE IMPROVEMENTS WITHOUT SIGNIFICANT BUILDING EXPANSION				
		100		
Parking Increase (limited)				
Increase in parking and loading areas of up to 10% of the existing area or 6,000 square feet, whichever is less, without any building changes			, Atron &	
Parking Increase (major)				
Increase in parking and loading areas of more than 10% of the existing area or 6,000 square feet, whichever is less, without any building changes			•	
Parking Lot Improvements without Expansion				
Parking lot improvements, alterations to the internal layout, resurfacing or re-striping, or the installation of pavement and curbs to off-street parking lots				
Utilities and Accessibility				
Utility system improvements and modifications to upgrade a building to improve barrier-free design or to comply with the Americans with Disabilities Act or similar regulations	•			
USE - CHANGES IN and/or ESTABLISHMENT OF				
Change in Or Establishment of a Permitted Use				
When no significant changes in the existing site design, facilities, structures or amenities are required				
Change in Or Establishment of a Permitted Use				
When significant changes in the existing site design, facilities, structures or amenities are required			•	
Suscentisening One and Star pulestration or dinner of nor.				
information of a numerostroping use for a press confirming use, or a change in the rot of a numerostroping side				
Special Exception Uses				
Establishment of or alterations to an approved special exception use, including billboards				•
GENERAL				
Any activity that, in the opinion of the planning administrator, is not exempted from site plan review or that does not qualify for administrative or sketch plan review				•
Projects and activities of a similar character and intensity to other projects and activities with the same required review procedure, as determined by the planning administrator				•

Preliminary Staff Report and Administrative Approval

After the Planning Division staff has received input of submitted plans from the police, fire, engineering, and building officials, a preliminary staff report on the application will be prepared. The report indicates the proposed project's compliance with all of the applicable city, state, and federal laws, ordinances, and codes.

The applicant may request to be added to a Planning Commission agenda to discuss the site plan and project, after payment of preliminary Site Plan Review fees. The final report is prepared by the planning and zoning staff which will recommend action on the application including any conditions that would ensure compliance with policies and regulations. If all site plan requirements are met, the site plan shall be approved, approved with conditions, or denied within 90 days of receipt of the completed application.

Depending on the activity or use, per the table above, approval is dependent upon the authority as designated. If administrative approval is applicable, the City Planner has the discretion to forward any site plan submitted to the Planning Commission for final determination. The Planning Division staff will approve, approve with conditions, or deny the application submitted for administrative approval. If administrative approval is denied, the applicant may submit the site plan to the Planning Commission.

Planning Commission Review and Action

The Planning Commission can approve, approve with conditions, or deny the site plan. After reviewing the staff report and hearing public comment, the Planning Commission will determine whether additional information is needed in order to provide the City Council with a recommendation, if needed to be approved by them. Completed site plans need to be submitted three (6) weeks prior to a meeting to be considered for the agenda.

The planning commission will review the site plan application and may suggest and/or require modifications to the proposed site plan or require additional information, which must be completed and resubmitted for approval within 60 days. The time limit may be extended upon a written requires by the applicant and approval by the planning commission.

City Council Review and Action

Zoning Map Amendments, commercial Lot Divisions, PUDs, and subdivisions require approval from City Council, based upon recommendation from the Planning Commission. After the Planning Commission takes action, an application that requires City Council approval will be introduced and a public hearing be set at the next regular City Council meeting following the Planning Commission's action.

Final Site Plan Submittal and Review

One the application receives final action, the applicant submits a final site plan to the Planning Division. The final site plan incorporates any conditions of approval. If applicable, the applicant would also secure and submit copies of all required zoning variances, permits or approvals from other agencies. The approvals include:

- 1. The city engineer reviews and approves the grading, clearing and site construction elements of the final site plan.
- After engineer approval, Planning Division staff determine if the final site plan continues to comply with the City Council approval. If so, certified copies of the final site plan are forwarded to the building official and the city engineer. If not, they will require site plan modification.
- 3. After engineer approval and all required zoning variances, permits and approvals have been secured, the City Planner may certify those portions of the final site plan. The City Planner may defer action on other elements, such as landscaping and site lighting, plans that may be submitted and approved at a later date. However, a landscape plan in not final until the City Planner signs the plan as approved and no final certificate of occupancy will be approved until the landscaping plan is installed and approved by the City Planner or an approved cash bond is provided for the unfinished landscape installation.
- Upon receipt of the certified site plan, or a portion thereof, the city engineer and/or building
 official may issue required construction permits in accordance with other applicable city codes
 and procedures.
- 5. If the building official issues a temporary occupancy permit before all required site improvements have been completed, the building official may require that a cash deposit, certified check or irrevocable bank letter of credit in the amount equal to the city engineer's estimated cost of the uncompleted improvements be deposited with the City to insure the timely completion of the required improvements.

Department of Public Works & City Engineer's Review

Civil Construction and Storm water Control Plans are submitted to the Department of Public Works for City Engineer Review. The Department of Public Works establishes the minimum design standards for grading and surface drainage, parking lots and driveways, bike paths, water supply systems, sanitary sewer systems, storm sewer management systems, storm water detention/retention basins, soil erosion and sedimentation control and other engineering improvements for site plan and subdivision development plans. It is understood that these standards are not comprehensive and that the City of Pontiac and the Department of Public Works and Utilities reserve the right to impose further requirements as they deem necessary.

Building Department Review Process

After the complete application is submitted and approved by the Planning Division, construction plans are submitted to the Building & Safety Department, and distributed = to the following City departments for review and comment: Building, Fire, Police, and the Department of Public Works. Plans may be submitted to additional internal and external agencies, such as DTE, MDOT, or Consumer's Energy, as needed.

The city council, planning commission or community development director have the authority to review and to approve, approve with conditions, or deny site plan applications in accordance with the City of Pontiac Zoning Ordinance.

DRAFT

Time limit of approval and work completion

The site plan or special use permit approval remains valid for 12 months from the date of its approval. If work has not begun within the 12-month limit, the approval shall automatically become null and void and all rights under the site plan approval lapse. Requests to extend the 12-month limit can be made up to one month prior to expiration, written and submitted to the Planning Division. The Planning Commission may authorize a single extension of the time limit of not more than 12 months.

Once a building permit is obtained and work on the proposed development site has begun, the work must be completed within 12 months otherwise the approval becomes null and void. A request to extend the time limit can be submitted to the building official and they can grant a 12 month extension for a good cause.

Variance Review Process

The Zoning Board of Appeals has the authority to approve or deny Use variances and Dimensional variances in the City of Pontiac. Variance requests are subject to a specific set of requirements identified in City of Pontiac Zoning Ordinance.

Rezoning

The requirements and process for standard and conditional rezoning are available in the Zoning Ordinance. Property owners may initiate a rezoning process by submitting an application found online. All proposed amendments shall be referred to the Planning Commission for public hearing and recommendation prior to consideration by City Council.

Permits

For permits, applications, and fee schedules, please visit the Community Development Tab.

Incentives & Resources

The City of Pontiac's Economic Development Department provides assistance for incentives to businesses who redevelop contaminated, blighted and functionally obsolete sites to facilitate the reuse of the properties. Incentives can be discussed during Preliminary Application meetings with Economic Development Department staff to identify which tax incentive options best support the proposed development project.

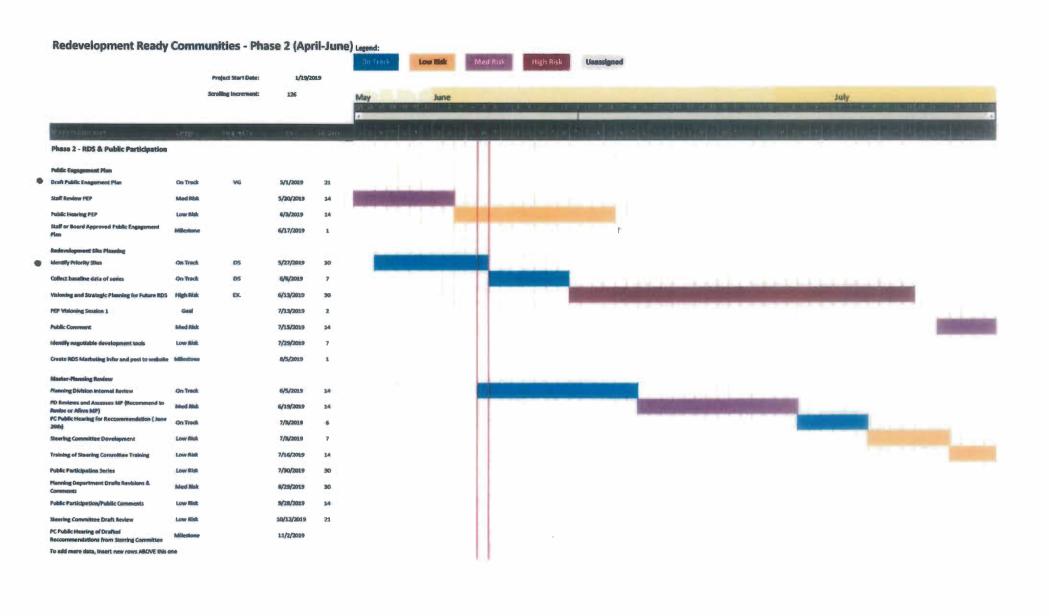
Redevelopment Ready Communities

City of Pontiac 2019-2020 | Work Plan

2nd Phase - Redevelopment Sites (Part 1) & Public Participation Strategy - Ends June 2019

- □ 1. Develop Community Strategic Planning Committee (Potential PEP Committee)
- 2. Public Engagement Participation Guide
- 3. Review and affirm Master Plan
- 4. Identify Priority Redevelopment Sites
 - a. Visioning and Strategic Planning
 - □ b. Conduct Public Engagement Session
 - c. Identify Negotiable development tools, incentives, and in-kind support.

April 9, 2019 1



Redevelopment Ready **Communities [DRAFT]**

Prioritized
Redevelopment Sites

The following site have been identified as priority sites within the City of Pontiac to focus attention and efforts. driving strategic Economic Development and driving Community Investment.

Program Benefits:

- Job Creation
- Place-Making
- Increase to Income and Property Taxes Collection
- Public & Private Investment Tool
- Improvement of Public Image

Redevelopment Sites

- **Pontiac Phoenix Center**
- Woodward Ave, Transit Station
- **Racer Trust Sites**
- **Crystal Lake Properties**
- Ewald Community Center
- Downtown Pontlac, South-End
- Residential In-Fill Lots

Updated JUNE 5,2019

City of Pontiac **Planning Division**





Priority Development Areas are locations in the City that offer unique opportunities to improve Pontiac's social and economic conditions. As the financial condition of the City strengthens, Priority Development Areas can provide direction to City leaders on how development incentives and capital projects are prioritized. Public and private investment in these areas will not only support the Pillar of promoting development, but will support other Plan Pillars as well. (Pontiac Moving Forward, 2015)



CITY OF PONTIAC Department of Building Safety PLANNING DIVISION

Mayor Deirdre Waterman

City of Pontiac DRAFT Civic Engagement Process

Following is a DRAFT Civic Engagement process that could be included in future planning, development and zoning projects in the City of Pontiac. The level of engagement would depend on the type of project either being a City-wide Master Plan, a Revitalization Plan for a specific corridor, redevelopment site and context assessment/impact study, Neighborhood Plan to preserve historic resources and improve infrastructure or a Zoning Text Amendment e.g. commercial building facades and signs, recreation vehicles in residential areas, manufactured dwelling units in residential zoned areas.

Community Planning

Community/Urban Planning and Design is defined as a process through which government, businesses, and residents come together to shape the community and works together to make a difference.

What is Civic Engagement and why is it important?

Civic Engagement is a means for all people to bring their voices into the process and to share their own ideas, backgrounds, and experiences to plan for a future that benefits everyone. The people of Pontiac would assisted in the creation of any Plan, which reflects that participation. The process identifies creative methods for engaging key audiences, establish a timeline and phases for activation, and present an outline of how the City will incorporated feedback from the public and key audiences into the City's formal decision-making structure for when the Mayor and City Council are asked to approve the plan.

Internal Structure

The planning process could be guided by three formal bodies: the Steering Committee, Topical Research Teams, and the Planning Division.

The Steering Committee is comprised of individuals who are either elected officials or department leaders whose committees, boards/commissions, and departments are strongly correlated with planning, community and economic development, infrastructure/roads, public safety, zoning, etc. The Steering Committee would guide the planning process, review draft material, and provide input into the engagement process. Steering Committee members could include, but not limited to:

- City Planning Manager (co-chair)
- City Council person (co-chair)
- Mayor (co-chair)
- Chair of each Board and Commission
- Economic Development Director
- DPW Director
- Building Official
- Others?

The Topical Research Teams would include City staff as well as community partners. These teams would be organized around select topics related to the built, natural, transportation, infrastructure, public safety, and economic environment of the city. They were responsible for providing technical expertise and experiences on applicable subject matter and policy development.

The Planning Division would serve as lead for any planning project. Their responsibilities would include coordination with the Steering Committee, and provide technical assistance/guidance to the Topical Research Teams. In addition, the Planning Division is responsible for the plan production, prepare draft content for review, facilitate civic engagement, and incorporate public comment.

What is the timeline?

A planning process is typically organized into phases that are tied to the Topical Research

Teams goals and methods of civic engagement, including gathering public and community
feedback on various ideas and proposals that come to the surface as the project unfolded.

The Civic Engagement process is a dynamic process that will require participants, City Council,

Mayor, and Department Directors/Managers to learn, interact and engage through various
mediums. The City staff would also gather input from the Steering Committee, the City Planning
Commission, relevant Boards and Commissions, the City Council, and the Mayor.

Civic Engagement Goals

Civic engagement feature opportunities for participants to learn and be informed, interact in the process, and provide meaningful feedback through large convening meetings, town hall forums, in-person interactions, technology, and creative tools. The City aims to achieve these outcomes and objectives through the civic engagement process through:

Meaningful and Relevant Dialogue

Dialogue should be meaningful and relevant to their interests and daily lives.

- Focus all materials, activities, and tools on specific topics.
- · Use key audiences' time efficiently and effectively.
- Connect topics to the work of the internal Topical Research Teams process of developing and updating City policies.
- Clearly define the expectations, goals and outcomes of every activity, especially in terms of how they relate to key audiences.
- Tell the story of how creating a vision connects to various key audiences.
- Follow-up by connecting people to resources.

Inclusive Representation

The perspectives and participation of a broad range of community members shall be equitably represented in the plan.

Create a variety of options for key audiences to engage in the process.

- · Share information through ethnic and community media venues.
- Market events, materials, and tools to different age groups.
- Meet people where they already gather and attend existing meetings.
- Facilitate discussions and develop materials with cultural sensitivity and eliminating biases in mind.
- Provide clear and comprehensive summaries of public input and share them through engagement activities, materials, and other tools.
- Create opportunities for different key audiences to understand each other's various perspectives.
- Share case studies of different demographic groups in the city.

Access to Information and Opportunities

The public should have the information they need to participate in ways that are appropriate to their experiences and lifestyles.

- Provide translation of activities and materials in appropriate languages and for people who
 are visually and hearing impaired.
- Ensure meetings, events, and tools are ADA and transit accessible.
- Test methods and tools to confirm they are understandable and accessible to people from a range of cultural backgrounds and with a range of abilities.
- Be concise and use plain language at events and in materials and tools.
- Make engagement more accessible through visual examples (diagrams, charts, photographs) and develop tools that are accessible to people with a variety of learning styles and on a variety of levels.

Contributions Have Impact

The public should believe their input has been thoughtfully considered and sees their contributions reflected in the plan.

- Have face-to-face interactions.
- Report back on what is heard.
- Report back on how public input influenced decisions that shape policies.

Empowering Experience

Community leadership and capacity has been built through the process.

- Build relationships with and between various communities and through follow-up interactions.
- Engage diverse key audiences in speaking at and facilitating meetings and activities.

- Encourage key audiences to tell the visioning process and the Plan's story.
- Engage key audiences to report back to their communities.

Effectively-Used Resources

City resources are used wisely and effectively.

- Use objectives, methods, and tools that make the most effective use of City resources.
- Develop methods that can be used in future planning processes.

Who would be engaged?

The civic engagement process would be structured to be inclusive as City Council, Mayor, and Department Directors/Managers work together with community members to shape the future. Identify key audiences that best meet the engagement goals and objectives, help focus engagement efforts, and be as far-reaching as possible. These key audiences could include, but are not limited to:

The	general	pub	lic
1110	Delleta	D M W	

Property owners

Higher-Ed institutions & students

Cultural organizations

Youth and families

Small business owners

Recent immigrants

Seniors

Religious Institutions

Homeless population

Neighborhood organizations

School District

Accessibility population

Developers and brokers

Residents

Policy advocates

Public agencies

Media outlets

Business associations

Social media users

Evaluating Approaches to Engagement - Informing, Interacting, and Feedback

One of the objectives throughout the engagement process is to have a variety of opportunities for engagement for all types of participants. This includes opportunities to learn, interact with City Council, Mayor, Department Directors/Managers and other participants, and provide input on key questions. Engagement methods are utilized based upon the ability to achieve at least one of these types of engagement:

- Informing: Staff updates the community on the planning process and creates access to resources. Key audiences are informed on various topics early in the process to empower participants for more meaningful discussion and feedback for further engagement as policy topics are prioritized.
- Interacting: Engagement that facilitates an exchange of ideas between the City and the
 community. Engagement methods that are designed as a forum for participants to interact
 with each other and allows for learning from different experiences and perspectives. These
 types of interactions are prioritized as it allows the opportunity for dialogue and relationship
 building.
- Feedback: Community members share their thoughts and ideas with the City. Comments are collected through various engagement opportunities through written or drawn feedback at open houses, community festivals, and/or online interactions. All collected feedback is used as comments and are transcribed or documented.

How can engagement occur?

During each planning phase the community would have the opportunity to be involved with City Council, Mayor, Department Directors/Managers, and each other, during a period of focused activities and other related opportunities. Engagement could include but not limited to:

- Community Workshops
- Community Dialogues
- City-wide Festivals/Events
- Artist-designed Engagement
- Online Engagement
- Meeting-in-a-Box

How is engagement feedback used and documented?

Documentation of each step of the engagement process is critical in defining the plan's direction and priorities, as well as better understanding which stakeholder groups are being reached. For each event and activity, staff would document the following information:

- What was the purpose of the engagement?
- What questions or issues were identified?
- What methods were used?
- Who participated?
- What feedback was received?
- How was the feedback collected and analyzed?
- What decisions did this input influence?

The documentation of engagement shapes the content process for each successive phase of engagement. City staff collects demographic information in large convening events and on the website, from willing-respondents who wish to provide that information, in order to help staff make sure the process is inclusive as possible. Other in-person methods to reach key audiences who may not be able to attend a large event, or be inclined to interact with technology. At the end of each phase, an Engagement Summary is published on a project website to provide an overview of engagement activities.

Redevelopment Ready Communities

City of Pontiac 2019-2020 | Work Plan

		erplan Review – Ends October 2019
	1.	Develop Ethics Plan for Boards & Commissions
	2.	Prioritize Top Redevelopment Sites.
	3.	Assemble Property Packages for Priority Sites, to be posted online.
	4.	Website Update for newly created documents
		a. Visioning and Strategic Plan
		b. Public Engagement Plan
		c. Development Tools, Incentives, and In-Kind Support.
4 th P	has	e – RRC Plan Development (Comprehensive Planning) – Ends March 2020
	1.	Corridor Plan Development
	2.	Capital Improvements Plan
	3.	Economic Development Strategy
	4.	Website Update for Newly Created Documents

April 9, 2019



redevelopment ready communities'

RRC Baseline Report

City of Pontiac January 2019

MICHIGALL ECOLLOMIC DEVELOPMENT CORPORATION

Executive summary

Redevelopment Ready Communities* (RRC) is a certification program supporting community revitalization and the attraction and retention of businesses, entrepreneurs and talent throughout Michigan. RRC promotes communities to be development ready and competitive in today's economy by actively engaging stakeholders and proactively planning for the future—making them more attractive for projects that create places where people want to live, work and invest.

To become formally engaged in the RRC program, communities must complete the RRC self-evaluation, send at least one representative to the best practice trainings, and pass a resolution of intent, outlining the value the community sees in participating in the program. Representatives from Pontiac's city staff submitted the city's most up to date self-evaluation in October 2018 and attended trainings in May 2016. In

September 2015, city council passed a resolution of intent to participate in the program.

Developed by experts in the public and private sector, the RRC Best Practices are the standard to achieve certification, designed to create a predictable experience for investors, businesses and residents working within a community; communities must demonstrate that all best practice criteria have been met to receive RRC certification. Pontiac's strengths lie in its master plan, zoning ordinance, and economic development strategy. Challenges in Pontiac include reporting progress on the implementation of the master plan, defining projects for the downtown plan, and the need to create a capital improvements plan and marketing plan. With this report, resources provided through the RRC program, strong leadership and an involved citizenry, Pontiac will be able to complete the unmet RRC best practiced and achieve certification.

Evaluation snapshot

Pontiac has completed 40 percent of the Redevelopment Ready Communities* criteria and is in the process of completing another 27.5 percent.						
1.1.1	1.1.2	1.1.3 (N/A)	1.1.4	1.2.1	1.2.2	1.2.3
2.1.1	2,1,2	2.1.3	2.1.4	2.1.5	2.1.6	2.1.7
2,1.8	3.1.1	3.1.2	3.1.3	3.1.4	3.1.5	3.1.6
3.1.7	3.1.8	3.2.1	3.2.2	4.1.1	4.1.2	4.2.1
4.2.2	4.2.3	4.2.4	5.1.1	5.1.2	5.1.3	5.1.4
5.1.5	5.1.6	6.1.1	6.1.2	6.2.1	6.2.2	

Best practice findings

Best Practice 1.1—The plans continued

more efficiently. A comprehensive capital improvements plan (CIP) is an essential tool for the planning and development of the physical and economic wellbeing of a community. The CIP is a tool to implement the vision and goals identified in other plans, including the master plan and downtown plan, and provides a link between planning and budgeting for capital projects. Currently, Pontiac does not have a capital improvements plan, however, the department of public works does coordinate infrastructure projects and schedules to generate efficiency of scale. To bring the city in compliance

with the MPEA, a six-year capital improvements plan, inclusive of public structures and improvements, must be prepared and adopted. Projects within the plan should be coordinated in order to minimize construction costs. The CIP can be used as a tool to implement the master plan, downtown plan, and economic development strategy; and provides a link between planning and budgeting for capital projects. Once adopted, the plan should be made accessible on the city's website. The city could utilize the "Capital Improvements Plan Guide" as a starting point.

Status	Evaluation criteria	Recommended actions for certification	Estimated timeline	
1.1.1	The governing body has adopted a master plan in the past five years. Review and reaffirm or update master plan in 2019 Report progress on the implementation of master plan to the governing body annually		Q2 2019	
1.1.2	The governing body has adopted a downtown plan.	 □ Create estimated costs and timelines for projects listed in the downtown plan □ Coordinate downtown projects in the capital improvements plan 	Q1 2020	
1.1.3	The governing body has adopted a corridor plan.	N/A		
1.1.4	The governing body has adopted a capital improvements plan.	☐ Develop a capital improvements plan that meets all the expectations in Best Practice 1.1.4	Q3 2019	

Best Practice 2.1—Zoning regulations

Best Practice 2.1 evaluates the city's zoning ordinance and assesses how well it implements the goals of the master plan. Zoning is a significant mechanism for achieving desired land use patterns and quality development. Foundationally, the Michigan Zoning Enabling Act (MZEA), Public Act 110 of 2006, requires that a zoning ordinance be based on a plan to help guide zoning decisions.

Pontiac allows mixed-use buildings, with residential above non-residential, by-right in the Local Business/ Residential Mixed-Use District (C-1), Downtown Mixed-Use District (C-2), and the Corridor Commercial Mixed-Use District (C-3), as well as in the Mixed-Use District, which encompasses the former Clinton Valley Center premises (the CVC property). Build to zone setbacks are required in the Downtown Mixed-Use District (C-2) and some flexibility is provided and determined by the private frontage layout. Pontiac's zoning ordinance has many form-based elements, and depending on the building's form, ground floor transparency can range anywhere between 35 and 65 percent. It is evident that historic preservation is important to Pontiac and ordinances related to historic district can be found in Article 4. Chapter 2 (4.204). Environmental preservation is also a priority as demonstrated by the ordinances related to tree planning, landscaping, storm water management, and woodland preservation. Pontiac is also prepared for the new and changing economy with ordinances related to alternative energy, research facilities, movie production facilities, recreation facilities, light manufacturing in the C-3 district, and gallery or studio spaces.

Pontiac allows for the following housing types: residential units above non-residential uses, townhouses, cluster housing, and live/work space in the form of home occupations. The city also allows for single, two, and multiple-family dwelling units. One area that could be improved in the zoning ordinance is the addition or allowances of a variety of housing types, such as accessory dwelling units, co-housing, corporate temporary housing, or micro units. By describing additional and more specific housing types in the

ordinance, it allows for a better diversity of housing types, adds predictability to the development process, and demonstrates the resident's visions for the community.

A community's non-motorized transportation network has a major impact on the vibrancy of its commercial and neighborhood districts. Standards for bicycle parking in the C-2 district can be found in Article 4, Chapter 3, (4.303 [e]). Standards for pedestrian scale lighting can be found in Article 4, Chapter 5, (4.503). Sidewalks in Pontiac should be a minimum of five feed in width and are required on all minor residential streets, collector streets, urban thoroughfares and major thoroughfares. Regulations related to Parking can be found in Article 4, Chapter 3. Pontiac utilizes parking maximums by limiting the off street required parking to two hundred percent of the minimum parking requirement. Parking is waived for nonresidential uses within the C-2 district and bicycle parking is required for off street parking lots (in the C-2) larger than 25 spaces. The planning commission can modify the offstreet parking requirements, allow for deferred (land banked) parking, and shared parking with or without a reduced number of spaces. To mitigate the impact of impervious parking lots Pontiac has employed parking lot landscaping requirements. Other green infrastructure standards utilized by the city include street tree planting standards, landscaping that encourages native species, and rain gardens, bioswales, other low-impact development techniques.

Pontiac's zoning ordinance makes the city well positioned for redevelopment. The ordinance was most recently updated in 2016 and aligns with the city's most recent master plan and various planning documents. Pontiac has a zoning ordinance review and update planned for 2019 as well. Regulations and procedures for special exemption use can be found in Chapter 3, "Special Exemption Permit Review." While the city is meeting the standard for user-friendliness as required by RRC Best Practices, it may be worth considering adding more hyperlinks for increased user-friendliness.

Best Practice 3.1—Development review policy and procedures

Best Practice 3.1 evaluates the city's development review policies and procedures, project tracking and internal/ external communications. An efficient site plan review process is integral to being redevelopment ready and can assist a community in attracting investment dollars while ensuring its zoning ordinance and other laws are followed.

Pontiac's site plan review process is described in Article 6, Chapter 2, "Site Plan Review." This section describes the uses that require site plan review by the planning commission, what may be approved administratively, the uses that required a sketch plan, and when no review is required. Information about the planning commission, administration, and zoning board of appeals can be found in Article 6, Chapter 1, "Administrative Organization." The final decision on special exemption permits lies with the planning commission and information on that procedure can be found in Article 6, Chapter 3, "Special Exemption Permit Review." If an applicant wishes to appeal the decision made by the planning commission regarding a special exemption, that appeal is handled by the city council. Pontiac's ordinance outlines the availability of a pre-application conference with the planning staff and members of the planning commission, however the availability of this meeting and the procedures surrounding it are not located prominently on the city's main planning and zoning pages. To meet RRC Best Practices the availability of the pre-application conference, as well as procedures, expectation and contact information, should be prominently advertised on the city's planning and zoning pages, and on any flowcharts. Applicants can submit their completed site plans to Pontiac's planning department. Once a site plan is submitted, it is distributed to city staff and officials for review and comment. The development review committee consists of the planning, building, and transportation departments, departments of public works, police, and fire, and Oakland County. The standards and requirements

site plan review are laid out in the Sections 6.205 through 6,208 of the ordinance. While this information is laid out in the ordinance, the city should create internal documents that clearly define the internal review process, including roles responsibilities and timelines. The city should also create an easy to use document that outlines development review standards for each department. This will ensure consistency and efficiency in the face of staff turnover. The city has flowcharts to help applicants navigate through site plan review, special exemption review, historic district commission review, and sign permits. While these flowcharts are a good starting point, they were last updated in 2014 and do not include timelines. To meet RRC Best Practices Pontiac should update their flowcharts with all relevant information, including estimated timelines. Pontiac uses both BS&A and Excel to track projects from submission to completion and the planning department is part of the building department, allowing for permitting activity to be coordinated. Pontiac is already working toward continuous process improvement by reviewing the challenges and successes related to the site plan review process and approvals procedure but should take this further by creating a mechanism to formally obtain customer feedback on the site plan approval and permitting and inspections process. Once feedback has been formally obtained, the joint site plan review team, including permitting and inspections staff, should meet to capture lessons learned an amend the process accordingly. When developer interviews were conducted with Pontiac's stakeholders some items of feedback about the city's processes included slow approvals through city council, internal communications issues, tension between the mayor and council, and the need for more economic development staff to guide developers through the development review process.

Best practice findings

Best Practice 3.2—Guide to Development

Best Practice 3.2 evaluates the availability of the community's development information. Having all the necessary information easily accessible online for developers and residents alike creates a transparent development process that can operate at any time. This information creates a smoother process overall and reduces the amount of time staff spend answering basic questions.

Pontiac's website is a good start for a "Guide to Development" but is missing some key items. To meet RRC best practices the city could create a comprehensive stand-alone "Guide to Development" document or update their website with all of the essential information noted in Best Practice 3.2.1, including conceptual meeting procedures, clear explanations of what can be approved administratively, updated flowcharts, checklists, and fee schedules. The city's website does include a fee schedule, but it is from 2013. To meet RRC best practices the city should review and update the fee schedule for the current year. Once the fee schedule is up to date it should be posted on the city's website. Pontiac does accept credit card payments, which is part of meeting the redevelopment ready expectations.

Status	Evaluation criteria	Recommended actions for certification	Estimated timeline
3.2.1	The community maintains an online guide to development that explains policies, procedures and steps to obtain approvals.	☐ Update website to include essential documents noted in Best Practice 3.2.1 or create a standalone "Guide to Development" that includes all essential documents	Q1 2021
3.2.2	The community annually reviews the fee schedule.	☐ Update fee schedule for current year and post on website	Q4 2019

Best Practice 4.2—Education and training

Best Practice 4.2 assesses how a community encourages training and tracks educational activities for appointed and elected officials and staff. Trainings provide officials and staff with an opportunity to expand their knowledge and ultimately make more informed decisions about land use and redevelopment issues. An effective training program includes four components: financial resources to support training, a plan to identify priority topics and track attendance, consistent encouragement to attend trainings and sharing of information between boards and commissions to maximize the return on investment for the community.

Pontiac encourages continuing education by budgeting for training expenses for elected and appointed officials and staff. Attendance at trainings is further encouraged by notices of free and low-cost trainings that are sent to board and commission members. Planning staff shares training opportunities with city council and members of the planning commission; all other training opportunities are shared by either the mayor's office or officials. While Pontiac is

proactively providing board and commission members with information on upcoming trainings, the city could be more strategic regarding training. In order to get the most out of trainings the city should identify trainings that assist the community in accomplishing their stated goals. Once trainings have been identified, the city should develop a simple tracking mechanism for logging individual training needs and attendance. For the city to get the greatest value for their training dollars a method for sharing information gathered at trainings should be developed. It is possible to meet these best practices by developing standard operating procedures for boards and commissions. A cost-effective method of sharing training information includes holding collaborative work sessions and joint trainings on development related topics. This allows the city's many approving and advisory bodies to communicate and get on the same page. To increase transparency about decisions made over the previous year, the planning commission should prepare an annual report for the governing body. Once the annual report has been created it should be posted on the city's website.

Status	Evaluation criteria	Recommended actions for certification	Estimated timeline
4.2.1	The community has a dedicated source of funding for training.	1	
4.2.2	The community identifies training needs and tracks attendance of the governing body, boards, commissions and staff.	 Strategically identify trainings for boards, commissions, and staff that assist community in accomplishing stating goals and objectives Develop and utilize a tracking mechanism for logging training needs and attendance for staff, boards, and commissions 	Q1 2019
4.2.3	The community encourages the governing body, boards, commissions and staff to attend trainings.	1	
		Develop a method for sharing information gathered at trainings	
4.2.4	The community shares information between the governing body, boards, commissions and staff.	☐ Hold collaborative work sessions for boards and commissions, including joint trainings on development topics	Q1 2019
		☐ Planning commission annual report should be prepared and posted on city website	1

Best practice findings

Best Practice 5.1—Redevelopment Ready Sites® continued

Status	Evaluation criteria	Recommended actions for certification	Estimated timeline
5.1.1	The community identifies and prioritizes redevelopment sites.	☐ Identify at least three priority redevelopment sites	Q1 2020
5.1.2	The community gathers basic information for at least three priority sites.	☐ Gather basic information for at least three prioritized redevelopment sites, per Best Practice 5.1.2	Q1 2020
5.1.3	The community has development a vision for at least three priority sites.	 □ Articulate a vision for at least three prioritized redevelopment sites, including desired development outcomes and specific development criteria □ Identify community champions for the prioritized 	Q1 2020
		redevelopment sites Conduct additional public engagement for high- controversy priority redevelopment sites	
5.1.4	The community identifies potential resources and incentives for at least three priority sites.	 ☐ Identify negotiable development tools, financial incentives and/or ☐ In-kind support for at least three prioritized redevelopment sites 	Q1 2020
5.1.5	The community assembles a property information package for at least one priority site.	☐ Assemble property information package, per Best Practice 5.1.5	Q1 2020
5.1.6	Prioritized redevelopment sites are actively marketed.	Develop and market property information package(s) online.	Q1 2020

Best practice findings

Best Practice 6.2—Marketing and promotion

Best Practice 6.2 evaluates how the community promotes and markets itself. Marketing and branding is an essential tool in promotion of a community's assets and unique attributes. Consumers and investors are attracted to places that evoke positive feelings and to communities that take pride in their town and their history. While Pontiac does not yet have a marketing plan, a major focus of the economic development strategy is the development of a marketing plan. Potential partners, tools and resources, and proposed actions for the development of a marketing plan are all laid out in the economic development strategy. To meet its own goals and RRC Best Practice 6.2.1, Pontiac should follow the steps laid out in Strategy 2 of their economic development plan, while being sure to meet all the expectations in RRC Best Practice 6.2.1.

A municipal website serves multiple functions. At a basic level, it is a means to share information about public meetings, access public documents, find links to other community organizations and to obtain general information. Beyond this, a municipal website is also a significant expression of community character and

image, as outlined in the marketing strategy. People that are unfamiliar with a community will often first look to a website for information and they will form important first impressions and conclusions. Visitors to a community's website need to be able to find accurate information quickly. The importance of a user-friendly website cannot be overstated. Pontiac's home page functions well; it is organized and well-maintained and includes a updated news stories, and quick links to agendas and minutes, city departments, jobs, contact information, permits and ordinances, and upcoming events. The menu bar on the top provide city-specific information suited to various audiences. The homepage also contains links to the city's social media and includes a helpful search bar. Meeting minutes for various boards, commissions, and council are maintained and updated on the website. As the city makes updates to planning, zoning and development information that information it should be added to the website and grouped together. Information to be added includes a capital improvements plan once compiled and property information packages for the city's priority sites.

Status	Evaluation criteria	Recommended actions for certification	Estimated timeline
6.2.1	The community has developed a marketing strategy.	☐ Develop a marketing plan that meets Best Practice 6.2.1	Q4 2020
6.2.2	The community has an updated, user-friendly municipal website.	☐ Add missing planning, zoning and development items to website as they are completed	Q4 2021

#7 RESOLUTION



CITY OF PONTIAC OFFICIAL MEMORANDUM

TO:

Honorable Mayor, Council President and City Council Members

FROM:

Jane Bais-DiSessa, Deputy Mayor, at the request of

John V. Balint, City Engineer

DATE:

June 27, 2019

RF:

Easement to WRC Phoenix Center and McKinley Street Property

The Oakland County Water Resources Commissioner's Office has requested that the City grant easements for the following locations:

Phoenix Center: Two separate easements for existing sewer and for water utilities

McKinley Street for the construction, operation and maintenance of the sanitary sewer system

The Engineering Division has the reviewed and approved the attached documents prepared by WRC and does not see any concern with the granting of this easement. In addition, these easement documents have been reviewed and approved by the City's consulting engineer and by the City's attorney.

It is the recommendation of the Department of Public Works, Engineering Division that the attached easement be signed by the City.

WHEREAS,

The City of Pontiac has reviewed the documents provided by the

Oakland County Water Resources Commissioner's Office, and:

WHEREAS.

The Department of Public Works, Engineering Division finds that there are no concerns with the City granting the requested

easement, and;

NOW, THEREFORE,

BE IT RESOLVED,

The Pontiac City Council authorized the Mayor or Deputy Mayor

to sign the subject easement.

JVB

attachments



ESTATUTATION OF THE STREET OF

March 11, 2019

The Honorable Deirdre Waterman, Mayor City of Pontiac 47450 Woodward Avenue Pontiac, Michigan 48342

Re: Easements for Water and Sanitary Systems Phoenix Center Property and McKinley Street Properties Tax Identification No's: 14-29-484-006, 14-28-176-012 & 14-28-176-015

Dear Mayor Waterman:

The Oakland County Water Resources Commissioner's Office has prepared the enclosed easements for the Water Supply and Sanitary Sewer systems located within property owned by the City of Pontiac.

Please execute the enclosed documents and return to my attention. If you have any questions please contact me.

Sincerely,

Jeffrey S. Parrott, Supervisor Right of Way Department

248-452-2162

c: Jane Bais-DiSessa, Deputy Mayor, City of Pontiac John Balint, Director of Public Works, City of Pontiac



John Balint

From:

George A. Contis < gcontis@gmhlaw.com>

Sent:

Tuesday, May 28, 2019 11:59 AM

То:

Basch, John A

Cc:

Parrott, Jeffrey S; Mayor Deirdre Waterman; John Balint; John Clark; Anthony Chubb

Subject:

RE: UNSECUREIT RE: Phoenix center easements

Attachments:

Phoenix Center - Water Easement FINAL 5-28-19.docx; Phoenix Center - Sanitary

Easement FINAL 5-28-19.docx

WARNING: This email originated from outside of City of Pontiac. DO NOT click on any links or open any attachments unless you recognize the sender and are expecting the message

John:

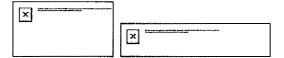
Following up on our conversation and your email of this morning, I concur with your revisions to Section 3 a of each easement and attach clean copies of each. By copy of this email to Mayor Waterman and John Balint, this serves as our recommendation that the attached be presented to City Council for approval.

George A. Contis

Giarmarco, Mullins & Horton, P.C. Tenth Floor Columbia Center 101 West Big Beaver Road Troy, Michigan 48084-5280 Phone: (248) 457-7063 Fax: (248) 404-6364

Email: gcontis@gmhlaw.com

www.gmhlaw.com



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IRS Circular 230 Disclosure: To ensure compliance with requirements imposed by the Internal Revenue Service, we inform you that any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties or (ii) promoting, marketing or recommending to another party any tax-related matters addressed in this communication.

From: Basch, John A <baschj@oakgov.com> Sent: Tuesday, May 28, 2019 9:16 AM

To: George A. Contis <gcontis@gmhlaw.com>
Cc: Parrott, Jeffrey S <parrottj@oakgov.com>

Subject: RE: UNSECUREIT RE: Phoenix center easements

George,

Per our discussion, I accepted all of your suggested edits with the exception of 3 (a) under general conditions. I made my proposed edits in "track changes" mode so you can see what I suggest. Once you're OK with the revisions, please send a final version back to me.



CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS

To:

Mr. John Balint, PE, Director of Public Works

From

Chad Findley, PE, PS, Managing Partner

CP

Date:

April 16, 2019

Re:

Review of WRC Easements for Water and Sanitary Systems Phoenix Center Property and McKinley Street Properties Tax ID No.'s: 14-29-484-006, 14-28-176-012 & 14-28-176-015

On behalf of the City of Pontiac, Nowak & Fraus Engineers has completed an engineering & land surveying review of the above referenced easement documents. These easement documents were prepared by the Oakland County Water Resources Commissioner's (WRC) Office and were submitted to the City of Pontiac for approval. Based on our review of the documents, we have the following comments:

Parcel No. 1 (Phoenix Center Property, Tax ID 14-29-484-006)

Water Main Easement

- 1. The parcel legal description is consistent with the Covenant Deed for this parcel recorded in Liber 45876, Page 856, Oakland County Records.
- 2. The easement legal descriptions appear to correctly identify the locations of water main on and through the subject parcel.
- The purpose of this 20-foot-wide easement is for operation, maintenance, repair or replacement of the water main by the WRC. Under this agreement, the City would have the right to review and approve plans and specifications for any of the above stated work.
- 4. In general, the conditions of the easement agreement are standard language and do not conflict with the City's current use of the parcel. If the City wished to redevelop the parcel, however, there does not appear to be any language that would allow the City to relocate the utility to accommodate a potential future use. We recommend that this consideration be reviewed by the City's legal counsel.

Sanitary Sewer Easement

- 1. The parcel legal description is consistent with the Covenant Deed for this parcel recorded in Liber 45876, Page 856, Oakland County Records.
- 2. The easement legal description appears to correctly identify the locations of sanitary sewer on and through the subject parcel.
- 3. The purpose of this 20-foot-wide easement is for operation, maintenance, repair or replacement of the sanitary sewer by the WRC. Under this agreement, the City would have the right to review and approve plans and specifications for any of the above stated work.

Mr. John Balint, PE April 16, 2019 Page 2

4. In general, the conditions of the easement agreement are standard language and do not conflict with the City's current use of the parcel. If the City wished to redevelop the parcel, however, there does not appear to be any language that would allow the City to relocate the utility to accommodate a potential future use. We recommend that this consideration be reviewed by the City's legal counsel.

Parcel No. 13 (72 McKinley Street, Tax ID 14-28-176-015).

Sanitary Sewer Easement

- 1. The subject parcel is identified as being owned by Mr. Ruben Parra on the Oakland County Property Gateway website. It does appear that the parcel was conveyed to the City of Pontiac by way of Deed Pursuant to Act 123 of 1999, dated November 24, 1999, as recorded in Liber 41656, Page 759, Oakland County Records. Ownership of this parcel should be confirmed prior to acceptance of this document.
- 2. The centerline of the proposed 20-foot-wide permanent easement is located approximately 16-feet north of the southerly property line. According to City and WRC records, the existing sanitary sewer is located on the southerly property line. The exact location of the proposed/existing sanitary sewer should be confirmed prior to acceptance of this document.
- 3. The purpose of this 20-foot-wide permanent easement is for operation, maintenance, repair or replacement of the sanitary sewer by the WRC. There is also a proposed temporary construction easement that terminates upon completion of system construction. Under this agreement, the City would have the right to review and approve plans and specifications for any of the above stated work.
- 4. In general, the conditions of the easement agreement are standard language and do not conflict with the City's use of the parcel.

Parcel No. 16 (56 McKinley Street, Tax ID 14-28-176-012)

Sanitary Sewer Easement

- 1. The subject parcel is owned by the City of Pontiac.
- 2. The centerline of the proposed 20-foot-wide permanent easement is located approximately 20-feet north of the southerly property line. According to City and WRC records, the existing sanitary sewer is located on the southerly property line. The exact location of the proposed/existing sanitary sewer should be confirmed prior to acceptance of this document.
- 3. The purpose of this 20-foot-wide permanent easement is for operation, maintenance, repair or replacement of the sanitary sewer by the WRC. There is also a proposed temporary construction easement that terminates upon completion of system construction. Under this agreement, the City would have the right to review and approve plans and specifications for any of the above stated work.
- 4. In general, the conditions of the easement agreement are standard language and do not conflict with the City's use of the parcel.

EASEMENT

Parcel No. 1
Project: PHOENIX CENTER
WATER EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that the CITY OF PONTIAC, a Michigan municipal corporation, GRANTOR, whose address is 47450 Woodward Avenue, Pontiac, Michigan 48342, for and in consideration of the sum of ONE DOLLAR (\$1.00) receipt of which is hereby acknowledged, paid to them by the County of Oakland, a Michigan Constitutional Corporation, by and through the Oakland County Water Resources Commissioner, in his capacity as "County Agency" whose address is the Office of the Oakland County Water Resources Commissioner ("WRC"), One Public Works Drive, Waterford, Michigan 48328-1907, GRANTOR do/does hereby grant to the said GRANTEE the right to construct, operate, maintain, repair or replace a water supply system, in accordance with the terms and conditions set forth herein:

RECITALS:

A. The GRANTOR is the owner of certain real property commonly known as the Phoenix Center and is described as follows (the "Premises"):

T.3N., R.10E., Section's 29 & 32, "Assessor's Plat No. 131", Lot's 8 to 13 inclusive, part of Lot 45, Parts of Lot's 47 & 48, all of Lot's 49 to 62, inclusive, part of Lot 64, all of Lot 65, Part of Lot 66, all of Lot 67 & part of Lot 68, also vac alley adjacent to Lot's 11 & 59, also part of vac Perry St., also part of Lot's 4 to 14 inclusive of "Assessor's Plat No. 130", also vac part of Auburn Ave lying North of "Assessor's Plat No. 130", also that part of vac Saginaw St. lying within or adjacent to "Assessor's Plat No's. 130 & 131", also part of Lot 101 of "Pontiac Original Plat", also part of "Assessor's Plat No. 65", being all of Lot's 1, 2 & 3, also part of Lot's 4 & 5, also part of vac Dawson Alley, also part of "Assessor's Plat 114" being part of Lot 8, also all of Lot's 9, 10 & 11, also part of Lot's 12, 13 & 14, also part of Lot 35, also part of Lot's 38 & 39, also part of vac Patterson Ave all described as beginning at point distant S. 14°36'54"E., 360.29 ft. from Northeast

corner of Lot 96 of "Pontiac Original Plat", thence N. 75°13'16"E., 94.87 ft., thence S. 14°32'05E., 35.76 ft., thence N. 75°27'55"E., 35.00 ft., thence S. 14°32'05"E., 76.00 ft., thence N. 75°27'55E., 263.00 ft., thence S. 14°32'05"E., 187.00 ft., thence N. 75°27'55"E., 121.00 ft., thence S. 14°32'05"E., 579.77 ft., thence N. 85°36'14"W., 107.83 ft., thence N. 14°32'05"W., 181,79 ft., thence S. 75°27'55"W., 124.91 ft., thence N. 14°32'05"W., 2.42 ft., thence S. 75°27'55"W., 64.00 ft., thence S. 14°32'05"E., 2.42 ft., thence S. 75°27'55"W., 128.00 ft., thence S. 14°30'01"E., 144.67 ft., thence S. 75°25'42"W., 96.55 ft., thence N. 14°10'39"W., 144.72 ft., thence S. 75°27'55"W., 153.93 ft., thence N. 14°32'05"W., 197.00 ft., thence N. 75°27'55"E., 54.58 ft., thence N. 14°32'05"W., 245.00 ft., thence S. 75°27'55"W., 64.00 ft., thence N. 14°32'05"W., 159.00 ft., thence N. 75°27'55"E., 67.00 ft., thence N. 14°32'05"W., 52.00 ft., thence N. 75°27'55"E., 97.14 ft., thence N. 14°36'54"W., 8.35 ft. to beginning.

NAMES STATES

Sidwell No. 14-29-484-006

and.

- В. The GRANTOR previously owned all the water and sewage facilities located within its geographic borders but sold, transferred and assigned the water and sewage facilities to the GRANTEE at the time the GRANTOR was being operated by an emergency manager. As the GRANTOR owned the water and sewage facilities at the time the Phoenix Center was constructed upon the Premises, the creation of requisite water and sewage easements was not necessary.
- C. The GRANTOR and GRANTEE desire to memorialize the existence of the water supply system easement pursuant to the terms of this document so that the GRANTEE may operate, maintain, repair or replace the existing water supply system.

IT IS THEREFORE AGREED:

1. Grant of Permanent Easement, Grantor hereby grants to Grantee a perpetual easement (the "Easement") described as follows:

A PERMANENT EASEMENT "A" DESCRIBED AS FOLLOWS:

A strip of land 20.00 ft. wide having a centerline described as: Beginning at a point on the East line of the above-described parcel, located distant N. 14°32'05"W., 297.05 ft. from the Southeasterly corner of said parcel; thence from said point of beginning N. 81°53'36"W., 8.32 ft.; thence N. 73°19'58"W., 133.85 ft.; thence N. 69°23'20"W., 84.93 ft.; thence N. 71°42'14"W., 88.26 ft.; thence N. 88°45'49"W., 61.05 ft.; thence S. 88°38'59"W., 297.30 ft. to a point of ending on the West line of said parcel.

A PERMANENT EASEMENT "B" DESCRIBED AS FOLLOWS:

A strip of land 20.00 ft. wide having a centerline described as: Beginning at a point on the North line of the above-described parcel, located distant N. 75°27'55"E., 67.00 ft. and N. 14°32'05"W., 52.00 ft. and N. 75°27'55"E., 97.14 ft. and N. 14°36'54"W., 8.35 ft. and N. 75°13'16"E., 57.02 ft. from the most Northwesterly corner of said parcel; thence from said point of beginning, S. 14°36'41"E., 43.47 ft. to the point of ending.

2. **Purpose of the Easement**. The Easement granted herein shall be permanent and used for the purpose of the operation, maintenance, repair or replacement of the system constructed in accordance with the plans and specifications approved by the GRANTEE.

3. General Conditions.

- a. GRANTOR, or its successor and assigns in interest, agrees not to build or convey to others permission to build any permanent structures on the above-described permanent easement in the future. Permanent structures include structures of a permanent nature such as those with footings and includes culverts, dams, bridges and structures of a similar nature.
- b. Except as otherwise provided herein, if the Premises shall be disturbed by reason of the exercise of any of the foregoing powers, then the Premises shall be restored to substantially the condition that existed prior to entering upon said Premises by the GRANTEE, its contractors, agents or assigns.
- c. GRANTOR retains, reserves, and shall continue to enjoy the use of the Easement for any and all purposes which do not interfere with, obstruct the use of or prevent the use by GRANTEE. Any unauthorized use or obstruction may be removed by GRANTEE.
- d. As the Premises are substantially operated as a public parking garage, GRANTEE agrees to provide reasonable prior written notice to Grantor relative to access to the Easement or of any maintenance, repair or replacement thereof.
- e. GRANTEE further agrees to minimize disruption to GRANTOR'S parking activities upon the Premises at all times when GRANTEE is operating, servicing, maintaining, repairing or replacing the water supply system located within the Easement upon the Premises.
- f. It is understood that the easement, rights, and privileges granted herein are nonexclusive, and GRANTOR reserves and retains the right to convey similar easements and

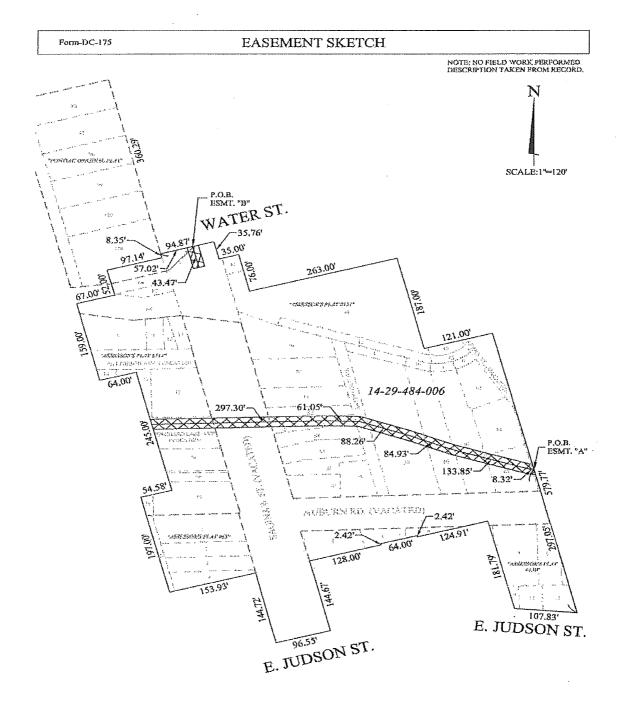
rights to such other persons as GRANTOR may deem proper provided such similar easements do not affect GRANTEE'S Easement.

- g. Notwithstanding anything to the contrary contained in this Agreement, if at any time in the future, GRANTOR or its successor and assigns in interest, desire to redevelop the Premises and as part of such redevelopment, requires relocation of the Easement through the Premises, GRANTEE shall agree to a relocation of the Easement provided GRANTOR, or then then current owner of record of the Premises pays for the cost of the relocation of the Easement.
- h. This Easement shall be binding upon and inure to the benefit of the Parties hereto, their heirs, representatives, successors and assigns.
 - i. A map of the above-described Easement is attached hereto and made a part thereof.

- j. This instrument contains the entire agreement between the Parties relating to the rights herein granted and the obligations herein assumed. Any oral representations or modifications concerning this instrument shall be of no force and effect. Any modification of this Easement must be in writing and must be signed by the party to be charged.
- k. This Easement is made and entered into in the State of Michigan and shall in all respects be interpreted, enforced and governed under the laws of the State of Michigan. The language of all parts of this Easement is intended to and, in all cases, shall be construed as a whole according to its fair meaning, and not construed strictly for or against any party.
- 1. It is further understood and agreed between the Parties that the terms and conditions herein are contractual and are not a mere recital and that there are no other agreements, understandings, contracts, or representations between GRANTOR and GRANTEE in any way related to the subject matter hereof, except as expressly stated herein.
- m. If any provision of this Easement or its application to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this Easement shall not be affected and shall remain valid and enforceable to the fullest extent permitted by law.
- n. It is understood and agreed between the Parties that a failure by either Party to fulfill a condition or term set forth in this Easement shall not result in the extinguishment of the easement rights granted herein or constitute a waiver of such term or condition.

IN WITNESS WHEREOF, the GRANTOR had ay of , 2019.	as hereunto affixed their signatures this
day 01, 2017.	
	CENTER SANITARY EASEMENT, Municipal Corporation
By:	
ŕ	Dr. Deirdre Waterman
Its:	Mayor
ACKNOWLEDGEM	IENT
STATE OF MICHIGAN)	
)SS. COUNTY OF OAKLAND)	
On this day of, 2019, before County, personally appeared Dr. Deirdre Waterman to reduly sworn did say that she is the Mayor of the CITY of corporation, a corporation created and existing under the the said Easement was signed and sealed in behalf of sealed Council, and the said Mayor acknowledged the said instressid Corporation.	ne personally known, who being by me OF PONTIAC, a Michigan municipal claws of the State of Michigan, and that aid corporation by authority of its City
	Notary Public
	County,
	My Commission Expires:
	Acting in the County of
This instrument drafted by: Jeffrey S. Parrott, Office of the Oakland County Water Resources Commissioner Building 95 West	

One Public Works Drive Waterford, Michigan 48328-1907



PROJECT: PHOENIX CENTER WATE	R EASEMENTS	05/07/2018
PERMANENT EASEMENT	EASEMENT PARCE	L NO. 1 DWG, 1 OF 1
	SIDWELL NO.	14-29-484-006
PART OF THE SW 1/4 OF SEC 28, SE 1/4 OR SEC 29, 8	E NE 1/4 OF SEC 32, T3N, R10E,	, CITY OF PONTIAC, OARLAND COUNTY
OAKLAND COUN	IIM NASH ITY WATER RESOURCE COMM Page 1 of 1	MISSIONER Rev.:07/30/2

EASEMENT

Parcel No. 1
Project: PHOENIX CENTER
SANITARY EASEMENT

TITION CONTOCONO CONTOCONO SON SON CONTOCONO CONTOCONO CONTOCONO CONTOCONO CONTOCONO CONTOCONO CONTOCONO CONTOC

KNOW ALL MEN BY THESE PRESENTS, that the CITY OF PONTIAC, a Michigan municipal corporation, GRANTOR, whose address is 47450 Woodward Avenue, Pontiac, Michigan 48342, for and in consideration of the sum of ONE DOLLAR (\$1.00) receipt of which is hereby acknowledged, paid to them by the County of Oakland, a Michigan Constitutional Corporation, by and through the Oakland County Water Resources Commissioner, in his capacity as "County Agency" for the PHOENIX CENTER SANITARY EASEMENT, pursuant to 1939 P.A. 342, as amended and 1957 P.A. 185, as amended, GRANTEE whose address is the Office of the Oakland County Water Resources Commissioner ("WRC"), One Public Works Drive, Waterford, Michigan 48328-1907, GRANTOR do/does hereby grant to the said GRANTEE the right to construct, operate, maintain, repair or replace a sanitary sewer system, in accordance with the terms and conditions set forth herein:

RECITALS:

A. The GRANTOR is the owner of certain real property commonly known as the Phoenix Center and is described as follows (the "Premises"):

T.3N., R.10E., Section's 29 & 32, "Assessor's Plat No. 131", Lot's 8 to 13 inclusive, part of Lot 45, Parts of Lot's 47 & 48, all of Lot's 49 to 62, inclusive, part of Lot 64, all of Lot 65, Part of Lot 66, all of Lot 67 & part of Lot 68, also vac alley adjacent to Lot's 11 & 59, also part of vac Perry St., also part of Lot's 4 to 14 inclusive of "Assessor's Plat No. 130", also vac part of Auburn Ave lying North of "Assessor's Plat No. 130", also that part of vac Saginaw St. lying within or adjacent to "Assessor's Plat No's. 130 & 131", also part of Lot 101 of "Pontiac Original Plat", also part of "Assessor's Plat No. 65", being all of Lot's 1, 2 & 3, also part of Lot's 4 & 5, also part of vac Dawson Alley, also part of "Assessor's

Plat 114" being part of Lot 8, also all of Lot's 9, 10 & 11, also part of Lot's 12, 13 & 14, also part of Lot 35, also part of Lot's 38 & 39, also part of vac Patterson Ave all described as beginning at point distant S. 14°36'54"E., 360.29 ft. from Northeast corner of Lot 96 of "Pontiac Original Plat", thence N. 75°13'16"E., 94.87 ft., thence S. 14°32'05E., 35.76 ft., thence N. 75°27'55"E., 35.00 ft., thence S. 14°32'05"E., 76.00 ft., thence N. 75°27'55E., 263.00 ft., thence S. 14°32'05"E., 187.00 ft., thence N. 75°27'55"E., 121.00 ft., thence S. 14°32'05"E., 579.77 ft., thence N. 85°36'14"W., 107.83 ft., thence N. 14°32'05"W., 181.79 ft., thence S. 75°27'55"W., 124.91 ft., thence N. 14°32'05"W., 2.42 ft., thence S. 75°27'55"W., 64.00 ft., thence S. 14°32'05"E., 2.42 ft., thence S. 75°27'55"W., 128.00 ft., thence S. 14°30'01"E., 144.67 ft., thence S. 75°25'42"W., 96.55 ft., thence N. 14°10'39"W., 144.72 ft., thence S. 75°27'55"W., 153.93 ft., thence N. 14°32'05"W., 197.00 ft., thence N. 75°27'55"E., 54.58 ft., thence N. 14°32'05"W., 245.00 ft., thence S. 75°27'55"W., 64.00 ft., thence N. 14°32'05"W., 159.00 ft., thence N. 75°27'55"E., 67.00 ft., thence N. 14°32'05"W., 52.00 ft., thence N. 75°27'55"E., 97.14 ft., thence N. 14°36'54"W., 8.35 ft. to beginning.

Sidwell No. 14-29-484-006

and,

- B. The GRANTOR previously owned all the water and sewage facilities located within its geographic borders but sold, transferred and assigned the water and sewage facilities to the GRANTEE at the time the GRANTOR was being operated by an emergency manager. As the GRANTOR owned the water and sewage facilities at the time the Phoenix Center was constructed upon the Premises, the creation of requisite water and sewage easements was not necessary.
- C. The GRANTOR and GRANTEE desire to memorialize the existence of the sanitary sewer easement pursuant to the terms of this document so that the GRANTEE may operate, maintain, repair or replace the existing sanitary sewer system.

IT IS THEREFORE AGREED:

1. <u>Grant of Permanent Easement.</u> Grantor hereby grants to Grantee a perpetual easement (the "Easement") described as follows:

A strip of land 20.00 ft. wide having a centerline described as: Beginning at a point on the North line of the above-described parcel, located distant N. 75°27'55"E., 67.00 ft. and N. 14°32'05"W., 52.00 ft. and N. 75°27'55"E., 97.14 ft. and N. 14°36'54"W., 8.35 ft. and N. 75°13'16"E., 45.51 ft. from the most Northwesterly corner of said parcel; thence from said Point of Beginning, S. 14°47'10"E., 367.23 ft. to a "Point A"; thence S. 12°09'16"W., 16.12 ft.; thence S. 15°36'03"E., 200.44 ft. to a "Point B"; thence S. 56°47'39"W., 22.22 ft.; thence S. 11°45'19"E., 35.01 ft.; thence S. 12°12'34"E., 66.90 ft.; thence S. 14°25'19"E., 115.31 ft. to a Point of Ending on the South line of the above-described parcel. Also, beginning at said

"Point A"; thence S. 86°17'22"W., 149.92 ft. to a Point of Ending on the West line of the above-described parcel. Also, beginning at said "Point A"; thence N. 87°22'25"E., 29.81 ft.; thence S. 88°38'03"E., 177.38 ft.; thence S. 75°06'01"E., 154.39 ft.; thence S. 77°18'45"E., 149.02 ft. to a Point of Ending on the East line of the above-described parcel. Also, beginning at said "Point B"; thence S. 72°48'22"E., 48.12 ft.; thence S. 13°37'55"E., 158.95 ft.; thence S., 14°46'07"E., 39.96 ft. to a Point of Ending on the South line of the above-described parcel.

2. <u>Purpose of the Easement</u>. The Easement granted herein shall be permanent and used for the purpose of the operation, maintenance, repair or replacement of the system constructed in accordance with the plans and specifications approved by the GRANTEE.

The Assessment of the Assessme

3. General Conditions.

- a. GRANTOR, or its successor and assigns in interest, agrees not to build or convey to others permission to build any permanent structures on the above-described permanent easement in the future. Permanent structures include structures of a permanent nature such as those with footings and includes culverts, dams, bridges and structures of a similar nature.
- b. Except as otherwise provided herein, if the Premises shall be disturbed by reason of the exercise of any of the foregoing powers, then the Premises shall be restored to substantially the condition that existed prior to entering upon said Premises by the GRANTEE, its contractors, agents or assigns.
- c. GRANTOR retains, reserves, and shall continue to enjoy the use of the Easement for any and all purposes which do not interfere with, obstruct the use of or prevent the use by GRANTEE. Any unauthorized use or obstruction may be removed by GRANTEE.
- d. As the Premises are substantially operated as a public parking garage, GRANTEE agrees to provide reasonable prior written notice to Grantor relative to access to the Easement or of any maintenance, repair or replacement thereof.
- e. GRANTEE further agrees to minimize disruption to GRANTOR'S parking activities upon the Premises at all times when GRANTEE is operating, servicing, maintaining, repairing or replacing the Sanitary Sewer located within the Easement upon the Premises.
- f. It is understood that the easement, rights, and privileges granted herein are nonexclusive, and GRANTOR reserves and retains the right to convey similar easements and

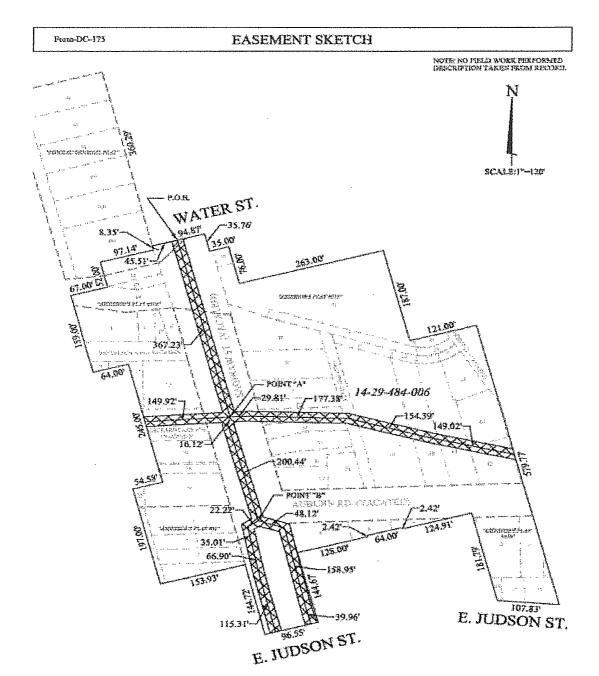
rights to such other persons as GRANTOR may deem proper provided such similar easements do not affect GRANTEE'S Easement.

- g. Notwithstanding anything to the contrary contained in this Agreement, if at any time in the future, GRANTOR or its successor and assigns in interest, desire to redevelop the Premises and as part of such redevelopment, requires relocation of the Easement through the Premises, GRANTEE shall agree to a relocation of the Easement provided GRANTOR, or then then current owner of record of the Premises pays for the cost of the relocation of the Easement.
- h. This Easement shall be binding upon and inure to the benefit of the Parties hereto, their heirs, representatives, successors and assigns.
 - i. A map of the above-described Easement is attached hereto and made a part thereof.

- j. This instrument contains the entire agreement between the Parties relating to the rights herein granted and the obligations herein assumed. Any oral representations or modifications concerning this instrument shall be of no force and effect. Any modification of this Easement must be in writing and must be signed by the party to be charged.
- k. This Easement is made and entered into in the State of Michigan and shall in all respects be interpreted, enforced and governed under the laws of the State of Michigan. The language of all parts of this Easement is intended to and, in all cases, shall be construed as a whole according to its fair meaning, and not construed strictly for or against any party.
- 1. It is further understood and agreed between the Parties that the terms and conditions herein are contractual and are not a mere recital and that there are no other agreements, understandings, contracts, or representations between GRANTOR and GRANTEE in any way related to the subject matter hereof, except as expressly stated herein.
- m. If any provision of this Easement or its application to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this Easement shall not be affected and shall remain valid and enforceable to the fullest extent permitted by law.
- n. It is understood and agreed between the Parties that a failure by either Party to fulfill a condition or term set forth in this Easement shall not result in the extinguishment of the easement rights granted herein or constitute a waiver of such term or condition.

IN WITNESS WHEREOF, the GRANTOR had day of, 2019.	s hereunto affixed their signatures this
	CENTER SANITARY EASEMENT, Municipal Corporation
By: Its:	Dr. Deirdre Waterman Mayor
ACKNOWLEDGEM	ENT
STATE OF MICHIGAN)SS. COUNTY OF OAKLAND On this day of, 2019, befor County, personally appeared Dr. Deirdre Waterman to m duly sworn did say that she is the Mayor of the CITY Corporation, a corporation created and existing under the the said Easement was signed and sealed in behalf of sa Council, and the said Mayor acknowledged the said instrusaid Corporation.	DE PONTIAC, a Michigan municipal laws of the State of Michigan, and that id corporation by authority of its City
	Notary Public
	County, My Commission Expires: Acting in the County of
This instrument drafted by: Jeffrey S. Parrott, Office of the Oakland County Water Resources Commissioner Building 95 West One Public Works Drive Waterford, Michigan 48328-1907	
CER/kmb Kimberly Brown's files\Phoenix Sanitary Easement/Ph W:\Clients\City of Pontiac\WRC Easements\Phoenix Center - Sanitary Easement.docx	oenix Center Sanitary.P1 (3-8-2018)

-2. Consideration of the contraction of the contrac



PROJECT: PHOENIX CENTER SEWER EASEMENTS	05/07/2018
PERMANENT EASEMENT	t DWG, _1_OF_1
SIDWELL NO	14-29-484-006
PART OF "RESUBDIVISION OF WOODWARD ESTATES SUBDIVISION" CITY OF PONTIAC,	OAKLAND COUNTY, MICHIGAN
am nash Oarland County Water Redource Commissio Par 1 of 1	NER Rev.07/30/2013

EASEMENT

Parcel No. 16
Project: CITY OF PONTIAC
SANITARY REHAB.
OMAR/McKINLEY
2019

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KNOW ALL MEN BY THESE PRESENTS, that CITY OF PONTIAC, a Michigan Municipal Corporation, GRANTOR(S), whose address is 47450 Woodward Avenue, Pontiac, Michigan 48342, for and in consideration of the sum of ONE DOLLAR (\$1.00) receipt of which is hereby acknowledged, paid to them by the County of Oakland, a Michigan Constitutional Corporation, by and through the Oakland County Water Resources Commissioner, in his capacity as "County Agency" GRANTEE, whose address is the Office of the Oakland County Water Resources Commissioner ("WRC"), One Public Works Drive, Bldg. 95 West, Waterford, Michigan 48328-1907, GRANTOR does hereby grant to the said GRANTEE the right to construct, operate, maintain, repair or replace a sanitary sewer system, in accordance with the terms and conditions set forth herein:

RECITALS:

A. The GRANTOR is the owner of certain real property described as follows (the "Premises"):

Lot 6 of "ALBERTA HILLS SUBDIVISION NO. 1", Central part of the Northwest ¼, Section 28, T.03N., R.10E., City of Pontiac, Oakland County, Michigan, as recorded in Liber 25 of Plats, Page 23, Oakland County Records.

Sidwell No.14-28-176-012

and,

B. The GRANTEE desires to acquire from the GRANTOR certain rights to the Premises in order to construct, operate, maintain, repair or replace the sanitary sewer system.

IT IS THEREFORE AGREED:

1. <u>Grant of Temporary Easement</u>. Grantor hereby grants to Grantee a temporary easement for the construction and or repair of the sanitary sewer system, described as follows, and which shall terminate upon completion of construction of the system:

All of the above-described premises excepting therefrom the belowdescribed Permanent Easement.

Grant of a Permanent Easement. Grantor hereby grants to Grantee a
perpetual easement described as follows:

A strip of land 20.00 ft. wide beginning at a point on the east line of the above-described parcel, said point located distant northwesterly along said East line 19.22 ft. from the southeast corner of said parcel; thence from said POINT OF BEGINNING Southwesterly 50.02 ft. to a point of ending on the west parcel line, said point located distant northwesterly along said West line 20.42 ft. from the southwest corner of said parcel.

3. <u>Purpose of the Easements</u>. The temporary easement granted herein shall be used only for the initial construction of the system in accordance with the plans and specifications approved by the GRANTEE. The temporary easement may be used to move men and equipment and to store materials and equipment. The permanent easement granted here in shall be used for the purpose of the operation, maintenance, repair or replacement of the system constructed in accordance with the plans and specifications approved by the GRANTEE.

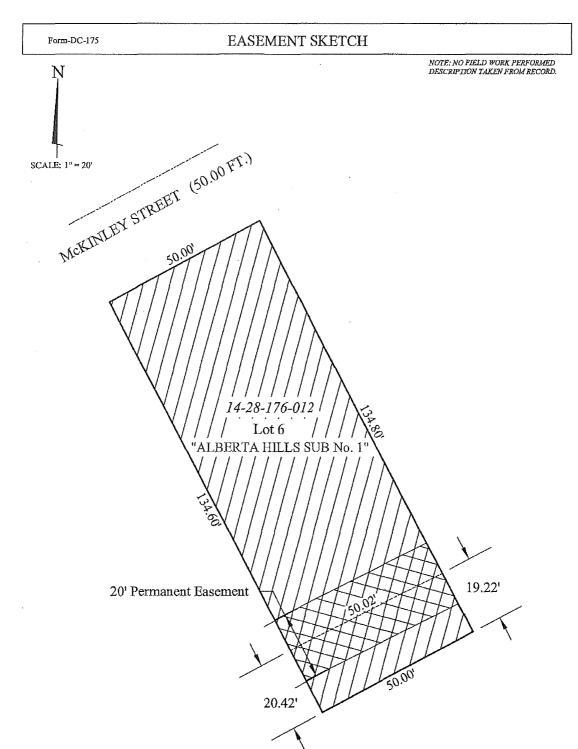
General Conditions.

- a. GRANTOR agrees not to build or convey to others permission to build any permanent structures on the above-described permanent easement. Permanent structures, include but are not limited to; fixtures, structures with footings, culverts, dams, bridges and structures of a similar nature.
- b. Except as otherwise agreed in writing between the GRANTOR and GRANTEE, GRANTEE will preserve and protect all trees and shrubbery within the temporary easement during the initial construction of the system and may remove all trees and shrubbery within the permanent easement and shall not be required to replace trees and shrubbery that are removed.

- c. Except as otherwise provided herein, if the Premises shall be disturbed by reason of the exercise of any of the foregoing powers, then the Premises shall be restored to substantially the condition that existed prior to entering upon said Premises by the GRANTEE, its contractors, agents or assigns.
- d. GRANTOR retains, reserves, and shall continue to enjoy the use of the permanent easement for any and all purposes which do not interfere with, obstruct the use of or prevent the use by GRANTEE. Any unauthorized use or obstruction may be removed by GRANTEE.
- e. It is understood that the easement, rights, and privileges granted herein are nonexclusive, and GRANTOR reserves and retains the right to convey similar easements and rights to such other persons as GRANTOR may deem proper provided such similar easements do not affect GRANTEE'S Easement.
- f. This Easement shall be binding upon and inure to the benefit of the Parties hereto, their heirs, representatives, successors and assigns.
- g. A map of the above-described Easement is attached hereto and made a part thereof.
- h. This instrument contains the entire agreement between the Parties relating to the rights herein granted and the obligations herein assumed. Any oral representations or modifications concerning this instrument shall be of no force and effect. Any modification of this Easement must be in writing and must be signed by the party to be charged.
- i. This Easement is made and entered into in the State of Michigan and shall in all respects be interpreted, enforced and governed under the laws of the State of Michigan. The language of all parts of this Easement is intended to and, in all cases, shall be construed as a whole according to its fair meaning, and not construed strictly for or against any party.
- j. It is further understood and agreed between the Parties that the terms and conditions herein are contractual and are not a mere recital and that there are no other agreements, understandings, contracts, or representations between GRANTOR and GRANTEE in any way related to the subject matter hereof, except as expressly stated herein.
- k. If any provision of this Easement or its application to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this Easement shall not be affected and shall remain valid and enforceable to the fullest extent permitted by law.

l. It is understood an	d agreed between the Parties that a fa	ailure by either
Party to fulfill a condition or te	rm set forth in this Easement shall no	ot result of
extinguishment of the easemen	t rights granted herein or constitute a	waiver of
such term or condition.		•
IN WITNESS WHER	EOF, the GRANTOR has hereunt	to affixed their
signatures this	day of	, 2019.
WITNESSES:	CITY OF PONTIAC, a Michigan Municipal Co	orporation
	By:	(L.S.)
	Dr. Deirdre Watermar Its: Mayor	1
	Ву:	
	Its:	
<u>AC</u>	KNOWLEDGEMENT	
STATE OF MICHIGAN)	SS.	
COUNTY OF OAKLAND)	os.	
duly sworn did say that of the Corporation, a corporation of	, 2019, before me, a ally appeared to me personally known, who to they are the e CITY OF PONTIAC, a Michigneated and existing under the laws assement Grant was signed and seal-	and o being by me and gan Municipal of the State of
said corporation by author	ity of its City Commission,	and the said
said instrument to be the free ag	and ackr et and deed of the said Corporation,	nowledged the
and anomalies to be no new at	or and door or and suite corporation,	•
	Notary Public	
	County, My Commission Expires:	
	Acting in the County of	
This instrument drafted by:		
Jeffrey S. Parrott, Office of the Oakland County Water Resourd Building 95 West One Public Works Drive Waterford, Michigan 48328-19		
JSP/kmb Kimberly Brown's files\COP SAN OMAR &	McKINLEY ST 2019 EAS\CITY OF PONTIAC'19	P.P16 (3-8-2019)

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PROJECT: CITY OF PONTIAC SANITARY OMAR ST & McKINLEY ST 2019	02/12/2019
PERMANENT EASEMENT EASEMENT PARCEL NO. 16 DWG	F. <u>1</u> OF <u>1</u>
TEMPORARY EASEMENT SIDWELL NO. 14-28-176-012	
Lot 6 of "ALBERTA HILLS SUB. No. 1", City of Pontiac, Oakland County, Michigan	
JIM NASH OAKLAND COUNTY WATER RESOURCE COMMISSIONER Page 1 of 1	Rev.:07/30/13

#8 RESOLUTION



CITY OF PONTIAC OFFICIAL MEMORANDUM

TO:

Honorable Mayor, Council President and City Council Members

FROM:

Jane Bais-DiSessa, Deputy Mayor, at the request of

John V. Balint, City Engineer

DATE:

June 12, 2019

RE:

AT&T – Metro Act Application

On March 14, 2002, three bills were signed into law at the State level to stimulate the availability of affordable high-speed Internet connections. Act 48 of the Public Acts of 2002 creates a body called the Metropolitan Extension Telecommunications Right-of-Way. The City of Pontiac and AT&T (formerly known as Michigan Bell) had entered into a Right-of-Way agreement that had expired as of September 30, 2015. AT&T has requested to enter into a Right-of-Way agreement, retroactive from September 30, 2015 thru September 30, 2020. The Department of Public Works, Engineering Division has received and reviewed the proposed agreement extension. Upon review of this application, the Department finds their proposal acceptable.

It is the recommendation of the Department of Public Works that the City approve the Metro Act Application with AT&T (formerly known as Michigan Bell).

- WHEREAS, right-of-way telecommunications permit issuance is governed by the Metropolitan Extension Telecommunications Right-of-way Oversight (METRO) Act, Michigan Public Act 48 of 2002; and
- WHEREAS, consistent therewith, the City of Pontiac entered into a METRO Act right-of-way telecommunications permit with Michigan Bell Company (Now doing business as AT&T) on September 6, 2005; and
- WHEREAS, that agreement has been extended since then, and AT&T has requested an extension for a period through September 30, 2020; and,
- WHEREAS, payment thereunder is governed by the provisions of the METRO Act;
- NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Pontiac authorized the Mayor to enter into an extension of the AT&T Right-of-way Telecommunications Permit through September 30, 2020.

JVB



AT&T Michigan Angela Wesson METRO Act Administrator 54 N. Mill Street Mailbox #30 Pontiac, MI 48342

February 10, 2016 Resend: January 10, 2019

Pontiac City 47450 Woodward Ave Pontiac, MI 48342

METRO ACT RIGHT OF WAY PERMIT EXTENSION

Dear Pontiac City,

This is a letter agreement which extends the existing METRO Act Permit issued by the Pontiac City/Oakland County to Michigan Bell Telephone Company d/b/a AT&T Michigan ("AT&T") which expires on September 30, 2015. The extension is for a term to end on September 30, 2020.

If this is agreeable, please sign both copies of the extension letter agreement in the place provided below and return to AT&T Michigan at the address on this letterhead. Upon receipt AT&T will acknowledge and return one copy for your files.

Additional information regarding this renewal request may be found at http://www.michigan.gov/mpsc. Please click on Telecommunications, METRO Act/Right of Way, and AT&T 5 Year permit extension.

We would appreciate return of the signed copies within 30 days of receiving this request. Your cooperation is appreciated.

If you have any questions feel free to contact Ms. Angela Wesson via e-mail, <u>AD3245@att.com</u> or 248-456-0361.

Agreed to by and on behalf of the Pontiac City	Michigan Bell Telephone Company d/b/a AT&T acknowledges receipt of this Permit Extension granted by the municipality.
By:Signature	By:Angela Wesson
Its:	Its: METRO Act Administrator
Date:	Date:



CITY OF PONTIAC

Department of Finance 47450 Woodward Avenue Pontiac, Michigan 48342 Telephone: (248) 758-3118

Fax: (248) 758-3197

TO:

Pontiac City Council Members

FROM:

Hughey Newsome, Interim Finance Director

CC:

Mayor Deirdre Waterman

Jane Bais-DiSessa, Deputy Mayor

DATE:

July 11, 2019

RE:

Clarification on AT&T Right of Way Telecommunications Permit and Metro Act

Honorable Councilmembers:

During the July 9 City Council meeting, a request was made to show how much money has been collected from the State of Michigan via the Act 48 of the Public Acts of 2002, which is created a body called the Metro Extension Telecommunications Rights-of-Way Oversight Authority. The purpose of this authority is to assist telecommunications companies in obtaining permits. Telecommunications companies pay an annual maintenance fee into the authority and the authority sends payments to the cities that "opt-in".

The Deputy Mayor stated, on the record, that the annual revenue the city receives fluctuates year to year. The City Attorney noted that, in FY2017-18, the annual revenue was **\$224,145**.

Below, I am giving you the amounts the city received over the last five fiscal years. Note that for FY2018-19, the final number is an estimate until we can close the books. The average amount for the five-year period is \$213,610.

07/11/2019	REVENUE AND EXPENDITURE REPOR	T FOR CITY OF PONT	AC	,		
	Month Ended: June					
		BALANCE	BALANCE	BALANCE	BALANCE	BALANCE
		AS OF	AS OF	AS OF	AS OF	AS OF
GL NUMBER	DESCRIPTION	06/30/2015	06/30/2016	- 06/30/2017	06/30/2018	06/30/2019
280-000-539.480	STATE GRANT - PUBLIC ACT 48 TELECOM	168,924.69	227,875.68	222,460.13	224,144.93	224,645.43
TOTAL REVENUES	S - ALL FUNDS	168,924.69	227,875.68	222,460.13	224,144.93	224,645.43
TOTAL EXPENDIT	URES - ALL FUNDS	0.00	0.00	0.00	0.00	0.00
NET OF REVENUE	S & EXPENDITURES	168,924.69	227,875.68	222,460.13	224,144.93	224,645.43

Please let me know if you have questions.

#9 RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

TO:

Honorable Mayor, Council President and City Council Members

FROM:

Jane Bais-DiSessa, Deputy Mayor, at the request of

John V. Balint, City Engineer

DATE:

July 16, 2019

RE:

Easement to United Shore

United Shore has requested that the City grant an easement for the construction of a parking lot extension for their location on South Boulevard and Martin Luther King Jr. Boulevard.

The Engineering Division has the reviewed and approved the attached documents prepared by United Shore and does not see any concern with the granting of this easement. In addition, these easement documents have been reviewed and approved by the City's consulting engineer and by the City's attorney.

It is the recommendation of the Department of Public Works, Engineering Division that the attached easement be signed by the City.

WHEREAS,

The City of Pontiac has reviewed the documents provided by

United Shore, and:

WHEREAS,

The Department of Public Works, Engineering Division finds that

there are no concerns with the City granting the requested

easement, and;

NOW, THEREFORE,

BE IT RESOLVED.

The Pontiac City Council authorized the Mayor or Deputy Mayor

to sign the subject easement.

JVB

attachments

DRIVEWAY EASEMENT AGREEMENT

This Driveway Easement Agreement (the "Agreement") is made and entered into on ______, 2019, by and between the City of Pontiac, a Michigan municipal corporation ("Grantor"), and Pontiac Center Investment, LLC, a Michigan limited liability company ("Grantee").

RECITALS

WHEREAS, Grantee owns the real estate described in **Exhibit "A"** attached hereto and incorporated herein by this reference, abutting and situated directly South of (the "Southern Parcel") the real estate owned by the Grantor (the "Grantor's Property") as well as the real estate described in **Exhibit "B"** attached hereto and incorporated herein by this reference, which abuts and is situated directly North of the Grantor's Property (the "Northern Parcel"); and

WHEREAS, Grantee wishes to acquire a driveway easement from Grantor across that portion of the Grantor's Property described in <a href="Exhibit" C" attached hereto and incorporated herein by this reference (the "Easement Area")" for purposes of ingress and egress by Grantee, its employees, invitees, successors and assigns (collectively, the "Grantee Parties") from the Southern Parcel to the Northern Parcel, and vice a versa, each owned by the Grantee, which will burden the Easement Area of the Grantor's Property for the mutual benefit of Grantee's Southern Parcel and Northern Parcel; and

WHEREAS, Grantor has agreed to grant to Grantee an easement for ingress and egress over and across the Easement Area so that the Grantee Parties may access the Northern Parcel from the Southern Parcel and vice a versa, which shall run with the land consisting of the Southern Parcel, Easement Area and Northern Parcel;

NOW, THEREFORE, in consideration of the mutual promises and covenants contained in this Agreement, and other good and valuable consideration, the receipt and legal sufficiency of which is hereby severally acknowledged, the Grantor and Grantee hereby agree as follows:

- 1. Incorporation of Recitals. The foregoing Recitals are hereby incorporated in this Agreement for the reason that they are contractual in nature.
- 2. Burdened Property. Grantor owns the Grantor's Property upon which the Easement Area is situated.
- 3. Grant of Driveway Easement. Grantor hereby grants to Grantee an exclusive perpetual and irrevocable driveway easement for ingress and egress by both pedestrians and motor vehicles over and across the Easement Area portion of the Grantor's Property, so that the Grantee Parties shall be able to gain access to and from the Northern Parcel and the Southern Parcel over and across the Easement Area.
- 4. Consideration. Grantee, in consideration of the grant of the easement stated in this Agreement has agreed to undertake the obligation to maintain the Easement Area as provided in Section 5 below, and Grantor has agreed to accept such consideration.
- 5. Improvement and Maintenance. Grantee shall have the right to improve the Easement Area with asphalt or concrete pavement and install any necessary drainage piping in accordance with applicable law. Grantee, its successors and assigns shall maintain the Easement Area in accordance with applicable law and not allow it to become unsightly or a nuisance.
- 6. Interest in realty. The driveway easement is to be an easement over and across the Easement Area for the use and benefit of the Northern Parcel, Southern Parcel and Grantee Parties and is to be an appurtenance to the Northern Parcel and Southern Parcel and run with the land,
- 7. Insurance. The Grantee shall obtain liability insurance upon the Easement Area to cover any liabilities which arise as a result of the use by the Grantee Parties of the Easement Area and the Grantee shall name the Grantor as an additional insured party for the Easement Area.
- 8. Indemnification. Grantee and its successors and assigns shall indemnify and hold the Grantor and its successors and assigns harmless from and against any and all claims, debts, causes of actions, or judgments for any damage to any property or injury to any person which may arise out of any of the actions within, use of, or around the Easement Area, by the Grantee Parties. This Provision shall survive the termination of this Agreement.
- 9. Entire Agreement. This Agreement and all Exhibits constitute the entire agreement between the parties with respect to the subject matter of this Agreement, and all prior negotiations and agreements with respect to the Easement Area between the parties, whether written or oral, shall be of no further force and effect. This Agreement may not be modified except by a written document signed by both parties

10. Notice. Except as otherwise provided, all notices required under this Agreement shall be effective only if in writing, and shall be either personally served or delivered by a nationally recognized express delivery service, all costs prepaid, to the appropriate party at its address as set forth below:

If to Grantor:

City of Pontiac

47450 Woodward Avenue Pontiac, Michigan 48342

Attention:

If to Grantee:

Pontiac Center Investment, LLC 251 E. Merrill Street, Suite 212 Birmingham, Michigan 48009 Attention; Jeffrey A. Ishbia Either party may change its address by giving notice of the change to the other as provided in this section.

- 11. Severability. If any term, covenant, or condition of this Agreement or the application of which to any party or circumstance shall be to any extent invalid or unenforceable, the remainder of this Agreement, or the application of such term, covenant, or condition to persons or circumstances other than those to which it is held invalid or unenforceable, shall be effective, and each term, covenant, or condition of this Agreement shall be valid and enforced to the fullest extent permitted by law.
- 12. Jurisdiction and Venue. Any disputes under this conveyance shall be subject to the laws of the State of Michigan and venue for any disputes shall lie in Oakland County, Michigan.
- 13. Time is of the essence. Time shall be of the essence in the performance and actions undertaken under this Agreement.
- 14. Exhibits. The following exhibits are attached to and are a part of this Agreement:

 (a) Exhibit A Legal Descriptions of Southern Parcel; (b) Exhibit B Legal Description of Northern Parcel; and (c) Exhibit C Legal Description of Easement Area.
- 15. Effective date. Grantor and Grantee have signed this Agreement and it shall be effective as of the day and year first above written.

[Signatures contained on following page]

GRANIUR:
City of Pontiac, a Michigan municipal corporation
By:
Its:
STATE OF MICHIGAN) COUNTY OF OAKLAND)
Acknowledged before me in Oakland County, Michigan, on, 2019, by, known to be the person who executed and delivered the foregoing instrument on behalf of the Grantor.
, Notary Public State of Michigan, County of Oakland My commission expires:
GRANTEE:
Pontiac Center Investment, LLC, a Michigan limited liability company
By: Jeffrey A. Ishbia Its: Manager

[Acknowledgment contained on following page]

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)
Acknowledged before me in Oakland County, Michigan, on 2019
by Jeffrey A. Ishbia, known to be the Manager of Pontiac Center Investment, LLC, a
Michigan limited liability company, who executed and delivered the foregoing
instrument on behalf of the Grantee pursuant to the authority of its members.
•
, Notary Public
State of Michigan, County of Oakland
My commission expires:
- <u>'iii </u>

Drafted by and return to: Mark W. Cherry (P39981) Ishbia & Gagleard, P.C. 251 E. Merrill Street, Suite 212 Birmingham, Michigan 48009

EXHIBIT "A" LEGAL DESCRIPTION OF SOUTHERN PARCEL

[SEE ATTACHMENT CONSISTING ON ONE PAGE]

(Attached to and becoming a part of Covenant Deed dated: June 28, 2017 between Pontiac Center, LLC, as Grantor(s) and Pontiac Center Investment, LLC, a Michigan limited liability company, as Grantee(s).)

EXHIBIT A

Land situated in the City of Pontiac, County of Oakland, State of Michigan, described as follows:

Part of Lot 12, all of Lots 13 through 104, both inclusive, part of Lots 105 through 107, both inclusive, part of Lots 111 through 112, both inclusive, all of Lots 113 through 186, both inclusive, part of Lot 187, all of Lots 188 through 320, both inclusive, Lots 322 through 339, both inclusive, Lots 343 through 361, both inclusive, parts of vacated alleys, parts of vacated Midway and Irvin Avenues and all of vacated Greendale, Plainfield, Central, Ferry and Woodford Avenues, of SOUTH PARK, according to the plat thereof recorded in Liber 47 of Plats, Page 21 of Oakland County Records, being more particularly described as: Commencing at the Southwest corner of Section 34 (as monumented), Town 3 North, Range 10 East, City of Pontiac, Oakland County, Michigan; thence North 01 degrees 12 minutes 09 seconds East 59.72 feet along the West line of said Section 34; thence South 87 degrees 18 minutes 59 seconds East 60.17 feet to a point on the East line of Martin Luther King, Jr. Boulevard and West line of SOUTH PARK, as recorded in Liber 47, Page 21 of Plats, Oakland County Records, said point also being the Southwest corner of Lot 71 of said SOUTH PARK, and point of beginning; thence North 01 degrees 11 minutes 21 seconds East along the East tine of Martin Luther King, Jr. Boulevard and West line of SOUTH PARK, 1,326.13 feet to a point on the centerline of vacated Midway Avenue; thence South 87 degrees 18 minutes 59 seconds East along the centerline of vacated Midway Avenue, 286.26 feet; thence North 50 degrees 29 minutes 10 seconds East, 18.16 feet to a point on the centerline of a 10-foot wide public walk extended; thence South 87 degrees 18 minutes 59 seconds East along said centerline, 146.54 feet to a point on the West line of Lot 361 of said SOUTH PARK; thence North 02 degrees 41 minutes 01 seconds East, along the West line of Lot 361, 119.03 feet to a point on the Southerly line of the abandoned Grand Trunk Western Railroad right-of-way and Northerly line of SOUTH PARK; thence following next five (5) counts along said Southerly line of right-of-way and Northerly line of SOUTH PARK: (1) 102.66 feet along a curve to the left (radius 2, 062.24 feet, central angle of 02 degrees 51 minutes 08 seconds, chord bears South 74 degrees 45 minutes 57 seconds East, 102.66 feet, (2) 108.46 feet along a curve to the left (radius 1,171.82 feet, central angle 05 degrees 18 minutes 11 seconds, chord bears South 78 degrees 50 minutes 37 seconds East, 108.42 feet, (3) 668.32 feet along a curve to the left (radius 2,147.32 feet, central angle 17 degrees 49 minutes 57 seconds, chord bears North 89 degrees 35 minutes 19 seconds East, 665.63 feet, (4) 51.38 feet along a curve to the left (radius 810,21 feet, central angle 03 degrees 38 minutes 00 seconds, chord bears North 78 degrees 51 minutes 20 seconds East, 51.37 feet) and (5) North 77 degrees 02 minutes 20 seconds East, 235.59 feet to a point on the Westerly line of Bradford Avenue and East line of SOUTH PARK, said point also being the Northeast corner of Lot 302; thence South 00 degrees 31 minutes 33 seconds West along the West line of Bradford Avenue and East line of SOUTH PARK, 1,026.50 feet to a point on the West line of Bradford Avenue (width varies); thence the following four (4) courses along said Westerly line of Bradford Avenue relocated; (1) South 15 degrees 34 minutes 30 seconds West, 74.17 feet to a point of tangency and (2) 179.87 feet along the arc of a curve to the right (radius 268.02 feet, central angle 38 degrees 27 minutes 05 seconds, long chord bears South 34 degrees 39 minutes 14 seconds West, 176.51 feet) to a point of reverse curvature and (3) 294.47 feet along the arc of a curve to the left (radius 330.00 feet, central angle 51 degrees 07 minutes 39 seconds, long chord bears South 28 degrees 10 minutes 09 seconds West, 284.80 feet) to a point of tangency and (4) South 02 degrees 36 minutes 20 seconds West 25.48 feet to a point on the North line of South Boulevard and South line of SOUTH PARK; thence North 87 degrees 18 minutes 59 seconds West along the North line of South Boulevard and South line of SOUTH PARK 1,366.65 feet to the point of beginning.

STEEL PROPERTY OF THE PROPERTY

Tax Parcel Number: 14-34-351-006

; f



EXHIBIT "B" LEGAL DESCRIPTION OF NORTHERN PARCEL

Land situated in the City of Pontiac, County of Oakland, State of Michigan, described as follows:

Lot 321, EXCEPT the South 10 feet and East 20 feet, also Lots 340, 341 and 342 and the North ½ of vacated Midway Avenue adjacent of South Park, according to the Plat thereof as recorded in Liber 47 of Plats, Page 21, Oakland County Records

Tax Parcel No. 14-34-302-001

Commonly known as: 525 Martin Luther King Jr. Blvd. S.

EXHIBIT "C" LEGAL DESCRIPTION OF EASEMENT AREA.

Land situated in the City of Pontiac, County of Oakland, State of Michigan, described as follows:

The Southerly 10 feet of Lot 321, South Park Subdivision, and the Easterly 20 feet of Lot 321, South Park Subdivision, according to the Plat thereof as recorded in Liber 47 of Plats, at Page 21, Oakland County Records.

Tax Parcel No. 24-34-302-002

DRIVEWAY EASEMENT AGREEMENT

This Driveway Easement Agreement (the "Agreement") is made and entered into on _______ 2019, by and between the City of Pontiac, a Michigan municipal corporation ("Grantor"), and Pontiac Center Investment, LLC, a Michigan limited liability company ("Grantee").

RECITALS

WHEREAS, Grantee owns the real estate described in Exhibit "A" attached hereto and incorporated herein by this reference, abutting and situated directly South of (the "Southern Parcel") the real estate owned by the Grantor (the "Grantor's Property") as well as the real estate described in Exhibit "B" attached hereto and incorporated herein by this reference, which abuts and is situated directly North of the Grantor's Property (the "Northern Parcel"); and

WHEREAS, Grantee wishes to acquire a driveway easement from Grantor across that portion of the Grantor's Property described in <a href="Exhibit"C" attached hereto and incorporated herein by this reference (the "Easement Area") for purposes of ingress and egress by Grantee, its employees, invitees, successors and assigns (collectively, the "Grantee Parties") from the Southern Parcel to the Northern Parcel, and vice a versa, each owned by the Grantee, which will burden the Easement Area of the Grantor's Property for the mutual benefit of Grantee's Southern Parcel and Northern Parcel; and

WHEREAS, Grantor has agreed to grant to Grantee an easement for ingress and egress over and across the Easement Area so that the Grantee Parties may access the Northern Parcel from the Southern Parcel and vice a versa, which shall run with the land consisting of the Southern Parcel, Easement Area and Northern Parcel;

NOW, THEREFORE, in consideration of the mutual promises and covenants contained in this Agreement, and other good and valuable consideration, the receipt and legal sufficiency of which is hereby severally acknowledged, the Grantor and Grantee hereby agree as follows:

- 1. Incorporation of Recitals. The foregoing Recitals are hereby incorporated in this Agreement for the reason that they are contractual in nature.
- 2. Burdened Property. Grantor owns the Grantor's Property upon which the Easement Area is situated.
- 3. Grant of Driveway Easement. Grantor hereby grants to Grantee an exclusive perpetual and irrevocable driveway easement for ingress and egress by both pedestrians and motor vehicles over and across the Easement Area portion of the Grantor's Property, so that the Grantee Parties shall be able to gain access to and from the Northern Parcel and the Southern Parcel over and across the Easement Area.
- 4. Consideration. Grantee, in consideration of the grant of the easement stated in this Agreement has agreed to undertake the obligation to maintain the Easement Area as provided in Section 5 below, and Grantor has agreed to accept such consideration.
- 5. Improvement and Maintenance. Grantee shall have the right to improve the Easement Area with asphalt or concrete pavement and install any necessary drainage piping in accordance with applicable law. Grantee, its successors and assigns shall maintain the Easement Area in accordance with applicable law and not allow it to become unsightly or a nuisance.
- 6. Interest in realty. The driveway easement is to be an easement over and across the Easement Area for the use and benefit of the Northern Parcel, Southern Parcel and Grantee Parties and is to be an appurtenance to the Northern Parcel and Southern Parcel and run with the land.
- 7. Insurance. The Grantee shall obtain liability insurance upon the Easement Area to cover any liabilities which arise as a result of the use by the Grantee Parties of the Easement Area and the Grantee shall name the Grantor as an additional insured party for the Easement Area.
- 8. Indemnification. Grantee and its successors and assigns shall indemnify and hold the Grantor and its successors and assigns harmless from and against any and all claims, debts, causes of actions, or judgments for any damage to any property or injury to any person which may arise out of any of the actions within, use of, or around the Easement Area, by the Grantee Parties. This Provision shall survive the termination of this Agreement.
- 9. Entire Agreement. This Agreement and all Exhibits constitute the entire agreement between the parties with respect to the subject matter of this Agreement, and all prior negotiations and agreements with respect to the Easement Area between the parties, whether written or oral, shall be of no further force and effect. This Agreement may not be modified except by a written document signed by both parties

10. Notice. Except as otherwise provided, all notices required under this Agreement shall be effective only if in writing, and shall be either personally served or delivered by a nationally recognized express delivery service, all costs prepaid, to the appropriate party at its address as set forth below:

打樓的第三人称形式

If to Grantor:

City of Pontiac

47450 Woodward Avenue Pontiac, Michigan 48342

Attention:

If to Grantee:

Pontiac Center Investment, LLC 251 E. Merrill Street, Suite 212 Birmingham, Michigan 48009 Attention: Jeffrey A. Ishbia

Either party may change its address by giving notice of the change to the other as provided in this section.

- 11. Severability. If any term, covenant, or condition of this Agreement or the application of which to any party or circumstance shall be to any extent invalid or unenforceable, the remainder of this Agreement, or the application of such term, covenant, or condition to persons or circumstances other than those to which it is held invalid or unenforceable, shall be effective, and each term, covenant, or condition of this Agreement shall be valid and enforced to the fullest extent permitted by law.
- 12. Jurisdiction and Venue. Any disputes under this conveyance shall be subject to the laws of the State of Michigan and venue for any disputes shall lie in Oakland County, Michigan.
- 13. Time is of the essence. Time shall be of the essence in the performance and actions undertaken under this Agreement.
- 14. Exhibits. The following exhibits are attached to and are a part of this Agreement:
 (a) Exhibit "A" Legal Descriptions of Southern Parcel; (b) Exhibit "B" Legal Description of Northern Parcel; and (c) Exhibit "C" Legal Description of Easement Area.
- 15. Effective date. Grantor and Grantee have signed this Agreement and it shall be effective as of the day and year first above written.

[Signatures contained on following page]

GRANTOR:				,
City of Pontiac, a Michigan municipal corporat	ion			
Ву:				
Its:	<u></u>			
STATE OF MICHIGAN)				
COUNTY OF OAKLAND)	•	•		
Acknowledged before me in C by, foregoing instrument on behalf	Dakland Count known to be of the Grantor	y, Michigan, on _ the person who ex	secuted and deliv	, 2019, vered the
Encourage Control	, Notary Publ	:: <u>:</u>		
State of Michigan, County of C My commission expires:	Dakland			
GRANTEE:				
Pontiac Center Investment, L Michigan limited liability con	,			
Зу:				
By: Jeffrey A. Ishbia			•	
ts: Manager				

[Acknowledgment contained on following page]

STATE OF MICHIGAN)
COUNTY OF OAKLAND)
Acknowledged before me in Oakland County, Michigan, on
, Notary Public State of Michigan, County of Oakland My commission expires:
My commission expires:

Drafted by and return to: Mark W. Cherry (P39981) Ishbia & Gagleard, P.C. 251 E. Merrill Street, Suite 212 Birmingham, Michigan 48009

EXHIBIT "A" LEGAL DESCRIPTION OF SOUTHERN PARCEL

[SEE ATTACHMENT CONSISTING ON ONE PAGE]

(Attached to and becoming a part of Covenant Deed dated; June 28, 2017 between Pontiac Center, LLC, as Grantor(s) and Pontiac Center Investment, LLC, a Michigan limited liability company; as Grantee(s).)

EXHIBIT A

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Part of Lot 12, all of Lots 13 through 104, both inclusive, part of Lots 105 through 107, both inclusive, part of Lots 111 through 112, both inclusive, all of Lots 113 through 186, both inclusive, part of Lot 187, all of Lots 188 through 320, both inclusive, Lots 322 through 339, both inclusive, Lots 343 through 361, both inclusive, parts of vacated alleys, parts of vacated Midway and Irvin Avenues and all of vacated Greendale, Plainfield, Central, Ferry and Woodford Avenues, of SOUTH PARK, according to the plat thereof recorded in Liber 47 of Plats, Page 21 of Oakland County Records, being more particularly described as: Commencing at the Southwest corner of Section 34 (as monumented), Town 3 North, Range 10 East, City of Pontiac, Oakland County, Michigan; thence North 01 degrees 12 minutes 09 seconds East 59.72 feet along the West line of said Section 34; thence South 87 degrees 18 minutes 59 seconds East 60.17 feet to a point on the East line of Martin Luther King, Jr. Boulevard and West line of SOUTH PARK, as recorded in Liber 47, Page 21 of Plats, Oakland County Records, said point also being the Southwest corner of Lot 71 of said SOUTH PARK, and point of beginning; thence North 01 degrees 11 minutes 21 seconds East along the East tine of Martin Luther King, Jr. Boulevard and West line of SOUTH PARK, 1,326,13 feet to a point on the centerline of vacated Midway Avenue; thence South 87 degrees 18 minutes 59 seconds East along the centerline of vacated Midway Avenue, 286.26 feet; thence North 50 degrees 29 minutes 10 seconds East, 18.16 feet to a point on the centerline of a 10-foot wide public walk extended; thence South 87 degrees 18 minutes 59 seconds East along said centerline, 146.54 feet to a point on the West line of Lot 361 of said SOUTH PARK; thence North 02 degrees 41 minutes 01 seconds East, along the West line of Lot 361, 119.03 feet to a point on the Southerly line of the abandoned Grand Trunk Western Railroad right-of-way and Northerly line of SOUTH PARK; thence following next five (5) counts along said Southerly line of right-of-way and Northerly line of SOUTH PARK; (1) 102.66 feet along a curve to the left (radius 2, 062.24 feet, central angle of 02 degrees 51 minutes 08 seconds, chord bears South 74 degrees 45 minutes 57 seconds East, 102.66 feet, (2) 108.46 feet along a curve to the left (radius 1,171.82 feet, central angle 05 degrees 18 minutes 11 seconds, chord bears South 78 degrees 50 minutes 37 seconds East, 108.42 feet, (3) 668.32 feet along a curve to the left (radius 2,147.32 feet, central angle 17 degrees 49 minutes 57 seconds, chord bears North 89 degrees 35 minutes 19 seconds East, 665.63 feet, (4) 51.38 feet along a curve to the left (radius 810.21 feet, central angle 03 degrees 38 minutes 00 seconds, chord bears North 78 degrees 51 minutes 20 seconds East, 51,37 feet) and (5) North 77 degrees 02 minutes 20 seconds East, 235.59 feet to a point on the Westerly line of Bradford Avenue and East line of SOUTH PARK, said point also being the Northeast corner of Lot 302; thence South 00 degrees 31 minutes 33 seconds West along the West line of Bradford Avenue and East line of SOUTH PARK, 1,026.50 feet to a point on the West line of Bradford Avenue (width varies); thence the following four (4) courses along said Westerly line of Bradford Avenue relocated; (1) South 15 degrees 34 minutes 30 seconds West, 74.17 feet to a point of tangency and (2) 179.87 feet along the arc of a curve to the right (radius 268.02 feet, central angle 38 degrees 27 minutes 05 seconds, long chord bears South 34 degrees 39 minutes 14 seconds West, 176.51 feet) to a point of reverse curvature and (3) 294.47 feet along the arc of a curve to the left (radius 330.00 feet, central angle 51 degrees 07 minutes 39 seconds, long chord bears South 28 degrees 10 minutes 09 seconds West, 284.80 feet) to a point of tangency and (4) South 02 degrees 36 minutes 20 seconds West 25.48 feet to a point on the North line of South Boulevard and South line of SOUTH PARK; thence North 87 degrees 18 minutes 59 seconds West along the North line of South Boulevard and South line of SOUTH PARK 1,366.65 feet to the point of beginning.

Tax Parcel Number: 14-34-351-006



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Commonly known as: 525 Martin Luther King Jr. Blvd. S.

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Tax Parcel No. 24-34-302-002

