

CP January 19, 2021

Of Commission as a Whole:

Whereas, in November of 2004, a Brownfield plan was originally approved for the Foundry Marketplace and the Columbus Cove Projects which anticipated conducting eligible activities totaling approximately \$9.1 Million; and

Whereas, in November of 2009, due to market and economic conditions, the City Commission for the City of Bay City (the “City Commission”) and the City of Bay City Brownfield Redevelopment Authority (the “Authority”) amended the Brownfield Plan to redefine the scope of the project to include mixed-use commercial and residential uses throughout the site with a projected investment of approximately \$65 Million upon final build-out (the “Project”); and

Whereas, in November of 2011 the City amended the Brownfield Plan (the “Second Amendment”) to redefine the scope and identify the proposed activities for a new mixed-use project; and

Whereas, in November of 2018 the City amended the Brownfield Plan (the “Third Amendment”) to identify eligible activities involved with the expanded scope of the Plan, which is a combination of commercial and residential buildings, and a reconfiguration of State Highway M-25 to extend to Ninth Street in the City of Bay City, Michigan (“Eligible Property”) as set forth in the Uptown Build-out Project – Third Amendment Brownfield Plan. The eligible activities to be conducted on the Eligible Property under the Third Amendment are expected to cost approximately \$15,385,897.10; and

Whereas, in August of 2019 the City amended the Brownfield Plan (the “Fourth Amendment”) in order to revise the boundaries of Property V of the Eligible Property to include an additional parcel (“MDOT Parcel”) and right-of-way the “McKinley ROW”) as well as to amend the boundaries of the Michigan Business Tax Credits (MBT) issued by the Michigan Economic Development Corporation (MEDC) in 2011 incorporating Zone A of the MBT credit zones into Zone B so as to not underutilize the use of the MBT credits; and to correct certain mathematical errors on the eligible activities. The eligible activities the City and Developers anticipate performing on the eligible property under the Fourth Amendment are expected to cost approximately \$11,633,273 and include site preparation, public and private infrastructure improvements, baseline environmental activities, due care activities, additional response activities, preparation and development of a brownfield plan and EGLE and (“MSF”) Act 381 Work Plans as well as administrative review fees associated with each of the departments. No additional Michigan Business Tax Credits were sought under the Fourth Amendment, though existing Michigan Business Tax Credits previously issued and not yet used or redeemed may be used under this Plan as authorized by the MSF; and

Whereas, now the Brownfield Plan is being amended (the “Fifth Amendment”) in order to amend the boundary of MBT Credit Zone B. Consumers Energy has a utility service pole currently supporting a high voltage overhead line that runs through a portion of the planned development within MBT Zone B. Without the relocation of this line, the construction of the units G7-10 is not

possible. Units G2-G6 are also unable to be constructed safely due to the risks involved with construction activities so close to this line. Due to these unforeseen circumstances, the Developer proposes to build two alternate structures, D4-12 & D14-18, that are currently located in MBT Zone A and to amend the boundary of MBT Zone B to encompass said structures. No additional eligible activities will be included under the Fifth Amendment; and

Whereas, the redevelopment of contaminated Eligible Property in the City, the expansion of the City's commercial base and increased employment opportunities are high priorities for the Authority and for the City as a whole; and

Whereas, the eligible activities to be conducted on the Eligible Property under this Fifth Amendment to the Brownfield Plan are not expected to add any additional costs above the prior amendments; and

Whereas, the approval of the Fifth Amendment to the Brownfield Plan will enable the City to capture tax increment revenues to pay for site preparation, public and private infrastructure improvements, baseline environmental activities, due care activities, additional response activities, preparation and development of a brownfield plan and EGLE and Michigan Strategic Fund ("MSF") Act 381 Work Plans as well as administrative review fees associated with each of the departments, additional response activities and other eligible activities allowed under Public Act 381 of 1996, as amended ("Act 381"), as set forth in the Brownfield Plan; and

Whereas, the redevelopment of the Eligible Property in the downtown area, as set forth in the Fifth Amendment to the Brownfield Plan, is consistent with the City's overall redevelopment goals for that area; and

Whereas, without the approval of the Fifth Amendment to the Brownfield Plan, the City would not be able to facilitate the Developer's proposed project by constructing public infrastructure on the Eligible Property and the area adjacent to and serving the proposed redevelopment; and

Whereas, the approval of the Fifth Amendment to the Brownfield Plan, will enable the City to place additional captured tax increment revenues into a Local Brownfield Revolving Fund to be used at the Eligible Property and other Brownfield sites within the City to assist with additional redevelopment; and

Whereas, on January 19, 2021 at 6:30 p.m., the City Commission held a public hearing in accordance with public notices published in accordance with Act 381, as authorized by Act 381.

Whereas, at least ten days prior to the public hearing, the Commission provided notice to and fully informed all taxing jurisdictions regarding the fiscal and economic implications of the proposed Fifth Amendment to the Brownfield Plan, and provided them with an opportunity to be heard; and

Whereas, as a result of its review of the fiscal and economic implications and upon consideration of the views and recommendations of the taxing jurisdictions, the City Commission desires to proceed with the adoption of the Fifth Amendment to the Brownfield Plan; and

Whereas, the City Commission for the City of Bay City finds that the approval of the Fifth Amendment to the Brownfield Plan constitutes a valid public purpose.

Now Therefore Be It Resolved that the City Commission for the City of Bay City has determined that the Fifth Amendment to the Brownfield Plan for the Uptown Build-out Project meets all of the requirements for a Brownfield Plan as specified in Public Act 381 of 1996 and that the plan constitutes a public purpose under that act;

Be It Further Resolved that the Fifth Amendment to the Brownfield Plan is hereby approved and it is effective immediately;

Be It Further Resolved that the Mayor and City Clerk are hereby authorized to execute all documents necessary or appropriate to implement the provisions of the Fifth Amendment to the Brownfield Plan.

AYES:

NAYS:

RESOLUTION DECLARED ADOPTED

Tema Lucero, City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Bay City, County of Bay, Michigan at a regular meeting held on January 19, 2021.