



## Legislation Text

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**File #:** 19-1164, **Version:** 1

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Resolution to Approve the Broadway Park Redevelopment Brownfield Plan (BRC Recommendation: Approval - 4 Yeas and 0 Nays)

Attached is a resolution to approve the Broadway Park Brownfield Plan. Approval of this resolution will allow the Brownfield Plan to advance to the Washtenaw County Brownfield Redevelopment Authority (WCBRA), to authorize Tax Increment Financing (TIF) to reimburse the developer for the eligible activities identified within the Plan.

The Brownfield Review Committee, at its meeting of May 29, 2019, recommended approval of this request.

### Petition Summary:

- The developer proposed a multi-use redevelopment of the 13.8 acre site, including residential condominium, restaurant, hotel and retail. The majority of the site (8 ac) will be reserved for outdoor recreational uses, including a 8,000 s.f. all-season pavilion. The balance of the site will be developed with approximately 20,000 s.f. of retail/restaurant, 104 for-sale condominiums, and a 276 space parking deck, 50% of which will be reserved for public use.
- The parcel proposed for redevelopment was historically occupied by a manufactured gas plant owned by Michcon/DTE. DTE currently owns the site and is considered a Liable Party that is responsible for the environmental conditions. The Michigan Department of Environment, Great Lakes, and Energy (EGLE, formally MDEQ) and DTE have agreed to additional environmental response and long-term Due Care responsibilities. The developer is proposing additional eligible brownfield activities in order to raise the site to higher clean-up standards required for the proposed uses. These additional activities are not required by the Liable Party to comply with its minimum legal obligations. Any and all Liable Party activities are not part of the Brownfield Plan and will not be reimbursed.
- The overall private investment is estimated at \$70,500,000 by the petitioner, and a total of \$100,000,000 is estimated when hotel and retail pads are constructed by others. The Brownfield eligible activities include \$17,336,999 in developer-reimbursable costs, including \$9,336,999 in Environmental Activities and Non-Environmental Activities are capped at \$8,000,000, where the Brownfield Plan includes up to \$10,800,000 in possible Non-Environmental activities.
- Seven percent (7%) of annual tax increment will be captured for the Local Brownfield Revolving Fund, and/or Brownfield Program Administrative Fees. The total estimated LBRF/Admin capture is \$1,352,047 over the projected 12 year TIF period required to reimburse for all expenses.
- The Broadway Park Redevelopment Second Reading of the PUD Rezoning is also being considered by City Council on July 1, 2019.

Upon a favorable recommendation by the City Council, the resulting Brownfield Plan will be forwarded to the Washtenaw County Brownfield Redevelopment Authority and Washtenaw County Board of Commissioners for final consideration and adoption.

Attachments:    Broadway Park Redevelopment Brownfield Plan Staff report to the BRC dated 5-29-19

                  Broadway Park Redevelopment Brownfield Plan dated 5-20-19

Prepared by:    Nathan Voght, Brownfield Coordinator

Reviewed by:    Derek Delacourt, Community Services Area Administrator

Approved by:    Howard S. Lazarus, City Administrator

Whereas, The Developer, Lower Town Partners, LLC has requested approval of the Broadway Park Redevelopment Brownfield Plan in order to pursue tax increment financing through the Washtenaw County Brownfield Redevelopment Authority;

Whereas, The Washtenaw County Board of Commissioners established the Washtenaw County Brownfield Redevelopment Authority (WCBRA), which facilitates the implementation of plans relating to the identification and treatment of environmentally- distressed areas within the County of Washtenaw, pursuant and in accordance with provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the 1996 of the Public Acts of Michigan, as amended (the "ACT");

Whereas The ACT requires explicit consent of each local unit of government included in the Authority, which the City of Ann Arbor joined by resolution R-24-1-02;

Whereas, The Brownfield Review Committee, on May 29, 2019, recommended approval of the petition;

Whereas, The property included in the Plan was determined to be a Facility, as required by Act 381;

Whereas, The Developer had paid the Application Fee for City review of the application;

Whereas, Any reimbursement by the WCBRA based on an approved Brownfield Plan is for actual eligible expenses only;

Whereas, The burden is on the development to building the project and pay taxes in order for tax capture and reimbursement to occur;

Whereas, The City is not liable for any costs associated with the project if the project is not built or if it fails to achieve the estimated taxable value;

Whereas, It is understood that neither the initiation of the review process by the WCBRA for development of the Brownfield Plan nor the recommendation of the Brownfield Plan to WCBRA by the City is a guarantee that it will be approved by the Washtenaw County Board of Commissioners, EGLE, MSF, or that financial incentives will be obtained;

Whereas, On May 29, 2019, The Brownfield Review Committee recommended approval of the Brownfield Plan for Broadway Park Redevelopment; and

Whereas, The City Council held a public hearing on July 1, 2019 to receive public comment on the

Brownfield Plan;

RESOLVED, That City Council approve the Broadway Park Redevelopment Brownfield Plan submitted to the City and dated May 20, 2019;

RESOLVED, That the City Clerk be directed to submit a copy of this Resolution to the Washtenaw County Board of Commissioners as documentation of the City's consideration and concurrence of the Brownfield Plan; and

RESOLVED, That any changes to the Brownfield Plan after the date of this Resolution will require review by the Committee and approval by City Council.