

Planning and
Development

Derek L. Delacourt

DATE: July 21, 2006

TO: City Council

RE: Madison Park

Per request, this memo is an update regarding the projects' Site Plan Review and Brownfield Redevelopment Process.

Site Plan

The proposed site plan has been reviewed by the City's Planning Commission and forwarded to the City Council for review.

Brownfield Redevelopment

- March 4, 2004: The BRA conditionally approved a proposed brownfield plan for the site
- May 19, 2004: The City Council conditionally approved the brownfield plan
- June 17, 2004: BRA accepted for submittal to DEQ an initial 381 Work Plan
- August 20, 2004: DEQ letter requests changes and additional information regarding the Work Plan
- September 19, 2005: REI provides update to the BRA regarding the Work Plan and potential changes/alterations.
- September 20, 2005: informational Planning Commission meeting regarding Madison Park
- July 14, 2006: REI provided Staff a Grant/Loan application in the Authority's name, the application is tentatively scheduled for review by the Authority in August.

There has not been an amended Brownfield Plan or Revised 381 Work Plan submitted for acceptance or submittal to the DEQ since the original plans of 2004. The City's environmental consultants did review and comment on a revised 381 plan in August of 2005.

If the proposed remediation/381 plan is altered from the plan submitted in June of 2004 a revised plan is required to be submitted and reviewed by the BRA prior to approval by the DEQ.

13. OBLIGATIONS OF THE CITY OF ROCHESTER HILLS.

A. The City shall vacate and abandon any unnecessary easements which are existing and which are required for the development of REI's Property

B. The City recognizes that the redevelopment of the Property may not be economically feasible without funding the landfill excavation and backfilling and associated brownfield activities through a public financing vehicle, which may include a combination of state, county and/or federal grants or bonds, some of which funding sources may require local participation. In connection therewith, REI and the City will work together in good faith to secure public financing in an amount sufficient to cover all eligible brownfield activities under the Act (including, without limitation, those activities more fully described in Paragraph 8.E. of this Judgment) and to permit the governmental agency(ies) involved to recover any costs advanced through tax increments generated by the project. However, the foregoing is not intended to commit or obligate the City to provide financing or issue bonds for the brownfield activities.

C. The City and REI shall grant to each other such easements as are necessary to effectuate the intent of the parties provided with respect to REI, such granted easements do not interfere with or prohibit or diminish the use of its property in any manner.

D. As described in Paragraph 5.H. above, the City shall use best efforts to cause a portion of the so-called "rails to trails" property owned by the City to be relocated in order to facilitate REI's development of the Property in accordance with Exhibit C, including securing any necessary approvals from the Michigan Department of Natural Resources and any other required consents as soon as reasonably possible..