
Memo

TO: Leelanau County Brownfield Redevelopment Authority

FROM: Logan Mulholland, Brownfield Project Analyst

DATE: July 12, 2024 **PROJECT NO.:** 230894

SUBJECT: Procedures for Terminating the West Bay/West Shore Hotel Redevelopment Brownfield Plan: 13336 and 13380 South West-Bay Shore Drive

Fishbeck assists in the implementation and management of all active brownfield plans adopted by the Leelanau County Board of Commissioners for the Leelanau County Brownfield Redevelopment Authority (LCBRA). Fishbeck has previously noted that the West Bay/West Shore Hotel Redevelopment Brownfield Plan has reimbursed all obligations and the purposes for which the plan was established have never been accomplished. Therefore, the LCBRA may terminate the plan. This memo serves as a roadmap to assist the LCBRA in terminating the plan.

For the LCBRA to terminate the Brownfield Plan, the County must make the following determinations:

1. That the project for which the Brownfield Plan was established failed to occur for at least 2 years following the date of the resolution approving the Brownfield Plan or Plan Amendment.
2. All obligations to which the tax increment revenues are pledged have been paid or funds sufficient to make the payment have been identified or segregated.

If the above-noted determination is made, then the County must do the following:

1. Give 30-day written notice to the developer at its last known address by certified mail or other method that documents proof of delivery attempted.
2. Provide the developer an opportunity to be heard at a public meeting, this can be done at a regularly scheduled County Board of Commissioners meeting.

Justification for the termination of the Brownfield Plan:

- The subject Brownfield Plan was adopted by resolution at the March 20, 2007, Leelanau County Board of Commissioners meeting following a publicly noticed Public Hearing and amended on June 20, 2017 by the Leelanau County Board of Commissioners.
- The Developer intended to conduct Baseline Environmental Assessment, Due Care Compliance, and additional response activities to support the redevelopment of the property as a hotel, marina, and related uses.
- The Developer has been fully reimbursed for their approved eligible expense (Brownfield Plan/Work Plan Preparation) and the LCBRA has been reimbursed for their administrative costs. Capture for the Local Brownfield Redevelopment Fund (LBRF) was not conducted as the project failed to occur, and the only eligible activity reimbursed that could be matched into the LBRF was the cost to prepare the plan.

- The proposed redevelopment has not occurred since the adoption of the Brownfield Plan on March 20, 2007, or the Brownfield Plan Amendment on June 20, 2017, well past 2 years of the date of the resolution adopting the Plan as required by Act 381 of 1996, as amended. Since this project has failed to occur, the Leelanau County Board of Commissioners intends to proceed with terminating the Brownfield Plan as allowed by Act 381 of 1996, as amended.

Recommended action by the Leelanau County Brownfield Redevelopment Authority:

- Since the project described in the West Bay/West Shore Hotel Redevelopment Brownfield Plan failed to occur within 2 years of the date of the resolution adopting the plan, March 20, 2007, or within 2 years of the date of resolution adopting the plan amendment, June 20, 2017, and there are no outstanding obligations, the Leelanau County Brownfield Redevelopment Authority moves to recommend the Leelanau County Board of Commissioners begin the proceedings to terminate the Brownfield Plan.

Recommended action by Leelanau County Board of Commissioners:

- Since the project described in the West Bay/West Shore Hotel Redevelopment Brownfield Plan failed to occur within 2 years of the date of the resolution adopting the plan, March 20, 2007, or within 2 years of the date of the resolution adopting the plan amendment, June 20, 2017, and there are no outstanding obligations, the Leelanau County Board of Commissioners moves to terminate the West Bay/West Shore Hotel Redevelopment Brownfield Plan.

This termination is subject to a 30-day notice to the developer's last known address inviting the developer to be heard during the public comment period of a regularly scheduled County Board of Commissioners meeting after the 30-day notice.

If you have any questions or require additional information, please contact me at 269.544.6966 or lmulholland@fishbeck.com.

By email