City of Hart, Michigan
CITY COUNCIL AGENDA
August 27, 2024, 7:30 PM
407 State St. – Council Chamber
NOTICE OF PUBLIC MEETING
REGULAR COUNCIL MEETING

1. Call to Order
2. Roll Call – Burillo, Cunningham, Evans, Hodges, Klotz, Trygstad, Platt
3. Pledge of Allegiance
4. Approval of Agenda
5. Public Comments – **Public comment on any matter other than a scheduled public hearing. We ask that you please limit your comments to 3 minutes.**
    a. Correspondence, Events, Presentations
    b. *Public Hearing – Rezoning of 3 E Main Street Properties*
6. Consent Agenda:
    a. Approval of Minutes from August 13, 2024
    b. Bills, Claims, Payroll
    c. Reports of Boards, Commissions, and Committees
    d. Department Reports – Police/BioPure/Public Works/Energy/♥C&E Dvlp./Parks & Rec
7. Action Items
    a. Ordinance 2024-02 Rezoning of 3 E Main Street Properties from B-2 General Business to PUD – Planned Unit Development
8. Discussion Items
9. City Manager Report
    a. Review Quarterly Investment Report
10. Communications from the Mayor and Council (Including board and committee updates.)
11. Adjournment –

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CITY OF HART
407 S. STATE ST.
HART, MI 49420
REGULAR MEETING OF CITY COUNCIL - COUNCIL PROCEEDINGS
August 13th, 2024
MINUTES – Draft

PRESENT: Mayor Vicki Platt, Councilors Catalina Burillo, Jim Cunningham, Dean Hodges, Amanda Klotz and Kris Trygstad
ABSENT: Jim Evans
OTHERS PRESENT: City Manager – Rob Splane, BioPure Superintendent – Paul Cutter, Hart Police Chief – Juan Salazar, Christina Juska, Nicholas Maar, Gayle Harris and Sharon Hallack

Mayor Platt called the meeting to order; following the roll call, then led the Council in the pledge of allegiance.

APPROVAL OF AGENDA:

- C. Burillo motioned to approve Amended agenda and was supported by K. Trygstad
  - Ayes: 6 Nays: 0 Absent: 1

PUBLIC COMMENTS:

- None

CORRESPONDENCE, EVENTS, PRESENTATIONS:

- NONE

CONSENT AGENDA:

- Approval of minutes from July 23rd, 2024
- Bills, Claims, Payroll
- Reports of Boards, Commissions, and Committees
- Department Reports – Police/BioPure/Public Works/Energy/C&E Dvlp
  - J. Cunningham motioned to approve Consent Agenda and supported by A. Klotz
    - Ayes: 6 Nays: 0 Absent: 1

ACTION ITEMS:

- Resolution 2024-22 Accept Bids and Award West Main Street Resurfacing Project
  WHEREAS, the City of Hart is responsible for the maintenance and repair of City Streets; and
  WHEREAS, the City of Hart has funding available in Major Streets 202 Fund to cover the cost of resurfacing West Main Street which currently holds a Pavement Surface Evaluation and Rating of PASER designation of "Poor" condition; and
  WHEREAS, per City Council direction in May of 2024, the project has been budgeted for, engineering specifications have been developed, and public bids have been sought: and
  WHEREAS, in order to secure the benefits of efficient self-government and to promote and protect our common interests and welfare, the City Council hereby declares:
  NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL

  Accepts six sealed bids for the resurfacing of West Main Street.
  Authorizes and approves the resurfacing of West Main Street from the West Main fill west of the City limit and awards the work to low-bidder Wadel Stabilization $302,059.30
  Directs the City Manager to sign all related documents on behalf of the City of Hart

  - C. Burillo motioned to approve Resolution 2024-22 and supported by D. Hodges
    - Ayes: 6 Nays: 0 Absent: 1

DISCUSSION ITEMS:

- Safe Routes to School – Status update and South Plum alignment
  Wanted to give a status update its been going on 7 years now but finaly got approval from MDOT to continue to work the project and still on track to bid out in October, with construction in 2025. Wanted to touch base on what to do with South Plum Street with working with both Fleis and Vanderbrink and Prein Newhof Plum Street is going to be very tricky to surface as there is drainage issues as well as infrastructure issues on that street. It is a planned project, but for this street being a very lightly traveled street it is going to be a significant investment as they are saying upwards of $450,000. Will continue to work with engineers on this project and keep Council updated.
- Veteran's Park Bid Opening
  Low bid was $1,186,000, Currently working with engineers on ways to cut cost on this project as there is a $300,000 DNR grant with City matching funds, we anticipated originally the cost of the park in 2019 was around $600,000 and when we ran new numbers last year, they said it would be closer to $800,000, The City budgeted $880,000. We are going to reach out to the DNR and see if there are any grants available to help cover the inflation cost of the past few years as we would like to move forward with the planned, much needed improvements to the park. Just wanted to keep Council in the loop and will continue to update as we learn more.

CITY MANAGER'S REPORT:

Updates:

- Audit preparation went well as we anticipate our auditors to be on-site the third week in September
- Hart BioPure continues to hold ongoing progress meetings to monitor and coordinate multiple projects in an effort to support ongoing plant operations.
- Dryden Street projects continue to move ahead of schedule. Additional hazardous soil was found under Wood Street. Prein and Newhof worked with Hallack to confirm the suspicion, and the City worked with EGLE to permit the soil to be removed and hauled away, adding a level of safety to our residents and drinking water aquifer.
- The new Park and Recreation Department Superintendent has met with staff and volunteers at the Hart Historic District and, with City Hall staff support, has taken over rental scheduling of Heritage Hall, the Mudget Pavilion, and Sackrider Church.
- A meeting with Mike Grady of Gracon Technology was held in Hart to discuss cybersecurity initiatives and to begin preparing a business continuity plan for City operations in the event of a catastrophic event.
- The Michigan Municipal Risk Management Agency annual meeting is next week where we see a heavy focus on cybersecurity.
- The Starting Block Board is holding the third strategic planning session on August 28th, at 4pm at the Starting Block on Industrial Drive. The focus and planned outcomes anticipate providing sustainability for the non-profit, as well as a renewed focus on adding value to our community.
- Veteran's Day planning continues with the Oceana County Department of Veteran's Affairs, the parade will be the Saturday before Veteran's Day in November. We are told that the Anheuser Busch Clydesdale Team has already been reserved for the event.

Legacy Topics:

- Safe Routes to School trail project – **Approved for bid letting in October' 24!**

Upcoming Topics:

- Adoption of 5-year Park and Rec Master Plan
- Council review of rental inspection policies, procedures, and implementation. Chief Salazar is delayed due to 2 employee resignations and 2 employees parental leave)

COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

- C. Burillo do you happen to know what the smell is on Griswold Street just past Michigan freeze pack? There is always that one spot right there that has an odor to it. R. Splane explained that lift station 100% of all sewers in the City including our industries goes through that lift station. Not a drop gets out to the Biopure plant that does not go through that lift station, the upgrade that was done last year included a new filtration system, but you are still going to get an odor.
- Mayor Platt asked Juan to speak on behalf of the water incident that happened Sunday on Hart Lake.

ADJOURN:

- There being no further business to come before the Council, the meeting adjourned upon a motion by A. Klotz and supported by C. Burillo. The next regularly scheduled meeting will be on Aug 27th, 2024, at 7:30 pm.

Respectfully Submitted

Karla Swihart

Karla Swihart, City Clerk

Payables Date 07.24.2024	Description	Total	General +	DPW	Energy	BPTF	Water
C & D Fuehring Farms	Biosolids Hauling	$ 117,845.00				$ 117,845.00	
Cannon Technologies (Eaton)	AnnualService Hosting/Software Maintenance	$ 18,197.00			$ 9,098.50		$ 9,098.50
Charter	Hart Commons Internet	$ 114.99	$ 114.99				
Charter	Phone/Internet Starting Block	$ 358.89			$ 358.89		
Cintas	Bathroom Supplies - JGP 7/9	$ 75.97	$ 75.97				
Cintas	Bathroom Supplies - JGP 7/16	$ 75.97	$ 75.97				
Custom Tree Service	Stump Grinding JGP	$ 300.00	$ 300.00				
Ferguson	Water Meter Reg P/C USG 5/8 T10	$ 4,204.80					$ 4,204.80
First Advantage	Employee Drug Screening T. Stoneman	$ 445.83				$ 445.83	
First Net	Police Modems	$ 88.46	$ 88.46				
Freed Management Co	Firewood - JGP	$ 400.00	$ 400.00				
Frontier	Phone Service - JGP	$ 153.93	$ 153.93				
Frontier	Phone Service - Dam	$ 106.86			$ 106.86		
Grace Adventures	Hart Sparks - Activity Rental	$ 562.00	$ 562.00				
Gracon	Microsoft License - L. Brown	$ 310.49	$ 310.49				
Greenscape General Contracting	Application 7 Storage Lagoon/RIB Repair	$ 37,509.69				$ 37,509.69	
GRP Engineering Inc	Powers Substation Diesel Plant Line Rebuild June	$ 6,000.00			$ 6,000.00		
GRP Engineering Inc	Misc. Engineering Seneca Foods	$ 160.00			$ 160.00		
GRP Engineering Inc	Powers Substation Diesel Plant Line Rebuild May	$ 6,000.00			$ 6,000.00		
GRP Engineering Inc	Misc. Engineering	$ 760.00			$ 760.00		
GRP Engineering Inc	Misc. Engineering	$ 717.50			$ 717.50		
GRP Engineering Inc	Misc. Engineering	$ 1,240.00			$ 1,240.00		
GRP Engineering Inc	Misc. Engineering	$ 1,881.25			$ 1,881.25		
Hallack Contracting	Dryden & Wood St Application 4	$ 425,075.29		$ 425,075.29			
Hallack's	Pea Stone - JGP	$ 43.00	$ 43.00				
Hallack's	Dune Sand/Delivery/Labor - JGP Beach	$ 6,300.00	$ 6,300.00				
Hart Cemetary Commission	3rd Quarter 2024 Disbursement	$ 4,250.00	$ 4,250.00				
Hart Cemetary Commission	Tax Disbursement Summer 2024	$ 1,699.94	$ 1,699.94				
Huntington National Bank	CC Statement June 2024 All Depts	$ 13,399.96	$ 11,014.75	$ 648.29	$ 1,321.44	$ 415.48	
Hydrocorp	Corss Connection Program Fee	$ 707.00					$ 707.00
JR Accounting	Accounting Assistance	$ 693.75	$ 693.75				
KISM, LLC	Scada Monitoring System	$ 17,032.00				$ 17,032.00	
Lara	LIEAF Payment	$ 953.92			$ 953.92		
Lawson-Fisher Associates	2024 Licensing Requirements / Dam	$ 21,274.97			$ 21,274.97		
Linde	Cylinder Rental - DPW	$ 86.30		$ 86.30			
Louis Gelder & Sons Company	Scag Parts	$ 159.13		$ 159.13			
MacQueen	Street Sweeper Lease Payment	$ 5,800.00		$ 5,800.00			
Mc Kenna	Planning Services Project 22-069	$ 1,322.50	$ 1,322.50				
Meekhof Tire of Muskegon	Tire Repairs on Yellow Truck - DPW	$ 176.00		$ 176.00			
MPPA	Purchased Power	$ 88,885.24			$ 88,885.24		
MPPA	Purchased Power	$ 26,364.46			$ 26,364.46		
MPPA	Purchased Power	$ 38,837.49			$ 38,837.49		
MRWA	Member Registration - Whitney/Riggs	$ 210.00					$ 210.00
Napa	Auto Parts/Supplies	$ 2.41				$ 2.41	
Oceana County Animal Friends	Spay/Neuter Services	$ 430.00	$ 430.00				
Office Machines Company	Copy Overage Fees - PD	$ 51.41	$ 51.41				
OHM Advisors	State St Bridge Inspection 2024	$ 1,100.00		$ 1,100.00			
Pitney Bowes	Postage - Postage Meter	$ 1,009.75	$ 252.44		$ 252.43	$ 252.44	$ 252.44
Pixel Grafix	Tax Envelopes	$ 283.58	$ 283.58				
Power Line Supply	Parts/Supplies	$ 483.00			$ 483.00		
Power Line Supply	Parts/Supplies	$ 2,342.88			$ 2,342.88		
Power Line Supply	Parts/Supplies	$ 360.82			$ 360.82		
Power Line Supply	Parts/Supplies	$ 152.52			$ 152.52		
Power Line Supply	Parts/Supplies	$ 32.77			$ 32.77		
Power Line Supply	Parts/Supplies	$ 2,082.30			$ 2,082.30		
Power Line Supply	Parts/Supplies	$ 1,900.02			$ 1,900.02		
Prein & Newhof	2240427 Creeks Replat	$ 927.25	$ 927.25				
Prein & Newhof	NPDES Permit & Irrigation Expansion	$ 447.50				$ 447.50	
Prein & Newhof	Drinking Water Asset Mgmnt	$ 2,229.20					$ 2,229.20
Prein & Newhof	Drinking water Asset Mgmnt Phase 3	$ 3,795.00					$ 3,795.00
Prein & Newhof	SRF Wastewater Imp.	$ 1,597.95				$ 1,597.95	
Prein & Newhof	BioPure Facility Construction Phase	$ 3,277.45				$ 3,277.45	
Prein & Newhof	Dryden & Wood St Reconstruction	$ 32,835.80		$ 32,835.80			
Prein & Newhof	East Main St Resurfacing	$ 2,767.00		$ 2,767.00			
Prein & Newhof	Source Water Protection Plan Update	$ 246.00					$ 246.00
R.A. Dinkel & Associates, INC	Team/Dalmac Grant - Lights/Flashers/Bells	$ 1,560.00	$ 1,560.00				
Riverbeat Music	Music on the Commons 7/25	$ 600.00	$ 600.00				
Rotary Club of Hart	Q1 2024-25 dues - R. Splane	$ 195.00	$ 195.00				
Silver Lake Electric	Replace GFCI Plug & Breaker - JGP	$ 356.00	$ 356.00				
Silver Lake Electric	Service Call Lot 70 & 53	$ 175.00	$ 175.00				
Steve's Auto	Oil Change - Police Dept	$ 63.94	$ 63.94				
Sylo Heating & Cooling LLC	Mini Split Installation - Substation	$ 1,624.00			$ 1,624.00		
T & R Electric	Single Phase Pad Mount/Misc Items	$ 8,342.71			$ 8,342.71		
Tanner Plumbing & Heating	Plumbing/Heating Parts	$ 35.24			$ 35.24		
TNT Enterprize	Ground Maintenance Assistance	$ 600.00	$ 600.00				
Trace Analytical	Water Testing	$ 139.65				$ 139.65	
Verizon	Department Phones	$ 638.23	$ 82.16	$ 243.06	$ 175.79	$ 137.22	
Verizon	Office Phones	$ 482.71	$ 394.90	$ 29.27	$ 29.27	$ 29.27	
Wadel Stabilization	Water Service Replacement 425 Water St	$ 3,220.00					$ 3,220.00
Wadel Stabilization	Riverside & Griswold Lift Station Application 3	$ 127,951.58				$ 127,951.58	
	Sub-total	**$ 1,055,118.25**	**$ 33,377.43**	**$ 468,920.14**	**$ 221,774.27**	**$ 307,083.47**	**$ 23,962.94**
HAND CHECKS/ACH/EFT							
Alerus	City Share 401 Retirement - PR 194	$ -	$ -				
US Postmaster	Postage/Tax Bills						
AFLAC	Insurance Premium	$ -	$ -				
Guardian	Insurance Premium	$	$				
Delta Dental	Insurance Premium	$	$ -				
MWG/Amfirst	Insurance Premium	$ -	$ -				
Blue Cross Blue Shield	Insurance Premium	$ -	$ -				
	TOTAL HAND CHECKS	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
	Sub-Total Regular Bills/Hand Checks	***$ 1,055,118.25***	***$ 33,377.43***	***$ 468,920.14***	***$ 221,774.27***	***$ 307,083.47***	***$ 23,962.94***
Gross Payroll	PR 209	$ 87,692.39					
	Sub-Total	**$ 87,692.39**					
	GRAND TOTAL	***$ 1,142,810.64***	**$ 33,377.43**	**$ 468,920.14**	**$ 221,774.27**	**$ 307,083.47**	**$ 23,962.94**

HART AREA FIRE

ADMINISTRATIVE BOARD

Meeting Minutes - July 25, 2024

The Hart Area Fire Administrative Board Meeting was called to order by Chairman Gary Beggs at 7:00PM. Others present for the meeting were, Mike Potter, Mike Powers, John Williams, Larry Doran, Jake Whelpley, Jerry Schaner, Jay McGhan, Bill Kolenda, Chief Fuehring and Undersigned.

Others present for the meeting was Assistant Chief Tubbs, FF Lynn Schiller and FF Mike Fillips

Motion was made by Potter and supported by Doran to approve the agenda as presented. Voice Vote, all yes. Motion carried.

Motion was made by Whelpley and supported by Potter to approve the minutes of the June 27, 2024 meeting as presented. Voice Vote, All Yes. Motion Carried.

Treasurer advised that we had total bills for the month of $50,061.12 and a total fund balance of $496,726.84. Treasurer advised the Motorola Solutions bill was approved last month but not paid until this month. A motion was made by Powers and supported by Schaner to pay the bills and accept the treasurers report. Roll Call vote. All Yes. Motion Carried.

Treasurer advised the board that a $250.00 donation was received from the Golden Sands Lighthouse Association, a Thank You has been sent to the association. Also Chairman Beggs, Mike Powers and Leimback met with the Insurance Agent and made changes to the coverage on our fleet of trucks. The changes amounted to about $152,000 in more coverage. Due to an error in the underwriters the coverage cost us $30 less then what the initial proposal was. Also for last years Workers Comp policy we received $350.00 back from Liberty Mutual.

Chief Fuehring advised the department has responded to 192 medical calls and 149 fire calls so far this year.

Chairman Beggs advised he has checked with the county and they believe they would be funding the rescue calls for awhile and are not in-danger of running out of funding

Chief advised the officers interviewed two subjects for adding to the department. They are Erick Eckholm and Andrew May. Following discussion the board approved adding the two to the department. Motion was made by Doran and supported by Whelpley to add Eckholm and May to the department. Voice Vote, All yes. Motion carried.

Chief advised the Silver Lake well and up and running. He is going our there tonight to show who ever is interested on how to run it. Also Truck 181 is back out at the new garage.

Chief advised Johnathan is working on getting truck 143 certified by the State of Michigan to run medicals.

Hydrant testing will be next week along with hose testing.

The Pentwater truck is in our station it is going to be the Silver Lake Truck for the dunes. One advantage will be the system on it for foam when water is a need for a fire on the dunes the foam will help put of the fire with less water. Pentwater was selling the truck as they did not use it enough.

Chairman Beggs advised he would like to see some information on how the payroll is so far for the year.

Discussion on the policy for Ffs responding using lights and siren. Inspections, Chief advised he needs to do some more research into it and will bring a policy to the board in the near future.

Beggs also advised that we should be doing the paperwork for the DOT inspections on the fire trucks when brought in for service.

Meeting adjourned at 7:24PM

Respectfully Submitted,

Daniel Leimback, Sec/Treasurer

CITY OF HART
ORDINANCE NO. 2024-02

AN ORDINANCE TO RE-ZONE 020-207-001-00 FROM B-2 GENERAL BUSINESS TO PUD – PLANNED UNIT DEVELOPMENT

First Reading:	06/11/2024
Second Reading & Adoption:	08/27/2024
Publication:	09/05/2024
Effective Date:	Ten days after publication

THE CITY OF HART ORDAINS:

The rezoning of 3 East Main Street parcel ID #020-207-001-00, 020-207-004-00, 020-207-004-50, 020-207-008-00, and 020-207-005-00, with from B-2 General Business District to PUD Planned Unit Development. The property proposed for rezoning is legally described as follows:

CITY OF HART: LOT 1, LOT 2 EXC S 1 RD OF E 4 RDS THERE OF, W 1 RD OF LOT 3 EXC S 1 RD THOF, W 76 FT OF LOT 6, W 86 FT OF LOT 7 & ALL OF LOTS 11 & 12 - BLK 7. QCD 2017/18423. WD978072 QC-L2011P3320, E 1/2 OF LOT 4 EX S 1 RD BLK 7. QCD 2017/18423. WD-L2001P5520 QC-L2011P3320. 1978 INCLS 207-002 & 011-00. W 1/2 OF LOT 4 EX S 1 RD & E 3 RDS OF LOT 3 EX S 1 RD BLK 7. QCD 2017/18423 WD978072 QC-L2011P3320. LOT 5 & S 1 RD OF LOTS 2, 3 & 4 EX W 10 FT OF LOT 2 & E 1/2 OF LOT 6 EX W 10 FT BLK 7. QCD 2017/18423. WD-L2001P19858 QC-L2011P3320 QCD 2020/426. LOT 8 & E 1/2 OF LOT 7 EX 20 FT OF W SIDE OF E 1/2 OF LOT 7 BLK 7. WD 2017/9144 & DC FOR STEVEN JAY BRUCE 2017/9144. WD922409 QC-L2011P25345

STATE OF MICHIGAN)) SS.

COUNTY OF OCEANA)

I, the undersigned, the duly qualified City Clerk of the City of Hart, Oceana County, Michigan, do hereby certify that the foregoing Ordinance amendment was adopted by City of Hart at a regular City Council meeting duly held on the ____ day of _____, 20__; and that the meeting with held in compliance with notice provisions and all other requirements of Act 267 of the Public Acts of 1976, as amended, I hereby certify that I published the Ordinance amendments and additions in the _____ on the ___ day of _____, 20__.

Karla Swihart
Hart City Clerk

City of Hart
407 State Street
Hart, MI 49420

April 26, 2024

Planning Commission Members,

I am including this communication in the May 2nd Planning Commission Packet to help explain the nature of the rezoning request for 3 East Main Street the site of the former Ceres Solutions / Farmers Co-Op Property.

In 2023, the City of Hart TIFA was able to acquire the site in an effort to perform environmental due diligence and remediate the property as necessary to seek redevelopment to a new or higher community use. TIFA is working with a redevelopment planning company named the Smith Group to design a plan that we can use to make the property attractive to a developer. They hope to have a couple of proposals for our community, planning commission, and city council review in a few months. The Smith Group has indicated that due to current city zoning this redevelopment will require the site to be a PUD to allow for zoning flexibility.

Rezoning a property in the City of Hart requires both a public hearing and planning commission approval as well as two readings by the city council before the new zoning can take effect following the publication waiting period. The Smith Group has asked that the Planning Commission recommend rezoning to the city council using the base language in the PUD agreement included in this packet. Once the Smith Group produces their suggestions, the planning commission can then make a PUD amendment and the site can proceed with finding a developer and deploying the concept.

We can discuss this workflow more on Thursday, I just wanted to explain impetus for this effort at this time.

Thank you,



~Rob Splane
City Manager
City of Hart
231-873-3546-office
www.cityofhart.org

MCKENNA

April 4, 2024

City of Hart Planning Commission
407 State St.
Hart, MI 49420

Subject: City of Hart: Planned Unit Development Agreement

THIS PLANNED UNIT DEVELOPMENT AGREEMENT (the "Agreement") is made effective as of this day of April 4, 2024, between City of Hart, a Michigan general law City (referred to as the "City"), with offices at 407 S. State St. #1, Hart, Michigan 49420; and a future Development (referred to as "The Development"), occupying most of the block located at 3 Main St. Hart, MI 49420 and states the following:

Recitals

WHEREAS, the Zoning Ordinance of the City allows for a Planned Unit Development (PUD) zoning classification as an optional method of development whereby regulations may be provided for the conservation of natural resources and features, encourage innovation in land use planning, to enhance housing, employment, shopping, traffic circulation, and to ensure the compatibility of design and use between neighboring properties and encourage development that is consistent and compatible with the City's Master Plan; and

WHEREAS, the City and The Developer wish to enter into this Agreement consistent with the applicable codes, ordinances, and regulations; and

WHEREAS, the City and The Developer each represent and warrant it has the requisite approvals and authority to enter into this Agreement to be bound accordingly;

WHEREAS, the Development, located at approximately 3 Main St., under this Agreement shall be consistent with the terms of the Agreement and any violations may result in an immediate reversion of land back to the underlying zoning district, with all provisions of this agreement voided.

NOW, THEREFORE, in consideration of the mutual covenants and considerations herein contained and based on the approval of the Planned Unit Development (sometimes referred to as the "Project") and the City of Hart Zoning Ordinance, the parties to the Agreement hereby agree as follows:

1. The Development site is made up of five individual parcels. The parent property with parcel number 020-207-001-00, is at the intersection of Main St., N. Water St., and S. Courtland St., which is situated in City of Hart, Oceana County, Michigan, and is described in Exhibit A, hereinafter as "Project Site." All of the parcels in the development are listed below. All other provisions and requirements of the Planned Unit

GRAND RAPIDS
124 East Fulton Street
6th Floor, Suite B
Grand Rapids, Michigan 49503
O 616.226.6375
F 248.596.0930
MCKA.COM

Development (PUD) zoning district shall apply to the Project Site unless otherwise stated in this Agreement or unless otherwise set forth by this Agreement.

Parcels included in the development:

- E. Main St. - 64-020-207-001-00 (Parent)
- E. Main St. - 64-020-207-004-50
- E. Main St. - 64-020-207-004-00
- S. Courtland Street - 64-020-207-005-00
- S. Courtland Street - 64-020-207-008-00

2. The land uses permitted by right on the Project Site are those presented in Exhibit A, and shall be residential and commercial uses, as defined in Chapter 1245 of the Hart Zoning Ordinance. Permitted uses include the following:

    a. Multi-Family Dwellings.

    b. Commercial Business Uses.

3. Additional land uses may be permitted, subject to a determination by the Planning Commission (by majority vote) that they meet the requirements of the Zoning Ordinance. An amendment to this agreement shall be required to add a new permitted land use.

4. There shall be no uses permitted by Special Land Use on the project site.

5. The Development shall be built out, as shown in Exhibit A (the approved Site Plan). This provision shall supersede any contradictory provision in the Zoning Ordinance.

6. The approved Site Plan in Exhibit A shall be the governing Site Plan for the site. Exhibit A may be amended, if approved by a majority vote of the Planning Commission. An amendment to this Agreement shall be required in order to amend Exhibit A. This provision shall supersede any contradictory Zoning Ordinance.

7. For any zoning-related issue not specifically addressed in this agreement, the relevant provisions of the Zoning Ordinance shall apply.

8. The Developer shall obtain all required City, State, and other governmental reviews, approvals, and permits, including but not limited to Site Plan Approval from the City and approvals by the Building Official, Fire Chief, and all County agencies with jurisdiction. All relevant Building codes shall be met prior to a Certificate of Occupancy being issued by the City.

9. The provisions of this Agreement shall be considered interdependent such that invalidation of any one or more of these covenants by judgment or decree or order of any court results in the invalidation of this entire Agreement unless the parties agree otherwise in writing. The covenants herein contained shall be binding upon the parties hereto and their respective successors and assigns and shall run with the title to the land, unless and until amended, altered or terminated pursuant to the Agreement between the City, The Developer, and its successors or assigns.

10. This Agreement shall be deemed to be mutually drafted and shall be construed under Michigan Law.

11. This Agreement is a fully integrated contract for all purposes under Michigan Law. This is the entire Agreement and supersedes any prior discussions or oral Agreements.

12. Each party herein reserves all legal rights, equitable and otherwise, to enforce the terms of this Agreement.

Signed:

_____

City of Hart by vote at a Planning Commission meeting on May 2, 2024

_____ by its _____ on _____

Developer

MCKENNA

May 3, 2024

City of Hart Planning Commission
407 State St.
Hart, MI 49420

Subject: City of Hart: Planned Unit Development Agreement

THIS PLANNED UNIT DEVELOPMENT AGREEMENT (the "Agreement") is made effective as of this day of April 4, 2024, between City of Hart, a Michigan general law City (referred to as the "City"), with offices at 407 S. State St. #1, Hart, Michigan 49420; and a future Development (referred to as "The Development"), occupying the block located at 3 Main St. Hart, MI 49420 and states the following:

Recitals

WHEREAS, the Zoning Ordinance of the City allows for a Planned Unit Development (PUD) zoning classification as an optional method of development whereby regulations may be provided for the conservation of natural resources and features, encourage innovation in land use planning, to enhance housing, employment, shopping, traffic circulation, and to ensure the compatibility of design and use between neighboring properties and encourage development that is consistent and compatible with the City's Master Plan; and

WHEREAS, the City and The Developer wish to enter into this Agreement consistent with the applicable codes, ordinances, and regulations; and

WHEREAS, the City and The Developer each represent and warrant it has the requisite approvals and authority to enter into this Agreement to be bound accordingly;

WHEREAS, the Development, located at 3 Main St., under this Agreement shall be consistent with the terms of the Agreement and any violations may result in an immediate reversion of land back to the underlying zoning district, with all provisions of this agreement voided.

NOW, THEREFORE, in consideration of the mutual covenants and considerations herein contained and based on the approval of the Planned Unit Development (sometimes referred to as the "Project") and the City of Hart Zoning Ordinance, the parties to the Agreement hereby agree as follows:

1. The Development site is made up of five individual parcels. The parent property with parcel number 020-207-001-00, is at the intersection of Main St., N. Water St., and S. Courtland St., which is situated in City of Hart, Oceana County, Michigan, and is described in Exhibit A, hereinafter as "Project Site." All of the parcels in the development are listed below. All other provisions and requirements of the Planned Unit

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Development (PUD) zoning district shall apply to the Project Site unless otherwise stated in this Agreement or unless otherwise set forth by this Agreement.

Parcels included in the development:

- E. Main St. - 64-020-207-001-00 (Parent)
- E. Main St. - 64-020-207-004-50
- E. Main St. - 64-020-207-004-00
- S. Courtland Street - 64-020-207-005-00
- S. Courtland Street - 64-020-207-008-00

2. The land uses permitted by right on the Project Site are those presented in Exhibit A, and shall be residential and commercial uses, as defined in Chapter 1245 of the Hart Zoning Ordinance. Permitted uses include the following:

    a. Multi-Family Dwellings.

    b. Commercial Business Uses.

3. Additional land uses may be permitted, subject to a determination by the Planning Commission (by majority vote) that they meet the requirements of the Zoning Ordinance. An amendment to this agreement shall be required to add a new permitted land use.

4. There shall be no uses permitted by Special Land Use on the project site.

5. The Development shall be built out, as shown in Exhibit A (the approved Site Plan). This provision shall supersede any contradictory provision in the Zoning Ordinance.

6. The approved Site Plan in Exhibit A shall be the governing Site Plan for the site. Exhibit A may be amended, if approved by a majority vote of the Planning Commission. An amendment to this Agreement shall be required in order to amend Exhibit A. This provision shall supersede any contradictory Zoning Ordinance.

7. For any zoning-related issue not specifically addressed in this agreement, the relevant provisions of the Zoning Ordinance shall apply.

8. The Developer shall obtain all required City, State, and other governmental reviews, approvals, and permits, including but not limited to Site Plan Approval from the City and approvals by the Building Official, Fire Chief, and all County agencies with jurisdiction. All relevant Building codes shall be met prior to a Certificate of Occupancy being issued by the City.

9. The provisions of this Agreement shall be considered interdependent such that invalidation of any one or more of these covenants by judgment or decree or order of any court results in the invalidation of this entire Agreement unless the parties agree otherwise in writing. The covenants herein contained shall be binding upon the parties hereto and their respective successors and assigns and shall run with the title to the land, unless and until amended, altered or terminated pursuant to the Agreement between the City, The Developer, and its successors or assigns.

10. This Agreement shall be deemed to be mutually drafted and shall be construed under Michigan Law.

11. This Agreement is a fully integrated contract for all purposes under Michigan Law. This is the entire Agreement and supersedes any prior discussions or oral Agreements.

12. Each party herein reserves all legal rights, equitable and otherwise, to enforce the terms of this Agreement.

Signed:

_____

City of Hart by vote at a Planning Commission meeting on June 6, 2024

_____ by its _____ on _____

Developer