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CITY COUNCIL SPECIAL MEETING AGENDA  
JANUARY 27, 2020, 7:00 P.M.

1. CALL TO ORDER; ROLL CALL
2. APPROVAL OF THE AGENDA
3. CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA

IF YOU WISH TO ADDRESS AN AGENDA ITEM, PUBLIC COMMENT FOR EACH ITEM WILL OCCUR AFTER THE INITIAL INFORMATION IS SHARED ON THE MATTER AND INITIAL DELIBERATIONS BY THE PUBLIC BODY. PUBLIC COMMENT WILL OCCUR BEFORE A VOTE ON THE AGENDA ITEM OCCURS

4. RESOLUTION 02-20 PERTAINING TO THE TRANSFER OF PEROPERTY WITH UNITY SCHOOL.
5. COUNCIL COMMENTS
6. ADJOURNMENT

NOTE: Any person who wishes to speak on an item included on the printed meeting agenda may do so. Speakers will be recognized by the Chair, at which time they will be required to state their name and will be allowed five (5) minutes maximum to address the Council.

**LOWELL CITY ADMINISTRATION**  
**INTER OFFICE MEMORANDUM**



**DATE:** January 2, 2020  
**TO:** Mayor DeVore and the Lowell City Council  
**FROM:** Michael T. Burns, City Manager *MB*  
**RE:** Settlement Agreement Unity Schools Investors LLC.

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Being presented are Resolutions' 01-20 and 02-20 which in essence would resolve all issues pertaining to Unity Schools Investors LLC.

Resolution 01-20 if approved will settle all matters pertaining to and authorize the Mayor and City Clerk to execute the approved agreement on behalf of the city and thus authorizing the City Manager to take all steps required to fulfill the City's obligations under the Agreement.

To summarize the settlement agreement, the terms are the following:

- The City will purchase 238 High Street for \$225,000 within 30 days of the purchase. (The Downtown Development Authority and Lowell Light and Power have resolutions to approve allowing the DDA to purchase the property on behalf of the City and for Lowell Light and Power to lend the DDA \$165,000 over a five year period with an interest of 1.75%)
- The City will support the partial vacation of the north 15 feet of High Street from Monroe Street to the west edge of the existing Unity School building on the 219 High Street Parcel with ownership of said vacated property to be transferred to Unity. The City and Unity will share all costs equally for the partial vacation and re platting of High Street adjacent to 219 High Street.
- Unity at its cost will construct curbs, gutters and sidewalks in accordance of City standards, along and within the vacated parcel. Unity will also not be limited on curb cuts for the south side of its property accessing 219 High Street.
- Subject to approval by the Michigan Department of Natural Resources (DNR), the City will transfer a 7 foot by 263.2 foot strip of Riverside Park to Unity Schools in exchange for a 10' north and 50' east portion of the southwest corner of 219 High Street. The City will retain easements for locations on the currently owned city property for underground utilities and communication lines.
- If required by the Michigan Department of Environment, Great Lakes and Energy, the City will allow a compensation cut to a portion of the banks of Stoney Lakeside Park to address any floodplain mitigation concerns at 219 High Street. Unity at its costs, will be responsible to provide the required testing of the soils to be removed and for the proper disposal of the soils.
- Since the boundary lines of High Street will change on the south and west of the Planned Unit Development relating to the property, these will be deemed as minor amendments to the PUD. The amendments shall be reviewed and approved administratively by the City's zoning enforcement officer.
- Upon execution of the settlement agreement, legal counsel for both parties shall prepare and file a Stipulated Order to Dismiss All Claims With Prejudice and Without Costs for entry by the Court in the Lawsuit.

- Unity further waives and releases any claims for the City's, City's Department of Lowell Light and Power, the Lowell Area Public Schools, or Comcast/Xfinity's past, current, and future use of the 219 and 238 High Street parcels through existing known easements of record and/or existing above ground or underground lines, including any related facilities for utility and communication services that are currently subject to written easement agreements or are contemplated to be given by Unity pursuant to this Settlement Agreement.

Since there will be a transfer of property between the City and Unity, a resolution pertaining to the transfer of property must sit at Council and be available for public review for twenty days after it has been presented, per the City Charter. Resolution 02-20 is being presented to accommodate the Charter provision and no action can be taken on this resolution until the 20 day period expires. This will also require four votes in the affirmative in order for action to be taken.

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The City can approve Resolution 01-20 this evening. In order to move forward, the resolution must be affirmed by four votes as part of the resolution involves purchasing property and thus the Charter requires four votes in the affirmative to purchase property.

**I am recommending the City Council take action on Resolution 01-20 pertaining to the Settlement Agreement with Unity Schools Investors LLC.**

**CITY OF LOWELL  
KENT COUNTY, MICHIGAN**

**RESOLUTION NO. 02-20**

**RESOLUTION APPROVING THE TRANSFER OF CITY-OWNED PROPERTY TO UNITY SCHOOL INVESTORS, LLC RELATED TO PROPERTY LOCATED AT 219 HIGH STREET IN THE CITY AND MATTERS RELATED THERETO**

Councilmember \_\_\_\_\_, supported by Councilmember \_\_\_\_\_, moved the adoption of the following resolution:

**WHEREAS**, the City and Unity School, LLC (“Unity”) have agreed, pursuant to the terms of a Settlement Agreement (the “Agreement”) to settle all claims that were or could have been asserted in a lawsuit between them related to 238 and 219 High Street in the City; and

**WHEREAS**, the City Council has, by a separate resolution approved the Agreement on January 6, 2020; and

**WHEREAS**, the Agreement provides that the City will convey to Unity City-owned property consisting of approximately 7’ x 263.2’ adjacent to the west of the 219 High Street parcel owned by Unity (the “Property”) and in return Unity will convey certain property it owns to the City; and

**WHEREAS**, the City Charter at Chapter 13, Section 13.3(b)(3) requires that before the City can adopt a final resolution authorizing the transfer of the Property the resolution must remain on file with the City Clerk for public inspection for 20 days before final adoption; and

**WHEREAS**, this resolution was placed in the City Clerk’s office on January 6, 2020, for public inspection and has remained on file to the date of this resolution.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. That in accordance with Chapter 13, Section 13.3(b)(1) the City has previously published one advertisement in the Buyers Guide on January 27, 2019 and one advertisement in the Lowell Ledger on January 30, 2019 for bids related to the Property.
2. That, subject to the terms of the Agreement, the transfer of the Property is approved, subject to the retention by the City of an easement for underground utility and communication lines.
3. That the Mayor, City Clerk and City Manager are authorized to take all steps necessary to transfer the Property to Unity.
4. That the Agreement is ratified and confirmed.

5. That all resolutions or parts of resolutions to the extent of any conflict herewith are hereby rescinded.

YEAS: Councilmembers \_\_\_\_\_  
\_\_\_\_\_

NAYS: Councilmembers \_\_\_\_\_

ABSTAIN: Councilmembers \_\_\_\_\_

ABSENT: Councilmembers \_\_\_\_\_

**RESOLUTION DECLARED ADOPTED.**

Dated: \_\_\_\_\_, 2020

\_\_\_\_\_  
Susan Ullery, City Clerk

**CERTIFICATION**

I, the undersigned City Clerk of the City of Lowell, Michigan (the "City") do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council, at a meeting held on \_\_\_\_\_, 2020, and that public notice of said meeting was given pursuant to and in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended.

Dated: \_\_\_\_\_, 2020

\_\_\_\_\_  
Susan Ullery, City Clerk