

Memorandum

To: City Planning Commission

From: Aeris Ripley

Re: August 3, 2026 Regular Meeting

Date: July 31, 2026

The regular meeting of the Alma Planning Commission will be held **August 3, 2026**, at 6:00 P.M. at the Alma Municipal Building, **525 E Superior Street, Alma, MI 48801.**

Agenda

1. Call to Order – Roll Call
2. Pledge of Allegiance
3. Minutes of the Planning Commission Meeting held on [July 6, 2026.](#)
4. [Public Hearing – Special Use Permit/Site Plan Day Care Center](#) – A request to consider a Special Use Permit for Child Care Center EIGHTCAP, INC. at 608 Wright Avenue. The location is further described by parcel number 51-344-752-05. The zoning for this parcel is OS (Office Services). OS, Zoning Districts permit Child Care Centers with the issuance of a special use permit and licensing through the State of Michigan.

Review/Approve Special Use/Site Plan

5. [Parcel Division/Split Request](#) – An application for Parcel Division has been received from Consumers Energy and the City of Alma for the property identified as Parcel Number 51-009-001-00, which is currently a 19.65-acre vacant parcel, zoned as LI, Limited Industrial. The Planning Commission is responsible for approving all splits/divisions, unless it is just a property line adjustment.

Review/Approve

6. [Request to Rescind PUD](#) – Gemini Capital Management LLC has requested to rescind and repeal the ordinance approving the Planned Unit Development, PUD, at 319 E. Downie Street, and all related PUD Development agreements between Gemini Capital Management and the City of Alma, and restore the property to the original underlying zoning layer of R1, Single Family Residential.

Review/Approve/Recommend to City Commission

7. Other Business
 - Special Meeting Scheduled for Tuesday, August 18, 2026 at 6 pm to review the Zoning Application for a Marihuana Grow Facility.
8. Invitation to Public
9. Adjourn

**City of Alma
Planning Commission Minutes
July 6, 2026**

Planning Commission Secretary Jessica Gilkins called a regular meeting of the Alma Planning Commission to order at 6:00 p.m. at the Alma Municipal Building. A quorum of the Planning Commission was present.

Present: Jessica Gilkins, David Justin, Greg Mapes, Michelle Pitts, Tim Rath, and Ellen Richter.

Absent: Joshua Cromer, Justin Fonley, and Heather Therrien.

Secretary Gilkins led those present in the Pledge of Allegiance to the United States.

Approval of Minutes

Motion by Justin, seconded by Rath, to approve the minutes of May 4, 2026, as presented. Motion carried.

Yes: Gilkins, Justin, Mapes, Pitts, Rath, and Richter.

No: none.

Absent: Cromer, Fonley, and Therrien.

Public Hearing/Special Use Permit Request

Secretary Gilkins provided the following information: a Special Use Permit application has been received from Yatooma Oil to install a six-pump gas station, with a 25' x 75' canopy over the pumps and renovation to the 1550 sq. ft. convenience store.

Motion by Mapes, seconded by Richter, to open a public hearing at 6:01 p.m. for consideration of a special use permit application from Yatooma Oil. Motion carried.

Yes: Gilkins, Justin, Mapes, Pitts, Rath, and Richter.

No: none.

Absent: Cromer, Fonley, and Therrien.

City Manager Ripley provided the following additional information:

- Fueling Station - Convenience Store is permitted within the B2, General Business district as a special use and requires a special use permit.
- Site Plan Review was completed and approved by Planning Commission on May 4, 2026.
- Public Notice was provided in the Morning Sun and 300' Public Notice Letters were mailed.
- The new fueling pumps will be located on the east side of the current convenience store. East of the new pumps is the Refinery Property Field Office Building. South of the new pumps are the self-storage buildings.

Maximum Lot Coverage in the B2, General Business District is 40%.

- Lot Size: .43 acres – 18,731 sq. ft.
- Lot Coverage: 3,425 sq.ft.
 - Existing Building: 1,550 sq.ft.
 - New Canopy Over Fuel Pumps: 1,875 sq.ft.
 - Total Lot Coverage: 17%, Maximum 40%

Setbacks

The existing building will remain and will be renovated. The renovation does not include changing the building envelope.

- Front (North) 33.5' from existing building to property line, required 35'.
- Rear (South) 48.4' from existing building to property line, required 30'.
- Side (East) 83.5' from existing building to property line, required 5'.
- Side (West) 21' from existing building to property line, required total of two sides equals 10'.

New Fuel Station Canopy

- Front (North) 27' from property line, required 15'.
- Rear (South) 26' from property line, required 15'.
- Side (East) 20.4' from property line, required 15'.

New Pump Islands

- Front (North) 31' from property line, required 25'.
- Rear (South) 30' from property line, required 25'.
- Side (East) 30.4' from property line, required 25'.

Parking

- Use is classified as a Convenience Store with Gasoline Services. The required number of parking spaces is 11; a total of 18 spaces are proposed around the convenience store and fuel locations. Two of the proposed spaces are accessible. The number of proposed parking spaces meets the requirements. The spaces are 9' x 19', the maneuvering lane between parking spaces and the fuel pumps is 35', the space between the parking spaces and the edge of the canopy is 20', and the proposed spacing will provide adequate movement of vehicles.

Lighting

- The lighting plan shows the maximum fc (foot candle) at the property line is 0.6 fc, which is below the required fc at the property line of no more than 1 fc. The lighting plan meets the requirements of the ordinance.

Trash Removal

- A dumpster enclosure is proposed on the southeast corner of the parcel, meeting the requirements of the ordinance.

Landscaping

- No Landscaping plan provided; there is a note that screening will be provided for all mechanical equipment.

Public Services Review

- Public Services Director - review memo of the site plan from the May 2026 meeting.

Staff Comments:

- The engineers have stated they will be coordinating with the drain commission and MDOT for the project.
- Section 60-78 – Automobile service stations/automobile convenience marts, auto repairs, paint and body shops: (13) The installation and use of an oil-water separator with monitoring capabilities in the facility's stormwater management system shall be required, as well as the use of best management practices for pollution for automobile filling/service operations, in order to protect surface water and groundwater quality.

Ripley explained that notice had been sent to surrounding property owners and published in the local newspaper and no comments had been received prior to the meeting. He said the applicants were present to answer any questions.

Secretary Gilkins called for any additional comments or questions. None were received.

Motion by Pitts, seconded by Rath, to close the public hearing regarding a special use permit for Yatooma Oil at 6:07 p.m. Motion carried.

Yes: Gilkins, Justin, Mapes, Pitts, Rath, and Richter.

No: none.

Absent: Cromer, Fonley, and Therrien.

Motion by Mapes, seconded by Justin, to approve a Special Use Permit Request from Yatooma Oil for a six-pump gas station, with a 25' x 75' canopy over the pumps, and renovation of the 1550 sq. ft. convenience store located at 1604 E. Superior Street. Motion carried.

Yes: Gilkins, Justin, Mapes, Pitts, Rath, and Richter.

No: none.

Absent: Cromer, Fonley, and Therrien.

No other business was presented, and no public comments were offered.

Adjourn

Motion by Justin, seconded by Pitts, to adjourn the meeting at 6:08 p.m. Motion carried.

Yes: Gilkins, Justin, Mapes, Pitts, Rath, and Richter.

No: none.

Absent: Cromer, Fonley, and Therrien.



Application to
City of Alma
Planning Commission

Date: 07/16/2026

Reset Form

For: *Special Use Permit*

Instructions to Applicants: (Requirements)

- (a) Application must be accompanied by a fee of one hundred fifty dollars (\$150.00) residential
two hundred dollars (\$200.00) commercial
- (b) Application must be accompanied by:
- 1) A site plan, prepared in accordance with Section 60-307, "Site Plan Review."
 - 2) Application must be complete in every respect before it will be considered by the planning commission.
1. Name of Applicant: EIGHTCAP, INC.
 2. Address of Applicant: 5827 ORLEANS ROAD, ORLEANS, MI 48801
Telephone #: 616.236.1037 Fax #: 616.754.9310
E-mail: LORIJ@8CAP.ORG
 3. Address and description of property for review: 608 WRIGHT AVE., ALMA, MI 48801
PARCEL NUMBER: 51-344-752-05
 4. Property is currently zoned: YES - COMMERCIAL OS, Office Services Zoning District
 5. Use for which Special Use Permit is requested: LICENSED CHILD CARE CENTER OPERATED
BY EIGHTCAP, INC. BUILDING IS OWNED BY GRATIOT INTEGRATED HEALTH NETWORK.
 6. We have submitted a site plan marked SITE PLAN - ALMA HEAD START for identification.
 7. We have submitted plans and specifications for proposed construction marked: N/A
_____ for identification.
 8. We have submitted other papers marked: _____ for identification.
- Applicant (☒ will / ☐ will not) have an authorized representative attend the hearing.
Name of representative: JANEL BOULIS, HEAD START/EARLY HEAD START DIRECTOR

Note: Such representative should be prepared to provide any further information required by the Planning Commission.

The undersigned agrees to conform to all present and future applicable requirements for approval as set forth in the Zoning Ordinance and any criteria imposed by this ordinance review.

Applicant (Owners) or Authorized Agent's signature: _____

City of Alma Zoning Ordinance available at: www.ci.alma.mi.us

Original, signed form must be presented to
City of Alma Planning Department for formal processing.

Submit form to City of Alma Planning Dept.

Memo

To: Alma Planning Commission

From: Aeris Ripley, Zoning Administrator

Date: July 31, 2026

Re: Child Care Center Conditions – Project Overview

Child Care Center - A state-licensed facility, other than a private residence, receiving one (1) or more minor children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child.

Applicant: EIGHTCAP, INC. 5827 Orleans Road, Orleans, MI 48801

Located at 608 Wright Avenue within the Gratiot Integrated Health Network Annex Building on the south end of the parcel.

The parcel is zoned OS, Office Services; Child Care Centers are permitted in the OS Zoning District as a special use, and licensing through the State of Michigan.

The Annex building is a total of 4,430 sq.ft. Parking: When the building was constructed in 2013, an additional 8 regular and 1 accessible space was created, as well as a canopy for pickups and drop-offs. There is additional parking to the north within the Gratiot Integrated Health Network parking lot.

- (1) Operators must be licensed by the State of Michigan.
 - The applicant is applying for licensure through the State of Michigan.
- (2) A compliance/occupancy permit must be obtained from the building department before operation commences.
 - A walkthrough with the City Fire Inspector will be completed to receive an Occupancy Placard.
- (3) Site plan approval by the Planning Commission must be obtained.
 - Taking place on August 3, 2026.

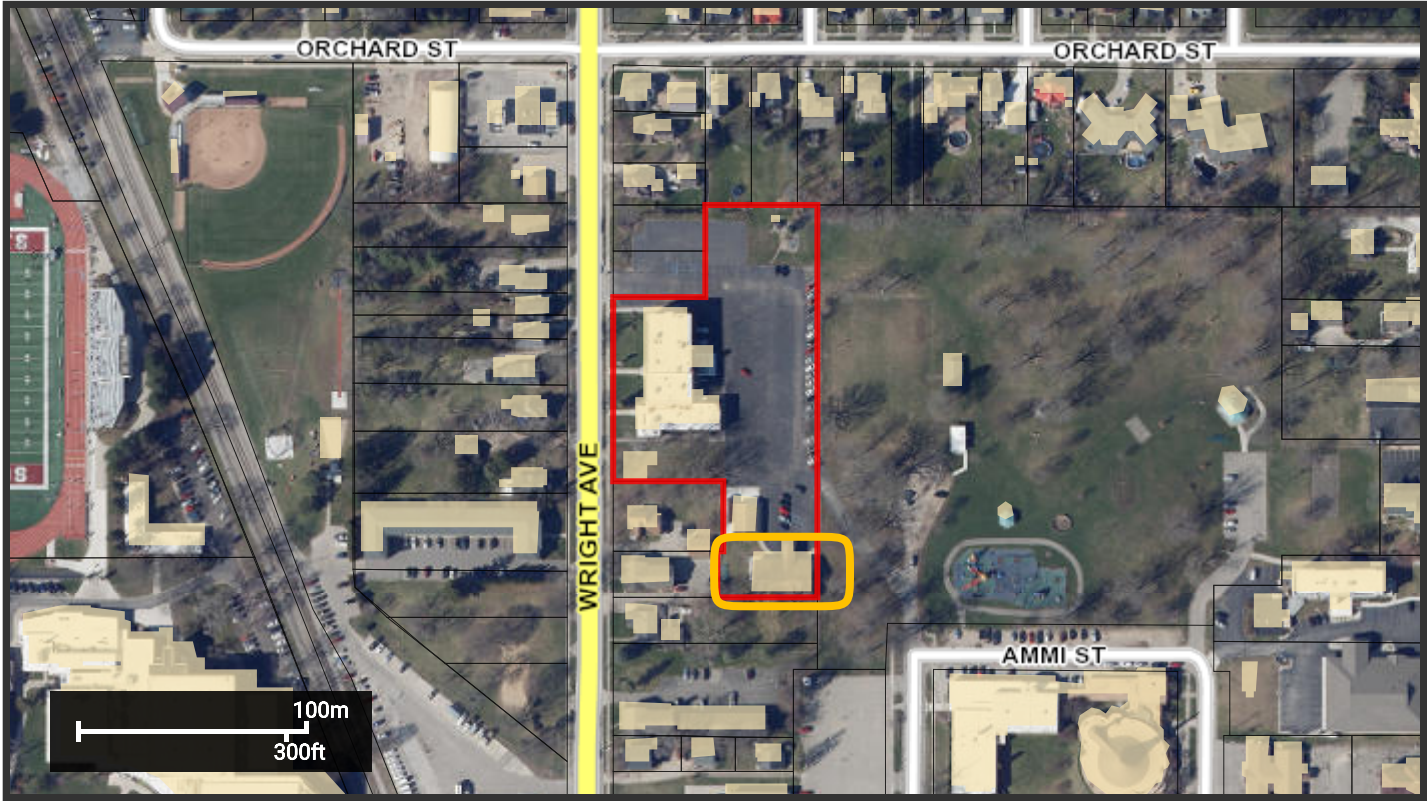
- (4) Outdoor play areas shall be fenced, and such play areas shall be made and kept safe by the caregivers.
 - The Wright Park Playscape is within 170'. The toddler play area is completely fenced. The playscape is also used by St. Mary's School.
- (5) Maintenance of the property consistent with the visible characteristics of the neighborhood.
 - The structure has been on site since 2013 and has been well maintained.
- (6) A childcare center shall comply with all fire and traffic safety standards set by the State of Michigan and the City of Alma as determined by the Alma Chief of Police and Fire Chief.
 - Before the facility can open the State Fire Marshall and the City's Fire Inspector will complete their walkthrough and approvals.
- (7) Care-givers shall maintain control of noise to protect the surrounding neighborhood.
 - The facility is adjacent to an existing city playground and elementary school. Children at play is a common occurrence.
- (8) All day care centers shall be currently registered with the 911 Dispatch Center on forms provided by Dispatch Center.
 - Will be completed before opening.
- (9) License holder and all employees shall be subject to a background check and approval by the Alma Chief of Police.
 - Will be satisfactory completed by the Chief of Police before opening.
- (10) Adequate ingress, egress, and circulation shall be provided. Vehicles must be able to easily circulate within and through the site to a designated pick-up and Drop-off area without impeding circulation on the site or traffic on nearby roads.
 - The proposed structure has an existing canopy for pickup and drop-offs. The facility is located to the interior of the parcel.
- (11) Child Care Center located within industrial zoning districts (LI, GI) shall maintain the following setbacks:
 - This parcel is not within a LI or GI Zoning District, this condition does not apply.



Gratiot GIS Authority

Parcel Report: 51-344-752-05

7/16/2026
12:36:39 PM



Property Address

608 WRIGHT AVE
ALMA, MI, 48801

Owner Address

GRATIOT INTEGRATED HEALTH NETWORK
--
608 WRIGHT AVE
ALMA, MI 48801-1617

Unit: 51
Unit Name: CITY OF ALMA

General Information for 2026 Tax Year

Parcel Number: 51-344-752-05
Property Class: 201

Class Name:	201 COMMERCIAL
School Dist Code:	29010
School Dist Name:	DISTRICT 29010

PRE 2025:	0%
PRE 2026:	0%

Assessed Value:	\$0
Taxable Value:	\$0
State Equalized Value:	\$0

Prev Year Info

Prev Year Info	MBOR Assessed	Final SEV	Final Taxable
2025	\$0	\$0	\$0
2024	\$0	\$0	\$0

Land Information

Acreage:	2.9
Zoning:	

Tax Description

COM 8 RDS SOUTH & 2 RDS EAST OF NW COR OF SW 1/4 OF SW 1/4 OF SEC 34-12-3 THE E 8 RDS, N 8 RDS E 10 RDS S 34 RDS W 150' N 4 RDS E 10' N 6 RDS W 25' N 4 RDS W 8 RDS N 12 RDS TO BEG. ALSO COM 20 RDS S OF NW COR OF SW 1/4 OF SW 1/4 OF SEC 34-12-3, E 10 RDS S 4 RDS W 10 RDS N 4 RDS TO BEG.
(EXEMPT) COMBINED FOR TAX YEAR 2025 ON 02/04/2025 FROM 51-344-752-00, 51-344-775-00;

Sales Information

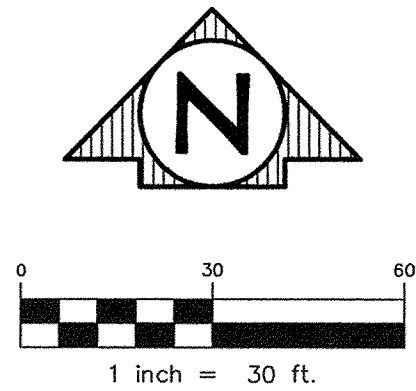
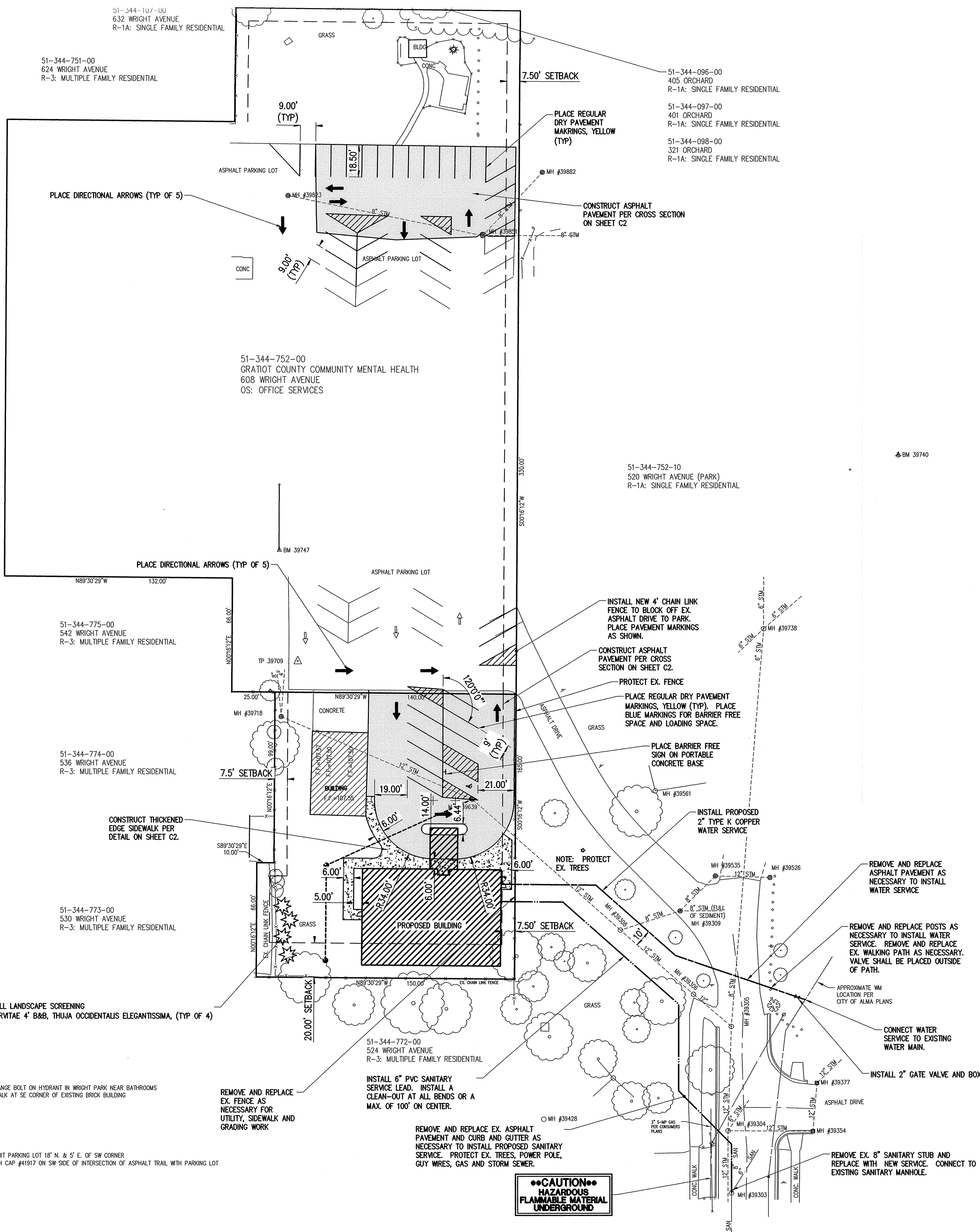
No Records Found

Application Use:

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LEGEND

- PROPOSED CONCRETE
- PROPOSED BUILDING
- PROPOSED ASPHALT PAVEMENT

STRUCTURE DATA

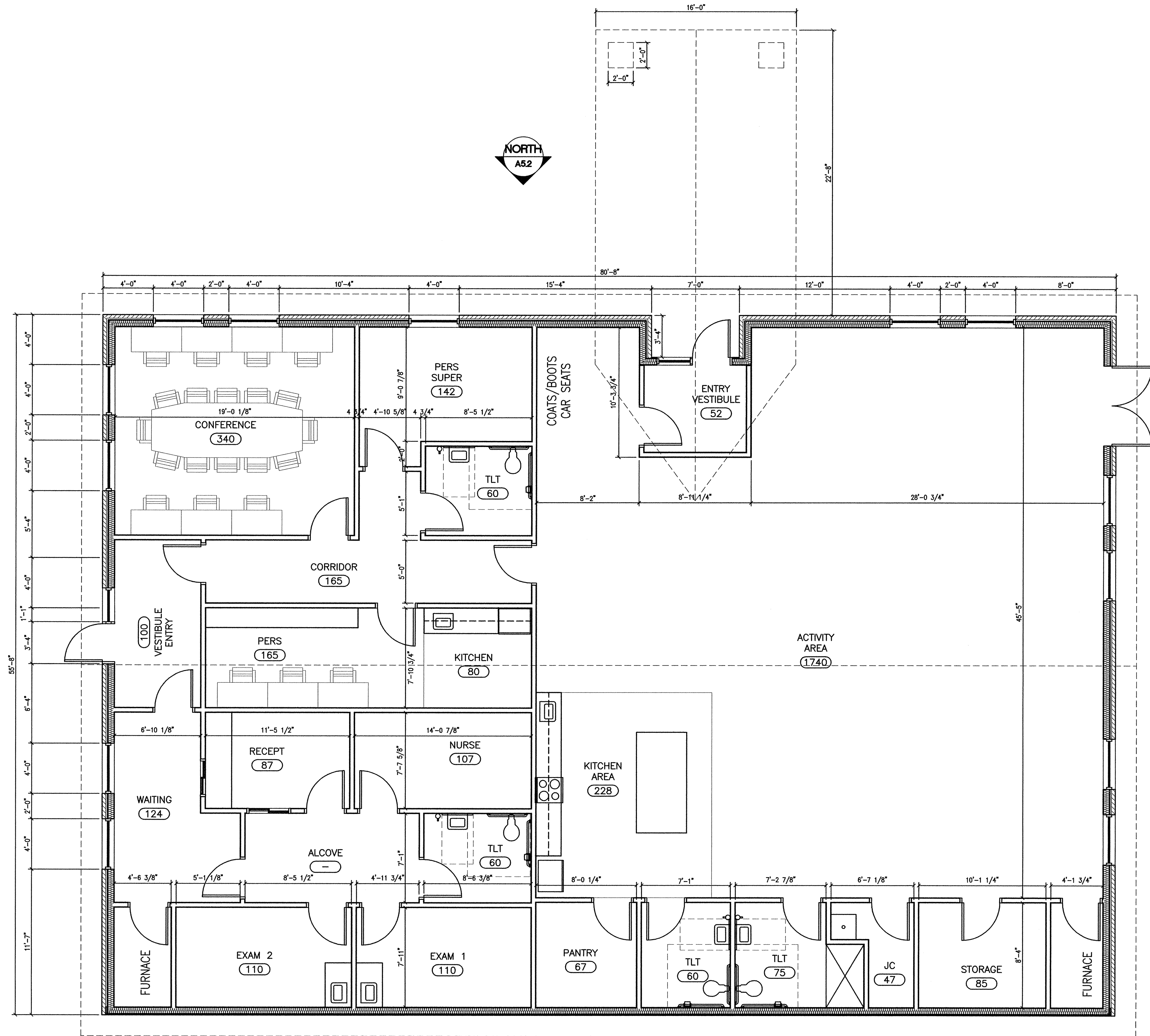
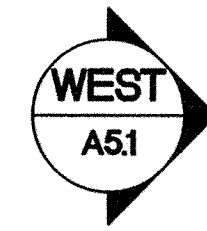
MH# 39303 TYPE: SANITARY COVER: SOLID RM= 103.56 6" VCP NE INV.=98.26 8" VCP S INV.=97.91 8" VCP N INV.=97.96	MH# 39419 TYPE: OTHER COVER: SOLID RM= 105.13 4" VCP NW INV.=99.03 4" VCP SW INV.=99.03 4" VCP SE INV.=99.03
MH# 39304 TYPE: STORM COVER: SOLID RM= 104.27 12" RCP S INV.=98.92 6" VCP NE INV.=100.27 12" RCP N INV.=98.97 12" RCP E INV.=100.27	MH# 39428 TYPE: OTHER COVER: SOLID RM= 104.94 4" CIP INV.=100.14
MH# 39305 TYPE: STORM COVER: SOLID RM= 105.04 12" RCP S INV.=99.34 12" RCP NW INV.=98.39 8" PVC N INV.=99.94	MH# 39526 TYPE: STORM COVER: BEEHIVE RM= 105.38 12" CMP W INV.=103.58
MH# 39306 TYPE: STORM COVER: SOLID RM= 105.06 12" RCP S INV.=99.26 12" RCP NW INV.=99.26	MH# 39535 TYPE: STORM COVER: BEEHIVE RM= 104.79 8" RCP SW INV.=102.99 12" CMP E INV.=102.99
MH# 39308 TYPE: STORM COVER: SOLID RM= 105.12 12" RCP SE INV.=99.42 10" RCP NE INV.=101.02 12" RCP NW INV.=99.42	MH# 39561 TYPE: OTHER COVER: SOLID RM= 105.44 6" VCP E INV.=100.04 4" VCP N INV.=100.04
MH# 39309 TYPE: STORM COVER: FLAT GRATE RM= 104.54 8" VCP E INV.=101.74 8" RCP SW INV.=101.94 8" CMP NE INV.=102.74	MH# 39639 TYPE: STORM COVER: BEEHIVE RM= 106.14 12" RCP SE INV.=99.94 12" RCP SW INV.=99.94
MH# 39354 TYPE: STORM COVER: FLAT GRATE RM= 104.56 12" RCP W INV.=100.46 12" RCP N INV.=100.46	MH# 39718 TYPE: STORM COVER: BEEHIVE RM= 106.19 12" RCP SE INV.=100.09 8" PVC N INV.=101.19 4" PVC N INV.=101.49
MH# 39377 TYPE: STORM COVER: FLAT GRATE RM= 104.53 12" CPP NE INV.=101.03 12" RCP N INV.=100.73	MH# 39738 TYPE: STORM COVER: SOLID RM= 106.70 8" CPP N INV.=102.60 6" VCP SW INV.=103.00 6" VCP NE INV.=103.00 6" VCP SE INV.=102.40
MH# 39823 TYPE: STORM COVER: FLAT GRATE RM= 110.18 8" CPP ESE INV.=108.78	MH# 39851 TYPE: STORM COVER: BEEHIVE RM= 109.08 8" CPP NW INV.=107.43 6" VCP NE INV.=107.33 8" CONC EAST INV.=107.08
MH# 39882 TYPE: STORM COVER: BEEHIVE RM= 109.62 8" VCP SW INV.=107.42	

BENCHMARK DATA TABLE

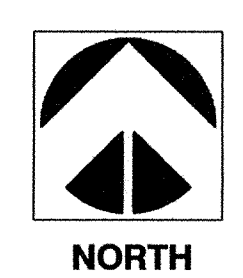
NUMBER	NORTHING	EASTING	ELEVATION	DESCRIPTION
BM 39740	685969	13044124	110.82	TOP NNW FLANGE BOLT ON HYDRANT IN WRIGHT PARK NEAR BATHROOMS
BM 39747	685914	13043765	108.45	CONC. SIDEWALK AT SE CORNER OF EXISTING BRICK BUILDING

TRAVERSE POINT DATA TABLE

NUMBER	NORTHING	EASTING	DESCRIPTION
TP 39709	685849.0800	13043775.2780	SET MAG NAIL IN BIT PARKING LOT 18' N. & 5' E. OF SW CORNER
TP 39570	685829.9250	13043902.0750	FIND IRON BAR WITH CAP #41917 ON SW SIDE OF INTERSECTION OF ASPHALT TRAIL WITH PARKING LOT



FLOOR PLAN
SCALE: 1/4" = 1'-0" @24x36 sheet size SQFT TOTAL = 4430



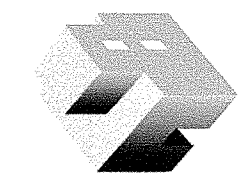
100' CORING AND DOW CHEMICAL PRODUCTS ARE TO BE USED IN LIEU OF ANY AND ALL OTHERS WHERE APPLICABLE.
NO SUBSTITUTIONS ARE TO BE ALLOWED FOR ANY REASONS

DATE	ISSUED FOR
10-26-12	SITE PLAN REVIEW

2012 PROJECT FOR:
GRATIOT COUNTY COMMUNITY MENTAL HEALTH
ALMA, MI
FLOOR PLAN

JOB NUMBER
E12-473

DRAWING
A4.1



THREE RIVERS
CORPORATION

3089 Vantage Point Drive
P.O. Box 146
Alma, MI 48811-1467
Phone 589.631.9726
Fax 589.631.7402

PROOF OF MAILING

STATE OF MICHIGAN)
) SS
County of Gratiot)

I hereby certify and affirm that on the 27th day of July, 2026
I served a copy of the attached Notice on the names and
addresses listed below, by enclosing the same in an envelope
with postage fully prepaid, and depositing the same in a United
States Mail receptacle at Alma, Michigan.

Subscribed and sworn to before me

Alan Byll
July 27, 2026
Sara Anderson

Notary Public
Gratiot County, Michigan
My Commission expires: Feb. 8, 2030

SARA ANDERSON
Notary Public, State of Michigan
County Of Gratiot
My Commission Expires Feb. 8, 2030
Acting in the County of Gratiot

NOTICE OF PUBLIC HEARING

You are receiving this notice of public hearing because you are within 300' of the request. If you have any questions about the request, please feel free to call me direct Aeris Ripley, Zoning Administrator, 989-463-9501.

The Alma Planning Commission will hold a Public Hearing on August 3, 2026, at 6:00 p.m. or as soon as the agenda allows, to consider a request for a Special Use Permit for a Child Care Center from EIGHTCAP, INC. at 608 Wright Avenue. The location is further described by parcel number 51-344-752-05. The zoning for this parcel is OS (Office Services). OS Zoning Districts do permit Child Care Centers with the issuance of a special use permit and licensing through the State of Michigan.

All interested persons are invited to be present at this Public Hearing. Written comments concerning this request may be submitted by email to the address below or phone contact at Alma City Hall, 525 E. Superior St., Monday thru Thursday, 8:00 a.m. to 5:00 p.m. and Friday, 8:00 a.m. to 12 noon at 989-463-9501. Written comments may also be mailed to:

Alma Planning Commission
C/o Sara Anderson, Recording Secretary
525 E. Superior Street
Alma, MI 48801

Jessica Gilkins, Secretary
aripley@myalma.org
Alma Planning Commission



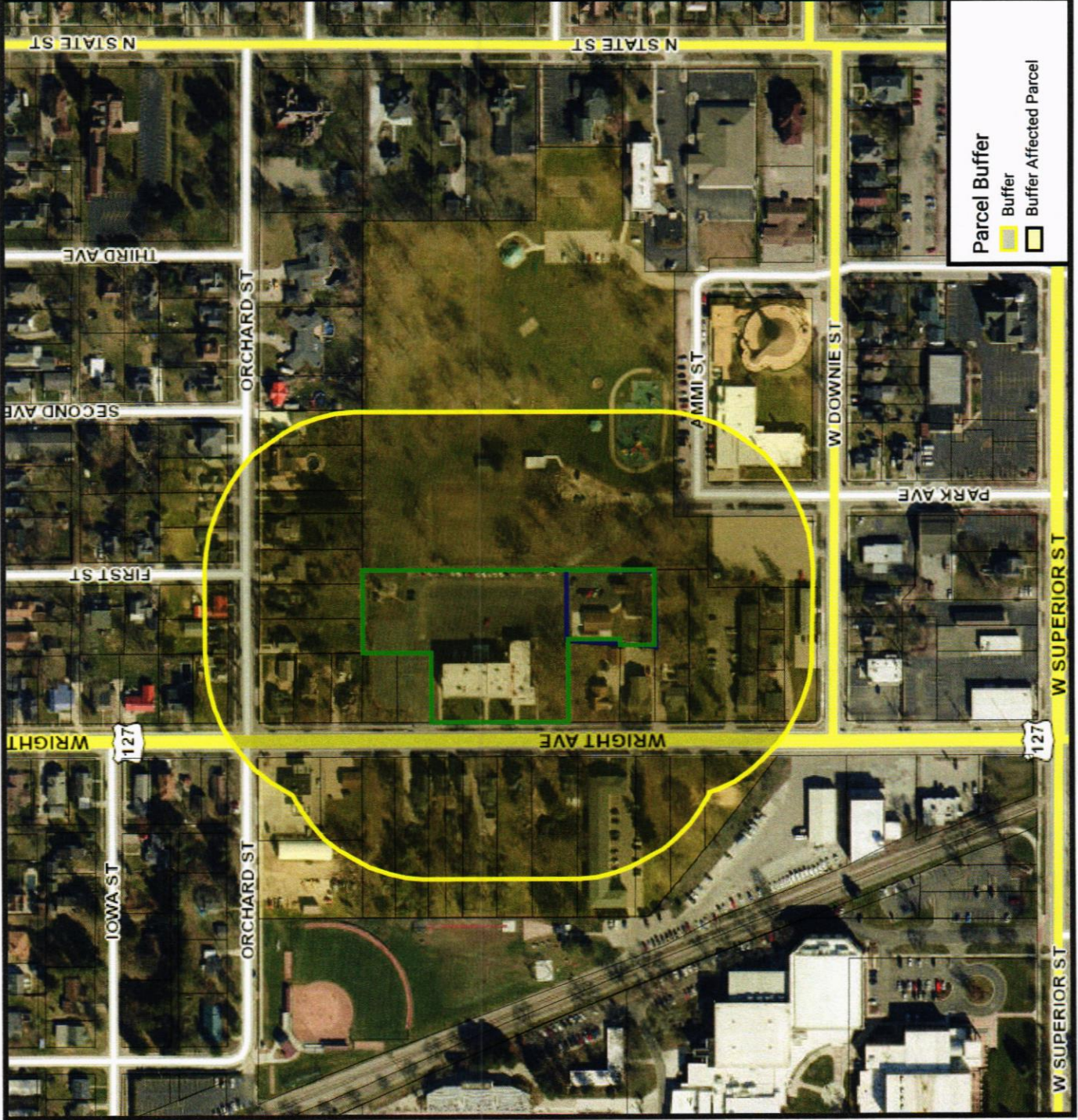
Gratiot GIS Authority



Map Publication:
07/27/2026 3:10 PM



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ALMA COLLEGE
614 W SUPERIOR ST
ALMA, MI 48801-1599

ALMA COLLEGE
614 W SUPERIOR ST
ALMA, MI 48801-1599

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BARTLETT, CAMERON
615 WRIGHT AVE
ALMA, MI 48801

PLUX PROPERTIES LLC
603 N STATE ST
ALMA, MI 48801-1640

PLUX PROPERTIES LLC
603 N STATE ST
ALMA, MI 48801-1640

✕

PLUX PROPERTIES LLC
603 N STATE ST
ALMA, MI 48801-1640

✕

WEAVER HERBERT & KATHLEEN A
1204 PARK RIDGE CT
MOUNT AIRY, MD 21771-2824

ALMA COLLEGE
614 W SUPERIOR ST
ALMA, MI 48801-1599

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614 W SUPERIOR ST
ALMA, MI 48801-1599

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614 W SUPERIOR ST
ALMA, MI 48801-1599

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ALMA COLLEGE
614 W SUPERIOR ST
ALMA, MI 48801-1599

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GRATIOT COMMUNITY MENTAL HEALTH
608 WRIGHT AVE
ALMA, MI 48801-1617

GRATIOT INTEGRATED HEALTH NETWORK
608 WRIGHT AVE
ALMA, MI 48801-1617

CITY OF ALMA
525 E SUPERIOR ST
ALMA, MI 48801-1943

✕

NATIVITY OF THE LORD PARISH OF ALMA
510 PROSPECT AVE
ALMA, MI 48801-1633

CKW PROPERTY MANAGEMENT LLC
202 E SUPERIOR
ALMA, MI 48801

ZENEBERG, CRAIG & MARSHA TRUST
1111 EL CAMINO GRANDE
WEIDMAN, MI 48893

B & Z INVESTMENT CORP
55 W REMUS RD APT D
MOUNT PLEASANT, MI 48858-8097

GLENN JONATHAN B & GRAU ALICE H&W
510 WRIGHT AVE
ALMA, MI 48801

SEG ALMA LLC
599 S NORTON ST
CORUNNA, MI 48817

VANSKIKE ANGEL L
524 WRIGHT AVE
ALMA, MI 48801-1615

ALMA COLLEGE
614 W SUPERIOR ST
ALMA, MI 48801-1599

✕

MUELLER CASEY & ASHLEY H&W
536 WRIGHT AVE
ALMA, MI 48801-1615

HEALTH AUTHORITY GRATIOT COUNTY
PO BOX 69
ALMA, MI 48801-0069

ALMA COLLEGE
614 W SUPERIOR ST
ALMA, MI 48801-1599

✕

SPIRIT SPE PORTFOLIO CA C-STORES LL
1410 COMMONWEALTH DR STE 202
WILMINGTON, NC 28403-0377

PAVLIK JOHN & KATHLEEN M TRUST
637 WRIGHT AVE
ALMA, MI 48801-1671

SUTTEN DONALYN M
402 ORCHARD ST
ALMA, MI 48801-1609

BROWN SCHUYLER W & HODGES MYA M
406 ORCHARD ST
ALMA, MI 48801-1609

SMITH MICHAEL S
412 ORCHARD ST
ALMA, MI 48801-1609

WHITE STEPHEN P & DINGLER BRIANNA M
10304 LEHRING RD
BYRON, MI 48418

BOOTH JERRY D & SUTTEN MEGAN A
312 ORCHARD ST
ALMA, MI 48801

CURRIE CHRISTINE L
320 ORCHARD ST
ALMA, MI 48801-1607

MCGUIRE COLLEEN G
638 WRIGHT AVE
ALMA, MI 48801-1617

LEGEMAN CAMDON & REBECCA H&W
405 ORCHARD ST
ALMA, MI 48801-1608

ROSE GLENN L & GLORIA J
718 E TYLER RD
ALMA, MI 48801-9742

CREMIN JOHN J & BEATRICE R
321 ORCHARD ST
ALMA, MI 48801-1606

GILES CALOB J & WISER MEGAN A
315 ORCHARD ST
ALMA, MI 48801-1606

CITY OF ALMA
525 E SUPERIOR ST
ALMA, MI 48801-1943

CHALUT ANN E
307 ORCHARD ST
ALMA, MI 48801-1606

WAUGH DENNIS F & BARBARA K
653 GRAF RD
DURANGO, IA 52039-9637

BRAMAN BRIAN PATRICK
632 WRIGHT AVE
ALMA, MI 48801

EYAL GABRIELA
PO BOX 4037
EAST LANSING, MI 48826-4037



AFFIDAVIT OF PUBLICATION

39949 Garfield Rd., Suite D, Clinton Twp., MI 48038

City Of Alma
525 E Superior St
Alma, MI 48801-

STATE OF MICHIGAN COUNTY OF GRATIOT

The undersigned, **NOELLE KLOMP** being duly sworn he/she is the principal clerk of **Morning Sun**, published in the English language for the dissemination of local or transmitted news and intelligence of a general character, which are duly qualified newspapers, and the annexed hereto is a copy of certain order, notice, publication or advertisement of:

MSun Eight Cap PH Child Care Center

Published in the following edition(s)

Morning Sun: 29 Jul 2026

A handwritten signature in black ink, appearing to read 'Noelle Klomp', written over a horizontal line.

Signature of Principle Clerk

Noelle Klomp

Name of Principle Clerk

Sworn to and subscribed before me this 29 Jul 2026,

A handwritten signature in black ink, appearing to read 'Vicki Arsenault', written over a horizontal line.

Notary Public, State of Michigan
Acting in Oakland County

VICKI ARSENAULT
Notary Public - State of Michigan
County of Oakland
My Commission Expires 05/11/2032
Acting in the County of _____

Advertiser Name / ID: City Of Alma / 261164 - Ad ID: 109734-405557 - PO: - Affidavit ID: 36345



NOTICE OF PUBLIC HEARING

The Alma Planning Commission will hold a Public Hearing on August 3, 2026, at 6:00 p.m. or as soon as the agenda allows, to consider a request for a Special Use Permit for a Child Care Center from EIGHTCAP, INC. at 608 Wright Avenue. The location is further described by parcel number 51-344-752-05. The zoning for this parcel is OS (Office Services). OS Zoning Districts do permit Child Care Centers with the issuance of a special use permit and licensing through the State of Michigan.

All interested persons are invited to be present at this Public Hearing. Written comments concerning this request may be submitted by email to the address below or phone contact at Alma City Hall, 525 E. Superior St., Monday thru Friday, 9:00 a.m. to 4:00 p.m. at 989-463-9501. Written comments may also be mailed to:

Alma Planning Commission
C/o Sara Anderson, Recording Secretary
525 E. Superior Street
Alma, MI 48801

Jessica Gilkins, Secretary
aripley@myalma.org
Alma Planning Commission

PUBLISH: Wednesday, July 29, 2026

Advertiser Name / ID: City Of Alma / 261164 - Ad ID: 109734-405557 - PO: - Affidavit ID: 36345



Parcel Division Application
for

City of Alma

525 E. Superior Street
Alma, Michigan 48801

You **MUST** answer all questions and include all attachments, or this will be returned to you

Approval of a division of land is required before it is sold, when the new parcel is less than 40 acres and not just a property line adjustment (§102(e&f)).

This form is designed to comply with applicable local zoning, land division ordinances and §109 of the Michigan Land Division Act (formerly the subdivision control act, P.A.288 of 1967, as amended (particularly by P.A. 591 of 1996), MCL 560.101 et.seq.)

Where is this form to be sent when the review is complete?

Name Consumers Energy, EP7-465 Amy Gilpin

Address One Energy Plaza

City, State, ZIP Jackson, MI 49201

FEES:

Rezoning \$150.00

Parcel Division \$ 40.00

1. LOCATION of parent parcel to be split:

Address:VL, Street Name:W Van Buren Rd, Alma, Michigan, 48801

Parent parcel number: 29-51-009-001-00

Legal description of Parent Parcel: W 1/2 OF NE 1/4 OF NE 1/4 SEC 9-11-3. 20A

2. PROPERTY OWNER Information:

Name: City of Alma

Phone: 989-463-9501

Address:525 Street Name: E. Superior St

City: Alma State: MI ZIP 48801

3. APPLICANT Information (if not the property owner):

Contact Person's Name: Amy Gilpin, permit/zoning agent

Business Name: Consumers Energy Phone: 517-788-1529

Address:One Street Name: Energy Plaza

City: Jackson State:MI ZIP: 49201

4. PROPOSAL: Describe the division(s) being proposed:

- A. Number of new Parcels 1
- B. Intended use (residential, commercial, etc.)essential services
- C. The division of the parcel provide access to an existing public road by: (check one)

- ☒ Each new division has frontage on an existing public street.
- ☐ A new public street, proposed street name:Click or tap here to enter text.
(Street name cannot duplicate an existing road name)
- ☐ A new private street, proposed street name: Click or tap here to enter text.
(Street name cannot duplicate an existing road name)
- ☐ A recorded easement (driveway). (Can not service more than to potential sites)

4A. Write here, or attach, a legal description of the proposed new road, easement, or shared driveway. n / a

4B. write here, or attach, a legal description of the proposed new parcel. See attached

5. FUTURE DIVISIONS being reserved?all For whom? New parcel_(See Section 109(2) of the Statute. Make sure your deed includes both statements as required in section 190(3) and 109(4) of the Statute.)

6. DEVELOPMENT SITE LIMITS Check each which represent a condition which exists on the parent parcel:

- ☐ Any part of the parcel is in a DNR –designated critical sand dune area.
- ☐ The parcel is riparian or littoral (it is a river or lake front parcel).
- ☐ Any part of the parcel is affected by a Lake Michigan High Risk Erosion setback.
- ☒ Any part of the parcel includes a wetland.
- ☐ Any part of the parcel includes a beach.
- ☐ Any part of the parcel is within a flood plain.
- ☐ Any part of the parcel includes slopes more than twenty five percent (a1:4 pitch or 14° angle or steeper).

7. ATTACHMENTS (all attachments **must** be included). Letter each attachment as shown here.

- A scale drawing that complies with the requirements of P.A. 132 of 1970 as amended for the proposed division(s) of the parent parcel showing:

- ☒ A. Map, drawn to scale, of the proposed division(s) of the parent parcel showing:
- (1) current boundaries (as of March 31, 1997), and
 - (2) all previous divisions made after March 31, 1997 (indicate when made or none, and
 - (3) the proposed division(s), and
 - (4) dimensions of the proposed divisions, and
 - (5) existing and proposed road/easement right-of-way(s), and
 - (6) easements for public utilities from each parcel to existing public utility facilities, and
 - (7) any existing improvements (buildings, wells, septic system, driveways, etc.)
 - (8) any of the features checked in question number 6.

n/a B. A soil evaluation or septic system permit for each proposed parcel prepared by the District Health Department, or each proposed parcel is serviced by a public sewer system.

n/a C. An evaluation/indication of approval will occur, or a well permit for potable water for each proposed parcel prepared by the District Health Department, or each proposed parcel serviced by a public water system.

☐ D. Indication of approval, or permit from County Road Commission, MDOT, or respective city/village street administrator, for each proposed new road, easement, or shared driveway.

☒ E. A copy of the reserved division rights (§109(4) of the Act) in the parent parcel

☒ F. A fee of \$40.

☒ G. Other (please list) l e g a l d e s c r i p t i o n s

8. IMPROVEMENT Describe any existing improvements (buildings, well, septic, etc.) which are on the parent parcel or indicate none:none

9. AFFIDAVIT and permission for municipal, county and state official to enter the property for inspections:

I agree the statements made above are true, and if found not to be true this application and any approval will be void. Further, I agree to comply with the conditions and regulations provided with this parent parcel division. Further, I agree to give permission for officials of the municipality, county and the State of Michigan to enter the property where this parcel division is proposed for purposes of inspection. Finally, understand this is only a parcel division which conveys only certain rights under the applicable local land division ordinance and the State Land Division Act (formerly the subdivision control act, P.A.288 of 1967, as amended (particularly by P.A. 591 of 1996), MCL 560.101 et.seq.) and does not include any representation or conveyance of rights in any other statute, building code, zoning ordinance, deed restriction or other property rights.

Finally, even if this division is approved, I understand zoning, local ordinances and state Act change from time to time, and if changed the divisions made here must comply with the new requirements (apply for division approval again) unless deeds representing the approved divisions are recoded with the Register of Deeds or the division is built upon before the changes to laws are made.

Applicant's Signature Amy Dignan Date 6/1/2026

and

Property Owner's Signature _____ Date Click or tap to enter a date.

DO NOT WRITE BELOW THIS LINE:

Reviewer's action:
here to enter text.

TOTAL \$ Click or tap here to enter text. **RECEIPT #** Click or tap

☐ **Approved:** Conditions, if any: Click or tap here to enter text.

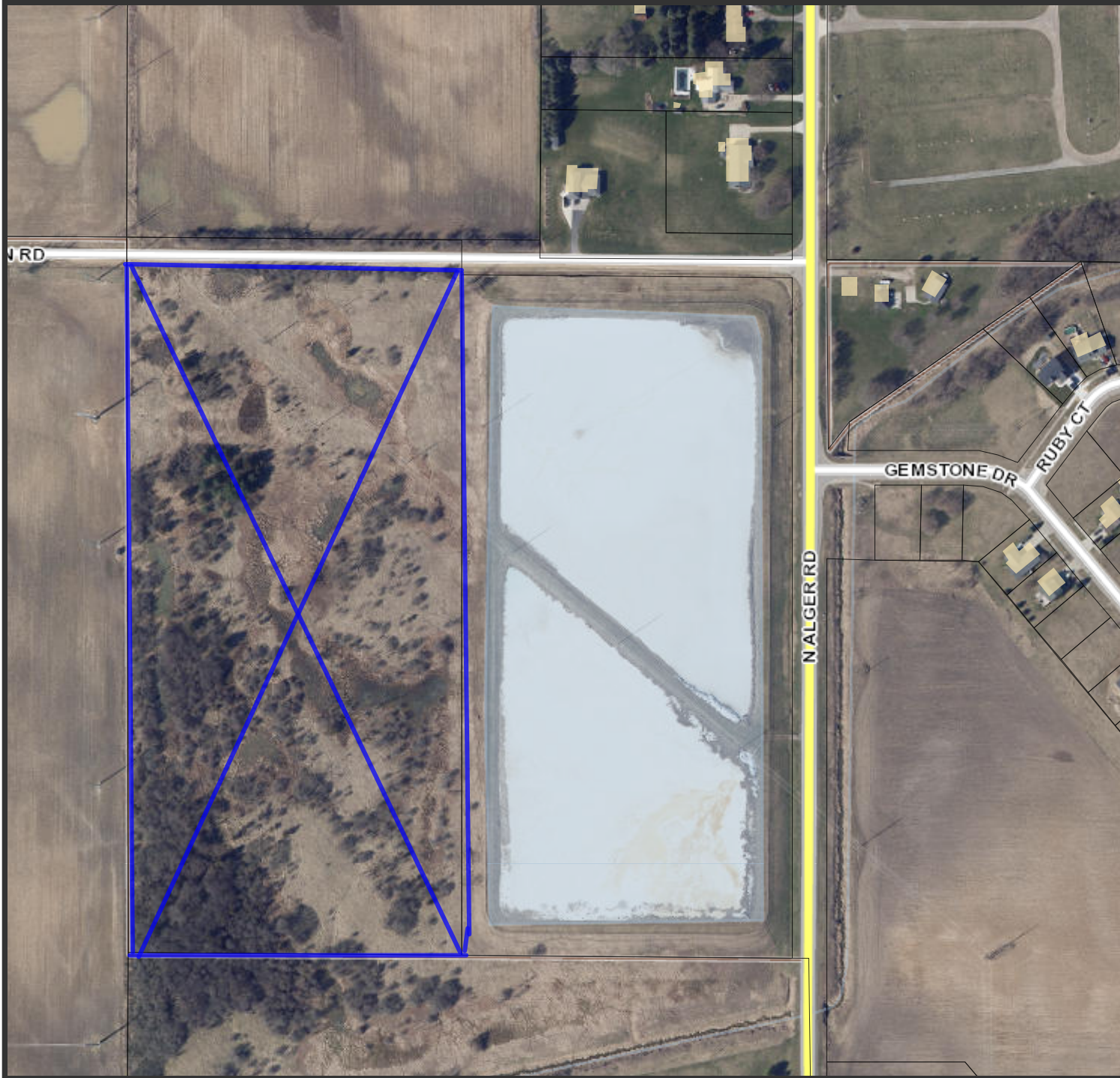
☐ **Denied:** Reasons (cite §): Click or tap here to enter text.

Signature: _____ Date: Click or tap to enter a date.

Original, signed form must be presented to
City of Alma Assessing Department for formal processing.

Page 3 of 3

Submit form to City of Alma Assessing Dept



Gratiot GIS Authority



Map Publication:
10/31/2025 3:49 PM



powered by
FetchGIS

Disclaimer: This map does not represent a survey or legal document and is provided on an "as is" basis. Gratiot GIS Authority expresses no warranty for the information displayed on this map document.

Memorandum

To: City Planning Commission
From: Aeris Ripley, Zoning Administrator
Re: Vacant Parcel – 29-51-009-001-00
Date: July 30, 2026

Consumers Energy has submitted a Parcel Division application for the property identified as Parcel Number 29-51-009-001-00, which is a 19.65-acre piece of property, currently vacant land, and is zoned LI, Limited Industrial. Consumers Energy and the property owner, the City of Alma, propose to split off 10.84 acres for use and ownership by Consumers Energy for a new substation to replace the soon-to-be-retired substation on Mill Street. The remaining 8.81 acres will remain with the City of Alma for the lime removal process of the adjacent lime lagoon.

Attached for review is a copy of the Parcel Division Application, Legal Descriptions, and Survey for the proposed new parcels requested in this split/division.

The Planning Commission is responsible for approving all divisions when the new parcel or parcels are not just a property line adjustment.

Based on the information provided, staff would recommend approval of the proposed land division and newly created parcels with the following comments:

1. Option Agreement for the purchase of 10.84 acres was approved and signed on June 9, 2026.
2. The proposed split/division is located in the LI, Limited Industrial District. The proposed uses are permitted in this zoning district.
3. The proposal includes a shared driveway from VanBuren Road to the south, which provides access to both newly created parcels.
4. The City Assessor has requested a copy of the final certified survey and certified legal descriptions.
5. All newly created Property Deeds shall be recorded at the Register of Deeds after parcel division approval.

Original Parcel ID #29-51-009-001-00

Parent Parcel – Legal Description is located on Page 6 of 6 of the survey.

New Legal Description – Parent Parcel (Remainder Parcel) (8.81 Acre Split)

See Attachment – Certificate of Survey – Page 5 of 6

New Legal Description – Child Parcel (10.84 Acres)

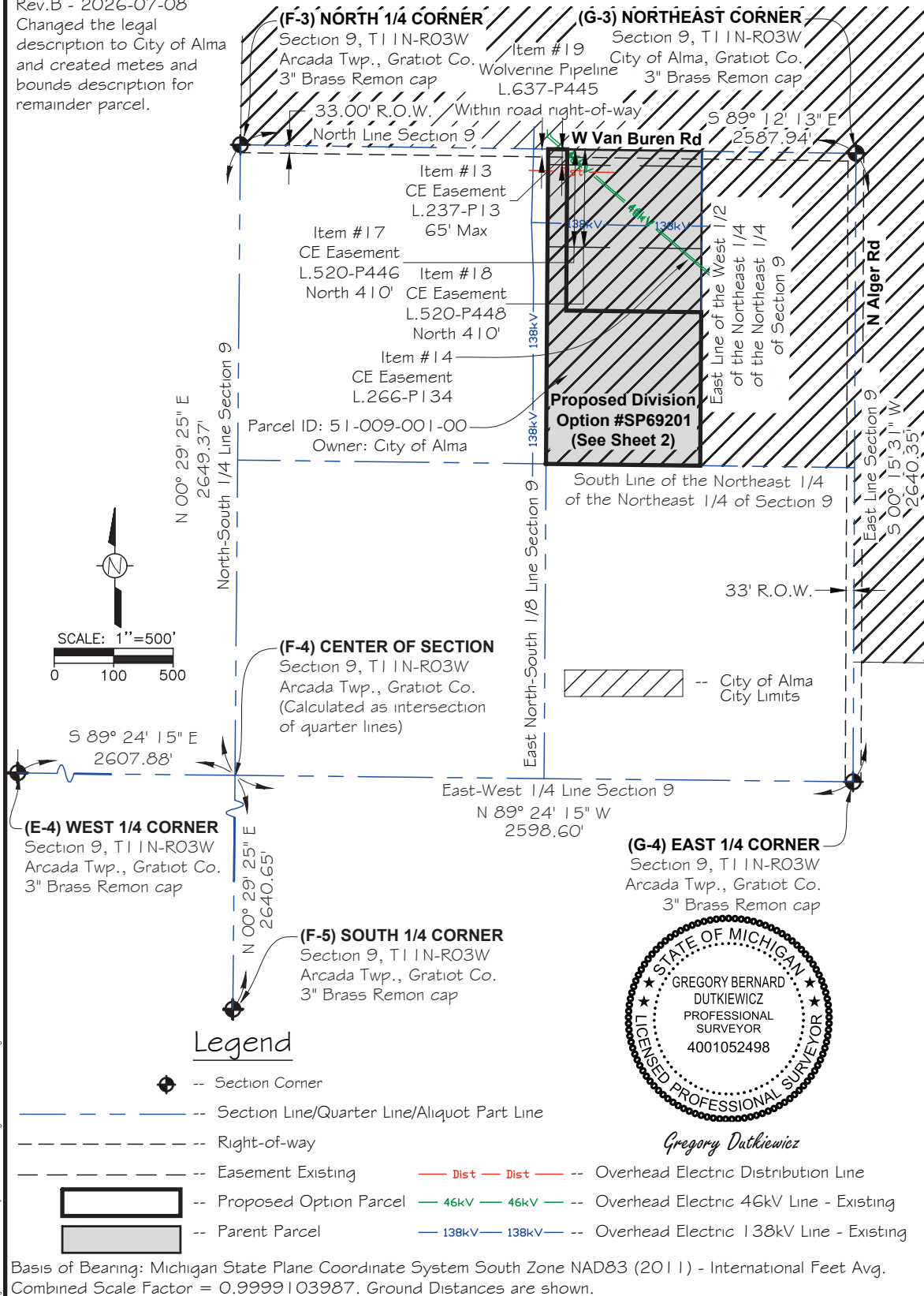
See Attachment – Certificate of Survey – Page 3 of 6

Rev.A - 2026-04-06
Adjusted width of Option
parcel to 80.00' on W Van
Buren

Rev.B - 2026-07-08
Changed the legal
description to City of Alma
and created metes and
bounds description for
remainder parcel.

CERTIFICATE OF SURVEY

Armory Substation



Basis of Bearing: Michigan State Plane Coordinate System South Zone NAD83 (2011) - International Feet Avg.
Combined Scale Factor = 0.9999103987. Ground Distances are shown.

Consumers Energy

1945 WEST PARNALL
JACKSON, MICHIGAN 49201
517-788-1526

Armory Substation
Northeast 1/4 Section 9
T11N, R03W, Arcada Twp.
Gratiot Co., Michigan

Drawing No. SB-27077

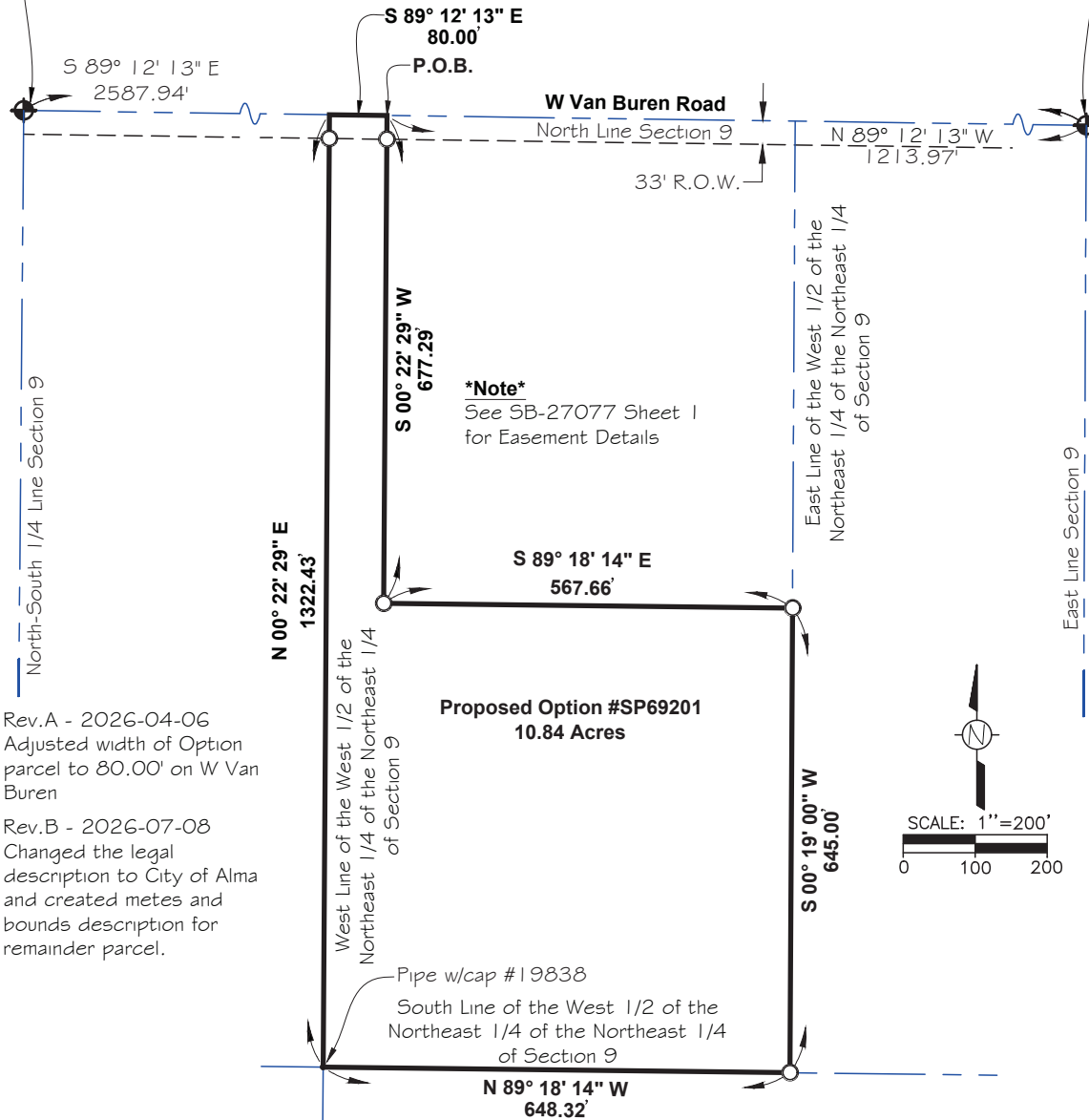
Filename: 27077base.dwg
Field Crew: JWH
Field Book No. 2328
Drawn By: J. Ferguson
Date: 7/8/26
Scale: 1" = 500'
Sheet 1

CERTIFICATE OF SURVEY

Armory Substation

(F-3) NORTH 1/4 CORNER
Section 9, T11N-R03W
Arcada Twp., Gratiot Co.
3" Brass Remon cap

(G-3) NORTHEAST CORNER
Section 9, T11N-R03W
City of Alma, Gratiot Co.
3" Brass Remon cap



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Legend

- ⊕ -- Section Corner
- -- Found Survey Marker (as noted)
- -- Set 5/8" dia. x 24" bar and cap #52498
- -- Section Line/Quarter Line/Aliquot Part Line
- - - -- Right-of-way
- ▭ -- Proposed Option Parcel



Gregory Dutkiewicz

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Armory Substation
Northeast 1/4 Section 9
T11N, R03W, Arcada Twp.
Gratiot Co., Michigan

Drawing No. SB-27077

Filename: 27077base.dwg
Field Crew: JWH
Field Book No. 2328
Drawn By: J. Ferguson
Date: 7/8/26
Scale: 1" = 200'
Sheet 2

Rev.A - 2026-04-06
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parcel to 80.00' on W Van
Buren

CERTIFICATE OF SURVEY

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Rev.B - 2026-07-08
Changed the legal
description to City of Alma
and created metes and
bounds description for
remainder parcel.

Legal Description: Proposed Division - Option # SP69201

A parcel of land located in the Northeast 1/4 of Section 9, Township 11 North, Range 3 West, City of Alma, Gratiot County, Michigan, described as:

Commencing at the Northeast Corner of said Section 9; thence North 89°12'13" West, along the North Line of said Section 9, 1213.97 feet to the **POINT OF BEGINNING**; thence South 00°22'29" West 677.29 feet; thence South 89°18'14" East 567.66 feet to the East Line of the West 1/2 of the Northeast 1/4 of the Northeast 1/4 of said Section 9; thence South 00°19'00" West, along said East Line of the West 1/2 of the Northeast 1/4 of the Northeast 1/4 of said Section 9, 645.00 feet to the South Line of the West 1/2 of the Northeast 1/4 of the Northeast 1/4 said Section 9; thence North 89°18'14" West, along said South Line of the West 1/2 of the Northeast 1/4 of the Northeast 1/4 of said Section 9, 648.32 feet to the West Line of the West 1/2 of the Northeast 1/4 of the Northeast 1/4 of said Section 9; thence North 00°22'29" East, along said West Line of the West 1/2 of the Northeast 1/4 of the Northeast 1/4 of said Section 9, 1322.43 feet to the North Line of said Section 9; thence South 89°12'13" East, along said North line of Section, 80.00 feet to the **POINT OF BEGINNING**. Said parcel contains 10.84 acres of land.



Gregory Dutkiewicz

Basis of Bearing: Michigan State Plane Coordinate System South Zone NAD83 (2011) - International Feet Avg.
Combined Scale Factor = 0.9999103987. Ground Distances are shown.

Consumers Energy

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JACKSON, MICHIGAN 49201
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Armory Substation
Northeast 1/4 Section 9
T11N, R03W, Arcada Twp.
Gratiot Co., Michigan

Drawing No. SB-27077

Filename: 27077base.dwg
Field Crew: JWH
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Drawn By: J. Ferguson
Date: 7/8/26
Sheet 3

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Adjusted width of Option
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Buren

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Armory Substation

Rev.B - 2026-07-08
Changed the legal
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and created metes and
bounds description for
remainder parcel.

Corners of the United States Public Land Survey - Section 9, T11N, R03W, Arcada Township, Gratiot County, MI

(E-4) West 1/4 Corner, Recorded in Liber 783, Page 30, Gratiot County Records

Found pipe w/3" Brass Remonumentation cap in monument box

Pipe by Carsonite Marker	S 80° E	32.14 feet
Pipe by Carsonite Marker	N 50° E	45.31 feet
Northeast corner of barn foundation	S 15° W	422.15 feet
(E-05) - Remonumentation cap	SOUTH	2641.49 feet
(E-03) - Remonumentation cap	NORTH	2641.56 feet

(F-3) North 1/4 Corner, Recorded in Liber 895, Page 648, Gratiot County Records

Found pipe w/3" Brass Remonumentation cap in c/l Van Buren Road

Set Nail & Tag CE #52498 in Southwest face of communication pole	N 60° W	122.91 feet
Nail & Tag #17741 in South face of utility pole	N 85° E	175.00 feet
Pipe by Carsonite Marker	S 60° E	49.43 feet
Pipe by Carsonite Marker	S 43° W	21.90 feet

(F-5) South 1/4 Corner, Recorded in Liber 840, Page 579, Gratiot County Records

Found 3" Brass Remonumentation cap in monument box 6.0' +/- North of centerline of Harrison Road

Nail & Tag #17741 in West face of utility pole	NORTH	51.68 feet
Nail & Remonumentation Tag in Northeast face of Poplar	S 51° E	75.88 feet
Found iron w/cap #19838	SOUTH	33.00 feet
Gas pipeline marker	N 31° W	21.50 feet

(G-3) Northeast Corner, Recorded in Liber 761, Page 1293, Gratiot County Records

Found 3" Brass Remonumentation cap in monument box in c/l-c/l of Alger Road & Van Buren Road

Set Nail & Tag CE #52498 in southwest face of LVD pole	N 20° W	74.72 feet
Set Nail & Tag CE #52498 IN South face of 6" diameter anchor post	N 80° E	37.06 feet
Set Nail & Tag CE #52498 IN West face of communications utility pole	S 10° E	78.92 feet
Top center of fire hydrant	S 20° W	81.02 feet

(G-4) East 1/4 Corner, Recorded in Liber 761, Page 1291, Gratiot County Records

Found 3" Brass Remonumentation cap in monument box 0.7' +/- East of c/l of Alger Road

Nail & Tag #17441 in Northeast face of Maple	N 36° W	46.70 feet
Nail & Tag #30104 in Northeast face of Triple Maple	N 40° W	42.98 feet
Nail & Tag #30104 in North face of Twin Box Elder	S 66° E	34.37 feet
Nail & Tag #30104 in Southeast face of Elm	N 75° E	37.06 feet



Gregory Dutkiewicz

Basis of Bearing: Michigan State Plane Coordinate System South Zone NAD83 (2011) - International Feet Avg.
Combined Scale Factor = 0.9999103987. Ground Distances are shown.

Consumers Energy

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JACKSON, MICHIGAN 49201
517-788-1526

Armory Substation
Northeast 1/4 Section 9
T11N, R03W, Arcada Twp.
Gratiot Co., Michigan

Drawing No. SB-27077

Filename: 27077base.dwg
Field Crew: JWH
Field Book No. 2328
Drawn By: J. Ferguson
Date: 7/8/26
Sheet 4

Rev.A - 2026-04-06
Adjusted width of Option
parcel to 80.00' on W Van
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Rev.B - 2026-07-08
Changed the legal
description to City of Alma
and created metes and
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remainder parcel.

CERTIFICATE OF SURVEY

Armory Substation



Gregory Dutkiewicz

Legal Description: Remainder Parcel

A parcel of land located in the Northeast 1/4 of Section 9, Township 11 North, Range 3 West, City of Alma, Gratiot County, Michigan, described as:

Commencing at the Northeast Corner of said Section 9; thence North 89°12'13" West, along the North Line of said Section 9, 646.99 feet to the **POINT OF BEGINNING**; thence South 00°19'00" West 676.30 feet; thence North 89°18'14" West 567.66 feet; thence North 00°22'29" East 677.29 feet to said North Line of Said Section 9; thence South 89°12'13" East, along said North line of Section, 566.99 feet to the **POINT OF BEGINNING**. Said parcel contains 8.81 acres of land.

Fidelity National Title Insurance Company

Commitment #474040GRS Revision No.2 Dated April 22, 2026 8:00 AM:

Schedule B - Part II Exceptions:

13. Right(s) of Way and/or Easement(s) and the rights incidental thereto, as granted in a document:
Granted to: Consumers Power Company (now known as Consumers Energy)
Liber: 237, Page: 13. **Encumbers subject parcel. (As shown)**
14. Right(s) of Way and/or Easement(s) and the rights incidental thereto, as granted in a document:
Granted to: Consumers Power Company (now known as Consumers Energy)
Liber: 266, Page: 134. **Encumbers subject parcel. (As shown)**
15. Oil and Gas Lease recorded in Liber 432, Page 597, Gratiot County Records together with any Assignments, Assignments of Working Interest, Assignments of Overriding Royalty Interest, Pooling Agreements, and/or Mortgages and Security Assignments affecting said lease, whether recorded or unrecorded. Addendum recorded in Liber 432, Page 599. Correction of Description recorded in Liber 433, Page 203. **Encumbers subject parcel.**
16. Oil, gas and mineral rights as set forth in the instrument recorded in Liber 477, Page 1458.
This is a Warranty Deed that references the above Leases and Easements in Exhibit B
17. Right(s) of Way and/or Easement(s) and the rights incidental thereto, as granted in a document:
Granted to: Consumers Power Company (now known as Consumers Energy)
Liber: 520, Page: 446. **Encumbers subject parcel. (As shown)**
18. Right(s) of Way and/or Easement(s) and the rights incidental thereto, as granted in a document:
Granted to: Consumers Power Company (now known as Consumers Energy)
Liber: 520, Page: 448. **Encumbers subject parcel. (As shown)**
19. Assignment of Rights of Way and Easements as recorded in Liber 637, Page 445.
Encumbers subject parcel. (As shown)
20. Easement, terms, conditions and provisions which are recited in Memorandum of Option recorded in Instrument No. 2025R-05570. First Amendment to Option Agreement recorded in Instrument No. _____ (to be recorded) - **Exhibit A-1 does not reflect the latest survey for this option parcel.**

Basis of Bearing: Michigan State Plane Coordinate System South Zone NAD83 (2011) - International Feet Avg.
Combined Scale Factor = 0.9999103987. Ground Distances are shown.

Consumers Energy

1945 WEST PARNALL
JACKSON, MICHIGAN 49201
517-788-1526

Armory Substation
Northeast 1/4 Section 9
T11N, R03W, Arcada Twp.
Gratiot Co., Michigan

Drawing No. SB-27077

Filename: 27077base.dwg
Field Crew: JWH
Field Book No. 2328
Drawn By: J. Ferguson
Date: 7/8/26
Sheet 5

Rev.A - 2026-04-06
Adjusted width of Option
parcel to 80.00' on W Van
Buren

CERTIFICATE OF SURVEY

Armory Substation

Rev.B - 2026-07-08
Changed the legal
description to City of Alma
and created metes and
bounds description for
remainder parcel.

Certificate of Survey

I hereby certify to Consumers Energy Company and Fidelity National Title Insurance Company, that we have surveyed a parcel of land previously described in Liber 540, Page 1291, Gratiot County Records and excepting out Liber 569, Page 198, Gratiot County records in Fidelity National Title Insurance Company Commitment Number 474040GRS Revision No.2, dated April 22, 2026 at 08:00 AM as:

The Land is described as follows:

Located in the City of Alma, County of Gratiot, State of Michigan,

The East 1/2 of the Northeast 1/4, EXCEPT the East 1/2 of the Northeast 1/4 of the Northeast 1/4, Section 9, Town 11 North, Range 3 West, Arcada Township, Gratiot County, Michigan. ALSO EXCEPT the Southeast 1/4 of the Northeast 1/4, Section 9, Town 11 North, Range 3 West, Arcada Township, Gratiot County, Michigan.

and that we performed the field work for this survey on August 26, 2025, and August 27, 2025, have set or recovered permanent markers at the corners of the option parcel and that an accurate and concise description of the surveyed parcel is given hereon.

The relative positional precision of each corner is within the limits accepted by the practice of professional surveying.

This survey complies with the requirements of Act 132 of P.A. 1970, as amended.

Gregory B. Dutkiewicz, PS No. 4001052498



Gregory Dutkiewicz

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Drawing No. SB-27077

Filename: 27077base.dwg
Field Crew: JWH
Field Book No. 2328
Drawn By: J. Ferguson
Date: 7/8/26
Sheet 6



July 21, 2026

City of Alma
Attn: City Manager, City Clerk, and City Commission
525 East Superior Street
Alma, Michigan 48801

Re: Request to Rescind the 319 E. Downie Street Planned Unit Development and Restore the Property to R-1 Zoning

Dear City Commissioners:

Gemini Capital Management IX, LLC is the owner of the real property commonly known as 319 E. Downie Street, Alma, Michigan, legally described as:

Block 10, Original Plat of the City of Alma, according to the recorded plat thereof, City of Alma, County of Gratiot, State of Michigan.

In 2020, Gemini Capital Management IX, LLC requested and obtained approval of the 319 E. Downie Street Planned Unit Development, together with the related Planned Unit Development Agreement between Gemini Capital Management IX, LLC and the City of Alma. The agreement was recorded with the Gratiot County Register of Deeds on December 11, 2020, in Liber 1071, Pages 645 through 653.

Gemini Capital Management IX, LLC has determined that it will not proceed with development of the property under the approved PUD plan. Accordingly, we respectfully request that the City of Alma take the necessary action to:

- Rescind and repeal the ordinance approving the 319 E. Downie Street Planned Unit Development;
- Remove the PUD zoning designation from the property and restore the property to its original underlying R-1 zoning classification;
- Terminate and release the recorded PUD Agreement and all related PUD plans, permit conditions, restrictions, approvals, and obligations; and
- Authorize the preparation and recording of an appropriate termination, release, or other instrument with the Gratiot County Register of Deeds confirming that the PUD Agreement is no longer effective or binding upon the property.

Gemini Capital Management IX, LLC formally withdraws its support for and consent to any continued development of the property pursuant to the existing PUD approval. No construction or development has occurred in reliance upon the approved PUD, and the development contemplated by the PUD will not be pursued.

Please place this request on the agendas of the Planning Commission and City Commission, as applicable, and advise Ryan Smith of any application, hearing, documentation, or fee required to complete the rescission, rezoning to R-1, and termination process.



We appreciate the City's assistance and request written confirmation of the process and anticipated schedule for completing this matter.

Sincerely,

GEMINI CAPITAL MANAGEMENT IX, LLC

By: 

Ryan Smith
Its: Member

325 Enterprise Drive
Breckenridge, Michigan 48615



CITY OF ALMA, MICHIGAN

525 E. Superior, Alma, MI 48801

www.myalma.org

City Clerk
989-463-8336
Fax
989-463-5574

Resolution

At a regular meeting of the City Commission of the City of Alma, Gratiot County, Michigan, held on the 13th day of October 2020:

PRESENT: Roger Allman, Roxann Harrington, Greg Mapes, Larry Mott, Nick Piccolo, Michelle Pitts, and Audra Stahl.

ABSENT: none.

2020-0130

Approval of Planned Unit Development Agreement for 319 E. Downie

Motion by Commissioner Pitts, seconded by Commissioner Allman, to adopt a resolution approving the Final PUD (Planned Unit Development) Plan for 319 E. Downie (29-51-344-577-00) and authorizing the Mayor and City Clerk to sign the Agreement for the 319 E. Downie Planned Unit Development on behalf of the City of Alma.

Yes: Allman, Harrington, Mapes, Mott, Piccolo, Pitts, and Stahl.

No: none.

Resolution declared adopted.

Certificate

I, Sara Anderson, City Clerk of the City of Alma, do hereby certify that the above resolution is a true and exact copy of a resolution adopted at a regular meeting of the Alma City Commission held on Tuesday, October 13, 2020 at 6:00 p.m.

A handwritten signature in blue ink, reading "Sara Anderson", is written over a horizontal line.

Sara Anderson, City Clerk, City of Alma



STATE OF MICHIGAN - GRATIOT COUNTY
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11/30/2020 12:53:13 PM
MARY MERCHANT - REGISTER OF DEEDS

OR Liber 01071 Page 00645 - 00653
Filed for Record in GRATIOT COUNTY
DECEMBER 11, 2020 12:42:00 PM
MARY MERCHANT, REGISTER OF DEEDS
AGREEMENT
\$30.00 Rec # 52633

STATE OF MICHIGAN

COUNTY OF GRATIOT

CITY OF ALMA

AGREEMENT FOR THE 319 E DOWNIE STREET PLANNED UNIT
DEVELOPMENT

This Planned Unit Development (PUD) Agreement is entered into by and between Gemini Capital Management IX, LLC (Developer), whose address is 325 Enterprise Drive, Breckenridge, Michigan 48615, and City of Alma, a Michigan municipal corporation (City), whose address is 525 East Superior Street, Alma, Michigan 48801.

RECITATIONS

Developer is the fee owner of the property described on the attached and incorporated Property Description, Exhibit A (the Property), located in City of Alma, Gratiot County, Michigan.

Developer voluntarily proposed rezoning and development of the Property as a PUD. Accordingly, Developer has applied for approval of an amendment to the City of Alma Zoning Ordinance granting a rezoning of the Property to PUD, with the zoning on the Property to be known as the 319 E Downie Street Planned Unit Development. Developer is the developer and proprietor of the 319 E Downie Street Planned Unit Development (sometimes also referred to as the Development).

As part of the application and approval process, Developer has offered and agreed to make the improvements and to proceed with undertakings as described in the PUD Documents (as defined in Section A below), which Developer and City agree are necessary in order to (1) achieve a recognizable and material benefit to the ultimate uses of the project, and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations, (2) ensure that public services and facilities affected by the Development will be capable of accommodating increased service and facility loads caused by the Development, (3) protect the natural environment and conserve natural resources, (4) ensure compatibility with adjacent uses of land, (5) promote use of the Property in a socially and economically desirable manner, and (6) achieve other legitimate objectives authorized under the Michigan Zoning Enabling Act, MCL 125.3101 et seq and the relevant sections of the Alma City Code, Sections 60-108 and following.

For the purpose of confirming the rights and obligations in connection with the improvements, development, and other obligations to be undertaken on the Property once it has been rezoned to the 319 E Downie Street Planned Unit Development, the parties have entered into this Development Agreement to be effective on the effective date of the



STATE OF MICHIGAN - GRATIOT COUNTY
RECEIVED
12/11/2020 11:34:46 AM
MARY MERCHANT - REGISTER OF DEEDS

City's Zoning Ordinance amendment, granting rezoning of the Property to the 319 E Downie Street Planned Unit Development.

Now, therefore, as an integral part of the grant of the rezoning of the Property and approval of the Development on the Property, and for other good and valuable consideration, the receipt and sufficiency of which are acknowledged, it is agreed as follows:

A. Development as PUD. The Property shall be developed and improved only in accordance with the following (referred to collectively as the PUD Documents):

1. Article V of the City of Alma Zoning Ordinance, Sections 60-108 and following, as amended.
2. The approved PUD plans for the 319 E Downie Street Planned Unit Development, as attached, and as approved by the Alma City Commission (PUD Plans).
3. The Permit Conditions for the 319 E Downie Street Planned Unit Development.
4. This Development Agreement for the 319 E Downie Street Planned Unit Development.
5. All applicable City ordinances and all design standards for the 319 E Downie Street area of City, of which this PUD is a part.
6. Any and all conditions of the approval of the Alma City Commission and Planning Commission pertaining to the Development as reflected in the official minutes of such meetings.
7. Recordation with the Gratiot County Register of Deeds office, of an affidavit by the owner of the Property on the effective date of the rezoning, approved by the City Attorney, containing the legal description of the entire project, specifying the date of approval of the 319 E Downie Street Planned Unit Development, and declaring that all future development of the Property has been authorized, restricted, and required to be carried out only in accordance with the Ordinance Granting the 319 E Downie Street Planned Unit Development, and the PUD Documents referenced in that Ordinance.
8. The Ordinance Granting the 319 E Downie Street Planned Unit Development.

Furthermore, all development, use, and improvement of the Property shall be subject to and in accordance with all applicable City ordinances, and shall also be subject to and in accordance with all other approvals and permits required under applicable City ordinances, the PUD Documents, and state laws for the respective components of the Development. To the extent that there are conflicts or discrepancies between

respective provisions of the PUD Documents, or between provisions of the PUD Documents and City ordinances, interpretation shall be based on the more strict regulation of the Property and interpretation shall be subject to the reasonable discretion of the Alma City Commission.

B. Effect of PUD Approval. The Ordinance Granting the 319 E Downie Street Planned Unit Development reclassifies the zoning of the Property to PUD and constitutes the land use authorization for the Property, and all use and improvement of the Property shall be in conformity with such Ordinance and the PUD Documents referenced in the Ordinance.

C. Land Use. Within the Development, all buildings and site amenities shall be laid out, situated, and designed as described on the approved PUD Plan and corresponding site plans for the development. The permitted density and land use mix shall be as described in detail in the permit conditions in the Ordinance Granting the 319 E Downie Street Planned Unit Development (Permit Conditions).

D. Water and Sanitary Sewer Systems. Developer shall, at its sole expense, construct and install improvements and/or connections tying into the municipal water and sewage systems, at Developers expense. All of the forgoing improvements shall be designed and constructed in accordance with the approved PUD plan and all applicable city, state and county standards, codes, regulations, ordinances and laws.

G. Drives and Parking Areas.

1. The drive and parking areas within and for the Development shall be designed, situated, and constructed in accordance with all requirements and applicable ordinances of City, the PUD Documents, and the approved PUD Plan. The drive and parking areas shall be constructed by Developer at Developer's sole cost and shall be completed, to Gratiot County Road Commission's specifications for roads and parking areas generally, and approved by the City of Alma prior to issuance of any certificate of occupancy.

2. Developer and any assigns and transferees of Developer shall be responsible for any and all maintenance and repair of the drive and parking areas once they are constructed, and any reconstruction, or other causes, in the future.

3. During construction, and prior to completion of the paving of the drive and parking areas, Developer shall maintain such areas as necessary to keep them in good repair and minimize problems for adjacent property owners and the motoring public at large. Developer shall also keep all adjacent streets free of debris and repair any damage, subject to the City of Alma and/or Gratiot County Road Commission requirements, caused by construction activities on or for the property, and use of adjacent streets for construction purposes. If Developer fails to so maintain and repair the drive, parking areas or adjacent streets as required by this section, in addition to any enforcement authorization or remedy available to

the City, the City may issue a stop work order and/or withhold issuance of further approvals, permits and occupancy certificates for the development until such failure is cured to the reasonable satisfaction of the City.

H. Storm Water Drainage. Developer, at its sole expense, shall construct and maintain an on-site storm water drainage system, in accordance with the PUD Plans, PUD Documents, and all applicable ordinances, laws, codes, standards, and regulations, as well as the approved site plan.

I. Walkways. The Developer shall, at its sole expense, construct walkways from the porch of each structure in the development, to the sidewalk as depicted in the approved PUD plans and in the PUD documents. Said walkways shall be maintained and repaired in a safe, unobstructed and passable condition by Developer, and Developer's successor owners of the property, at their sole expense. If Developer fails to maintain or repair the walkway as required by this section, in addition to any enforcement authorization or remedy otherwise available, the City may issue stop work orders, and/or withhold issuance of further approvals, permits, and occupancy certificates for the development until such failure is cured to the reasonable satisfaction of the City.

K. City Enforcement. In the event there is a failure to timely perform any obligation or undertaking required under or in accordance with the PUD Documents, City may serve written notice on Developer, setting forth such deficiencies and a demand that the deficiencies be cured within a stated reasonable time period, and the date, time, and place for a hearing before the City Commission, to allow Developer an opportunity to be heard as to why the City should not proceed with the correction of the deficiency or obligation that has not been undertaken or property fulfilled. At any such hearing, the time for curing and the hearing itself may be extended, and/or continued to a date certain. The forgoing notice and hearing requirements shall not be necessary in the event City determines in its discretion that an emergency situation exists requiring immediate action. Following the hearing described above, if the City Commission determines that the obligation has not been fulfilled or failure corrected with the time specified in the notice, or if an emergency circumstance exists as determined by the City in its discretion, the City shall then have the power and authority but not the obligation, to take any or all of the following actions, in addition to any action authorized under city ordinances and/or state laws:

1. Enter the Property, or cause its agents or contractors to enter the Property, and perform such obligation or take such corrective measures as reasonably found by City to be appropriate. The cost and expense of making and financing such actions by City, including notices by City and legal fees incurred by City, plus an administrative fee in an amount equivalent to 25 percent of the total of all such costs and expenses incurred, shall be paid by Developer within 30 days of a billing to Developer. The payment obligation under this Section shall be secured by a lien against the phase or phases of the Property within which the deficiency exists, which lien shall be deemed effective as of the date of the initial written

notice of deficiency provided to Developer pursuant to this Section or, in emergency circumstances, the date at which City incurred its first cost or expense in taking corrective action. Such security shall be realized by placing a billing that has been unpaid by Developer for more than 30 days on the delinquent tax rolls of City relative to such portion of the Property, to accumulate interest and penalties, and to be deemed and collected, in the same manner as for collection of delinquent real property taxes. In the discretion of City, such costs and expenses may be collected by suit initiated against Developer and, in such event, Developer shall pay all court costs and attorney fees incurred by City in connection with such suit if City prevails.

2. Initiate legal action for the enforcement of any of the provisions, requirements, or obligations set forth in the PUD Documents. Except in emergency circumstances, Developer shall be provided notice of the deficiencies from City and shall be afforded an opportunity to timely correct. In the event City obtains any relief as a result of such litigation, Developer shall pay all court costs and attorney fees incurred by City in connection with such suit.

3. Issue a stop work order as to any or all aspects of the Development, deny the issuance of any requested building permit or certificate of occupancy within any part or all of the Development, regardless of whether Developer is the named applicant for such permit or certificate of occupancy, and suspend further inspections of any or all aspects of the Development.

L. Enforcement; Severability. Any failure or delay by City to enforce any provision contained in this Agreement shall in no event be deemed, construed, or relied on as a waiver or estoppel of the right to eventually do so in the future. This Agreement is intended to establish zoning ordinance regulations applicable to the Development. Each provision and obligation contained in this Agreement shall be considered to be an independent and separate covenant and agreement and, in the event one or more of the provisions and/or obligations shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, all remaining provisions and/or obligations shall nevertheless remain in full force and effect.

M. Access to Property. In all instances in which City utilizes the proceeds of a financial assurance given to ensure completion or maintenance of improvements and at any time throughout the period of development and construction of any part of the Development, City and its contractors, representatives, consultants, and agents shall be permitted, and are granted authority, to enter all or any portion of the Property for the purpose of inspecting and/or completing the respective improvements and for purposes of inspecting for compliance with and enforcing the PUD Documents.

N. Agreement Jointly Drafted. Developer has negotiated with City the terms of the PUD Documents and such documentation represents the product of the joint efforts and mutual agreements of Developer and City. Developer fully accepts and agrees to the final terms, conditions, requirements, and obligations of the PUD Documents, and

Developer shall not be permitted in the future to claim that the effect of the PUD Documents results in an unreasonable limitation on uses of all or a portion of the Property or claim that enforcement of the PUD Documents causes an inverse condemnation, other condemnation, or taking of all or any portion of the Property. Furthermore, it is agreed that the improvements and undertakings described in the PUD Documents are necessary and roughly proportional to the burden imposed, and are necessary in order to (1) ensure that public services and facilities necessary for and affected by the Development will be capable of accommodating the development on the Property and the increased service and facility loads caused by the Development; (2) protect the natural environment and conserve natural resources; (3) ensure compatibility with adjacent uses of land; (4) promote use of the Property in a socially, environmentally, and economically desirable manner; and (5) achieve other legitimate objectives authorized under the Michigan Zoning Enabling Act, MCL 125.3101 et seq. It is further agreed and acknowledged that all such improvements, both on-site and off-site, are clearly and substantially related to the burdens to be created by the development of the Property and all such improvements without exception are clearly and substantially related to City's legitimate interests in protecting the public health, safety, and general welfare.

O. Ambiguities and Inconsistencies. Where there is a question with regard to applicable regulations for a particular aspect of the Development or with regard to clarification, interpretation, or definition of terms or regulations, and there are no apparent express provisions of the PUD Documents that apply, City, in the reasonable exercise of its discretion, shall determine the regulations of City's Zoning Ordinance, as that Ordinance may have been amended, or other City ordinances that are applicable, provided such determination is not inconsistent with the nature and intent of the PUD Documents. In the event of a conflict or inconsistency between two or more provisions of the PUD Documents, or between the PUD Documents and applicable City ordinances, the more restrictive provision, as determined in the reasonable discretion of City, shall apply.

P. Warranty of Ownership. Developer warrants that it is the owner in fee simple of the Property described on the attached Property Description Exhibit.

Q. Running with the Land; Governing Law. This Development Agreement shall run with the land constituting the Property and shall be binding on and inure to the benefit of City and its successors, Developer, all future owners, developers, and builders of any part of the Development, all undersigned parties, and all of their respective heirs, successors, assigns, and transferees. An affidavit providing notice of the rezoning of the Property, the PUD Documents, this Development Agreement, and the general obligations relating to the PUD shall be executed by the property owners and may be recorded by any of the undersigned parties following the execution of this Agreement. This Development Agreement shall be interpreted and construed in accordance with Michigan law and shall be subject to enforcement only in Michigan courts. The parties understand and agree that this Development Agreement is

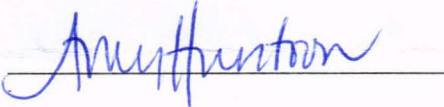
consistent with the intent and provisions of the Michigan and U.S. Constitutions and all applicable law.

R. Single Ownership and/or Control of PUD Property. Developer represents and warrants to City that the single ownership and/or control of the Property has been vested solely in Developer in accordance with and for all purposes necessary to satisfy Article V of City of Alma Zoning Ordinance, and Developer is fully authorized and empowered to rezone and develop the Property in accordance with and pursuant to the PUD Documents and all other documents, agreements, plans, dedications, ordinances, and recordings applicable to the 319 E Downie Street Planned Unit Development as submitted to and as approved by the Alma City Commission. This representation may be relied on and enforced by the City of Alma.

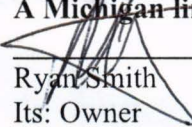
This Agreement was executed by the respective parties on the date specified with the notarization of their signatures and shall be considered to be dated on the date of the City Commission's adoption of the Ordinance Granting the 319 E Superior Street Planned Unit Development, and shall take effect on the effective date of City's Ordinance Granting the 319 E. Downie Planned Unit Development rezoning.

DEVELOPER:

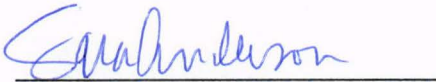
WITNESS:



Gemini Capital Management IX, LLC
A Michigan limited liability company

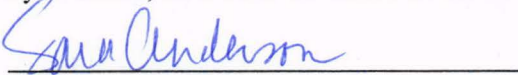

Ryan Smith
Its: Owner

WITNESS:



STATE OF MICHIGAN)
Gratiot COUNTY)

Acknowledged before me in Gratiot County, Michigan, on November 10, 2020 Gemini Capital Management IX, LLC, a Michigan limited liability Company by Ryan Smith, its Owner on behalf of the limited liability company


Sara Anderson

Notary public, State of Michigan, County of Gratiot
My commission expires 2-8-2023.
Acting in the County of Gratiot

WITNESS:

Amy Huntoon

WITNESS:

M. [Signature]

CITY:

City of Alma, a Michigan municipal corporation

[Signature]
Greg Mapes

Its: Mayor

[Signature]
Sara Anderson
Its: Clerk

STATE OF MICHIGAN)
GRATIOT COUNTY)

Acknowledged before me in Gratiot County, Michigan, on October 22, 2020,
by City of Alma, a Michigan municipal corporation by Greg Mapes its Mayor and Sara
Anderson, its Clerk, on behalf of the municipality.

Amy Huntoon
Amy Huntoon

Notary public, State of Michigan, County of Isabella
My commission expires 08-09-2027
Acting in the County of Gratiot

Drafted by:

**FORTINO, PLAXTON &
COSTANZO, PC**

Anthony G. Costanzo (P33538)
214 E. Superior St.
Alma, Michigan 48801
(989) 463-2101
agc@fpmc-law.com

When recorded return to:

**Sara Anderson, Clerk
City of Alma
525 E. Superior St
Alma, Michigan 48801
(989) 463-8336**

EXHIBIT A

PROPERTY DESCRIPTION

(319 E DOWNIE STREET)

BLOCK 10, Original Plat of the

City of Alma, according to the

recorded Plat thereof.

City of Alma

County of Gratiot

State of Michigan

STATE OF MICHIGAN

COUNTY OF GRATIOT

CITY OF ALMA

AGREEMENT FOR THE 319 E DOWNIE STREET PLANNED UNIT
DEVELOPMENT

This Planned Unit Development (PUD) Agreement is entered into by and between Gemini Capital Management IX, LLC (Developer), whose address is 325 Enterprise Drive, Breckenridge, Michigan 48615, and City of Alma, a Michigan municipal corporation (City), whose address is 525 East Superior Street, Alma, Michigan 48801.

RECITATIONS

Developer is the fee owner of the property described on the attached and incorporated Property Description, Exhibit A (the Property), located in City of Alma, Gratiot County, Michigan.

Developer voluntarily proposed rezoning and development of the Property as a PUD. Accordingly, Developer has applied for approval of an amendment to the City of Alma Zoning Ordinance granting a rezoning of the Property to PUD, with the zoning on the Property to be known as the 319 E Downie Street Planned Unit Development. Developer is the developer and proprietor of the 319 E Downie Street Planned Unit Development (sometimes also referred to as the Development).

As part of the application and approval process, Developer has offered and agreed to make the improvements and to proceed with undertakings as described in the PUD Documents (as defined in Section A below), which Developer and City agree are necessary in order to (1) achieve a recognizable and material benefit to the ultimate uses of the project, and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations, (2) ensure that public services and facilities affected by the Development will be capable of accommodating increased service and facility loads caused by the Development, (3) protect the natural environment and conserve natural resources, (4) ensure compatibility with adjacent uses of land, (5) promote use of the Property in a socially and economically desirable manner, and (6) achieve other legitimate objectives authorized under the Michigan Zoning Enabling Act, MCL 125.3101 et seq and the relevant sections of the Alma City Code, Sections 60-108 and following.

For the purpose of confirming the rights and obligations in connection with the improvements, development, and other obligations to be undertaken on the Property once it has been rezoned to the 319 E Downie Street Planned Unit Development, the parties have entered into this Development Agreement to be effective on the effective date of the

City's Zoning Ordinance amendment, granting rezoning of the Property to the 319 E Downie Street Planned Unit Development.

Now, therefore, as an integral part of the grant of the rezoning of the Property and approval of the Development on the Property, and for other good and valuable consideration, the receipt and sufficiency of which are acknowledged, it is agreed as follows:

A. Development as PUD. The Property shall be developed and improved only in accordance with the following (referred to collectively as the PUD Documents):

1. Article V of the City of Alma Zoning Ordinance, Sections 60-108 and following, as amended.
2. The approved PUD plans for the 319 E Downie Street Planned Unit Development, as attached, and as approved by the Alma City Commission (PUD Plans).
3. The Permit Conditions for the 319 E Downie Street Planned Unit Development.
4. This Development Agreement for the 319 E Downie Street Planned Unit Development.
5. All applicable City ordinances and all design standards for the 319 E Downie Street area of City, of which this PUD is a part.
6. Any and all conditions of the approval of the Alma City Commission and Planning Commission pertaining to the Development as reflected in the official minutes of such meetings.
7. Recordation with the Gratiot County Register of Deeds office, of an affidavit by the owner of the Property on the effective date of the rezoning, approved by the City Attorney, containing the legal description of the entire project, specifying the date of approval of the 319 E Downie Street Planned Unit Development, and declaring that all future development of the Property has been authorized, restricted, and required to be carried out only in accordance with the Ordinance Granting the 319 E Downie Street Planned Unit Development, and the PUD Documents referenced in that Ordinance.
8. The Ordinance Granting the 319 E Downie Street Planned Unit Development.

Furthermore, all development, use, and improvement of the Property shall be subject to and in accordance with all applicable City ordinances, and shall also be subject to and in accordance with all other approvals and permits required under applicable City ordinances, the PUD Documents, and state laws for the respective components of the Development. To the extent that there are conflicts or discrepancies between

respective provisions of the PUD Documents, or between provisions of the PUD Documents and City ordinances, interpretation shall be based on the more strict regulation of the Property and interpretation shall be subject to the reasonable discretion of the Alma City Commission.

B. Effect of PUD Approval. The Ordinance Granting the 319 E Downie Street Planned Unit Development reclassifies the zoning of the Property to PUD and constitutes the land use authorization for the Property, and all use and improvement of the Property shall be in conformity with such Ordinance and the PUD Documents referenced in the Ordinance.

C. Land Use. Within the Development, all buildings and site amenities shall be laid out, situated, and designed as described on the approved PUD Plan and corresponding site plans for the development. The permitted density and land use mix shall be as described in detail in the permit conditions in the Ordinance Granting the 319 E Downie Street Planned Unit Development (Permit Conditions).

D. Water and Sanitary Sewer Systems. Developer shall, at its sole expense, construct and install improvements and/or connections tying into the municipal water and sewage systems, at Developers expense. All of the forgoing improvements shall be designed and constructed in accordance with the approved PUD plan and all applicable city, state and county standards, codes, regulations, ordinances and laws.

G. Drives and Parking Areas.

1. The drive and parking areas within and for the Development shall be designed, situated, and constructed in accordance with all requirements and applicable ordinances of City, the PUD Documents, and the approved PUD Plan. The drive and parking areas shall be constructed by Developer at Developer's sole cost and shall be completed, to Gratiot County Road Commission's specifications for roads and parking areas generally, and approved by the City of Alma prior to issuance of any certificate of occupancy.
2. Developer and any assigns and transferees of Developer shall be responsible for any and all maintenance and repair of the drive and parking areas once they are constructed, and any reconstruction, or other causes, in the future.
3. During construction, and prior to completion of the paving of the drive and parking areas, Developer shall maintain such areas as necessary to keep them in good repair and minimize problems for adjacent property owners and the motoring public at large. Developer shall also keep all adjacent streets free of debris and repair any damage, subject to the City of Alma and/or Gratiot County Road Commission requirements, caused by construction activities on or for the property, and use of adjacent streets for construction purposes. If Developer fails to so maintain and repair the drive, parking areas or adjacent streets as required by this section, in addition to any enforcement authorization or remedy available to

the City, the City may issue a stop work order and/or withhold issuance of further approvals, permits and occupancy certificates for the development until such failure is cured to the reasonable satisfaction of the City.

H. Storm Water Drainage. Developer, at its sole expense, shall construct and maintain an on-site storm water drainage system, in accordance with the PUD Plans, PUD Documents, and all applicable ordinances, laws, codes, standards, and regulations, as well as the approved site plan.

I. Walkways. The Developer shall, at its sole expense, construct walkways from the porch of each structure in the development, to the sidewalk as depicted in the approved PUD plans and in the PUD documents. Said walkways shall be maintained and repaired in a safe, unobstructed and passable condition by Developer, and Developer's successor owners of the property, at their sole expense. If Developer fails to maintain or repair the walkway as required by this section, in addition to any enforcement authorization or remedy otherwise available, the City may issue stop work orders, and/or withhold issuance of further approvals, permits, and occupancy certificates for the development until such failure is cured to the reasonable satisfaction of the City.

K. City Enforcement. In the event there is a failure to timely perform any obligation or undertaking required under or in accordance with the PUD Documents, City may serve written notice on Developer, setting forth such deficiencies and a demand that the deficiencies be cured within a stated reasonable time period, and the date, time, and place for a hearing before the City Commission, to allow Developer an opportunity to be heard as to why the City should not proceed with the correction of the deficiency or obligation that has not been undertaken or property fulfilled. At any such hearing, the time for curing and the hearing itself may be extended, and/or continued to a date certain. The forgoing notice and hearing requirements shall not be necessary in the event City determines in its discretion that an emergency situation exists requiring immediate action. Following the hearing described above, if the City Commission determines that the obligation has not been fulfilled or failure corrected with the time specified in the notice, or if an emergency circumstance exists as determined by the City in its discretion, the City shall then have the power and authority but not the obligation, to take any or all of the following actions, in addition to any action authorized under city ordinances and/or state laws:

1. Enter the Property, or cause its agents or contractors to enter the Property, and perform such obligation or take such corrective measures as reasonably found by City to be appropriate. The cost and expense of making and financing such actions by City, including notices by City and legal fees incurred by City, plus an administrative fee in an amount equivalent to 25 percent of the total of all such costs and expenses incurred, shall be paid by Developer within 30 days of a billing to Developer. The payment obligation under this Section shall be secured by a lien against the phase or phases of the Property within which the deficiency exists, which lien shall be deemed effective as of the date of the initial written

notice of deficiency provided to Developer pursuant to this Section or, in emergency circumstances, the date at which City incurred its first cost or expense in taking corrective action. Such security shall be realized by placing a billing that has been unpaid by Developer for more than 30 days on the delinquent tax rolls of City relative to such portion of the Property, to accumulate interest and penalties, and to be deemed and collected, in the same manner as for collection of delinquent real property taxes. In the discretion of City, such costs and expenses may be collected by suit initiated against Developer and, in such event, Developer shall pay all court costs and attorney fees incurred by City in connection with such suit if City prevails.

2. Initiate legal action for the enforcement of any of the provisions, requirements, or obligations set forth in the PUD Documents. Except in emergency circumstances, Developer shall be provided notice of the deficiencies from City and shall be afforded an opportunity to timely correct. In the event City obtains any relief as a result of such litigation, Developer shall pay all court costs and attorney fees incurred by City in connection with such suit.

3. Issue a stop work order as to any or all aspects of the Development, deny the issuance of any requested building permit or certificate of occupancy within any part or all of the Development, regardless of whether Developer is the named applicant for such permit or certificate of occupancy, and suspend further inspections of any or all aspects of the Development.

L. Enforcement; Severability. Any failure or delay by City to enforce any provision contained in this Agreement shall in no event be deemed, construed, or relied on as a waiver or estoppel of the right to eventually do so in the future. This Agreement is intended to establish zoning ordinance regulations applicable to the Development. Each provision and obligation contained in this Agreement shall be considered to be an independent and separate covenant and agreement and, in the event one or more of the provisions and/or obligations shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, all remaining provisions and/or obligations shall nevertheless remain in full force and effect.

M. Access to Property. In all instances in which City utilizes the proceeds of a financial assurance given to ensure completion or maintenance of improvements and at any time throughout the period of development and construction of any part of the Development, City and its contractors, representatives, consultants, and agents shall be permitted, and are granted authority, to enter all or any portion of the Property for the purpose of inspecting and/or completing the respective improvements and for purposes of inspecting for compliance with and enforcing the PUD Documents.

N. Agreement Jointly Drafted. Developer has negotiated with City the terms of the PUD Documents and such documentation represents the product of the joint efforts and mutual agreements of Developer and City. Developer fully accepts and agrees to the final terms, conditions, requirements, and obligations of the PUD Documents, and

Developer shall not be permitted in the future to claim that the effect of the PUD Documents results in an unreasonable limitation on uses of all or a portion of the Property or claim that enforcement of the PUD Documents causes an inverse condemnation, other condemnation, or taking of all or any portion of the Property. Furthermore, it is agreed that the improvements and undertakings described in the PUD Documents are necessary and roughly proportional to the burden imposed, and are necessary in order to (1) ensure that public services and facilities necessary for and affected by the Development will be capable of accommodating the development on the Property and the increased service and facility loads caused by the Development; (2) protect the natural environment and conserve natural resources; (3) ensure compatibility with adjacent uses of land; (4) promote use of the Property in a socially, environmentally, and economically desirable manner; and (5) achieve other legitimate objectives authorized under the Michigan Zoning Enabling Act, MCL 125.3101 et seq. It is further agreed and acknowledged that all such improvements, both on-site and off-site, are clearly and substantially related to the burdens to be created by the development of the Property and all such improvements without exception are clearly and substantially related to City's legitimate interests in protecting the public health, safety, and general welfare.

O. Ambiguities and Inconsistencies. Where there is a question with regard to applicable regulations for a particular aspect of the Development or with regard to clarification, interpretation, or definition of terms or regulations, and there are no apparent express provisions of the PUD Documents that apply, City, in the reasonable exercise of its discretion, shall determine the regulations of City's Zoning Ordinance, as that Ordinance may have been amended, or other City ordinances that are applicable, provided such determination is not inconsistent with the nature and intent of the PUD Documents. In the event of a conflict or inconsistency between two or more provisions of the PUD Documents, or between the PUD Documents and applicable City ordinances, the more restrictive provision, as determined in the reasonable discretion of City, shall apply.

P. Warranty of Ownership. Developer warrants that it is the owner in fee simple of the Property described on the attached Property Description Exhibit.

Q. Running with the Land; Governing Law. This Development Agreement shall run with the land constituting the Property and shall be binding on and inure to the benefit of City and its successors, Developer, all future owners, developers, and builders of any part of the Development, all undersigned parties, and all of their respective heirs, successors, assigns, and transferees. An affidavit providing notice of the rezoning of the Property, the PUD Documents, this Development Agreement, and the general obligations relating to the PUD shall be executed by the property owners and may be recorded by any of the undersigned parties following the execution of this Agreement. This Development Agreement shall be interpreted and construed in accordance with Michigan law and shall be subject to enforcement only in Michigan courts. The parties understand and agree that this Development Agreement is

consistent with the intent and provisions of the Michigan and U.S. Constitutions and all applicable law.

R. Single Ownership and/or Control of PUD Property. Developer represents and warrants to City that the single ownership and/or control of the Property has been vested solely in Developer in accordance with and for all purposes necessary to satisfy Article V of City of Alma Zoning Ordinance, and Developer is fully authorized and empowered to rezone and develop the Property in accordance with and pursuant to the PUD Documents and all other documents, agreements, plans, dedications, ordinances, and recordings applicable to the 319 E Downie Street Planned Unit Development as submitted to and as approved by the Alma City Commission. This representation may be relied on and enforced by the City of Alma.

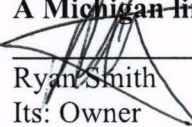
This Agreement was executed by the respective parties on the date specified with the notarization of their signatures and shall be considered to be dated on the date of the City Commission's adoption of the Ordinance Granting the 319 E Superior Street Planned Unit Development, and shall take effect on the effective date of City's Ordinance Granting the 319 E. Downie Planned Unit Development rezoning.

DEVELOPER:

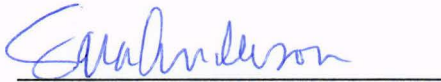
WITNESS:



Gemini Capital Management IX, LLC
A Michigan limited liability company


Ryan Smith
Its: Owner

WITNESS:



STATE OF MICHIGAN)
Gratiot COUNTY)

Acknowledged before me in Gratiot County, Michigan, on November 10,
2020 Gemini Capital Management IX, LLC, a Michigan limited liability Company by
Ryan Smith, its Owner on behalf of the limited liability company



Notary public, State of Michigan, County of Gratiot
My commission expires 2-8-2023.
Acting in the County of Gratiot

WITNESS:

Amy Huntoon

WITNESS:

M. [Signature]

CITY:

City of Alma, a Michigan municipal corporation

[Signature]
Greg Mapes

Its: Mayor

[Signature]
Sara Anderson
Its: Clerk

STATE OF MICHIGAN)
GRATIOT COUNTY)

Acknowledged before me in Gratiot County, Michigan, on October 22, 2020,
by City of Alma, a Michigan municipal corporation by Greg Mapes its Mayor and Sara
Anderson, its Clerk, on behalf of the municipality.

Amy Huntoon

Notary public, State of Michigan, County of Isabella
My commission expires 08-09-2027
Acting in the County of Gratiot

Drafted by:
**FORTINO, PLAXTON &
COSTANZO, PC**

Anthony G. Costanzo (P33538)
214 E. Superior St.
Alma, Michigan 48801
(989) 463-2101
agc@fpmc-law.com

When recorded return to:
Sara Anderson, Clerk
City of Alma
525 E. Superior St
Alma, Michigan 48801
(989) 463-8336

EXHIBIT A

PROPERTY DESCRIPTION

(319 E DOWNIE STREET)

ORIGINAL TOWN, BLOCK 10.