

**NOTIFICATION OF
COUNCIL STUDY SESSION**
Village Hall
7227 Huron Avenue, Lexington, MI 48450
AGENDA

DATE OF MEETING: MONDAY, APRIL 22, 2024

TYPE OF MEETING: COUNCIL STUDY SESSION

TIME OF MEETING: 7:00 P.M.

CALL TO ORDER STUDY SESSION

ROLL CALL BY CLERK

BUSINESS:

A. Harbor Redevelopment Project Discussion

PUBLIC COMMENT

ADJOURNMENT



MICHIGAN STATE SENATE
Dan Lauwers
REPUBLICAN FLOOR LEADER

Director Scott Bowen
Department of Natural Resources
Executive Division
P.O. Box 30028
Lansing, MI 48909

February 5, 2024

Dear Director Bowen,

I am writing regarding the status of the Lexington Harbor Improvement Project, I put forward during fiscal Years 2021/2022 and 2022/2023. As you may recall, this project was included in a 2023 supplemental enhancement grant allocation in the amount of \$8 million that was awarded to the Village of Lexington. I recently learned of potential changes to the overall plan for this project by the MDNR and Harbor Master, which are raising concerns locally, and thus I want to alert you to.

The grant application was specifically tied to a Harbor Master Plan. That plan was the product of significant community engagement, and was the basis of an agreement memorialized in a Memorandum of Understanding executed by both the Village and the Michigan Department of Natural Resources that specifically references this agreed-upon Master Plan. Both the MOU and the Plan are attached for reference.

The central elements of this agreed-upon Master Plan include:

- A central fixed pier which extends directly from the base of Huron Street, allowing for a greater visibility and connection between the Marina and the business district, and creating one-of-a-kind attraction along the Huron Coast.
- Substantial broadside dockage which extends directly off the main pier to enable the mooring of tall ships and larger vessels.
- All floating finger piers emanating off the main pier, to maximize the number of slips and to create a more inviting opportunity for visitors to explore the marina.

It was the transformational nature of this agreed upon plan, brought to me with full support from all local interested parties, which made possible the significant State funding that was provided. It has been seen from the beginning by the community and the its representatives from the district as a major economic development driver. Further, it was the strength of this plan that enabled the State to leverage some \$8 million in additional federal funds through the Army Corp of Engineers to completely rebuild the adjacent man-made harbor system at the same time.

In light of this new development, I feel it is essential to remind all parties that any material deviation from this Master Plan would be of significant concern to the community and would significantly undermine the basis for the original enhancement grant and the strong community and legislative support that led to it.

I look forward to discussing this with your office in greater detail.

Respectfully,

Sen. Dan Lauwers
25th State Senate District



MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is dated as of Jan. 25, 2022, by and between the Village of Lexington, an incorporated municipality located in Michigan ("Lexington"), and the State of Michigan Department of Natural Resources ("DNR") (collectively, the "Parties").

WHEREAS Lexington and DNR have a long-standing and cooperative relationship relative to the DNR's ownership and operation of the Lexington State Harbor (the "Harbor") as well as its lease and operation of certain waterfront property and assets owned by Lexington ("Leased Property") pursuant to that certain lease dated December 19, 2013, by and between the State of Michigan (Lessee) and Village of Lexington (Lessor), and any subsequent addendum.

WHEREAS Lexington and DNR share a common vision and objective for improving the Leased Property, the Harbor as well as Lexington's Patrick Tierney Park (the "Park"); and

WHEREAS Lexington and DNR desire to memorialize this common vision and objective to prioritize, expedite, and facilitate the planning and funding for and execution of these improvements to the Harbor, Leased Property and Park; and

WHEREAS DNR has finalized construction documents for the expansion and improvement of a Marina Building Plan dated August 27, 2021; attached as Exhibit A (the "Marina Building Plan").

WHEREAS, DNR has completed a conceptual design for the Lexington State Harbor Master Plan, dated May 6, 2021, attached as Exhibit B (the "Harbor Master Plan"), and is committed to develop the concept represented in Phase 2 of the Harbor Master Plan.

NOW, THEREFORE, in consideration of the covenants and agreements set forth in this MOU, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:


1. DNR has presented the Marina Building Plan for the expansion and renovation of the marina building located on the Leased Premises. Lexington, through its Harbor Committee, endorses the Marina Building Plan and hereby supports the DNR moving forward with the final planning, engineering, and construction of the Plan for the benefit of Michigan boaters, consistent with section 15 of the Lease.
2. In consideration of Lexington's support for the Marina Building Plan, DNR agrees that in the construction phase of the Plan, it shall use its best efforts to minimize the impact on the Village residents' use and enjoyment of the park.
3. In furtherance of the DNR's and Lexington's shared objective to continue to improve the Harbor, Leased Premises and the Park, the Parties agree that they support the general

layout of the Harbor Master Plan concept and will work together in good faith to further refine the plan as set forth below.

4. The Parties understand and agree that the first phase in the execution of the Harbor Master Plan is implementation of the Marina Building Plan, the funding for which has been included in the fiscal year 2020 DNR Budget.
5. It is further understood and agreed that the DNR will use its best efforts to identify and prioritize funding for the improvement of the remaining portions of the Leased Premises, as shown in the Harbor Master Plan, page 5, including the reorientation and development of a new primary pier and dock system to align with Huron Avenue. DNR acknowledges and understands that Lexington's top priorities for improvements to the Leased Premises include the reorientation and redevelopment of the Marina docks as shown in the Harbor Master Plan and addressing the buried fuel tanks as part of the Marina improvements in an appropriate manner and in a location consistent with the Harbor Master Plan. Lexington agrees to cooperate, collaborate with and support DNR to implement these improvements in consideration of other regulatory agencies and their requirements.
6. Lexington will apply its best efforts to identify and pursue funding sources, including but not limited to Community Development Block Grant funding, Michigan Natural Resources Trust Fund grants ("MNRTF") and other similar potential funding sources, to effect improvements to the park, consistent with the Harbor Master Plan. DNR agrees to support Lexington in securing funding for such improvements.
7. Subject to availability of funds, Lexington will provide improvements to the existing day-use restroom facilities at Lexington Patrick Tierney Park, to bring the facilities up to current commercial standards.
8. Lexington will collaborate and work in good faith with the DNR to accommodate the reasonable parking needs of boaters.
9. The current harbor Lease boundaries do not accurately reflect the existing land administered by DNR, including the buried fuel tank mound area, the vehicular/parking area currently serving the Marina, the cul-de-sac, Huron Street, and right-of-way. Lexington and DNR agree to assess and amend the existing Lease, to accurately depict the land required by DNR to fully administer the existing Marina, until such time in the future when administration of these properties' changes. In addition, at the time of any future developments within the Marina and Patrick Tierney Park, Lexington and DNR agree to amend the Lease boundaries to accurately reflect the land administered by the DNR, including but not limited to, the Marina Building and supporting exterior/landscape, the future fuel tank storage area and connecting fuel lines, and the existing cul-de-sac and Huron Avenue right-of-way.

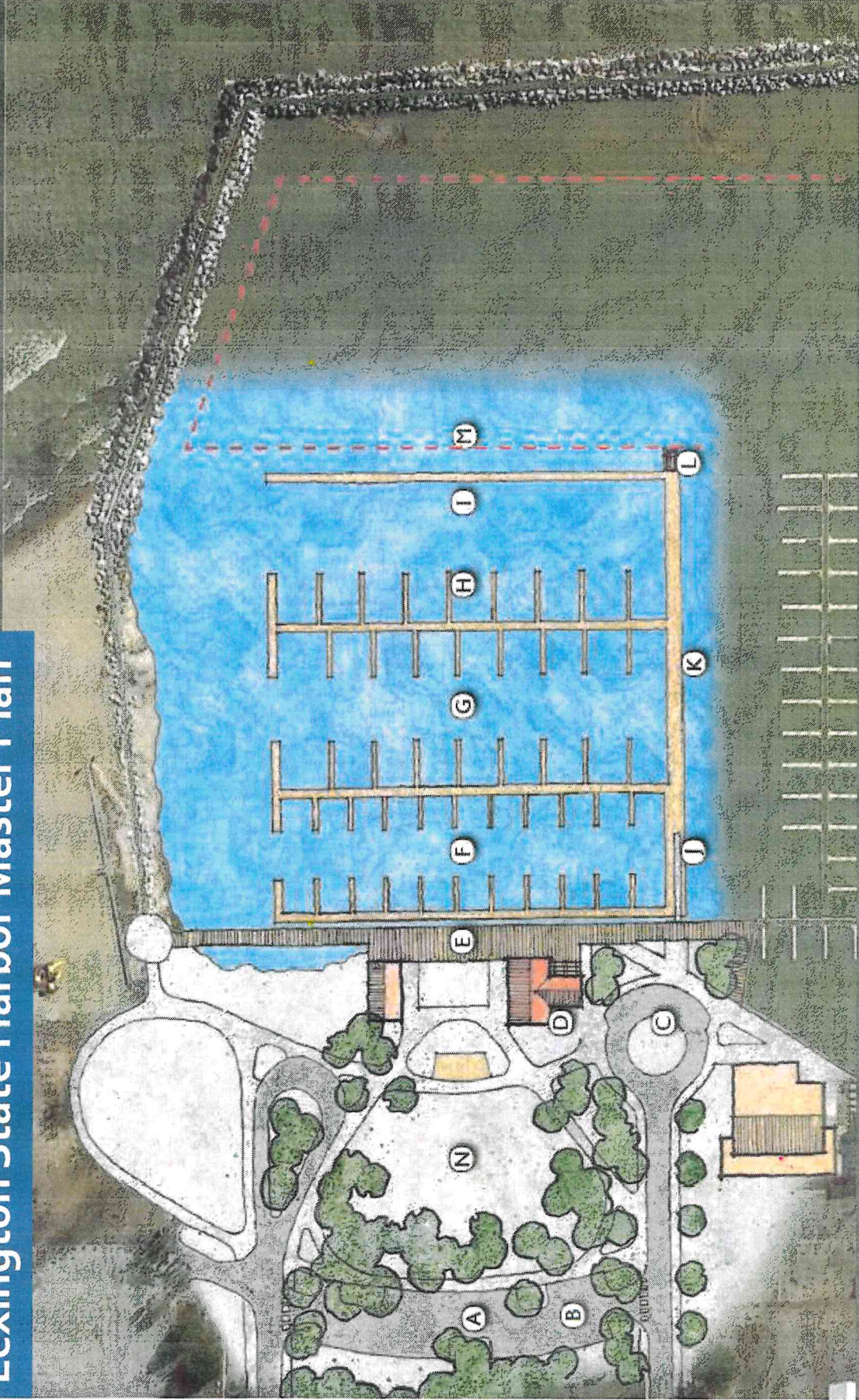
10. Except as may be specifically set forth herein, this MOU does not modify or amend in any way the Lease and all terms and provisions of the Lease remain in full force and effect.

Executed as the date first written above by the Parties.


Village of Lexington
Village President


Michigan Department of Natural Resources

Lexington State Harbor Master Plan



Lexington State Harbor Master Plan

