

**ZONING BOARD OF APPEALS  
MEETING AGENDA**

Thursday, November 20, 2014  
7:00 p.m. ~ City Hall, Council Chambers, 323 W. Michigan Ave., Marshall, MI

**CALL TO ORDER**

**ROLL CALL**

**CONSIDERATION OF MINUTES**

Meeting minutes from October 16, 2014

**APPROVAL OF AGENDA**

**PUBLIC COMMENTS FOR ITEMS ON THE AGENDA**

There will be citizen comment time during each variance case being heard.

Citizens who wish to speak on other matters on the agenda may do so when called upon by the Chairman. Those people addressing the Board are required to give their name and address for the record and shall be limited to speaking for a maximum of five (5) minutes on a given matter.

**NEW BUSINESS**

1. **APPEAL #14.08** –Dimensional Variance from §156.324 MINIMUM NUMBER OF SPACES REQUIRED, filed by Goodwill Industries, 842 W. Michigan Ave, in the B-4 district, to exceed the maximum number of parking spaces from 72 to 92 for a new retail/office development.

**OLD BUSINESS**

None

**PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA**

Citizens who wish to address the Board on items not on the agenda may do so at this time. When called upon by the Chairman, please state your name and address for the record. Members of the public shall be limited to speaking for a maximum of five (5) minutes.

**REPORTS**

Planning Commission: Current minutes can be found online at [www.cityofmarshall.com](http://www.cityofmarshall.com)

City Council Liaison

Board Members

Staff Reports

Reminders:

Community Survey for Master Plan Update can be found on [www.cityofmarshall.com](http://www.cityofmarshall.com)

QR Code:

**ADJOURN**

**MINUTES**  
**MARSHALL CITY ZONING BOARD OF APPEALS**  
**Regular Meeting Thursday, October 16, 2014**  
**7:00 P.M. – COUNCIL CHAMBERS**

**CALL TO ORDER**

This meeting was called to order by Vice Chair DeGraw at 7:04 p.m.

**ROLL CALL**

Members Present: Board Member Byrne, Galloway, Karns, and DeGraw

Members Absent: Board Members Feneley and Beach

Staff Present: Natalie Dean, Director of Community Services

**APPROVAL OF MINUTES**

**Motion** by Karns, supported by Byrne, to accept the minutes of the August 21, 2014 regular meeting as submitted. On a voice vote; **Motion Carried.**

**APPROVAL OF AGENDA**

**Motion** by Byrne, supported by Karns, to approve agenda of the October 16, 2014 regular meeting as submitted. On a voice vote; **Motion Carried.**

**AUDIENCE PARTICIPATION**

No public comment.

**NEW BUSINESS**

Appeal #14.08

**Motion** by Byrne, supported by Karns, to adjourn Appeal #14.08 for a Dimensional Variance from §156.324 MINIMUM NUMBER OF SPACES REQUIRED, filed by Goodwill Industries, 842 W Michigan Ave, in the B-4 district, to exceed maximum number of parking spaces from 72 to 92 for a new retail/office development on the ground of petitioner absence. On a voice vote; **Motion Carried.**

Approve 2015 ZBA meeting dates and submission deadlines.

**Motion** by Byrne, supported by Karns, to approve 2015 ZBA meeting dates and submission deadlines. On a voice vote, **Motion Carried.**

Receive and adopt City Council RRC resolution and Memorandum of Understanding.

Staff discussed that the Planning and Zoning Department applied for the Redevelopment Ready Communities program, and the City was accepted into the program. It consists of a series of steps in order to prepare communities for incoming development opportunities. Through coordination with the Economic Development

(unofficial)

Department, the City will streamline processes and policies and eventually be certified under the program. This program is creating a brand for cities that are ready and capable to accommodate new development opportunities.

**Motion** by Galloway, supported by Byrne, to receive and adopt City Council RRC resolution and Memorandum of Understanding. On a voice vote; **Motion Carried.**

## **OLD BUSINESS**

None

## **PUBLIC COMMENT**

None

## **REPORTS**

Staff reported that last night's Master Plan Kick-Off meeting was very productive. The discussion between the Planning commission and Clearzoning, city consultants, help to start brainstorming for ideas to be included in the update. She also reminded ZBA of upcoming events. November 19 will be the Community Open House for visioning for what the community would like to see in the update. October 22 is the Open House for Mark Stuart's apartment renovations through the Rental Rehab program. Staff reported that Grand Vista Assisted Living's site plan was approved by Planning Commission last week. Construction of the project will most likely start after the winter season.

## **ADJOURN**

Meeting adjourned at 7:16 pm.

Respectfully submitted,

*Lisa Huepenbecker*

## **FROM THE ZBA RULES OF PROCEDURE:**

### **6.4 PUBLIC PARTICIPATION**

Members of the public, both residents of the City of Marshall and others, are invited to address the Board during two portions of the regular ZBA agenda. Prior to the Board's discussion of regular agenda items, members of the public are invited to provide comment of items on the agenda. Comments unrelated to items on the agenda will be welcomed during a second "public comment" time noted later on the agenda. The Chair will first recognize any member of the public wishing to address the Board. Individuals will speak from the podium or a hand held microphone, state their name and address and limit their comments to a total of five (5) minutes during each of these "public comment" times. Members of the public will not routinely be involved in the Board's discussion or deliberation upon agenda items unless called upon by the Chair.

CASE #14.08  
STAFF REPORT

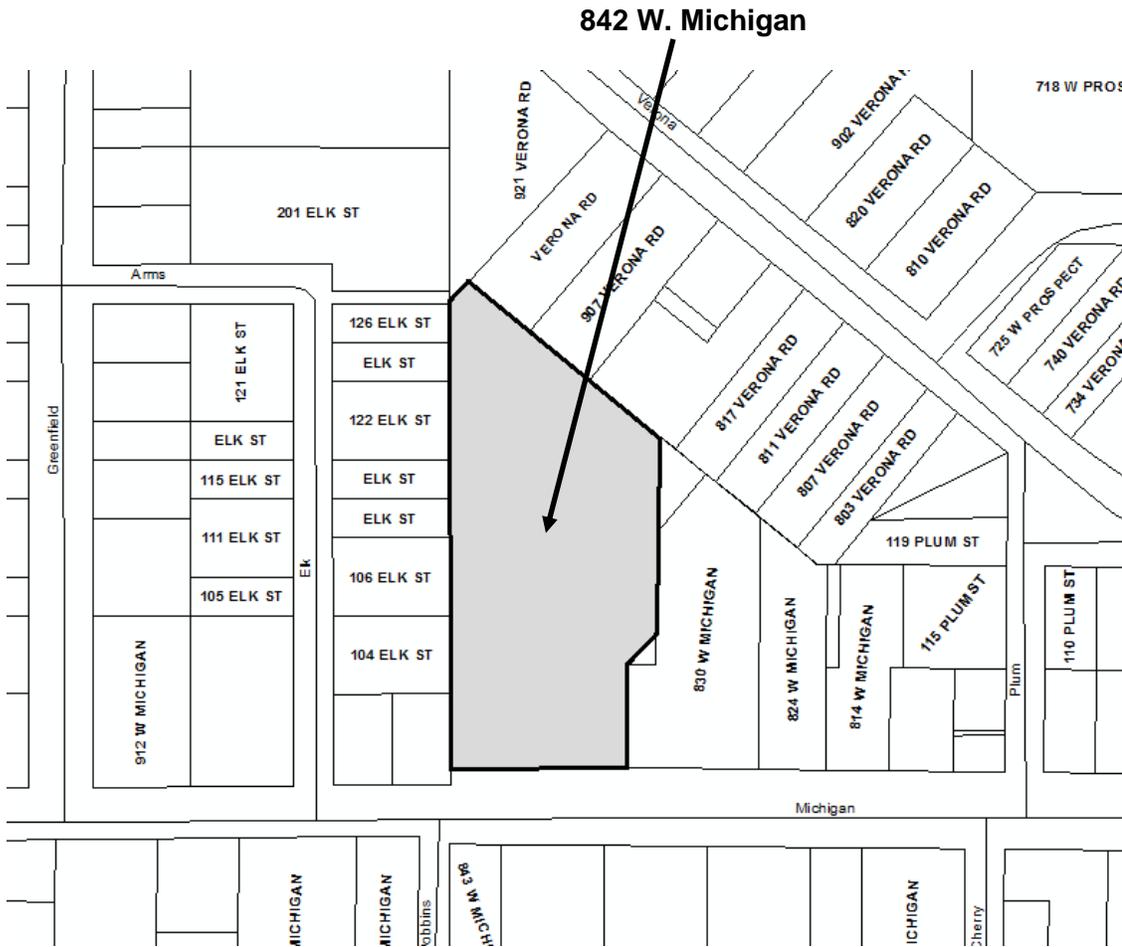
Location: 842 W. Michigan Ave.  
Property Zoning: B-4 Regional Commercial  
Owner: Goodwill Industries  
Setback Distances §156.181 : 20 Front, 10/15 Sides, 25 Rear

VARIANCE HISTORY

There are no previous variances registered for this property

BACKGROUND

This case was re-noticed in accordance with the Michigan Zoning Enabling Act of 2006, section 125.3103: *Notice; publication; mail or personal delivery; requirements.* The newspaper published the notice on October 31, 2014; City Hall posted the notice on October 27, 2014; and notices were sent to all property owners within 300 feet also on October 27, 2014.



CASE #14.08  
STAFF REPORT

This case was originally scheduled for the October 16, 2014 meeting; however, representatives for the case did not attend the meeting, therefore the case was adjourned to the November meeting.

Goodwill Industries would like to develop a retail store, as well as a workforce training center, at 842 W. Michigan. They have approached the Planning Commission with a conceptual site plan (September 10, 2014). One of the subjects discussed at the meeting was the amount of parking spaces presented by the applicant, which far exceeds the ordinance allotment for this size/use of building.

The applicant's attorney has presented this request as an "exception" request, stated in the ordinance as such:

**§ 156.407 EXCEPTIONS.**

**The Zoning Board of Appeals (ZBA) shall have the authority to hear and decide requests for exceptions on which this chapter specifically authorizes the ZBA to pass. Any exception shall be subject to such conditions as the ZBA may require to preserve and promote the character of the zone district in question and otherwise promote the purpose of this chapter, including the following:**

- (B) Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.**

For all intents and purposes, the "exception" wording in the ordinance allows the board to use the same standards it usually uses for dimensional variances. These standards are used to "promote and preserve the character of the zone district, etc."

The ordinance the applicant is seeking relief from is:

**§ 156.324 MINIMUM NUMBER OF SPACES REQUIRED.**

**(B) *Maximum number of spaces permitted.* To minimize excessive areas of pavement that contribute to higher rates of stormwater runoff, exceeding the minimum parking space requirements of this section by more than 20% shall be prohibited. The Planning Commission may waive this provision to allow additional parking spaces upon determining that such parking is necessary, based on documented evidence, to accommodate the use on a typical day.**

**(D) *Schedule of minimum required parking by use.* The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:**

|   |                                |
|---|--------------------------------|
| Retail stores, except as otherwise specified herein | One per 275 square feet of GFA |
|---|--------------------------------|

For this particular development, 60 spaces would be allowed, with a 20% increase, making the total allowable spaces 72 spaces.

Although the Planning Commission has the ability to allow additional spaces, they suggested to the developer that he try to get a variance in order to guarantee the amount of parking requested is allowed. Since there is no final site plan submitted yet, the board should realize that the applicant is seeking a variance on the

CASE #14.08  
STAFF REPORT

“amount of parking spaces allowed” only and not the location of those spaces which will be addressed with the site plan through the Planning Commission.

The lot being considered for development is very nearly completely surrounded by residential land. The ordinance calls for double setback distances on either side (due to residential proximity), as well as a 10' greenbelt in the front (along W. Michigan Avenue). Obviously, the conceptual plan submitted does not meet the ordinance guidelines for location of parking. It is imperative the site is approved as a whole so organization of the site and its components should be left to the site plan process with Planning Commission.

CASE ANALYSIS

Dimensional Variances are outlined in §156.406 (A) and state that the overwhelming reason for the variance should be a finding of unnecessary hardship, as stated below:

(1) Strict compliance with the specified dimensional standard(s) will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant, or unreasonably prevent the owner from using the property for a permitted purpose.

**Staff Comment:** Since the building is going to serve dual purposes (office and retail), the applicant's argument that more parking is needed makes sense. There are separate employee pools on either side of the building and most likely, a different customer base will be visiting the facility. Not having the appropriate amount of parking can deter clientele.

(2) The variance will do substantial justice to the applicant, as well as to other property owners, and a lesser variance than requested will not give substantial relief to the applicant or be consistent with justice to other property owners.

**Staff Comment:** If the need for parking is not met, either the business will lose clientele or customers will park in other, inappropriate areas which could qualify as an injustice to other property owners.

(3) The need for the variance is due to unique circumstances peculiar to the land or structures involved that are not applicable to other land or structures in the same district.

**Staff Comment:** The lot is not really the issue in this case; however, the use of the structure on the lot is the issue. Any lot on which a mixed use is located could potentially have this issue.

(4) The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors.

**Staff Comment:** The applicant has a decent size lot located within the commercial center of the City (which is not easy to find). They are not trying to build an oversized structure on a small lot; therefore, staff does not believe the need for the variance is self-created.

CASE #14.08  
STAFF REPORT

(5) The variance will not cause significant adverse impacts to adjacent properties, the neighborhood or the city, and will not create a public nuisance or materially impair public health, safety, comfort, morals or welfare.

**Staff Comment:** The increased parking in itself should not cause significant adverse impacts to the residential neighbors. Placement of that parking is what will affect the neighbors.

(6) The alleged hardship and practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience, or an inability to attain a higher financial return.

**Staff Comment:** There will certainly be hardship on the developer if the variance is not granted. It is unclear exactly how the hardship would present itself if the exception were to be denied, but the developer has documented proof that more parking than is allowed by ordinance is necessary.

**City of Marshall**  
**Zoning Board of Appeals Variance Application**  
323 West Michigan ~ Marshall, MI ~ 49068

**Residential \$50.00**

**Commercial \$100.00**

Petitioner Name Goodwill Industries of Central Michigan's Heartland, Inc.

Address 4820 Wayne Rd., Battle Creek, MI 49015 Phone 269.788.6500

Property address for which you are seeking a variance: 842 W. Michigan Ave., Marshall, MI

Are you the owner?     Yes     No    (If not, please attach owners contact information)

Current Zoning B-4                      Current Use None. Planned Goodwill Retail Store  
and Workforce Development Office

Zoning of abutting parcels B-4 & R-2

Plot Plan Attached NOTE: Current Preliminary Site Plan attached

*According to ordinance, you must include a plot plan of the site, drawn to scale, with a north-arrow, all lot lines shown, street right of ways, any easements, any structures, setback dimensions, any parking areas, driveways, sidewalks, and any other site improvements.*

Dimensional Variance            or                       Use Variance

Exception under Section 156.407(B)

Reasons for variance attached

*Please see back of sheet for appropriate ZBA criteria.*

Non-refundable Fees Paid

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\*The ZBA meets on the 3<sup>rd</sup> Thursday of each month. Application must be received by the date listed on the back of this sheet to be heard on the next scheduled meeting.

*I understand that I am expected to attend the ZBA Public Hearing pertaining to this matter. If I am unable to attend, I will send a representative in my place. I understand that the application fee is non-refundable and does not apply to any future permits. Furthermore, if the variance is granted, I agree to obtain a permit before commencing work.*

Signature of Petitioner Kenneth C Baue                      Date 9/22/14

Signature of Owner \_\_\_\_\_                      Date \_\_\_\_\_

Questions concerning these requirements should be directed to Natalie Huestis, Planning & Zoning Administrator, at: (269) 789-4604



**SUPPLEMENT TO ZONING BOARD OF APPEALS EXCEPTION APPLICATION**  
**FOR 842 W. MICHIGAN AVENUE, MARSHALL, MI**

**Background**

The Applicant is in the process of acquiring the property located at 842 W. Michigan Avenue, Marshall, MI (the "Property") from Monarch Bank. As the board members are likely aware, the Property and both the primary building and residence situated thereon are currently vacant and in a significant state of disrepair. The Applicant is proposing to remediate this blight by acquiring the Property and redeveloping the same as a Goodwill Retail Center and related Work Force Development Center.

In furtherance of its aims, the Applicant has already requested and obtained a boundary line adjustment and partial re-zoning of the Property. Additionally, on September 10, 2014, the Applicant presented its conceptual site plan (the "Site Plan") to the Planning Commission and received preliminary, overwhelmingly positive, feedback from the Planning Commission. Currently, the Applicant is in the process of integrating the feedback it received from the Planning Commission and City Staff into the site plan for submission to be heard by the Planning Commission at the November, 2014 Planning Commission Meeting.

As can be seen by the enclosed Site Plan and as detailed below, the Site Plan calls for more parking spaces than are permitted as of right under Section 156.324(B) of the Zoning Ordinance. When this issue was discussed at the September 10, 2014, Planning Commission meeting, the Applicant was advised that the preferred methodology of addressing this issue is through an exception from the ZBA.

**Request**

The Applicant requests an exception from strict application of Section 156.324(B) (Maximum Number of [Parking] Spaces Permitted) of the Zoning Ordinance in connection with the Applicant's proposed conceptual site plan (the "Site Plan") and related redevelopment and repurposing of the Property.

Specifically, the Applicant is requesting an exception from strict application of Section 156.324(B) as follows:

- Maximum Number of Spaces Permitted: 72 spaces
- Number of Spaces Required by Site Plan: 92 spaces
- **Exception Requested: 20 spaces**

**Analysis and Considerations**

This application is an application under Section 156.407(B) requesting an exception to strict application of Section 156.324(B). Section 156.407(B) provides, in relevant part, as follows:

*The Zoning Board of Appeals (ZBA) shall have the authority to hear and decide requests for exceptions on which this chapter specifically authorizes the ZBA to pass. Any exception shall be subject to such conditions as the ZBA may require to preserve and promote the character of the zone district in question and otherwise promote the purpose of this chapter, including the following:*

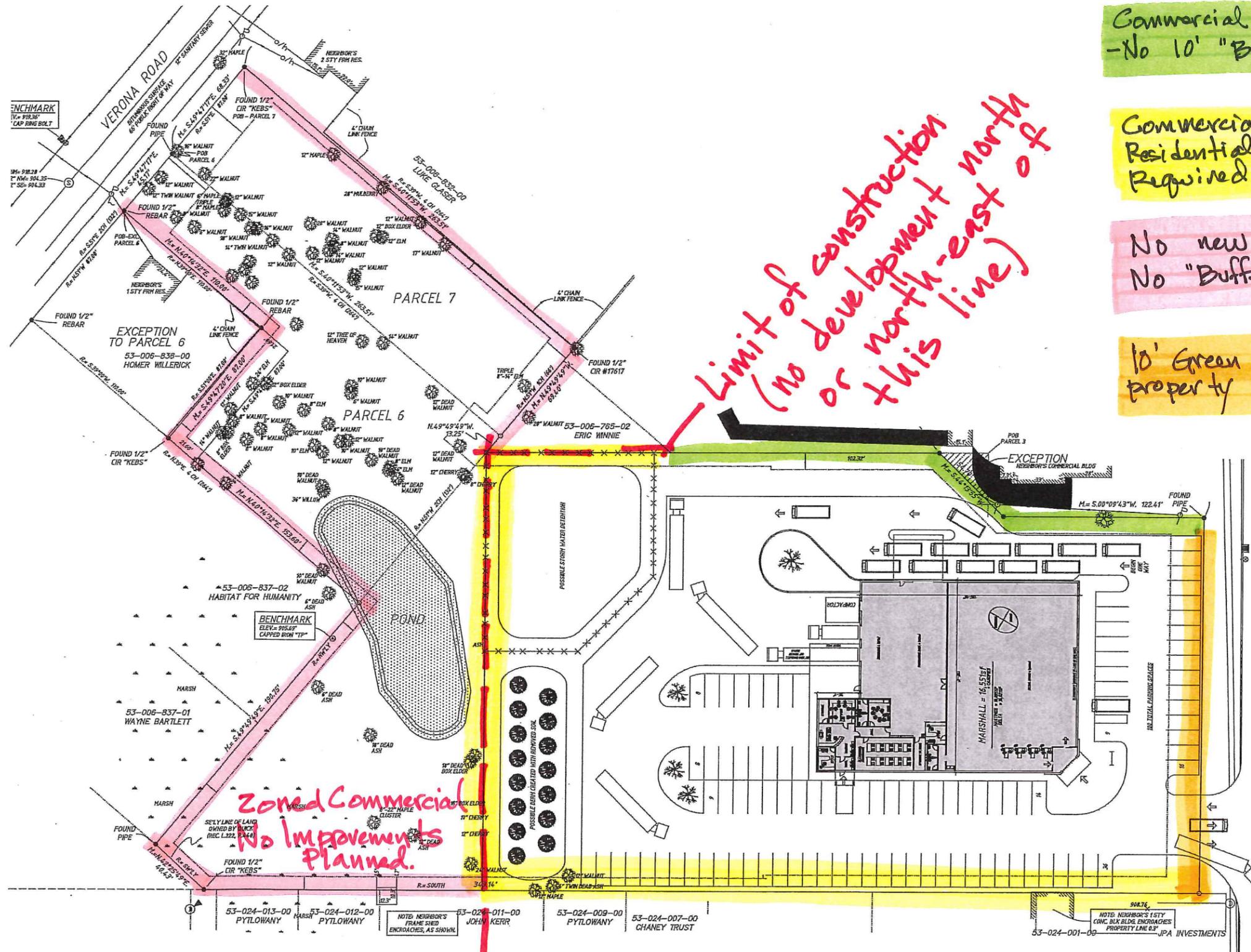
\* \* \*

*(B) Permit the modification of the automobile parking space or loading space requirements, where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.*

Although Section 156.407(B) provides very little in the way of guidance and criteria to the ABA in deciding exception requests, the Applicant believes the requested exception is not inconsistent with the apparent purpose and intent of Section 156.324(B) and should be granted for the following reasons:

- Section 156.324(B) imposes a maximum number of parking spaces which may be located on a given site. The purpose of this Section appears to be to prevent site plan applicants from creating egregiously expansive and unsightly surface parking lots which effectively pave the entire site. In this case, the additional spaces requested will not result in “edge-to-edge” paving of the Property. In fact, the Property contains (and the Site Plan calls for the continuation of) a significant natural area on the North side of the Property (where the Property abuts the R-2 zone) as well as significant buffering in all required locations (including along the Western boundary where the Property also abuts the R-2 zone).
- The additional requested parking is the minimum required to support the Applicant’s proposed business to be conducted upon the Property. The Applicant’s **request for an additional 20 parking spaces (for a total of 92 parking spaces)** is based on the following:
  - Customer Traffic: The Applicant owns and operates a number of locations throughout central lower Michigan. The Applicant’s Delta, MI location is the location which is the most direct analogue (in terms of size, expected revenue, and expected customer count) to the location proposed in the Site Plan. Based on sales and customer count records from the Delta, MI location, the Applicant is expecting total customer traffic of at least 19,666 customers per month during its busiest months. This translates to 656 customers per day. That customer total divided by the 10-1/2 hours per day that the Applicant’s business on the Property is expected to be open to the public yields a parking need of at least **62 parking spaces for customers** alone.
  - Retail Staff: Applicant expects that the retail portion of the Applicant’s business operation on the Property will be staffed by 15 to 17 team members. As such, Applicant will need a minimum **15 parking spaces for retail staff**.
  - Work Force Development: In addition to the retail operation, the Property will also include a Work Force Development Center at which Applicant will be providing tax preparation, resume preparation, job search, job placement, and related office-based services. In all, Applicant expects the Work Force Development staff to consist of 2-3 staff members serving between 10-12 clients at any given time. As such, Applicant will need a minimum of **15 parking spaces to facilitate its work force development activities**.

For the foregoing reasons, the Applicant believes it is appropriate for the ZBA to grant the requested exception of an additional 20 parking spaces.



Commercial to Commercial  
-No 10' "Buffer" requirement

Commercial to Residential - 10' "Buffer" Required - or fence

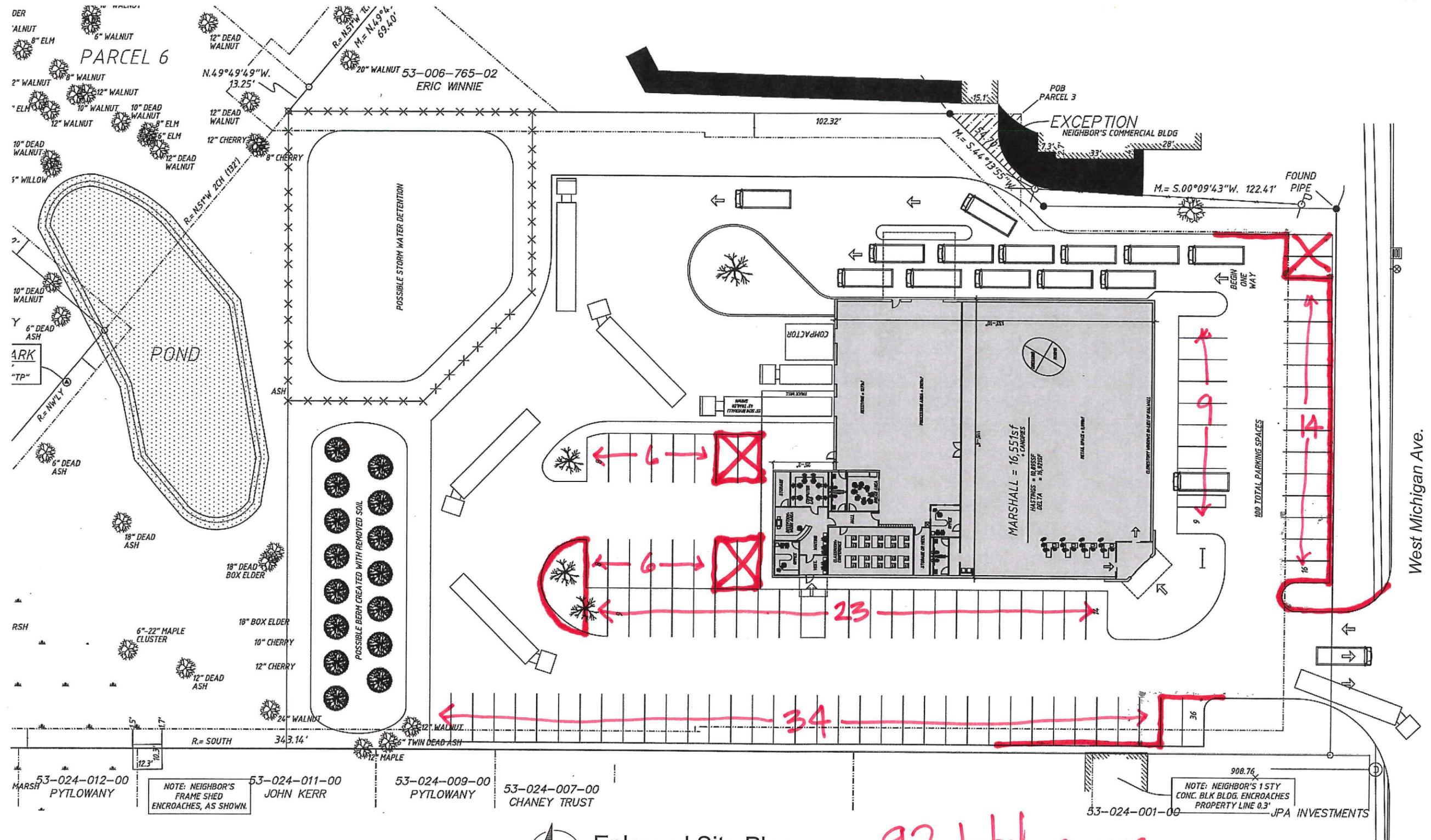
No new development  
No "Buffer" required.

10' Green "Buffer" from property line to pavement

Limit of construction  
(no development north or north-east of this line)

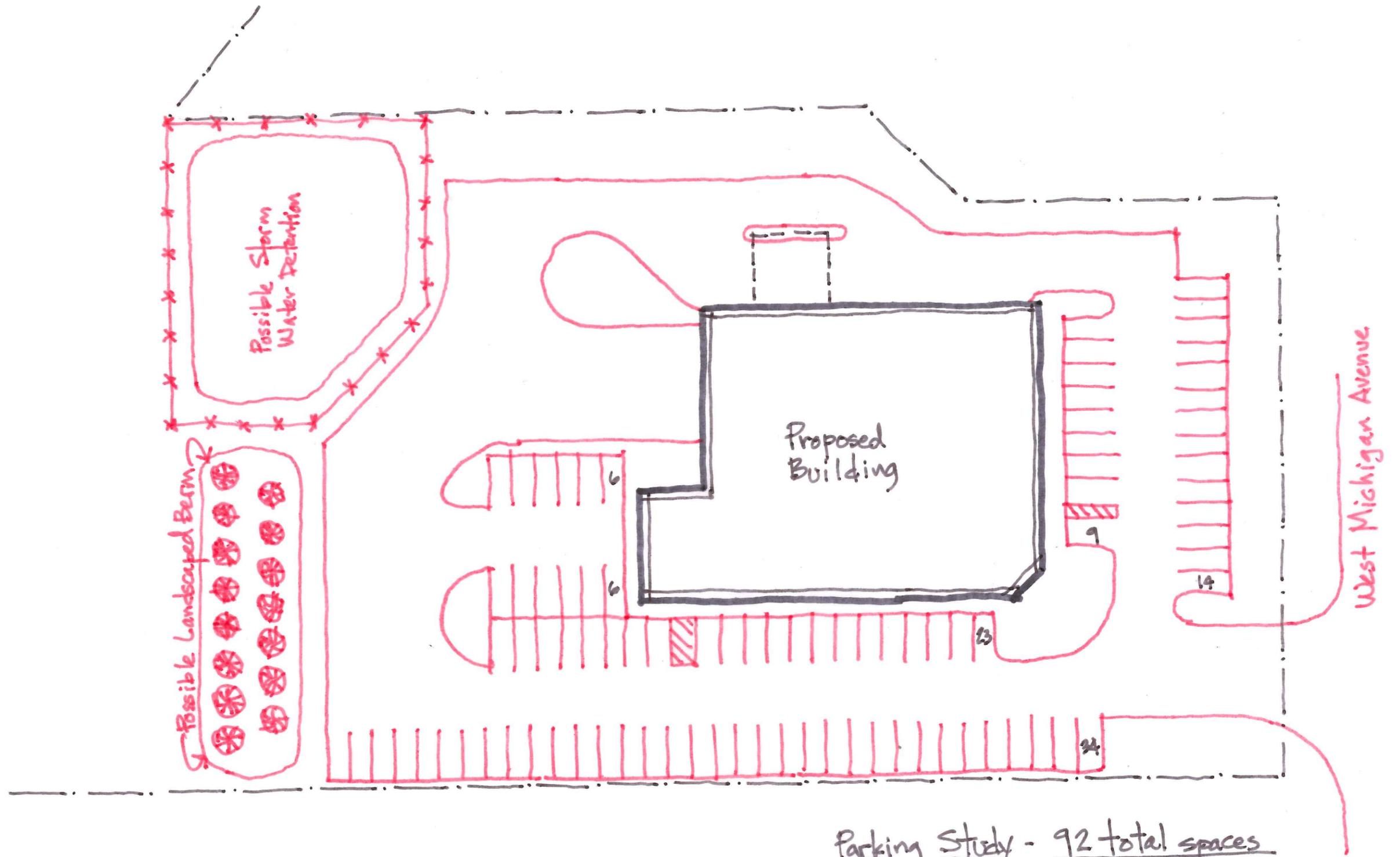
Zoned Commercial  
No Improvements Planned.

 Overall Site Plan




 Enlarged Site Plan

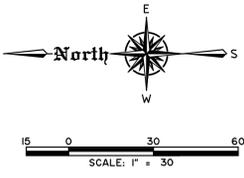
*92 total spaces*



Parking Study - 92 total spaces

⊕ N SITE PLAN

GOODWILL - MARSHALL



**NOTES:**

- ALL REFERENCE TO "TITLE COMMITMENT" REFER TO THAT BY CHICAGO TITLE INSURANCE COMPANY, FILE #130642549CML, DATED 03/11/2014 AT 8:00 AM.
- SITE ADDRESSES ARE 84.2 W. MICHIGAN AVE & 517 VERONA ROAD.
- THIS PARCEL LIES IN ZONE X OF FEMA FEDERAL INSURANCE RATE MAP #26025C0238C, EFFECTIVE DATE 04/04/2011. ZONE X IS NOT A SPECIAL FLOOD HAZARD AREA.
- TOTAL LAND AREA OF ALL PARCEL IS 5.48 ACRES.
- CONTOURS ARE SHOWN AT 10' INTERVALS. ALL ELEVATIONS BASED ON NAVD83 DATUM AS DETERMINED BY GPS STATIC SURVEY. SITE BENCHMARKS HAVE BEEN PLACED AS SHOWN.
- PARCEL #834-01 (PARCEL 7) IS ZONED R-3 TRADITIONAL RESIDENTIAL BY THE CITY OF MARSHALL. TYPICAL SETBACKS FOR THIS ZONE ARE 25' FRONT, 5' SIDE (BOTH SIDES TO TOTAL 15'), AND 15' REAR. MAXIMUM BUILDING HEIGHT IS 2.5 STORIES AND/OR 35'.
- PARCEL #840-00 (PARCELS 5-6 AND PART PARCEL 3) IS ZONED R-2 SUBURBAN RESIDENTIAL BY THE CITY OF MARSHALL. TYPICAL SETBACKS FOR THIS ZONE ARE 30' FRONT, 8' SIDE (BOTH SIDES TO TOTAL 15'), AND 25' REAR. MAXIMUM BUILDING HEIGHT IS 2.5 STORIES AND/OR 35'.
- PARCEL #767-01 (PARCELS 1, 2-4 AND PART OF PARCEL 3) IS ZONED B-5 REGIONAL COMMERCIAL BY THE CITY OF MARSHALL. TYPICAL SETBACKS FOR THIS ZONE ARE 20' FRONT, 10' SIDE (BOTH SIDES TO TOTAL 25'), AND 25' REAR. MAXIMUM BUILDING HEIGHT IS 2.5 STORIES AND/OR 35'.
- SITE HAS 6 MARKED REGULAR PARKING SPACES AND 3 MARKED HANDICAPP ACCESSIBLE SPACES.
- UNDERGROUND UTILITIES SHOWN BASED ON THEIR ABOVE-GROUND SURFACE FEATURES, OLD MISS-DIG MARKINGS FOUND ON SITE, AND MAPS PROVIDED BY THE CITY OF MARSHALL. UNABLE TO DETERMINE THE LOCATION OF SANITARY SEWER SERVICE TO EITHER BUILDING NOR THE WATER SERVICE TO THE RESIDENTIAL BUILDING ON PARCEL 5. THIS SITE WAS PREVIOUSLY USED FOR THE STORAGE AND SALE LANDSCAPING MATERIALS, AND SOME NATURAL VEGETATION HAS BEEN DISTURBED. HOWEVER, NO EVIDENCE HAS BEEN OBSERVED OF CURRENT & ONGOING EARTH MOVING WORK.
- THERE ARE NO IMMEDIATE PLANS FOR CHANGES IN PROPOSED TO THE RIGHT OF WAY LINES PER CITY OF MARSHALL.
- NO EVIDENCE HAS BEEN OBSERVED THAT THIS SITE HAS BEEN USED AS A SOLID WASTE DUMP, SUMP, OR SANITARY LANDFILL.
- THIS SITE HAS LANDS THAT COULD POSSIBLY BE REGULATED UNDER MICHIGAN ENVIRONMENTAL LAWS. NO EVIDENCE OF PRIOR WETLAND DELINEATION HAS BEEN OBSERVED. A PROPER WETLAND DELINEATION BY OTHERS WOULD BE NECESSARY TO DETERMINE THE EXISTENCE AND/OR EXTENT OF REGULATED WETLANDS.
- PARCEL #53-006-765-02 IS SHOWN ON THE TAX RECORDS AS BEING OWNED BY ERIC WINNIE, WHICH APPEARS TO BE THE PREDECESSOR TO THIS PROPERTY. HOWEVER, THIS PARCEL IS NOT INCLUDED IN THE TITLE WORK, NOR HAS BEEN MADE PART OF THIS SURVEY. THIS PARCEL IS CURRENTLY BEING USED VIA A 2-TRACK DRIVE (NOT LOCATED) AS ACCESS TO PARCEL 7 FROM W. MICHIGAN AVE.

**NOTES PERTAINING TO SCHEDULE B-II OF TITLE COMMITMENT:**

- ITEM 14 - RIGHT OF WAY FOR DRIVEWAY PURPOSES OVER THE EAST 8-1/2' OF LOT 7, PER SCHEDULE A, AS SHOWN.
- ITEM 15 - RIGHT OF WAY FOR DRIVEWAY PURPOSES RESEVED IN WARRANTY DEED RECORDED IN LIBER 1319, PAGE 345, AS SHOWN.
- ITEM 17 - SURVEY BY KEBS, INC. (JOB #81485, DATED 02/20/2008) DENOTES A BUILDING ENCROACHMENT AND A BITUMINOUS DRIVE ENCROACHMENT. BOTH ENCROACHMENTS WOULD FALL IN THE "LESS AND EXCEPT" AREA AND ARE NO LONGER RELEVANT TO THIS SURVEY, AS SHOWN.

**LEGAL DESCRIPTION FROM SCHEDULE A OF TITLE COMMITMENT:**

**PARCEL 1:**  
A PARCEL OF LAND 107 FEET NORTH AND SOUTH OFF THE NORTH END OF LOT 7, BLOCK 43, HURD'S ADDITION TO THE CITY OF MARSHALL, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 27 OF DEEDS PAGE 770. TOGETHER WITH A RIGHT OF WAY TO MICHIGAN AVENUE OVER THE EAST 8 1/2 FEET OF THE SOUTH 157 FEET OF SAID LOT 7.

**PARCEL 2:**  
COMMENCING ON THE NORTH LINE OF WEST MICHIGAN AVENUE AT THE SOUTHWEST CORNER OF LOT 7, BLOCK 43 OF HURD'S ADDITION TO THE CITY OF MARSHALL, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 27 OF DEEDS PAGE 770 RUNNING THENCE NORTH ALONG THE WEST LINE OF SAID LOT 7 (AS SAME IS NOW FENCED AND OCCUPIED) A DISTANCE OF 157 FEET; THENCE EAST PARALLEL WITH SAID NORTH LINE OF MICHIGAN AVENUE A DISTANCE OF 107 FEET; THENCE SOUTH PARALLEL WITH SAID WEST LINE 157 FEET TO THE NORTH LINE OF WEST MICHIGAN AVENUE; THENCE WEST ON NORTH LINE OF SAID AVENUE 107 FEET TO THE PLACE OF BEGINNING.

**PARCEL 3:**  
COMMENCING AT A POINT ON THE NORTH LINE OF MICHIGAN AVENUE, 1 ROD WEST OF THE SOUTHEAST CORNER OF LOT 4, BLOCK 43 OF HURD'S ADDITION; THENCE NORTHERLY PARALLEL TO THE EAST LINE OF LOT 4, 8 RODS; THENCE WESTERLY PARALLEL TO THE SOUTH LINE OF SAID LOT 4, 132 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTHERLY PARALLEL TO THE WEST LINE OF SAID LOT 4, 305.55 FEET MORE OR LESS TO A POINT 16 RODS SOUTHWESTERLY AT RIGHT ANGLES FROM THE SOUTHERLY LINE OF VERONA ROAD; THENCE NORTHWESTERLY PARALLEL TO AND 16 RODS FROM THE SOUTHERLY LINE OF VERONA ROAD TO THE SOUTHEASTERLY LINE OF THE LAND FORMERLY OWNED BY THOMAS QUICK AND DESCRIBED IN LIBER 222 ON PAGE 330, CALHOUN COUNTY RECORDS; THENCE SOUTHWESTERLY ALONG THE SOUTHEASTERLY LINE OF LANDS FORMERLY OWNED BY THOMAS QUICK TO THE WEST LINE OF BLOCK 46 OF SAID HURD'S ADDITION, SAID POINT BEING 10 CHAINS 22 LINKS SOUTH OF THE NORTH 1/4 POST OF SECTION 26; THENCE SOUTH ON THE WEST LINE OF SAID BLOCK 46 OF HURD'S ADDITION TO A POINT 4 RODS NORTH OF THE NORTHWEST CORNER OF BLOCK 43 OF SAID HURD'S ADDITION; THENCE EASTERLY 8 RODS PARALLEL TO THE SOUTH LINE OF SAID BLOCK 46; THENCE SOUTH 4 RODS TO THE SOUTH LINE OF SAID BLOCK 36; THENCE WEST ON THE SOUTH LINE OF BLOCK 46, 1 ROD; THENCE SOUTH ON THE WEST LINE OF LOT 6, BLOCK 43, 6 RODS; THENCE EASTERLY PARALLEL TO THE SOUTH LINE OF BLOCK 43, 110.5 FEET; THENCE SOUTHERLY PARALLEL TO THE WEST LINE OF LOT 4, BLOCK 43, 2 RODS; THENCE EASTERLY PARALLEL TO THE SOUTH LINE OF BLOCK 43, 38 FEET TO THE POINT OF BEGINNING. ALSO, RIGHT OF WAY OVER THE EAST 8 1/2 FEET OF LOT 7, BLOCK 43, HURD'S ADDITION FOR DRIVEWAY PURPOSES TO THE ABOVE DESCRIBED PREMISES TO BE USED IN COMMON WITH OTHERS TO WHOM THERE MAY HAVE BEEN OR HEREAFTER SHALL BE GRANTED THE RIGHT TO USE SUCH STRIP OF LAND.

**PARCEL 4:**  
COMMENCING AT A POINT ON THE NORTH LINE OF MICHIGAN AVENUE, 107 FEET EAST OF THE SOUTHWEST CORNER OF LOT 7, BLOCK 43, HURD'S ADDITION TO THE CITY OF MARSHALL, ACCORDING TO THE RECORDED PLAT THEREOF AS RECORDED IN LIBER 27 OF DEEDS, PAGE 770; THENCE EAST ALONG THE NORTH LINE OF MICHIGAN AVENUE TO A POINT 185.5 FEET WEST OF THE SOUTHEAST CORNER OF LOT 4, BLOCK 43, OF SAID HURD'S ADDITION; THENCE NORTH 10 RODS; THENCE WEST TO A POINT DUE NORTH OF THE PLACE OF BEGINNING; THENCE SOUTH TO THE POINT OF BEGINNING. EXCEPTING AND RESERVING A RIGHT OF WAY FOR DRIVEWAY PURPOSES OVER THE EAST 8 1/2 FEET OF LOT 7, HURD'S ADDITION.

**LEGAL DESCRIPTION FROM SCHEDULE A OF TITLE COMMITMENT (CONTINUED):**

**PARCEL 5:**  
A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 26, TOWN 2 SOUTH, RANGE 6 WEST, AND BEING A PART OF LOTS 4 AND 5 OF BLOCK 43 OF HURD'S ADDITION TO THE CITY OF MARSHALL AS RECORDED IN LIBER 27 OF DEEDS, PAGE 770, IN THE OFFICE OF THE REGISTER OF DEEDS FOR CALHOUN COUNTY, MICHIGAN; THENCE NORTH 4 RODS ALONG THE WEST LINE OF SAID BLOCK 46; THENCE EAST 8 RODS PARALLEL WITH THE SOUTH LINE OF SAID BLOCK; THENCE SOUTH 4 RODS TO THE SOUTH LINE OF SAID BLOCK; THENCE WEST ALONG THE SOUTH LINE OF SAID BLOCK 8 RODS TO THE PLACE OF BEGINNING.

**PARCEL 6:**  
BEGINNING AT A POINT ON THE SOUTHERLY LINE OF VERONA ROAD, 5 CHAINS AND 25 LINKS NORTHWESTERLY FROM THE NORTHEAST CORNER OF BLOCK 46, HURD'S ADDITION TO THE VILLAGE, NOW CITY OF MARSHALL, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 27 OF DEEDS PAGE 770 IN THE OFFICE OF THE REGISTER OF DEEDS FOR CALHOUN COUNTY, MICHIGAN; RUNNING THENCE SOUTH 39° WEST 4 CHAINS; THENCE NORTH 51° WEST 2 CHAINS; THENCE NORTH 39° EAST 4 CHAINS; THENCE SOUTH 51° EAST ALONG VERONA ROAD TO THE PLACE OF BEGINNING. EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PREMISES: BEGINNING AT A POINT ON THE SOUTHERLY LINE OF VERONA ROAD 391.50 FEET NORTHWESTERLY FROM THE NORTHEAST CORNER OF BLOCK 46, HURD'S ADDITION TO THE CITY OF MARSHALL, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 27 OF DEEDS, PAGE 770 IN THE OFFICE OF THE REGISTER OF DEEDS FOR CALHOUN COUNTY, MICHIGAN; THENCE NORTH 51°00' WEST ALONG SAID SOUTHERLY ROAD LINE 87.00 FEET; THENCE SOUTH 39°00' WEST AT RIGHT ANGLES 110.00 FEET; THENCE SOUTH 51°00' EAST 87.00 FEET; THENCE NORTH 39°00' EAST 110.00 FEET TO THE PLACE OF BEGINNING.

**PARCEL 7:**  
COMMENCING AT A POINT ON THE SOUTHERLY LINE OF VERONA STREET, DISTANT 4 CHAINS 25 LINKS NORTHWESTERLY FROM THE NORTHEAST CORNER OF BLOCK 46 OF HURD'S ADDITION, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE SOUTH 39° WEST 4 CHAINS; THENCE NORTH 51° WEST 1 CHAIN; THENCE NORTH 39° EAST 4 CHAINS TO THE SOUTHERLY LINE OF VERONA ROAD; THENCE SOUTH 51° EAST ALONG SAID CERONA ROAD 1 CHAIN TO THE PLACE OF BEGINNING.

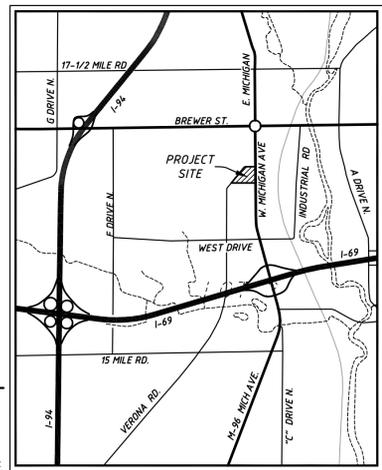
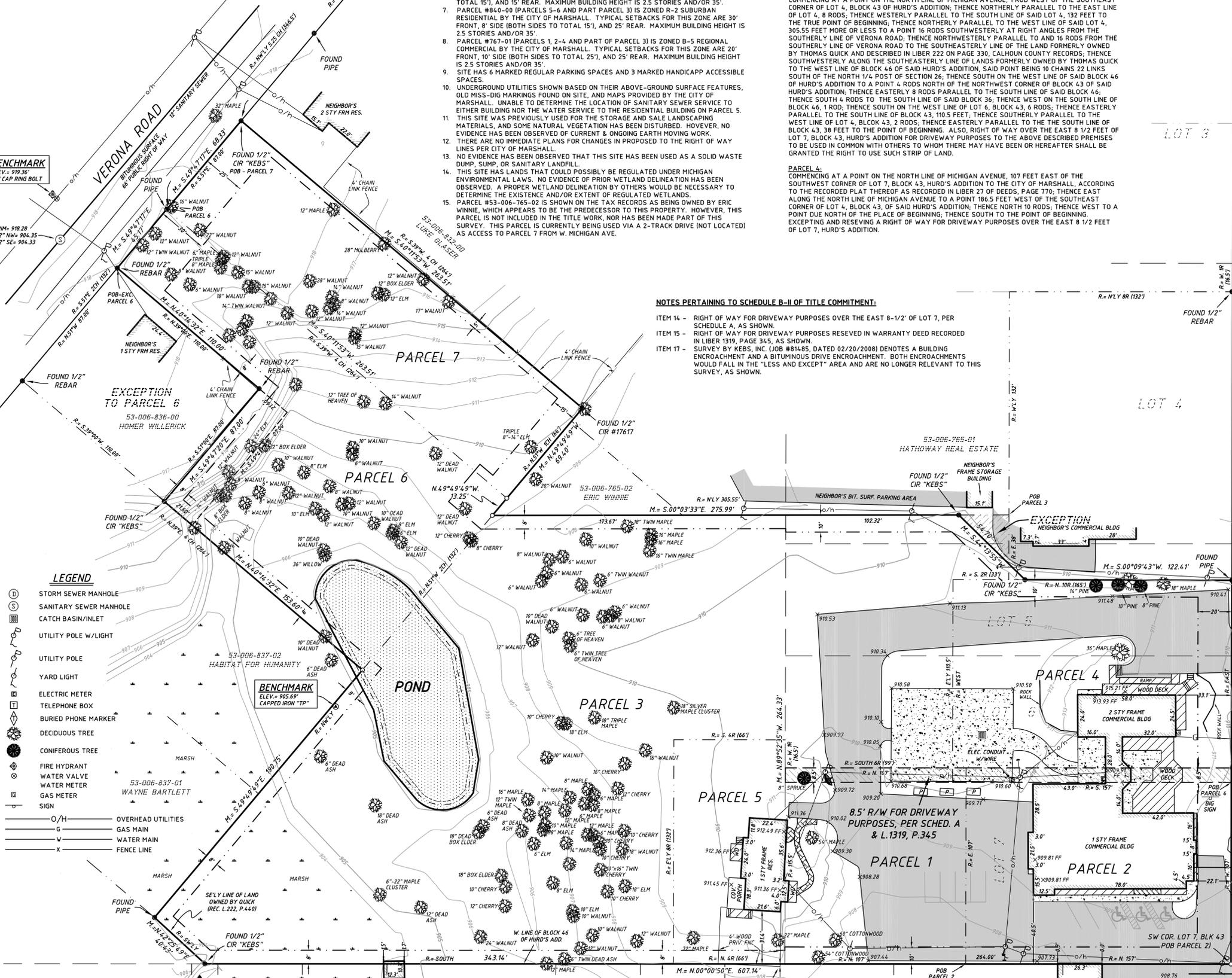
**LESS AND EXCEPT:**  
A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 26, TOWN 2 SOUTH, RANGE 6 WEST, AND BEING A PART OF LOTS 4 AND 5 OF BLOCK 43 OF HURD'S ADDITION TO THE CITY OF MARSHALL AS RECORDED IN LIBER 27 OF DEEDS, PAGE 770, IN THE OFFICE OF THE REGISTER OF DEEDS FOR CALHOUN COUNTY, MICHIGAN AND BEING FURTHER DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 7 OF SAID BLOCK 43; THENCE NORTH 88°05'32" EAST 225.92 FEET ALONG THE NORTH LINE OF MICHIGAN AVENUE; THENCE NORTH 01°09'17" WEST, 132.00 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE NORTH 43°01'30" EAST, 54.52 FEET; THENCE SOUTH 01°09'17" EAST, 38.60 FEET; THENCE SOUTH 88°05'32" WEST, 38.00 FEET TO THE POINT OF BEGINNING.

**SURVEYOR'S CERTIFICATE:**

TO: GOODWILL INDUSTRIES OF CENTRAL MICHIGAN'S HEARTLAND, INC.  
BANK OF AMERICA  
CHICAGO TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE MICHIGAN STANDARD REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS; AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6b, 7(a), 8, 9, 11(b), 13, 14, 16, 17, 18, 19, AND 20(a) OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 04/09/2014.

WILLIAM K. CRANE, PS #29243 DRAWING DATE: 04/10/2014



**3 WORKING DAYS BEFORE YOU DIG CALL MISS-DIG 1-800-482-7171**

ALTERNATE NUMBER (248) MISS-DIG COLOR CODES FOR UTILITY LOCATING:

|        |                     |       |             |
|--------|---------------------|-------|-------------|
| Yellow | OIL & GAS           | Blue  | WATER       |
| Orange | PHONE & CATV        | Green | STORM DRAIN |
| White  | ELECTRIC            | Brown | SEWER       |
| Red    | PROPOSED EXCAVATION | Pink  | SURVEYING   |

IF YOU ARE GOING TO WORK NEAR OVERHEAD WIRES - CALL MISS DIG

- LEGEND**
- STORM SEWER MANHOLE
  - SANITARY SEWER MANHOLE
  - CATCH BASIN/INLET
  - UTILITY POLE W/LIGHT
  - UTILITY POLE
  - YARD LIGHT
  - ELECTRIC METER
  - TELEPHONE BOX
  - BURIED PHONE MARKER
  - DECIDUOUS TREE
  - CONIFEROUS TREE
  - FIRE HYDRANT
  - WATER VALVE
  - WATER METER
  - GAS METER
  - SIGN
  - O/H OVERHEAD UTILITIES
  - G GAS MAIN
  - W WATER MAIN
  - F FENCE LINE

**CRANE LAND SURVEYING, P.C.**  
14250 VERONA ROAD  
SUITE 130  
BATTLE CREEK, MI. 49014  
PH: (269) 963-1977 • FAX: (269) 963-7008

CHECKED BY: **WKC**  
DATE: 04/10/14  
SCALE: 1" = 30'

DRAWN BY: **MPP**  
REVISION: **PRELIMINARY**  
REVISION: **FINAL**

ALTA/ACSM LAND TITLE SURVEY  
PART OF THE NE 1/4 OF SEC 26, T2S, R6W,  
CITY OF MARSHALL, CALHOUN COUNTY, MICHIGAN

**MARSHALL GOODWILL**

OWNER/OCCUPANT  
104 ELK ST  
MARSHALL MI 49068

OWNER/OCCUPANT  
105 ELK ST  
MARSHALL MI 49068

OWNER/OCCUPANT  
106 ELK ST  
MARSHALL MI 49068

OWNER/OCCUPANT  
111 ELK ST  
MARSHALL MI 49068

OWNER/OCCUPANT  
115 ELK ST  
MARSHALL MI 49068

OWNER/OCCUPANT  
119 PLUM ST  
MARSHALL MI 49068

OWNER/OCCUPANT  
121 ELK ST  
MARSHALL MI 49068

OWNER/OCCUPANT  
122 ELK ST  
MARSHALL MI 49068

OWNER/OCCUPANT  
123 PLUM ST  
MARSHALL MI 49068

OWNER/OCCUPANT  
124 ELK ST  
MARSHALL MI 49068

OWNER/OCCUPANT  
126 ELK ST  
MARSHALL MI 49068

OWNER/OCCUPANT  
201 ELK ST  
MARSHALL MI 49068

OWNER/OCCUPANT  
718 W PROSPECT  
MARSHALL MI 49068

OWNER/OCCUPANT  
725 W PROSPECT  
MARSHALL MI 49068

OWNER/OCCUPANT  
740 VERONA RD  
MARSHALL MI 49068

OWNER/OCCUPANT  
801 VERONA RD  
MARSHALL MI 49068

OWNER/OCCUPANT  
803 VERONA RD  
MARSHALL MI 49068

OWNER/OCCUPANT  
807 VERONA RD  
MARSHALL MI 49068

OWNER/OCCUPANT  
810 VERONA RD  
MARSHALL MI 49068

OWNER/OCCUPANT  
811 VERONA RD  
MARSHALL MI 49068

OWNER/OCCUPANT  
814 W MICHIGAN  
MARSHALL MI 49068

OWNER/OCCUPANT  
816 W GREEN  
MARSHALL MI 49068

OWNER/OCCUPANT  
817 VERONA RD  
MARSHALL MI 49068

OWNER/OCCUPANT  
819 W MICHIGAN  
MARSHALL MI 49068

OWNER/OCCUPANT  
820 VERONA RD  
MARSHALL MI 49068

OWNER/OCCUPANT  
821 VERONA RD  
MARSHALL MI 49068

OWNER/OCCUPANT  
822 W GREEN  
MARSHALL MI 49068

OWNER/OCCUPANT  
823 W MICHIGAN  
MARSHALL MI 49068

OWNER/OCCUPANT  
824 W GREEN  
MARSHALL MI 49068

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MARSHALL MI 49068

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827 W MICHIGAN  
MARSHALL MI 49068

OWNER/OCCUPANT  
828 W GREEN  
MARSHALL MI 49068

OWNER/OCCUPANT  
830 W MICHIGAN  
MARSHALL MI 49068

OWNER/OCCUPANT  
832 W GREEN  
MARSHALL MI 49068

OWNER/OCCUPANT  
835 W MICHIGAN  
MARSHALL MI 49068

OWNER/OCCUPANT  
836 W GREEN  
MARSHALL MI 49068

OWNER/OCCUPANT  
842 W MICHIGAN  
MARSHALL MI 49068

OWNER/OCCUPANT  
843 W MICHIGAN  
MARSHALL MI 49068

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848 W MICHIGAN  
MARSHALL MI 49068

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849 W MICHIGAN  
MARSHALL MI 49068

OWNER/OCCUPANT  
850 W MICHIGAN  
MARSHALL MI 49068

OWNER/OCCUPANT  
855 W MICHIGAN  
MARSHALL MI 49068

OWNER/OCCUPANT  
902 VERONA RD  
MARSHALL MI 49068

OWNER/OCCUPANT  
903 VERONA RD  
MARSHALL MI 49068

OWNER/OCCUPANT  
903.5 VERONA  
MARSHALL MI 49068

OWNER/OCCUPANT  
904 W MICHIGAN  
MARSHALL MI 49068

OWNER/OCCUPANT  
905 W MICHIGAN  
MARSHALL MI 49068

OWNER/OCCUPANT  
906 VERONA RD  
MARSHALL MI 49068

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921 VERONA RD  
MARSHALL MI 49068

OWNER/OCCUPANT  
935 VERONA RD  
MARSHALL MI 49068