

STATE OF MICHIGAN

BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEGAN

BROWNFIELD - ABOLISHING THE BROWNFIELD PLAN FOR THE FORMER ROCKTENN PAPERMILL REDEVELOPMENT PROJECT

WHEREAS, pursuant to 381 PA 1996, as amended (“Act 381”), the Allegan County Brownfield Redevelopment Authority (“Authority”) has been established by resolution of the Allegan County Board of Commissioners (the “County BOC”) for the purpose of promoting the revitalization of eligible properties in Allegan County; and

WHEREAS, on February 11, 2021, County BOC adopted the Brownfield Plan for the Former RockTenn Papermill Redevelopment Project (the “Plan”); and

WHEREAS, on December 20, 2020, City Council of the City of Otsego approved the Plan; and

WHEREAS, on December 8, 2020, Authority approved the Plan; and

WHEREAS, the eligible property described in Exhibit A, attached hereto, is the eligible property subject to the Plan; and

WHEREAS, Section 14(8) of Act 381 of 1996, as amended, permits a governing body to be abolished or terminated according to this subsection; and

WHEREAS, Section 14(8)(c) of Act 381 of 1996, the governing body may approve a new brownfield plan or plan amendment for the eligible property under which tax increment revenues may be captured for up to the period of time provided under section 13(5); and

WHEREAS, the County BOC is the governing body (as that term is defined by Act 381) of the Authority; and

WHEREAS, the Authority’s staff has confirmed that the project has failed to occur with respect to the eligible property for at least five (5) years following the date of the governing body resolution approving the brownfield plan; and

WHEREAS, on November 18, 2025, the Board of Directors of the Authority adopted a resolution recommending the abolishment of the Plan; and

WHEREAS, on December 2, 2025, a notice of the abolishment of the Plan was given in accordance with Section 14(8)(b)(i) of Act 381, a copy of which is attached as Exhibit B; and

WHEREAS, in accordance with Section 14(8)(b)(ii) of Act 381, the developer identified in the Plan was provided with an opportunity to be heard at a public meeting on January 8, 2026; and

WHEREAS, the County has spent to date \$1,485,031.71 in eligible activity costs and this action will preserve the use of local-only tax increment revenues, identify new eligible activity costs required for the planned future Developer’s project, and recognize the amendments to PA 381 of 1996, which were signed into law on July 18, 2023 that added new economic incentives for housing-focused real estate development; and

WHEREAS, it is the intent of the County to see the property developed, it will seek a new Brownfield plan for the planned future development, and

THEREFORE, BE IT RESOLVED, that the Board hereby abolished the Brownfield Plan for the Former RockTenn Papermill Redevelopment Project in accordance with Section 14(8)(b) of Act 381; and

BE IT FINALLY RESOLVED that the County Administrator is authorized to make the necessary budget adjustments, and any necessary documents to complete this action are authorized to be signed.

Exhibit A

A. Description of the Eligible Property (Section 13 (2)(h)) and the Project

The property comprising the eligible property consists of 4 parcels located at 431 Helen Avenue, Otsego, Michigan, which were obtained by the County through tax foreclosure in 2012. Parcels 1 and 2 are both “facilities. Parcel 3 and Parcel 4 are blighted by virtue of tax foreclosure. Therefore, Parcels 1-4 are eligible properties. Parcels 1-4 and all tangible personal property located thereon will comprise the eligible property and is referred to herein as the “Property.”

The Property is located just north of the City’s downtown on the north side of the Kalamazoo River. Parcels 1, 2 and 4 are bounded by River Street to the north, the Kalamazoo River to the south, John Street to the east and a residential property to the west. Parcel 3 is bounded by River Street to the south and residential properties north, east and west of the parcel.

Attachment B provides the individual legal descriptions for the eligible property.

Address	Parcel ID	Eligibility	Owner
431 Helen	Parcel 1: 54-015-006-00	Facility	Allegan County
431 Helen	Parcel 2: 54-015-006-00	Facility	Allegan County
431 Helen	Parcel 3: 54-015-006-00	Blighted	Allegan County
431 Helen	Parcel 4: 54-800-001-00	Blighted	Allegan County

The former RockTenn property comprises four parcels, totaling approximately 47 acres. Parcels 1 and 2 contained a majority of the derelict buildings and also a capped waste disposal area, which restricts the future use of the disposal area. Parcel 3 was primarily used as a “borrow pit” as a source of sand for use in the waste disposal area, where it was mixed with paper mill sludge and capped with clay. Some landfilling of polywaste may have also occurred on Parcel 3. Parcel 4 was primarily used for parking for the administrative staff at the paper mill.

Exhibit B

Allegan County Brownfield Redevelopment Authority



County Services Building
3283 122nd Avenue
Allegan MI 49010

December 2, 2025

SENT VIA EMAIL

Allegan County (Developer)
Allegan County Administration
3283 122nd Ave.
Allegan MI 49010

RE: Notice of Intent to Abolish Brownfield Plan for the Former RockTenn Papermill
Redevelopment Project

To Whom it May Concern:

Per Act 381 of 1996 Section 14 (8)(b)(i), this letter is to inform you that the Allegan County Brownfield Redevelopment Authority (“Authority”), on November 18, 2025, recommended the abolishment of the Brownfield Plan for the Former RockTenn Papermill Redevelopment Project (the “Plan”).

On February 11, 2021, the Allegan County Board of Commissioners (the “County BOC”) adopted, and on December 20, 2020, the City Council of the City of Otsego approved the Plan.

It is our understanding that the purpose of the project, as described in the Plan, has failed to occur with respect to the eligible property for at least five (5) years following the date of the governing body resolution approving the brownfield plan (or any subsequent amendment thereto). Because of this, the Brownfield Plan is scheduled to be abolished for the subject project per Act 381 of 1996, Section 14 (8)(b).

While you are welcome to speak at any public meeting of the County BOC regarding the proposed abolishment, the following public meeting has been tentatively scheduled at the County Services building, 3283 122nd Ave. Allegan, MI 49010, regarding the abolishment of the Plan, where, should you desire, you will have an opportunity to be heard during public comment:

- Thursday, January 8, 2026, at 10:00 am Board of Commissioners meeting

In no event would any abolishment be effective until at least 30 days after the date of this notice.

The Brownfield Plan can be found at www.Allegancounty.org/projects under “Former Rock Tenn Property”. Should you have any questions, please feel free to contact me 269-686-5235 or dwedge@allegancounty.org

Sincerely,



Dan Wedge

Allegan County Brownfield Redevelopment Authority (Administrative Contact)

Deputy County Administrator of Services

Allegan County

3283 122nd Ave., Allegan, MI 49010

(269) 686-5235

CC: (Sent via email)

Nick Breedveld, Allegan County Brownfield Redevelopment Authority, Chairperson

Sally Brooks, Allegan County Treasurer

Robert Sarro, Allegan County Administrator

Aaron Mitchel, City Manager, City of Otsego

125.2664 Brownfield plan; approval; public hearing; record; notice; public purpose; determination; amendments to plan; validity of procedure, notice, and findings; presumption; abolishment or termination of plan.

Sec. 14.

(1) Before approving a brownfield plan for an eligible property, the governing body shall hold a public hearing on the brownfield plan. By resolution, the governing body may delegate the public hearing process to the authority or to a subcommittee of the governing body subject to final approval by the governing body.

(2) Notice of the time and place of the hearing on a brownfield plan must contain all of the following:

(a) A description of the property to which the plan applies in relation to existing or proposed highways, streets, streams, or otherwise.

(b) A statement that maps, plats, and a description of the brownfield plan are available for public inspection at a place designated in the notice and that all aspects of the brownfield plan are open for discussion at the public hearing required by this section.

(c) Any other information that the governing body considers appropriate.

(3) At the time set for the hearing on the brownfield plan required under subsection (1), the governing body shall ensure that interested persons have an opportunity to be heard and that written communications with reference to the brownfield plan are received and considered. The governing body shall ensure that a record of the public hearing is made and preserved, including all data presented at the hearing.

(4) Not less than 10 days before the hearing on the brownfield plan, the governing body shall provide notice of the hearing to the taxing jurisdictions that levy taxes subject to capture under this act. The authority shall notify the taxing jurisdictions of the proposed brownfield plan. At that hearing, an official from a taxing jurisdiction with millage that would be subject to capture under this act has the right to be heard in regard to the adoption of the brownfield plan. Not less than 10 days before the hearing on the brownfield plan, the governing body shall provide notice of the hearing to the department if the brownfield plan involves the use of taxes levied for school operating purposes to pay for eligible activities that require the approval of a combined brownfield plan or a work plan by the department under section 13b(6)(c), the Michigan state housing development authority, or its designee, if the brownfield plan involves the use of taxes levied for school operating purposes to pay for eligible activities subject to 13b(4)(b), and the Michigan strategic fund, or its designee, if the brownfield plan involves the use of taxes levied for school operating purposes to pay for eligible activities subject to section 13b(4) other than eligible activities subject to 13b(4)(b).

(5) Not less than 10 days after notice of the proposed brownfield plan is provided to the taxing jurisdictions, the governing body shall determine whether the plan constitutes a public purpose. If the governing body determines that the plan does not constitute a public purpose, the governing body shall reject the plan. If the governing body determines that the plan constitutes a public purpose, the governing body may then approve or reject the plan, or approve it with modification, by resolution, based on the following considerations:

(a) Whether the plan meets the requirements of sections 13 and 13b.

(b) Whether the proposed method of financing the costs of eligible activities is feasible and the authority has the ability to arrange the financing.

(c) Whether the costs of eligible activities proposed are reasonable and necessary to carry out the purposes of this act.

(d) Whether the amount of captured taxable value estimated to result from adoption of the plan is reasonable.

(6) Except as provided in this subsection, amendments to an approved brownfield plan must be submitted by the authority to the governing body for approval or rejection following the same notice necessary for approval or rejection of the original plan. Notice is not required for revisions in the estimates of captured taxable value or tax increment revenues.

(7) The procedure, adequacy of notice, and findings with respect to purpose and captured taxable value are presumptively valid unless contested in a court of competent jurisdiction within 60 days after adoption of the resolution adopting the brownfield plan. An amendment, adopted by resolution, to a conclusive plan is likewise conclusive unless contested within 60 days after adoption of the resolution adopting the amendment. If a resolution adopting an amendment to the plan is contested, the original resolution adopting the plan is not therefore open to contest.

(8) A brownfield plan or plan amendment may be abolished or terminated according to this subsection subject to all of the following:

(a) The governing body may abolish a brownfield plan if it finds that the purposes for which the plan was established are accomplished.

(b) The governing body may terminate a brownfield plan or plan amendment for an eligible property if the project for which eligible activities were identified in the brownfield plan or plan amendment fails to occur with respect to the eligible property for not less than 2 years following the date of the resolution approving the brownfield plan or plan amendment, if the governing body first does both of the following:

(i) Gives 30 days' prior written notice to the developer at its last known address by certified mail or other method that documents proof of delivery attempted.

(ii) Provides the developer an opportunity to be heard at a public meeting.

(c) If a brownfield plan or plan amendment is terminated under subdivision (b), the governing body may approve a new brownfield plan or plan amendment for the eligible property under which tax increment revenues may be captured for up to the period of time provided under section 13(5).

(d) Notwithstanding anything in this subsection to the contrary, a brownfield plan or plan amendment must not be abolished or terminated until the principal and interest on bonds issued under section 17 and all other obligations to which the tax increment revenues are pledged have been paid or funds sufficient to make the payment have been identified or segregated.