

## Lower West Western FAQs

Questions received during the Public Forum on 2/2/23. Answered and published on 2/13/23.

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1. Did AP receive grants already from the U.S. Fisheries, State of Michigan and U.A. Ag Dept? Or, are they pending?  
**Adelaide Pointe has been awarded a \$250,000 U.S. Forestry Department Grant for costs related to mass timber architecture and sustainable design, a Boating Infrastructure Grant from the U.S. Fish and Wildlife Service for \$1.5 million for installation of the new marina, and an appropriation from the State of Michigan legislature for \$1 million to fund the public fishing pier portion of the breakwall at the new marina.**
2. What level of pre-sales (not refundable) are required by the developers lender to release funds?  
**This is not information that is publicly available, as it is a financing relationship between two private parties. The city is requiring a letter of credit for construction of the first condominium building prior to any public expenditure on infrastructure, thereby guaranteeing its construction for tax revenue generation in the TIF.**
3. Is the developer required to post a letter of credit or bond for completion of public access items?  
**The developer is being required to provide a letter of credit from the lender for construction of taxable assets. This provides the taxable values necessary to pay the bonds for the public infrastructure the city contemplates funding for the new development in this corridor. These improvements consist of roads, water and sewer lines, sidewalks, and a public breakwall/fishing pier. There is not a bond posting requirement for this project that impacts the access items specifically.**
4. We are adding so many boat slips to Muskegon Lake. How many can the lake handle?  
**The City of Muskegon has no jurisdiction over the number or type of boats on Muskegon Lake. This is a multi-community conversation that should be led by a more representative agency than ours, such as the Muskegon Lake Watershed Partnership. We would happily participate and encourage a discussion of this type.**
5. How was the public access road “given” to Hartshorn Village? Was it sold? If so, for how much?  
**The former access road to Hartshorn Marina was removed and replaced with green space, which is still publicly owned. The current access road is an easement over a driveway owned by Fricanos, and that expires when the newly constructed public road illustrated on both proposed site plans is completed and dedicated. No charter park property was conveyed during the redesign of the area adjacent to Hartshorn Marina to install Hartshorn Village condominiums.**

6. What guarantees that the entire bike path remains open forever and not forced to railroad easement?

**The bike path is a fee simple, deeded piece of property and cannot be sold or otherwise conveyed without being replaced with an equal asset. There is no interest by either the city or the ownership of Adelaide Pointe to eliminate the bike path or reorient it solely to the railroad easement. There is interest in adding an ADDITIONAL pathway on the easement connecting the Lakeshore Trail at the end of West Western Avenue to the area in front of the Boys & Girls Club.**

7. What guarantees the entire bike path will remain public access after the fact when what was public access by Mart Dock?

**The bike path is a fee simple, deeded piece of property and cannot be sold or otherwise conveyed without being replaced with an equal asset. The site plan at Adelaide Pointe contemplates moving the path closer to the water, which would require an exchange of property between Adelaide Pointe and the City. In simple terms, the city would trade the property under the current path for an equal strip of property owned by Adelaide Pointe that is closer to the water, and Adelaide Pointe would be responsible for restoring a path on that strip.**

8. What kind of pool is planned? Are you asking the city to pay for it? How? Cost of pool?

**The pools on the site plans for Adelaide Pointe and Hartshorn Village are scheduled to be installed at different time periods and for differing patrons. The Hartshorn Village Development Agreement contemplates a new pool and marina community building as a public asset to be constructed in the final phase of that development, which will likely be some years away. The pool at Adelaide Pointe is meant to be a private asset for condo and slip owners in that development. The city is not paying for that pool, and therefore does not have specs or a cost associated with it.**

9. Will there be a sign ASAP for the Hartshorn park and marina?

**The sign that was removed will be replaced at the permanent access site, a newly constructed public street to be installed this summer. There is currently a sign at the Hartshorn Marina boat basin, which will also remain.**

10. Bait disposal?

**Currently there are no fish cleaning stations or disposal areas at Hartshorn Marina. There will be opportunity for citizens to weigh in on what assets the city should consider at the forthcoming Parks and Recreation Master Planning sessions that will be publicly announced in the coming months.**

11. Where will the sailboats dock or anchor in Muskegon Lake? As they have in the past?

**There is not currently a change contemplated to the sailboat mooring field at Hartshorn Marina. The dinghy storage area may be shifted to make way for public parking on the East basin peninsula, but it will not be eliminated.**

12. What is lake carrying capacity – Are there limits needed on speed and noise?

**The city of Muskegon has no jurisdiction over the number or type of boats on Muskegon Lake. This is a multi-community conversation that should be led by a more representative agency than ours, such as the Muskegon Lake Watershed Partnership. We would happily participate and encourage a discussion of this type.**

13. How long will it take AP to launch boats all day?

**From an analysis by Edgewater Resources sent to the Michigan Department of Natural Resources:**

**“The forklift launch is 50’ the dry rack property line and will rarely be used during the shoulder months of April, May, September and October, but will be more active during the months of June, July, and August. Based on our study of similar facilities in West Michigan, we anticipate that the normal usage of boats in the dry rack facility on a weekday would be 5-10%, or 14-28 boats launched per day, and for weekends and/or high use days we anticipate less than 20% of boats will be used, or up to 57 boats on a peak day. The operational plan is to launch boats for the day before 9am and haul them out after 6pm to avoid high traffic periods.”**

14. Did the city sell the Hartshorn Marina that was developed with a DNR grant to Mr. Leetsma and/or his company? If so, how is that legal?

**No, the City of Muskegon did not sell or otherwise convey any park lands to a private entity. The agreement that is in place provides non-exclusive access to some portions of Hartshorn Marina in exchange for the public’s access to the private waterfront and peninsulas at the Adelaide Pointe site.**

15. Who is maintaining parks/picnic fishing areas at AP/HV?

**These will be maintained by Leestma Management, who will be responsible for management of both the private and public marinas as well. Their staff currently empty garbage, clean up parking lots, and administer Hartshorn Marina.**

16. Will the city charge AP to launch boats? If not, can I launch my boat for free?

**The city has an existing commercial launch pass that any private entity must purchase annually. This will be the case with the new boat storage operation proposed. As a point of clarity, while both developments share a common owner the proposed boat facility is on the Hartshorn Village site plan.**

17. What was the original acreage of property in the Hartshorn Park/Marina? How much property was lost to AP and HV?

**The Hartshorn Marina Park is approximately 13 acres. No property has been conveyed to any private party.**

18. With so much public outcry, can we stop this project to collect more input from citizens?

**The City Commission will ultimately decide on each phase of these projects, with their next meeting to take place on 2/14/23 as mentioned in the Public Meeting held on 2/2/23. If you have feedback on Adelaide Pointe, Hartshorn Village, or Hartshorn Marina you are encouraged to contact your city commissioner and be heard. Their emails can be found [here](#).**

19. How does Brownfield TIF work compared to TIF's used by the city historically?

**Brownfield Tax Increment Financing (TIF) works very similarly to other TIF districts used in cities, but with more restrictions on the type of items that the tax revenues can be used for. Brownfield TIF is typically a reimbursement of costs for eligible activities that were already spent, whereas TIF dollars for entities such as Downtown Development Authorities are collected annually and allocated by those boards. For example, if the city of Muskegon elects to spend money on new public infrastructure at Adelaide Pointe, the Brownfield TIF will allow the city to collect tax revenues on the new taxable assets on that site from multiple taxing jurisdictions (city, county, special millages, etc.) until the city is repaid for that infrastructure.**

20. More marina boats. More noise. How do we enforce?

**The Muskegon County Sheriff's have jurisdiction over the public trust waterways, and as such noise ordinances passed locally by the City of Muskegon apply to landward and shoreline enforcements only. Both the developer and the city have contacted the Sheriff's office about this project and its impacts. If there are persistent issues related to boat noise that are not being addressed today, please email your city commissioner and ask them to advocate to the County for better responsiveness. Their emails can be found [here](#).**

21. Where will the public park on AP property?

**There will be public park amenities installed on the two peninsulas to either side of the basin which will encompass the Adelaide Pointe marina, as well as a newly constructed 800' fishing pier along the AP marina breakwall. All of these areas will be publicly accessible per the current proposed project.**

22. Will the public be able to back up to the water's edge like they do now and fish from their vehicles?

**The public will still be able to pull up and fish at the edge near the forklift drop area, but will not be able to park in front of the forklift drop itself as it will be an actively used amenity at the marina once again. In other words, of the approximately 130' long concrete area at the water's edge only 50' will be actively used, leaving about 80' available for fishermen.**

23. Will the public have equal preference to launch boats or will they lose to condo owners?

**The boat launch at Hartshorn Marina will operate as it always has, on a first come, first serve basis for individuals and entities that have purchased daily or seasonal launch permits. The commercial access granted to Leestma Management is non-exclusive.**

24. The charter parks amendment forbids sale of public parks. How was the public access road given away and replaced by a private road? Easement? Yes, But why is this legal?

**The former access road to Hartshorn Marina was removed and replaced with green space, which is still publicly owned. The current access road is an easement over a driveway owned by Fricanos, and that expires when the newly constructed public road illustrated on both proposed site plans is completed and dedicated. No charter park property was conveyed during the redesign of the area adjacent to Hartshorn Marina to install Hartshorn Village condominiums.**

25. Are you planning deep water fishing eastside of A-1+A-4. North of the current boat launch? What is A-11?

**Fishing will be permitted at all access points on the development sites that do not include marina basins, forklift drop operations, and wet slips for boats. The fishing pier/breakwall at Adelaide Pointe would be approximately 800 feet of new fishing space. The depth in this area varies due to the long distance of the pier. A-11 on the proposed Adelaide Pointe site plan is a staging area for boats that have left the rack storage facility contemplated on the Hartshorn Village requested site plan amendment.**

26. How many public parking spaces vs parking spaces for residents?

**None of the spaces on public property will be restricted for residents of the adjacent private housing developments. On current site plans, there are 83 public car parking spaces depicted and 21 boat trailer spaces.**

27. Why weren't the mature woods kept, rather than cut down in a 100 year flood plain?

**The woods in that area are on private property and were removed by the property owner to make way for a proposed rack boat storage facility on the parcel.**

28. How much in bonds is planning to be sold? City sells the bonds? Repays over what time period with what?

**The contemplated investment by the city for roads, water, sewer, sidewalk, and fishing pier/breakwall items is a not-to-exceed figure of 10.5 million dollars. This would be a bond issue, with a likely repayment term of 20 years. The taxable value created by the Adelaide Pointe project's first phase of construction provides the city enough revenue to cover the bond payments.**

29. Hartshorn Marina – Will there be a gate (locked) during nighttime hours to have complete safety of boats and equipment?

**The large boat basin will continue to be fenced and gated, and there is no intention to change the policy of the gate locking at the end of business hours at this time. After 5pm, the boater areas of Hartshorn's large boat basin are keycard access only.**

30. What is the total financial investment by the city? Including city staff time?

**Staff time has not been calculated to this point, though hundreds of staff hours and city attorney hours have gone into both Adelaide Pointe and Hartshorn Village concepts over the course of several years. The contemplated investment by the city for roads, water, sewer, sidewalk, and fishing pier/breakwall items is a not-to-exceed figure of 10.5 million dollars. This will be considered at the city commission meeting on 2/14/23, and has been previously approved in a different iteration of a development agreement in September of 2021.**

31. If the project moves forward and there are issues with bikers, walkers, boaters, etc. what recourse does the city have?

**The city and developer both have options in the Cooperative Use Agreement that dictates the terms of commercial access to the launch and forklift well in exchange for public access to the Adelaide Pointe lake frontage and peninsulas. In the event either of these are impacted there are mediation and breach of contract provisions for both parties to access. I.e., in the event people cannot effectively use public property the city could cite these provisions to the private sector party and require solutions. The inverse is also true, as to their access to Hartshorn Park. In a scenario where a solution could not be reached, then recourse for both parties would be to mutually end shared access to their respective property.**

32. More boats will bring more noise. It's already been an issue and not being enforced by the Muskegon County Sheriff Marine division. Do you plan on working with them on this project? **The Muskegon County Sheriff's have jurisdiction over the public trust waterways, and as such noise ordinances passed locally by the City of Muskegon apply to landward and shoreline enforcements only. Both the developer and the city have contacted the Sheriff's office about this project and its impacts. If there are persistent issues related to boat noise that are not being addressed today, please email your city commissioner and ask them to advocate to the County for better responsiveness. Their emails can be found [here](#).**

33. Is the developer required to post a bond for completion of public access items?

**The developer is being required to provide a letter of credit from the lender for construction of taxable assets. This provides the taxable values necessary to pay the bonds for the public infrastructure the city contemplates funding for the new development in this corridor. These improvements consist of roads, water and sewer lines, sidewalks, and a public breakwall/fishing pier. There is not a bond posting requirement for this project that impacts the access items specifically.**

34. How much land is planning to be sold? Repayment?

**No public land is being sold or conveyed to the private sector for these proposed projects. The existing Cooperative Use Agreement allows NON-EXCLUSIVE access to Leestma Management at Hartshorn Park to use the boat launch and fork lift drops for commercial launching of boats in exchange for public easements to access the private peninsulas and lake frontage on their private parcel.**