

MEMORANDUM



TO: PETE AUGER, CITY MANAGER
FROM: VICTOR CARDENAS, ASSISTANT CITY MANAGER
JEFF MUCK, DIRECTOR OF PARKS, REC, CULTURE SERVICES
SUBJECT: 329 ELM COURT AND SHAWOOD LAKE
DATE: JANUARY 12, 2022

This memorandum provides an overview of 329 Elm Court, a vacant home located on an island on the north side of Shawood Lake/Mud Pond, which will appear on a future Council agenda. Enclosed is a comprehensive collection of supportive material about the house at 329 Court and correspondence related to Shawood Lake.

329 Elm Court

The property was first discussed at the Parks, Recreation, and Cultural Services (PRCS) Grants committee in July 2021. Following the meeting, an appraisal of the property was completed determining the property's value at \$170,000. The committee brought the property back to the table at their September 16, 2021 meeting. The committee recommended that potential purchase go before City Council for consideration. The committee determined it was not a good candidate for a Michigan Natural Resources Trust Fund (MNRTF) acquisition grant recommendation for the 2022 grant cycle but rather should be considered for outright purchase by the City.

City Council discussed recommendations in Executive Session on September 27, 2021. Council Instructed staff/attorney to discuss purchase price with the owner. A draft of the proposed purchase agreement is enclosed; it has been sent to the owner, Mr. James Kenner, and reflects conversations between him and the City Attorney's office last last year.

The home was built in 1967 and has 1,529-square-feet with an attached carport, and small storage shed. The home is not habitable at this time, based on inspection and discussion with the property owner.



The structure is accessible via a pedestrian bridge. The structural condition of the that is unknown at this time and will likely require an additional inspection to confirm its structural integrity. There is no city water or sewer service to the home or available on the site, and a Phase 1 environmental has yet to be conducted for the property. The house/ is located in a flood plain, which means submitting an application to EGLE/FEMA if any structure (pavilion, picnic shelter, or grade changes/built-up improvements, etc.) is ever to be placed on the site. A private bridge accesses the site; the current condition and future maintenance or replacement requirements are unknown at this time.

Possible uses of the site after demolition (no estimate at this time for costs associated with demolition) could include:

- Return it to its natural state, and use it as a passive park.
- Return to its natural state and restrict any foot traffic and discourage access
 - Potential future uses include constructing a fishing pier, canoe/kayak launch, pergola/picnic shelter and/or park benches and tables.

There are several grant funding opportunities for these types of development, including the Michigan Natural Resources Trust Fund, Land and Water Conservation Fund, Oakland County Parks and Recreation Park Improvement Grant Program, and the Ralph C. Wilson, Jr. Legacy Fund. The first opportunity to apply for developmental grants for the property would be early 2023. If a grant was approved, construction would not occur until 2024.

Shawood Lake Background

Shawood Lake was designated a regional detention basin in the City's 1983 Storm Water Master Plan. However, it is important to note that the degree of detention in Shawood Lake is limited because the lake level is set by the Walled Lake level control structure, which is under the jurisdiction of the Oakland County Drain Commissioner's Office. Therefore, unlike regional detention basins that are under the City's control, Shawood Lake provides minimal detention and pre-treatment benefits. The 2005 Storm Water Master Plan Update reiterated this information.

The City's position is that the lake is filling in (i.e. less water, more mud/muck) because of ongoing eutrophication (explained below) and the resultant deposition of decaying organic material to the lakebed.

As reported by JCK & Associates in its *"Stormwater Sediment and Aquatic Plant Study for Walled Lake, Shawood Lake and Meadowbrook Lake"*, the lake is filling-in because (in geologic terms) it is aging. Lake aging is a natural process in which a lake fills in over geologic time (i.e., millions of years) with materials produced in the lake itself, or as a result of extreme sedimentation. The natural succession of the process is exponential (i.e., a quicker rate over time) from lake to pond, pond to marsh, marsh to meadow, and meadow to dry land.

The materials naturally produced in the lake are filling as a result of the eutrophic conditions. Eutrophication is a process that is commonly found in shallow bodies of water with water rich in mineral and organic nutrients that promote a proliferation of plant life, especially algae, which reduces the levels of dissolved oxygen and prevents animal life from thriving. This over-abundant plant life eventually decays and forms an anaerobic. Prior conversations with ELGL officials discouraged dredging of the lake as it would disrupt the natural evolution of the environment. Enclosed are prior correspondence and research, cost estimate, and reports pertaining to the lake. We have not done any sort of review to date about what "rights" to the water come along with the island's purchase. More specifically, we have not done any sort of historical document research to determine if there are riparian/littoral rights that come with ownership of the island parcel (or the related smaller parcel adjacent to the "lake" that is part of the purchase). The purchase agreement attached would allow the City time before closing to conduct that sort of analysis.

