

**Tim Dempsey - City Center Two Project**

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**From:** Julia Skinner <JuliaS@strathmoredev.com>  
**To:** Tim Dempsey <tdempsey@cityofeastlansing.com>, 'Dennis McGinty' <dennismc...>  
**Date:** 4/16/2012 10:49 AM  
**Subject:** City Center Two Project  
**CC:** Scott Chappelle <ScottC@strathmoredev.com>, Tom Eckhardt <TomE@strathmor...>  
**Attachments:** CC2 E&A Dempsey Ltr Attachments 4-13-12.pdf; E&A Ltr to Dempsey 4-13-12.doc

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See attached letter confirming the beginning of construction and enclosing the various permits obtained and Notice of Commencement (recorded) regarding the above-referenced project.

Thank you.

Julia L. Skinner  
Associate General Counsel  
Strathmore Development Company  
1427 W. Saginaw, Suite 150  
East Lansing, Michigan 48823  
Voice: (517) 664-4124  
Facsimile: (517) 664-4154

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8 0 0 4 5 1 5  
Tx: 4003095  
10/12/2011 9:34:00 AM  
**2011-036890**  
CURTIS HERTEL JR  
INGHAM COUNTY MICHIGAN  
REGISTER OF DEEDS  
RECORDED ON:  
10/13/2011 10:40 AM  
PAGES: 3

**NOTICE OF COMMENCEMENT  
Non-Residential Structure**

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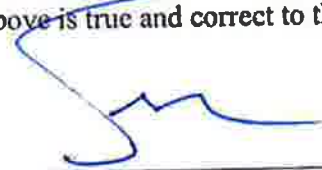
STATE OF MICHIGAN )  
                              ) SS.  
COUNTY OF INGHAM )

- 1. Legal description of location of improvements (See attached Exhibit A)
  
- 2. Name of Party contracting for improvements:  
Name: Strathmore Development Company  
Address: 1427 W. Saginaw, Suite 150, East Lansing, MI 48823  
Capacity: Owner
  
- 3. Name and Address of fee owner if different than party contracting for improvements:  
Name: City Center Two Project, LLC  
Address: 1427 W. Saginaw, Suite 150, East Lansing, MI 48823
  
- 4. Name and Address of designee:  
Name: Scott A. Chappelle  
Address: 1427 W. Saginaw, Suite 150, East Lansing, MI 48823
  
- 5. Name and Address of general contractor, if any:  
Name: Strathmore Development Company  
Address: 1427 W. Saginaw, Suite 150, East Lansing, MI 48823
  
- 6. To lien claimants and subsequent purchasers:  
Take notice that work is about to commence on an improvement to the real property described in this instrument. A person having a construction lien may preserve the lien by providing a notice of furnishing to the above named designee and the general contractor, if any, and by timely recording a claim of lien, in accordance with law.

A person having a construction lien arising by virtue of work performed on this improvement should refer to the name of the owner or lessee and the legal description appearing in this notice. A person subsequently acquiring an interest in the land described is not required to be named in a claim of lien.

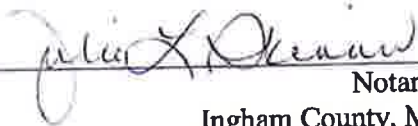
A copy of this notice with an attached form for notice of furnishing may be obtained upon making a written request by certified mail to the above named owner or lessee, the designee, or the person with whom you have contracted.

The undersigned, being duly sworn, deposes and says that he is the President of Strathmore Development Company, and that the information provided above is true and correct to the best of his knowledge.



\_\_\_\_\_  
Scott A. Chappelle, President

Subscribed and sworn to before me, this 10<sup>th</sup> day of October 2011.

  
\_\_\_\_\_  
Notary Public  
Ingham County, Michigan  
My Commission expires: 4/15/2017  
Acting in Ingham County, Michigan

Drafted by: Julia Skinner (P53020)  
1427 W. Saginaw, Suite 150  
East Lansing, MI 48823

JULIA L. SKINNER  
NOTARY PUBLIC - STATE OF MICHIGAN  
COUNTY OF INGHAM  
My Commission Expires April 15, 2017  
Acting in the County of Ingham

April 16, 2012

**Delivered Via Electronic & U.S. Mail**

Timothy H. Dempsey  
City of East Lansing  
410 Abbot Road  
East Lansing, MI 48823

Dear Tim:

Re: City Center II Project

Enclosed for your files with regard to the above-referenced project are copies of the Demolition Permit, Grading & Soil Erosion & Sedimentation Control Permit, Sidewalk Closure Permit and Notice of Commencement. It is our understanding that your office is in possession of a fully executed copy of the Grant of Non-Exclusive Temporary Demolition Easement. Finally, this letter will confirm that construction commenced on this project on April 4, 2012.

Thank you.

Sincerely,

**ECKHARDT & ASSOCIATES, P.C.**

*Julia L. Skinner*

Julia L. Skinner

/jls  
enc  
pc w/enc: Dennis McGinty

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1427 W. Saginaw, Suite 150  
East Lansing, MI 48823

**TELEPHONE:**  
(517) 336-6736  
**FACSIMILE:**  
(517) 336-4499

## Tim Dempsey - Demolition

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**From:** Scott Chappelle <ScottC@strathmoredev.com>  
**To:** "'Tim Dempsey (tdempse@cityofeastlansing.com)'" <tdempse@cityofeastlansi...>  
**Date:** 6/4/2012 7:16 AM  
**Subject:** Demolition  
**CC:** "'dennismcginty@mcgintylaw.com'" <dennismcginty@mcgintylaw.com>, "'TomWe...>

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Tim, just wanted to keep you updated as to the demolition. We have completed the salvage of all recyclable and reusable materials from the building. We have awarded the asbestos abatement contract, asbestos monitoring contract, and demolition contract. The asbestos remediation will start within the next two weeks as we are waiting for the appropriated notices to be filed with the State of Michigan. Underground disconnects have been completed. The entire process remains on schedule and as previously discussed is expected to take between 90 and 120 days from the date it was approved by Council. Please let me know if you have any questions or concerns – thanks again.

---

Scott A. Chappelle  
President  
Strathmore Development Company  
1427 W. Saginaw, Suite 150  
East Lansing, Michigan 48823  
Voice: (517) 664-4111  
Facsimile: (517) 664-4151  
Mobile: (517) 282-8440  
Internet: [scottc@strathmoredev.com](mailto:scottc@strathmoredev.com)  
[www.strathmoredev.com](http://www.strathmoredev.com)

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## Tim Dempsey - RE: Notice of Commencement ~ City Center II

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**From:** Dennis McGinty <dennismcginty@mcgintylaw.com>  
**To:** Tom Eckhardt <TomE@strathmoredev.com>  
**Date:** 6/8/2012 2:44 PM  
**Subject:** RE: Notice of Commencement ~ City Center II  
**CC:** "Tim Dempsey (tdempse@cityofeastlansing.com)" <tdempse@cityofeastlansing...

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I must respectfully decline to sign your proposed "Notice of Commencement" This is a notice called for under the Michigan Construction Lien Act, MCL 570.1101. 303 Abbot is owned by the ELDDA a public corporation and is therefore a public building. The Mechanic Lien Act does not apply to Public Buildings, see Peo. ex rel. Tavolieri vs Schewe, 210 Mich. 437 and Milbrand v DSS, 117 Mich. App 437. If I, or more properly an officer of the ELDDA were to sign this notice for posting and recording, we could be consenting to a potential lien being filed on the ELDDA property where no such lien is allowed by law. State law, MCL 129.201 calls for a bond to be posted by the principal contractor for payment of labor or material where work is to be done on a public building in excess of \$50,000. Is this contract in excess of \$50,000.? Could we see a copy of the contract?

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**From:** Tom Yeadon  
**Sent:** Friday, June 08, 2012 10:04 AM  
**To:** Dennis McGinty  
**Subject:** FW: Notice of Commencement ~ City Center II

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**From:** Tom Eckhardt [mailto:TomE@strathmoredev.com]  
**Sent:** Thursday, June 07, 2012 4:52 PM  
**To:** Tom Yeadon  
**Subject:** FW: Notice of Commencement ~ City Center II

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Thomas R. Eckhardt  
 General Counsel  
 Strathmore Development Company  
 1427 W. Saginaw, Suite 150  
 East Lansing, Michigan 48823  
 Voice: (517) 664-4114  
 Facsimile: (517) 664-4144

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**Tim Dempsey - RE: demolition**

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**From:** Tim Dempsey  
**To:** 'Furtaw, Paul'; 'TomWelling'; Chappelle, Scott; Eckhardt, Tom; Skinn...  
**Date:** 3/30/2012 9:48 AM  
**Subject:** RE: demolition

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Scott is correct. Demo must be underway by April 6.

We are coordinating with DPW and CENC to ensure that all the permits are approved and crews are available. I will not be here Wednesday but Darcy and Tim Schmitt are both here and can assist. I spoke with them this morning and they are up to speed on all of the timing issues, signatures needed, etc.

>>> Scott Chappelle <ScottC@strathmoredev.com> 3/30/2012 8:04 AM >>>

No extensions are possible - it would be illegal. We have to make this work. Tim, please see below and follow string, any advice would be appreciated..

---

Scott A. Chappelle  
President  
Strathmore Development Company  
1427 W. Saginaw, Suite 200  
East Lansing, Michigan 48823  
Voice: (517) 664-4111  
Facsimile: (517) 664-4151  
Mobile: (517) 282-8440  
Internet: [scottc@strathmoredev.com](mailto:scottc@strathmoredev.com)  
[www.strathmoredev.com](http://www.strathmoredev.com)

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**From:** Furtaw, Paul [mailto:pfurtaw@BERGMANNPC.com]  
**Sent:** Friday, March 30, 2012 7:52 AM  
**To:** Tom Eckhardt; Scott Chappelle; Julia Skinner; 'Tom Welling'  
**Subject:** RE: demolition

I thought about this a lot last night.

According to Dennis and Tim, the tentative schedule should be:

- City Council Approval - Tuesday night, 4/3
- DDA Signature - Wednesday morning, 8 am, 4/4
- Begin utility disconnect - Wednesday morning, 8 am, 4/4
- Complete utility disconnect - Wednesday afternoon 4/4
- Begin building demolition - Wednesday afternoon 4/4

While the schedule is theoretically possible (and, I think, we have a day to play with), there are a couple of things that are of some concern, at least to me, that are out of our control that could jeopardize the schedule:

1. Some of the construction activities, particularly the utility disconnect, require the oversight of City personnel. With next week being Easter weekend, are we 100% confident that the City will have staff available to be on site for oversight and/or to sign any other necessary applications, permits, or easements?
2. What if there is inclement weather and we can't do the utility disconnect on 4/4?

Scott, is there any chance whatsoever that the City Council would provide an extension for a month, or at the very least another week, to carry us past the Easter Holiday?

**Paul Furtaw, P.E.**  
PROJECT ENGINEER

**Bergmann Associates**

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**From:** Tom Eckhardt [<mailto:TomE@strathmoredev.com>]  
**Sent:** Thursday, March 29, 2012 7:30 PM  
**To:** Scott Chappelle; Julia Skinner; Furtaw, Paul; 'Tom Welling'  
**Subject:** demolition

Paul advises that the \$2,000 bond has been taken care of. That is good.

City staff is going to get a stamped signature of the DDA on Wed. morning.

In meeting with Dennis McGinty today Paul suggested that we commence the utility disconnect in the right of way. Dennis requests that this not be done until after the City Council meeting, but we could give notice so that the work could be started Wed. morning.

Julia will assist Scott and Matt in getting the contract signed.

The exact approach to take on the asbestos notice remains an open issue at the moment but PM has agreed to Help.

Paul and Tom - please note other open issues that need to be addressed.

Thanks to all. Tom E

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Thomas R. Eckhardt  
 General Counsel  
 Strathmore Development Company  
 1427 W. Saginaw, Suite 150  
 East Lansing, Michigan 48823