

Formal Agenda
9.18.2018

**PLANNING AND
ECONOMIC
DEVELOPMENT
STANDING
COMMITTEE**



CITY OF DETROIT
LAW DEPARTMENT

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September 10, 2018

Honorable James Tate, Jr.
Detroit City Council, District 1
2 Woodward Avenue, Suite 1340
Detroit, MI 48226

Re: Detroit City Council Authority in Special District Review Process

Honorable Member Tate:

This opinion is provided in response to your July 16, 2018 memorandum, in which you requested an analysis of the authority of the Detroit City Council (“Council”) as part of the process for special district review, as set forth in Chapter 61 of the 1984 Detroit City Code, commonly known as the Detroit Zoning Ordinance (“Zoning Ordinance”). Specifically, you presented the following questions:

1. What, if any, restrictions exist regarding the Council’s discretionary authority when considering requests made under the special district review process?
2. Does the Michigan Zoning Enabling Act impose any limitations or parameters on that authority?

You also requested guidance on how the Council and its members should approach applications for special district review in a manner consistent with applicable law. This opinion sets forth the requested analysis of the above-stated questions and then endeavors to provide the desired guidance. For purpose of the analysis, the questions are addressed in reverse of the order presented.

I. BRIEF ANSWER

Special district review is a two-step land use review process applicable to development projects that are proposed to be located in Public Center and Public Center Adjacent zoning districts. Special district review consists of an initial review and recommendation by the City Planning Commission and Planning and Development Department, followed by final review and decision by the Council. Under the Michigan Zoning Enabling Act and the Zoning Ordinance, the Council has broad leeway to approve, disapprove, or adjust the City Planning Commission’s and Planning and Development Department’s recommendation in making its final decision on a proposed project. In accordance with constitutional principles of due process and free speech, any decision by the Council to deny a special district review application or to impose conditions upon a proposed project subject to special district review should be rationally related to a legitimate governmental interest and should avoid evaluation of the proposed project based on the content of any protected free speech that it contains.



II. SPECIAL DISTRICT REVIEW

Special district review is a land use review process established in the Zoning Ordinance that is applicable to the development or exterior alteration of any building or structure located in a Public Center (“PC”) or Public Center Adjacent (“PCA”) zoning district.¹ Any such project must apply for special district review as part of its zoning approval process. Special district review is intended to “ensure that the exterior appearance and function of any building or other development in or near the downtown Civic Center and Cultural Center are compatible with and complementary to the central urban core.”²

Special district review involves the participation of the City Planning Commission (“CPC”), the Planning and Development Department (“PDD”), and the Council and proceeds as follows:

- First, upon submission of an application for special district review, the proposed project is reviewed by both the CPC and PDD.³ In their review, the CPC and PDD must evaluate each application based on the specific criteria set forth in Section 61-11-77 (for projects proposed to be located in a PC zoning district) or Section 61-11-97 (for projects proposed to be located in a PCA zoning district) of the Zoning Ordinance, as applicable.
- Second, upon completion of their review, the CPC and PDD must submit a written report regarding the application to the Council.⁴ The report must include a recommendation for the Council to either approve or disapprove the application. In their report, the CPC and PDD may also recommend changes to the proposed project or other conditions that they consider necessary to ensure the project’s conformity with the spirit, intent, and purpose of the zoning district in which it is located.
- Third, upon receipt of the CPC/PDD report, the Council makes the final decision on the application through adoption of a resolution. In making its decision, the Council “shall approve, disapprove, or adjust” the CPC/PDD’s recommendation.⁵

¹ Special district review is distinct from site plan review, which is another type of land use review process established in the Zoning Ordinance. Depending on the specific circumstances, a given project could potentially be subject to special district review only, site plan review only, or to both types of review. Site plan review, which is beyond the scope of this opinion, is addressed in Article III, Division 5 of the Zoning Ordinance.

² See Detroit City Code § 61-3-181.

³ See *id.* § 61-3-185. Each application must include certain information, as enumerated in the Zoning Ordinance. See *id.* § 61-3-186.

⁴ See *id.* § 61-3-187. According to the Zoning Ordinance, PC zoning districts are “to be used for governmental, recreational, and cultural purposes of particular or special civic importance,” see *id.* § 61-11-61, and PCA zoning districts are intended “to prevent any uses or structures within the district from having a deleterious effect upon the public center.” See *id.* § 61-11-81.

⁵ See *id.* § 61-3-187.



III. ANALYSIS

The City's authority to control land use and development through zoning regulation is established in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended ("MZEA"), and implemented through the Zoning Ordinance. Such statutory authority is further subject to certain constitutional limitations, including principles of due process and free speech.

A. Statutory Authority for Special District Review

Special district review is a specific type of special land use ("SLU") review established in the MZEA. Section 502 of the MZEA authorizes local governments to provide for special land uses, which are subject to additional review and approval on a case by case basis, in various zoning districts.⁶ The MZEA does not specify exactly which local agency is responsible for SLU review and approval,⁷ nor does it specify the exact review procedures or approval standards for SLU applications. Rather, the MZEA requires only that the local government specify the responsible agency, review procedures, and standards for approval, if any, for SLU applications in its zoning ordinance.⁸ If the local zoning ordinance does set forth standards for approval of a special land use application, the MZEA requires that such standards "shall be consistent with and promote the intent and purpose of the zoning ordinance and shall insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use."⁹ However, within this general scope, the MZEA ultimately characterizes decisions regarding SLU applications as "discretionary."¹⁰ Local governments thus have substantial leeway to adopt unique SLU review procedures and approval standards as part of their zoning regulations.

In Detroit, regulations for special district review are set forth in Article III, Division 6 of the Zoning Ordinance. These regulations create a two-step review process, in which a proposed project is initially reviewed by the CPC and PDD and, upon those agencies' report and recommendation, is next reviewed by the Council, which is responsible for making the final decision on the proposed project. The Zoning Ordinance states that the CPC/PDD review "shall be conducted in accordance with the criteria specified" for PC and PCA districts, as applicable.¹¹ This provision requires the CPC and PDD to evaluate the proposed project under the specific review criteria that are enumerated in the Zoning Ordinance and to make their recommendation to the Council based on that evaluation.¹² By contrast, the Zoning Ordinance does not require the Council to adhere to similar criteria – or any criteria – in its special district review of proposed projects. Instead, the Zoning Ordinance requires only that the Council "shall approve, disapprove, or adjust" the

⁶ See M.C.L. § 125.3502.

⁷ A local government's zoning commission, planning commission, an official charged with administering the zoning ordinance, or the legislative body can be empowered to review and approve special land uses. See *id.*

⁸ See *id.* §§ 125.3502(1), 125.3504(1).

⁹ See *id.* § 125.3504(2).

¹⁰ See *id.* §§ 125.3502(3), 125.3504(1).

¹¹ See Detroit City Code § 61-3-185.

¹² For reference, the CPC/PDD review criteria for PC and PCA zoning districts are provided in Exhibit A, herein.



CPC/PDD recommendation in making its final decision.¹³ Thus, as long as the Council’s decision regarding a proposed project includes an approval, disapproval, or adjustment of the CPC/PDD recommendation, the MZEA and the Zoning Ordinance provide the Council with nearly complete discretion to make an independent decision to approve, disapprove, or approve with conditions the special district review application for the proposed project.¹⁴

B. Constitutional Limitations on Special District Review

Beyond the plain language of the MZEA and the Zoning Ordinance, the Council’s authority to review and decide upon applications for special district review is subject to certain limitations arising from constitutional principles of due process and free speech.

1. Due Process

Under the Fifth and Fourteenth Amendments to the U.S. Constitution, no person may be “deprived of life, liberty, or property, without due process of law.”¹⁵ This principle has both procedural and substantive components.

a. Procedural Due Process

The focus of procedural due process is the guarantee that individuals are provided a fair process in the course of any deprivation of a protected liberty or property interest. Fair process typically involves some form of reasonable notice and a meaningful opportunity to be heard. An individual may claim a deprivation of procedural due process by showing (1) the existence of a protected property or liberty interest, (2) a deprivation of that protected interest, and (3) failure by the state to afford adequate procedures as part of its deprivation of that protected interest.¹⁶ Under the first of these criteria, the question of whether a protected interest exists is a question of state law.¹⁷

In the context of zoning regulation, Michigan courts have consistently held that a protected interest arises only if there is a legitimate claim to or justifiable expectation of a land use approval.¹⁸ By contrast, there is no property interest in an application for a land use approval if the review and

¹³ See *id.* § 61-2-187.

¹⁴ One specific limitation on the Council’s discretion is the Zoning Ordinance’s prohibition on the permitting of advertising signs in PC and PCA zoning districts, such that Council is not empowered to approve special district review applications for new advertising signs. See Detroit City Code § 61-3-187.

¹⁵ U.S. Const. amends. V, XIV. The Michigan State Constitution provides comparable protections. See Mich. Const. 1963, Art. 1 § 17.

¹⁶ See *Paterek v. Village of Armada, Michigan*, 801 F.3d 630, 649 (6th Cir. 2015); *EJS Properties, LLC v. City of Toledo*, 698 F.3d 845, 855 (6th Cir. 2012) (citing *Collins v. City of Harker Heights*, 503 U.S. 115, 125 (1992)).

¹⁷ See *Paterek*, 801 F.3d at 648.

¹⁸ This standard is commonly accepted as the issuance of a building permit, certificate of occupancy, or similar approval. See *Dorr v. City of Ecorse*, 305 Fed.Appx. 270, 275 (2008) (citing *Dingeman Adver. v. Algoma Twp.*, 393 Mich. 89, 223 N.W.2d 689, 691 (1974)).



approval of such application is discretionary.¹⁹ The MZEA characterizes SLU reviews as discretionary in nature, and in two recent cases, the Michigan Court of Appeals has affirmed that the review and approval of SLU applications is discretionary, such that applicants do not have a property interest in the approval of their proposed projects.²⁰ Thus, because special district review is a type of SLU review in which the Council has broad discretion, applicants do not have a vested property interest in approval of their proposed projects. As a result, the Council's authority regarding special district review applications is not subject to procedural due process limitations.

b. Substantive Due Process

The guarantee of substantive due process serves to protect individuals against the deprivation of certain protected interests, regardless of the fairness of the procedures afforded them. Thus, the focus of substantive due process is whether the governmental action is "so arbitrary and capricious as to shock the conscience" without any rational relation to a legitimate governmental purpose.²¹ In Mettler Walloon, LLC v. Melrose Township, the Michigan Court of Appeals held that the defendant Township's denial of a development plan did not violate the applicants substantive due process rights because such denial was "intended to further the legitimate land use planning interests of the township (maintaining the integrity of the commercial zone in the village, and furthering the vitality of the village's commercial center)" and was not so outrageous or arbitrary as to shock the conscience.²² Subsequently, in Cummins v. Robinson Township, the Court of Appeals held that the defendant Township's strict enforcement of its flood-resistant building code standards, which resulted in additional construction costs to the Plaintiff, did advance a legitimate governmental interest and therefore did not deprive the Plaintiff of substantive due process rights, even if such standards were not directly applicable to the Plaintiff's project.²³

Applied to special district review, principles of substantive due process limit the Council's authority to deny the application for a proposed project, or to impose conditions on a proposed project, that are so arbitrary and capricious so as to shock one's conscience. Any denial of a special district review application, and any conditions attached to the approval of a proposed project, should therefore be rationally related to a legitimate governmental interest.

¹⁹ See *EJS Properties*, 698 F.3d at 856-57 ("[A] party cannot possess a property interest in the receipt of a benefit when the state's decision to award or withhold the benefit is wholly discretionary." quoting *Med Corp., Inc. v. City of Lima*, 296 F.3d 404, 409 (6th Cir.2002)).

²⁰ See *Tuscola Wind III, LLC v. Almer Charter Township*, 2018 WL 2937409 *9 (Mich. Ct. App. Jun. 12, 2018); *Pamela B. Johnson Trust ex rel. Johnson v. Anderson*, 2014 WL 4087967 *10 (Mich. Ct. App. Aug. 19, 2014) (stating that the authority exercised by officials in regard to the granting of a request for a special use is wholly discretionary").

²¹ See *Cummins v. Robinson Twp.*, 283 Mich. App. 677, 701 (2009) (quoting *Mettler Walloon, LLC v. Melrose Twp.*, 281 Mich. App. 184, 213(2008)).

²² See *Mettler*, 281 Mich. App. At 213.

²³ See *Cummins*, 283 Mich. App. At 702-03.



2. Free Speech

It is possible that certain elements of a proposed project subject to special district review may involve signage, public art, or other elements that constitute protected speech under the First Amendment to the U.S. Constitution. Under the standard articulated by the U.S. Supreme Court in Reed v. Town of Gilbert, Arizona, 125 S. Ct. 2218 (2015), the denial of, or imposition of conditions upon, the application for a proposed project involving an element of protected speech that is based on the content of that speech can constitute an impermissible a violation of the applicant’s constitutional First Amendment rights.

In Reed, the Court’s majority asserted that content-based regulations “are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests.”²⁴ The Court explained that a regulation is content based if (1) on its face, the regulation imposes different restrictions or otherwise distinguishes between two messages based on the content of that message, or (2) the regulation is facially content-neutral, but cannot be justified without reference to the content of the message or arises out of a disagreement with the message conveyed.²⁵ To the extent that the Council’s special district review decisions are regulatory in nature, they are subject to the standard of review articulated in Reed. Therefore, for special district review applications that propose to include elements of protected speech, the Council is prohibited from evaluating the proposed project based on the content of the protected speech, unless such evaluation is narrowly tailored to serve a compelling governmental interest.

To be sure, Reed does not prevent the Council from evaluating elements of protected speech based on content-neutral parameters, such as height, area, orientation, structural integrity, construction materials, and technological capabilities unrelated to content. Additionally, subsequent case law has clarified that distinctions between on-premises, business-related content and off-premises, advertising content can be permissible under a lower standard of scrutiny for commercial speech.²⁶ Therefore, First Amendment considerations under the standard articulated in Reed do not limit the Council’s authority to decide upon special district review applications for proposed projects based on parameters that are unrelated to the content of the proposed project’s protected speech.

²⁴ Reed, 125 S. Ct. at 2226. This standard is commonly referred to as “strict scrutiny.”

²⁵ See id. at 2227.

²⁶ See, e.g., Contest Promotions, LLC v. City and County of San Francisco, 874 F.3d 597, 600-01 (9th Cir. 2017); Lone Star Security and Video, Inc. v. City of Los Angeles, 827 F.3d 1192, 1197-1200 (9th Cir. 2016); Free Speech Coal., Inc. v. Attorney General United States of America, 825 F.3d 149, 176 n.7 (3d Cir. 2016). Under Central Hudson Gas and Electric Corp. v. Public Service Commission, 447 U.S. 557 (1980), the regulation of commercial speech is permissible if: (1) the speech concerns a lawful activity and is not misleading, (2) the regulation seeks to pursue a substantial government interest, (3) the regulation directly advances that interest, and (4) the regulation reaches no further than necessary to accomplish the given objective. See 447 U.S. at 563-66.



IV. GUIDANCE

As discussed above, the Council has broad statutory authority to decide upon proposed projects subject to special district review independently and in its own discretion, subject to certain limitations arising from constitutional principles of substantive due process and free speech. The following guidance is offered to enable the Council and its members to exercise this authority in accordance with applicable law:

- First, in its resolution to formally decide upon any application for special district review, the Council should expressly state its approval, disapproval, or adjustment of the CPC/PDD's recommendation regarding the proposed project. The Council need not evaluate a proposed project based on the specific criteria that the CPC and PDD must consider, but it is obligated to decide upon the CPC/PDD's recommendation. In so doing, the Council should provide some explanation of the basis for its approval, disapproval, or adjustment of the CPC/PDD's recommendation.
- Second, any denial of a special district review application, and any imposition of conditions upon the proposed project, should be in furtherance of a legitimate government interest that is rationally related to the proposed project. The Council could, for example, make such a decision in furtherance of the purpose of special district review process, which is to ensure "that the project [] conforms to the City's planning objectives and policies, complements surrounding development and the Public Center, and that any negative impacts of the project on adjacent areas and the general public are minimized."²⁷ Additionally, the Council could seek to further other legitimate governmental interests that are rationally related to the proposed project.
- Third, if a proposed project involves elements of protected speech, the Council should evaluate the project on a content-neutral basis and consider only those parameters of the project that are unrelated to its protected content, such as its height, area, orientation, structural integrity, construction materials, and technological capabilities, among other content-neutral factors.

V. CONCLUSIONS

The Council has broad discretion to evaluate special district review applications. In deciding upon a proposed project, the Council must consider the recommendation provided by the CPC and PDD; but in so doing, it has discretion to approve, disapprove, or adjust the recommendation in its own judgment and is not obligated to strictly adhere to the specific review criteria that the CPC and PDD must consider. The Council must avoid infringing upon applicants' constitutional protections under principles of due process and free speech, and should refrain from decisions that are arbitrary

²⁷ See Detroit City Code § 61-3-183.



and capricious and not rationally related to a legitimate government interest, and should avoid evaluating any element of a proposed project's protected speech based on its content. However, subject to such limitations, the Council may decide upon proposed projects independently and in its own judgment.

Respectfully Submitted,

Daniel J. Arking
Assistant Corporation Counsel

Concur:

Kim James
Supervising Assistant Corporation Counsel

Approved:

Lawrence T. Garcia
Corporation Counsel



EXHIBIT A:
CPC/PDD Special District Review Criteria
for Projects in PC and PCA Zoning Districts

Sec. 61-11-77. PC District review criteria.

The City Planning Commission and the Planning and Development Department shall review proposals, referenced in Sec. 61-11-76, in accordance with the following criteria:

- (1) The proposed development should reflect applicable policies stated in the Detroit Master Plan;
- (2) Scale, form, massing and density should be appropriate to the nature of the project and relate well to surrounding development;
- (3) The proposed development should be compatible with surrounding development in terms of land use, general appearance and function and should not adversely affect the value of adjacent properties;
- (4) Vehicular and pedestrian circulation facilities should be adequately designed to meet expected demands; disruption of traffic flow in surrounding areas should be minimized; truck traffic should be carefully planned and controlled;
- (5) Adequate vehicular off-street parking and loading should be provided, where appropriate;
- (6) Adequate public and private open space should be provided for light and air, landscaping, and, where appropriate, for passive and active recreation;
- (7) Adequate rights-of-way, easements and dedications should be provided where appropriate for trafficways, utilities and community facilities;
- (8) Public access should be provided where appropriate, including provision of adequate right-of-way for the continuous pedestrian/bicycle pathway being developed along the Detroit River;
- (9) Appropriate buffering and screening of service, loading, refuse collection, mechanical and electrical equipment and parking areas should be provided;
- (10) Careful consideration should be given to orientation for solar access to both the proposed project and surrounding development;
- (11) Signage and graphics should be tastefully designed to be visually appealing and in character with surrounding development; they should provide needed information, direction and orientation in a clear and concise manner;
- (12) Security considerations, especially avoidance of visually isolated public spaces, should be a major element of the design program;
- (13) Barrier-free access and public safety features should be carefully planned;



- (14) Preservation/restoration of buildings having architectural or historic value should be considered a primary objective;
- (15) Urban design elements of form and character should be carefully considered; such elements include, but are not limited to: richness/ interest of public areas through the provision of storefronts, window displays, landscaping, and artwork; color, texture and quality of structural materials; enclosure of public spaces; variations in scale; squares, plazas and/or "vest pocket parks" where appropriate; continuity of experience, visual activity and interest; articulation and highlighting of important visual features; preservation/enhancement of important views and vistas;
- (16) Special attention should be given to amenity and comfort considerations such as provision for outdoor seating, restrooms for public use, bicycle storage, convenience of access points and protection from harsh weather through such features as enclosed walkways and arcaded pedestrian areas;
- (17) Careful attention should be given to ease of maintenance of the completed project; snow removal, mowing, cleaning, and other maintenance and repair operations should be considered;
- (18) Phasing, staging and interim circulation patterns should be well-planned so as to minimize disruption during the construction period.

Sec. 61-11-97. PCA District review criteria.

The City Planning Commission and the Planning and Development Department shall review proposals, referenced in Sec. 61-11-96, in accordance with the following criteria:

- (1) The proposed development should reflect applicable policies stated in the Detroit Master Plan;
- (2) Scale, form, massing and density should be appropriate to the nature of the project and relate well to surrounding development;
- (3) The proposed development should be compatible with surrounding development in terms of land use, general appearance and function and should not adversely affect the value of adjacent properties;
- (4) Vehicular and pedestrian circulation facilities should be adequately designed to meet expected demands; disruption of traffic flow in surrounding areas should be minimized; truck traffic should be carefully planned and controlled;
- (5) Adequate vehicular off-street parking and loading should be provided, where appropriate;
- (6) Adequate public and private open space should be provided for light and air, landscaping, and, where appropriate, for passive and active recreation;
- (7) Adequate rights-of-way, easements and dedications should be provided where appropriate for trafficways, utilities and community facilities;



- (8) Public access should be provided where appropriate, including provision of adequate right-of-way for the continuous pedestrian/bicycle pathway being developed along the Detroit River;
- (9) Appropriate buffering and screening of service, loading, refuse collection, mechanical and electrical equipment and parking areas should be provided;
- (10) Careful consideration should be given to orientation for solar access to both the proposed project and surrounding development;
- (11) Signage and graphics should be tastefully designed to be visually appealing and in character with surrounding development; they should provide needed information, direction and orientation in a clear and concise manner;
- (12) Security considerations, especially avoidance of visually isolated public spaces, should be a major element of the design program;
- (13) Barrier-free access and public safety features should be carefully planned;
- (14) Preservation/restoration of buildings having architectural or historic value should be considered a primary objective;
- (15) Urban design elements of form and character should be carefully considered; such elements include, but are not limited to: richness/ interest of public areas through the provision of storefronts, window displays, landscaping, and artwork; color, texture and quality of structural materials; enclosure of public spaces; variations in scale; squares, plazas and/or "vest pocket parks" where appropriate; continuity of experience, visual activity and interest; articulation and highlighting of important visual features; preservation/enhancement of important views and vistas;
- (16) Special attention should be given to amenity and comfort considerations such as provision for outdoor seating, restrooms for public use, bicycle storage, convenience of access points and protection from harsh weather through such features as enclosed walkways and arcaded pedestrian areas;
- (17) Careful attention should be given to ease of maintenance of the completed project; snow removal, mowing, cleaning, and other maintenance and repair operations should be considered;
- (18) Phasing, staging and interim circulation patterns should be well-planned so as to minimize disruption during the construction period.



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City of Detroit

CITY COUNCIL

JAMES E. TATE, Jr.
COUNCIL MEMBER

MEMORANDUM

TO: Lawrence Garcia
Corporation Counsel

FROM: Councilman James E. Tate, Jr. *J.E.T.*

DATE: July 16, 2018

RE: Special District Review - Legislative Authority

Please provide an opinion analyzing what, if any, restrictions exist regarding City Council's discretionary authority when considering requests made under the Special District Review process of Chapter 61 of the 1984 Detroit City Code and whether the Michigan Zoning Enabling Act imposes any limitations or parameters on that authority. Lastly, please provide legal guidance on how both individual members and the City Council as an entity should approach considering such requests in a manner consistent with the law.

If you have any questions or concerns, please feel free to contact DeAndree Watson of my office at (313) 224-0278. Thank you in advance for your prompt attention to this matter.

CC: Honorable Colleagues
Louise Jories, City Clerk's Office
Marcell Todd, City Planning Commission
Stephanie Washington, Mayor's Office
David Whitaker, Legislative Policy Division

CITY CLERK 2018 JUL 16 09:41:23

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MEMORANDUM

TO: Honorable Scott Benson
Detroit City Council, District 3

FROM: Daniel Arking 
Assistant Corporation Counsel

DATE: September 10, 2018

RE: Recourse for Non-Compliance with Planned Development (PD) Standards

This memorandum is provided in response to your July 3, 2018 memorandum, in which you requested an analysis of the recourse available to the City of Detroit in circumstances of non-compliance with the terms, conditions, site plans, use regulations, and development specifications (collectively, “Standards”) associated with a planned development zoning district (“PD District”). Specifically, you presented the following two questions:

1. What constitutes a violation of an approved PD District and corresponding Standards?
2. What is the City’s recourse to compel compliance with a PD District’s Standards?

You also expressed concern that the Little Caesar’s Arena (“LCA”) development may not be in compliance with the Standards of the PD District in which it is located. This memorandum provides the requested analysis on the above-stated questions and then applies that analysis to the current circumstances of the LCA development, to the extent possible.

I. BRIEF ANSWER

All PD Districts are subject to approval by the Detroit City Council. In general, each PD District typically includes a unique set of Standards, which upon approval of the PD District are incorporated into the Zoning Ordinance. Because all such Standards are essentially PD District-specific zoning regulations, instances of non-compliance with such Standards can constitute a violation of the Zoning Ordinance.

The City has multiple means of recourse to compel compliance with a PD District’s Standards. Such means include requiring a performance guarantee for the proposed development, allowing

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the approval of the PD Development to lapse and rezoning the subject property, and utilization of the various enforcement measures set forth in the Zoning Ordinance.

The LCA development is located within a PD District established by Ordinance 10-15, effective on May 12, 2015, and is subject to a unique set of development plans and other Standards set forth in the ordinance. It is not possible within the scope of this memorandum to determine whether the LCA development is in compliance with its applicable PD Development Standards based on the information provided. However, if the City determines that the LCA development is in non-compliance with any such Standards or other applicable zoning regulations, it does have means to compel compliance.

II. BACKGROUND

The City of Detroit is authorized by the Michigan Zoning Enabling Act, Public Act 110 of 2006 as amended (“MZEA”), to control the use and development of land within its jurisdiction by way of zoning regulations, which may include the establishment of certain zoning districts throughout the City.¹ In addition to traditional residential, commercial, and industrial zoning districts, the MZEA authorizes the City to establish certain “planned unit development” districts, including PD Districts.² The stated purposes of such special districts are to “permit flexibility in the regulation of land development, encourage innovation in land use and variety in design, layout, and type of structures constructed, [and] achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities,” among others.³

In accordance with this authority, the City’s Zoning Ordinance sets forth a process for the establishment of PD Districts. This process is initiated by submission of a petition, including site plans, elevations, and other development documentation, to the City Planning Commission (“CPC”). The petition is subject to site plan review, a public hearing before the CPC, and final decision by the City Council.⁴ The Council’s approval of a new PD District is established by adoption of an ordinance to depict the new PD District on the appropriate zoning map and to incorporate all associated Standards into the Zoning Ordinance.⁵ Each PD District is subject to a unique set of Standards, which can include specific site plans, use regulations, and development specifications, as well as specifications as to construction materials, parking, landscaping and screening, signage, and illumination, among other parameters.

¹ See M.C.L. § 125.3201.

² See *id.* § 125.3503.

³ See *id.*

⁴ See Detroit City Code § 61-3-94(b).

⁵ See *id.* § 61-3-94(d). In general, the modification of an existing PD District, including its associated Standards, is adopted by the same process as the enactment of a new PD District.



III. ANALYSIS

A. Violations of Approved PD Districts and Corresponding Site Plans

Because all PD District Standards are incorporated into the Zoning Ordinance, an instance of non-compliance with such Standards can constitute a zoning violation. The Zoning Ordinance identifies a variety of specific types of violations, including: (1) engaging in any development, use, or other activity that is in any way inconsistent with the terms and conditions of any required approval or form of authorization, and (2) violation, by act or omission, of any term, condition, or qualification that is placed by a decision-making body upon any form of authorization.⁶ Because the creation and modification of any PD District requires approval by Council, the ordinance establishing or modifying a PD District can be considered a “form of approval” for these purposes. Further, because all Standards associated with a PD District are requirements for the development occurring therein, such Standards constitute the terms and conditions of Council’s approval. Therefore, any construction, development, use, activity, or other circumstance within a PD District that is non-compliant with the PD District’s Standards can constitute a zoning violation. Specific instances of non-compliance may include, for example: construction of a building or structure that fails to comply with applicable development specifications, use of the property for prohibited purposes, and failure to achieve various development milestones by applicable deadlines, as specified in the Standards.

B. City’s Recourse to Compel Compliance with PD District Standards

The City has multiple means of recourse to compel compliance with the Standards of a PD District. Some of these means can be utilized if the proposed development in the PD District is abandoned or is not completed on a timely basis, while others are available in response to specific instances of non-compliance with applicable Standards.

First, Section 505 of the MZEA authorizes the City to require deposit of a performance guarantee in order to ensure “faithful completion of the improvements” in compliance with zoning regulations and any conditions imposed under authority of the Zoning Ordinance.⁷ Performance guarantees are further addressed in Article XIV, Division 8 of the Zoning Ordinance, which defines “improvements” as features associated with a project that are considered necessary to protect natural resources or health, safety, and welfare, including roadways, lighting, utilities, sidewalks, screening, and drainage.⁸ Such guarantees can be in the form of a cash deposit, certified check, irrevocable letter of credit, or surety bond and in an amount sufficient to cover the estimated costs of the proposed improvements. Such guarantees would be required upon issuance of permits to perform the proposed improvements. Section 505 is not specific to developments in PD Districts, but could be utilized for improvements associated with such developments and could serve to ensure their compliance with the Standards of the PD Districts in which they are located.

⁶ See *id.* § 61-5-14(2), (3).

⁷ See M.C.L. § 125.3505.

⁸ See Detroit City Code § 61-16-111.



Before requiring such guarantees, the City would need to adopt procedures to rebate portions of cash deposits as work on the subject development is satisfactorily completed.⁹

Second, Section 61-3-98 of the Zoning Ordinance allows the approval of a PD District to lapse under any of three circumstances:¹⁰

1. Upon abandonment of a particular project approved within the PD District; or
2. After three years following the effective date of the approval of the PD District, if the proposed development has not yet been completed (unless an extension of time has been granted by the CPC); or
3. Upon expiration of any extension of time to complete the proposed development that may have been granted by the CPC.

Under any of these three circumstances, the Council may act to rezone the PD District, either to the previously existing zoning classification or to another zoning classification as it deems appropriate. Notably, approval of the PD District can lapse even if the development is not in violation of the PD District's Standards; the purpose of Section 61-3-98 is to provide a general limitation on the timeframe for completion of development in PD Districts and operates to supplement any other time limits that might be set forth in the PD District's Standards. Thus, even if a given PD District's Standards are silent as to the timeframe for completion of development activities, if such development is not completed within three years, it may be subject to lapse and rezoning.

In the event that the Council pursues the rezoning of a lapsed PD District, such a rezoning would be accomplished through the ordinary procedures set forth in the Zoning Ordinance, specifically including a zoning map amendment for the subject property and repeal of the Standards that had been associated with the former PD District.¹¹ Upon such a rezoning, any completed portions of the development that are not in compliance with the new zoning classification would constitute legal nonconformities.¹²

Third, because instances of non-compliance with PD District Standards constitute zoning violations, such instances can be subject to the various enforcement measures established in the Zoning Ordinance.¹³ Such measures include:

- Determination of a blight violation and issuance of civil fines.¹⁴ Fines for specific types of violations are set forth in Sections 61-5-18 through 61-5-19 of the Zoning Ordinance. Fines for unspecified instances of non-compliance with land use requirements are \$125.00 for

⁹ See M.C.L. § 125.3505(2).

¹⁰ See Detroit City Code § 61-3-98.

¹¹ Rezoning procedures are set forth in Art. III, Div. 3 of the Zoning Ordinance, Detroit City Code § 61-3-71 et seq.

¹² Legal nonconformities are addressed in Art. XV of the Zoning Ordinance, Detroit City Code § 61-15-1 et seq.

¹³ Violations, enforcement, and penalties are addressed in Art. V, Divs. 2, 3, and 4 of the Zoning Ordinance, Detroit City Code § 61-5-11 et seq.

¹⁴ See Detroit City Code § 61-5-17.



the first offense, \$250.00 for the second offence, and \$1,000.00 for third and subsequent offenses.¹⁵

- Withholding zoning permits and other approvals from persons and properties associated with an uncorrected zoning violation or delinquent civil fine.¹⁶ Specifically, the Buildings, Safety Engineering and Environmental Department (“BSEED”) can withhold zoning permits from any person at a property at which a violation remains uncorrected, even if the person applying for the permit is different from the person who was determined responsible for the violation.¹⁷ Additionally, BSEED can withhold zoning permits for any property from any person who is delinquent in paying a civil fine, even if the property for which the permit is sought is different from the property at which the civil fine was incurred.¹⁸
- Issuance by BSEED of a stop work order on any building or structure located on land where there is an uncorrected zoning violation.¹⁹

Finally, the City can utilize any enforcement mechanisms that may be included in the PD District’s Standards. In addition to various requirements for development in a given PD District, the associated Standards can also include certain reasonable penalties and other enforcement measures for non-compliance with such requirements. Such measures would be unique to each PD District and would need to be adopted as part of the Standards for the PD District.

C. Little Caesars Arena Compliance with PD District Standards

The LCA is located in a PD District that is generally bounded by Sproat Street to the north, Woodward Avenue to the east, Henry Street to the south, and Clifford Street to the west. This PD District was established by Ordinance 10-15, which was adopted by the City Council on April 21, 2015 and became effective on May 12, 2015. Development in this PD District must comply with the development plans and other Standards referenced in Ordinance 10-15, which pertain to the use of landscaping and paving of open spaces, lighting and illumination, signage, public art installations, and redevelopment of the existing building within the Eddystone Hotel Historic District, among others. It is not possible, based on the information presented to conclusively determine whether or not the LCA has been completed within the three-year timeframe established in Section 61-3-98 of the Zoning Ordinance and is presently in compliance with applicable Standards. Indeed, such a determination would likely require a field inspection of the LCA development in light of applicable Standards. However, if the City does determine that the LCA development remains incomplete, has missed any other applicable deadlines, or is otherwise in non-compliance with these Standards, it can take recourse to compel compliance by the means addressed above.

¹⁵ See *id.* § 61-5-21.

¹⁶ See *id.* § 61-5-32.

¹⁷ See *id.* § 61-5-32(a).

¹⁸ See *id.* § 61-5-32(b).

¹⁹ See *id.* § 61-5-34.



CONCLUSIONS

Because all Standards associated with a PD District are adopted as zoning regulations, any instance of non-compliance with such Standards can constitute a zoning violation. The City has multiple means of recourse to compel compliance with a PD District's Standards, including requiring submission of a performance guarantee prior to issuance of permits for the proposed development, lapse of the approval of the PD District and subsequent rezoning, and utilization of the multiple enforcement measures set forth in the Zoning Ordinance. The LCA development is located in a PD District that was established effective on May 12, 2015 and is subject to certain Standards identified in Ordinance 10-15. If the City determines that the LCA development has not been completed on a timely basis or is in violation of applicable Standards, it can utilize any means available to compel compliance.

Sent to BG for
Assignment 7/9/18

Tonja Long - PD NON-COMPLIANCE RECOURSE

From: Scott Benson
To: Lawrence Garcia
Date: 7/3/2018 1:35 PM
Subject: PD NON-COMPLIANCE RECOURSE
Cc: JAMES TATE; Louise Jones; Sabrina Shockley; Marcell Todd; David Bell...

MEMORANDUM

TO: Lawrence Garcia, Corporation Council

FROM: Hon. Scott Benson, City Council District 3

CC: Hon. James Tate, Chair, P&ED Standing Committee
 Hon. Janice Winfrey, City Clerk
 David Whitaker, Director, LPD
 Marcel Todd, Director, CPC
 David Bell, Director, BSEED
 Stephanie Washington, City Council Liaison

VIA: Hon. Brenda Jones, City Council President

DATE: 3 Jul 2018

RE: PD NON-COMPLIANCE RECOURSE

As per the conversation concerning the PD modification and rezoning for Little Caesars Arena during the Jun 28, 2018, PED Standing Committee meeting, I am requesting an opinion from the Law Department on:

1. *What constitutes a violation of an approved rezoning to PD and corresponding site plan?*
2. *What is the City's recourse to compel compliance from the petitioner/property owner benefiting from the PD rezoning and site plan approval.*

It seems that the LCA development is not in compliance with the provisions of the PD zoning district, as approved on 21 April 2015. Please provide answers to the questions above by 11 Jul 2018. If you have any questions do not hesitate to contact my office at, 313-224-1198

SRB

get one week extension
ok kw - 7/10/18
7/6/2018

Alton James
Chairperson
Lauran Hood, MCD
Vice Chair/Secretary

City of Detroit

CITY PLANNING COMMISSION
208 Coleman A. Young Municipal Center
Detroit, Michigan 48226
Phone: (313) 224-6225 Fax: (313) 224-4336
e-mail: cpc@detroitmi.gov

CITY CLERK 2018 SEP 12 9:40:01A

21

Brenda Goss Andrews
Lisa Whitmore Davis
David Esparza, AIA, LEED
Alton James
Gregory Pawlowski
Frederick E. Russell, Jr.
Angy Webb

September 12, 2018

HONORABLE CITY COUNCIL

RE: Request of Mr. Mike Semma on behalf of his client Mr. Talal Dickow to amend Article XVII, District Map 53 of the 1984 Detroit City Code Chapter 61, 'Zoning' by showing a B4 (General Business District) zoning classification where an R2 (Two-Family Residential District) zoning classification currently exists on three (3) parcels commonly identified as 2205, 2211 and 2215 Green Avenue, generally bounded by the one way east-west alley first south of W. Vernor Highway to the north, Green Avenue to the east, Whittaker Avenue to the south and the north-south alley first west of Green Avenue to the west. **(RECOMMEND DENIAL)**

NATURE OF REQUEST AND PROJECT PROPOSAL

The City Planning Commission (CPC) has completed its review and deliberations on the request of Mr. Mike Semma on behalf of his client Mr. Talal Dickow to amend Article XVII, District Map 53 of the 1984 Detroit City Code Chapter 61, 'Zoning' by showing a B4 (General Business District) zoning classification where an R2 (Two-Family Residential District) zoning classification currently exists on three (3) parcels commonly identified as 2205, 2211 and 2215 Green Avenue, generally bounded by the one way east-west alley first south of W. Vernor Highway to the north, Green Avenue to the east, Whittaker Avenue to the south and the north-south alley first west of Green Avenue to the west.

BACKGROUND

The subject properties are located in City Council District 6 and measure less than half an acre in area. The parcels are presently undeveloped and owned solely or in part by Mr. Talal Dickow under the corporate name "Six Stars Building LLC." 2211 Green Avenue is explicitly listed as being owned by Mr. Dickow, while 2205 and 2215 Green Avenue are listed as being owned by Six Stars Building LLC. Proof of interest in 2205 and 2215 Green Avenue has been provided by way of the Michigan Department of Licensing and Regulatory Affairs which has Mr. Dickow listed as the Resident Agent for Six Stars Buildings LLC.

The permitted land uses for each of the subject parcels is as follows:

2205 Green Avenue – Legal use: vacant land; last permit issued was for demolition of a residential building. There are currently open violations for an illegal parking lot.

2211 Green Avenue – Legal use: vacant land; last permit issued was for demolition of a residential building.

2215 Green Avenue – Legal use: parking lot via SLU #21-09 – Permit #17032 which was issued on 4-22-10.

Proposed Development

The petitioner intends to construct a one-story commercial retail store which might accommodate up to three “Stores of a generally recognized retail nature whose primary business is the sale of new merchandise, without drive-up or drive-through facilities.”

The proposed rezoning to B4 would allow for the establishment of such a use on a by-right basis per Sec. 61-9-76(38).

SURROUNDING LAND USE AND ZONING

The zoning classification and land uses surrounding the subject area are as follows:

North: B4; parking lot for the La Fiesta Market located at 7403 W. Vernor Highway.
East: R2; single-family residential along Green Avenue.
South: R2; single-family residential along Green Avenue at the intersection of Green Avenue and Whittaker Avenue.
West: R2; single-family residential along Whittaker Avenue.

CITY PLANNING COMMISSION PUBLIC HEARING & OTHER COMMUNITY MEETINGS

On Monday, February 19, 2018 a community meeting was held at the LA SED Youth and Senior Center located at 7150 W. Vernor Highway in the subject area of the requested rezoning. There were over 80 residents in attendance, of whom approximately five (5) spoke in regards to the proposed rezoning. There was overwhelming support for the prospect of new retail in the area, however, the community expressed some displeasure when “tax preparation services”, “barber shops” and “beauty salons” were mentioned as possible tenants for the proposed development.

Staff expressed concerns over the layout of the proposed development which reflects off-street parking along Green Avenue, adjacent to existing single-family residential properties, as well as the proposed commercial building being setback away from Green Avenue.

Initial conversations were held with the applicant and the Planning and Development at which time it was requested that the development be sited on W. Vernor Highway and Green Avenue rather than south of the one way east-west alley immediately south of W. Vernor Highway. It was communicated to the applicant that should the proposed building be sited at W. Vernor Highway and Green Avenue there would be no need for rezoning as the property is already zoned B4.

CPC staff furthered expressed a desire to see the property situated at W. Vernor Highway and Green Avenue due to the fact that W. Vernor Highway at this particular junction is a part of the Vernor/Springwells Traditional Main Street Overlay Area which is defined as:

“All zoning lots abutting West Vernor Highway between the center line of Clark Street and the zoning lots at the four (4) corners of Woodmere Avenue; and all zoning lots abutting Springwells Avenue between the four (4) corners of West Vernor Highway and the four (4) corners of the Fisher Freeway (I-75) service drives.”

Certain commercial areas of the City are, or have the potential to be, high quality, pedestrian-scale, walkable areas with a traditional urban atmosphere. Development within Traditional Main Street Overlay Areas should be geared, as much as possible, toward street-level pedestrian-generating uses.

Ground level treatment of buildings should be pedestrian scale. Typically in the Traditional Main Street Overlay Area buildings are built to the lot-line and parking is located in the rear of properties in order to minimize interference with pedestrian traffic.

Despite the recommendations of both CPC and PDD staff, the applicant has submitted their proposal to rezone the three subject properties.

On April 19, 2018, the City Planning Commission held a public hearing on the subject rezoning request. There were five members of the public present who expressed a desire to speak on the proposed rezoning. Three members of the public spoke in support of the proposed rezoning citing increased employment opportunities for members of the public, the elimination of blight, and the potential for synergy created by this development to help bolster traffic and patronage of other businesses along the W. Vernor Highway corridor as positives of the proposed development. Conversely, two members of the public spoke in opposition to the proposed rezoning citing the poor maintenance of the subject properties and the lack of a dumpster enclosure which has exacerbated a problem with rodents and pigeons. Traffic concerns were also cited, noting that westbound Whittaker at Green is a one-way street.

Prior to the public hearing while conducting a site visit to the subject area, staff did have a conversation with the adjacent property owner at 2206 Green Avenue, Mr. Vallejo, who expressed concerns over the possibility of increased traffic and parking. Mr. Vallejo indicated that parking on the site appears deficient during peak hours on the weekends, where patrons park in the neighborhood along residential streets. Mr. Vallejo communicated his fears over what a decrease in available off-street surface parking might do to compound the parking situation and the effects it might have on the petitioner's business.

Commissioner's Concerns and Responses

The Commission raised a number of questions pertaining to the proposed development and the level of community engagement which had taken place. Commissioner Webb expressed a desire to see the developer conduct a community survey to determine what types of retail they would like to see in the proposed development. At the time of the writing of this report, no such survey has been conducted.

Commissioner Russell inquired about the construction time-table and expressed a desire to see if there were any other instances along the W. Vernor Highway corridor where commercial zoning extends either north or south of the east-west alleyway, particularly in the Traditional Main Street Overlay area. Staff had not been able to find any other instances where the proposed zoning scheme has been implemented.

The request was also made that the Department of Public Works Traffic Engineering Division report on the status of the referenced traffic study for installing a traffic light at W. Vernor Highway and Green Avenue, along with the possibility of converting Whittaker Avenue into a two-way street; both recommendations which were raised at the February 19th Community meeting. Commissioner Russell also inquired about the possibility of a B2 (Local Business and Residential District) zoning classification being considered rather than the B4. The petitioner did indicate that they would be willing to revise their application to show a B2 zoning classification rather than a B4 zoning classification which would still allow them to pursue their intended land use while prohibiting more intensive automotive related uses.

Commissioner Esparza expressed a desire to see the Traditional Main Street Overlay area preserved and would like the petitioner to consider siting the building in the existing B4 at W. Vernor Highway and Green Avenue rather than south of the east-west alley toward Whittaker Avenue. Commissioner Esparza indicated that by siting the building consistently with the Traditional Main Street Overlay area guidelines the developer would be creating a more walkable, pedestrian-friendly development which is more conducive to the residential neighborhood.

MASTER PLAN CONFORMANCE

The subject site is located within the Springwells area of Neighborhood Cluster 5 of the Master Plan of Policies. The Future Land Use map for this area shows "Low Density Residential" for the subject property. The Planning and Development Department submitted a report dated May 3, 2018 regarding the appropriateness of the proposed rezoning request which states in part:

"The development of the subject site will replace a parking lot with additional retail along the Vernor corridor in proximity to the adjacent residential area. Consideration should be given to buffering the site from the adjacent residential area and "fronting" the building along the West Vernor Traditional Main Street Overlay area."

ANALYSIS

Section 61-3-80 of the Detroit Zoning Ordinance lists eight criteria that must be considered in making recommendations and decisions on rezoning requests.

The proposed zoning classification of B4 would permit "stores of a generally recognized retail nature whose primary business is the sale of new merchandise, without drive-up or drive-through facilities" on a by-right basis. The proposed B4 zoning classification would also permit 71 by-right residential, public, civic, institutional, retail, service, commercial, manufacturing, industrial and other uses, the most intensive of which includes "Blueprinting shop," and "General Trade services."

The following analysis details how the proposed rezoning either meets or fails to meet the eight approval criteria which must be considered in making recommendations and decisions on rezoning requests.

- (1) Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend or fact;

The subject properties until recently were residential, having been demolished for surface parking for the existing Super Market located at 7403 W. Vernor Highway. The neighborhood remains largely residential, particularly south of the east-west alleyways. Commission requested staff to survey the area to determine if there were other commercial districts that extended either north or south of alleyways along the W. Vernor Highway Traditional Main Street Overlay areas. Staff has not been able to find any instances where such a zoning scheme has been implemented, and therefore is of the opinion that the request before Your Honorable Body does not meet the challenge of some changing condition, trend or fact.

- (2) Whether the proposed amendment is consistent with the Master Plan and the stated purposes of this Zoning Ordinance;

The Master Plan of Policies calls for the area to be low/medium density residential. The proposed rezoning is not consistent with the Master Plan of Policies, and therefore is inconsistent with the

Michigan Planning Enabling Act, Act 33 of 2008 which states that zoning must be enacted in accordance with the Master Plan.

- (3) Whether the proposed amendment will protect the health, safety, and general welfare of the public;

While B2 or B4 zoning classifications are typically located adjacent to or across the alley from land zoned residential, the Commission is concerned about the intensification of zoning adjacent to residential properties, south of the alleyway. In 2015 Your Honorable Body agreed with the Commission's recommendation for denial of a similar request for a property located at 7228 Rutherford Avenue which sought to intensify the zoning north of the east-west alley to allow an outdoor storage area for a used car lot. Similar concerns over traffic, noise, and the adjacency to residential properties were raised.

- (4) Whether the City and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development;

The physical characteristics of the subject property would dramatically change as a result of the proposed rezoning. While the subject properties sit within a traditional street grid, there would likely be a need to upgrade city services, such as lighting, water, sewer, etc., beyond what is currently in place; as the existing infrastructure previously served residential uses which have since been demolished.

- (5) Whether the proposed rezoning will have significant adverse impacts on the natural environment, including air, water, soil, wildlife, and vegetation and with respect to anticipated changes in noise and regarding storm water management;

As previously mentioned, the physical characteristics of the subject property will dramatically change as a result of the proposed rezoning. The site is currently graded and partially paved, which creates impervious surfaces. While revised plans have been submitted which show perimeter landscaping, no drainage plans for the proposed development were submitted, however for a B2 or B4 zoning request such plans are not required.

- (6) Whether the proposed amendment will have significant adverse impacts on other property that is in the vicinity of the subject tract;

Adjacent property owners have cited concerns over parking, traffic and refuse. Since the April 19th public hearing, the petitioner has constructed a dumpster enclosure to address the concerns of one resident who resides adjacent to the subject properties.

- (7) The suitability of the subject property for the existing zoning classification and proposed zoning classification; and

As noted previously, the existing R2 zoning classification is not conducive for the proposed general retail use. Either the B2 or B4 zoning classification could allow for the proposed use and maintain the character of the residential neighborhood, however, the siting of the building is inconsistent with the W. Vernor/Springwells Traditional Main Street Overlay area.

- (8) Whether the proposed rezoning will create an illegal "spot zone."

Given the commercial nature of the subject area and the adjacency of B4 zoning to the north of the subject properties, staff is of the opinion that the proposed rezoning would not constitute an illegal "spot zone."

Suitability of the Property

One of the aforementioned criteria for rezoning states, "The suitability of the subject property for the existing zoning classification and proposed zoning classification." Zoning Map 53 generally shows a mix of R2 and B4 zoning on the north, south, east and west around the subject properties. This section of the Springwells subsector is primarily developed with residential and commercial uses.

In general, the Commission looks favorably on the establishment of new commercial retail in the subject area, however, would prefer the development be sited at the W. Vernor lot line consistent with the W. Vernor/Springwells Traditional Main Street Overlay area.

Significant Impact on Other Property

The Commission is of the opinion that the rezoning of these properties from a commercial standpoint might add to the sustainability of the surrounding community by allowing the establishment of economically viable, tax revenue generating businesses. Consideration must also be given to the desires of the host community, which finds the land use of general commercial in such close proximity to residential dwellings objectionable.

RECOMMENDATION

On July 19, 2018 the City Planning Commission voted to recommend denial of the request citing, the petitioner's failure to satisfy criterion one (1), two (2), three (3) and six (6) of the approval criteria cited in Sec. 61-3-80.

Respectfully submitted,

ALTON JAMES,
CHAIRPERSON



Marcell R. Todd, Jr, Director
George A. Etheridge, Staff

Attachments:
CPC resolution

Resolution By _____

WHEREAS, The City of Detroit has received petition #1832 and the Detroit City Planning Commission (CPC) has concluded its deliberations regarding the request of Mr. Mike Semma on behalf of his client Mr. Talal Dickow to amend Article XVII, District Map 53 of the 1984 Detroit City Code Chapter 61, 'Zoning' by showing a B4 (General Business District) zoning classification where an R2 (Two-Family Residential District) zoning classification currently exists on three (3) parcels commonly identified as 2205, 2211 and 2215 Green Avenue, generally bounded by the one way east-west alley first south of W. Vernor Highway to the north, Green Avenue to the east, Whittaker Avenue to the south and the north-south alley first west of Green Avenue to the west for the purpose of establishing "Stores of a generally recognized retail nature whose primary business is the sale of new merchandise, without drive-up or drive-through facilities," which is permitted on a by-right basis in the B4 district zoning classification per Sec. 61-9-76(38); and

WHEREAS, The CPC has held the statutorily required public hearing on this request on Thursday, April 19, 2018 and has submitted to Council it's report and recommendation for denial of the aforementioned rezoning request dated September 12, 2018, stating that the commission is of the opinion that a B4 (General Business District) zoning classification is not an appropriate designation and is not consistent with the characteristics of the adjacent properties in the immediate vicinity nor the Master Plan of Policies, noting the change would result in a further increase of commercial traffic, nonresidential parking and noise, in addition to the proposed siting of the building and parking being out of conformance with the Vernor/Springwells Traditional Main Street Overlay area. **NOW THEREFORE BE IT**

RESOLVED, That the Detroit City Council hereby denies the request of Mr. Mike Semma on behalf of his client Mr. Talal Dickow to amend Article XVII, District Map 53 of the 1984 Detroit City Code Chapter 61, 'Zoning' to show a B4 (General Business District) zoning classification where an R2 (Two-Family Residential District) zoning classification currently exists on three (3) parcels commonly identified as 2205, 2211 and 2215 Green Avenue, generally bounded by the one way east-west alley first south of W. Vernor Highway to the north, Green Avenue to the east, Whittaker Avenue to the south and the north-south alley first west of Green Avenue to the west.



September 6, 2018

Detroit City Council
1340 Coleman A. Young Municipal Center
Detroit, MI 48226

RE: Far Eastside Development Project

Honorable City Council:

The Housing and Revitalization Department is responding to a request from Council Member Andre Spivey for a brief history of the Far Eastside Development Project and its current status.

The Far East Side area is generally bounded by Jefferson Avenue to the south, Alter Road to the east, Warren Avenue to the north and Conner Street to the west (the "Development Area"). It is estimated to consist of approximately 1200 acres of land. The Planning and Development Department (P&DD) and the New Far East Side Development Co., LLC operated under a Pre-Development agreement approved by City Council on July 14, 2004. The area was severely blighted, comprised of vacant land, obsolescence and deteriorated structures.

On February 23, 2005, City Council approved the New Far East Side Development Co. as the Master Developer for the Development Area. It was required that the City utilize its best efforts (other than condemnation) to deliver or cause to be delivered to the Master Developer, City and/or Public sites to the extent such that the Master Developer would own 50 - 70% of the total land within the Development Area. At the time, New Far East Side Development was comprised of four (4) managing partners: 1) Henry Cisneros of CityHome Partners, 2) David K. Hill of Kimball Hill Homes, 3) Linda Smith of U-Snap-Bac, and 4) Melvin B. Washington of Phoenix Group Consultants, Inc. (the "Partnership"). The Partnership was tasked with purchasing City and privately-owned property within the Development Area, entering into partnerships with non-profit organizations/minority builders and establishing joint ventures.

The Development Area was further separated into phases, the first of such being Fox Creek (Phase One). This consisted of 140 acres generally bounded by East Vernor, Alter Road, East Jefferson and Eastlawn. The Partnership purchased approximately 660 properties from the City of Detroit between October 2006 and February 2009, including some not located directly within Phase One. The Partnership also acquired an additional 481 privately held properties. Some of these parcels of land were further combined and/or subdivided.

The Economic Development Corporation of the City of Detroit (EDC) managed the installation of infrastructure improvements for the Fox Creek phase. The overall project, however, failed to significantly move forward. Determining an accurate assessment of the current ownership status of each parcel would require a search of the Wayne County land records and obtaining title commitments. Doing this would be exhaustive and expensive.

CITY CLERK 2018 SEP 13 PM 12:02



Detroit City Council
RE: Far Eastside Development Project
September 6, 2018
Page 2

The City's Real Estate Department was closed in January 2015. Thus far, attempts to locate an executed copy of the Master Development Agreement have been unsuccessful. In the absence of doing so, HRD is unable to speak to any property reversionary rights the City may, or may not have had. No such provisions were included in the various property transfer deeds. Additionally, per the terms of the Pre-Development Agreement, the City was to convey by quit claim deed, simple title to City sites in individual closings. Attached, please see relevant documents.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Rencher', is positioned above the printed name.

Donald Rencher
Director
Housing & Revitalization Department

Attachments

cc: Bruce Goldman, Law Department
Charles Rami, Law Department
Stephanie Washington, Mayor's Office

Attachments

Map of Far East Side Area

July 14, 2004

Council authorization of Far East Side Pre-Development Agreement

February 23, 2005

Council Authorization of Far East Side Master Development Agreement

June 30, 2006

Council authorization of sale of Parcel 413 (generally bound by Alter, Mack, E. Jefferson and Drexel) to Far East Side Development Company

March 14, 2007

Council authorization of sale of Parcel 468A (generally bound by Alter, Mack, E. Jefferson and Drexel) to Far East Side Development Company

March 28, 2007

Council authorization of Economic Development Corporation (EDC) Fox Creek Infrastructure Project

February 3, 2009

Council authorization of sale of Parcel 497 (generally bound by Alter, Kercheval, E. Jefferson and Springler) to Far East Side Development Company

section with the Northerly right-of-way line of the Westbound Northerly service drive of the John C. Lodge Freeway; thence Westerly along said Northerly right-of-way line of the Westbound Northerly service drive of the John C. Lodge Freeway to the intersection with the Easterly line of Parkside Avenue; thence Northerly along said Easterly line of Parkside Avenue to the intersection with the Southerly line of Puritan Avenue and the point of beginning containing 1,014,300 square feet or 23.285 acres more or less.

Adopted as follows:

Yeas — Council Members Bates, K. Cockrel, Jr., S. Cockrel, Collins, Everett, McPhail, Tinsley-Talabi, Watson, and President Mahaffey — 9.

Nays — None.

Planning & Development Department

June 29, 2004

Honorable City Council:

Re: Pre-Development Agreement Far East Side Area; generally bounded by Jefferson Avenue to the south, Alter Road to the east, Warren Avenue to the north and Conner Street to the west.

The Planning and Development Department (P&DD) has conducted detailed studies of the vacant land, physical condition of structures, land usages, environmental influences, social, cultural and economic conditions of the area known as the Far East Side Area (See Attached Exhibit A). These studies have determined that the area is severely blighted due to the obsolescence and deterioration of structures and has become detrimental to the health, safety and welfare of its inhabitants.

Adjacent to the Jefferson-Chalmers Rehabilitation Project area, the Far East Side Area consists of approximately 1,200 acres of City and privately owned parcels, public streets and rights of way. The Detroit Master Plan of Policies recommends this portion of the East Sector for major rehabilitation, as well as substantial in-fill housing. Lots vary in size but are generally 30' x 100'. The City of Detroit Zoning Ordinance identifies the site as R-2 (Two-Family Residential District) and B-2 (Local Business and Residential District) and the Master Plan of Policies designates the area as

Medium Density Residential (RM) and General Commercial (GC).

We are in receipt of an offer from New Far East Side Development Co., L.L.C., a Michigan Limited Liability Company, to serve as the Master Developer in the development of in-fill housing and new housing communities within the project area. New Far East Side Development Co., proposes to provide a comprehensive plan for the revitalization of the area. Said plan shall unify the Far East Side Area by providing variety and a diversity of units consisting of townhouses, multi-family dwellings, single-family dwellings, commercial and retail. This will serve to accelerate the development and rehabilitation of vacant and blighted properties within the development area.

As the Master Developer, New Far East Side Development Co., L.L.C., shall purchase City and public sites, and pursue the acquisition of any privately held sites necessary to implement its Master Development Plan for the Far East Side Area. To facilitate the development, New Far East Side Development Co., L.L.C., shall enter into partnerships, joint ventures and assignments of a portion of the project to non-profit housing organizations, small builders, minority and/or female builders capable of constructing units on a smaller scale.

To implement these activities we, therefore, request that your Honorable Body adopt the attached resolution, authorizing the Planning and Development Department Director of Development Activities to enter into a Pre-Development Agreement between New Far East Side Development Co., L.L.C., a Michigan Limited Liability Company and the City of Detroit, a Michigan Public Body Corporate.

Respectfully submitted,
HENRY B. HAGOOD

Director of Development Activities
By Council Member Watson:

Resolved, That in accordance with the foregoing communication, the Planning and Development Director of Development Activities be and is hereby authorized to execute a Pre-Development Agreement for the Far East Side Area, generally bounded by Jefferson Avenue to the south, Alter Road to the east, Warren Avenue to the north and Conner

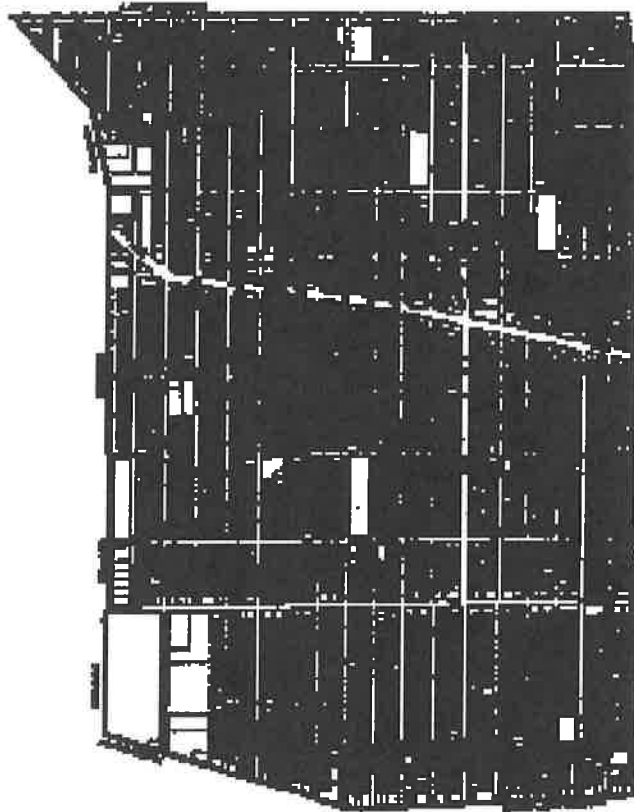
July 14

2379

2004

**Exhibit A
Far East Side Area**

**MASTER PLANNING AREA
EXHIBIT**



Street to the west and more particularly described in the attached Exhibit A, between New Far East Side Development Co., L.L.C., a Michigan Limited Liability Company and the City of Detroit, a Michigan Public Body Corporate.

And be it further,

Resolved, That the Pre-Development Agreement be considered confirmed when executed by the Planning and Development Department Director of Development Activities and approved by the Corporation Council as to form.

**Far East Side
Pre-Development Agreement
Master Developer Services**

This Pre-Development Agreement (hereinafter "PDA" or "Agreement"), is

entered into June 28, 2004 by and between the City of Detroit, (hereinafter "City"), a municipal corporation organized and existing under the laws of the State of Michigan, and New Far East Side Development Co., L.L.C. (hereinafter "Master Developer").

1. Background:

a. Significant disinvestment and disrepair has occurred in the Far East Side of the City of Detroit, in an area bounded by Jefferson Avenue at its south; Alter Road on the east; Warren Avenue on the north, and Conner Street on the west ("Far East Side Area"). This Far East Side Area covers approximately 1,200 acres consisting of City-owned parcels, private

parcels, public streets and rights-of-ways which is set forth in Exhibit A.

b. The City has engaged in a comprehensive planning and citizen participation process regarding the revitalization and development within the Far East Side Area, lasting many years and consisting of a significant number of public meetings.

c. The City has significant ownership of property within the Far East Side Area, in both contiguous and non-contiguous parcels (the "City Sites"), a description of which is attached hereto as Exhibit B, the redevelopment of which would contribute significantly to the revitalization of the Far East Side Area.

d. The County and State also have significant land holdings within the Far East Side Area ("Public Sites"), a description of which is included within Exhibit B attached hereto. The City shall use its best efforts in attempting to enter into appropriate intergovernmental agreements with such bodies to assure that the Public Sites are also transferred to the Master Developer in accordance with the terms of this Agreement. Upon consummation of such intergovernmental agreements, the applicable Public Sites shall be included in the definition of City Sites for the purposes of this Agreement.

e. Within the Far East Side Area, the City, private landowners, public and not-for-profit agencies have commenced certain isolated development projects which have addressed redevelopment of vacant or underutilized properties and to provide affordable housing and local employment. The uses, occupancy and new development within the Far East Side Area has occurred on scattered sites, with varied development conditions and building designs, all generally lacking consistent planning principles or design requirements. Additionally, the development projects that are taking place within the Far East Side Area have only begun redevelopment activities and could be leveraged in improving the surrounding properties.

f. In order to expand redevelopment activities, ensure the revitalization of the Far East Side Area, and to focus future development activities within the Far East Side Area, in October 2002, the City issued the Far Eastside Redevelopment Area Request for Qualification (the "RFQ") for Master Developer for the planning and redevelopment of the City Sites, the Public Sites and land owned by private owners ("Private Sites) in the Far East Side Area, or an area that consists of approximately 800 acres which is set forth in Exhibit C (hereinafter referred to as the "Master Development Area").

g. The Master Development Area includes City Sites, Public Sites, and Private Sites which the Master Developer and/or the City may acquire or provide

incentives and/or support for development as part of the redevelopment process.

h. New Far East Side Development Co., L.L.C. has been selected as the Master Developer by the City of Detroit.

i. The City and Master Developer wish to encourage development of the Master Development Area in accordance with a set of Far East Side Area Master Development Area Plans and New Town Plans which shall be prepared by the Master Developer.

j. The City, in order to create a meaningful and sufficiently credible demonstration of the development scope and commitment to the revitalization of the Far East Side Area, shall require the initial development efforts in the Far East Side Area to include two phases: A) Chalmers Heights; and Phase B) the first New Town ("New Town 1" as defined in Sections 3.2 and 3.3.4 herein) within the Master Development Area which shall be no less than 100 acres in area, including all City Sites, and Public Sites and (to the extent possible) Private Sites, streets and rights-of-way, which are defined in Exhibit D hereto.

k. The Master Developer wishes to purchase the City Sites and the Public Sites, and to pursue acquisition of Private Sites, for the purposes of implementing the Master Development Area Plan.

PART I – MASTER DEVELOPER PRE-DEVELOPMENT GENERAL TERMS

The City and Master developer will undertake the following Pre-Development Activities:

1.1. The Master Developer's obligations under the PDA shall include the following (collectively referred to as the Master Developer's "Pre-Development Activities"):

1.1.1. The Master Developer will commit up to an initial investment of a minimum of one million five hundred thousand dollars (\$1,500,000.00) which shall be defined as the "Predevelopment Investment" to initiate the appropriate studies, evaluations, and due diligence to ascertain the feasibility of the proposed development which shall be defined as the **Implementation Plan,** subject to the City complying with the spirit and intent of this Agreement.

1.1.2. The Master Developer shall perform the Scope of Services as set forth in Part 3 to this PDA to prepare and deliver the Implementation Plan for acquiring and developing the City Sites in accordance with a "**Master Development Agreement**" (hereinafter "MDA").

1.1.3. The Master Developer will complete the Pre-Development Activities by December 31, 2004.

1.1.4. Upon completion of the Pre-Development Activities but in no event

later than January 31, 2005, the Master Developer will indicate its willingness to proceed with the Implementation Plan and enter into the MDA with the City.

Prior to December 31, 2004, the Master Developer may, in its sole and exclusive discretion, upon review and determination of the unsuitability of the project as a result of those reports, terminate this agreement and withdraw from the project with written notice to the City, without further rights or obligations.

1.1.5. The Master Developer will develop as part of the Implementation Plan specific plans for the Master Developer's compliance with Executive Order Number 4 and Executive Order Number 22.

1.1.6. In the event of the withdrawal of the Master Developer, the City shall automatically be granted all rights and interest in all reports, studies and Master Plans developed during the Pre-Development Period.

1.1.7. The Master Developer shall, on an ongoing and timely basis, or upon the request by the City, advise the City as to the status of all Pre-Development Activities, including the processing of all plans and applications necessary to obtain all governmental approvals required.

1.2. The City's obligations under the PDA shall include:

1.2.1 The City hereby grants exclusive rights of development for the City Sites within the Master Development Area during the period of this Pre-development Agreement. Such development rights shall be extended under the terms of the Master Development Agreement.

1.2.2. The City shall use reasonable efforts to attempt to enter into appropriate intergovernmental agreements with Wayne County and the State of Michigan to commit the Public Sites to the Master Developer under the terms of this Agreement.

1.2.3. No cash resources need be expended or will be sought from the City during or in connection with the Pre-Development Activities to fund Master Developer activities.

1.2.4. During the Pre-development period, the City and the Detroit City Council ("City Council") will attempt to develop a "fast track approval process" for all municipal approvals for the Far East Side Area.

1.2.5. During the Pre-development period, the City shall provide all necessary technical information, resources, data and access to studies, databases, property ownership documentation and other City information as may be necessary for the Master Developer to carry out the Pre-Development Activities.

1.2.6. The City will fully cooperate and assist in seeking expedited approvals for

the land use plan, platting, sub-dividing, structuring of and implementation of utility replacement easements and right of ways, and such other approvals as may be required to create and maintain a significant velocity toward the development goals and completion of the project.

1.2.7. To the extent possible, the City will begin the process to establish neighborhood enterprise zones, seek tax credits and available state and federal block grants.

1.2.8. The City will encourage the cooperation and assistance of the Water and Sewerage Department, the Public Lighting Department, and the Public Works Department in the development of the Implementation Plan.

1.2.9. The City will encourage the cooperation and coordination of its Recreation Department for the development of the green spaces within the Far East Side Area.

1.2.10. The City will encourage the Police Department to participate in the planning process to ensure that there is adequate police protection accessible and available commensurate with the phased growth in population density within the Far East Side Area.

1.2.11. The City will encourage the Fire Department to participate in the planning process to ensure that there is adequate fire protection accessible and available commensurate with the phased growth in population density within the Far East Side Area.

1.2.12. The City will request that the Detroit School Board participate in the development and planning of the Far East Side Area of a far-reaching educational master plan for the area to include magnet schools, state of the art facilities, at both the elementary and intermediate level and a plan to improve the quality of high school education available to residents returning to this area of Detroit, to ensure that their children's educational opportunities will be enhanced.

1.2.13. The City and City Council will encourage both the State and County governments to make available all necessary resources at their disposal to enhance the likelihood of success for the redevelopment of the Far East Side Area.

1.2.14. The City shall seek to establish clear title for City Sites. Title documentation shall be provided by a title company identified by the City. Responsibility for title costs will be negotiated with the title provider and the City and addressed in the MDA.

1.3. The Master Developer will determine the feasibility of the project by December 31, 2004. Once the Master Developer determines that the project is feasible and that the project is to move forward, the City and the Master Developer shall enter into an MDA that

includes the general terms set forth herein.

1.4. Under the terms of the MDA (and not pursuant to this PDA): (a) the City shall designate the Master Developer as sole and exclusive developer of the City Sites within the Master Development Area only for five (5) years from the date of the initial Deposit (as defined in section 2.4.1 hereof) And (b) so long as the Master Developer shall have substantially completed the residential component of New Town 1 in accordance with the terms of the MDA, the Master Developer shall also have the option to continue as the exclusive Master Developer for an additional five (5) years, to be exercised solely at the discretion of the Master Developer in accordance with the MDA.

**PART 2 — PREPARATION FOR
MASTER DEVELOPMENT
AGREEMENT GENERAL TERMS**

The Master Developer and the City intend to incorporate the following terms in the Master Development Agreement (MDA):

2.1. The MDA will incorporate the terms of this PDA and set forth the terms and conditions under which the Master Developer will execute the Implementation Plan in furtherance of redevelopment within the Master Development Area.

2.2. Under the MDA, the Master Developer will agree to:

2.2.1. Develop the Master Development Area in accordance with the Implementation Plan and land uses set forth in the Master Development Area Master Plan, as approved by the City.

2.2.2. Prepare and submit specific "New Town Plan(s)" that define specific site areas, plans, and legal property limits to be developed within a phase, as approved by the City.

2.2.3. Provide property acquisition documentation to identify City Sites, Public Sites and Private Sites affected by the New Town Plan(s).

2.2.4. Provide compensation to the City for City Sites in accordance with the provisions below.

2.2.5. Obtain all zoning, building and construction permits, licenses, easements and approvals necessary to obtain, establish, or construct the New Town Plan(s), including for the Master Development Area.

2.2.6. Plan, market, finance and develop specific New Town Plan(s) as approved by the City.

2.3. Under the MDA, the City shall:

2.3.1. Have the right to approve neighborhoods designated by the Master Developer for which individual New Town Plans shall be prepared.

2.3.2. Review and approve individual New Town Plan(s).

2.3.3. Provide the Master Developer

with access to the City Sites, and affirm the Master Developer as sole and exclusive developer of the City Sites.

2.3.4. It is critical that the development within the Master Development Area be sufficient to effect a significant impact on the entire Far East Side Area. Therefore, the City will use best efforts (other than condemnation) to deliver or cause to be delivered to the Master Developer, City Sites and, to the extent possible, Public Sites such that the Master Developer will own or control:

2.3.4.1. For New Town 1 (as described on Exhibit D), Approximately (shall have the meaning as defined in the definition section) 70% of the total land area within New Town 1 with a target for ownership of 80% of the land area;

2.3.4.2. For New Town 2 [Which shall be defined and agreed to with the City], Approximately 60% of the total land area within New Town 2 with a target for ownership of 70% of the land area;

2.3.4.3. For New Town 3 [Which shall be defined and agreed to with the City], Approximately 50% of the total land area within New Town 3 with a target for ownership of 60% of the land area;

2.3.5. The City will use its best efforts (other than condemnation, and at no cost to the City) to:

2.3.5.1. Assist the Master Developer in the acquisition of Private Sites within the Master Development Area and/or New Town Plan(s) that remain in private hands, to the extent that the Master Developer determines, in its sole discretion, that such parcels are essential to meeting the objectives of re-developing the New Town Plan(s);

2.3.5.2. Encourage existing land owners to elevate properties to the ordinance guidelines and standards to be established for the Far East Side Area;

2.3.5.3. Recommend the demolition of those properties that are irreparably damaged and structurally unsafe, in accordance with the City Code.

2.3.6. As the sole Master Developer for the Master Development Area under the MDA, the Master Developer may initiate all contacts with the City of Detroit or other levels of government or private industry concerning this project; seek all appropriate regulatory and administrative approvals, designations, and grants of authority relative to the development of the property; leverage the interests as may be required to borrow funds toward any stage of the project's development; and apply for and receive all available tax credits.

2.3.7. The City will cooperate and assist Master Developer in obtaining all such permits, licenses, easements and approvals including, without limitation, joining any application or proceeding (1) where the parties agree that it is neces-

sary or desirable to do so, and (2) subject to City Council approvals, which such approval is required.

2.3.8. The Master Development Agreement shall set forth the scope, funding sources and phasing of the redevelopment Master Development Area and New Town Plan(s), including the following:

2.3.8.1. Infrastructure improvements within public right-of-ways.

2.3.8.2. Demolition and removal of above ground structures such as substandard or abandoned buildings and houses on City Sites.

2.3.8.3. Utility improvements as required within the public right-of-ways.

2.3.8.4. Flood plain improvements.

2.3.8.5. Sewer, storm, water and underground improvements.

2.3.8.6. Identification of necessary remediation of environmental conditions as may be required by state and federal laws or otherwise.

The City's obligation with regard to the above matters during the Pre-Development Activities is limited to identifying and including in the Master Development Agreement the scope of such work as may be desirable in the proposed Master Development Area Plan.

2.4. The MDA will set forth the interests of the Master Developer and the City in proceeds from the land development:

2.4.1. Master Developer will pay to the City a nonrefundable deposit (the "Deposit"), which shall be applied to the total purchase price, of \$110 per City Site, up to a maximum deposit of \$550,000 at time of the execution of the MDA. In the event the number of City Sites exceeds 5,000 upon execution of the MDA or any time subsequent thereto, the Deposit will not be increased beyond \$550,000 but those additional City Sites shall become subject to the balance of this Section 2.4.

2.4.2. The City will convey by quitclaim deed fee simple title to City Sites in individual closings. The closing process and conveyance of title will be set forth in the MDA. The MDA will contain specific closing conditions which must be satisfied to proceed to an individual closing, and will at a minimum include:

2.4.2.1. Title documentation with exceptions acceptable to the Master Developer;

2.4.2.2. Environmental conditions permitting the property's use as a development site for the use identified in the New Town Plan;

2.4.2.3. All land use, subdivision, plat and zoning approvals in place;

2.4.2.4. All demolition completed on City Sites in the New Town; and

2.4.2.5. Evidence of infrastructure/utility availability.

2.4.3. The Master Developer will make the Predevelopment Investment set forth

in Section 1.1.1 above in the Master Development Area for purposes of developing plans, obtaining entitlements and defining phases. The Predevelopment Investment shall be recovered from subsequently developed New Town(s) as follows:

- New Town 1, 60% of the Predevelopment Investment

- New Town 2, 20% of the Predevelopment Investment

- New Town 3, 20% of the Predevelopment Investment

2.4.4. The Master Developer may make additional New Town Capital Investments for each specific New Town as necessary for improvement of the land.

2.4.5. Each site within a New Town shall be sold as an Improved Lot. As the Improved Lots are sold by the Master Developer to any third party, the Master Developer will pay to the City in individual closing:

2.4.5.1. An additional \$990 for each City Site;

2.4.5.2. No additional amount shall be paid by the Master Developer to the City or remitted by the City to the Master Developer for sites returned or released to the City for public uses, it being agreed that the City's retention of the Deposit originally paid for that City Site shall satisfy the Master Developer's obligation to the City or other public entity therefore.

2.4.6. The Proceeds of all land sales for a New Town shall be used to:

2.4.6.1. First, to pay all project cost and land debt, including Master Developer labor for performing Master Developer duties; then,

2.4.6.2. Second, to fund the return of the Predevelopment Investment as described in Section 2.4.3 above and the New Town Capital Investments; then,

2.4.6.3. Third, to fund the returns on the Predevelopment Investment and on any New Town Capital Investment, at the rate of 1% per month as such investments may be outstanding from time to time.

2.4.6.4. The remainder shall be defined as the "Land Sale Net Proceeds".

2.4.7. With respect to each New Town, the City shall participate in up to 10% of the Land Sales Net Proceeds as follows:

2.4.7.1. The number of City Sites purchased from the City for \$1,100 per site shall be multiplied by \$2,500 to determine the "Maximum City Additional Payment", and

2.4.7.2. The aggregate Land Sales Net Proceeds shall be multiplied by 10%. If this result is less than the Maximum City Additional Payment, then the City shall receive the amount computed under this subparagraph.

2.4.7.3. The Master Developer will make a full accounting to the City within six (6) months of the completion of a New Town, providing to the City a calculation of

its participation in the Land Sales Net Proceeds available for distribution. The Master Developer shall pay the City all monies owed to it within sixty (60) days of the delivery of the accounting.

3. SCOPE OF SERVICES

The Master Developer will provide all key personnel, management and consulting resources necessary to conduct Pre-development investigations, due-diligence and the preparation of an Implementation Plan for the Master Development Area. The City shall provide all necessary technical information, resources, data and access to studies, databases, property ownership documentation and other City information in the City's possession necessary to carry out the planning activities.

The Pre-development activities shall be organized into five major areas and presented in an Implementation Plan for the Master Development Area:

3.1. Community, Market and Government Participation

3.1.1. Community Involvement Program. The Master Developer will establish an open community participation and communication as more fully described in the Preliminary Community Outreach Plan in Exhibit E attached hereto.

3.1.2. Market Participation and Research

3.1.2.1. Business/Employment Interests

3.1.2.2. Retail Markets

3.1.2.3. Residential Market Condition

3.1.3. Government Relations

3.2. Land Acquisition and Use. The Master Developer will develop a comprehensive database of property ownership and environmental condition for the Far East Side Area. Based upon data provided by the City, and with the full cooperation and assistance of the City, the Master Developer will prepare specific land use and acquisition strategy for the overall Master Development Area and detailed land use and acquisition plans for each New Town Plan. Major activities include:

3.2.1. Designation of New Town 1. Exhibit D, hereto sets forth the area which shall be the focus of an initial plan for redevelopment. The City hereby agrees with the boundary as shown in Exhibit D.

3.2.2. Land Ownership Database and Title Documentation. The Master Developer will establish database structure and title codification process. An analysis of ownership within the Far East Side Area will be analyzed and ownership patterns and opportunities identified.

3.2.3. Land Acquisition Plan. The Master Developer will develop a specific land ownership and acquisition plans, including City Sites, Public Sites and Private Sites, and potential street and/or alley vacation/dedication requirements for the Master Development Area. This will be provided within each individual New

Town Plan.

3.2.4. Private Site Ownership Assessment. The Master Developer will develop an assessment methodology for the existing residential, commercial and vacant land parcels to permit an analysis of areas of opportunity and concerns related to Private Sites within the Master Development Area.

3.2.5. Environmental Assessment. The Master Developer will evaluate City provided environmental studies for the Far East Side Area. The Master Developer may rely on the environmental studies to the extent permitted by the terms of each of the contracts pursuant to which an environmental contractor performed any one or more of the environmental studies. The City shall cooperate with Master Developer and, to the extent there will be no additional cost to the City other than such costs as may be imposed upon the City by state or federal law, request that those consultants under contract with the City cooperate with the Master Developer including, without limitation, the Master Developer's lenders and investors and the Owner Entities. Based upon the evaluation, the Master Developer will work with the City to identify areas of concern and provide input to the community planning efforts as it relates to the environmental suitability of Far East Side Area.

3.2.6. Environmental Risk Management. The Master Developer will work with the City and its consultants to develop environmental risk strategies to address any known or unknown environmental conditions, including developing mitigation and control measures with the City and State of Michigan, insurance programs and site-specific strategies.

3.2.7. Street Alley Vacations/Dedication. The Master Developer and the City will develop a plan for street relocations, vacations, and rededication of streets or alleys. The dedication and vacation of streets and alleys shall remain subject to local ordinance and state law.

3.2.8. Zoning and Subdivision. The Master Developer will develop a series of New Town Plan(s) as described below, for the purpose of creating a planned development area for the Master Development Area and the establishment of Community Development Standards for development and use within the Far East Side Area. This shall include overall strategy development and specific implementing documentation. The City shall retain all appropriate zoning and land use approval rights in accordance with applicable state and local laws.

3.2.9. Federal Flood Plain Management. The Master Developer will work with the City, Wayne County and the Federal government with regard to requirements, strategies and requirements related to Federal Flood Plain

Management within the Far East Side Area.

3.3 Community Planning. The Master Developer will assemble all of the necessary technical resources, personnel and information necessary to establish comprehensive information regarding the Far East Side Area. The Master Developer will establish a strong working relationship with all City, State, and other bodies of governments to acquire and organize information regarding the Far East Side Area. The Master Developer will be responsible for collecting existing materials in GIS and AutoCAD platforms, including surveys, plans, aerials, road, infrastructure, environmental and land ownership and title information, and regional and local master plans.

3.3.1. Data Collection and Analysis.

The Master Developer will organize and produce technical information and analysis regarding the Far East Side Area. The documentation will utilize information provided by the City and developed by the Master Developer and address various datum:

3.3.1.1. The Far East Side Area in its regional context as it relates to access, corridors, density, and neighboring communities;

3.3.1.2. Identify regional transportation, open space and development assets;

3.3.1.3. Previous City's plans for the development area, including portions within the Far East Side Area;

3.3.1.4. Historic precedent analysis documenting critical historical, cultural and architectural components and creating an inventory of contributing elements, including schools, parks, significant architecture, cultural or community facilities, and churches;

3.3.1.5. Evaluation of disinvestment and decay; and

3.3.1.6. Identify and understand the successes and failures of more current developments throughout the City.

3.3.1.7. General data collection and site mapping including:

3.3.1.7.1. Property Ownership

3.3.1.7.2. Land Use and Condition

3.3.1.7.3. Environmental Conditions

3.3.1.7.4. Ecological Assets

3.3.1.7.5. Topography, land forms and site drainage

3.3.1.7.6. Transportation Systems

3.3.1.7.7. Educational Facilities and Boundaries

3.3.1.7.8. Tax Base

3.3.1.7.9. Retail and commercial

3.3.1.7.10. Employment centers

3.3.1.7.11. Community Services (Police, Fire, Emergency)

3.3.1.7.12. Flood Plain

3.3.2. Far East Side Area Framework Plan. The Master Developer shall undertake a comprehensive planning analysis

and planning effort to create a "Vision" or Framework Plan for the Far East Side Area. This Plan would define general planning principles and goals that would be further addressed in the Master Development Area Master Plan, individual New Town Plans and Community Development Standards. The Framework Plan would identify strengths and opportunities within the Far East Side Area, including on-going projects such as: 1) Phoenix Communities — constructing 130 single family units in NW portion; and 2) U-Snap-Bac — developing 50-75 units in NW portion. The Framework Plan will also:

3.3.2.1. Identify neighborhoods within the Far East Side Area;

3.3.2.2. Summarize traffic patterns throughout the Far East Side Area;

3.3.2.3. Evaluate and make recommendations regarding regional storm water, flooding and infrastructure;

3.3.2.4. Develop a comprehensive land use plan to identify acceptable uses and conflicting uses;

3.3.2.5. Identify new neighborhoods to create "A Collection of Neighborhoods"; and

3.3.2.6. Develop a strategy for neighborhoods and commercial centers

3.3.3. Master Development Area Plan.

The Master Developer will prepare and provide a Master Plan within the Master Development Area. The Master Plan will define the specific land uses, planning principles and guidelines for the Master Development Area. The Master Plan shall identify major development issues, strengths and opportunities and define the character and uses permitted for New Town(s) within the Master Development Area. The Master Plan will consider existing conditions and planned uses including the placement of parks; locations of the employment, such as commercial, office and industrial space; public facilities such as police and fire; the placement of schools that will serve the New Towns; planned roads and easements; a series of Neighborhoods to be developed; the commercial space supporting residential development; and underground water, sewer, storm, and utilities; overall evaluation of residential products and their placement including detached single family and multiple, mixed use, HUD/Section 8, senior facilities, and condominiums. The Master Plan will include strategies to establish market driven housing and other uses augmented by carefully focused public sector investments within the development. The Master Plan will also:

3.3.3.1. Establish a report on the community needs and structure following appropriate input and discussions, as well as a communications plan for community engagement in neighborhood organizations, local business and civic organiza-

tions, as well as Detroit based national corporations, and not-for-profits of all kinds;

3.3.3.2. Establish a plan to continue the communication with community leaders, to retain involvement, participation, and support;

3.3.3.3. Establish a consensus land use plan for the community. A community participation process to obtain support for the implementation of the Master Development Area Master Plan in a rezoning of the property will be established;

3.3.3.4. Identify neighborhood cores, business and neighborhood centers within the site;

3.3.3.5. Develop a neighborhood strategy that supports the development of future neighborhoods; and

3.3.3.6. Establish a proposed set of residential, commercial, neighborhood use and zoning guidelines, which will establish requirements for building character, height, density, exterior materials and signage. These will be in the form of, proposed deed covenants and restrictions.

3.3.4. **New Town Plan.** The Master Developer will prepare and submit a detailed New Town Plan for each development phase of the project. During the Pre-development Phase, The Master Developer will prepare the plan for New Town 1, which shall include:

3.3.4.1. Defining the New Town Plan site area;

3.3.4.2. Identifying houses to remain, existing streets to remain, existing utilities to remain, including an ownership analysis of all properties and a condition assessment of each of the properties;

3.3.4.3. Establishing a land use and building site plan for the New Town;

3.3.4.4. Establishing a development phasing schedule for the New Town;

3.3.4.5. Defining building lots, blocks and streets, open space;

3.3.4.6. Preparing an infrastructure plan, identifying all street, utility and storm water improvement necessary;

3.3.4.7. Identifying existing tree cover and trees to be preserved;

3.3.4.8. Identifying public facilities/buildings including parks, schools, public safety facilities;

3.3.4.9. Preparing detailed public open spaces plans, including parks and rights-of-way;

3.3.4.10. Preparing traffic and circulation plans; and

3.3.4.11. Developing specific vision in narrative and character sketches for the New Town.

3.4. **Community Development Standards.** The Master Developer, with the full cooperation and assistance of the City, shall establish a comprehensive set of Community Development Standards

that shall be used for the planning and development of all properties within the Far East Side Area, and set forth design guidelines for all development within the Far East Side Area. The Community Development Standards shall:

3.4.1. Identify typical lot dimensions for the Far East Side Area and establish typical lot types;

3.4.2. Define permitted housing forms and conditions for the typical lot types;

3.4.3. Establish specific housing guidelines control house sighting and design. This will include driveway locations, garages, curb-cuts, setbacks and height, bulk and character;

3.4.4. Establish a Neighborhood Pattern Book which defines the specific housing plans/design for specific Neighborhoods;

3.4.5. Include a community-driven housing character program that creates the process to evaluate, prioritize and address the condition and issues associated with existing housing stock, including life/safety, code, access, condition, and maintenance standards and strategies;

3.4.6. Be developed in a form such that they may be adopted by the City in conjunction with any rezoning of property and/or Master Plan or New Town Plan approval. Upon the adoption of the Community Development Standards, the Master Development Area would be redeveloped/maintained in accordance with such standards.

3.5. **Implementation Plan.** The Master Developer will prepare and submit to the City an Implementation Plan for the Master Development Area, including:

3.5.1. Development Management Plan

3.5.1.1. Staffing and Management

3.5.1.2. Communications

3.5.1.3. MWBE Program

3.5.1.4. Community Participation

3.5.1.5. Development/Design Management

3.5.1.6. Marketing Program

3.5.1.7. Financial Management & Reporting

3.5.2. Far East Side Area Framework Plan (Vision Plan)

3.5.3. Master Development Area Master Plan

3.5.3.1. New Town Planning Areas/

3.5.3.2. Phasing Plan

3.5.3.3. Infrastructure Strategy/Plan

3.5.3.4. Fiscal Impact Analysis

3.5.3.5. Implementation Financing

3.5.4. Initial New Town Plan (New Town 1)

3.5.4.1. Neighborhood Specific Implementation Plan

3.5.4.2. Land Acquisition Plan/ Proposal

3.5.4.3. Public Infrastructure Plan (Neighborhood Level)

3.5.4.4. Implementation Schedule

3.5.4.5. Development Financing Plan

3.5.4.6. Site Specific Implementation Plans

3.5.5. Community Development Standards

3.5.6. Master Development Schedule

3.5.7. Land Development/Financing Plan

3.5.7.1. Land Redevelopment Cash Flow Summary

WHEREFORE, the City and Master Developer have entered into this PDA as of the date first set forth above.

CITY

By Its Planning & Development Department

By: _____

HENRY B. HAGOOD

Director of Development Activities

MASTER DEVELOPER

By: _____

MELVIN WASHINGTON

President and CEO

**Far East Side
Pre-Development Agreement
Master Developer Services
Definitions:**

1. **Approximately** — Defined as no greater than 10% less than the percentages enumerated in sections 2.3.4.1., 2.3.4.2, and 2.3.4.3.

2. **City** — City of Detroit.

3. **City Sites** — City-owned parcels (excluding public roadways, parks, and other property owned or used by the City in furtherance of its public purposes).

4. **Community Development Standards** — Shall have the meaning assigned in paragraph 3.4.

5. **Far East Area Framework Plan** — Land use vision document setting forth broad planning principles and standards and identifying critical Metropolitan Detroit infrastructure and development patterns and guidelines for the Far East Side Area. Define critical development issues, priorities and relationships. Identify smaller neighborhood areas that establish a "Framework" for planning and development.

6. **Far East Side Area** — Approximately 1,200 acres and generally described by the following borders: Jefferson Avenue at its South; Alter Road at its east; Warren Avenue to the north, and Conner Street to the west.

7. **Far East Side Trust Fund** — A fund

established by the City to receive the Deposit and other proceeds from the purchase of City Sites as described in paragraph 2.4 for the purposes of reinvesting within the Far East Side Area established by the Trustees and acceptable to the City of Detroit, including, but not limited to funding the acquisition of Private Sites; and/or to investing in or funding housing assistance programs including relocation, repair, alteration, rental, or acquisition assistance.

8. **Implementation Plan** — Collection of reports studies and plans prepared by the Master Developer as deliverables to the Pre-development Agreement. Single decision document for Master Developer decision to proceed with development. Includes planning, financial and community analysis and initial New Town Plan, more specifically defined in paragraph 3.5.

9. **Improved Lot** — A zoned, platted lot with all infrastructure and utilities available for development.

10. **Master Developer** — New Far East Side Development, L.L.C. a venture existing under the laws of the State of Michigan among Phoenix Communities, Inc., a Michigan Corporation, U-Snap-Bac Nonprofit Housing Corporation, a Michigan nonprofit corporation, Kimball Hill Far East Detroit, L.L.C., an Illinois limited liability company, (hereinafter "Kimball Hill") and AmericanCity Detroit, L.L.C., a Michigan limited liability company (an individual entity referred to as an "Owner Entity" or collectively, the "Owner Entities").

11. **Master Development Area** — Approximately 800 acres and is described generally by the following borders (and is described more specifically in Exhibit C attached hereto): Jefferson Avenue at its South; Alter Road at its East; Mack Avenue at its North; and Conner at its West.

12. **Master Development Area Plan** — Shall have the meaning assigned in paragraph 3.3.3.

13. **New Town Capital Investment** — Represents additional capital contributions on a specific New Town for land improvements, including cash and labor at burdened rates, and all third party expenses.

14. **New Town Plan** — Shall have the

July 14

2388

2004

EXHIBIT A
Far East Side Area

MASTER PLANNING AREA
EXHIBIT



5/13/04

THE NEW FAR EAST LLC

meaning assigned in paragraph 3.3.4.

15. **Planning Team** — Shall have the meaning assigned in paragraph 3.3.

16. **Pre-development Agreement** — Agreement between the City and Master Developer for an implementation Plan for the Far East Side Area and Master

July 14

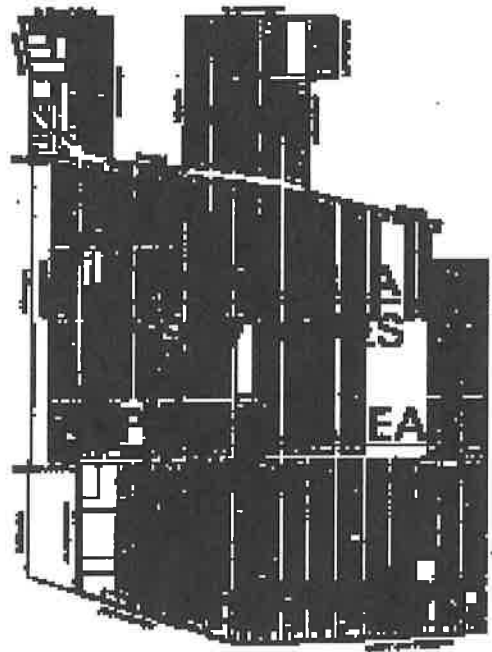
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EXHIBIT C
Master Development Area

MASTER DEVELOPMENT AREA

EXHIBIT



6/13/04

THE NEW FAR EAST LLC

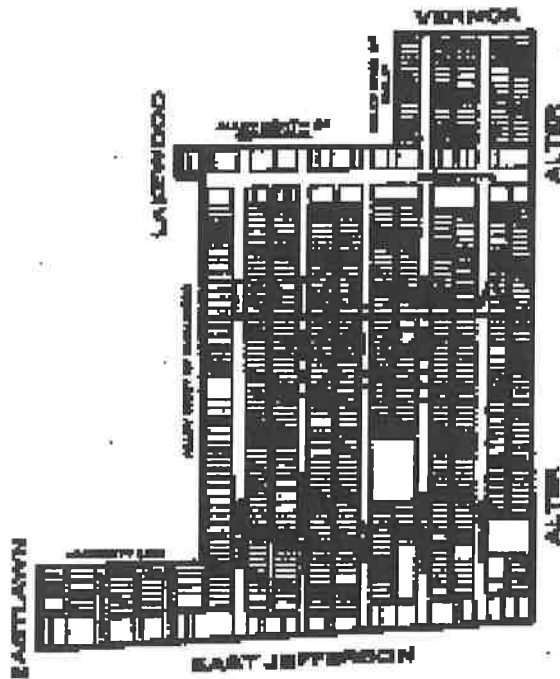
July 14

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2004

**Exhibit D
New Town I**

**NEW TOWN NEIGHBORHOOD I
PHASE I TARGET AREA**



5/13/04

THE NEW FAR EAST LLC

Development Area.

17. **Predevelopment Investment** — The Predevelopment Investment shall have the meaning assigned in paragraph 1.1.1.

18. **Private Sites** — Includes any non-city, non-county and non-state owned land within the Far East Side Area.

19. **Public Sites** — County and State-

owned parcels located within the Far East Side Area.

**Exhibit B
City Sites and Public Sites
[Insert legal description of City Sites]
Exhibit E**

Preliminary Community Dialogue Plan

The New Far Eastside Community is a project unmatched by any new development built in the City of Detroit. This area was selected as the best area to conduct a complete revitalization of a blighted and deteriorated community spanning over 1200 acres of predominantly vacant land. Simply put, this development will transform this east side community from being a neighborhood of last resort into a community of high quality housing opportunities that will rival the neighboring suburbs.

The community residents currently living in the project boundaries will be afforded the opportunity to stay and enjoy the benefits of this new community. They also deserve to be informed of the project activity as it is unfolding to keep abreast of the changes and the opportunities that are becoming available.

The principles of the project team are committed to the goal of maintaining strong communication with the community stakeholders during the development of the New Far Eastside Project. A significant amount of time and resources will be focused on providing complete and current information on the progress of the project. The primary objectives of the Community Outreach Plan are outlined below:

1. Inform the residents of the Master Plan to build out the project phases.
2. Address reasonable questions, concerns and desires of the Community Stakeholders.
3. Provide periodic progress updates to the Community Stakeholders.
4. Provide information on opportunities available to current residents.

The objectives of the Community Outreach Plan will be achieved with the following strategic activities:

Community Meetings

The team will host several community meetings at regularly scheduled intervals to ensure that all interested parties have the opportunity to attend. These meetings will provide for two way communication between the project team and the community stakeholders. The group setting will allow the participants to hear about the project directly from the team and also allow the participants to hear the other stakeholders' comments. The meetings

will be held according to a published schedule at a convenient community location in consideration of the participants' time.

Individual Leadership Meetings

Upon request, the team will attend an individual meeting to speak directly with a stakeholder group or leadership body of the community. These meetings provide for a more direct opportunity to disseminate project information in greater detail and address more specific questions and concerns of the community. These meetings will not be limited to the stakeholders within the borders of the project area.

Internet Information

Project information will be posted on an internet site for the purposes of providing around the clock access to project information for those interested parties that are not participating in the other outreach activities but are none the less interested in the progress of the project. This allows for widespread access to detailed information further marketing the project and strengthening our communication beyond our target area and possibly into the neighborhood communities.

The New Far Eastside Headquarters

The project team will open an office dedicated to the operations of the project. Through this office, the project staff will be available during office hours to discuss the project details with any interested parties as they walk in or upon appointment. Marketing material and project plans will be displayed throughout the office and will be available for viewing during the office hours.

Special Events

As needed, the project team may host a special event that allows the stakeholders to have access to the primary decision makers of the project. Examples of special events may be an Open House for the New Far Eastside Headquarters, Groundbreaking Ceremonies, etc.

Periodic Mailings

As the project progresses, project information will be distributed via mass mailing to inform the residents of pertinent project information.

Call Center

A call center will be established to provide recorded information on resources

<u>Strategic Activities</u>	<u>Objectives</u>		<u>Target Date</u>	<u>Team Participants</u>
	<u>Met</u>			
Analyze the previous info for inclusion in final Master Plan	1, 2			Under the direction of M. Washington
Unveil final Master Plan during an Open House for the Headquarters	1			Under the direction of M. Washington
Reproduce the plan for distribution	1			Under the direction of M. Washington
Gather community response to plan	2	Ongoing		L. Smith

July 14

2392

2004

<u>Strategic Activities</u>	<u>Objectives Met</u>	<u>Target Date</u>	<u>Team Participants</u>
Schedule individual meetings with stakeholders	2	As Requested	L. Smith, M. Washington
Host a series of community meetings	2, 3	Quarterly	L. Smith, M. Washington
Attend community events sponsored by other stakeholder groups	2, 3	As Requested	L. Smith
Launch a website including project information	1, 3, 4		Under the direction of M. Washington
Distribute mass mailings with general project information	1, 3, 4	Quarterly	Under the direction of M. Washington
Research potential funding sources to assist current residents with home repairs	4	Ongoing	L. Smith
Create a call center to provide information on funding opportunities	4		L. Smith, M. Washington
Facilitate the connection between residents and funding for home repairs	4	Ongoing	L. Smith

available to current residents seeking information on funding sources for home repairs. The caller will also be able to receive information on purchase or rental opportunities in the new housing. The recording will provide a phone number to call to speak directly to the service provider.

Each of the Community Outreach objectives can be achieved by performing the described strategic activities throughout the life of the project. A more detailed schedule of the strategic activities is described in the chart attached to this document.

Adopted as follows:

Yeas — Council Members Bates, K. Cockrel, Jr., S. Cockrel, Collins, Everett, McPhail, Tinsley-Talabi, Watson, and President Mahaffey — 9.

Nays — None.

Planning & Development Department
July 7, 2004

Honorable City Council:
Re: Property For Sale By Development Agreement. Development: Parcel 331; bounded by McClellan, Barker, Cooper & Chapin.

We are in receipt of an offer from Detroit Catholic Pastoral Alliance, a Michigan Non-Profit Corporation, to purchase the above-captioned property for the amount of \$25,000.00 and to develop such property. This property contains approximately 50,944 square feet and is zoned R-2 (Two Family Residential District).

The Offeror proposes to construct a three-story 62-unit apartment building for low-income elderly. Each unit will mea-

sure approximately 540 square feet and include one-bedroom, bath, kitchen and a comfortable living/dining room. The development will be complemented with community areas which will include a membership office, a library, a sundry shop, a large community room, a crafts room, floor lounges and support spaces such as laundries, public rest rooms and storage. The site will contain approximately thirty-five (35) paved surface parking spaces for the storage of licensed operable vehicles. Any area not paved will be appropriately landscaped to enhance the overall site. This use is conditional pending Board of Zoning Appeals (BZA) approval.

We, therefore request that your Honorable Body adopt the sale and authorize the Planning and Development Department Director of Development Activities to execute an agreement to purchase and develop this property with Detroit Catholic Pastoral Alliance, a Michigan Non-Profit Corporation.

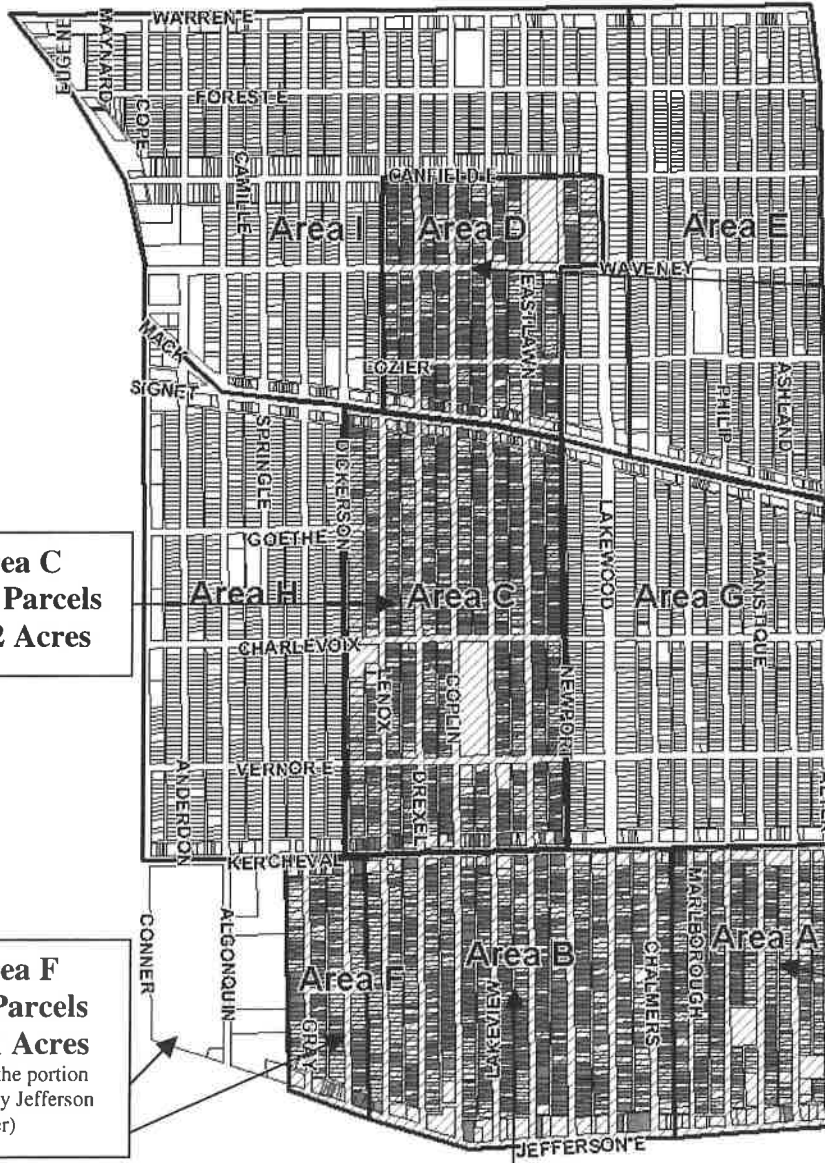
Respectfully submitted,
HENRY B. HAGOOD

Director of Development Activities
By Council Member Watson:

Resolved, That in accordance with the Offer to Purchase and the foregoing communication, the Planning and Development Department Director of Development Activities be and is hereby authorized to execute an agreement to purchase and develop the following described property with Detroit Catholic Pastoral Alliance, a Michigan Non-Profit Corporation, for the amount of \$25,000.

Land in the City of Detroit, County of Wayne and State of Michigan being Lots 7 thru 12 inclusive, also the Westerly one-half of vacated public alley adjoining Lot 7

**Far Eastside Area
City of Detroit**



Area D
532 Parcels
46.85 Acres

Area C
1,139 Parcels
97.72 Acres

Area A
470 Parcels
40.57 Acres

Area F
268 Parcels
63.11 Acres
(Includes the portion
bounded by Jefferson
and Conner)

Area B
992 Parcels
92.84 Acres

Adopted as follows:

Yeas — Council Members Bates, K. Cockrel, Jr., S. Cockrel, Collins, McPhail, Tinsley-Talabi, Watson, and President Mahaffey — 8.

Nays — None.

Planning & Development Department

February 2, 2005

Honorable City Council:

Re: Master Development Agreement. Far East Side Area; generally bounded by Jefferson Avenue to the south, Alter Road to the east, Warren Avenue to the north and Conner Street to the west.

The Planning and Development Department (P&DD) and the New Far East Side Development Co., L.L.C. (Master Developer) operating under a Pre-Development agreement (PDA) as approved by your Honorable Body on June 29, 2004 have conducted detailed studies of the vacant land, physical condition of structures, land usages, environmental influences, social, cultural and economic conditions of the area known as the Far East Side Area (See Attached Exhibit A). These studies have determined that the area is severely blighted due to the obsolescence and deterioration of structures.

Per the PDA, the Master Developer has determined that the project is feasible. The Far East side Area consists of approximately 1,200 acres of City and privately owned parcels, public streets and rights of way. The Detroit Master Plan of Policies recommends this portion of the East Sector for major rehabilitation, as well as substantial in-fill housing. Lots vary in size but are generally 30' x 100'. The City of Detroit Zoning Ordinance identifies the site as R-2 (Two-Family Residential District) and B-2 (Local Business and Residential District) and the Master Plan of Policies designates the area as Medium Density Residential (RM) and General Commercial (GC).

Upon completion of the Pre-Development activities, the Master Developer will indicate its willingness to proceed with the Implementation Plan and enter into the MDA with the City. We are in receipt of an offer from Far East Side Development Co., L.L.C., a Michigan Limited Liability Company, to serve as the Master Developer in the development of in-fill housing and new housing communities within the project area. New Far East Side Development

Co., proposes to provide a comprehensive plan for the revitalization of the area. Said plan shall unify the Far East Side Area by providing variety and a diversity of units consisting of townhouses, multi-family dwellings, single-family dwellings, commercial and retail. This will serve to accelerate the development and rehabilitation of vacant and blighted properties within the development area.

As the Master Developer, New Far East Side Development Co., L.L.C., shall purchase City and public sites, and pursue the acquisition of any privately held sites necessary to implement its Master Development Plan for the Far East Side Area. To facilitate the development, New Far East Development Co., L.L.C., shall enter into partnerships, joint ventures and assignments of a portion of the project to non-profit housing organizations, small builders, minority and/or female builders capable of constructing units on a smaller scale.

To implement these activities we, therefore, request that your Honorable Body adopt the attached resolution, authorizing the Planning and Development Department Director of Development Activities to enter into Master Development Agreement between New Far East Side Development Co., L.L.C., a Michigan Limited Liability Company and the City of Detroit, a Michigan Public Body Corporate.

Respectfully submitted,
HENRY B. HAGOOD

Director of Development Activities

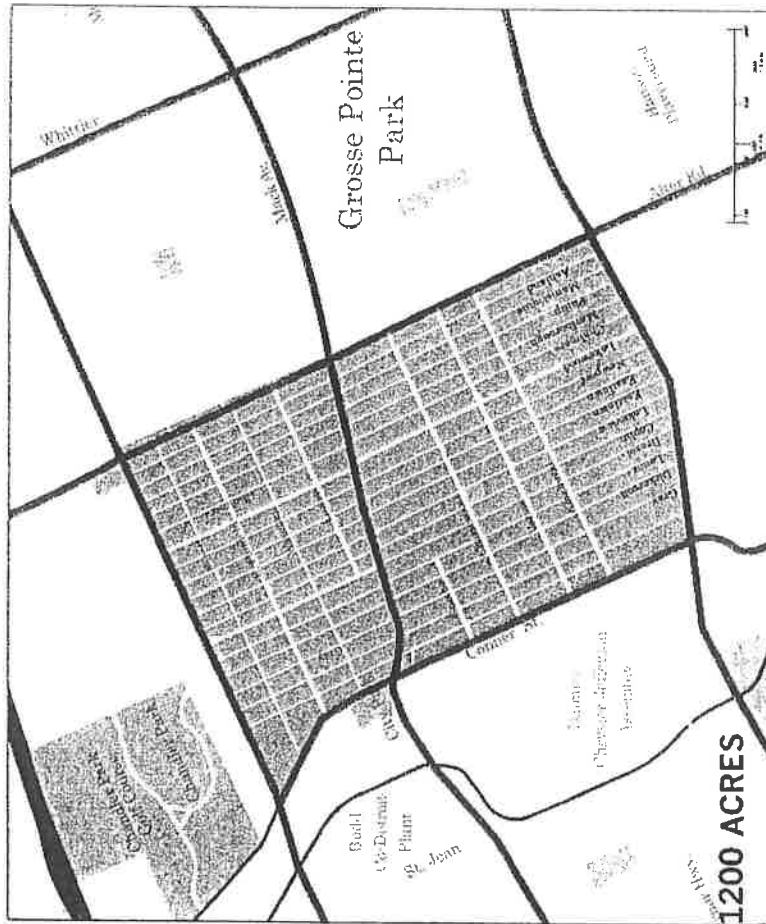
By Council Member K. Cockrel Jr.:

Resolved, That in accordance with the foregoing communication, the Planning and Development Department Director of Development Activities be and is hereby authorized to execute a Master Development Agreement for the Far East Side Area, generally bounded by Jefferson Avenue to the south, Alter Road to the east, Warren Avenue to the north and Conner Street to the west and more particularly described in the attached Exhibit A, between New Far East Side Development Co., L.L.C., a Michigan Limited Liability Company and the City of Detroit, a Michigan Public Body Corporate.

And be it further,

Resolved, That the Master Development Agreement be considered confirmed when executed by the Planning and Development Department Director of Development Activities and approved by the Corporation Council as to form.

**Master Planning Area
Exhibit A**



Adopted as follows:
 Yeas — Council Members Bates, K. Cockrel, Jr., S. Cockrel, Collins, McPhail, Tinsley-Talabi, Watson, and President Mahaffey — 8.
 Nays — None.

Planning & Development Department
 February 9, 2005

Honorable City Council:
 Re: Property For Sale By Development Agreement Development: 17332-17362, 17374, 17380 & 17396-17416 Riopelle.

We are in receipt of an offer from WB Construction Company, a Michigan Corporation, to purchase the above-captioned property for the amount of \$9,900 and to develop such property. This property contains approximately 45,000 square feet and is zoned R-1 (Single-Family Residential District).

The Offeror proposes to construct six (6) two-story, three (3) to four (4) bedroom single-family homes with attached garages on scattered sites. The average size of each home will range from 1,600 to 1,800 square feet. The Planning & Development Department supports WB Construction's proposed housing development. It will address a severe need for affordable housing and restoration of the

traditional single-family fabric to this area. This use is permitted as a matter of right in a R-1 zone.

We, therefore, request that your Honorable Body adopt the sale and authorize the Planning & Development Department Director of Development Activities to execute an agreement to purchase and develop this property with WB Construction Company, a Michigan Corporation, together with a deed to the property and such other documents as may be necessary to effect the sale.

Respectfully submitted,
 HENRY B. HAGOOD

Director of Development Activities
 By Council Member Collins:

Resolved, That in accordance with the Offer to Purchase and the foregoing communication, the Planning & Development Department Director of Development Activities be and is hereby authorized to execute an agreement to purchase and develop the following described property, together with a deed to the property and such other documents as may be necessary to effect the sale, with WB Construction Company, a Michigan Corporation, for the amount of \$9,900.

Land in the City of Detroit, County of Wayne and State of Michigan being Lots

We respectfully recommend adoption of the attached resolution to authorize the Buildings and Safety Engineering Department to issue a permit for the proposed antennas.

Respectfully submitted,
MARCELL R. TODD, JR.
Director

By Council Member S. Cockrel:

Whereas, MediaFLO USA has applied to the Buildings and Safety Engineering Department for a permit to affix one (1) UHF antenna, two (2) KU dish antennas, and one (1) GPS antenna on the roof of the building at 500 Woodward Avenue; and

Whereas, The Zoning Ordinance requires that applications for such permits be reviewed by the City's Wireless Telecommunications Site Review Committee; and

Whereas, The Wireless Telecommunications Site Review Committee did review the plans for said antennas at its meeting of February 6, 2007 and did issue a letter of support for the proposed antennas on February 19, 2007; and

Whereas, 500 Woodward is located on land zoned PCA (Restricted Central Business District); and

Whereas, The Zoning Ordinance allows permits for such antennas in the PCA District to be issued on a by-right basis subsequent to special district review by the City Planning Commission and the Planning and Development Department; and

Whereas, The City Planning Commission staff and the Planning and Development Department have reviewed the plans for the antennas and found them to be consistent with screening requirements of the Zoning Ordinance and to be suitable in appearance for a location adjacent to the public center.

Now, Therefore, Be It Resolved, Detroit City Council authorizes the Buildings and Safety Engineering Department to issue a permit for one (1) UHF antenna, two (2) KU dish antennas, and one (1) GPS antenna on the roof of the building at 500 Woodward Avenue as indicated in the plans dated February 23, 2007; and

Be it Further Resolved, That the City Clerk forward a copy of this resolution to the Buildings and Safety Engineering Department.

Adopted as follows:

Yeas — Council Members S. Cockrel, Collins, Jones, Kenyatta, Reeves, Tinsley-Talabi, and President K. Cockrel, Jr. — 7.

Nays — Council Members Conyers and Watson — 2.

Economic Development Corporation of the City of Detroit

March 23, 2007

Honorable City Council:

Re: EDC — Fox Creek Infrastructure Project — Establishment of Project Area and Project District Area.

The City of Detroit Planning and Development Department ("P&DD") has requested that the Economic Development Corporation of the City of Detroit (the "EDC") manage the installation of infrastructure improvements for the Fox Creek Infrastructure Project (the "Project") located west of the eastern City limits north of Jefferson Avenue. The Master Developer for the 140-acre mixed-use project, the New Far East Side Development Company LLC ("NFES"), has a development agreement with the City of Detroit that calls for the construction of infill housing and related amenities. As part of this redevelopment, numerous infrastructure improvements are necessary.

The Fox Creek Infrastructure Project Area is generally located south of Kercheval and Vernor, north of Jefferson Avenue, East of Eastlawn, and west of the city municipal boundary. On August 10, 2006, City Council created a zoning designation for the Far Eastside Overlay Area to facilitate residential infill development within this area. In addition, on November 17, 2006, City Council approved a Brownfield Redevelopment Project Plan for Fox Creek I.

On January 23, 2007, the Board of Directors of the Economic Development Corporation of the City of Detroit (the "EDC") adopted the attached resolution: EDC 07-01-75-01 Fox Creek Redevelopment Project. Establishment of Project Area and Project District Area (Exhibit A). Attached for your consideration and approval at the March 28, 2007 formal session, please find a Resolution approving the establishment of the Project district Area and the Project Area (Exhibit B).

The communication from the Mayor appointing 2 additional directors to the EDC for this project, and resolution confirming the Mayor's appointments will be provided to City Council under separate cover.

In addition, a Citizens District Council (CDC) must be established for the Project and the EDC communication and resolution are also being provided to City Council under separate cover.

It is anticipated that the EDC Board of Directors will subsequently consider approval of the Project Plan at an EDC Board meeting to be scheduled for April 24, 2007.

The Project Plan and a Resolution setting a Public Hearing will be submitted to your Honorable Body on May 18, 2007 requesting approval of the Resolution at its formal session of May 23, 2007 setting a Public Hearing on the Project Plan for June 19, 2007.

It is also respectfully requested that subsequent to the Public Hearing, a resolution (to be submitted under separate cover) be adopted approving the Project Plan at the City Council's formal session of June 27, 2007.

March 28

690

2007

If you have any questions or concerns, please do not hesitate to contact me at 237-4638.

Sincerely,
ART PAPANOS
Authorized Agent

**FOX CREEK REDEVELOPMENT
PROJECT; ESTABLISHMENT OF
PROJECT AREA AND PROJECT
DISTRICT AREA**

WHEREAS, There exists in the City of Detroit, Michigan (the "City") the need for programs to alleviate and prevent conditions of unemployment, to assist local industrial and commercial enterprises and to encourage the location and expansion of such enterprises in order to strengthen and revitalize the City's economy and to provide needed services and facilities to the City and its residents; and

WHEREAS, Act 338, Public Acts of Michigan, 1974, as amended ("Act 338"), constitutes a method for the encouragement and assistance of industrial and commercial enterprises in locating, purchasing, constructing, reconstructing, modernizing, improving, maintaining, repairing, furnishing, equipping and expanding in the City; and

WHEREAS, The City has previously established and created the Economic Development Corporation of the City of Detroit (the "EDC") to exercise the power and authority granted by the Act; and

WHEREAS, The EDC desires to assist the City in the Fox Creek Redevelopment Project located in the area depicted on Exhibit A generally bounded by the first alley south of Jefferson Avenue on the south, Kercheval and Vernor on the north, the City of Detroit municipal boundary on the east, and the western right of way line of Eastlawn on the west (the "Project"); and

WHEREAS, The EDC deems it reasonable and necessary to commence the necessary proceedings in order to implement said Project; and

WHEREAS, The approval of the Project Area and Project District Area is necessary for the transactions contemplated above.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE ECONOMIC DEVELOPMENT OF THE CITY OF DETROIT AS FOLLOWS:

1. That the EDC finds there is a public purpose and benefit in the Project.

2. That in accordance with Section 8 of Act 338, the EDC recommends that the City Council of the City (the "City Council") designate the Project Area boundary inclusive of only the parcels and City rights-of-way lying within the boundaries set forth in the attached Exhibit A.

3. That in accordance with Section 12 of Act 338, the EDC recommends that the City Council designate the Project District Area as follows: The south alley line of the first block south of Jefferson Avenue (south); the centerline of Vernor (north); the eastern city limits of the City of Detroit (east); and the westerly right of way of Eastlawn (west) as set forth in the attached Exhibit A.

4. The Mayor of the City is hereby requested to appoint and the City Council to confirm the appointment of two additional Directors to the EDC who will serve for the duration of the Project and who will be representative of neighborhood residents and/or business interest likely to be affected by the Project.

5. The City Council is hereby requested to take the steps necessary to appoint a citizens district council for Project as provided for in Section 12 of Act 338.

6. By adoption of this resolution, the EDC assumes no obligation or liability to any proposed developer or any other person or entity for any loss or damage that may result to any proposed developer or any other person or entity from the adoption of this resolution or for any costs and expenses incurred in connection with the construction of the Project.

7. In accordance with Section 8(2) of Act 338, the EDC hereby gives notice that it intends to commence preparation of an Project Plan as defined in said Act.

8. That the Secretary of the EDC be and is hereby directed to communicate the foregoing Project Area and Project Area designation to the Planning and Development Department of the City and the City Council by conveying to each of the foregoing a certified copy of this resolution consistent with this resolution.

9. That the Project Area and Project District Area are hereby approved for the above-mentioned Project.

EDC - FOX CREEK REDEVELOPMENT PROJECT
MAP OF PROJECT AREA AND PROJECT DISTRICT AREA

EXHIBIT A



————— PROJECT AREA
 - - - - - PROJECT DISTRICT AREA

I, William Ritsema, Secretary of the Economic Development Corporation of the City of Detroit, hereby certify that the foregoing Resolution is a true and accurate copy of a Resolution adopted by the Board of Directors of the Economic Development Corporation of the City of Detroit at its regular meeting on January 23, 2007.

WILLIAM RITSEMA
 Secretary

Subscribed and sworn to before me this 23rd day of January, 2007, a Notary Public in and for Wayne County, Michigan.

GAY E. HILGER
 Notary Public

My commission expires on: June 22, 2006.

EXHIBIT B
City Council Resolution
Approving Designation of a
Project District Area and Project Area
For The Economic Development
Corporation of the City of Detroit
Fox Creek Infrastructure Project

By Council Member S. Cockrel:
 WHEREAS, There exists in the City of

Detroit, Michigan (the "City") the need for programs to alleviate and prevent conditions of unemployment, to assist local industrial and commercial enterprises and to encourage the location and expansion of such enterprises in order to strengthen and revitalize the City's economy and to provide needed services and facilities to the City and its residents; and

WHEREAS, Act 338, Public Acts of Michigan, 1974, as amended ("Act 338"), constitutes a method for the encouragement and assistance of industrial and commercial enterprises in locating, purchasing, constructing, reconstructing, modernizing, improving, maintaining, repairing, furnishing, equipping and expanding in the City; and

WHEREAS, The City has previously established and created the Economic Development Corporation of the City of Detroit (the "EDC") to exercise the power and authority granted by the Act; and

WHEREAS, The EDC desires to assist the City with the Fox Creek Infrastructure Project in Detroit's far east side generally

bounded by the first alley south of Jefferson Avenue on the south, Kercheval and Vernor on the north, the City of Detroit municipal boundary on the east, and the western right of way line of Eastlawn on the west (the "Project"); and

WHEREAS, The EDC deems it reasonable and necessary to commence the necessary proceedings in order to implement said Project; and

WHEREAS, The EDC, in conformity with Act 338 of the Public Acts of 1974, as amended ("Act 338"), has designated the hereinafter described Project District Area and Project Area to this City Council for its approval thereof.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Project District Area, as designated by the EDC in accordance with Section 12 of Act 338, be, and is hereby certified as approved.

See Attached Exhibit A

2. The Project Area, as designated by the EDC in accordance with Section 8 of Act 338, be, and is hereby certified as approved.

See Attached Exhibit A

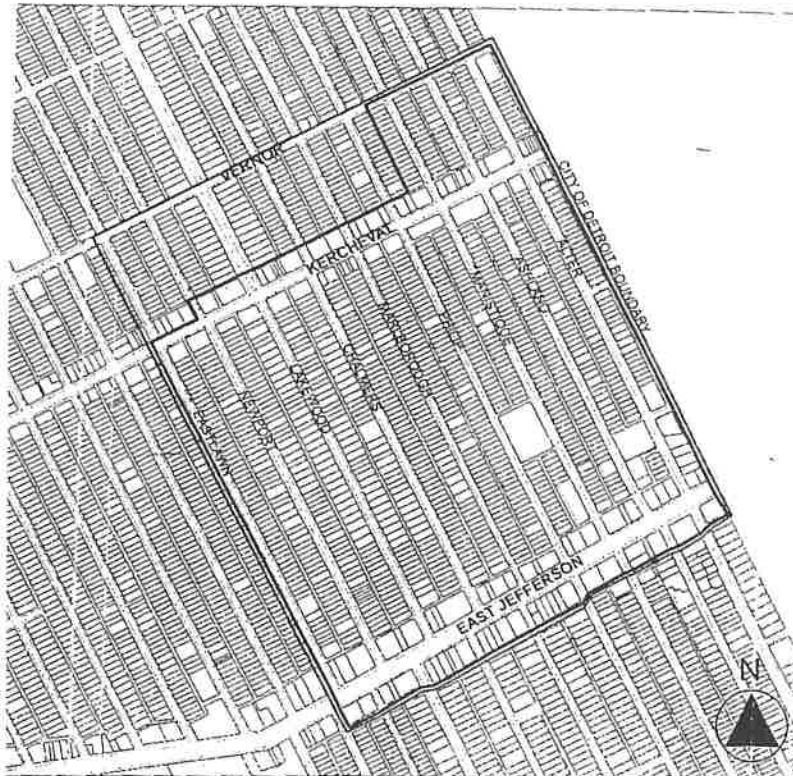
3. It is hereby determined that there are eighteen (18) residents, real property owners, or representatives of establishments, located within the Project District Area and that a project Citizens District Council (CDC) is required under Act 338, and City Council will appoint the CDC members by separate resolution.

4. Pursuant to the provisions of Act 338, and the appointment by the Mayor, the City Council will confirm by separate resolution two (2) additional Directors of the EDC who shall serve only in respect to, and for the duration of the Project.

5. The City Clerk shall be, and is hereby directed to provide five (5) certified copies of this resolution to the Secretary of the Board of the EDC.

EDC - FOX CREEK REDEVELOPMENT PROJECT
MAP OF PROJECT AREA AND PROJECT DISTRICT AREA

EXHIBIT A



— PROJECT AREA
— PROJECT DISTRICT AREA

March 28

693

2007

Adopted as follows:

Yeas — Council Members S. Cockrel, Collins, Jones, Kenyatta, Reeves, Tinsley-Talabi, and President K. Cockrel, Jr. — 7.

Nays — Council Members Conyers and Watson — 2.

**Economic Development Corporation
of the City of Detroit**

March 23, 2007

Honorable City Council:

Re: EDC — Fox Creek Infrastructure Project — Establishment of Citizens District Council.

On January 23, 2007, the Board of Directors of the Economic Development Corporation of the City of Detroit (the "EDC") adopted a resolution establishing a Project Area and Project District Area for the Fox Creek Redevelopment Project (aka Fox Creek Infrastructure Project). The EDC is requesting a Citizens District Council (CDC) be established for this Project.

Under PA 338, a CDC is an advisory body of at least 9 members established by City Council to provide recommendations concerning a proposed EDC project plan. The CDC can include residents, property owners, and business owners. All meetings are open to the public.

Because the City Planning Commission (CPC) staff was involved in this project as a result of the previously adopted zoning overlay district for Fox Creek, and because the CPC has been historically involved with the establishment of CDC's for EDC Projects, the EDC coordinated its efforts with CPC staff.

A Brownfield Redevelopment Plan for Fox Creek was approved by City Council on November 17, 2006.

In an effort to obtain the names of interested CDC candidates, an informational meeting was held on March 14, 2007 at the offices of the Jefferson East Business Association (JEBA) with approximately 50 persons attending. Notice of the meeting was mailed to all property owners, business owners, and residents in the proposed Fox Creek Project District Area. The Fox Creek Infrastructure Project, EDC activities and role of the CDC was explained. A Candidate Survey Form and Criteria for Evaluating Candidates developed by the CPC was distributed at the meeting. A CPC staff person also attended the meeting.

The EDC received a total of fifteen (15) candidate survey forms. Based on review of the forms with CPC staff, twelve (12) candidates are being recommended for the Fox Creek CDC. Three candidates are not being recommended because they could not attend the meetings or lived outside of the Project District Area. Biographical information is provided on the candidates.

We respectfully request City Council's approval of the resolution (Exhibit D) at its formal session of March 28, 2007.

If you have any questions or concerns, please do not hesitate to contact me at 237-4638.

Respectfully submitted,
ART PAPAPANOS
Authorized Agent

EXHIBIT D

By Council Member S. Cockrel:

Whereas, On March 28, 2007, the Detroit City Council approved the establishment of the Project Area and the Project District Area for the Economic Development Corporation (EDC) Fox Creek Infrastructure Project ("Project"); and

Whereas, Pursuant to the provisions of Act 338 of the Public Acts of Michigan, 1974, as amended, this City Council on March 28, 2007, determined by Resolution that there were more than 18 residents, real property owners, or representatives of establishments located within the Project District Area eligible to serve on the project Citizens District Council; and

Whereas, The District Council is required to convene meetings to advise and consult with the EDC regarding the EDC Project Plan; and

Whereas, The Citizen's District Council is appointed by Detroit City Council; and

Whereas, The following candidates are being recommended for the Citizens District Council in connection with the Fox Creek Infrastructure Project:

Attachment A

**Information on Proposed Citizens
District Council Candidates for the
EDC Fox Creek Infrastructure Project**

**Donnie Darnell Hall — 14708 East
Jefferson Avenue, Detroit, MI 48215**

Mr. Hall was born and raised in the area. He is the owner/operator of Trek Computers, LLC on Jefferson Avenue and has been doing business in Detroit for 10 years. Mr. Hall has been active in the Phillip Street Block Club, and his appointment is endorsed by the Jefferson East Business Association (JEBA).

**JW Henderson — 3400 Anderdon,
Detroit, MI 48215**

Mr. Henderson is retired and currently the President of the Riverbend Community Association. He is married with two children. The Association has been very active in the area through the Motor City Makeover events, Angel Nights, and home repair programs.

**Harold Meeks — 1347 Philip Street,
Detroit, MI 48215**

Mr. Meeks is a property owner and community advocate. He is the Editor-in-Chief of Tell Us Detroit. The Meeks family have been residents and business owners on the east side of Detroit since the 1940's. He lives, works, plays, and prays there.

**Dora Harris — 1315 Newport, Detroit,
MI 48215**

Ms. Harris has been living in the area

for the past 23 years, and is interested in the success of the Fox Creek Project.

Irvan B. Higgins — 2173 Marlborough, Detroit, MI 48215

Mr. Higgins is an active police officer in the Detroit Police Department, and a member of the Air Force Reserve. He is in the Business Management Program at Northwood University. Mr. Higgins has lived on the east side his entire life.

Acquanetta Sproule — 1055 Philip #8, Detroit, MI 48215

Ms. Sproule works for JEBA, and has lived in the Project Area a short length of time. She has a Bachelor's degree from Wayne State University and attends the Word of Faith Church.

Clotine Bracey — 1360 Marlborough, Detroit, MI 48215

Ms. Bracey has lived in the area for 30 years. She has been involved in the Jefferson/Chalmers north CDC and interested in the community. Ms. Bracey is the mother of two daughters.

James C. Clark — 4346 Balfour, Detroit, MI 48215

Mr. Clark has lived in the area for 14 years. He owns property in the area and is involved in a housing project in the area and is involved in a housing project in the area. Mr. Clark has a background as a cost accountant and is certified by the US Treasury.

James Leach — 2199 Ashland, Detroit, MI 48215

Mr. Leach is retired from the tool and die maker industry. He has lived in the area since 1960, and is President of the Lakeside Homeowners Association.

Damon LaBette — 1020 Alter Road, #7

Mr. LaBette has lived in the Project Area for the past two years. He has a BS in Information Technology from Lawrence Technological University, and currently provides computer support at a law firm.

Harry Milford Berry — 2210 Ashland Street, Detroit, MI 48215

Mr. Berry is employed by the Detroit Board of Education, and has lived on the east side his entire life. Mr. Berry is active in the Mt. Zion Missionary Tabernacle Church.

Father Timothy Pelc — % St. Ambrose Church, 1091 Alter, Detroit, MI 48215

Father Pelc's application is supported by the St. Ambrose Parish Council. The church and academy have provided community, educational and religious services from facilities in the area since 1910.

Now, Therefore, Be It Resolved, That the Detroit City Council hereby appoints the following persons to serve on the Citizens District Council for the Project:

Attachment A

Information on Proposed Citizens District Council Candidates for the EDC Fox Creek Infrastructure Project
Donnie Darnell Hall — 14708 East Jefferson Avenue, Detroit, MI 48215

Mr. Hall was born and raised in the area. He is the owner/operator of Trek Computers, LLC on Jefferson Avenue and has been doing business in Detroit for 10 years. Mr. Hall has been active in the Phillip Street Block Club, and his appointment is endorsed by the Jefferson East Business Association (JEBA).

JW Henderson — 3400 Anderdon, Detroit, MI 48215

Mr. Henderson is retired and currently the President of the Riverbend Community Association. He is married with two children. The Association has been very active in the area through the Motor City Makeover events, Angel Nights, and home repair programs.

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Ms. Sproule works for JEBA, and has lived in the Project Area a short length of time. She has a Bachelor's degree from Wayne State University and attends the Word of Faith Church.

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Ms. Bracey has lived in the area for 30 years. She has been involved in the Jefferson/Chalmers north CDC and interested in the community. Ms. Bracey is the mother of two daughters.

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James Leach — 2199 Ashland, Detroit, MI 48215

Mr. Leach is retired from the tool and die maker industry. He has lived in the area since 1960, and is President of the Lakeside Homeowners Association.

Damon LaBette — 1020 Alter Road, #7

Mr. LaBette has lived in the Project

March 28

695

2007

Area for the past two years. He has a BS in Information Technology from Lawrence Technological University, and currently provides computer support at a law firm.

Harry Milford Berry — 2210 Ashland Street, Detroit, MI 48215

Mr. Berry is employed by the Detroit Board of Education, and has lived on the east side his entire life. Mr. Berry is active in the Mt. Zion Missionary Tabernacle Church.

Father Timothy Pelc — % St. Ambrose Church, 1091 Alter, Detroit, MI 48215

Father Pelc's application is supported by the St. Ambrose Parish Council. The church and academy have provided community, educational and religious services from facilities in the area since 1910.

Adopted as follows:

Yeas — Council Members S. Cockrel, Collins, Jones, Kenyatta, Reeves, Tinsley-Talabi, and President K. Cockrel, Jr. — 7.

Nays — Council Members Conyers, and Watson — 2.

Planning & Development Department

March 21, 2007

Honorable City Council:

Re: Petition No. 1220 — The Detroit Beer Company, for renewal of Outdoor Dining Permit located at 1529 Broadway.

The above named Petitioner has requested permission to have outdoor café service at 1521 Broadway Avenue.

The Department of Public Works/City Engineering Division has approved this petition provided that the café meets the regulations set by the "Outdoor Café guidelines" as supported by the City Council and guided by Chapter 58, Section 50-2-8.1 of the City Code, including appropriate permit fees.

The "Outdoor Café Guidelines" indicate that outdoor cafes may operate only during the months of April to November. If the applicant wishes to operate during the months of December through March, the proposed café area may need to be enclosed, heated and will require the approval of the Buildings and Safety Engineering Department (B&SE) and the Department of Public Works (DPW). Typically, an extension of the original petition is granted by the DPW upon request of the petitioner, provided the proper approvals are secured.

The Planning and Development Department (P&DD) is not aware of any objections from any city agencies involved. It is the recommendation of the Planning and Development Department that the Petitioner's request be granted subject to terms and conditions provided in the attached Resolution.

Respectfully submitted,

DOUGLASS J. DIGGS

Director of Planning and Development
Department

By Council Member Tinsley-Talabi:

Resolved, That the Department of Public Works — City Engineering Division (DPW/CED) is hereby authorized and directed to issue a permit to the Detroit Beer Company (permittee), whose address is at 1529 Broadway Avenue, Detroit, Michigan 48226, to install and maintain an outdoor café, which will convene April 1, 2007 through November 30, 2007, contingent upon licensee of such premises obtaining approval of the Michigan Liquor Control Commission, if necessary, and compliance with applicable City Ordinance in connection with outdoor café activities, prior to the issuance of said use permit; and

Provided, That the petitioner or "permittee" agrees to pay all taxes assessed against the use of sidewalks for outdoor café purposes; and

Provided, That the café meets the regulations set by the "Outdoor Café Guidelines" as adapted by the City Council and guided by Chapter 58, Section 58-2-8.1 of the City Code; and

Provided, That the "permittee" apply to DPW/CED for issuance of a use permit, remit appropriate annual permit fee(s) and confirm license of the establishment in compliance with the City Code; and

Provided, That the "permittee", prior to obtaining said permit, file an indemnity agreement in a form approved by the Law Department, saving and protecting the City of Detroit harmless from any or all claims, damages or expenses that may arise by reason of the issuance of said permit and the faithful performance by the "permittee" of the terms thereof; and in addition, to pay all claims, damages or expenses that may arise out of the maintenance of said encroachments; and

Provided, That filing of said indemnity agreement for this current year shall be construed as acceptance of this Resolution by the "permittee"; and

Provided, That no rights in the public streets, alley or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachment shall be removed at the expense of the "permittee" at any time when so directed by City Council, and that the public property so affected shall be restored to a condition satisfactory to the DPW/CED by said "permittee" at its expense; and

Provided, That the resolution is revocable at the will, whim and caprice of the City Council; and hereby expressly waives any right to claim damages or compensation for removal of encroachment, and further, that "permittee" acquires no implied or other privileges hereunder not expressly stated herein; and

Provided, That the permit shall not be assigned or transferred without a written approval of the City Council; and

Less Statutory Exclusions:		
General Obligation Debt Service (8.3951 mills)	\$ 78,059,941	
Garbage Disposal — P.A. 127 of 1976 (2.9928 mills)	9,997,423	
Library — extra voted millage	<u>41,658,497</u>	
TOTAL EXCLUSIONS		\$129,715,861
NET TAX TOTAL SUBJECT TO LIMITATION		<u>\$179,491,292</u>
MARGIN UNDER 2%		<u>\$ 6,474,190</u>

**CITY OF DETROIT
2006-2007 BUDGET
Ad Valorem Property Valuations,
Tax Levies and Tax Rates**

VALUATIONS*

	<u>Taxable Values</u>
Real Estate	\$7,538,185,506
Personal Property	<u>1,457,969,874</u>
Total	\$8,996,155,380
TAX LEVIES	
General City	\$ 179,491,292
Garbage Disposal (Act 127 of 1976)	9,997,423
Debt Service*	78,059,941
Library	<u>41,658,497</u>
Total	\$ 309,207,153
TAX RATES (Per Thousand of Valuation) ¹⁾	
General City	\$ 19.9520
Garbage Disposal (Act 127 of 1976) ²⁾	2.9928
Debt Service	8.3951
Library**	<u>4.6307</u>
Total	\$ 35.9706

*P.A. 376 Renaissance Zone provides for the taxation of property within the Zone for debt service purposes. The Renaissance Zone Ad Valorem taxable valuation for 2007 is \$302,118,707.

**Note: November 2, 2004, voters approved a millage renewal and a 1 mill increase for the Detroit Public Library, effective July 1, 2005.

¹⁾As of July 1, 2005, tax rates (excluding debt service) were rolled back by a factor of 0.9995 [MCL211.23d (Headlee)].

²⁾Garbage millage levied on Commercial and Industrial property only.
Total taxable valuation on Commercial and Industrial property is \$3,340,491,524.

Adopted as follows:

Yeas — Council Members S. Cockrel, Collins, Kenyatta, Reeves, Tinsley-Talabi, and President K. Cockrel, Jr. — 6.

Nays — Council Members Conyers, Jones and Watson — 3.

*WAIVER OF RECONSIDERATION (No. 2), per Motions before Adjournment.

Planning & Development Department

March 30, 2006

Honorable City Council:

Re: Property For Sale By Development Agreement Development: Parcel 413; generally bounded by Alter Road, Mack, East Jefferson & Drexel.

We are in receipt of an offer from The New Far East Side Development Company, LLC, a Michigan Limited Liability Company, to purchase the above-captioned property for the amount of \$646,800 and to develop such property. This property contains approximately

2,225,107 square feet or 51.08 acres and is zoned R-1 (Single-Family Residential District), R-2 (Two-Family Residential District), R-3 (Low-Density Residential District) and B-4 (General Business District).

The Offeror proposes to construct approximately 1,500 housing units, which will include a diversity of units consisting of townhouses, multi-family dwellings, single-family dwellings and paved surface parking for the storage of licensed operable vehicles. Any area not paved will be appropriately landscaped to enhance the overall site. This use is permitted subject to Board of Zoning Appeals (BZA) and/or Building and Safety Engineering Department (B&SE) approval.

Under the terms of the Master Development Agreement for the Far East Side Area, approved by your Honorable Body on February 2, 2005, the City of

Detroit will transfer its property to The New Far East Side Development Company, LLC, a Michigan Limited Liability Company, which will select builders for the proposed development. There is also a provision in the Agreement that if the property is not developed, the property shall revert to the City of Detroit.

We, therefore, request that your Honorable Body adopt the sale and authorize the Planning & Development Department's Director, or his authorized designee, to execute an agreement to purchase and develop this property with The New Far East Side Development Company, LLC, a Michigan Limited Liability Company, together with a deed to the property and such other documents as may be necessary to effect the sale.

Respectfully submitted,
DOUGLASS J. DIGGS
Director

By Council Member Kenyatta:

Resolved, That in accordance with the Offer to Purchase and the foregoing communication, the Planning & Development Department's Director, or his authorized designee, be and is hereby authorized to execute an agreement to purchase and develop the property more particularly described in the attached Exhibit A, together with a deed to the property and such other documents as may be necessary to effect the sale, with The New Far East Side Development Company, LLC, a Michigan Limited Liability Company, for the amount of \$646,800. and be it further

Resolved, That this agreement be considered confirmed when executed by the Planning and Development Department's Director, or his authorized designee, and approved by the Corporation Counsel as to form.

Adopted as follows:

Yeas — Council Members S. Cockrel, Collins, Conyers, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 9.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 3), per Motions before Adjournment.

**REPORTS OF THE
COMMITTEE OF THE WHOLE
FRIDAY, JUNE 30TH**

Chairperson Kenyatta submitted the following Committee Report for above date and recommended their adoption:

Permit

Honorable City Council:

To your Committee of the Whole was referred petition of Metropolitan Detroit AFL-CIO, (No. 0474), for "2006 Annual Labor Day Parade", September 4, 2006, with temporary street closures in the area of Michigan Ave., Washington Blvd., Trumbull Ave., Temple St., Lafayette St., Jefferson Ave., to Hart Plaza. After con-

sultation with the concerned departments and careful consideration of the request, your Committee recommends that same be granted in accordance with the following resolution.

Respectfully submitted,
KWAME KENYATTA
Chairperson

By Council Member Kenyatta:

Resolved, That subject to the approval of the Civic Center and Public Works Departments, permission be and it is hereby granted to petition of Metropolitan Detroit AFL-CIO, (No. 0474), for "2006 Annual Labor Day Parade", September 4, 2006, with temporary street closures in the area of Michigan Ave., Washington Blvd., Trumbull Ave., Temple St., Lafayette St., Jefferson Ave., to Hart Plaza.

That said activity is conducted under the rules and regulations of the Civic Center and Transportation Departments and the supervision of the Police Department, and further

Provided, That the required permits be secured should any tents or temporary installations such as Liquefied Petroleum Gas Systems be used, and further

Provided, That the site be returned to its original condition at the termination of its use, and further

Provided, That such permission is granted with the distinct understanding that petitioner assumes full responsibility for any and all claims, damages or expenses that may arise by reason of the granting of said petition, and further

Provided, That this resolution is revocable at the will, whim or caprice of the City Council.

Adopted as follows:

Yeas — Council Members S. Cockrel, Collins, Conyers, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 9.

Nays — None.

Permit

Honorable City Council:

To your Committee of the Whole was referred petition of State of Michigan Department of Human Services Wayne County (#0484), for parade and festival. After consultation with the Police Department, and careful consideration of the request, your Committee recommends that same be granted in accordance with the following resolution.

Respectfully submitted,
KWAME KENYATTA
Chairperson

By Council Member Kenyatta:

Resolved, That subject to the approval of Health, Public Works, and Transportation Departments, permission be and is hereby granted to petition of State of Michigan Department of Human Services Wayne County (#0484), for "Community Parade and Back-To-School Festival", August 10, 2006, with temporary street closures in

2006 DEC 18 PM 3:16

J. YOUNGBLOOD
REG. OF DEEDS
COUNTY, MI

QUIT CLAIM DEED

Subject to the following paragraph, the City of Detroit, a Michigan public body corporate whose address is 2 Woodward Avenue, Detroit, MI 48226 ("Grantor"), quit claims to New Far East Side Development Co., L.L.C., a Michigan Limited Liability Company, ("Grantee") whose address is 415 Burns Drive, Suite 100, Detroit, Michigan 48214, the premises located in the City of Detroit, Wayne County, Michigan, described as:

(See Attached Exhibit A)

AKA Parcel 413

(the "Property"), for the sum of Six Hundred Forty Six Thousand Eight Hundred and 00/100 Dollars (\$ 646,800.00), subject to and reserving to the City of Detroit its rights under public easements and rights of way, easements of record, applicable zoning ordinances, development plans pursuant to Act 344 of 1945 as amended (if any), and restrictions of record.

This Deed is given subject to the terms, covenants and conditions of an Agreement to Purchase and Develop Land dated April 26, 2005 entered into by the parties hereto and which is incorporated herein by reference and recorded on N/A, 20__ in the Office of the Register of Deeds for the County of Wayne in Liber _____ on Pages _____ through _____ inclusive, none of the terms, covenants and conditions of which shall be deemed merged in this Deed. The covenants therein recited to be covenants running with the land are hereby declared to be covenants running with the land enforceable by the City as therein set forth. If the Property is rented for residential occupancy, the Property must be registered as a rental property pursuant to Ordinance 579-H (Detroit City Code § 26-5-42.5).

The following language is included pursuant to MCL Sections 560.109(3) and 560.109(4), added by 1996 PA 591, and applies only if the Property is not platted: "The Grantor grants to the Grantee the right to make all divisions under Section 108 of the land division act, Act No. 288 of the Public Acts of 1967, as amended. This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act."

This deed is dated as of October 19, 2006

WITNESSES:
Edward Lavo
Print: EDWARD LAVO
Chidi Nyeche
Print: CHIDI NYECHE
STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

CITY OF DETROIT, a Michigan public body corporate
By: [Signature]
Print: Douglass J. Diggs
Its: Director

The foregoing instrument was acknowledged before me on August 17, 2006, by Douglass J. Diggs, the Director of the City of Detroit, a Michigan public body corporate, on behalf of the City.

DEAN L. TYUS
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Jan 14, 2010
RESIDES IN COUNTY OF Wayne

[Signature]
Print: Dean L. Tyus
Notary Public, Wayne County, Michigan
My commission expires: 1/14/10

Pursuant to § 18-5-12 of the Detroit City Code, I hereby certify that proper and fair consideration has been received by the City pursuant to this instrument.

Approved by City Council on 06/30/06
Detroit Legal News, 07/17/2006, Pg. 7
_____, on file in my office.

[Signature]
Roger Short, Finance Director

Approved by the City Law Department pursuant to Sec. 6-406 of the Charter of the City of Detroit.

[Signature]
Janice Winfrey, City Clerk

[Signature]
Timothy Beckett, Corporation Counsel

This instrument Drafted by:
Chidi Nyeche
Planning & Development Department
65 Cadillac Square, Suite 2000
Detroit, MI 48226

When recorded, return to:
Jennifer R. Madden
New Far East Side Development Co., L.L.C.
415 Burns Drive, Suite 100
Detroit, MI 48214

Exempt from transfer taxes pursuant to MCL § 207.505(h)(i) and MCL § 207.526(h)(i).

NO REVENUE ATTACHED


QAD 54 WR 16P ECh) S Chid

Exhibit A

Land in the City of Detroit, County of Wayne and State of Michigan being Lots 11, 12, 190, 191, 192, 193, 198, 199, 200, 202, 203, 204, 205, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 224, 225, 362, 363, 364, 365, 366, 374, 375, 376, 386, 387, 389, 390, 395, 533, 534, 538, 541, 542 and the South 15 feet of Lot 391; "C.B. Sherrard Subdivision" of that part of P.C. 120 lying between the N'y Line of Kercheval Avenue and the Center Line of Mack Avenue, City of Detroit and Township of Grosse Pointe, Wayne Co., Michigan. Rec'd L. 32, P. 58 Plats, W.C.R.

DESCRIPTION CORRECT
ENGINEER OF SURVEYS

BY



METCO Services, Inc.

Fox Creek Phase I

A/K/A 14733 Kercheval; 2229, 2221, 2215, 2209, 2181, 2175, 2169, 2157, 2153, 2145, 2139, 2125, 2126, 2132, 2140, 2144, 2150, 2156, 2162, 2166, 2172, 2180, 2186, 2190, 2198, 2206, 2210, 2222, 2226 Manistique; 2235, 2223, 2217, 2211, 2203, 2155, 2151, 2145, 2162, 2168, 2180, 2184, 2216 Ashland; 2205, 2201, 2173, 2155 & 2151 Alter

Ward 21 Items 842, 61646, 61647, 61648, 61649, 61654, 61655, 61656, 61658, 61659, 61660, 61661, 61663, 61068, 61069, 61070, 61071, 61072, 61073, 61074, 61075, 61076, 61077, 61078, 61079, 61080, 61081, 61082, 61084, 61085, 62384, 62385, 62386, 62387, 62388, 62396, 62397, 62398, 62054, 62055, 62057, 62058, 62062, 63174, 63175, 63179, 63182 & 63183

PER ASSESSORS  06-13-06

Exhibit A

Land in the City of Detroit, County of Wayne and State of Michigan being Lots 1, 2, 6, 7, 8, 9, 10, 11, 12, 112, 113, 114, 118, 119, 120, 122, 123, 124, 125, 127, 129, 133, 136, 139, 140, 141, 142, 143, 144 and the West 15 feet of Lot 130; "Hutton & Nall's Highview Park Subdivision" of part of P.C. 321 between Kercheval and Mack Avenues, City of Detroit & Township of Grosse Pointe, Wayne County, Michigan. Rec'd L. 27, P. 74 Plats, W.C.R.

DESCRIPTION CORRECT
ENGINEER OF SURVEYS

BY 

METCO Services, Inc.

Fox Creek Phase I

A/K/A 14509, 14525, 14545 Kercheval; 2921, 2927, 2929, 2939, 2945, 2951, 2969, 2987, 3009, 3021, 3033, 3037, 3045, 3051, 3063, 3071, 3075, 3099 and 3109 Philip

Ward 21 Items 829, 833, 834, 60614, 60615, 60619, 60620, 60621, 60623, 60624, 60625, 60626, 60628, 60630-1, 60634, 60637, 60640, 60641, 60642, 60643, 60644 & 60645

PER ASSESSORS  06-13-06

Exhibit A

Land in the City of Detroit, County of Wayne and State of Michigan being Lots 127, 128, 129, 139, 140, 141, 142, 143, 144 and the South 14 feet of Lot 126 and the North 16 feet of Lot 130; "Jefferson and Mack Avenue Subdivision" of that part of P.C. 689 North of Jefferson Avenue, Grosse Pointe, Wayne County, Michigan. Rec'd L. 18, P. 75 Plats, W.C.R.

DESCRIPTION CORRECT
ENGINEER OF SURVEYS

BY *Daniel P. Lane*
METCO Services, Inc.

Fox Creek Phase I

A/K/A 1028, 1038, 1044 Lenox; 1031, 1037, 1045, 1053 & 1057 Drexel
Ward 21 Items 49589, 49590, 49591, 51031, 51032, 51032, 51033, 51034 & 51035-53

PER ASSESSORS AS: 06-13-06

Exhibit A

Land in the City of Detroit, County of Wayne and State of Michigan being Lots 7, 8, 9, 10 and 11; "Landmark Subdivision" of the South 8.02 acres of Lot 2 of Plat of the N.E. ¼ of the Front & Rear Concessions to P.C. 321, City of Detroit, Wayne County, Michigan. Rec'd L. 28, P. 88 Plats, W.C.R.

DESCRIPTION CORRECT
ENGINEER OF SURVEYS

BY Daniel P. Lane

METCO Services, Inc.

Fox Creek Phase I
A/K/A 14423 Kercheval
Wad 21 Item 828

PER ASSESSORS [Signature] 06-13-06

Exhibit A

Land in the City of Detroit, County of Wayne and State of Michigan being Lots 1 and 2; "Maryland Avenue" Subdivision" of Lot 4 of Subdivision of Lot 6 of Subdivision of Lot 2 of Alter's Plat of P.C. 570 for the Estate of Margaret Juif, City of Detroit & Village of Grosse Pointe Park, Wayne County, Michigan. Rec'd L. 38, P. 97 Plats, W.C.R.

DESCRIPTION CORRECT
ENGINEER OF SURVEYS

BY Daniel P. Lane

METCO Services, Inc.

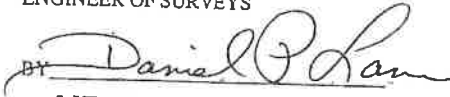
PER ASSESSORS JA 06-13-06

Fox Creek Phase IA
A/K/A 1622 & 1630 Alter
Wad 21 Items 62743 & 62744

Exhibit A

Land in the City of Detroit, County of Wayne and State of Michigan being Lots 1, 2, 3, 4, 6, and the East 10 feet of Lot 5 except that part taken for the widening of Jefferson Avenue, and also Lots 7, 8, 15, 17, 19, 20, 21, 27, and the South 5 feet of Lot 9; "Moore's Subdivision" of the South part of that part of the West Half of P.C. 321 lying North of Jefferson Avenue, between Utica and Oneida Avenues, Grosse Pointe, Wayne County, Michigan. Rec'd L. 18, P. 51 Plats, W.C.R.

DESCRIPTION CORRECT
ENGINEER OF SURVEYS

BY 

METCO Services, Inc.

Fox Creek Phase I

A/K/A 14319, 14301 E. Jefferson; 1046, 1084, 1096 Lakewood; 1087, 1081, 1075 & 1039 Chalmers
Ward 21 Items 592, 590, 54495-6, 54502, 54504, 56192, 56193, 56194 & 56200

PER ASSESSORS  06-13-06

Exhibit A

Land in the City of Detroit, County of Wayne and State of Michigan being Lots 1, 3, 4, 5 and 6; "Newport Terrace Subdivision" of part of P.C.'s 219 & 321, City of Detroit, Wayne Co., Michigan. Rec'd L. 72, P. 71 Plats, W.C.R.

DESCRIPTION CORRECT
ENGINEER OF SURVEYS

BY Daniel Polase

METCO Services, Inc.

Fox Creek Phase I

A/K/A 1074, 1082, 1086, 1090 & 1094 Newport

Ward 21 Items 53706.001, 53706.003, 53706.004, 53706.005 & 53706.006L

PER ASSESSORS [Signature] 06-13-06

Exhibit A

Land in the City of Detroit, County of Wayne and State of Michigan being Lots 17, 25, 26, 29, 30, 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 57, 58, 61, 63, 64, 65, 67, 68, 69, 75, 76, 78, 79, 80, 81, 82, 83, 92, 94, 96, 97, 98, 99, 100, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 123, 124, 125, 126, 129, 130, 131, 136, 137, 138, 139, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 157, 158, 162, 163, 164, 165, 166, 167, 168, 169, 173, 174, 175, 179, 180, 181, 182, 183, 184, 185, 193, 194, 195, 197, 198, 199, 200, 201, 205, 206, 207, the North 27 feet of the West 21 feet of Lot 210, also that part of the East 91 feet of said Lot 210 being the North 24 feet on the East Line and the North 25 feet on the West, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 225, 226, 227, that part of Lot 228 being the South 26.14 feet on the West Line and the South 27.64 feet on the East Line, 235, 236, 241, 242, 243, 244, 245, 246, 247, 251, 254, 255, 256, 257, 258, 259, 260, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 278, 279, 280, 281, 282, 283, 284, 286, 287, 288, 289, 296, the South 25 feet of Lot 176 and the South 15 feet of Lot 250; "Pointe View Joseph S. Visger & Edgar J. Hitchings Subdivision" of that part of Lot 1 of the Subdivision of East 1/2 of Private Claim 321 between Jefferson Avenue & Lafferty Road, Grosse Pointe, Wayne County, Michigan. Rec'd L. 17, P. 87 Plats, W.C.R.

DESCRIPTION CORRECT
ENGINEER OF SURVEYS

BY *Daniel P. Law*

METCO Services, Inc.

Fox Creek Phase I

A/K/A 1023, 1069, 1075, 1093, 1103, 1125, 1131, 1135, 1141, 1147, 1153, 1167, 1171, 1177, 1183, 1189, 1195, 1209, 1215, 1219, 1225, 1237, 1245, 1251, 1261, 1269, 1289, 1299, 1303, 1309, 1325, 1335, 1371, 1377, 1389, 1395, 1403, 1407, 1413, 1419 Phillip; 1420, 1408, 1396, 1392, 1386, 1378, 1372, 1330, 1326, 1320, 1314, 1308, 1302, 1296, 1290, 1282, 1276, 1270, 1264, 1260, 1252, 1248, 1234, 1230, 1224, 1216, 1198, 1192, 1184, 1154, 1150, 1144, 1108, 1102, 1098, 1090, 1086, 1078, 1072, 1066, 1060, 1054, 1030, 1024, 1045, 1051, 1055, 1063, 1069, 1075, 1081, 1085, 1111, 1115, 1123, 1138, 1147, 1159, 1165, 1173, 1181, 1231, 1237, 1243, 1255, 1261, 1265, 1271, 1279, 1303, 1309, 1315, 1335, 1345, 1351, 1357, 1363, 1369, 1375, 1381, 1387, 1391, 1397, 1403, 1421 Marlborough; 14446, 14440, 14434, 14426 Kercheval; 1418, 1414, 1382, 1376, 1370, 1364, 1358, 1354, 1346, 1322, 1306, 1300, 1292, 1286, 1280, 1274, 1270, 1250, 1244, 1238, 1232, 1226, 1220, 1214, 1208, 1202, 1196, 1190, 1184, 1160, 1154, 1148, 1144, 1138, 1130, 1124, 1112, 1106, 1100, 1094 & 1052 Chalmers

Ward 21 Items 60755, 60748, 60747, 60744, 60743, 60739, 60738, 60737, 60736, 60735, 60734, 60732, 60731, 60730, 60729, 60728, 60727, 60725, 60724, 60723, 60722, 60721, 60720, 60719, 60717, 60716, 60713, 60711, 60710, 60709, 60707, 60706, 60700, 60699, 60697, 60696, 60695, 60694, 60693, 60692, 59228, 59226, 59224, 59223, 59222, 59221, 59220, 59213, 59212, 59211, 59210, 59209, 59208, 59207, 59206, 59205, 59204, 59203, 59202, 59201, 59200, 59199, 59197, 59196, 59195, 59194, 59192, 59191, 59190, 59186, 59185, 59184, 59183, 59178, 59177, 59176, 59175, 59174, 59173, 59172, 59171, 59170, 59169, 59165, 59164, 59178, 59177, 59176, 59175, 59174, 59173, 59172, 59171, 59170, 59169, 59165, 59164, 59163, 59162, 59161, 59160, 59159, 59158, 59157, 59156, 59155, 59154, 59153, 59152, 59151, 59150, 59149, 59148, 59147, 59146, 59145, 59144, 59143, 59142, 59138, 59137, 59136, 59133, 59132, 59131, 59130, 59129, 59128, 59127, 59126, 59125, 59124, 59123, 59122, 59119, 631, 632, 633, 634, 55249, 55248, 55244, 55243, 55242, 55241, 55240, 55239, 55238, 55235, 55232, 55231, 55230, 55229, 55228, 55227, 55226, 55223, 55222, 55221, 55220, 55219, 55218, 55217, 55216, 55215, 55214, 55213, 55212, 55208, 55207, 55206, 55205, 55204, 55203, 55202, 55200, 55199, 55198, 55197 & 55190

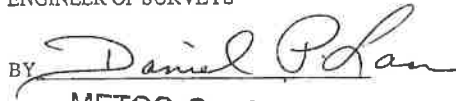
PER ASSESSORS *PA* 06-13-06

Exhibit A

Land in the City of Detroit, County of Wayne and State of Michigan being Lots 64, 65, 66, 67, the North 15 feet of Lot 68 and also Lot 73 except that part taken for the widening of Jefferson Avenue; "Rusch's Subdivision" of the East ½ of Lot No. 3, P. C. 219, Grosse Pointe, Wayne County, Michigan. Rec'd L. 15, P. 70 Plats, W.C.R.

DESCRIPTION CORRECT
ENGINEER OF SURVEYS

BY



METCO Services, Inc,

Fox Creek Phase I

A/K/A 1076, 1068, 1064, 1060, 1054 Eastlawn & 14101 E. Jefferson
Wad 21 Items 52841, 52840, 52839, 52838, 52837 & 582

PER ASSESSORS  06-13-06

Exhibit A

Land in the City of Detroit, County of Wayne and State of Michigan being Lots 1, 2 and 3; "Schiappacasse's Subdivision" of Lot 3 and that part of Lot 2 lying South of South Line of Kercheval Avenue of Subdivision of Lot 6 of Subdivision of Lot 2 Alter Plat of Private Claim 570 for the Estate of Margaret Juif, City of Detroit and Village of Grosse Pointe Park, Wayne County, Michigan. Rec'd L. 34, P. 80 Plats, W.C.R.

DESCRIPTION CORRECT
ENGINEER OF SURVEYS

BY Daniel P. Lane

METCO Services, Inc.

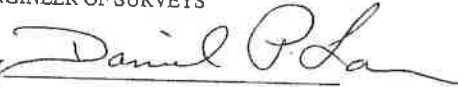
Fox Creek Phase I
A/K/A 14900 Kercheval
Ward 21 Items 619

PER ASSESSORS JA 06-13-06

Exhibit A

Land in the City of Detroit, County of Wayne and State of Michigan being Lots 27, 28, 37 and 38; "Schiappacasse's Subdivision" of Lot 5 of the Plat of Partition of John Alter Est., being Lot 2 of Alter's Plat being the West part of Private Claim 570, and part of Lot 1 of the Subdivision of Lot 6 of Lot 2 of Alter's Plat of Private Claim 570 for the Estate of Margaret Juif, City of Detroit and Village of Grosse Pointe Park, Wayne County, Michigan. Rec'd L. 37, P. 61 Plats, W.C.R.

DESCRIPTION CORRECT
ENGINEER OF SURVEYS

BY 

METCO Services, Inc.

PER ASSESSORS  06-13-06

Fox Creek Phase I

A/K/A 2156, 2166 Alter; 14925 & 14929 Kercheval
Ward 21 Items 62750, 62751, 850 & 851

Exhibit A

Land in the City of Detroit, County of Wayne and State of Michigan being Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 21, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 41, 43, 44, 45, 46, 47, 48, 51, 54, 55, 60, 61, 63, 64, 65, 66, 67, the North 15 feet of Lot 20, the South 15 feet of Lot 22, the North 15 feet of Lot 23, the South 15 feet of Lot 24 and the North 15 feet of Lot 25, Block 1; Lots 5, 6, 7, 11, 12, 13, 14, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 33, 34, 35, 36, 39, 40, 41, 42, 43, 46, 50, 51, 53, 54, 56, the South 15 feet of Lot 8, the North 15 feet of Lot 16 and the South 15 feet of Lot 17, the North 15 feet of Lot 18, the South 15 feet of Lot 27, the South 15 feet of Lot 37, the North 15 feet of Lot 38, the North 26.41 feet of Lot 58 and the South 2 feet of Lot 59, Block 2; Lots 5, 12, 13, 14, 17, 18, 19, 22, 26, 27, 28, 29, 32, 33, 34, 41, 42, 43, 44, 45, 48, 49, 52, 53, 54, the North 5 feet of Lot 11, the South 15 feet of Lot 15, the North 15 feet of Lot 21, the South 15 feet of Lot 30, the North 15 feet of Lot 40, the North 15 feet of Lot 47 and the South 15 feet of Lot 50, Block 3; Lots 5, 9, 10, 11, 12, 13, 16, 19, 20, 21, 22, 25, 26, 27, 31, 32, 33, 34, 35, 36, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, the North 15 feet of Lot 8, the South 15 feet of Lot 14, the South 15 feet of Lot 17, the South 15 feet of Lot 23, the North 15 feet of Lot 24, the North 22.50 feet of Lot 41, and the South 15 feet of Lot 58, Block 4; Lots 6, 11, 12, 13, 14, 15, 16, 17, 20, 25, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 57, 58, 59, the South 15 feet of Lot 7, the North 15 feet of Lot 10, the South 24 feet of Lot 18, the North 3 feet of Lot 19 and the South 15 feet of Lot 26, Block 5; "Skinner and Moore's Subdivision" of that part of the west half of P.C. 321 lying between Jefferson Avenue and Lafferty Road and Lots 2, 4 and 5 of the Subdivision of P.C. 219 Grosse Pointe, Wayne County, Michigan. Rec'd L. 16, P. 16, P. 58 Plats, W.C.R.

PER ASSESSORS *AT* 06-28-06

DESCRIPTION CORRECT
ENGINEER OF SURVEYS

BY *Daniel P. Lane*

METCO Services, Inc.

Fox Creek Phase I

A/K/A 1037, 1043, 1049, 1055, 1069, 1075, 1079, 1087, 1093, 1099, 1105, 1111, 1137, 1145, 1157, 1169, 1173, 1183, 1189, 1197, 1205, 1217, 1225, 1231, 1239, 1261, 1275, 1281, 1291, 1297, 1305, 1321, 1339, 1343, 1373, 1381, 1393, 1401, 1405, 1413, 1417, 1100, 1108, 1114, 1134, 1142, 1146, 1154, 1168, 1180, 1188, 1196, 1200, 1206, 1212, 1218, 1228, 1248, 1256, 1262, 1270, 1278, 1288, 1300, 1304, 1316, 1320, 1328, 1344, 1370, 1376, 1388, 1394, 1406, 1418 Newport; 1105, 1149, 1157, 1175, 1187, 1205, 1231, 1241, 1251, 1265, 1275, 1317, 1325, 1329, 1337, 1343, 1361, 1367, 1387, 1395, 1100, 1126, 1136, 1140, 1156, 1170, 1186, 1194, 1206, 1222, 1224, 1236, 1262, 1270, 1278, 1286, 1292, 1322, 1326, 1334, 1342, 1350, 1354, 1368, 1378, 1384, 1386, 1398, 1406, 1410, 1418 Lakewood; 1107, 1135, 1147, 1153, 1161, 1173, 1177, 1189, 1221, 1269, 1275, 1279, 1285, 1295, 1305, 1309, 1323, 1329, 1341, 1347, 1359, 1365, 1371, 1383, 1395, 1413, 1419 & 1425 Chalmers

Ward 21 Items 54252, 54251, 54250, 54249.001, 54249.002L, 54248, 54247, 54246, 54245, 54244, 54243, 54242, 54238, 54237, 54235, 54233, 54232, 54231, 54230, 54229, 54228, 54227, 54226, 54225, 54224, 54221, 54219, 54218, 54217, 54216, 54215, 54212, 54209, 54208, 54203, 54202, 54200, 54199, 54198, 54197, 54196, 53707, 53708, 53709, 53712, 53713, 53714, 53715, 53717, 53719, 53720, 53721, 53722, 53723, 53724, 53725, 53726, 53728, 53729, 53730, 53731, 53732, 53733, 53735, 53736, 53737, 53738, 53739, 53742, 53747, 53746, 53749, 53750, 53752, 53754, 54952, 54946, 54945, 54943, 54942, 54940, 54937, 54936, 54935, 54933, 54932, 54927, 54926, 54925, 54924, 54923, 54921, 54524, 54525, 54526, 54527, 54528, 54532, 54533, 54534, 54535, 54536, 54537, 54539, 54540, 54541, 54542, 54543, 54544, 54545, 54546, 56189, 56186, 56185, 56184, 56183, 56182, 56181, 56179, 56175, 56171, 56170, 56169, 56168, 56167, 56166, 56165, 56164, 56163, 56161-2, 56160, 56159, 56158, 56157, 56156, 56154, 56151, 56150 & 56148-9

Exhibit A

Land in the City of Detroit, County of Wayne and State of Michigan being all that part of Private Claims 219 and 321, which is also part of a vacated portion of "Skinner & Moore's Subdivision" being more particularly described as: the North 33 feet of the West 123.13 feet; and also the South 30 feet of the North 125.84 feet of the West 123.13 feet; and also the South 30 feet of the North 155.84 feet of the West 123.13 feet; and also the South 30 feet of the North 95.84 feet of the West 123.13 feet; and also the South 32.84 feet of the North 65.84 feet of the West 123.13 feet; and also the South 35 feet of the North 190.84 feet of the West 123.13 feet; together all of which are South of and Adjacent to Newport Terrace Subdivision and East of and Adjacent to Newport Avenue, 66 feet wide.

DESCRIPTION CORRECT
ENGINEER OF SURVEYS

BY *Daniel P. Han*

METCO Services, Inc.

Fox Creek Phase I

A/K/A 1034, 1042, 1048, 1052, 1062 and 1068 Newport
Ward 21 Items 53700, 53701, 53702, 53703, 53704 and 53705

PER ASSESSORS *AP* 06-13-06
WCHB

Exhibit A

Land in the City of Detroit, County of Wayne and State of Michigan being Lots 2, 4, 6, 7, 8, 9, 10 and 11; "The Van Husan Co. Ltd. Subdivision" of a part of the vacated portion of Skinner & Moore's Subdivision in Private Claims 219 and 321. Village of Fairview, Grosse Pointe Township, Wayne County, Michigan. Rec'd L. 25, P. 24 Plats, W.C.R.

DESCRIPTION CORRECT
ENGINEER OF SURVEYS

BY Daniel P. Lane

METCO Services, Inc.

Fox Creek Phase I

A/K/A 1041, 1053, 1067, 1071, 1079, 1083, 1091 & 1097 Lakewood
Ward 21 items 54962, 54960, 54958, 54957, 54956, 54955, 54954 & 54953

PER ASSESSORS *[Signature]*

06-13-06

Exhibit A

Land in the City of Detroit, County of Wayne and State of Michigan being Lots 7, 10, 11, 12, 13, 14, 15, 16, 18, Lots 21 through 30 inclusive and the South 12 feet of Lot 31 together with the West one-half of the adjoining Public Easement; Lots 115 through 124 inclusive and the South 12 feet of Lot 114 together with the East one-half of the adjoining Public Easement; Lots 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 50, 51, 53, 54, 56, 58, 59, 60, 61, 63, 66, 67, 68, 69, 76, 80, 81, 82, 83, 84, 85, 87, 88, 89, 91, 92, 100, 102, 105, 110, 112, 153, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 175, 178, 183, 184, 189, 190, 191, 193, 197, 198, 199, 200, 202, 203, 204, 206, 207, 208, 219, 222, 223, 224, 233, 234, 244, 245, 246, 251, 260, 263, 265, 267, 268, 271, 272, 278, 307, 311, 316, 317, 319, 320, 330, 332, 333, 337, 338, 343, 347, 348, 349, 362, 364, 372, 373, 383, 384, 391, 392, 398, 404, 418, the South 10 feet of Lot 19, the South 12 feet of Lot 125, the North 22 feet of Lot 126, the South 15 feet of Lot 209, the North 15 feet of Lot 225, the South 10 feet of Lot 308, the North 20 feet of Lot 310, the North 20 feet of Lot 313, the South 10 feet of Lot 314, the North 20 feet of Lot 315, the South 10 feet of Lot 318, the South 10 feet of Lot 321, the North 20 feet of Lot 322, the South 10 feet of Lot 323, the North 20 feet of Lot 318, the North 15 feet of Lot 346, the South 15 feet of Lot 390 and the South 15 feet of Lot 228 and the North 15 feet of Lot 229; "Fox Creek Subdivision" of Private Claim 120, City of Detroit, Wayne County, Michigan. Rec'd L. 25, P. 73 Plats, W.C.R.

DESCRIPTION CORRECT
ENGINEER OF SURVEYS

BY *Daniel P. Lam*

METCO Services, Inc.

Fox Creek Phase I

A/K/A 1086, 1098, 1110, 1196, 1200, 1206, 1212, 1218, 1046, 1062, 1068, 1074, 1080, 1092, 1146, 1224, 1230, 1236, 1242, 1248, 1254, 1260, 1266, 1274, 1278, 1284, 1304, 1308, 1320, 1328, 1338, 1350, 1356, 1362, 1370, 1380, 1400, 1406, 1412, 1418 Philip 1415, 1391, 1385, 1379, 1373, 1369, 1363, 1349, 1345, 1335, 1325, 1319, 1271, 1259, 1239, 1199, 1117, 1072, 1090, 1096, 1100, 1106, 1110, 1114, 1120, 1126, 1132, 1138, 1144, 1150, 1154, 1160, 1168, 1172, 1180, 1186, 1198, 1209, 1214, 1244, 1250, 1282, 1288, 1294, 1306, 1330, 1334, 1344, 1346, 1362, 1366, 1372, 1382, 1392, 1400 Manistique; 1405, 1389, 1377, 1371, 1321, 1315, 1255, 1249, 1243, 1215, 1161, 1146, 1143, 1131, 1119, 1111, 1093, 1087, 1045, 1168, 1184, 1200, 1212, 1218, 1224, 1230, 1240, 1286, 1296, 1302, 1326, 1332, 1349, 1364, 1382, 1388, 1394, 1400 Ashland; 1611, 1599, 1555, 1549, 1353, 1347, 1305, 1299, 1263, 1227 & 1049 Alter

Ward 21 Items 60042, 60043, 60044, 60045, 60047, 60050, 60051, 60052, 60053, 60054, 60036, 60039, 60040, 60041, 60049, 60055, 60056, 60057, 60058, 60059, 60060, 60061, 60062, 60063, 60064, 60065, 60068, 60069, 60071, 60072, 60074, 60076, 60077, 60078, 60079, 60081, 60084, 60085, 60086, 60087-8, 61664-5, 61669, 61670, 61671, 61672, 61673, 61674, 61676, 61677, 61678, 61680, 61681, 61689, 61691, 61694, 61699, 61701, 61703, 61011, 61014, 61015, 61016, 61017, 61018, 61019, 61020, 61021, 61022, 61023, 61024, 61025, 61026, 61027, 61028, 61029, 61030, 61031, 61033, 61036, 61041, 61042, 61047, 61048, 61049, 61051, 61055, 61056, 61057, 61058, 61060, 61061, 61062, 61064, 61065, 61066, 62402, 62405, 62406, 62407, 62411, 62415, 62416, 62426, 62427, 62428, 62433, 62442, 62006, 62445, 62447, 62449, 62450, 62450, 62453, 62454, 62459, 620098, 62011, 62013, 62014, 62015, 62016, 62017, 62019, 62026, 62028, 62029, 62033, 62034, 62039, 62043.001, 62043.002L, 62044, 62045, 63192, 63194, 63202, 63203, 63213, 63214, 63220, 63221, 63227, 63233 & 63243

PER ASSESSOR *[Signature]* 06-19-06

March 14

569

2007

Adopted as follows:

Yeas — Council Members S. Cockrel, Collins, Conyers, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 9.

Nays — None.

Planning & Development Department
February 14, 2007

Honorable City Council:

Re: Property For Sale By Development Agreement Development: Parcel 468; generally bounded by Alter Road, Mack, East Jefferson & Drexel.

We are in receipt of an offer from The New Far East Side Development Company, LLC, a Michigan Limited Liability Company, to purchase the above-captioned property for the amount of \$36,300 and to develop such property. This property contains approximately 135,585 square feet or 3.11 acres and is zoned R-1 (Single-Family Residential District), R-2 (Two-Family Residential District), R-3 (Low-Density Residential District) and B-4 (General Business District).

The Offeror proposes to construct approximately 1,500 housing units, which will include a diversity of units consisting of townhouses, multi-family dwellings, single-family dwellings and paved surface parking for the storage of licensed operable vehicles. Any area not paved will be appropriately landscaped to enhance the overall site. Your Honorable Body approved a zoning overlay district for the above subject area on July 19, 2006.

Under the terms of the Master Development Agreement for the Far East Side Area, approved by your Honorable Body on February 2, 2005, the City of Detroit will transfer its property to The New Far East Side Development Company, LLC, a Michigan Limited Liability Company, which will select builders for the proposed development. There is also a provision in the Agreement that if the property is not developed, the property shall revert to the City of Detroit.

We, therefore, request that your Honorable Body adopt the sale and authorize the Planning & Development Department's Director, or his authorized designee, to execute an agreement to purchase and develop this property with The New Far East Side Development Company, LLC, a Michigan Limited Liability Company, together with a deed to the property and such other documents as may be necessary to effect the sale.

Respectfully submitted,
DOUGLASS J. DIGGS

Director

By Council Member Watson:

Resolved, That in accordance with the Offer to Purchase and the foregoing com-

munication, the Planning & Development Department's Director, or his authorized designee, be and is hereby authorized to execute an agreement to purchase and develop the property more particularly described in the attached Exhibit A, together with a deed to the property and such other documents as may be necessary to effect the sale, with The New Far East Side Development Company, LLC, a Michigan Limited Liability Company, for the amount of \$36,300.

EXHIBIT A
Parcel 468

Land in the City of Detroit, County of Wayne and State of Michigan being the south 7.42 feet of Lot land and all of Lots 2, 3, 34 and 38; "Aberle's Sub." of the West 1/2 of Lot No. 3, P. C. 219, Grosse Pointe, Wayne County, Michigan. Rec'd L. 15, P. 92 Plats, W.C.R.

EXHIBIT A
Parcel 468

Land in the City of Detroit, County of Wayne and State of Michigan being Lots 393 and 394; "C. B. Sherrard Subdivision" of that part of P.C. 120 lying between the N'ly Line of Kercheval Avenue and the Center Line of Mack Avenue, City of Detroit and Township of Grosse Pointe, Wayne Co., Michigan. Rec'd L. 32, P. 58 Plats, W.C.R.

EXHIBIT A
Parcel 468

Land in the City of Detroit, County of Wayne and State of Michigan being, Lots 113, 152, 235, 237, 252, 255, 393, 395 & 419; "Fox Creek Subdivision" of Private Claim 120, City of Detroit, Wayne County, Michigan. Rec'd L. 25, P. 73 Plats, W.C.R.

EXHIBIT A
Parcel 468

Land in the City of Detroit, County of Wayne and State of Michigan being Lots 22 and 26; "Moore's Subdivision" of the South part of that part of the West Half of P.C. 321 lying North of Jefferson Avenue, between Utica and Oneida Avenues, Grosse Pointe, Wayne County, Michigan. Rec'd L. 18, P. 51 Plats, W.C.R.

EXHIBIT A
Parcel 468

Land in the City of Detroit, County of Wayne and State of Michigan being Lots 93, 106, 208, 248 and the North 15 feet of Lot 249; "Pointe View Joseph S. Visger & Edgar J. Hitchings Subdivision" of that part of Lot 1 of the Subdivision of East 1/2 of Private Claim 321 between Jefferson Avenue & Lafferty Road, Grosse Pointe, Wayne County, Michigan. Rec'd L. 17, P. 87 Plats, W.C.R.

EXHIBIT A
Parcel 468

Land in the City of Detroit, County of Wayne and State of Michigan being Lot 1; "R. J. Purvis' Sub'n." of Lots 5 & 6 of Sub'n. of Lot 6 of Lot 2 of Alter's Plat of P. C. 570 for the Estate of Margaret Juif City

March 14

570

2007

of Detroit & Village of Grosse Pointe Park, Wayne Co., Mich. Rec'd L. 38, P. 62 Plats, W.C.R.

**EXHIBIT A
Parcel 468**

Land in the City of Detroit, County of Wayne and State of Michigan being Lots 6, 49, 69, 70 and the South 15 feet of Lot 68; "Rusch's Subdivision" of the East 1/2 of Lot No. 3, P. C. 219, Grosse Pointe, Wayne County, Michigan. Rec'd L. 15, P. 70 Plats, W.C.R.

**EXHIBIT A
Parcel 468**

Land in the City of Detroit, County of Wayne and State of Michigan being Lots 53 and 68, Block 1; Lot 8, Block 3; Lots 15, North 15 feet of Lot 17, 18, the North 15 feet of Lot 14 and the North 15 feet of Lot 38 and all of Lot 39, Block 4; Lots 28, 29, 30, 31 and 53, Block 5; "Skinner and Moore's Subdivision" of that part of the West Half of P. C. 321 lying between Jefferson Avenue and Lafferty Road and Lots 2, 4 & 5 of the Subdivision of P. C. 219 Grosse Pointe, Wayne County, Michigan. Rec'd L. 16, P. 58 Plats, W.C.R.

**EXHIBIT A
Parcel 468**

Land in the City of Detroit, County of Wayne and State of Michigan being Lot 22; "Turnbull and Epstean's Jefferson Ave. Sub." of part of Lot 1 of Alter's Sub. P. C. 570 City of Detroit and Village of Grosse Pointe Park, Wayne Co., Michigan. Rec'd L. 26, P. 98 Plats, W.C.R. and be it further

Resolved, That this agreement be considered confirmed when executed by the Planning and Development Department's Director, or his authorized designee, and approved by the Corporation Counsel as to form.

Adopted as follows:

Yeas — Council Members S. Cockrel, Collins, Conyers, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 9.

Nays — None.

Detroit Police Department

February 8, 2007

Honorable City Council:

Re: Request permission to accept an award from the United States Attorney's Office for the Eastern District of Michigan for the "Project Safe Neighborhoods" anti-gang initiative.

The United States Attorney's Office for the Eastern District of Michigan has received funding for an Anti-Gang Initiative entitled, "Project Safe Neighborhoods" and the Detroit Police Department was allocated \$289,136.00, with no cash match. The Northwestern District is the target area for this collaborative effort at reducing gang violence.

The funding would allow Detroit police

officers to work overtime conducting plain clothes and undercover operations, including intelligence gathering and directed patrol in cooperation with state, federal and county law enforcement agencies. Additionally, there will be funds available to lease vehicles for police operations and purchase equipment, such as, night vision goggles, body microphones, crime mapping equipment, etc.

Participation requires the approval of your Honorable Body, via adoption of the enclosed resolution. The Board of Police Commissioners has been notified of the grant and approved participation. Lieutenant Darryl Brown, of Gang Enforcement, will serve as the Project Director.

If you have any questions or concerns, regarding this matter, please feel free to contact me at 596-1800, Monday through Friday, 9:00 a.m. to 5:00 p.m.

Respectfully submitted,
ELLA M. BULLY-CUMMINS
Chief of Police

Approved:

PAMELA SCALES
Budget Director
ROGER SHORT
Finance Director

By Council Member Watson:

Resolved, that the Detroit Police Department be and is hereby authorized to accept an appropriation from the United States Eastern District Attorney's Office for an Anti-gang Initiative. This appropriation would be in the amount of \$289,136.00, with no match, and be it further

Resolved, that the Finance Director be and is hereby authorized to establish the necessary cost centers, appropriations transfer funds, and honor payroll and vouchers when presented as necessary, for the operation of the program as outlined in the foregoing communication.

Adopted as follows:

Yeas — Council Members S. Cockrel, Collins, Conyers, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr., — 9.

Nays — None.

Detroit Police Department

January 31, 2007

Honorable City Council:

Re: Request for permission to accept a grant from the Michigan Commission on Law Enforcement Standards (M.C.O.L.E.S.)

The Michigan Commission on Law Enforcement Standards (M.C.O.L.E.S.) has awarded the Detroit Police Department \$101,450 for the 2007 Fiscal Year including the mandated 25% match of \$33,835, the total grant amount is \$135,285. The grant period is from January 1, 2007 to December 31, 2007.

This grant will allow for a police sensi-

QUIT CLAIM DEED

Subject to the following paragraph, the City of Detroit, a Michigan public body corporate whose address is 2 Woodward Avenue, Detroit, MI 48226 ("Grantor"), quit claims to New Far East Side Development Co., L.L.C., a Michigan Limited Liability Company, ("Grantee") whose address is 415 Burns Drive, Suite 100, Detroit, Michigan 48214, the premises located in the City of Detroit, Wayne County, Michigan, described as:

(See Attached Exhibit A)

A/K/A Parcel 468

(the "Property"), for the sum of Thirty Six Thousand Three Hundred and 00/100 Dollars (\$ 36,300.00), subject to and reserving to the City of Detroit its rights under public easements and rights of way, easements of record, applicable zoning ordinances, development plans pursuant to Act 344 of 1945 as amended (if any), and restrictions of record.

This Deed is given subject to the terms, covenants and conditions of an Agreement to Purchase and Develop Land dated _____, 20__ entered into by the parties hereto and which is incorporated herein by reference and recorded on _____, 20__ in the Office of the Register of Deeds for the County of Wayne in Liber _____ on Pages _____ through _____ inclusive, none of the terms, covenants and conditions of which shall be deemed merged in this Deed. The covenants therein recited to be covenants running with the land are hereby declared to be covenants running with the land enforceable by the City as therein set forth. If the Property is rented for residential occupancy, the Property must be registered as a rental property pursuant to Ordinance 579-H (Detroit City Code § 26-5-42.5).

The following language is included pursuant to MCL Sections 560.109(3) and 560.109(4), added by 1996 PA 591, and applies only if the Property is not platted: "The Grantor grants to the Grantee the right to make all divisions under Section 108 of the land division act, Act No. 288 of the Public Acts of 1967, as amended. This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act."

This deed is dated as of JUNE 29, 2007

WITNESSES:

Edward Lowe
Print: Edward Lowe
Lesley Parker
Print: Lesley Parker

CITY OF DETROIT, a Michigan public body corporate

By: [Signature]
Print: Douglass J. Dicks
Its: Director

STATE OF MICHIGAN)
)ss.
COUNTY OF WAYNE)

The foregoing instrument was acknowledged before me on April 3, 2007 by Douglass J. Dicks, the Director of the City of Detroit, a Michigan public body corporate, on behalf of the City.

RONNETTE WILLIAMS-STARLING
Notary Public - Michigan
Wayne County
My Commission Expires Aug 29, 2012
Acting in the County of

[Signature]
Print: RONNETTE WILLIAMS-STARLING
Notary Public, Wayne County, Michigan
My commission expires: 8-29-2012

Pursuant to § 18-5-72 of the Detroit City Code, I hereby certify that proper and fair consideration has been received by the City pursuant to this instrument.

Approved by City Council on 03/14/07
Detroit Legal News, 03/28/07
_____, on file in my office.

[Signature]
Finance Director

Approved by the City Law Department pursuant to Sec. 6-406 of the Charter of the City of Detroit.
[Signature]
Corporation Counsel

[Signature]
City Clerk

This Instrument Drafted by:
Chidi Nyeche
Planning & Development Department
65 Cadillac Square, Suite 2000
Detroit, MI 48226

When recorded, return to:
Jennifer R. Madden
New Far East Side Development Co., L.L.C.,
415 Burns Drive, Suite 100
Detroit, Michigan 48214

Exempt from transfer taxes pursuant to MCL § 207.505(h)(i) and MCL § 207.526(h)(i).

EXHIBIT A

Land in the City of Detroit, County of Wayne and State of Michigan being the south 7.42 feet of Lot 1 and all of Lots 2, 3, 34 and 38; "Aberle's Sub." of the West 1/4 of Lot No. 3, P. C. 219, Grosse Pointe, Wayne County, Michigan. Rec'd L. 15, P. 92 Plats, W.C.R.

PER ASSESSORS *[Signature]*
1-25-07

**DESCRIPTION CORRECT
ENGINEER OF SURVEYS**

[Signature]
METCO Services, Inc.

**A/K/A 1233, 1257 Eastlawn and 13926 Kercheval
Ward: 21 Items: 53399, 53403 and 643**

Exhibit A

Land in the City of Detroit, County of Wayne and State of Michigan beings Lots 393 and 394; "C. B. Sherrard Subdivision" of that part of P.C. 120 lying between the N'y Line of Kercheval Avenue and the Center Line of Mack Avenue, City of Detroit and Township of Grosse Pointe, Wayne Co., Michigan. Rec'd L. 32, P. 58 Plats, W.C.R.

PER ASSESSORS *DBC*
1-25-07

DESCRIPTION CORRECT
ENGINEER OF SURVEYS

BY *Daniel P. Lam*
METCO Services, Inc.

Fox Creek Phase I
2204 and 2210 Ashland
Ward 21 Items 62060 & 62061

EXHIBIT A

Land in the City of Detroit, County of Wayne and State of Michigan being, Lots 113, 152, 235, 237, 252, 255, 393, 395 & 419; "Fox Creek Subdivision" of Private Claim 120, City of Detroit, Wayne County, Michigan. Rec'd L. 25, P. 73 Plats, W.C.R.

~~PER ASSESSORS~~ *DDC*

1-25-07

DESCRIPTION CORRECT
ENGINEER OF SURVEYS

BY *Daniel P. Lan*

METCO Services, Inc.

Fox Creek Phase I

A/K/A 1066 & 1193 Manistique; 1189, 1207, 1299, & 1311 Ashland; 1045, 1281 & 1293 Alter
Ward: 21 Items: 61010, 61702, 62417, 62419, 62434, 62437, 63222, 63224 & 63244

Exhibit A

Land in the City of Detroit, County of Wayne and State of Michigan being Lots 22 and 26; "Moore's Subdivision" of the South part of that part of the West Half of P.C. 321 lying North of Jefferson Avenue, between Utica and Oneida Avenues, Grosse Pointe, Wayne County, Michigan. Rec'd L. 18, P. 51 Plats, W.C.R.

FOR ASSESSORS *ETC*
1-25 07

DESCRIPTION CORRECT
ENGINEER OF SURVEYS

BY *Daniel Polan*
METCC Services, Inc.

Fox Creek Phase I
A/K/A 1045 and 1069 Chalmers
Ward 21 Items 56199 & 56195

Exhibit A

Land in the City of Detroit, County of Wayne and State of Michigan being Lots 93, 106, 208, 248 and the North 15 feet of Lot 249; "Pointe View Joseph S. Visger & Edgar J. Hitchings Subdivision" of that part of Lot 1 of the Subdivision of East 1/2 of Private Claim 321 between Jefferson Avenue & Lafferty Road, Grosse Pointe, Wayne County, Michigan. Rec'd L. 17, P. 87 Plats, W.C.R.

DESCRIPTION CORRECT
ENGINEER OF SURVEYS

BY Daniel P. Law

METCO Services, Inc.

Fox Creek Phase I

A/K/A 1321, 1336, 1414 Marlborough & 1340 Chalmers
Ward 21 Items 55237, 59214, 59227 & 59735

ASSESSORS 

2/19/2007

Exhibit A

Land in the City of Detroit, County of Wayne and State of Michigan being Lot 1; "R. J. Purvis' Sub'n." of Lots 5 & 6 of Sub'n. of Lot 6 of Lot 2 of Alter's Plat of P. C. 570 for the Estate of Margaret Juif City of Detroit & Village of Grosse Pointe Park, Wayne Co., Mich. Rec'd L. 38, P. 62 Plats, W.C.R.

PER ASSESSORS *ETC*
1-25-07

DESCRIPTION CORRECT
ENGINEER OF SURVEYS

BY *Daniel Palani*

METCO Services, Inc.

A/K/A 1614 Alter
Ward 21 Item 62742

Exhibit A

Land in the City of Detroit, County of Wayne and State of Michigan being Lots 6, 49, 69, 70 and the South 15 feet of Lot 68; "Rusch's Subdivision" of the East 1/2 of Lot No. 3, P. C. 219, Grosse Pointe, Wayne County, Michigan. Rec'd L. 15, P. 70 Plats, W.C.R.

~~PER ASSESSOR~~ *DPC.*

1-25-07

DESCRIPTION CORRECT
ENGINEER OF SURVEYS

BY *Daniel P. Lane*

METCO Services, Inc.

Fox Creek Phase I
A/K/A 1040, 1166 & 1426 Eastlawn
Ward 21 Items 52836, 52855 & 52898

Exhibit A

Land in the City of Detroit, County of Wayne and State of Michigan being Lots 53 and 68, Block 1; Lot 8, Block 3; Lots 15, North 15 feet of Lot 17, 18, the North 15 feet of Lot 14 and the North 15 feet of Lot 38 and all of Lot 39, Block 4; Lots 28, 29, 30, 31 and 53, Block 5; "Skinner and Moore's Subdivision" of that part of the West Half of P. C. 321 lying between Jefferson Avenue and Lafferty Road and Lots 2, 4 & 5 of the Subdivision of P. C. 219 Grosse Pointe, Wayne County, Michigan. Rec'd L. 16, P. 58 Plats, W.C.R.

DESCRIPTION CORRECT
ENGINEER OF SURVEYS

BY Daniel P. Lan
INETCO Services, Inc.

Fox Creek Phase I

A/K/A 1333, 1425 Newport; 1121, 1162, 1178, 1306 Lakewood; 1245 & 1389 Chalmers
Ward 21 Items 56155, 56173, 54514, 54512, 54530, 54949, 54195 & 54210

PER ASSESSORS AA

2/19/2007

Exhibit A

Land in the City of Detroit, County of Wayne and State of Michigan being Lot 22; "Turnbull and Epstein's Jefferson Ave. Sub." of part of Lot 1 of Alter's Sub. P. C. 570 City of Detroit and Village of Grosse Pointe Park, Wayne Co., Michigan Rec'd L. 26. P. 98 Plats. W.C.R.

PER ASSESSORS *DC*
1-25-07

DESCRIPTION CORRECT
ENGINEER OF SURVEYS

BY *Daniel Polan*
METCO Services, Inc.

A/K/A 1332 Alter
Ward 21 Item 62720

5, 1/4 Sec. 44, 10,000 A.T., City of Detroit, Wayne Co., Michigan. Rec'd L. 36, P. 48 Plats, W.C.R., also, Lots 75, 76, 77, 100, 101 and the West 1 foot of Lot 78; "Lowe's Subdivision" of Lot Number 1, Quarter Section No. 44 of the 10000 Acre Tract, Hamtramck, Wayne County, Michigan. Rec'd L. 8, P. 26 Plats, W.C.R., also Lots 13, 44, 45, 46 and 47; "Howland's Subd'n" of part of Lots 4 & 5, 1/4 Section 44, 10000 A.T., Hamtramck, Wayne Co., Michigan. Rec'd L. 15, P. 54 Plats, W.C.R., also, Lot 12 and the East 10 feet of Lot 13; "Beamer and Fraer's Subdivision" of a part of Lots 4 and 5, Quarter Section 44, Ten Thousand Acre Tract, Hamtramck, Wayne Co., Michigan. Rec'd L. 14, P. 8 Plats, W.C.R., also, Lots 7, 8, 9, 10 and 11; "Jacob Breitmeyer's Second Subdivision" of a part of Lots 4 and 5 of the Subd'n of 1/4 Sec. 44, 10,000 A.T., City of Detroit, Wayne Co., Michigan. Rec'd L. 27, P. 36 Plats, W.C.R., also, Lot 5; "Jacob Breitmeyer's Third Subd'n" of Lots 1 to 6, inclusive, and Lot 21 to 26, both inclusive, and alleys hereby vacated of Jacob Breitmeyer's Second Subdivision of a part of Lots 4 and 5 of the Subdivision of 1/4 Sec. 44, 10,000 A.T., City of Detroit, Wayne Co., Michigan. Rec'd L. 28, P. 38 Plats, W.C.R., also, Lots 4, 5, 8, 9 and 10; "Jacob Breitmeyer's Subdivision" of part of Lot 4, 1/4 Section 44 — 10,000 Acre Tract, Detroit, Wayne Co., Mich. Rec'd L. 23, P. 20 Plats, W.C.R., also, Lots 70 and 76; "McLaughlin Bros.' Subdivision" of Lot 8 and the N'ly 33 feet of Lot 7 of the Subdivision of 1/4 Section 57, 10,000 Acre Tract, Detroit, Wayne Co., Michigan. Rec'd L. 17, P. 73 Plats, W.C.R., also, Lots 56, 57 and 58; "Chandler Avenue Subdivision" of Park Lot 5 of the Subdivision of Section 57, 10000 Acre Tract, Hamtramck, Wayne Co., Michigan. Rec'd L. 13, P. 96 Plats, W.C.R., also, the West 30 feet of the East 90 feet of Lot 36, the East 33.33 feet of the West 66.66 feet of Lot 35 and the West 33.33 feet of Lot 35; "Atkinson's Subdivision" of Park Lot 6 of the Subdivision of Section 57, 10,000 Acre Tract, Hamtramck, Wayne County, Michigan. Rec'd L. 8, P. 21 Plats, W.C.R., also, Lots 78, 80, the East 27 feet of Lot 69 and the West 3 feet of Lot 70; "Koch's Subdivision" of part of Park Lot 7 of the Subdivision of Section 57, 10,000 Acre Tract, T. 1 S., R. 12 E., Hamtramck, Wayne County, Michigan. Rec'd L. 8, P. 14 Plats, W.C.R., also, Lots 33, 37, the East 18.10 feet of Lot 28, the West 38 feet of Lot 29, the East 30 feet of Lot 32, the West 35 feet of Lot 34 and the East 1.5 feet of Lot 36; "Petry's Subdivision" of the Southwesterly part of lot 4 of the Subdivision of Quarter Section 44 of the Ten Thousand Acre Tract, Wayne Co., Mich. Rec'd L. 14, P. 42 Plats, W.C.R., also, the East 40 feet of Lot 13, the West 20 feet of Lot 14 and the East 46 feet of

the West 71 feet of Lot 17; "Haigh's Subn." of Lot 3 of the Subn. of 1/4 Sec. 44, 10,000 Acre Tract, Hamtramck, Wayne Co., Mich. Rec'd L. 13, P. 29 Plats, W.C.R. and be it further

Resolved, That this agreement be considered confirmed when executed by the Planning and Development Department's Director, or his authorized designee, and approved by the Corporation Counsel as to form.

Adopted as follows:

Yeas — Council Members S. Cockrel, Collins, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President Conyers — 8.

Nays — None.

Planning & Development Department

January 9, 2009

Honorable City Council:

Re: Property For Sale By Development Agreement Development: Parcel 497; generally bounded by Alter Road, Kercheval, East Jefferson & Springle.

We are in receipt of an offer from The New Far East Side Development Company, LLC, a Michigan Limited Liability Company, to purchase the above-captioned property for the amount of \$42,900 and to develop such property. This property contains approximately 153,605 square feet or 3.11 acres and is zoned R-1 (Single-Family Residential District), R-2 (Two-Family Residential District), R-3 (Low-Density Residential District) and B-4 (General Business District).

This sale is part of an ongoing development project that will eventually consist of the construction of approximately 1,500 housing units, which will include a diversity of units consisting of townhouses, multi-family dwellings, single-family dwellings and paved surface parking for the storage of licensed operable vehicles. Any area not paved will be appropriately landscaped to enhance the overall site. Your Honorable Body approved a zoning overlay district for the above subject area on July 19, 2006.

Under the terms of the Master Development Agreement for the Far East Side Area, approved by your Honorable Body on February 2, 2005, the City of Detroit will transfer its property to The New Far East Side Development Company, LLC, a Michigan Limited Liability Company, which will select builders for the proposed development. There is also a provision in the Agreement that if the property is not developed, the property shall revert to the City of Detroit.

We, therefore, request that your Honorable Body adopt the sale and authorize the Planning & Development Department's Director, or his authorized

February 3

182

2009

designee, to execute an agreement to purchase and develop this property with The New Far East Side Development Company, LLC, a Michigan Limited Liability Company, together with a deed to the property and such other documents as may be necessary to effect the sale.

Respectfully submitted,
DOUGLASS J. DIGGS
Director

By Council Member Collins:

Resolved, That in accordance with the Offer to Purchase and the foregoing communication, the Planning & Development Department's Director, or his authorized designee, be and is hereby authorized to execute an agreement to purchase and develop the property more particularly described in the attached Exhibit A, together with a deed to the property and such other documents as may be necessary to effect the sale, with The New Far East Side Development Company, LLC, a Michigan Limited Liability Company, for the amount of \$42,900.

EXHIBIT A

Land in the City of Detroit, County of Wayne and State of Michigan being Lots 108, 110, 111, 113, 114, 174, 175, 176, 178, 179, 180, 181, 201, 202, 203, 204, 206, 207, 278, 279, 280, 281, 283 and 284; "Daniel J. Campau's Subdivision" of that part of Private Claims 315 and 322 between Kercheval Avenue and Charlevoix Street, Detroit, Wayne Co., Michigan, as recorded in Liber 29, Page 44, Plats, W.C.R. Also, Lots 187, 188, 189 and the West 5 feet of Lot 100 and the East 8.76 feet of Lot 190; "Sterling Park Subdivision" of the Easterly Part of Sterling Realty Co's Sub., Private Claims 315 and 322, Detroit, Wayne County, Michigan as recorded in Liber 27, Page 61, Plats, W.C.R. Also, Lots 17, 49, 93 106, 107, 230, 241, 344 and the South 15 feet of Lot 229, the North 15 feet of Lot 231, the North 20 feet of Lot 321 and the South 10 feet of Lot 322; "Fox Creek Subdivision" of Private Claim 120, City of Detroit, Wayne County, Michigan. Rec'd Liber 25, Page 73, Plats, W.C.R. Also, Lot 7 and the South 15 feet of Lot 8, Block 4; "Skinner and Moore's Subdivision" of that part of the West Half of P.C. 321, lying between Jefferson Avenue and Lafferty Road and Lots 2, 4 and 5 of the Subdivision of P.C. 219, Grosse Pointe, Wayne County, Michigan. Rec'd L. 16, P. 58 Plats, W.C.R. Also, Lot 237; "Pointe View Joseph S. Visger & Edgar J. Hitchings Subdivision" of that part of Lot 1 of the Subdivision of East 1/2 of Private Claim 321 between Jefferson Avenue & Lafferty Road, Grosse Pointe, Wayne County, Michigan. Rec'd L. 17, P. 87 Plats, W.C.R. Also, Lot 36; "Schiappacasse's Subdivision of Lot 5" of the Plat of Partition of John Alter Est., being Lot 2 of Alter's Plat being the West part of P.C.

570, and part of Lot 1 of the Sub'n of Lot 6 of Lot 2 of Alter's Plat of P.C. 570 for the Est. of Margaret Jaif, City of Detroit and Village of Grosse Pointe Park, Wayne Co., Michigan. Rec'd L. 37, P. 61 Plats, W.C.R. and be it further

Resolved, That this agreement be considered confirmed when executed by the Planning and Development Department's Director, or his authorized designee, and approved by the Corporation Counsel as to form.

Adopted as follows:

Yeas — Council Members S. Cockrel, Collins, Jones, Keryatta, Reeves, Tinsley-Talabi, Watson, and President Conyers — 8.
Nays — None.

Planning & Development Department January 6, 2009

Honorable City Council:

Re: Rescission of Land Sale, University City Rehabilitation Project No. 2 Development: Part of Parcel 3; located on the north side of Hancock between Trumbull & Lincoln.

On May 21, 2003 (J.C.C., Pages 1479-1480), your Honorable Body authorized the sale of the above-captioned property to Adam J. Maida, a Roman Catholic Archbishop of the Archdiocese of Detroit, for the purpose of constructing a new activity building along with additional parking.

It has come to our attention that due to circumstances beyond their control, the Developer is unable to proceed with the sale at this time.

We, therefore, request that your Honorable Body rescind the sale to Adam J. Maida, a Roman Catholic Archbishop of the Archdiocese of Detroit, making it available to other interested parties and declare any monies paid forfeit.

Respectfully submitted,
DOUGLASS J. DIGGS
Director

By Council Member Collins:

Resolved, That in accordance with the foregoing communication, the authority to purchase and develop the property more particularly described in the attached Exhibit A, with Adam J. Maida, a Roman Catholic Archbishop of the Archdiocese of Detroit, be rescinded, and declare any monies paid forfeit.

Parcel North of Hancock East of Trumbull and West of Lincoln

Land in the City of Detroit, Wayne County, Michigan, being Lots 208 thru 215 both inclusive, and the vacated public alley 18 feet wide adjoining, and the northerly 1/2 of vacated Hancock Avenue, 70 feet wide, adjoining Lots 211 and 212, and the westerly 1/2 of vacated Lincoln Avenue, 70 feet wide adjoining Lots 208, 209, 210 and 211 "Hodges Bros. Subdivision of OutLots 98, 99, 102 and 103 Woodbridge Farm" as recorded in

2009 DEC -1 AM 9:13

STATE OF MICHIGAN
Wayne County
December 02, 2009 12:27:00
Receipt # 356296



REAL ESTATE
TRANSFER TAX

\$0.00 - CO
\$0.00 - ST
Stamp # 161585

QUIT CLAIM DEED

Bernard J. Youngblood
Wayne County Register of Deeds

December 02, 2009 12:27 PM
Liber 48239 Page 500-501

#2009385925 QCD FEE \$18.00



2009 DEC -2 PM 12:27

The City of Detroit, a Michigan public body corporate, whose address is 2 Woodward, Detroit, MI 48226, quit claims to New Far East Side Development Co., L.L.C., a Michigan Limited Liability Company whose address is 415 Burns Drive, Suite 100, Detroit, Michigan 48214 in the City of Detroit, Wayne County, Michigan, described as:

(See Attached Exhibit A)

Parcel 497

(the "Property"), for the sum of Forty Two Thousand Nine Hundred and 00/100 Dollars (\$42,900.00) subject to and reserving to the City of Detroit its rights under public easements and rights of way, easements of record, applicable zoning ordinances, development plans pursuant to Act 344 of 1945 as amended (if any), and restrictions of record.

This deed is dated as of

November 25, 2009

WITNESSES:

Norman Trotter
PRINT: Norman Trotter

Edward Lowe
PRINT: Edward Lowe

GRANTOR: CITY OF DETROIT, a Michigan public body corporate

By: [Signature]
PRINT: Douglass J. Diggs

Its: Director
of Planning & Development Dept
of the City of Detroit

STATE OF MICHIGAN)

)ss.

COUNTY OF WAYNE)

The foregoing instrument was acknowledged before me on February 20, 2009, by Douglass J. Diggs, the Director, of the Planning & Development Department of the City of Detroit, a Michigan public body corporate, on behalf of the City.

NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Mar 10, 2011
ACTING IN COURT OF

[Signature]
PRINT: ALDWO J. MITCHELL
Notary Public, Wayne County, Michigan
My commission expires: 03/10/2011

Pursuant to § 8-5-12 of the Detroit City Code, I hereby certify that proper and fair consideration has been received by the City pursuant to this instrument.

[Signature]
Joseph L. Harris, Finance Director

Approved by City Council 02 / 03 / 2009
Detroit Legal News 03/06/09, Pg. 7

Approved as to form and execution:
[Signature]
Timothy Beckett, S. A. Corporation Counsel

This Instrument Drafted by:

Chidi Nyeche
Planning & Development Dept.
65 Cadillac Square, Suite 2000
Detroit, MI 48226

When recorded, return to:
New Far East Side Development Co., L.L.C.
415 Burns Drive, Suite 100
Detroit, Michigan 48214

Exempt from transfer taxes pursuant to MCL § 207.505(h) (i) and MCL § 207.526(h) (i)

Exhibit A

Land in the City of Detroit, County of Wayne and State of Michigan being Lots 108, 110, 111, 113, 114, 174, 175, 176, 178, 179, 180, 181, 201, 202, 203, 204, 206, 207, 278, 279, 280, 281, 283 and 284; "Daniel J. Campau's Subdivision" of that part of Private Claims 315 and 322 between Kercheval Avenue and Charlevoix Street, Detroit, Wayne Co., Michigan, as recorded in Liber 29, Page 44, Plats, W.C.R. Also, Lots 187, 188, 189 and the West 5 feet of Lot 186 and the East 8.76 feet of Lot 190; "Sterling Park Subdivision" of the Easterly Part of Sterling Realty Co's Sub., Private Claims 315 and 322, Detroit, Wayne County, Michigan as recorded in Liber 27, Page 61, Plats, W.C.R. Also, Lots 17, 49, 93, 106, 107, 230, 241, 344 and the South 15 feet of Lot 229, the North 15 feet of Lot 231, the North 20 feet of Lot 321 and the South 10 feet of Lot 322; "Fox Creek Subdivision" of Private Claim 120, City of Detroit, Wayne County, Michigan. Rec'd Liber 25, Page 73, Plats, W.C.R. Also, Lot 7 and the South 15 feet of Lot 8, Block 4; "Skinner and Moore's Subdivision" of that part of the West Half of P. C. 321, lying between Jefferson Avenue and Lafferty Road and Lots 2, 4 and 5 of the Subdivision of P.C. 219, Grosse Pointe, Wayne County, Michigan. Rec'd L. 16, P. 58 Plats, W.C.R. Also, Lot 237; "Pointe View Joseph S. Visger & Edgar J. Hitchings Subdivision" of that part of Lot 1 of the Subdivision of East 1/2 of Private Claim 321 between Jefferson Avenue & Lafferty Road, Grosse Pointe, Wayne County, Michigan. Rec'd L. 17, P. 87 Plats, W.C.R. Also, Lot 36; "Schiappacasse's Subdivision of Lot 5" of the Plat of Partition of John Alter Est., being Lot 2 of Alter's Plat being the West part of P. C. 570, and part of Lot 1 of the Sub'n of Lot 6 of Lot 2 of Alter's Plat of P. C. 570 for the Est. of Margaret Jaif, City of Detroit and Village of Grosse Pointe Park, Wayne Co., Michigan. Rec'd L. 37, P. 61 Plats, W.C.R.

DESCRIPTION CORRECT
ENGINEER OF SURVEYS

BY 

METCO Services, Inc.

Parcel 497 (Far East Side Project)

A/K/A 2152, 2166, 2174, 2188, 2194, 2217, 2211, 2203, 2189, 2181, 2175, 2169 Gray; 2124, 2132, 2138, 2144, 2160, 2166, 2169, 2161, 2155, 2147, 2133, 2125 Springle; 12830, 12900 Kercheval; 2150 Alter; 1273, 1337, 1343, 1236, 1368 Ashland; 1408 Chalmers; 1116 Lakewood, 1229, 1233, 1315 Manistique; 1104 & 1298 Philip

Ward 21 Items 48485, 48487, 48488, 48490, 48491, 48773, 48774, 48775, 48777, 48778, 48779, 48780, 47569, 47570, 47571, 47872, 47872, 47574, 47575, 47867, 47868, 47869, 47870, 47873, 661, 662, 054507, 055247, 060046, 060067, 061682, 061695, 061696, 062018, 062040, 062412, 062413, 062423 & 062749

PER ASSESSORS  12/8/08

City of Detroit

CITY COUNCIL

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RAQUEL CASTAÑEDA-LÓPEZ
COUNCIL MEMBER
DISTRICT 6

MEMORANDUM

TO: David Whitaker, Legislative Policy Division
THRU: Council President Brenda Jones
FROM: Council Member Raquel Castañeda-López
DATE: August 17, 2018
RE: Gordie Howe International Bridge Jurisdiction Issues



Given the multiple entities involved on the Gordie International Bridge (GHIB) Project, please provide a detailed report and map with the following information:

1. A list and map of the geographical areas within the Delray neighborhood that fall under a) City, b) State, and c) Federal jurisdiction, including:
 - a. areas under temporary state jurisdiction
 - b. current and proposed construction staging sites, and
 - c. truck routes to and from the GHIB.
2. Do state and federal entities, including both U.S. and Canadian, have to comply with local legislation as it relates to fugitive dust, zoning, land use, etc?

If you have any questions, please don't hesitate to contact my office.

Thank you.

CITY CLERK 2018 SEP 10 PM 1:34

Cc: Honorable Detroit City Council
Stephanie Washington, Mayor's Liaison
City Clerk