

Referrals

2-19-19.

**PLANNING AND
ECONOMIC
DEVELOPMENT
STANDING
COMMITTEE**

**OFFICE OF CONTRACTING
AND PROCUREMENT**

February 12, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

6001726 100% Federal Funding – To Provide Safe, and Decent Emergency Housing to Single Women, and Women with Children. – Contractor: Detroit Rescue Mission Ministries – Location: 150 Stimson, Detroit, MI 48201 – Contract Period: Upon City Council Approval through December 31, 2019 – Total Contract Amount: \$100,000.00. **HOUSING AND REVITALIZATION**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER **TATE**

RESOLVED, that Contract No. 6001726 referred to in the foregoing communication dated February 12, 2019, be hereby and is approved.

**OFFICE OF CONTRACTING
AND PROCUREMENT**

February 12, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

6001796 100% Federal Funding – To Provide Shelter for Domestic Violence Homeless Individuals. – Contractor: Neighborhood Service Organization – Location: 882 Oakman Blvd., Ste. C, Detroit, MI 48238 – Contract Period: Upon City Council Approval through December 31, 2019 – Total Contract Amount: \$85,000.00. **HOUSING AND REVITALIZATION**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER TATE

RESOLVED, that Contract No. 6001796 referred to in the foregoing communication dated February 12, 2019, be hereby and is approved.

**OFFICE OF CONTRACTING
AND PROCUREMENT**

February 12, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

6001804 100% Federal Funding – To Provide Financial Assistance to Families with Utility Bills in Arrears, at Risk of Shutoff, or have Eviction Notices. – Contractor: The Heat And Warmth Fund – Location: 607 Shelby #700, Detroit, MI 48226 – Contract Period: Upon City Council Approval through December 31, 2019 – Total Contract Amount: \$100,000.00.
HOUSING AND REVITALIZATION

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER **TATE**

RESOLVED, that Contract No. 6001804 referred to in the foregoing communication dated February 12, 2019, be hereby and is approved.

**OFFICE OF CONTRACTING
AND PROCUREMENT**

February 12, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

6001805 100% Federal Funding – To Provide Counseling, Placement & Financial Assistance, and Legal Assistance to Prevent Homelessness. – Contractor: United Community Housing Coalition – Location: 220 Bagley, Ste. 224, Detroit, MI 48226 – Contract Period: Upon City Council Approval through December 31, 2019 – Total Contract Amount: \$350,000.00.
HOUSING AND REVITALIZATION

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER **TATE**

RESOLVED, that Contract No. 6001805 referred to in the foregoing communication dated February 12, 2019, be hereby and is approved.

**OFFICE OF CONTRACTING
AND PROCUREMENT**

February 12, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

6001807 100% Federal Funding – To Provide Emergency Shelter, and Case Management for Homeless Women with Children, and Single Women, and Transition them to Permanent Housing. – Contractor: Salvation Army – Location: 16130 Northland Dr., Southfield, MI 48075– Contract Period: Upon City Council Approval through December 31, 2019 – Total Contract Amount: \$100,000.00. **HOUSING AND REVITALIZATION**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER **TATE**

RESOLVED, that Contract No. 6001807 referred to in the foregoing communication dated February 12, 2019, be hereby and is approved.

**OFFICE OF CONTRACTING
AND PROCUREMENT**

February 12, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

6001810 100% Federal Funding – To Provide Services of Intake and Assessment, Housing Plans, Case Management, and Financial Assistance for Homeless Individuals and Families. – Contractor: Southwest Counseling Solutions – Location: 5716 Michigan, Detroit, MI 48210 – Contract Period: Upon City Council Approval through December 31, 2019 – Total Contract Amount: \$125,000.00. **HOUSING AND REVITALIZATION**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER TATE

RESOLVED, that Contract No. 6001810 referred to in the foregoing communication dated February 12, 2019, be hereby and is approved.

**OFFICE OF CONTRACTING
AND PROCUREMENT**

February 12, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

6001811 100% Federal Funding – To Provide Coordinated Assess Model, Assess Needs, Referral and Data Collection for Shelter and RR of Homeless. – Contractor: Southwest Counseling Solutions – Location: 5716 Michigan, Detroit, MI 48210 – Contract Period: Upon City Council Approval through December 31, 2019 – Total Contract Amount: \$125,000.00.
HOUSING AND REVITALIZATION

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER TATE

RESOLVED, that Contract No. 6001811 referred to in the foregoing communication dated February 12, 2019, be hereby and is approved.

**OFFICE OF CONTRACTING
AND PROCUREMENT**

February 12, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

6001111 100% Federal Funding – AMEND 1– To Provide a Time Only Extension for the Russell Woods/Nardin Park Neighborhood Design and Implementation Plan. – Contractor: Lorcan Oherlihy Architects – Location: 5815 East Clark Rd., Bath, MI 48808 – Contract Period: Upon City Council Approval through March 1, 2019 – Total Contract Amount: \$282,000.00. **PLANNING AND DEVELOPMENT** *(This Amendment is to extend Time Only. Original Expiration Date December 31, 2018.)*

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER **TATE**

RESOLVED, that Contract No. 6001111 referred to in the foregoing communication dated February 12, 2019, be hereby and is approved.

**OFFICE OF CONTRACTING
AND PROCUREMENT**

February 12, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

6001112 100% Federal Funding – AMEND 1– To Provide a Time Extension Only for the Jefferson/Chalmers Neighborhood Design and Implementation Plan Project. – Contractor: W Architecture and Landscape Architecture, LLC – Location: 374 Fulton St., 3rd Floor, Brooklyn, NY, 11201 – Contract Period: Upon City Council Approval through June 30, 2019 – Total Contract Amount: \$382,826.00. **PLANNING AND DEVELOPMENT**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER TATE

RESOLVED, that Contract No. 6001112 referred to in the foregoing communication dated February 12, 2019, be hereby and is approved.



CITY OF DETROIT
LAW DEPARTMENT

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MEMORANDUM

DATE: February 7, 2019

TO: Honorable City Council LJG

FROM: Lawrence Garcia, Corporation Counsel
Ericka Savage Whitley, Assistant Corporation Counsel
City of Detroit Law Department

RE: **Proposed Amendments to the Community Benefits Ordinance**

The Legislative Policy Division (LPD) has compiled a spreadsheet of proposed amendments to the Community Benefits Ordinance (CBO), listed by Council Member. A legislative staff work group was formed and met to analyze the proposed amendments. LPD has updated the spreadsheet with the work group's recommendations. City Council, through Council Member Benson, has requested the Law Department provide a legal opinion on the proposed amendments in conjunction with the recommendations made by the legislative work group. The Law Department is responding to the proposed amendments by line item, as set forth in the spreadsheet provided by LPD.

Background

The Community Benefits Ordinance ("CBO") is an initiative proposed by City Council and approved by the voters of the City of Detroit in 2016. It applies to Tier 1 projects that:

- Involve the investment of \$75 million or more in value; and
- Receive \$1 million or more in property tax abatements; or
- Receive \$1 million or more in value of city land sale or transfer.

It mandates the following:

- (a) Community Engagement Process for Public Meeting. Section 14-12-3(a).
- requires at least one public meeting;
 - requires notice to Impact Area residents;
 - requires the Planning Director to present the project;
 - requires City Council to appoint a liaison from LPD;
 - does not specify that the NAC or Developer be present;
 - does not specify how additional meetings are to be approved.
- (b) Neighborhood Advisory Council ("NAC"). Section 14-12-3(b).
- (c) Engagement with Developer. Section 14-12-3(c).



- requires the Planning Director to facilitate at least one meeting between the NAC and the Developer to allow the NAC to learn more details about the project and to provide an opportunity for the NAC to make Developer aware of concerns raised by the NAC.
- (d) Community Benefits Report (“CBR”). Section 14-12-3(d).
(e) Development Agreement. Section 14-12-3(e).
(f) Enforcement. Section 14-12-3(f).

ANALYSIS

The following line items relate to whether existing CBO provisions should be amended and/or new provisions be added. “**Line Item**” is the current CBO provision, “**Proposed Amendments**” and “**Action**” reflect text copied directly from the spreadsheet prepared by LPD and inserted into this document for ease of reference. The “**Opinion**” section was prepared by the Law Department.

Line Item 1. Sec. 14-12-1. Purpose; Title (b) - This article shall be known as the "Detroit Community Benefits Ordinance.

Proposed Amendments:

- Change the title to Community Engagement Ordinance (LPD)
- Change the title to Community Engagement Ordinance (Sheffield)
- Leave the title as Community Benefits Ordinance (McCalister)
- Leave the title as Community Benefits Ordinance (Lopez)
- Leave the title as Community Benefits Ordinance (Ayers)
- Leave the title as Community Benefits Ordinance (Benson)
- Leave the title as Community Benefits Ordinance (Spivey)
- Leave the title as Community Benefits Ordinance (Tate)

Action: The work group has withdrawn this line item from consideration, therefore a legal opinion is not necessary.

Line Item 2. Sec. 14-12-2. Definitions - Tier 1 Development Project means a development project in the City that is expected to incur the investment of Seventy-five Million Dollars (\$75,000,000) or more during the construction of facilities, or to begin or expand operations or renovate structures, where the developer of the project is negotiating public support for investment in one or both of the following forms:...

Proposed Amendment:

- “That the investment threshold under Section 14-12-2 as defined for a ‘Tier 1’ Development Project be lowered from \$75,000,000 to \$50,000,000.” (Sheffield, McCalister, Jones, Castaneda-Lopez)

Action: Per LPD, “the work group recommended that the threshold amount for a Tier 1 Development be lowered from \$75 Million to \$50 Million based on the average investment amount



from 2013 to the Present. The \$50 Million Threshold would result in approximately 10% of the developments being subject to the CBO process.”

Opinion: Lowering the investment threshold is a matter of public policy and does not have any direct legal implications. If the threshold is lowered, it is advisable to 1) determine the number of projects that would qualify under the new threshold, 2) evaluate the feasibility of administering an increased number of NACs in the future, and 3) consider the probable impact that an expansion of the CBO would have on development activity.

Line Item 3. Sec. 14-12-2. Definitions - Enforcement Committee means a committee led by the City's Corporation Counsel and composed of representatives from the Planning and Development Department, Law Department, Human Rights Department, and other relevant City departments as determined by the Planning Director.

Proposed Amendments:

- Amend by adding: "The chair of each Neighborhood Advisory Committee shall be an ex-officio member of the related Enforcement Committee." (Ayers)
- Amend Sec. 14-12-2 by striking "Human Rights Department" and inserting "Department of Civil Rights, Inclusion and Opportunity." (Benson)

Action: The work group has recommended to adopt the proposed amendments.

Opinion: The amendment proposed by CM Benson is a matter of policy and does not have any direct legal implications.

Law advises against the amendment proposed by CM Ayers because appointing the chair of a NAC to the Enforcement Committee creates a conflict of interest. Under Section 14-12-3(f)(4), the NAC is responsible for reviewing any allegations of violations of the Community Benefits Provision provided to it by the community, and then reporting violations to the Enforcement Committee for action. “Upon receipt of written notification of allegations of violation from the NAC, the Enforcement Committee shall investigate such allegations and shall present their written findings to the NAC...” Section 14-12-3(f)(5) (Emphasis added).

The Enforcement Committee is required to investigate the NAC’s allegations and provide a written report. It poses a conflict for a NAC Member to also participate in the investigation. Even as an ex-officio member of the Enforcement Committee, the NAC Member would be able to participate in discussions that may include particular actions of the NAC.

Line Item 4. Sec. 14-12-2. Definitions - Tier 2 Development Project means a development project in the City that does not qualify as a Tier 1 Project and is expected to incur the investment of Three Million Dollars (\$3,000,000) or more, during the construction of facilities, or to begin or expand operations or renovate structures, where the Developer is negotiating public support for investment in one or both of the following forms:



- (1) Land transfers that have a cumulative market value of Three Hundred Thousand Dollars (\$300,000) or more (as determined by the City Assessor or independent appraisal), without open bidding and priced below market rates; or
- (2) Tax abatements that abate more than Three Hundred Thousand Dollars (\$300,000) of City taxes over the term of the abatement that inure directly to the Developer, but not including Neighborhood Enterprise Zone tax abatements.

Proposed Amendments:

- That Sec. 14-12-2 Definitions be revised to read as follows: “Tier 2 Development Project means a development project in the City of Detroit that does not qualify as a Tier 1 Project and is expected to incur the investment of Three Hundred Thousand (\$300,000) dollars or more during the construction of facilities, or to begin or expanding operations or renovate structures, where the developer is negotiating public support for investment for investment in one or both of the following:
 - (1) Land transfers that have a cumulative market value of Thirty Thousand Dollars (\$30,000) or more....
 - (2) Tax abatements that abate more than Thirty Thousand Dollars (\$30,000) of City of Detroit Taxes over the term of the abatement that incur directly to the Developer, but not including Neighborhood Enterprising Zone Tax abatements.” (McCalister)
- “The tiers required for CBO participation should be lowered to projects with \$300,000 of public investment for Tier 2 Projects.” (Jones)

Action: Per LPD, “the McCalister/Jones amendment to lower the Tier 2 threshold from \$3 Million to \$300,000 was recommended for approval by the working group in a 5-4 vote.”

Opinion: Lowering the investment threshold is a matter of public policy and does not have any direct legal implication. If the threshold is lowered, it is advisable to: 1) determine the number of projects that would have qualified under the new threshold since the CBO was adopted, and 2) consider the cost/benefit analysis for investors to participate in the CBO process with a land transfer or tax abatement valued at \$30,000, and 3) consider the probable impact that an expansion of the CBO would have on development activity.

Line Item 5. No current language to be amended. Proposes to add a new provision.

Proposed Amendment:

- “A CBO report should document the final results of the CBO process, which should be the creation of a legally binding community benefits agreement signed by the developer and the NAC. The CBO process should not be permitted to close until a community benefits agreement is created through authentic negotiation between community members and developers which includes specific and tangible benefits advocated for by the community.” (Jones)



Action: The work group has pinned this line item.

Opinion: The Law Department advises against the proposed amendment for multiple reasons. First, creating a legally binding Community Benefits Agreement between the developer and the NAC is expressly prohibited under the CBO. Section 14-12-3(e)(2) states that, “the Developer shall **not** be required to enter into a legally binding agreement with any individual or organization other than the City for the express purpose of fulfilling the requirements of this ordinance or other City-mandated community engagement processes.” (Emphasis added).

Second, the NAC is not a legal entity authorized to enter agreements on behalf of the City. A NAC is appointed on a project-to-project basis and maintains an advisory role to City Council by engaging with the Developer and participating in the enforcement process. Nothing grants a NAC the authority to act upon any recommendations to effectuate or formulate public policy. Only City Council can approve Development Agreements on behalf of the City of Detroit. The CBO requires that City Council receive a Community Benefits Report from the Planning Director with the issues raised by the NAC for the project. The Planning Director is charged with developing methods to address concerns, while recognizing that the NAC’s concerns may not always be addressed. The only mandate related to the CBO is that the Planning Director must respond to the NAC’s concerns. The CBO does not empower the NAC to act independently with the Developer or implement methods to address concerns. See *Davis v. City of Detroit Fin. Review Team*, 296 Mich App 568, 821 N.W.2d 896 (2012) for a full analysis on how advisory boards are not “decision” making bodies.

Authorizing the NAC to enter into legally binding agreements on behalf of the City would create a vast number of policy concerns susceptible to legal scrutiny. Please read the following excerpt from a 2014 memorandum that Corporation Counsel (Melvin Butch Hollowell) provided to the Planning and Economic Development Committee regarding Community Benefits Agreements:

There has been extensive litigation surrounding CBAs, (e.g., presently in New York City and Sacramento) including lawsuits by negotiations with the developer, with one of the legal theories being that ***one representative of the community cannot bind another***, or is in some way not truly representative of the community, lawsuits by the developers for illegal extractions and against developers for breach, and against the municipality as a named defendant in almost every instance.

Other litigation pivots on accountability. Complaints have been filed in state and federal court regarding conflict of interest, e.g., - how is the Host Community defined and selected (neighborhoods often have multiple census tracts); is there an election, and what are the rules; ***what is the accountability of the Host Communities to the voters of the whole district and the whole city; what is the liability of the city if the Host Community negotiates a provision for the CBA which violates the charter, ordinance, or state or federal law.***



Further, to be valid, the CBA must be able to satisfy the ‘consideration’ element required for all legally enforceable contracts. This becomes a significant legal hurdle as *it is the city, not the Host Community that provides the promise*. A host community or member thereof has been held to have no standing unless expressly granted that right by statute or legislation. *Branch v. Riverside Park*, NY 2010); *Alicea v NYC* (1988).

Then there is also the question of who drafts the legal documents for the Host Community which the City is bound to enforce? How are they compensated? If they are sued for malpractice or breach, is the city bound to provide and pay for malpractice or breach, is the city bound to provide and pay for the costs legal fees? Again, we assume a Plaintiff’s lawyer will name the Host Community and the City as well. Is the city contemplating extending government immunity to the Host Community? Who pays the cost of litigation when a Host Community member is individually sued for a CBA provision negotiated when said provision is contained in a city development agreement?

Requiring a developer to provide unrelated benefits in exchange for Host Community Approval was ruled illegal by the U.S Supreme Court in Nollan v. California Coastal Commission, 483 U.S. 825 (1987)

(Emphasis added.)

Third, the Community Benefits Provision is already legally binding because it is incorporated into the Development Agreement. See Section 14-12-3(e)(1). The CBP is defined as “the agreement made by and between the Planning Director and the Developer which specifically addresses the issues raised by the NAC.” See Section 14-13-2. The Planning Director is charged with addressing the NAC’s concerns in the CBP. City Council, as the deliberative body authorized to approve development agreements on behalf the City, has the discretion to decide whether the CBP is sufficient or if negotiations should continue. Additionally, Section 14-13-3(c)(2) states that “City Council by a 2/3 vote of members present...may facilitate additional meetings which the Developer, or the Developer’s designee, shall participate in as directed.” Therefore, under the current law, City Council may facilitate as many meetings as necessary to ensure that tangible community benefits are negotiated.

Lastly, the current CBO already includes enforcement mechanisms to uphold the terms of the Community Benefits Report. So, in addition to being impermissible for reasons previously stated, contractual agreements between NACs and Developers are not necessary for enforcement purposes.

Line Item 6. Sec. 14-12-3. Tier 1 Projects. (a)(1) Prior to submitting to City Council a request for approval of Land transfers or Tax abatements related to a Tier 1 Project, the Planning Director shall hold at least one public meeting in the Impact Area as defined in this Section.



Proposed Amendments:

- “Section 14-12-3(a)(1) be revised to state that the number of required community meetings be changed to ‘no fewer than five (5), unless a majority of the NAC deems otherwise.’” (LPD)
- “Section 14-12-3(a)(1) be revised to state that the number of required community meetings be changed to ‘no fewer than five (5), unless a majority of the NAC deems otherwise.’” (Sheffield)
- “The NAC should have ‘no fewer than six (6) community meetings, unless a majority of the NAC deems otherwise.’” (Jones)

Action: The work group has recommended that “Section 14-12-3(a)(1) be revised to state that the number of required community meetings be changed to ‘no fewer than five (5), unless a majority of the NAC deems otherwise.’”

Opinion: The Law Department has no opinion as to the substance of the proposed amendments, as it is a policy decision. However, the proposed amendments appear to intermingle different provisions of the CBO, particularly Section 14-12-3(a)(1) and Section 14-12-3(c)(1).

Section 14-12-3(a)(1) does not require that the NAC participate, or be appointed, prior to the Community Engagement meeting. Therefore, the language “unless a majority of the NAC deems otherwise” is not a valid amendment unless the CBO is also amended to require: 1) that the NAC be appointed prior to the Community Engagement Meeting, and 2) that the NAC facilitates the Community Engagement meeting, instead of the Planning Director.

Increasing the number of Community Engagement Meetings under 14-12-3(a)(1) does not have legal implications, as the number of required meetings is a policy decision. If the number of required meetings is increased, Law’s recommendation would be to: 1) determine the various costs and staff time associated with providing notice to residents of the Impact Area prior to each public meeting, 2) evaluate the feasibility of administering an increased number of Community Engagement Meetings, and 3) consider the probable impact that increased community meetings would have on development activity if there are lengthy delays in scheduling meetings.

Line Item 7. Sec. 14-12-3(a)(4) - Engagement with Developer. At the public meeting, the Planning Director will present general information about the Tier 1 Project, discuss ways in which the Tier 1 Project is anticipated to impact the local community, and ways in which the Developer and the Planning Director plan to address or mitigate these impacts.

Proposed Amendment:

- “In Section 14-12-3(a)(4), strike and replace with, “At the initial public meeting (Meeting #1), the Planning Director will present in detail on the CBO process, how the NAC fits within that broader process, the responsibilities of the NAC and the proposed timeline for the NAC meetings. The Planning Department shall discuss previous NACs and share outcomes and best practices learned from them. The meeting/workshop, shall allow for the community to ask questions and learn about the upcoming CBO process. The Developer shall not be present at this first meeting.” (Castaneda-Lopez)



Action: The work group has recommended amending Section 14-12-3(a)(4) to add language, “At the initial public meeting (Meeting #1), the Planning Director will present in detail on the CBO process, how the NAC fits within that broader process, the responsibilities of the NAC and the proposed timeline for the NAC meetings. The Planning Department shall discuss previous NACs and share outcomes and best practices learned from them. The meeting/workshop, shall allow for the community to ask questions and learn about the upcoming CBO process. The Developer shall not be present at this first meeting.”

Opinion: The Law Department advises against excluding participants from the community engagement process because it is a public meeting. Section 14-12-3(a)(2) requires the City Clerk to mail notice “to all City of Detroit residents within three hundred radial feet of the Tier 1 Project.” Additionally, Section 14-12-3(a)(3) requires the Planning Director to work with City Council to “ensure that local residents, businesses, and organizations...and those expected to be directly impacted by the Tier 1 project are informed of the public meeting.” Therefore, the spirit of the Community Engagement Meeting is to include anyone impacted by the project, which may include the Developer. In some instances the Developer, or an agent of the Developer, may reside in the Impact Area and would be required to receive public notice.

Secondly, the NAC should propose the timeline for NAC meetings, not the Planning Director. At the time of the initial public meeting, the NAC may not be nominated or formed. The Law Department advises that the Planning Director solicit nominations to the NAC during the Community Engagement Meeting(s).

Lastly, the proposed amendment assumes that there will be additional public meetings under Section 14-12-3(a) for any given Tier 1 project. Currently the CBO only requires “at least one” public meeting.

Law Proposed Amendments:

- At the initial public meeting, the Planning Director will present the CBO process in detail and how the NAC fits within that broader process. The meeting shall allow for the community to ask questions and learn about the upcoming CBO process.
- At the initial public meeting or any subsequent public meeting, but prior to accepting nominations for NAC Members, the Planning Department shall discuss the responsibilities of the NAC, as well as previous outcomes and best practices learned from NACs.

Line Item 8. Sec. 14-12-3(c)(1) - Engagement with Developer. (1) In addition to the meeting required in Subsection (a)(1) of this section, the Planning Director shall facilitate at least one meeting between the NAC and the Developer to allow the NAC to learn more details about the project and to provide an opportunity for the NAC to make Developer aware of concerns raised by the NAC. (2) City Council by a 2/3 vote of members present or the Planning Director may facilitate additional meetings which the Developer, or the Developer’s designee, shall participate in as directed. (3) As part of community engagement the developer, or their designee, shall be required to meet as directed.



Proposed Amendments:

- Section 14-12-3(c) be revised to read as follows: “At the first meeting of the NAC, the developer shall provide an overview of the community engagement process, and the details of the proposed development. At the second meeting of the NAC, any proposed NAC Member(s) nominated by residents shall be permitted to present their ideas and suggestions regarding the community engagement process and the proposed development, before the members of the NAC are elected.” (LPD)
- Section 14-12-3(c) be revised to read as follows: “At the first meeting of the NAC, the developer shall provide an overview of the community engagement process, and the details of the proposed development. At the second meeting of the NAC, any proposed NAC Member(s) nominated by residents shall be permitted to present their ideas and suggestions regarding the community engagement process and the proposed development, before the members of the NAC are elected.” (Sheffield)
- “During the first meeting those that are interested in being NAC members should be identified and during the second meeting, those interested in being NAC members must come formally prepared to state their interest in the NAC.

3(a) Residents who have competing affiliations or interests that may result in the perception or the reality of an increased risk of bias or poor judgment in upholding the NAC Member responsibility to prioritize the interests of community residents over the interests of city officials and developers, should be restricted from serving on the NAC. This may include current or past employment affiliated with the developer or the city. Residents who have affiliations with entities that create competing responsibilities or threaten to jeopardize the NAC Member responsibility to prioritize the interest of community residents over the interest of city officials and developers, should also be restricted from serving on the NAC.” (Jones)

Action: Per LPD, “the work group has recommended to not move forward with this proposed amendment because it is addressed by line item 6 to Section 14-12-3(a)(1).”

Line Item 9. Sec. 14-12-3(b)(1) - The Planning Director will accept nominations to the NAC from any person that resides in the Impact Area.

Proposed Amendments: None. The spreadsheet has strikethrough language.

Line Item 10. Sec. 14-12-3(b)(3) - The NAC shall consist of nine members, selected as follows: (a) Two Members selected by residents of the Impact Area chosen from the resident nominated candidates; (b) Four Members selected by the Planning Director from the resident nominated candidates, with preference given to individuals the Planning Director expects to be directly impacted by the Tier 1 Project; (c) One Member selected by the Council Member in whose district contains the largest portion of the Impact Area from the resident nominated candidates; and (d) One Member selected by the At-Large Council Members from the resident nominated candidates.



Proposed Amendments:

- “2(a) The NAC should be appointed by their community within their census track and not by the city.” (Jones)
- “2(a) The NAC should be appointed by their community within their census track and not by the city.” (Castaneda-Lopez)
- “That three members should be selected by the respective Council members, i.e., two At-Large, one by the district Council member; three by the host community; three by the administration, via the Planning and Development Department.” (Tate)

Action: Per LPD, “the work group has recommended to adopt the Tate amendment that the NAC be selected by the Community, Council and the administration proportionately.”

Opinion: Amending how the NAC is selected is more a matter of public policy with no apparent legal implications. All three of the proposed amendments reduce the Planning Director’s role in the selection process. The amendments proposed by President Jones and CM Castaneda-Lopez eliminate the City Council and Planning Director from selecting NAC Members. The amendment proposed by CM Tate increases the number of selections by the residents of the Impact Area from two to three, and reduces the Planning Director’s selection by one.

If adopted, the proposed amendments should use language consistent with the current provisions in the CBO. The language “three by the host community” should be replaced with “three by residents of the Impact Area.” And the language “within their census track” should be replaced with “within the Impact Area.”

Line Item 10.5. No current language to be amended. Proposes to add a new provision.
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Proposed Amendment:

- “Should Council have the flexibility to select NAC Members from outside of the list of nominees?” (Jones)

Action: Per LPD, the work group recommends to adopt an amendment from CM Benson “to allow the administration in addition to Council to select NAC members from outside of the list of nominees by a vote of 7-2.”

Opinion: NAC Members are selected from a list of nominees within the Impact Area. However, Section 14-12-3(b)(4) states that “if the Planning Director receives less than nine nominations, the Planning Director may seek out additional nominations from individuals that live outside the Impact Area but within the City Council district or districts where the Tier 1 Project is located.” If the intent is to allow the City Council Member whose district contains most of the project to also select a NAC Member from outside of the Impact Area, then that is a policy decision that does not have any direct legal implications. However, it is advisable to be specific and identify how selections may be made outside of the Impact Area even if nine or more nominations are received. It also advisable to be specific and identify the priority for selecting nominees outside of the Impact Area, in the event only one selection is available.



Line Item 11. No current language to be amended. Proposes to add a new provision.

Proposed Amendment:

- “There should be one alternate selected by the community. The person with the third highest votes from the community should be listed as the alternate person. This person must agree to be present at all meetings and will be notified by the Planning Department when they are needed to formally replace a NAC member.” (Jones)

Action: The work group recommends adopting this proposed amendment.

Opinion: Adding an alternate NAC Member is a matter of public policy and does not have any direct legal implications. Section 14-12-3(b)(3)(a) states that two Members of the NAC shall be selected by residents of the Impact Area. Therefore, a third resident may be selected as an alternate. However, the language “with the third highest votes from the community” should be amended to language consistent with the language in the CBO, “from the Impact Area.”

The proposed amendment says an alternate “should” be selected, indicating some discretion by the residents of the Impact Area not to select an alternate.

If adopted, the proposed amendment should be less restrictive to allow a person “with the next highest votes who is able and willing to serve,” to serve as the alternate, in the event that the third highest vote getter is not available.

Finally, if adopted, the proposed amendment to “formally replace a NAC Member” should specify whether the alternate replaces a NAC Member on a permanent basis, or on a case-by-case basis, at the discretion of the NAC.

Law Proposed Amendment: The residents of the Impact Area may select a third person from the resident nominated candidates to serve as an alternate NAC Member. The alternate should be the person with the next highest votes who is able and willing to serve. The alternate must agree to be present at all NAC meetings and will be notified by the Planning Director when he or she is needed to replace a NAC Member.

Line Item 12. Sec. 14-12-3(c)(1) - In addition to the meeting required in Subsection (a)(1) of this section, the Planning Director shall facilitate at least one meeting between the NAC and the Developer to allow the NAC to learn more details about the project and to provide an opportunity for the NAC to make Developer aware of concerns raised by the NAC.

Proposed Amendment:

- Add the following at the end of Section 14-12-3(c)(1): “The Developer must present to the members of the NAC, at a minimum, how the proposed project will utilize green infrastructure, create jobs for Detroiters, detail which tax incentives they are seeking with specific amounts, and to what extent the project will feature subsidized/discounted/affordable housing and/or commercial space.” (Castaneda-Lopez)



Action: Per LPD, the work group recommended to adopt the following by a 6-3 vote: “The Developer and the relevant city departments must present to the members of the NAC, at a minimum, how the proposed project may utilize green infrastructure, create jobs for Detroiters, detail which tax incentives they are seeking with specific amounts, and to what extent the project will feature subsidized/discounted/affordable housing and/or commercial space. These recommendations may include but are not limited to noise, traffic, dust mitigation.”

Opinion: To the extent that the proposed amendment would require the Developer to provide additional information to the NAC, and not necessarily to commit to any substantive community benefits, then the proposed amendment is a matter of policy and does not have any direct legal implications. The proposed amendment should not, however, be construed as requiring the Developer to provide any specific community benefits without some guarantee of some nexus and rough proportionality between such community benefits and the impacts of the Tier 1 project on the community.

Line Item 13. Sec. 14-12-3(b)(2) - All residents over the age of 18 that reside in the Impact Area are eligible for nomination.

Proposed Amendment:

- “In Section 14-12-3(b)(2), which pertains to eligibility for serving on the NAC, strike ‘18’ and replace with ‘16.’” (Castaneda-Lopez)

Action: The work group has recommended not to move forward with this proposed amendment.

Line Item 14. Sec. 14-12-3(b)(2) - All residents over the age of 18 that reside in the Impact Area are eligible for nomination.

Proposed Amendment:

- “In Section 14-12-3(b)(2), add ‘Any person who stands to receive a pecuniary benefit from the development or is otherwise employed by the Developer is ineligible to serve on the NAC.’” (Castaneda-Lopez)

Action: Per LPD, the work group has recommended to approve the following by a 9-0 vote, “any person who is an agent, employee, or official of the developer must disclose their relationship prior to selection to the NAC.”

Opinion: Requiring NAC nominees to disclose any relationship to the Developer is a policy decision. However, it is advisable to clarify whether being an agent, employee or official of the Developer automatically disqualifies a nominee from being selected.

Second, a NAC Member is a City appointee and would be subject to the City’s ethical standards absent amendments to the CBO. Section 2-106.1 through 2-106.5 of the 2012 Detroit City Charter applies Ethical Standards of Conduct to all “Public Servants including the Mayor, City Council Members, City Clerk, appointive officers, appointees, employees and contractors.” Law



recommends providing each NAC Member with a copy of the City's Ethical Standards of Conduct when selected and/or during the nomination process.

Line Item 15. Sec. 14-12-3(b)(4) - If the Planning Director receives less than nine nominations, the Planning Director may seek out additional nominations from individuals that live outside the Impact Area but within the City Council district or districts where the Tier 1 Project is located.

Proposed Amendment:

- “That Sec. 14-12-3 Neighborhood Advisory Council (4) be amended so that if the NAC receives less than nine nominations, the City Council Member of the Impact Area may seek out individuals that live outside the Impact Area but within the City Council District or Districts where the Tier 1 Project is located.” (McCalister)

Action: The work group has recommended to adopt the proposed amendment by a vote of 9-0.

Opinion: This proposed amendment clarifies Line Item 10 by stating that less than 9 nominations have to be received for City Council to select an individual outside of the Impact Area. Amending how the NAC is selected is a policy decision, however the Law Department advises against the proposed amendment, because currently, the CBO designates the Planning Director to accept nominations from any person that resides in the Impact Area. The proposed amendment shifts responsibility from the Planning Director to seek additional nominations to “the Council Member of the Impact Area,” but more than one City Council Member may represent the Impact Area. If adopted, the language should be consistent with Section 14-12-3(b)(3)(c), which states that the Council Member “whose district contains the largest portion of the Impact Area” may select a NAC Member. The proposed amendment also does not consider at-large Council Members, who may each select one NAC Member from the Impact Area.

Law Proposed Amendment: If the Planning Director receives less than nine nominations, the Planning Director may seek out additional nominations from individuals that live outside the Impact Area but within the City Council district or districts where the Tier 1 Project is located, in coordination with Council Members who represent any portion of the Impact Area.

Line Item 16: Sec. 14-12-3(b)(5) - All actions of the NAC may be taken with the consent of a majority of NAC members serving.

Proposed Amendments:

- “That language be added to subsection 14-12-3(b)(5) stating: ‘Attendance at all NAC meetings by all elected and appointed NAC Members shall be mandatory. If a Member fails to attend an NAC meeting, an alternative may be appointed by the NAC as a permanent replacement member.’” (LPD)
- “That language be added to subsection 14-12-3(b)(5) stating: ‘Attendance at all NAC meetings by all elected and appointed NAC Members shall be mandatory. If a member fails to attend an NAC meeting, an alternative may be appointed by the NAC as a permanent replacement member.’” (Sheffield)



- “That Section 14-12-3(b)(5) be revised to state that ‘elected and appointed NAC members must attend at least 75% of the scheduled meetings.’” (McCalister)
- “It is recommended that a NAC member not be absent for more than ‘one’ meeting. Additional absences could disqualify one from further being a NAC member.” (Jones)

Action: The work group has recommended the following amendment, "Attendance at all NAC meetings by all elected and appointed NAC members shall be mandatory, unless advance notice is provided. More than one (1) absence could disqualify one from further being a NAC member. If a member fails to attend an NAC meeting, an alternate may be appointed by the NAC as a permanent replacement member, at the discretion of the NAC."

Opinion: The proposed amendments to adopt attendance requirements are a matter of public policy and do not have any direct legal implications.

The CBO does not currently regulate selecting an alternate. The proposed amendments by LPD, President Pro Tem Sheffield, and President Jones conflict with Line Item 11, which proposes that the alternate be the third highest vote getter from the nominated residents of the Impact Area and notified by the Planning Director. This line item appoints an alternate at the discretion of the NAC.

The terms “appointed” and “elected” do not correspond with the current language of the CBO. Section 14-12-3(b). The term “selected” should be used for consistency, unless the CBO is amended to require that NAC Members are elected. The only reference to the term “appoint” in the CBO is in 14-12-3(a)(5) and states that City Council shall appoint a liaison from the Legislative Policy Division to monitor the Community Engagement process and provide updates to the City Council.

Law Proposed Amendment: NAC Members shall attend all NAC meetings, unless advance notice is provided. If a NAC Member fails to attend more than one (1) meeting, an alternate may be appointed as a permanent replacement, at the discretion of the NAC."

Line Item 17. Sec. 14-12-3(c)(2) - City Council by a 2/3 vote of members present or the Planning Director may facilitate additional meetings which the Developer, or the Developer’s designee, shall participate in as directed.

Proposed Amendment:

- “That all essential documents to be provided and/or emailed to the NAC Members, District and At-Large City Council members within 48 hrs. of the NAC selection. This will provide the NAC greater transparency with adequate time for review. (Example of Relevant Documents: Detroit Community Benefits Ordinance, development agreements between the city and developer, details of project financing/ project proforma, developer's RFP response, all renderings related to the project, But/For Economic Analysis conducted by DEGC, all environmental studies, documents related to brownfield funding, etc.)” (Jones)



Action: The work group has recommended that the following amendment be adopted, “The City and the DEGC shall provide all essential documents to the NAC Members, District and At-Large City Council members within 72 hrs. of the NAC selection including but not limited to the Detroit Community Benefits Ordinance, development agreements between the city and developer, projected revenue, developer’s RFP response, all renderings related to the project, But/For Economic Analysis conducted by DEGC, all environmental studies, documents related to brownfield funding, etc.”

Opinion: This proposed amendment would require certain document disclosures within 72 hours of a NAC being selected, which is a matter of public policy that does not have any direct legal implications to the extent that the documentation is available and rationally related to the development project. It is not advisable to use “the City shall provide” because the function of the NAC and City Council is to act on behalf of the City. The Planning Director administers most of responsibility under the CBO, therefore the language should specify who bears particular responsibilities (Planning Director, DEGC, etc...), while understanding that some documentation may come from the Planning Director and other documentation may come from DEGC.

Law Proposed Amendment: Within 72 hours of the NAC being selected, the Planning Director and Detroit Economic Growth Corporation shall provide...

Line Item 18. No current language to be amended. Proposes to add a new provision.

Proposed Amendments:

- That a new section be added, 14-12-3(7) that should read: “If the proposed development includes residential housing, then at least 20% of the units for a single site shall be designated as affordable housing, defined as affordable by those earning at least 80% of Area Median Income.” (LPD)
- That a new section be added, 14-12-3(7) that should read: “If the proposed development includes residential housing, then at least 20% of the units for a single site shall be designated as affordable housing, defined as affordable by those earning at least 80% of Area Median Income.” (Sheffield)
- “Support Council President Pro Tem Sheffield’s proposed amendment to add a Section 14-12-3(7) which ends with ‘defined as affordable by those earning at least 80% of Area Median Income’ and offer a friendly amendment to replace ‘at least’ with ‘no more than.’” (Castaneda-Lopez)

Action: Per LPD, “this item was pinned for a legal opinion on the Sheffield recommendation. A friendly amendment was accepted by Sheffield’s staff from RCL’s staff that language be added to the end of this section which reads: ‘...for the period of the abatement.’”

Opinion: The proposed amendments are improper for multiple reasons. First, as noted previously, the NAC maintains an advisory role to City Council by engaging with the Developer and participating in the enforcement process. Nothing grants the NAC the authority to act upon any



recommendations to effectuate or formulate public policy. Only City Council can approve Development Agreements on behalf of the City of Detroit.

Second, the City is prohibited by state law from imposing rent control. Public Act 226 of 1988 limits the powers of the City to control the amount of rent charged for leasing private residential property. Public Act 585 of 2018, effective on March 28, 2019, specifies that the City may implement “*voluntary incentives*” to increase the supply of moderate- or low-cost private residential property available for lease. As such, the proposed language “shall be designated as affordable housing” is not advised. Under PA 585, the City would have to create a plan or program that incentivizes voluntary participation, and not tie-bar affordable housing to the CBO process. Arguably, the CBO would not qualify as a voluntary incentive because the developer has no ability to opt out of the process if the project qualifies as Tier 1. See Section 14-12-3(c)(3), “[a]s part of community engagement the developer, or their designee, *shall be required* to meet as directed.” The CBO complies with state law by stating in Section 14-12-3(e)(3) that “the Developer may *voluntarily* enter into any contract or agreement related to the Tier 1 Project that does not pose a conflict of interest with the City.”

Third, the proposed amendments do not differentiate between residential housing and leased residential housing. PA 585 and the City’s Inclusionary Housing Ordinance (Detroit Municipal Code Section 14-2-1 et. seq.) only apply to housing units for lease. A requirement that the City Developers designate affordable housing for sale to people earning less than 80% Area Median Income would be constitutionally suspect.

Line Item 19. No current language to be amended. Proposes to add a new provision.

Proposed Amendments:

- That a new section be added, 14-12-3(c)(5) that should read: “The Planning and Development Department shall create and maintain a page on the City’s web site detailing the specifics of the development, along with a projected timeline, for each development project subject to this article. The webpage shall also contain the contact information for the PDD project manager and general contact information for the developer.” (LPD)
- That a new section be added, 14-12-3(c)(5) that should read: “The Planning and Development Department shall create and maintain a page on the City’s web site detailing the specifics of the development, along with a projected timeline, for each development project subject to this article. The webpage shall also contain the contact information for the PDD project manager and general contact information for the developer.” (Sheffield)

Action: Per LPD, “the work group has recommended not to move forward with the proposed amendments because Planning and Development already maintains a page for each development.”

Line Item 20. 14-12-3(a)(2) - The City Clerk shall forward notice of the public meeting via First Class Mail no less than 10 days before such meeting to all City of Detroit residents within three hundred radial feet of the Tier 1 Project.



Proposed Amendment:

- "The City Clerk shall forward notice of the public meeting via First Class Mail no less than 10 days before such meeting to all City of Detroit residents within three hundred radial feet of the Tier 1 Project Impact Area." (Jones)

Action: The work group has recommended to adopt the proposed amendment.

Opinion: Amending notice requirements of the public meeting is a policy decision and does not have any direct legal implications. Section 14-12-2 of the CBO defines the Impact Area as "an area determined by the Planning Director that includes all census tracts or census block groups in which the Tier 1 Project is located, and any other areas as determined by the Planning Director." The proposed amendment allows greater flexibility for public notice requirements because the Planning Director has discretion to determine the size of the Impact Area. Currently, the CBO requires that public notice be mailed to Detroit residents within 300 hundred radial feet of the project.

Line Item 21. Not applicable. Per LPD, this line item has been withdrawn.

Line Item 22. Sec. 14-12-3(d)(2) The Community Benefits Report shall contain: (a) A detailed account of how notice was provided to organize the public meeting. (b) A list of the NAC members, and how they were selected. (c) An itemized list of the concerns raised by the NAC. (d) A method for addressing each of the concerns raised by the NAC, or why a particular concern will not be addressed.

Proposed Amendment:

- Per LPD, this line item has been withdrawn and "it has been recommended that a 'best practices manual' be created and this language be incorporated into the manual."

Line Item 23. Sec. 14-14-3(e)(1) - All development agreements made between the Developer and the City related to the land transfers or tax abatements associated with a Tier 1 Project shall include the Community Benefits Provision, which shall include:

Proposed Amendment: The work group has recommended not to move forward with this proposed amendment.

Line Item 24. Sec. 14-12-3(e)(1)(a) Enforcement mechanisms for failure to adhere to Community Benefits Provision, that may include but are not limited to, clawback of City-provided benefits, revocation of land transfers or land sales, debarment provisions and proportionate penalties and fees; and

Proposed Amendment:

- That section 14-12-3(e)(1)(a) be amended to state "shall" instead of "may." (Spivey)

Action: The work group has recommended to adopt the proposed amendment.



Opinion: The proposed amendment creates a stricter requirement that enforcement mechanisms for failure to adhere to the Community Benefits Provision be mandatory. The CBO currently lists the mechanisms that “may” be used to enforce, which is a policy decision. However, there may be legal implications if the proposed language is interpreted that each of the listed enforcement mechanisms be imposed for every violation of the CBP. It is advisable to require that at least one enforcement mechanism be imposed when the CBP is violated.

Law Proposed Amendment: Enforcement mechanisms for failure to adhere to Community Benefits Provision shall include, but not limited to, one or more of the following: clawback of City-provided benefits, revocation of land transfers or land sales, debarment provisions and proportionate penalties and fees; and

Line Item 25. No current language to be amended. Proposes to add a new provision.

Proposed Amendment:

- Section 14-12-3(c) be revised to read as follows: “At the first meeting of the NAC, the developer shall provide an overview of the community engagement process, and the details of the proposed development. At the second meeting of the NAC, any proposed NAC member(s) nominated by residents shall be permitted to present their ideas and suggestions regarding the community engagement process and the proposed development, before the members of the NAC are elected.” (Sheffield)

Action: Per LPD, “The language recommended by Sheffield is being merged with the language on line item 8. If made available, this language should also be added to the best practices procedures.”

Line Item 26. No current language to be amended. Proposes to add a new provision.

Proposed Amendment:

- In Section 14-12-3(c) add a subsection (5) containing the following, “The City and the DEGC shall provide the NAC with all relevant information pertaining to any public subsidies being sought by the Developer including but not limited to the specific abatements, dollar amounts and duration of the subsidy, as well as the proposed abatement district maps.” (Castaneda-Lopez)

Action: The work group recommended that this language be added to the best practices procedures manual.

Line Item 27. Sec. 14-12-3(d)(2) The Community Benefits Report shall contain: (a) A detailed account of how notice was provided to organize the public meeting. (b) A list of the NAC members, and how they were selected. (c) An itemized list of the concerns raised by the NAC. (d) A method for addressing each of the concerns raised by the NAC, or why a particular concern will not be addressed.



Proposed Amendment:

- “Add a new subsection (e), ‘A detailing of community outreach strategies used to solicit and record feedback.’” (Castaneda-Lopez)

Action: The work group has recommended to adopt the proposed amendment.

Opinion: Requiring the Community Benefits Report to include a detailing of community outreach strategies used to solicit and record feedback is a policy decision that does not have any direct legal implications.

Line Item 28. Sec. 14-12-3(d)(3) The Planning Director, where possible, shall provide a copy of the Community Benefits Report to the NAC prior to submission to City Council.

Proposed Amendment:

- Upon receiving the proposal for community benefits from the developer, "The NAC will have no less than one week to review the Community Benefits Agreement before being asked by the City to vote or sign a letter in support of the proposed benefits." (Castaneda-Lopez)

Action: Per LPD, “the work group recommended to adopt the proposed amendment with a ‘one week’ review time with a 6-3 vote.”

Opinion: Section 14-12-3(d) regulates the Community Benefits Report that the Planning Director is required to submit to City Council. The proposed amendment seems to impose two new requirements, 1) that the NAC have at least one week to review the CBR, and 2) that the NAC will vote or sign a letter in support of the CBR. Requiring that the NAC have a week to review the CBO is a policy decision and does not have any direct legal implications. However the language “before being asked by the City to vote or sign a letter” is not advisable because the CBO does not require any deliberative action by the NAC. The proposed amendment also assumes that the City will “ask” the NAC to vote or sign a letter, which is also not a requirement. Rather, Section 14-13-3(d)(4) of the CBO requires the Planning Director to “ensure an expeditious community engagement process...” and “work with City Council to assure that...all of the approvals required of City Council may be considered simultaneously and subject to one approval vote.” Section 14-13-3(d)(5). If adopted, it is advisable to evaluate the feasibility of imposing deliberative action by the NAC and consider the probable impact that it may have on development activity.

Line Item 29. Sec. 14-12-3(f)(1)(a)(iv) A representative from the Human Rights Department.

Proposed Amendment:

- Strike "Human Rights Department" and insert "Department of Civil Rights, Inclusion and Opportunity." (Benson)

Action: The work group has recommended to adopt this recommendation.



Opinion: The amendment proposed by CM Benson is a matter of policy and does not have any direct legal implications.

Line Item 30. Sec. 14-12(f)(9)(b)(ii) - If City Council finds that the Enforcement Committee has not made reasonable efforts, City Council shall make specific finding to the Enforcement Committee on the steps that need to be taken to comply with the Community Benefits Provision. (i) The Enforcement Committee shall provide City Council and the NAC monthly updates on compliance actions until City Council adopts a resolution declaring that the Developer is in compliance with the Community Benefits Provision or has taken adequate steps to mitigate violations. (ii) City Council may hold additional hearings related to enforcement of the Community Benefits Provision as needed.

Proposed Amendment:

- Add, “if the Council determines that the Developer is in noncompliance with the Community Benefits Provision it may suspend all forms of public investment to the Developer by a simple majority of Council after receiving at least three monthly updates from the Enforcement Committee as outlined in 14-12-3(f)(9)(b)(i).” (Castaneda-Lopez)

Action: Per LPD, “the work group has recommended to withdraw the proposed amendment, considering that there are already claw-back provisions.”

Line Item 31. Sec. 14-12-5 - The requirements of this ordinance may be waived by resolution of the City Council upon submission by either the Planning Director or the Developer identifying reasons that the requirements of this ordinance are impractical or infeasible and identifying how the Developer will otherwise provide community benefits.

Proposed Amendment:

- That Sec. 14-12-5 Exemptions; Section 1 be stricken. (McCalister)

Action: The work group has recommended not to move forward with this proposed amendment.

Line Item 32.

Tier 2 Development Project means a development project in the City that does not qualify as a Tier 1 Project and is expected to incur the investment of Three Million Dollars (\$3,000,000) or more, during the construction of facilities, or to begin or expand operations or renovate structures, where the Developer is negotiating public support for investment in one or both of the following forms:

- (1) Land transfers that have a cumulative market value of Three Hundred Thousand Dollars (\$300,000) or more (as determined by the City Assessor or independent appraisal), without open bidding and priced below market rates; or



(2) Tax abatements that abate more than Three Hundred Thousand Dollars (\$300,000) of City taxes over the term of the abatement that inure directly to the Developer, but not including Neighborhood Enterprise Zone tax abatements.

Proposed Amendments:

- “That language be added creating a subsection (3) which would require all proceeds from Tier 2 property sales be allocated to the Neighborhood Investment Fund.” (Spivey)

Action: Per LPD, “the work group has recommended to adopt the proposed amendment with the request that the 80% remaining from Tier 2 property sales be evenly divided among the Neighborhood Improvement Fund and the Skilled Trades Fund was approved in a 5-4 vote.”

Opinion: The Law Department advises against this proposed amendment. Substantive regulations must not be included in definitional statutory language.



CITY OF DETROIT
HOUSING AND REVITALIZATION DEPARTMENT

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February 13, 2019

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

RE: Amended Resolution Correcting the dates on an Obsolete Rehabilitation Exemption Certificate, on Behalf of Temple Group Holdings, LLC at 640, 650, 660, 674 Temple Street, Detroit, MI, in Accordance with Public Act 146 of 2000. (Related to Petition # 1789)

Honorable City Council:

On **October 25, 2018**, a public hearing in connection with approving an Obsolete Rehabilitation Exemption Certificate for the above-captioned property was held before your Honorable Body. All interested persons and organizations were given an opportunity to be heard. No impediments to the approval of this certificate were presented during the hearing. On October 30, 2018, your Honorable Body voted to approve the certificate application for twelve years.

The original resolution contained a typo regarding the date by which rehabilitation shall be completed. Initially the resolution states that the rehabilitation shall be completed by September 2, 2020; later the resolution lists an incorrect date of January 1, 2020 for the completion of the rehabilitation. The amended resolution simply provides the correct date in both locations within the resolution.

Respectfully submitted,

Donald Rencher
Director

DR/vf

cc: S. Washington, Mayor's Office
M. Cox, PDD
D. Rencher, HRD
V. Farley, HRD



By Council Member _____

WHEREAS, Temple Group Holdings, LLC has filed with the City Clerk an Application for an Obsolete Property Rehabilitation Exemption Certificate, under Public Act 146 of 2000 (“the Act”) in City of Detroit Obsolete Property Rehabilitation District in the manner and form prescribed by the Michigan State Tax Commission; and

WHEREAS, This City Council is a Qualified Local Governmental Unit as defined by the Act; and

WHEREAS, this City Council on **February 13, 2018** established by Resolution an Obsolete Property Rehabilitation District in the vicinity of **640, 650 660, and 674 Temple Street,** Detroit, Michigan, after a Public Hearing held, in accordance with the Act; and

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under the Act and under Public Act 146 of 2000 does not exceed 5% of the total taxable value of property in the City of Detroit; and

WHEREAS, the Applicant is not delinquent in any taxes related to the facility; and

WHEREAS, the Application is for obsolete property as that term is defined in Section 2(h) of the Act, which property is owned by the Applicant; and

WHEREAS, commencement of the rehabilitation of the subject facility did not occur before the establishment of the Obsolete Property Rehabilitation District; and

WHEREAS, the Application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of the Act and which is situated within the aforesaid City of Detroit Obsolete Property Rehabilitation District and

WHEREAS, completion of the rehabilitation is calculated to, and will at the time the Certificate is issued, have the reasonable likelihood of increasing and/or retaining employment, increasing commercial activity, revitalizing an urban area, or increasing the number of residents in the community in which the facility is located; and

WHEREAS, the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at the commencement of the rehabilitation as provided by Section 2 (l) of the Act; and

WHEREAS, this City Council has granted until of **September 1, 2020** for the completion of the rehabilitation; and



WHEREAS, on **October 25, 2018** in the City Council Committee Room, 13th Floor, Coleman A. Young Municipal Center, Detroit, Michigan, a formal public hearing was held on aforesaid application, at which time the Applicant, the Assessor, the general public, and representatives of the affected taxing units had an opportunity to be heard; and

WHEREAS, notice was given by certified mail to the Detroit Board of Education, the City of Detroit Board of Assessors, the Wayne County Board of Commissioners, Wayne County Community College, the Wayne County Intermediate School District, the Huron-Clinton Metropolitan Authority, the Applicant, and by publication to the general public, informing them of the receipt of the Application, the date and location of the Public Hearing, and the opportunity to be heard;

NOW THEREFORE BE IT

RESOLVED, That it is hereby found and determined that the granting of an Obsolete Property Rehabilitation Exemption Certificate, considered together with the taxable value of Obsolete Property Rehabilitation Exemption Certificates and Industrial Facilities Exemption Certificates if previously granted and currently in force, will not have the effect of substantially impeding the operation of the local governmental unit or impairing the financial soundness of any other taxing unit which levies an ad valorem property tax with the City of Detroit; and be it further

RESOLVED, That it is hereby found and determined that the Applicant has complied with the requirements of the Act; and be it further

RESOLVED, That the application of **Temple Group Holdings, LLC** for an Obsolete Property Rehabilitation Exemption Certificate, in the City of Detroit Obsolete Property Rehabilitation District is hereby approved for a period of **Twelve (12)**, with the certificate beginning **December 31, 2018** and the certificate expiring **December 31, 2030**, in accordance with the provisions of the Act; and be it finally

RESOLVED, That the City Clerk shall forward said application to the Michigan State Tax Commission as provided by the Act; and be it further

RESOLVED, That the rehabilitation of the facility shall be completed no later than **September 1, 2020**, unless an extension of that time period is granted by this City Council, which extension shall be granted if this City Council determines that the rehabilitation of the facility is proceeding in good faith and the proposed extension is reasonable; and be it finally

RESOLVED, That the City of Detroit's Planning and Development Department and City Assessor's Office are hereby authorized to enter into, substantially in the form attached hereto, an Obsolete Property Rehabilitation Exemption Certificate Agreement and attached Summary of Procedures for the purpose of establishing the operating procedures for and implementing the aforesaid Certificates.



CITY OF DETROIT
HOUSING AND REVITALIZATION DEPARTMENT

USE!

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Submitted
Submit Amended
Reso

October 10, 2018

Honorable

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

RE: Resolution Approving an Obsolete Rehabilitation Exemption Certificate, on Behalf of Temple Group Holdings, LLC at 640, 650, 660, 674 Temple Street, Detroit, MI, in Accordance with Public Act 146 of 2000. (Related to Petition # 1789)

Honorable City Council:

On **October 25, 2018**, a public hearing in connection with approving an Obsolete Rehabilitation Exemption Certificate for the above-captioned property was held before your Honorable Body. All interested persons and organizations were given an opportunity to be heard. No impediments to the approval of this certificate were presented during the hearing.

Temple Group Holdings, LLC has submitted satisfactory evidence that they possess the necessary financial resources required to develop this property in accordance with Public Act 146 of 2000 ("the Act") and the Development Agreement for the project.

Respectfully submitted,

Donald Rencher
Director

DR/vf

cc: S. Washington, Mayor's Office
M. Cox, PDD
D. Rencher, HRD
V. Farley, HRD

10/25/18 rec'd @ table



By Council Member _____

Tate

WHEREAS, Temple Group Holdings, LLC has filed with the City Clerk an Application for an Obsolete Property Rehabilitation Exemption Certificate, under Public Act 146 of 2000 (“the Act”) in City of Detroit Obsolete Property Rehabilitation District in the manner and form prescribed by the Michigan State Tax Commission; and

WHEREAS, This City Council is a Qualified Local Governmental Unit as defined by the Act; and

WHEREAS, this City Council on **February 13, 2018** established by Resolution an Obsolete Property Rehabilitation District in the vicinity of **640, 650 660, and 674 Temple Street,** Detroit, Michigan, after a Public Hearing held, in accordance with the Act; and

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under the Act and under Public Act 146 of 2000 does not exceed 5% of the total taxable value of property in the City of Detroit; and

WHEREAS, the Applicant is not delinquent in any taxes related to the facility; and

WHEREAS, the Application is for obsolete property as that term is defined in Section 2(h) of the Act, which property is owned by the Applicant; and

WHEREAS, commencement of the rehabilitation of the subject facility did not occur before the establishment of the Obsolete Property Rehabilitation District; and

WHEREAS, the Application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of the Act and which is situated within the aforesaid City of Detroit Obsolete Property Rehabilitation District and

WHEREAS, completion of the rehabilitation is calculated to, and will at the time the Certificate is issued, have the reasonable likelihood of increasing and/or retaining employment, increasing commercial activity, revitalizing an urban area, or increasing the number of residents in the community in which the facility is located; and

WHEREAS, the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at the commencement of the rehabilitation as provided by Section 2 (l) of the Act; and

WHEREAS, this City Council has granted until of **September 1, 2020** for the completion of the rehabilitation; and



WHEREAS, on **October 25, 2018** in the City Council Committee Room, 13th Floor, Coleman A. Young Municipal Center, Detroit, Michigan, a formal public hearing was held on aforesaid application, at which time the Applicant, the Assessor, the general public, and representatives of the affected taxing units had an opportunity to be heard; and

WHEREAS, notice was given by certified mail to the Detroit Board of Education, the City of Detroit Board of Assessors, the Wayne County Board of Commissioners, Wayne County Community College, the Wayne County Intermediate School District, the Huron-Clinton Metropolitan Authority, the Applicant, and by publication to the general public, informing them of the receipt of the Application, the date and location of the Public Hearing, and the opportunity to be heard;

NOW THEREFORE BE IT

RESOLVED, That it is hereby found and determined that the granting of an Obsolete Property Rehabilitation Exemption Certificate, considered together with the taxable value of Obsolete Property Rehabilitation Exemption Certificates and Industrial Facilities Exemption Certificates if previously granted and currently in force, will not have the effect of substantially impeding the operation of the local governmental unit or impairing the financial soundness of any other taxing unit which levies an ad valorem property tax with the City of Detroit; and be it further

RESOLVED, That it is hereby found and determined that the Applicant has complied with the requirements of the Act; and be it further

RESOLVED, That the application of **Temple Group Holdings, LLC** for an Obsolete Property Rehabilitation Exemption Certificate, in the City of Detroit Obsolete Property Rehabilitation District is hereby approved for a period of **Twelve (12)**, with the certificate beginning **December 31, 2018** and the certificate expiring **December 31, 2030**, in accordance with the provisions of the Act; and be it finally

RESOLVED, That the City Clerk shall forward said application to the Michigan State Tax Commission as provided by the Act; and be it further

RESOLVED, That the rehabilitation of the facility shall be completed no later than **January 1, 2020**, unless an extension of that time period is granted by this City Council, which extension shall be granted if this City Council determines that the rehabilitation of the facility is proceeding in good faith and the proposed extension is reasonable; and be it finally

RESOLVED, That the City of Detroit's Planning and Development Department and City Assessor's Office are hereby authorized to enter into, substantially in the form attached hereto, an Obsolete Property Rehabilitation Exemption Certificate Agreement and attached Summary of Procedures for the purpose of establishing the operating procedures for and implementing the aforesaid Certificates.

#161

ADOPTED AS FOLLOWS COUNCIL MEMBERS

		YEAS	NAYS
Janee	AYERS	left	table
Scott	BENSON	✓	
Raquel	CASTANEDA-LOPEZ	✓	
Gabe	LELAND	✓	
Roy	MCCALISTER, JR.	✓	
*Mary	SHEFFIELD	✓	
Andre	SPIVEY	✓	
James	TATE	✓	
Brenda	PRESIDENT JONES	✓	
*PRESIDENT PRO TEM			
		8	0
WAIVER OF RECONSIDERATION (No. _____)			
Per motions before adjournment.			

CITY CLERK 2019 FEB 12 PM 2:07

David Whitaker, Esq.
Director
Irvin Corley, Jr.
Executive Policy Manager
Marcell R. Todd, Jr.
Senior City Planner
Janese Chapman
Deputy Director

City of Detroit CITY COUNCIL

LEGISLATIVE POLICY DIVISION
208 Coleman A. Young Municipal Center
Detroit, Michigan 48226
Phone: (313) 224-4946 Fax: (313) 224-4336

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Kimani Jeffrey
Anne Marie Langan
Jamie Murphy
Carolyn Nelson
Kim Newby
Analine Powers, Ph.D.
Jennifer Reinhardt
Sabrina Shockley
Thomas Stephens, Esq.
David Teeter
Theresa Thomas
Kathryn Lynch Underwood
Ashley A. Wilson

John Alexander
LaKisha Barclift, Esq.
M. Rory Bolger, Ph.D., AICP
Elizabeth Cabot, Esq.
Tasha Cowen
Richard Drumb
George Etheridge
Deborah Goldstein

TO: The Honorable Detroit City Council
FROM: David Whitaker, Director 
Legislative Policy Division Staff
DATE: February 12, 2019
RE: **DECLARATION OF PARK LAND AS SURPLUS LAND**

On Tuesday, February 12, 2019 the Office of Councilman Gabe Leland submitted a memorandum requesting that the Legislative Policy Division provide information pertaining to previous council resolutions adopted regarding the replacement of park land when sold for development purposes.

Attached please find the July 27, 2007 resolution submitted by then Council President Pro Tem Monica Conyers seeking to suspend the sale of park land unless suitable replacement parkland is identified.

Additionally, in January of 2007 the City Council Research and Analysis Division prepared a report detailing the process and authority to place city-owned property up for bid or sale. In light of recent developments and the renewed interest in developing surplus city lands for much needed economic development and employment opportunities, staff thought it prudent that Your Honorable Body be apprised of the procedures as spelled out in Chapter 14, Community Development of the Detroit City Code. That report is attached for your review and consideration along with pertinent parts of the City Code, and resolutions in which city properties were sold for development purposes.

If you have any additional questions, please contact our office directly.




City of Detroit


CITY COUNCIL

GABE LELAND
COUNCIL MEMBER

MEMORANDUM

TO:  David Whitaker, Director
Legislative Policy Division

THRU: The Honorable Council President Brenda Jones

FROM: Council Member Gabe Leland 

DATE: February 12, 2019

RE: **Declaration of Park Land as Surplus Land**

Please provide information pertaining to:

1. Previous Council resolutions adopted regarding the replacement of park land when sold for development purposes.

Cc: Honorable Detroit City Council Members
Mayor's Office, Stephanie Washington

GL/gal

July 27

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2007

qualify for a Single Business Tax credit pursuant to Act 228, Public Acts of Michigan, 1975, as amended.

7. ~~Repealer.~~ All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

8. The City Clerk is requested to submit four (4) certified copies of this Resolution to the DBRA, 500 Griswold Street, Suite 2200, Detroit, MI 48226.

Adopted as follows:

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

Nays — None.

**RESOLUTION DENYING APPROVAL
FOR THE PROPOSED
CONSTRUCTION OF AN ANIMAL
CONTROL CENTER TO BE PLACED
ON LELAND AND ST. AUBIN
STREETS**

By COUNCIL MEMBER COLLINS:

WHEREAS, The Detroit City Council has placed a hold on the transfer of the following properties: 1903-1927 Leland, 1961 Illinois, 1989 Illinois, 1997 Illinois, 2001 Illinois, 3803-05 St. Aubin, 3809 St. Aubin, 3815 St. Aubin, 3823 St. Aubin, 3835 St. Aubin, 3843 St. Aubin, 3913 St. Aubin, 3929 St. Aubin, 3935 St. Aubin, 3939-41 St. Aubin, from the Planning and Development Department to the Department of Health and Wellness; and

WHEREAS, In addition to the existing hold by the Detroit City Council, the operation of an Animal Control Center is mentioned nowhere in the Zoning Ordinance that currently exists in the City of Detroit; and

WHEREAS, Section 61-10-79 and 61-10-99 in the Zoning Ordinance of the Detroit City Code states that all other uses not prohibited by law or this code and not specifically permitted elsewhere in this Zoning Ordinance shall be considered as conditional uses in the M4 and M5 zoning districts; and

WHEREAS, The Animal Control Center at its current location of 3511 W. Jefferson in the City of Detroit is properly zoned with a designation of M4 in accordance with the Zoning Ordinance of the Detroit City Code; and

WHEREAS, The current proposed location for the Animal Control Center has an M3 zoning classification. NOW THEREFORE BE IT

RESOLVED, That the Detroit City Council through the approval of this resolution gives official notice to the Department of Buildings and Safety Engineering that any issuance of buildings permits for the construction of an Animal Control Center at the location bordered by St. Aubin on the east, Mack on the south, Dequindre on the West and

Canfield to the north is in violation of existing Zoning Ordinances in the Detroit City Code. and BE IT FURTHER

RESOLVED, That the Detroit City Council not approve any transfer of properties as requested by the Planning and Development Department to complement the construction of this project.

Adopted as follows:

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

Nays — None.

*WAIVER OF RECONSIDERATION (No. 8) per motions before adjournment.

**RESOLUTION BY DETROIT CITY
COUNCIL APPOINTING MEMBERS TO
THE BOARD OF DIRECTORS OF THE
EASTERN MARKET CORPORATION**

By COUNCIL MEMBER COLLINS:

WHEREAS, The Eastern Market Corporation is a non-profit corporation organized for purposes including the management, operation and improvement of the City-owned public market known as the Eastern Market; and

WHEREAS, The Eastern Market Corporation's governing board consists of twenty-three members including seven representatives of City and City-related departments with interests in the Market, as well as two members to be appointed by the Detroit City Council; NOW THEREFORE IT IS

RESOLVED, That the Detroit City Council appoints Council Member Barbara-Rose Collins and Council Member Kwame Kenyatta to the Board of Directors of the Eastern Market Corporation for a term concurrent with their City Council terms, ending December 31, 2009; and BE IT FURTHER

RESOLVED, That the Detroit City Council directs the City Clerk to send a copy of this approved resolution to the Board of Directors of the Eastern Market Corporation and Kate Beebe, Executive Director of the Eastern Market Corporation.

Adopted as follows:

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

Nays — None.

**RESOLUTION
SEEKING TO SUSPEND
THE SALE OF PARKLAND UNLESS
SUITABLE REPLACEMENT
PARKLAND IS IDENTIFIED**

By COUNCIL MEMBER CONYERS:

WHEREAS, The Planning and Development Department of the City of Detroit routinely declares parkland to be surplus property and proposes the sale of

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2007

parkland as a method of raising revenue and/or to implement the goals of the Detroit Recreation Department Strategic Master Plan; and

WHEREAS, The Detroit Recreation Department Strategic Master Plan specifically states that proceeds from the sale of parkland is to be used, amongst other uses, to purchase repositioned or replacement sites for parkland sold; and

WHEREAS, The Detroit Recreation Department Strategic Master Plan specifically states that a stated goal of the plan is to maintain the same number of acres currently used as parkland in the City; and

WHEREAS, Recent proposed sales of parkland have not identified a location for a suitable replacement parkland site; and

WHEREAS, The City of Detroit Master Plan of Policies is the controlling document as to the designation of land parcels, and statutorily mandated amendment procedures must be followed in the event the Planning and Development Department proposes to change the use for a land parcel; NOW, THEREFORE BE IT

RESOLVED, That the Honorable Detroit City Council hereby declares a suspension on the approval of declarations of parkland as surplus property or sales of parkland unless the Administration provides a conceptual plan where a change in land use pattern is significantly different from the existing use and/or as indicated in the Master Plan, and presents with each proposal for sale a specifically identified, suitable location for repositioned or replacement parkland; AND BE IT FINALLY

RESOLVED, That the Detroit City Council directs the City Clerk to forward this approved resolution to the Honorable Kwame M. Kilpatrick.

Adopted as follows:

Yeas — Council Members Collins, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and Conyers — 7.

Nays — Council Member S. Cockrel, and President K. Cockrel, Jr. — 2.

**RESOLUTION TO CREATE A
SPECIAL COMMITTEE ON
INTERGOVERNMENTAL RELATIONS**
By COUNCIL MEMBER CONYERS:

WHEREAS, The City of Detroit interacts and conducts business with International, Federal, State and County Governmental entities that are City areas of concern, and

WHEREAS, There is a need to coordinate these activities for the benefit of the people of Detroit, and

WHEREAS, Authority to create a Detroit City Council Special Committee is conferred under the Charter of the City of Detroit Section 4-106 (6), BE IT THEREFORE

RESOLVED, That a Detroit City Council Special Committee on Intergovernmental

Relations is hereby created, BE IT FURTHER

RESOLVED, That this Committee shall be responsible for all matters that pertain to City interaction on the County, State, Federal and International level with elected bodies and other entities including but not limited to International Waterways, International Tunnels, International Bridges, and Energy that deal in the mentioned Committee areas of Concern, BE IT FURTHER

RESOLVED, That line items and issues pertaining to City Departments and Agencies shall be directed to this Special Committee where appropriate and as needed.

Council Member Collins moved to Suspend Rule #36 of the "Rules and Order of Business of the City Council" which motion prevailed as follows:

Yeas — Council Members Collins, Jones, Kenyatta, Reeves, Watson, Conyers, and President K. Cockrel, Jr. — 7.

Nays — Council Members S. Cockrel, and Tinsley-Talabi — 2.

Council Member Collins then moved to refer the matter to the City Council Internal Operations Standing Committee for further consideration, which motion prevailed.

Adopted as follows:

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

Nays — Council Members Watson, and Conyers — 2.

**RESOLUTION REGARDING WAYNE
COUNTY COMMUNITY COLLEGE
DISTRICT**

By COUNCIL MEMBER TINSLEY-TALABI,
Joined By ALL COUNCIL MEMBERS:

WHEREAS, The growth and progress of the Wayne County Community College District (WCCCD) is unprecedented in the State of Michigan. District program offerings are broader than ever, and student enrollment is at a historic all-time high; and

WHEREAS, The District's enrollment nearly quadrupled at its five campuses to 65,435 students in 2006-07 from 17,089 in 2001-02. The college has expanded its educational programs, improved computer technology, updated classrooms and laboratory equipment, repaired and renovated buildings at all of its campuses and put up new buildings at the Western and Downriver campuses; and

WHEREAS, WCCCD provides the highest quality of educational services to their students and the overall community. Through a deliberate, long-term strategy they are focused on continuous improvement in the quality of programs, courses, services and student facilities. These dol-

July 22

2031

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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 granting of said petition, and further

Provided, That the site be returned to its original condition at the termination of its use, 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, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 8.

Nays — None.

Permit

Honorable City Council:

To your Committee of the Whole was referred petition of Wash-O-Camb Block Club (#2744), for block club party. After careful consideration of the request, your Committee recommends that same be granted in accordance with the following resolution.

Respectfully submitted,
JOANN WATSON
Chairperson

By Council Member Watson:

Resolved, That subject to the approval of the Police and Public Works Departments, permission be and is hereby granted to the petition of Wash-O-Camb Block Club (#2744), for "4th Annual Block Club Party", August 9, 2008; with temporary street closures in area of Washburn between Cambridge and Outer Drive.

Provided, That said activity is conducted under the rules and regulations of the concerned departments and the supervision of the Police Department, and further

Provided, That the sale of food and soft drinks is held under the direction and inspection of the Health 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 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 granting of said petition, and further

Provided, That the site be returned to its original condition at the termination of its use, 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, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 8.

Nays — None.

**RESOLUTIONS
RESOLUTION**

By COUNCIL MEMBER KENYATTA:

RESOLVED, That in order to promote a thorough discussion of all issues related to the Synagro/Minergy Detroit LLC contract, the Detroit City Council hereby waives the attorney client privilege on a report submitted by City Council's Research and Analysis Division dated July 16, 2008 entitled *Rescinding Synagro Contract*.

Adopted as follows:

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

Nays — None.

RESOLUTION

By COUNCIL MEMBER KENYATTA:

RESOLVED, That in order to promote a thorough discussion of all issues related to the Synagro/Minergy Detroit LLC contract, the Detroit City Council hereby waives the attorney client privilege on the Law Department's memorandum dated July 16, 2008 entitled *Options For Rescinding Or Terminating The Sludge Disposal Contract With Minergy Detroit LLC*.

Adopted as follows:

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

Nays — None.

**RESOLUTION TO RESCIND THE
MORATORIUM ON THE SALE OF
RIVERFRONT AND PARK PROPERTY**

By COUNCIL MEMBER COLLINS:

WHEREAS, The Detroit City Council voted to enact a Moratorium on the Sale of Riverfront and Park Property; and

WHEREAS, A Moratorium by definition is a temporary authorized period of delay or waiting for the purpose of conducting due diligence and taking corrective action on a matter; and

WHEREAS, The current Moratorium on the sale of riverfront and park property has no sunset date; which, in and of itself is a direct contradiction to a moratorium; and

WHEREAS, The Detroit City Council has had to bare the undue burden of waiving the current Moratorium on the sale of riverfront and park property, which has at times stifled much needed development within the City of Detroit; and

WHEREAS, It is more prudent to take each transfer of jurisdiction, resolution authorizing property sale and development project on a case by case basis.
NOW THEREFORE BE IT

RESOLVED, That the Detroit City Council votes to repeal the current Moratorium on the sale of Riverfront and Park property within the City of Detroit's inventory and consider any request for sale and/or transfer of jurisdiction for

July 22

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Riverfront and Park property on a case by case basis.

Adopted as follows:

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

Nays — Council Members Jones, and Watson — 2.

*WAIVER OF RECONSIDERATION (No. 14) per motions before adjournment.

Council Member S. Cockrel left her seat.

MEMBER REPORTS

President Kenneth V. Cockrel, Jr. thanked Council Member Barbara-Rose Collins for the wonderful Legislative Staff picnic at her home on Saturday.

President K. Cockrel, Jr. indicated that he'd provide funeral arrangement information to Council for Rev. Barlow on Friday night and Saturday.

Council Member Barbara-Rose Collins stated that she loaned her house to the Legislative Staff for one (1) day. Member Collins stated that the every aspect of the event was wonderful. She stated that next year two (2) bouncies may have to be rented because the adults got into the bouncie at the end of the day. Member thanked Council Members and the staff who donated monies. Member Collins stated that Liz Irby donated 3 sheet cakes. She looks forward to next year's event.

Council Member Brenda Jones indicated that she'd provide a memo in writing regarding the Jesuit Community having problems with sewer back up to be referred to the Public Health & Safety Standing Committee.

Member Jones informed everyone of the Skilled Trades Task Force today from 4-6:00 p.m. in the 13th Floor Committee of the Whole Room.

Council Member Martha Reeves stated that some of the talent from Council Member Kwame Kenyatta's event was presented at the Mayor's Youth Day. Member Reeves stated that some of the talent from Member Kenyatta's event should be presented at the 2009 NCAA event.

Member Reeves reported City Planning Commission meeting on Wednesday, July 23rd at Pasteur Elementary School from 6-8:00 p.m. The purpose of the meeting is to receive comments on the closing of Johnson Recreation Center.

Member Reeves reported that her family reunion was nice on July 19th. Member Reeves indicated that the Recreation Department provided tents and chairs, and thanked Belle Isle staff for their commitment and service. She indicated that some of her staff members attended the event, and enjoyed themselves.

Member Reeves reported that her birth-

day party was held at the Winder Inn on Friday, July 18th. She indicated that the facility was fabulous.

Council Member Alberta Tinsley-Talabi reported on a request that she's sending to Mr. Douglass Diggs relative to Ahmose Math Academy. Member Talabi stated that the property that they were housed in was demolished, and is asking that they be given a property from the city's inventory.

Member Tinsley-Talabi commended Council Member Kwame Kenyatta for his 'Bring It' event held on Saturday at the Music Hall. Talent across the City of Detroit was highlighted. She stated it was a wonderful event.

Member Tinsley-Talabi stated that Rev. Joseph Barlow, Pastor of Mt. Zion Missionary Baptist Church of Ecorse, passed away. She stated he was a tremendous asset to the Partnership for a Drug-Free Detroit. President K. Cockrel, Jr. stated he's preparing a resolution in Memoriam for Pastor Barlow.

Council Member Joann Watson requested that following the closed session on the Synagro issue President Kenneth V. Cockrel, Jr. to consider an Adjourned Session to vote to repeal the contract.

Member Watson reported that a citizen complained about unprofessional Clerks at the DWSD E. McNichols office.

Member Watson reported that the DWSD office located on Greenfield is no longer accepting personal checks to pay water bills. She stated that the only form of payment would be money orders, cashier's checks, or cash. Member Watson stated she has concerns with departments handling cash. Member Watson requested that the department go back to accepting personal checks as a form of payment for water bills.

Member Watson reported an abandoned house at 11865 Evanston. The house is open, abandoned, and across the street from a school. The house is harboring criminal and illegal activity.

Member Watson reported massive street flooding at 12050 Kilbourne near Gratiot and Rosemary off of East Outer Drive.

Member Watson reported that water has been shut off at a senior citizen building located at 2743 Hooker. The owner of the property has an outstanding bill of \$395.66, and has indicated he's paying it today. Member Watson requested that the water be turned back on at the property that houses senior citizens.

Member Watson reported citizen at 6112-4 Sheridan received a tax bill in the name of her late husband who's been dead for 12 years indicating there was a balance of \$800 due July 29th. If payment is not received, a lien will be

City of Detroit


CITY COUNCIL

DAVID D. WHITAKER
Director
(313) 224-4946

DIVISION OF RESEARCH & ANALYSIS
Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 216
Detroit, Michigan 48226
(313) 224-4946
FAX: (313) 224-0368

PEGGY ROBINSON
Deputy Director
(313) 224-4946

TO: The Honorable Detroit City Council

FROM: David Whitaker, Director 
City Council Research and Analysis Division Staff

DATE: January 16, 2007

RE: **AUTHORITY TO PLACE CITY-OWNED PROPERTY UP FOR BID/SALE**

Pursuant to Council Member Kwame Kenyatta's request, the Research and Analysis Division (RAD) researched whether the Administration has the authority to market and make available for bids and/or sale City-owned property without Council's approval.

Under Section 4-112 of the City Charter, the City may not sell or in any way dispose of any property without the approval by resolution of the City Council. Further, the Detroit City Code sets out a detailed sequence of events that must occur to sell real property in Chapter 14, Community Development, Article VIII Surplus Real Property and Property Used for Public Purposes.

The Ordinance is attached to this memorandum for your reference, and provides in pertinent part as follows:

- 1.) After a review at least once a year, the Planning and Development Department (P&DD)¹ recommends to the City Council parcels of property it has determined are not essential to the City and that they be offered for sale. If the City Council approves the Department's recommendation, then the parcels shall thereafter be termed "surplus real property."
(Sec. 14-8-1 and 14-8-4)
- 2.) The Finance director and P&DD promote the sale of all surplus real property.
(Sec. 14-8-2)
- 3.) The P&DD is to obtain an estimate of the market value of surplus real property from the Finance Director or from an independent appraiser approved by City Council. At least once

¹ The ordinance, as currently drafted, refers to the Community and Economic Development Department, which is now known as the Planning and Development Department.

every six months, the Department is to review each parcel having an original market value of \$2,000 or more, and shall revise the market value where advisable.

(Sec. 14-8-5)

4.) The City Council must then approve the estimated market value of surplus real property, and then shall authorize that the property be advertised for sale, either with or without a minimum bid price. If deemed to be in the best interests of the City, the City Council may approve surplus property to be sold without public advertisement or the taking of bids. (Sec. 14-8-6 and 14-8-10)

5.) If bids are not received that meet a minimum bid price set by City Council (optional), the P&DD is to recommend other procedures for disposition of the property, for approval by City Council. (Sec. 14-8-7)

6.) All sales of surplus real property shall be approved by the City Council and made in accordance with the Charter. (Sec. 14-8-7)

7.) All bids on surplus real property must be submitted to the City Council for approval or rejection. The City Council reserves the right to accept or reject any bids. (Sec. 14-8-8)

(See Attachment A – “Article VIII Surplus Real Property and Property Used for Public Purposes.”)

The language and sequential nature of the ordinance lends itself to two interpretations. One interpretation is that the P&DD must obtain approval for each step in the process under the respective section of the ordinance *before proceeding* to the next step. The ordinance is replete with mandatory duties and actions, many of which are to be exercised *after* City Council approval of a prior duty or action. Another interpretation, which has routinely been the practice in City-owned land sales, is to bring a proposed transaction before the City Council for approval; and, in one resolution, grant all the requisite approvals under the ordinance.² The latter interpretation is how the Camp Brighton transaction was presented to Council.

In letters dated November 9, 2006, P&DD Director Douglass Diggs stated that the Detroit Recreation Department (DRD) has declared Camp Brighton, Parcels I and II, surplus to its needs and that DRD requested the P&DD to assume jurisdictional control over the properties. The transmittal letters further request that this Honorable Body approve the transfer of jurisdiction of Parcels I and II to the P&DD, and adopt the sale of the respective parcels.

The two resolutions presented by the Administration only request Council to: (1) authorize the transfer of jurisdictional control of the two parcels to the P&DD, and (2) authorize the P&DD to execute Quit Claim Deeds and other such documents necessary to perfect the sale of Parcels I and II. However, as currently drafted, the resolutions are void of any language that Council

² Attachment B is several past resolutions adopted by City Council relative to the declaration of land as surplus.

approves a recommendation that the parcels be termed "surplus real property," approves the market value, or accepts the bids.³ (See Attachment C)

Accordingly, if this Honorable Body approves of the sale of Parcel I to Chaldean Catholic Church; P&DD will need to revise the resolution to state City Council: (1) approves the P&DD recommendation that the parcel is surplus real property, (2) approves the market value of the property, (3) accepts the bid, (4) approves the sale, and (5) assigns jurisdiction over the property to P&DD, in order to comply with the latter interpretation of the ordinance.⁴ At the very least, the resolution should track the language used in past resolutions that have been approved by City Council relative to similar land transfers.

We hope that the information provided in this memorandum will be of assistance to you. If you have any additional questions or concerns, please advise.

Attachments

³ Although the transmittal letters are cited in the P&DD resolutions as "foregoing" communications, the letters could not become a part of the official record unless incorporated by reference or designated as exhibits.

⁴ As Council is aware, Howell Public Schools recently withdrew its offer to purchase Parcel 2.

ATTACHMENT A

ARTICLE VIII. SURPLUS REAL PROPERTY AND PROPERTY USED FOR PUBLIC PURPOSES

Sec. 14-8-1. Listing.

At least once every year the finance director shall obtain and submit a list to the community and economic development department and a copy thereof to the city council of all real property owned by the city. This list shall be in three (3) parts, as follows:

- (1) *Part I.* All real property assigned to city departments and employed by the departments to whom assigned for public purposes.
- (2) *Part II.* All real property, whether or not assigned to a city department, which is being held for future use for a public purpose.
- (3) *Part III.* All other real property.

(Code 1964, § 2-7-86)

Sec. 14-8-2. Promotion of sale of surplus real property an rental of property held for future use.

It shall be the duty of the finance director and the community and economic development department to promote the sale of all surplus real property as designated in section 14-8-4. It shall be the duty of the community and economic development department to promote the temporary rental or lease of all property being held for future use for a public purpose and of all surplus real property not immediately salable.

(Code 1964, § 2-7-87)

Sec. 14-8-3. Finance director to designate department to manage real property held for future use.

It shall be the duty of the finance director, subject to the approval of the city council, to designate the department to manage and to maintain real property which is being held for future public use and of all surplus real property not immediately salable.

(Code 1964, § 2-7-88)

Sec. 14-8-4. Recommendation of sale of surplus property.

It shall be the duty of the community and economic development department to recommend to the city council that those parcels of real property which it has determined are not essential to the city be offered for sale, and when the department's recommendation has been approved by the city council, such property shall thereafter be termed "surplus real property."

(Code 1964, § 2-7-89)

Sec. 14-8-5. Estimate of market value of surplus property; semiannual review of surplus

real property.

It shall be the duty of the community and economic development department to obtain an estimate of the market value of such surplus real property from the finance director or from an independent appraiser approved by the city council. At least once every six (6) months, the department shall review each parcel of surplus real property, the original market value of which was estimated at two thousand dollars (\$2,000.00) or more, and shall revise or cause to be revised such market value where advisable.

(Code 1964, § 2-7-90)

Sec. 14-8-6. City council to authorize sale of surplus property; when sealed bids required; deposit to accompany bids.

The city council, after approving the estimated market value of surplus real property, shall authorize that the same be advertised for sale, either with or without a minimum bid price. Except as provided in this article, sealed bids shall be required on reasonable notice as determined by the community and economic development department for the sale of any parcel of such real property. Bids received shall be opened at a stated time and place and must be accompanied by a ten (10) per cent deposit.

(Code 1964, § 2-7-91)

Sec. 14-8-7. Sales of surplus property to be approved by city council; procedure when bid price fails to reach established minimum.

All sales of surplus real property shall be approved by the city council and shall be made in accordance with the Charter. Whenever a minimum bid price is established for the sale of any parcel of surplus real property, and bids equal to or in excess of such minimum bid price are not received, the community and economic development department shall recommend subsequent procedures for the disposition of such real property as regards reoffering, reappraisal or withdrawal from sale, which recommendations shall be submitted to the city council for approval.

(Code 1964, § 2-7-92)

Sec. 14-8-8. Bids on surplus property to be submitted to council; right of council to reject all bids.

All bids on surplus real property shall be submitted to the city council for approval or rejection. The city council reserves the right to accept or reject any bids.

(Code 1964, § 2-7-93)

Sec. 14-8-9. Sale of certain property to adjoining owner.

Whenever a parcel of surplus real property is so limited in size or shape, or is of such a nature that it could only be put to its best use by an adjoining owner, public advertisement and the taking of bids may be waived and such real property may be sold to the adjoining owner at a price approved by the city council.

(Code 1964, § 2-7-94)

Sec. 14-8-10. Sale without public advertising or taking of bids.

Whenever it is deemed in the best interests of the city, surplus real property may be sold without public advertisement or the taking of bids, with the approval of the city council.

(Code 1964, § 2-7-95)

Sec. 14-8-11. Article not applicable to property under jurisdiction of housing commission.

The provisions of this article are not applicable to real property assigned to or under the jurisdiction of the housing commission.

(Code 1964, § 2-7-96)

ATTACHMENT B

going communication to provide legal representation to the following Employee or Officer: Jimmie Lee Lockhart, Jr.

Approved:

PHYLLIS A. JAMES

Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, K. Cockrel, Jr., S. Cockrel, Everett, Hood, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 9.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 54) per motions before adjournment.

Law Department

July 28, 2000

Honorable City Council:

Re: Proposed Resolution For Kennedy Square.

On December 8, 1999, your Honorable Body adopted a resolution authorizing execution of the proposed Development Agreement (referred to herein as the "KWA Development Agreement") by and among Kern Woodward Associates, L.L.C. ("KWA"), the City of Detroit, and the City of Detroit Downtown Development Authority (the "DDA").

On December 8, 1999, your Honorable Body adopted a resolution authorizing execution of the proposed Development Agreement (referred to herein as the "Original Compuware Development Agreement") by and among Compuware Corporation, the City, and the DDA. On July 21, 2000, your Honorable Body approved changes to the Original Compuware Development Agreement and adopted a resolution authorizing execution of a Restated Development Agreement by and among Compuware Corporation, the City and the DDA (referred to herein as the "Restated Compuware Development Agreement").

As set forth in the KWA Development Agreement, the City and the DDA have certain obligations regarding preparing the Kennedy Square Block for development. Certain encumbrances to title, identified in Exhibit B to the KWA Development Agreement, must be eliminated. Kennedy Square is currently under the jurisdiction of the Recreation Department. Attached to this communication is a copy of a memorandum from Ernest Burkeen, Jr., Director of the Recreation Department, to Paul Bernard, Director of the Planning & Development Department, declaring Kennedy Square surplus to the Recreation Department's needs and transferring jurisdiction of Kennedy Square to the Planning & Development Department.

Under the KWA Development Agreement, the DDA is to construct a new parking garage under Kennedy Square Block, which will replace the existing parking garage. The existing Kennedy Square

Parking Garage is owned by the City of Detroit Building Authority (the "Building Authority") in accordance with Contract of Lease No. 2. The Building Authority has taken action to remove the Kennedy Square Parking Garage from its inventory and reconvey it to the City. Such action is effective upon adoption of a resolution by your Honorable Body authorizing such action.

Additionally, the Restated Compuware Development Agreement obligates the City and/or the DDA to coordinate the completion of certain Infrastructure Improvements (as that term is defined therein), with the completion of construction of the Compuware headquarters building. The Infrastructure Improvements include the construction of the new Campus Martius Park and the new perimeter roads around the new Park. A portion of these Infrastructure Improvements will be constructed above the new parking garage. In order to be able to have the Infrastructure Improvements properly coordinated with the construction of the Compuware headquarters building, it is imperative that the DDA be in a position to commence construction of the new parking garage as soon as possible.

Attached to this communication is a resolution authorizing the reconveyance of the Kennedy Square site from the Building Authority to the City, approving transfer of jurisdiction of the Kennedy Square site from the Recreation Department to the Planning & Development Department, eliminating title encumbrances, and authorizing the conveyance of the Kennedy Square site from the City to the DDA. The proposed resolution is consistent with and enables the City to implement its Policy 301-12G of the City of Detroit Master Plan of Policies to "redevelop Kennedy Square block as an office/retail site," as set forth in Revised Master Plan Change #30 adopted by your Honorable Body on May 4, 2000. The proposed resolution, when adopted, will also enable the City to carry out its obligations under the KWA Development Agreement and the Restated Compuware Development Agreement.

It is respectfully requested that you adopt the attached resolution with a waiver of reconsideration.

Respectfully submitted,

PHYLLIS A. JAMES

Corporation Counsel

Recreation Department

July 28, 2000

Honorable City Council:

Re: Transfer of Jurisdiction John Fitzgerald Kennedy Square (#39).

On December 19, 1972 (J.C.C. pp. 3079-80) the City Council adopted a resolution assigning jurisdiction of John Fitzgerald Kennedy Square to the Department of Parks and Recreation for

park, recreation and other municipal public purposes. You have advised us that in order to permit the development of the Campus Martius Project in accordance with the KWA and Compuware development agreements approved by City Council on December 8, 1999, and the Master Plan of Policies as amended by Revised Master Plan Change #30, it is necessary to transfer jurisdiction of John Fitzgerald Kennedy Square from the Recreation Department to the Planning & Development Department.

In light of the anticipated development of the Campus Martius Park, the Recreation Department declares the property lying west of Woodward Avenue, south of Michigan Avenue, east of Griswold Street and north of Fort Street, officially known as "John Fitzgerald Kennedy Square," and commonly known as Kennedy Square, surplus to its inventory. The Department transfers Kennedy Square to the Planning & Development Department to facilitate in the development of the Campus Martius Project.

Should you require further information, please contact Angela Bradby at 224-1103.

Respectfully submitted,
ERNEST W. BURKEEN, JR.
Director

By Council Member Mahaffey:

Whereas, the City of Detroit Building Authority (the "Building Authority") has been duly created and incorporated as a public authority and body corporate by the City Council of the City of Detroit (the "City") pursuant to the provisions of Act 31, Public Acts of Michigan, 1948 (First Extra Session), as amended, for the purpose of acquiring, furnishing, equipping, owning, improving, enlarging, operating or maintaining a building or buildings, including but not limited to automobile parking lots or structures, independently or adjunct to other buildings, recreational facilities, stadiums and the necessary site or sites therefor, for the use of any legitimate public purpose of the City; and

Whereas, the Building Authority and the City previously entered into that certain Contract of Lease No. 2, dated as of October 15, 1985, as amended and supplemented on October 5, 1990, on June 11, 1992, on February 1, 1997, on July 1, 1998 and on October 1, 1999 ("Contract of Lease No. 2"), pursuant to which (i) the Building Authority acquired from the City certain municipal parking facilities defined in Contract of Lease No. 2 as the Initial Project, consisting of Cobo Arena, Joe Louis Arena and Joe Louis Arena Parking Garage and the Kennedy Square Parking Garage (hereinafter referred to as the "Initial Project"); (ii) leased the Initial Project back to the City; and (iii) financed the acquisition of the Initial Project through the issuance of the Building

Authority's Parking and Arena System Revenue Bonds; and

Whereas, pursuant to resolution of City Council dated April 3, 1978 (J.C.C. pp. 752-53) the City conveyed the Kennedy Square Parking Garage to the Building Authority by deed dated April 18, 1980 and recorded April 28, 1980, in Liber 20846, Page 755, Wayne County Records, Register Number G499128; and

Whereas, the Kennedy Square Parking Garage is situated within the area generally bounded by Woodward, Fort, Griswold, and Michigan, extending under portions of each of these streets, as described in the deed identified in the preceding paragraph (the "Kennedy Square Parking Garage Site"); and

Whereas, in connection with the 1999 supplement to Contract of Lease No. 2, the Building Authority issued and sold revenue bonds in the aggregate principal amount of \$29,900,000 (the "1999 Bonds") to finance the acquisition and construction of a new 1100 space below-grade parking facility to be located on Woodward Avenue (at the site of the former Hudson's Building) in the City to accommodate future above-grade improvements that are expected to comprise a part of the Campus Martius Project (the "Campus Martius Project"), an economic development project being undertaken by the City of Detroit Downtown Development Authority (the "DDA"); and

Whereas, on December 8, 1999, the City of Detroit City Council (the "City Council") adopted its resolution authorizing the Director of the City of Detroit Planning and Development Department ("P&DD") to (i) execute that certain development agreement (hereinafter referred to as the "KWA Development Agreement") by and among the City, the DDA and Kern Woodward Associates, L.L.C. ("KWA"), which contemplates the transfer of those certain properties comprising the Campus Martius Project, commonly known as the Hudson Block, the Monroe Block, the Kern Block, the Crowley Block and the Kennedy Square Block, as those terms are defined in the KWA Development Agreement, to the DDA, for reconveyance to and development by KWA, subject to certain terms and conditions and rights of the City; and (ii) execute that certain land transfer agreement (the "KWA Land Transfer Agreement") by and between the City and the DDA for the transfer to the DDA of the Monroe Block, the Kern Block, the Crowley Block and the Kennedy Square Block in accordance with the KWA Development Agreement (A condominium was previously created on the Hudson Block comprised of two (2) units. The Master Deed generally describes unit 1 as constituting the subterranean area of the Hudson Block ("Unit 1") and unit 2

consisting of the parallelepiped air space extending vertically upward from grade on the Hudson Block ("Unit 2"). As indicated above, the Building Authority currently holds title to and is constructing a below-grade parking facility in Unit 1. The DDA holds title in fee to Unit 2.); and

Whereas, also on December 8, 1999, the City Council adopted its resolution authorizing the Director of P&DD to (i) execute that certain development agreement by and among the City, the DDA and Compuware Corporation ("Compuware"), which development agreement contemplates the transfer of the Kern and Crowley blocks to the DDA, for reconveyance to and development by Compuware of its new corporate headquarters (the "Compuware Development Agreement"), subject to certain rights of KWA pursuant to the KWA Development Agreement; and (ii) execute certain land transfer agreements (the "Compuware Land Transfer Agreements") by and between the City and the DDA for transfer to the DDA of the Kern Block and the Crowley Block, subject to certain rights of KWA pursuant to the KWA Land Transfer Agreement, and a portion of Farmer Street, all in accordance with the Compuware Development Agreement; and

Whereas, on July 21, 2000, the City Council adopted a resolution approving certain changes to the Compuware Development Agreement and authorizing the Director of P&DD to execute a Restated Compuware Development Agreement containing such changes (the "Restated Compuware Development Agreement"); and

Whereas, the Restated Compuware Development Agreement obligates the City and/or the DDA to coordinate the completion of certain Infrastructure Improvements (as that term is defined therein), with the completion of construction of the Compuware headquarters building; and

Whereas, the creation of the perimeter roads surrounding the new Campus Martius Park (the "Park") is among the Infrastructure Improvements to be completed as provided above; and

Whereas, it is anticipated that certain of the perimeter roads and part of the Park will be developed over a portion of the Kennedy Square Parking Garage Site; and

Whereas, in connection with the KWA Development Agreement and the Restated Compuware Development Agreement, the City has requested the Building Authority to enter into a land transfer agreement (hereinafter referred to as the "Kennedy Square Land Transfer Agreement") pursuant to which the Building Authority will reconvey the Kennedy Square Parking Garage Site to the City, thereby removing the Kennedy

Square Parking Garage from the City's municipal parking system; and

Whereas, Contract of Lease No. 2 authorizes the Building Authority to sell, remove or dispose of any property constituting part of the municipal parking system, provided that prior to any sale, removal or disposal, there must be filed with the Building Authority, the City and the trustee for the bondholders, a report from the City's parking consultant to the effect that for each of the first five (5) full fiscal years following the date of such sale, removal or disposition, the revenue derived from the municipal parking system (taking into account such sale, removal or disposal) will not fall below (a) 175% of the amounts needed to pay principal and interest and sinking fund requirements for all outstanding bonds and (b) amounts required to be paid into the debt service reserve account, the operating and contingency reserve fund, and the operating and maintenance reimbursement fund; and

Whereas, the City's parking consultant has filed such a report with the Building Authority, the City and the trustee for the bondholders confirming that the requirements for removal of the Kennedy Square Parking Garage from the municipal parking system have been satisfied; and

Whereas, Contract of Lease No. 2 provides that upon the filing of the parking consultant's report with the Building Authority, the City and the trustee for the bondholders, the property subject to sale, removal or disposal shall no longer be part of the municipal parking system and the revenues derived therefrom shall no longer be considered revenues dedicated to support the operation of the municipal parking system or pledged to the bondholders for that purpose upon passage of a resolution to that effect by the City Council; and

Whereas, Contract of Lease No. 2 further provides that the Building Authority may remove property from the municipal parking system with the approval of the City by ordinance or by resolution; and

Whereas, on January 7, 2000, the Board of Commissioners of the Building Authority adopted its resolution authorizing the Building Authority to reconvey the Kennedy Square Parking Garage Site to the City and to remove the Kennedy Square Parking Garage from the municipal parking system of the City; and

Whereas, pursuant to the Kennedy Square Land transfer Agreement, the City desires to remove the Kennedy Square Parking Garage from the Initial Project under Contract of Lease No. 2, and reacquire the Kennedy Square Parking Garage Site from the Building Authority; and

Whereas, in accordance with the KWA Development Agreement, the City desires

to transfer the Kennedy Square Parking Garage Site to the DDA so that the DDA may (i) construct a new underground parking garage on the Kennedy Square Parking Garage Site, and (ii) transfer the Kennedy Square Block to KWA for development in accordance with the KWA Development Agreement, the Restated Compuware Development Agreement, and the KWA Land Transfer Agreement for the Campus Martius Project; and

Whereas, the City of Detroit Municipal Parking Department ("MPD") shall operate and manage the Kennedy Square Parking Garage as a public parking facility until the transfer of the Kennedy Square Parking Garage Site to the DDA, provided that the DDA shall give the MPD sixty-five (65) days' notice of the need to transfer the Kennedy Square Parking Garage Site; and

Whereas, in accordance with the KWA Development approved by the Detroit City Council on December 8, 1999, and in accordance with the request of the Recreation Department to transfer jurisdiction of the Kennedy Square to the Planning & Development Department, the City Council desires to rescind the resolution adopted by City Council on December 19, 1972 (J.C.C. pp. 3079-80) assigning jurisdiction of John Fitzgerald Kennedy Square to the Department of Parks and Recreation for park, recreational, and other municipal public purposes for the purposes of rescinding any express or implied dedication or declaration of use of the Kennedy Square Block for park, recreational or public open space purposes and to declare the Kennedy Square Block surplus to the City's needs in order to permit the development of the Campus Martius Project; and

Whereas, in accordance with the KWA Development Agreement approved by the Detroit City Council on December 8, 1999, the City desires to rescind the resolution adopted by the City of Detroit Common Council on December 3, 1963 (J.C.C. p.2946) requiring that the land "lying west of Woodward Avenue, south of Michigan Avenue, east of Griswold Street and north of Fort Street...shall henceforth be known as 'JOHN FITZGERALD KENNEDY SQUARE' " to permit the development of the Campus Martius Project; and

Whereas, the City Council has determined that repurchasing the Kennedy Square Parking Garage Site from the Building Authority and removing the Kennedy Square Parking Garage from the municipal parking system, and conveying the Kennedy Square Parking Garage Site to the DDA for construction of a new underground parking garage and for conveyance by the DDA of the Kennedy Square Block to KWA for development in accordance with the KWA Development

Agreement and the Restated Compuware Development Agreement, and assisting in the development of the Campus Martius Project, is in the best interest of the City, will serve a valid public purpose and will benefit the public by increasing employment opportunities within the City, promoting the location, relocation, expansion and retention of commercial enterprises within the City, enhancing tourists amenities within the City, preserving and improving the aesthetic quality and economic health of the City, and increasing taxes and other revenues of the City;

Now, Therefore, Be It Resolved By The City of Detroit City Council, as follows:

1. That the Director of the City of Detroit Planning and Development Department is authorized to execute the Kennedy Square Land Transfer Agreement with the Building Authority and accept a deed from the Building Authority of the transfer of the Kennedy Square Parking Garage Site for One (\$1.00) Dollar and other good and valuable consideration.

2. That the Kennedy Square Land Transfer Agreement shall be considered confirmed when executed by the Director of the City of Detroit Planning and Development Department, and approved as to form by the Corporation Counsel.

3. That upon the execution of the Kennedy Square Land Transfer Agreement, the Kennedy Square Parking Garage shall be deemed removed from the municipal parking system and the revenues therefrom shall no longer be dedicated to support the debt of the City's municipal parking system or pledged to the bondholders for that purpose.

4. That the Kennedy Square Land transfer Agreement shall be executed effective as of the sixty-fifth (65th) day after the DDA gives notice to the MPD that it is necessary to close the Kennedy Square Parking Garage for the purpose of commencing the Infrastructure Improvements.

5. That in accordance with the request of the Recreation Department to transfer jurisdiction of John Fitzgerald Kennedy Square to the Planning & Development Department, the resolution adopted by City Council on December 19, 1972 (J.C.C. pp. 3079-80) assigning jurisdiction of John Fitzgerald Kennedy Square to the Department of Parks and Recreation for park, recreational, and other municipal public purposes is rescinded, and any express or implied dedication or declaration of use of John Fitzgerald Kennedy Square for park, recreational or public open space purposes is vacated and rescinded.

6. That the declaration of John Fitzgerald Kennedy Square as surplus and the transfer of jurisdiction of John Fitzgerald Kennedy Square from the

Recreation Department to the Planning & Development Department is approved.

7. That in accordance with the KWA Development Agreement approved by the Detroit City Council on December 8, 1999, the resolution adopted by the City of Detroit Common Council on December 3, 1963 (J.C.C. p. 2946) requiring that the land "lying west of Woodward Avenue, south of Michigan Avenue, east of Griswold Street and north of Fort Street...shall henceforth be known as 'JOHN FITZGERALD KENNEDY SQUARE' " is rescinded

8. That the Director of the City of Detroit Planning and Development Department is authorized to transfer the Kennedy Square Parking Garage Site, together with appropriate easements, to the DDA for One Dollar (\$1.00) and other good and valuable consideration, and to execute a deed and any other required documents to effectuate such transfer in accordance with the terms of this resolution.

9. That the deed and other documents referred to in the preceding paragraph shall be considered confirmed when executed by the Director of the Planning & Development Department and approved as to form by the Corporation Counsel.

Adopted as follows:

Yeas — Members Cleveland, K. Cockrel, Jr., S. Cockrel, Everett, Hood, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 9.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 55) per motions before adjournment.

Law Department

July 28, 2000

Honorable City Council:

Re: Settlement with defendant Smith & Wesson Corporation in *Dennis W. Archer & City of Detroit v. Arms Technology, Inc., et al.*, No. 99-912658 NZ

We have reviewed the above-referenced lawsuit, the facts and particulars of which are set forth in a confidential memorandum that is being separately hand-delivered to each member of your Honorable Body. From this review, it is our considered opinion that settlement with the defendant Smith & Wesson Corporation, on the terms set forth in that certain "Settlement Agreement" dated March 17, 2000 by and between Smith & Wesson Corporation, the U.S. Department of Treasury, the U.S. Department of Housing & Urban Development and other state, city and county parties, is in the best interest of the City of Detroit. A copy of the Settlement Agreement has been separately hand delivered to each member of your Honorable Body.

We, therefore, request approval of the attached resolution which authorizes set-

tlement of the above-referenced lawsuit only as to the defendant Smith & Wesson pursuant to the terms of the Settlement Agreement. A waiver of reconsideration is requested.

Respectfully submitted,
PHYLLIS A. JAMES

Corporation Counsel

By Council Member Mahaffey:

Resolved, that in accordance with Section 6-403 of the 1997 Detroit City Charter, the Detroit City Council consents to settlement of the civil litigation captioned *Dennis W. Archer & City of Detroit v. Arms Technology, Inc., et al.*, No. 99-912658 NZ, only as to the defendant Smith & Wesson Corporation, on the terms of and pursuant to that certain written "Settlement Agreement" dated March 17, 2000, by and between Smith & Wesson Corporation, the U.S. Department of Treasury, the U.S. Department of Housing & Urban Development and other state, city and county parties.

Adopted as follows:

Yeas — Council Members Cleveland, K. Cockrel, Jr., S. Cockrel, Everett, Hood, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 9.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 56) per motions before adjournment.

Law Department

July 28, 2000

Honorable City Council:

Re: *Kimberly Longstreet v City of Detroit, et al.*, Case No.: 99-924380-NI, (Wayne County Circuit Court), Case No.: 99-74277 (U.S. District Court).

I have reviewed the above-captioned lawsuit, the facts and particulars of which are set forth in a confidential memorandum that is being separately hand-delivered to each member of Your Honorable Body. From this review, it is our considered opinion that a settlement in the amount of Forty-Five Thousand (\$45,000.00) Dollars is in the best interest of the City of Detroit.

I, therefore, request authorization to settle this matter in the amount of Forty-Five Thousand (\$45,000.00) Dollars and that Your Honorable Body direct the Finance Director to issue a draft in that amount payable to Kimberly Longstreet and her attorney, Thomas H. Randolph III, to be delivered upon receipt of properly executed Releases and a Satisfaction of Judgment entered in Lawsuit No. 99-74277 (United States District Court) and Lawsuit No. 99-924380-NI (Wayne County Circuit Court) approved by the Law Department.

Respectfully submitted,
JACK TIMMONY,
Special Assistant
Corporation Counsel

acquires no implied or other privileges hereunder not expressly stated herein; and further

Provided, That the petitioner shall apply to and become a participating member of the "Miss Dig" organization; and further

Provided, The filing of the indemnity agreement and the securing of the necessary permits referred to herein shall be construed as acceptance of this resolution by the permittee; and further

Provided, The the encroachment permit shall not be assigned or transferred without the written approval of the City Council; and further

Provided, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deed; and be it further

Resolved, The petitioner "Total Petroleum, Inc., owner of Total Retail Facility #2554 at 10000 Plymouth Avenue" and/or "Enecotech Midwest (Environmental Consultants), Inc." shall submit "as built" drawings sealed by a professional engineer registered in the State of Michigan to the City Engineering Division — DPW within 30 days after obtaining the necessary "encroachment" permit to install the three proposed monitoring wells. Said "as built" drawings shall furnish a complete means of identifying and ascertaining the precise position of every part of the "encroachment" with courses, distances, and depth throughout (containing City of Detroit datum), so that it may be determined with certainty where any portion of the "encroachment" has been built. Copies of the certified "as built" maps and surveys shall be an "appendix" to this City Council resolution. Said "appendix" shall be recorded by the City Engineering Division — DPW in the Wayne County Register of Deeds.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 9.

Nays — None.

Recreation Department

February 2, 1995

Honorable City Council:

Re: Proposed Sale of Portion of Lipke Playfield.

The Recreation Department has received a request from Ozzad Property Management, a Michigan company doing business as Randazzo's Fruit and Vegetable Market, to purchase a strip of land 50 feet wide along the playfield's eastern boundary. Randazzo's is the business to the east of the playfield. The land which the company wishes to purchase is actually part of the Antwerp Avenue right-of-way, 60 feet wide, which

was taken from the playfield in 1948. However, at the direction of the City Council, the right-of-way was barricaded to prevent vehicle traffic in 1954. Vacation of the right-of-way would return the area to the playfield. The Recreation Department has reviewed this request and feels that this sale would have no effect on the recreational value of the playfield, and — assuming that the Council vacates the right-of-way, returning the area to the playfield — hereby declares the resulting east 50 feet of Lipke Playfield surplus to the needs of the department.

The Planning and Development Department has reached agreement with Ozzad Property Management to sell the 50-foot wide strip, totaling 13,842 square feet or .3178 acres more or less, for the sum of \$5,500 (Five Thousand, Five Hundred and 00/100 Dollars). Accordingly, the Recreation Department and the Planning & Development Department request that your Honorable Body approve the attached resolution, which has two major elements:

1. Refers the proposed vacation of Antwerp Avenue adjacent to Lipke Playfield to the Department of Public Works for investigation and recommendation, and

2. If the investigation and recommendation above result in the City Council vacating the Antwerp Avenue right-of-way adjacent to Lipke Playfield, declares the eastern 50 feet of that area to be surplus to the needs of the Recreation Department, transfers jurisdiction of that parcel to the Planning & Development Department, authorizes the parcel's sale, and authorizes the deposit of the sale proceeds into the Recreation Department's revolving fund for land acquisition and site development.

Respectfully submitted,
ERNEST W. BURKEEN, JR.

Director
Recreation Department
GLORIA ROBINSON
Director

Planning & Development Department

By Council Member Cockrel:

Be It Resolved, That in accordance with the foregoing communication, the Department of Public Works is hereby requested to investigate and make a recommendation to the City Council on the vacation of the portion of the Antwerp Avenue right-of-way adjacent to Lipke Playfield, more particularly described as:

Land in the City of Detroit, County of Wayne, Michigan being the East 60 feet of that part of the S.W. 1/4 of Section 3, T.1S., R.12E., Hamtramck Township lying West of the easterly line extended of Antwerp Avenue, 60 feet wide, as platted in "DesGrandchamp's Outer Drive

Sub. of part of E. 1/2 of S.W. 1/4 of Sec. 3, T.1S., R.12E., Hamtramck Twp.", as recorded in Liber 49, Page 24 of Plats, Wayne County Records, and also platted in the "House Van Dyke-Seven Mile Road Subdivision of part of S. 1/2 of the S.W., 1/4 Sec. 3, T.1S., R.12E., Hamtramck Twp.", as recorded in Liber 49, Page 26 of Plats, Wayne County Records, bounded on the North by the South line of the said "DesGrandchamp's Outer Drive Sub", rec'd. L. 49, P. 24 of P.W.C.R. and on the South by the North line of the said "House Van Dyke-Seven Mile Road Sub.", rec'd. L. 49, P. 26 of P.W.C.R. containing 16,610 square feet or 0.3813 acres more or less.

And Be It Further Resolved, That in the event the City Council subsequently vacates the above described portion of the Antwerp Avenue right-of-way and the area is returned to Lipke Playfield, the portion of Lipke Playfield described as follows:

Land in the City of Detroit, County of Wayne, Michigan being the easterly 50 feet of the following described parcel containing 13,842 square feet or 0.3178 acres more or less: Parcel described as being the East 60 feet of that part of the S.W. 1/4 of Section 3, T.1S., R.12E., Hamtramck Township lying West of the easterly line extended of Antwerp Avenue, 60 feet wide, as platted in "DesGrandchamp's Outer Drive Sub. of part of E. 1/2 of S.W. 1/4 of Sec. 3, T.1S., R.12E., Hamtramck Twp.", as recorded in Liber 49, Page 24 of Plats, Wayne County Records, and also platted in the "House Van Dyke-Seven Mile Road Subdivision of part of S. 1/2 of the S.W. 1/4 Sec. 3, T.1S., R.12E., Hamtramck Twp.", as recorded in Liber 49, Page 26 of Plats, Wayne County Records, bounded on the North by the South line of the said "DesGrandchamp's Outer Drive Sub.", rec'd. L. 49, P. 24 of P.W.C.R. and on the South by the North line of the said "House Van Dyke-Seven Mile Road Sub.", rec'd. L. 49, P.26 of P.W.C.R. containing 16,610 square feet or 0.3813 acres more or less.

Is hereby declared surplus to the needs of the Recreation Department and is transferred to the jurisdiction of the Planning and Development Department, and

Be It Further Resolved, That the sale of this parcel to Ozzad Property Management for the price of \$5,500 (Five Thousand, Five Hundred and 00/100 Dollars) is hereby authorized, with the proceeds of said sale to be deposited in the Recreation Department's revolving fund for land acquisition and site development.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Everett, Hill, Hood, Ravitz,

Scott, Tinsley-Williams and President Mahaffey — 9.

Nays — None.

Recreation Department

Revised as per City Council Request of February 21, 1995.

January 10, 1995

Honorable City Council:

Re: Establishment of Easements Within Rouge Valley Parkway and Transfer of Portion of Eliza Howell Park to Water and Sewerage Department for Puritan-Fenkell CSO Detention Facility.

On March 16, 1994, the City Council adopted a "Resolution of Authority" for the Detroit Water and Sewerage Department (DWSD) to acquire properties, easements and rights-of-way for the purpose of constructing federally-mandated Combined Sewer Overflow (CSO) basins. To build one of the CSO facilities — the Puritan-Fenkell CSO Detention Facility — DWSD will require a permanent 30-foot wide easement within the Rouge Valley Parkway for a new sanitary sewer, a temporary sewer construction easement within the Parkway, and the transfer of a 5.168 acre parcel within Eliza Howell Park to DWSD's jurisdiction for the CSO Detention Facility.

DWSD has met with members of the community and with Recreation Department staff to determine improvements to be made within Eliza Howell Park, as mitigation for the loss of recreation acreage. DWSD will construct tennis courts, play equipment, a comfort station and a parking lot for users of these facilities. We are hereby asking your Honorable Body to adopt the following resolution, which authorizes the establishment of the easements and the transfer of jurisdiction of the Eliza Howell Park acreage to DWSD.

Respectfully submitted,
ERNEST W. BURKEEN, JR.

Director

STEPHEN F. GORDEN

Director, Water and Sewerage Dept.

By Council Member Hood:

Resolved, That the Recreation Department is authorized to grant the following described Easements situated in the City of Detroit to the Water and Sewerage Department for the purpose of constructing and maintaining a sanitary sewer to be installed by the Water and Sewerage Department, in conjunction with the construction of a Combined Sewer Overflow Facility.

Easements more particularly described as follows:

A 30-foot wide permanent easement for sanitary sewer, located in the southwest 1/4 of Section 16, Town 1 South, Range 10 East, City of Detroit. Wayne

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the proposed Easterly line of New Clairpointe; thence S. 25° 52' 48" E., 1,239.97 feet along said line parallel with and 79 feet Westerly thereof to a point 436.55 feet Northerly of the Northerly line of Avondale Avenue, 60 feet wide, said point being a point of curve; thence 465.84 feet along the arc of a curve concave to the Northeast with a radius of 485 feet, central angle of 55° 01' 56" and a long chord bearing of S. 53° 23' 46" E., 448.14 feet to a point of tangency; thence S. 80° 54' 44" E., 313.07 feet to a point on a park road; thence N. 25° 05' 04" E., 112.41 feet, and N. 02° 20' 10" E., 80.86 feet along said road to the intersection of the northerly line of Avondale Avenue, and the Westerly line of Connor Avenue, 50 feet wide; thence N. 25° 53' 29" W., 300.00 feet along the said Westerly line of Connor Avenue to the Northeasterly corner of Lot 377 of Grosse Pointe Lands Co. Subdivision, as recorded in Liber 36, Page 52 of Plats, Wayne County Records; thence S. 63° 59' 07" W., 116.45 feet along the Southerly line of Lot 375 of Grosse Pointe Lands Co. Subdivision to the West line of public alley, 18 feet wide; thence N. 25° 53' 29" W., 60.00 feet along the Westerly line of said public alley to the Northeasterly corner of Lot 286 of said Hendrie & Hillger Subdivision No. 1, as recorded in Liber 36, Page 59 of Plats, Wayne County Records; thence S. 63° 59' 07" W., 266.00 feet along the Northerly line of Lots 286 and 263 of said subdivision to the Westerly line of a public alley 16' wide; thence N. 25° 53' 29" E., 1,316.18 feet along said line to the Northeast corner of Lot 69 of said subdivision; thence S. 63° 59' 07" W., 206.36 feet along the Northerly line of said Lot 69 extended to the point of beginning, containing 10.75 acres. Also parcel "B" described with the following bounds: beginning at the intersection of the Northerly line of Freud Avenue, 60 feet wide, and a line 27 feet Westerly of the Westerly line of Clairpointe Avenue; thence N. 25° 52' 48" W., 200.17 feet along said line; thence N. 28° 44' 46" W., 220 feet to a point 38 feet Westerly of the Westerly line of Clairpointe Avenue; thence N. 25° 52' 48" W., 180.08 feet along said line 38 feet Westerly of the Westerly line of Clairpointe Avenue, to the Northerly line of Lot 33 of the Hendrie and Hillger Subdivision, as recorded in Liber 27, Page 67 of Plats, Wayne County Records; thence N. 63° 59' 07" E., 190.17 feet along said Northerly line of said Lot 33 and the Northerly line of Lot 20 of Connor's Creek Subdivision, as recorded in Liber 34, Page 34 of Plats, Wayne County Records to the Westerly line of public alley, 16 feet wide; thence S. 25° 53' 29" E., 600.00 feet along said Westerly

line of public alley to the Northerly line of Freud Avenue; thence S. 63° 59' 07" W., 179.29 feet along said Northerly line of Freud Avenue to the point of beginning and containing 2.542 acres. The public rights-of-way of Clairpointe Street, Essex Street, Avondale Street and public alleys within the bounds of the above described parcel are intended to be vacated and included in the parcel.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Everett, Ravitz, Scott, Tinsley-Williams, and President Pro Tem. Hill — 7.
Nays — None.

Recreation Department

November 8, 1995

Honorable City Council:

Re: Surplus Declaration, Portion of Maheras Playfield

When Clairpointe and Conner Avenues were reconstructed several years ago, a small corner of Maheras Playfield was cut off from the main portion of the site by the two new streets. This parcel is shown on the Jefferson-Chalmers urban renewal plan as a future housing site. I am hereby declaring this parcel, which is 0.172 acres in size, as surplus to the needs of the Recreation Department. If your Honorable Body agrees with this declaration, attached is a resolution which will confirm the surplus declaration and transfer jurisdiction of the parcel to the Planning & Development Department.

Respectfully submitted,
ERNEST W. BURKEEN, JR.

Director

By Council Member Everett:

Resolved, That the portion of Maheras Playfield described as follows:

A part of Private Claim 388, City of Detroit, Wayne County, Michigan, being more particularly described as: Commencing at the northwest corner of Avondale Street, 60 feet wide and Conner Avenue, 50 feet wide, said point being also the southeast corner of Lot 386 of Grosse Pointe Land Company Subdivision, as recorded in Liber 36, Page 52 of Plats, Wayne County Records; thence 53.99 feet along the arc of a curve to the right, said curve having a radius of 59.10 feet, central angle of 52° 20' 49" and a long chord bearing of S. 00° 16' 56" W., 52.13 feet; thence S. 26° 27' 20" W., 21.77 feet to the point of beginning on the west line of Avondale Street, 60 feet wide; thence S. 26° 27' 20" W., 75.43 feet; thence 45.85 feet along the arc of a curve to the left, said curve having a radius of 945.00 feet, central angle of 02° 46' 47" and a long chord bearing of S. 25° 03' 57" W., 45.84 feet; thence N. 80° 54' 44" W., 129.99 feet to a point on the west line of

said Avondale Street, 60 feet wide; thence N. 63° 59' 07" E., 201.83 feet to the point of beginning and containing 0.172 acres.

Is hereby declared surplus to the needs of the Recreation Department and is transferred to the jurisdiction of the Planning & Development Department.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Everett, Ravitz, Scott, Tinsley-Williams, and President Pro Tem. Hill — 7.

Nays — None.

Suspension Of City Council Rule No. 27

Council Member Everett moved that Rule No. 27 of the "Rules and Order Business of City Council," which requires that every ordinance previous to its introduction, shall be approved as to form by the Corporation Counsel, be suspended, for this session only, for the purpose of introducing an Ordinance to amend Chapter 61, by amending District Map No. 2 of the Official Zoning Ordinance, to show PD classification where a B4 classification currently exists on property generally bounded by Clinton, St. Antoine, Macomb and I-75 Service Drive to allow for the development of a new Juvenile Detention Center, which motion prevailed.

Adopted as follows:

Yeas — Council Members Cockrel, Everett, Ravitz, Scott, Tinsley-Williams, and President Pro Tem. Hill — 6.

Nays — Council Member Cleveland — 1.

By Council Member Everett:

AN ORDINANCE to amend Chapter 61, by amending District Map No. 2 of Ordinance 390-G, the Official Zoning Ordinance, as amended.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT:

Section 1. That Chapter 61 of the 1984 Detroit City Code be amended by amending District Map No. 2 of Ordinance 390-G, as follows:

That District Map No. 2 be amended to show a PD zoning classification where a B4 zoning classification is currently shown for property generally bounded by Clinton, St. Antoine, Macomb and the I-75 Service Drive and more specifically described as:

Land in the City of Detroit, County of Wayne, Michigan being Lots 1 through 4, inclusive, on the South side of Clinton Street (40 feet wide), Lots 1 through 4, inclusive, on the North side of Macomb Street (50 feet wide) and the East-West vacated 20 foot alley contiguous to said Lots, "PLAT OF THE ANTOINE BEAUBIEN FARM" (P.C. 2), as recorded in Liber 27 of Deeds, Pages 197 through 199, Wayne County Records, "ALSO" Lots 1 through 7,

inclusive on the Southside of Clinton Street (40 feet wide), Lots 1 through 7, inclusive, on the North side of Macomb Street (50 feet wide) and the East-West vacated 20 foot alley contiguous to said Lots, "PLAT OF THE FRONT OF CHARLES MORAN FARM" (P.C. 5), as recorded in Liber 10 Page 3 and 5 of City Records, all more particularly described as: Beginning at the intersection of Northerly line of Macomb Street, 50 feet wide with the Easterly line of Saint Antoine Street, 50 feet wide; thence along said line of Saint Antoine Street, North 26 degrees 11 minutes 00 seconds West 230.56 feet; thence along the Southerly line of Clinton Street, 40 feet wide, North 59 degrees 52 minutes 09 seconds East 578.05 feet; thence along the Westerly line of the Walter P. Chrysler Westerly Service Drive, South 26 degrees 06 minutes 13 seconds East 230.56 feet; thence along said Northerly line of Macomb Street, South 59 degrees 52 minutes 00 seconds West 577.73 feet to the point of beginning.

For that portion of the development located in an Urban Renewal Area, that the Land Use and Development Plan and the Declaration of Restrictions embodied in the Development Plan for the Central Business District No. 3 shall constitute the Planned Development District regulations and shall be duly recorded at the Wayne County Registry of Deeds in accordance with Detroit Zoning Ordinance Section 110.0102.

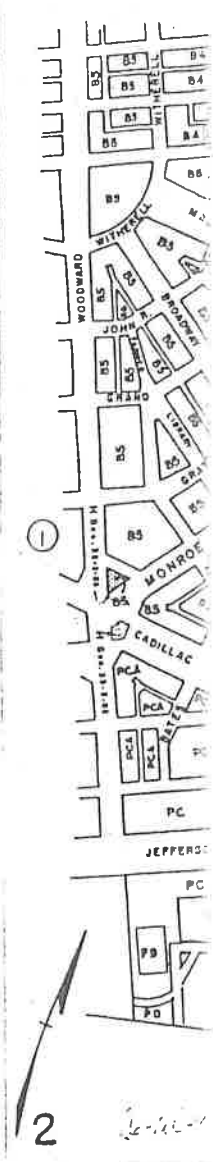
And, that the City Council approves the Development Proposal, Site Plan, and Elevation Plan for the Charter County of Wayne to allow the property to be developed with a new 201,260 square foot Juvenile Detention Center covering 3.0557 acres described in the Application for Development Proposal dated September 14, 1995, the Site Plan by BEI Associates, Inc. Architects and Engineers dated September 12, 1995, and the Elevation Plan by BEI Associates, Inc. Architects and Engineers dated October 27, 1995, subject to the conditions that landscaping plans and any signage on the site be submitted to the Planning Commission staff for review and approval prior to the issuance of occupancy permits and that the legal description of the subject parcel be approved by the City Engineering Office.

Section 2. All ordinances of parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 3. This ordinance is declared necessary for the preservation of the public peace, health, safety and welfare of the people of the City of Detroit and is hereby given immediate effect.

Approved:

TERRI L. RENSHAW
Corporation Counsel



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**Community & Economic
Development Department**

July 28, 1992

Honorable City Council:

Re: Lafayette Park Rehabilitation Pro-
ject. Land Disposition: Easterly Part
of Parcel 1 — Zone B-4 Transfer of
Jurisdiction and Agreement to Pur-
chase and Develop Land with Michi-
gan Federation of Teachers.

The Recreation Department has
declared a portion of Parcel 1 in
Lafayette Park Rehabilitation Project
containing approximately 20,117 square
feet surplus to its needs and has
requested that the Community & Eco-
nomic Development Department assume
jurisdictional control over the parcel.

On July 28, 1992, a Public Hearing in
connection with the proposed sale of the
captioned property in the Lafayette Park
Rehabilitation Project to the Michigan
Federation of Teachers was held before
your Honorable Body. All interested per-
sons and organizations were given an
opportunity to be heard.

The proposed redeveloper has submit-
ted satisfactory evidence that it pos-
sesses the necessary financial
resources required to develop land in
accordance with the Development Plan
for the project.

We, therefore, request that your Hon-
orable Body approve the attached sur-
plus declaration and adopt the attached
resolution authorizing the transfer of
jurisdiction of a portion of Parcel 1 from
the Recreation Department to the Com-
munity and Economic Development
Department, authorize and confirm the
sale of approximately 28,765 square feet
or 0.66 acres in Lafayette Park Reha-
bilitation Project to Michigan Federation
of Teachers in the amount of \$71,913.00
and authorize the Finance Director to
execute an Agreement to Purchase and
Develop Land, the agreement to also
obligate the developer to landscape and
maintain the adjacent 11,400 square foot
City-owned easement area.

Respectfully submitted,
HENRY B. HAGOOD

Director

Recreation Department

June 3, 1992

Honorable City Council:

Re: Surplus Declaration, Lafayette
Entrance Park

The Recreation Department has
reviewed the above site and determined
that it is surplus to our needs. We are
hereby asking your Honorable Body to
adopt the attached resolution, concurring
with our surplus determination and trans-
ferring jurisdiction of the site to the Com-
munity and Economic Development
Department.

Respectfully submitted,
DANIEL H. KRICHBAUM

By Council Member Butler:

Resolved, That in accordance with the
foregoing communication and the
attached Surplus Declaration, transfer of
jurisdiction of the following described
property in Lafayette Park Rehabilitation
Project from the Recreation Department
to the Community & Economic Develop-
ment Department is hereby approved:

Land in the City of Detroit, Wayne
County, Michigan, being the East 100
feet of the West 120 feet of Lot 12 in the
"South Lafayette Park Subdivision of
Parts of Private Claim 6, 181, 7, 12, 13, 8
and 17", as recorded on October 12,
1965 in Liber 88, Pages 61, 62, 63 and
64 of Plats, Wayne County Records; said
parcel of land containing 20,117 square
feet or 0.4619 acres more or less and

Resolved, That the City Finance Direc-
tor be and is hereby authorized to exe-
cute an Agreement to Purchase and
Develop the land described in attached
Exhibit "A" in Lafayette Park Rehabilita-
tion Project with Michigan Federation of
Teachers in the amount of \$71,913.00
and

Resolved, That the agreement obli-
gates Michigan Federation of Teachers
to landscape and maintain the adjacent
City-owned easement area as described
in Exhibit "A-1" and be it further

Resolved, That the agreement be con-
sidered confirmed when signed and exe-
cuted by the Finance Director and
approved by the Corporation Counsel as
to form.

Exhibit "A"

LAFAYETTE PARK

REHABILITATION PROJECT

Part of Parcel 1

W. of Riopelle (Easement)

between Jefferson & Larned

Land in the City of Detroit, County of
Wayne, Michigan being part of Lots 11 &
12 of the "South Lafayette Park Subdivi-
sion of parts of Private Claim 6, 181, 7,
12, 13, 8 and 17," as recorded on Octo-
ber 12, 1965 in Liber 88 of Plats, Page 61
thru 64, Wayne County Records:

Commencing at the northeasterly cor-
ner of said Lot 12, thence S.59°51'50"W.,
along the southerly line of Larned Ave-
nue, 120 feet wide, 109.66 to the point of
beginning; thence S.59°51'50"W., along
said southerly line of Larned Avenue,
149.93 feet; thence S.30°08'10"E.,
201.22 feet; thence N.59°50'40"E., along
the northerly line of Jefferson Avenue,
120 feet wide, 136.00 feet; thence
N.26°10'27"W., along the westerly line of
public easement, 39.07 feet wide, 201.65
feet, to the point of begining containing
28,765 square feet, or 0.6603 acres

Exhibit "A-1"
LAFAYETTE PARK
REHABILITATION PROJECT
Part of Parcel 1

E. Of Riopelle (Easement)
Between Jefferson and Larned

Land in the City of Detroit, County of Wayne, Michigan being part of Lot 12 of the "South Lafayette Park Subdivision of parts of Private Claim 6, 181, 7, 12, 13, 8 and 17", as recorded on October 12, 1965 in Liber 88 of Plats, Pages 61 thru 64, Wayne County Records:

Commencing on the northeasterly corner of said Lot 12, thence S.59°51'50"W., along the southerly line of Larned Avenue, 120 feet wide, 60.00 feet to the point of beginning; thence S.59°51'50"W., along said southerly line of Larned Avenue, 49.66 feet; thence S.26°10'27"E., along the westerly line of a public easement, 39.07 feet wide, 201.65 feet; thence N.59°50'40"E., along the northerly line of Jefferson Avenue, 120 feet wide, 63.66 feet; thence N.30°09'20"E., along a line parallel to the easterly line of said Lot 12, 201.15 feet to the point of beginning containing 11,400 square feet or 0.2617 acres more or less.

Subject to a public easement, 39.07 feet wide, on the westerly part of said Lot 12.

Adopted as follows:

Yeas — Council Members Butler, Eberhard, Everett, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 8.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 11) per motions before Adjournment.

Community & Economic
Development Department

July 28, 1992

Honorable City Council:

Re: Jefferson Chalmers Rehabilitation Project Land Disposition: Part of Parcel 4 — Zone PD Riverbend Plaza Limited Partnership, a Michigan Limited Partnership.

On Tuesday, July 28, 1992, a public hearing was held before your Honorable Body in connection with the proposed sale of Part of Parcel 4 in Jefferson Chalmers Rehabilitation project to Riverbend Plaza Limited Partnership, a Michigan Limited Partnership. All interested persons and organizations were given an opportunity to be heard.

The proposed redeveloper has submitted satisfactory evidence that it possesses the necessary financial resources required to develop land in accordance with the Development Plan for the project.

We, therefore, request that your Honorable Body authorize the Finance Direc-

tor to execute an agreement to purchase and develop Part of Parcel 4 in Jefferson Chalmers Rehabilitation Project to Riverbend Plaza Limited Partnership, a Michigan Limited Partnership in the amount of \$138,184.00. This amount is equal to the re-use value based on a price of 65¢ per square foot. The subject property contains approximately 215,590 square feet of land or 4.88 acres more or less.

Respectfully submitted,

HENRY B. HAGOOD

Director

By Council Member Butler:

Resolved, That the City Finance Director be and is hereby authorized to execute an agreement to purchase and develop land in Jefferson Chalmers Rehabilitation Project as described in Exhibit "A" with Riverbend Plaza Limited Partnership, a Michigan limited partnership for the sum of \$138,184.00 in accordance with the foregoing communication and the Development Plan for this project; and be it further

Resolved, That the agreement be considered confirmed when signed and executed by the Finance Director and approved by the Corporation Counsel as to form.

Exhibit "A"

Jefferson Chalmers N.D.P.

Part of Parcel 4

Land in the City of Detroit, County of Wayne and State of Michigan being all of Lots 4 thru 7 and Lots 160 thru 173, and part of Lots 3, and Lots 8 thru 23 of Block B; also all of Lots 8 thru 19 and Lots 156 thru 166, and part of Lots 1 thru 7 of Block C of "Jefferson Park Subdivision of the Jefferson Park Realty Company in the City of Detroit", as recorded in Liber 26, Page 93 of Plats, Wayne County Records; also the reversionary interest in that part of Drexel Avenue, 60 feet wide, and public alleys 18 feet wide and variable width, all lying within the bounds of this parcel more particularly described as follows:

Beginning at the intersection of the southerly line of Jefferson Avenue, 120 feet wide, and westerly line of Coplin Avenue, 60 feet wide; thence S. 28° 54' 56"E. along said westerly line of Coplin Avenue, 451.76 feet to the southerly line of said Lot 156 of Block C; thence S. 61°06'57"W. along said southerly line of Lot 156 of Block C extended westerly a distance of 408.28 feet; thence N.28°56'00"W. along a line 12.92 feet westerly of and parallel to the westerly line of the north-south public alley, 18 feet wide, of above said Block B, "Jefferson Park Subdivision", a distance of 589.62 feet to the southerly line of Jefferson Avenue; thence N.79°22'51"E. along said southerly line of Jefferson Avenue a distance of 200.61 feet; thence

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CITY OF DETROIT
PLANNING & DEVELOPMENT DEPARTMENT

November 9, 2006

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

RE: Transfer of Jurisdiction of Surplus Property
Parcel I--North and South Camp a.k.a Camp Brighton (part of)

Honorable City Council:

The Detroit Recreation Department has declared the above-captioned property surplus to its needs and request that the Planning and Development Department assume jurisdictional control over the property, which is commonly referred to as Parcel I--North and South Camp a.k.a Camp Brighton (part of).

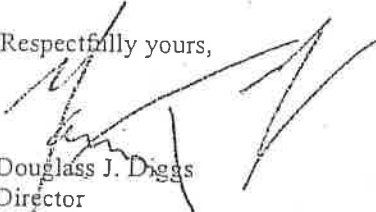
Camp Brighton is a 199-acre recreation camp located in Genoa Township in Livingston County. The site is comprised on two separate parcels. Parcel I is the North and South camp and Parcel II is a separate parcel located West of the camp. A 41-acre lake (Euler Lake) separates the North and South camp. Parcel I measures approximately 160 acres and is zoned PRF (Public and Recreational Facilities District).

We are in receipt of a request from The Chaldean Catholic Church of the United States of America, a Michigan Ecclesiastical Corporation to purchase the above-captioned property for the amount of \$3,500,000.00. The purchaser intends on maintaining the property as a camp. In addition, the Diocese will work with the City of Detroit with respect to the idea of allowing pre-scheduled uses of the Camp by children from the City of Detroit. Given the City's financial condition and in an effort to meet our land sales projections we are recommending this sale.

We, therefore, request that your Honorable Body approve the attached resolution authorizing the Detroit Recreation Department to transfer jurisdiction of Parcel I--North and South Camp a.k.a Camp Brighton (part of) to the Planning and Development Department.

We, also, request that your Honorable Body adopt the sale and authorize the Planning and Development Department's, Director or his authorized designee to execute a quit claim deed to the property and such other documents as may be necessary to effect the sale with The Chaldean Catholic Church of the United States of America, a Michigan Ecclesiastical Corporation for the amount of \$3,500,000.00.

Respectfully yours,


Douglass J. Diggs
Director

OE:LJ:kc

- cc: Kandia Milton, Mayor's Office
- Arese Robinson, Mayor's Office
- Kathryn Underwood, Planning Commission
- Chris Gulock, Planning Commission
- Law Department
- Valerie Upshaw, Planning and Development

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By Council Member _____

RESOLVED, That in accordance with the foregoing communication The Detroit Recreation Department is authorized to transfer jurisdictional control of Parcel I—North and South Camp a.k.a Camp Brighton (part of), more particularly described as follows, to the Planning and Development Department.

Land in the Township of Genoa, County of Livingston, and State of Michigan being the West ½ of the Northwest ¼ of Section 12, Town 2 South, Range 5 East; also the East ½ of the Northeast ¼ of Section 11 Town 2 South, Range 5 East, containing 160 acres more or less.

and be it further

RESOLVED, That in accordance with the foregoing communication, the Planning and Development Department's Director or his authorized designee is hereby authorized to execute a Quit Claim Deed to the above-captioned property and such other documents as may be necessary to effect the sale with The Chaldean Catholic Church of the United States of America, a Michigan Ecclesiastical Corporation for the amount of \$3,500,000.00.



February 12, 2019

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

**RE: Property Sale by Development Agreement
2240 and 2250 W. Grand Blvd., and 2700 Ferry, Detroit, MI 48208 (a/k/a Lee Plaza)**

Honorable City Council:

The City of Detroit (“City”), Planning and Development Department (“P&DD”) has received a viable offer to rehabilitate and develop certain City-owned property at 2240 and 2250 W. Grand Blvd. and 2700 Ferry Park, Detroit, MI, which includes a 15-story vacant building with a .36 acre vacant lot to the east and a .79 acre vacant lot to the south (collectively “Lee Plaza”).

Constructed in 1928 as a luxury apartment building with hotel services, Lee Plaza is a historic site that is registered with both the State of Michigan and the United States National Register for Historic Places. Since 1968, Lee Plaza was used as a senior citizens complex that continued to decline in occupancy until it finally closed in 1997. More recently in 2015, the Detroit Housing Commission (“DHC”), as prior owner, tried to find a credible developer with the requisite financial resources to address both historic and affordable housing components of developing the site. Such efforts were ultimately unsuccessful and the only serious proposal received by DHC never moved forward due to the inabilities of the proposed developer to purchase the property.

In 2017, the City devised and instituted a multi-step approach to saving Lee Plaza that would not only return it to productive use, but would also support additional affordable housing opportunities at other locations within the City. Despite its notable state of abandonment and disrepair, the City sees Lee Plaza as a tremendous opportunity for historic preservation and catalytic rehabilitation. The City’s approach to saving Lee Plaza includes the following:

Step 1: City acquires Lee Plaza. The City acquired Lee Plaza from DHC in 2017, thus removing over 200 unoccupied units from DHC’s housing portfolio and increasing its occupancy rate. This has led to an increase in project-based vouchers available to DHC for use at other sites and an increase in DHC’s Public Housing Assessment System (“PHAS”) score with the U.S. Department of Housing & Urban Development (“HUD”) that provides DHC the opportunity to qualify for HUD incentives as a possible public housing high performer.

Step 2: City stabilizes Lee Plaza. The City made \$1.3M available to the Detroit Building Authority to secure and stabilize Lee Plaza. To date, the City has: (1) secured all floors of the building by board-up or installation of SecureView ClearBoarding, (2) performed extensive debris



removal on the first 2 floors of the building and (3) evaluated other critical areas of the building, such as the roof, and prepared an action plan to address certain deficiencies.

Step 3: City sells Lee Plaza. Since 2017, the City has worked to find a proven developer that specializes in complex real estate and economic development projects with a demonstrated history of securing sufficient capital to properly rehabilitate a historic building of the scope and size of Lee Plaza. After almost two years of reviewing and vetting proposals from developers following a public request for proposals that did not result in the selection of a developer capable of proceeding on the rehabilitation, the City feels it has identified such a development team comprised of the Detroit-based Roxbury Group and Ethos Development Partners. The Roxbury Group has developed over one million square feet of properties in the City of Detroit, including a number of iconic historic high-rises, and together with Ethos has a proven track record of receiving successful funding awards from the Michigan State Housing and Development Authority (“MSHDA”) for affordable housing. Notable projects of The Roxbury Group and Ethos include The Auburn, David Whitney Building, the Globe Trading Company Building, The Griswold, The Louis Kamper and Stevens Buildings, the NSO-Bell Building and The Metropolitan – all in the City of Detroit. The proposal received from The Roxbury and Ethos for Lee Plaza includes: (1) a unique phasing strategy that addresses initial residential development of the building with approximately 180 units, re-activation of the building’s first floor grand lobby and site/landscape improvements, (2) a realistic project financing strategy that includes 9% Low Income Housing Tax Credits through MSHDA and (3) a commitment to rent at least 50% of the units for 30 years at affordable rates to households with incomes of 80% AMI or less. All other proposals received by the City to date from alternative developers were lacking in one or more aspects included in The Roxbury/Ethos proposal, left too many financial unknowns or seemed infeasible given the current state of the market surrounding Lee Plaza.

To continue capitalizing on the City’s plan to return Lee Plaza to productive use, P&DD hereby proposes to sell Lee Plaza by development agreement to Lee Plaza, LLC, a Michigan Limited Liability Company associated with The Roxbury Group and Ethos, for the purchase price of Three Hundred Fifty Thousand and 00/100 Dollars (\$350,000.00) (the “Purchase Price”). Due to the size and historic attributes of the property, Lee Plaza, LLC will first review and assess the environmental, structural and historical conditions of the building over an initial year and half due diligence period. During such period, Lee Plaza, LLC will be responsible for securing and maintaining the building and site. The City will credit the actual costs of securing and maintaining Lee Plaza during this time towards the Purchase Price.

Currently, the 2240 and 2250 W. Grand Blvd. portions of Lee Plaza are within an R6 zoning district (High Density Residential) and the 2700 Ferry Park portion is within an R2 zoning district (Two-Family Residential). Lee Plaza, LLC’s use of the property shall be consistent with the allowable uses for which the property is zoned.



For the reasons stated above, we hereby request that your Honorable Body adopt the attached resolution to authorize the Director of P&DD to execute a development agreement, deed and such other documents as may be necessary or convenient to effect a transfer of Lee Plaza by the City to Lee Plaza, LLC.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Maurice D. Cox". The signature is fluid and cursive, with a large, sweeping initial "M".

Maurice D. Cox
Director

cc: Stephanie Washington, Mayor's Office

RESOLUTION

BY COUNCIL MEMBER: _____

NOW, THEREFORE, BE IT RESOLVED, that Detroit City Council hereby approves of the sale by development agreement of certain real property at 2240 and 2250 W. Grand Blvd. and 2700 Ferry Park, Detroit, MI (collectively the "Property"), as more particularly described in the attached Exhibit A incorporated herein, to Lee Plaza, LLC ("Developer"), a Michigan limited liability company, for the purchase price of Three Hundred Fifty Thousand and 00/100 Dollars (\$350,000.00) (the "Purchase Price"), less a credit equal to the expected costs of securing and maintaining the Property for a period of a year and a half from the date of the development agreement, but in no case shall the Purchase Price be less than One and 00/100 Dollar (\$1.00); and be it further

RESOLVED, that the Director of the Planning and Development Department, or his authorized designee, is authorized to execute a development agreement and issue a quit claim deed for the sale of the Property, as well as execute such other documents as may be necessary or convenient to effect the transfer of the Property to the Developer consistent with this resolution; and be it further

RESOLVED, that the development agreement shall obligate the Developer to: (1) develop the Property into a residential development with approximately 180 units, reactivate the building's first floor and complete site/landscape improvements and (2) lease at least fifty percent (50%) of the total rental units on the Property to tenants with an annual household income of eighty percent (80%) AMI or less for a period of thirty (30) years; and be it further

RESOLVED, that the Director of the Planning and Development Department, or his authorized designee is authorized to execute any required instruments to make and incorporate technical amendments or changes to the quit claim deed (including but not limited to corrections to or confirmations of legal descriptions, or timing of tender of possession of particular parcels) in the event that changes are required to correct minor inaccuracies or are required due to unforeseen circumstances or technical matters that may arise prior to the conveyance of the Property, provided that the changes do not materially alter the substance or terms of the transfer and sale; and be it finally

RESOLVED, that the development agreement and quit claim deed will be considered confirmed when executed by the Director of the Planning and Development Department, or his authorized designee, and approved by the Corporation Counsel as to form.

(See Attached Exhibit A)

EXHIBIT A

LEGAL DESCRIPTIONS

Property situated in the City of Detroit, County of Wayne and State of Michigan described as follows:

Parcel 1

S W GRAND BLVD LOTS 8 AND 9 WM Y HAMLINS SUB L10 P15 PLATS, W C R 10/61
100 X 200

a/k/a 2240 WEST GRAND BLVD., Detroit, MI 48208 21E
Tax Parcel ID 10001037

Parcel 2

S W GRAND BLVD W 30 FT OF LOT 11 AND LOT 10 WM Y HAMLINS SUB L10 P15
PLATS, W C R 10/61 80 X 200

a/k/a 2250 WEST GRAND BLVD., Detroit, MI 48208 J1E
Tax Parcel ID 10001035-6

Parcel 3

N FERRY PARK LOTS 35 THRU 42 WM Y HAMLINS SUB L10 P15 PLATS, W C R 10/61
240 X 144.62

a/k/a 2700 FERRY PARK, Detroit, MI 48208 21E
Tax Parcel ID 10000966-9

Description Correct
Engineer of Surveys

By: 

Basil Sarim, P.S.
Professional Surveyor
City of Detroit/DPW, CED



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City of Detroit

CITY COUNCIL

GABE LELAND
COUNCIL MEMBER

MEMORANDUM

TO: Jan Anderson, Director
Detroit Parks & Recreation Department

Brad Dick, Group Executive
Services & Infrastructure Administrative Division

THRU: The Honorable Council President Brenda Jones

FROM: Council Member Gabe Leland 

DATE: February 12, 2019

RE: **Park Land**

Please provide information regarding the status of park lands in District 7 as follows: 1) Deemed appropriate for continuous park land use, 2) Designated park improvements within the next 2 years, 3) Received park improvements within the last 5 years and/or, 4) Deemed no longer appropriate to DPRD needs.

Please forward a list of park lands in District 7 that DPRD has declared surplus and transferred jurisdiction to another department for development, sale and/or disposition beginning January 2014 to present.

Cc: Honorable Detroit City Council Members
Mayor's Office, Stephanie Washington

GL/gal

CITY CLERK 2019 FEB 12 PM 4:21



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City of Detroit

CITY COUNCIL

GABE LELAND
COUNCIL MEMBER

MEMORANDUM

TO: Alvin Horn, Assessor

THRU: The Honorable Council President Brenda Jones

FROM: Council Member Gabe Leland *GL*

DATE: February 12, 2019

RE: **Park Land – District 7**

Please provide a District 7 map that designates 1) park lands within the district, 2) the name of each park and 3) its acreage (if known).

Cc: Honorable Detroit City Council Members
Mayor's Office, Stephanie Washington

GL/gal

CITY CLERK 2019 FEB 12 PM 4:24



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City of Detroit

CITY COUNCIL

GABE LELAND
COUNCIL MEMBER

MEMORANDUM

TO: David Whitaker, Director
Legislative Policy Division

THRU: The Honorable Council President Brenda Jones

FROM: Council Member Gabe Leland *GL*

DATE: February 12, 2019

RE: **Declaration of Park Land as Surplus Land**

Please provide information pertaining to:

1. Previous Council resolutions adopted regarding the replacement of park land when sold for development purposes.

Cc: Honorable Detroit City Council Members
Mayor's Office, Stephanie Washington

GL/gal

CITY CLERK 2019 FEB 12 PM 4:24