

STATE OF MICHIGAN

IN THE SUPREME COURT

Appeal from the Court of Appeals  
REDFORD, P.J., and GADOLA and RIORDAN, JJ.

THE NEW 555 COMMERCIAL, LLC,  
THE NEW 555 RESIDENTIAL, LLC,  
MANORWOOD PROPERTIES, LLC, and  
ASSOCIATES OF 555, LP,

Petitioners/Appellants,

v.

CITY OF BIRMINGHAM,

Respondent/Appellee.

Supreme Court  
Docket No. 167620

Court of Appeals  
Docket No. 364563

Michigan Tax Tribunal  
Docket No. 22-000772

---

Petitioners/Appellants' Appendix

Petitioners/Appellants, by and through their attorneys, Williams Williams Rattner & Plunkett, PC, submit this Appendix of Exhibits to their Supplemental Brief in Support of the Application for Leave to Appeal.

Respectfully Submitted,

WILLIAMS WILLIAMS RATTNER  
& PLUNKETT, PC

By: /s/ Jason C. Long  
Jason C. Long (P59244)  
Attorneys for Petitioners/Appellants

Dated: December 19, 2025

## Table of Contents

Page references are to the continuous pagination. Each document is bookmarked in the .pdf submission of this Appendix.

<b>Document</b>	<b>Page</b>
A. Michigan Tax Tribunal Order Denying Petitioner’s Motion for Summary Disposition, Dated December 22, 2022 .....	4
B. Court of Appeals Order dated July 7, 2023.....	9
C. Supreme Court Order dated November 22, 2023 .....	10
D. <i>New 555 Commercial, LLC v City of Birmingham</i> , unpublished opinion per curiam of the Court of Appeals, issued Aug 22, 2024 (Docket No. 364563).....	11
E. Supreme Court Order dated November 7, 2025 .....	19
F. Register of Actions, Michigan Tax Tribunal .....	20
G. Register of Actions, Court of Appeals and Supreme Court .....	24
H. Respondent’s Answers to Petitioners Interrogatories and Request for Production (text only) .....	30
I. Respondent’s Response to Petitioner’s Motion for Summary Disposition .....	74
J. Memorandum, City of Birmingham, dated April 22, 2022 .....	178
K. Photographs from Google Earth.....	187
L. Record Cards, 555 Complex .....	193
M. Memorandum, City of Birmingham, dated April 11, 2022.....	208
N. Memorandum, City of Birmingham, dated March 8, 2022 .....	218
O. South Old Woodward Ave Phase 3.....	229
P. S. Old Woodward Sidewalk and Streetscape SAD Area (with cross-hatch).....	234

**Q.** Memorandum, City of Birmingham, dated April 8, 2022 ..... 235

**R.** Birmingham City Commission Minutes, March 14, 2022..... 239

**S.** Statement of John J. Reinhart, dated April 6, 2022 ..... 248

**T.** Email from Molly Baran, dated April 6, 2022..... 255

**U.** Statement of Nicole Ashley, dated April 7, 2022..... 257

**V.** Statement of Daniel Brown, dated April 6, 2022..... 259

**W.** Statement of Michelle Russo, dated April 6, 2022..... 267

**X.** Letter from Dan Morrow, dated April 7, 2022 ..... 273

**Y.** Statement of Dustin Wenzel, dated April 7, 2022 ..... 275

**Z.** Birmingham City Commission Minutes, April 11, 2022..... 277

**AA.** Entire Tribunal Special Assessment Petition ..... 288

**BB.** Affidavit of Scott Zielinski..... 301

**CC.** Birmingham Charter, Chapter X..... 306

**DD.** Birmingham Code, Chapter 94..... 308



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

The New 555 Commercial LLC,  
The New 555 Residential LLC,  
Manorwood Properties LLC,  
Associates of 555, LP,  
Petitioners,

MICHIGAN TAX TRIBUNAL

v

MOAHR Docket No. 22-000772

City of Birmingham,  
Respondent.

Presiding Judge  
Steven M. Bieda

ORDER DENYING PETITIONER'S MOTION FOR SUMMARY DISPOSITION

**INTRODUCTION**

Petitioner filed this appeal disputing Respondent's special assessment for streetscape and sidewalk improvements on May 10, 2022.

On November 21, 2022, Petitioner filed a motion requesting that the Tribunal enter summary disposition in their favor. In the motion, which was filed pursuant to MCR 2.116(C)(10), Petitioner contends that there is no genuine issue of material fact as to the validity of the special assessment.

Respondent filed a response to the motion on December 19, 2022.

**PETITIONER'S CONTENTIONS**

Petitioner contends that the special assessment is invalid as a matter of law because Respondent failed to determine what benefits would be received by the affected properties and that the assessments were in proportion to the benefits received, as required by Section 94 of the Birmingham City Code. Respondent admitted as much in its discovery responses, and it cannot rely on the presumption of validity to satisfy said requirements. Although special assessments are presumed valid, that pertains only to the burden of proof at a hearing, and does not excuse Respondent from fulfilling the requirements of its own municipal code to adopt a special assessment in the first place.

**RESPONDENT'S CONTENTIONS**

Respondent contends that Petitioner's motion relies on out-of-context discovery responses and its arguments are without merit. City engineers prepared two reports for

the City Commission that explained the nature and scope of the project, recommended approach, estimates of cost, life of improvement, a description of the proposed assessment district(s) and all other information required by state statute and City ordinance. The Assistant City Engineer set forth the method of assessment (cost per linear foot of frontage of the improvements) and they recommended that the Commission approve the special assessment because it is proportionate to the increase in value of all properties in the district. Respondent is not required to retain an appraiser or valuation expert in order to determine the exact increase in property value before creation or adoption of a special assessment as Petitioner suggests. The special assessment was properly levied, and Respondent should be granted summary disposition under MCR 2.116(I)(2).

### STANDARD OF REVIEW

There is no specific Tribunal rule governing motions for summary disposition. Therefore, the Tribunal is bound to follow the Michigan Rules of Court in rendering a decision on such motions.<sup>1</sup>

#### *A. Motions for Summary Disposition under MCR 2.116(C)(10).*

MCR 2.116(C)(10) provides for summary disposition when “there is no genuine issue as to any material fact, and the moving party is entitled to judgment or partial judgment as a matter of law.”<sup>2</sup> The Michigan Supreme Court, in *Quinto v Cross and Peters Co.*,<sup>3</sup> provided the following explanation of MCR 2.116(C)(10):

MCR 2.116 is modeled in part on Rule 56(e) of the Federal Rules of Civil Procedure . . . [T]he initial burden of production is on the moving party, and the moving party may satisfy the burden in one of two ways.

First, the moving party may submit affirmative evidence that negates an essential element of the nonmoving party's claim. Second, the moving party may demonstrate to the court that the nonmoving party's evidence is insufficient to establish an essential element of the nonmoving party's claim. If the nonmoving party cannot muster sufficient evidence to make out its claim, a trial would be useless, and the moving party is entitled to summary judgment as a matter of law.

In reviewing a motion for summary disposition brought under MCR 2.116(C)(10), a trial court considers affidavits, pleadings, depositions, admissions, and documentary evidence filed in the action or submitted by the parties, MCR 2.116(G)(5), in the light most favorable to the party opposing the motion. A trial court may grant a motion for summary

---

<sup>1</sup> See TTR 215.

<sup>2</sup> *Id.*

<sup>3</sup> *Quinto v Cross and Peters Co.*, 451 Mich 358 (1996) (citations omitted).

disposition under MCR 2.116(C)(10) if the affidavits or other documentary evidence show that there is no genuine issue in respect to any material fact, and the moving party is entitled to judgment as a matter of law. MCR 2.116(C)(10), (G)(4).

In presenting a motion for summary disposition, the moving party has the initial burden of supporting its position by affidavits, depositions, admissions, or other documentary evidence. The burden then shifts to the opposing party to establish that a genuine issue of disputed fact exists. Where the burden of proof at trial on a dispositive issue rests on a nonmoving party, the nonmoving party may not rely on mere allegations or denials in pleadings, but must go beyond the pleadings to set forth specific facts showing that a genuine issue of material fact exists. If the opposing party fails to present documentary evidence establishing the existence of a material factual dispute, the motion is properly granted.<sup>4</sup>

"A genuine issue of material fact exists when the record, giving the benefit of reasonable doubt to the opposing party, leaves open an issue upon which reasonable minds might differ."<sup>5</sup> In evaluating whether a factual dispute exists to warrant trial, "the court is not permitted to assess credibility or to determine facts on a motion for summary judgment."<sup>6</sup> "Instead, the court's task is to review the record evidence, and all reasonable inferences therefrom, and decide whether a genuine issue of any material fact exists to warrant a trial."<sup>7</sup>

*B. Motions for Summary Disposition under MCR 2.116(I)(2).*

MCR 2.116(I)(2) states: "If it appears to the court that the opposing party, rather than the moving party, is entitled to judgment as a matter of law."<sup>8</sup> Thus, under this rule the court may render judgment in favor of the opposing party.

### CONCLUSIONS OF LAW

The Tribunal has considered Petitioner's Motion for Summary Disposition under the criteria for MCR 2.116(C)(10) and finds that granting the motion is not warranted. Petitioner is correct that special assessments "are permissible only when the improvements result in an increase in the value of the land specially assessed,"<sup>9</sup> and to be valid "there must be some proportionality between the amount of the special assessment and the benefits derived therefrom."<sup>10</sup> Respondent is not required,

<sup>4</sup> *Id.* at 361-363. (Citations omitted.)

<sup>5</sup> *West v General Motors Corp.*, 469 Mich 177 (2003).

<sup>6</sup> *Cline v Allstate Ins Co*, unpublished per curiam opinion of the Court of Appeals, issued June 21, 2018 (Docket No. 336299) citing *Skinner v Square D Co*, 445 Mich 1 (1994).

<sup>7</sup> *Id.*

<sup>8</sup> See also *Washburn v Michailoff*, 240 Mich App 669; 613 NW2d 405 (2000).

<sup>9</sup> *Kadzban v City of Grandville*, 442 Mich 495, 501; 502 NW2d 299 (1993).

<sup>10</sup> *Id.* at 501-502.

however, to conduct a specific benefit analysis or make findings in support of its benefit determination prior to levying a special assessment. The Michigan Supreme Court has repeatedly held that “municipal decisions regarding special assessments are presumed to be valid,”<sup>11</sup> and “the decisions of municipal officers regarding special assessments “generally should be upheld.”<sup>12</sup> It explained:

It is not for this court to set its judgment up in opposition to that of the board of commissioners and the council, and to say that this parcel of land or that is assessed too much or too little. The assessments were to be made according to benefits to each parcel of property, and there is nothing in the record showing that the commissioners did not assess the complainant's lands in accordance with their best judgment.

The quoted rule is universal, and may be found in consistent application throughout our reports. It is based, of course, on a presumption of law which arises from the necessities of general and special taxation and the want of judicial equipage to decide what at best is administrative judgment formed of estimation. The presumption, declared and redeclared many times . . . . is that, in making the district and the assessment, the officers of the municipality acted in good faith, and have correctly and faithfully exercised the discretion reposed in them. In such case, where mistake or abuse of discretion is not manifest or demonstrable, the determination of the municipal officers in whom such discretion is vested is conclusive, and it is not reviewable by the courts.<sup>13</sup>

The Court has also held that

When reviewing the validity of special assessments, it is not the task of courts to determine whether there is ‘a rigid dollar-for-dollar balance between the amount of the special assessment and the amount of the benefit . . . .’ Rather, a special assessment will be declared invalid only when the party challenging the assessment demonstrates that ‘there is a substantial or unreasonable disproportionality between the amount assessed and the value which accrues to the land as a result of the improvements.’<sup>14</sup>

Consequently, it is Petitioner, not Respondent, that bears the burden of proof in this case. Petitioner has failed to provide any evidence establishing mistake or abuse of discretion or otherwise rebutting the presumption of validity, and summary disposition is therefore not appropriate. Respondent is similarly not entitled to summary disposition because there are genuine issues of material fact and discovery remains open in this

---

<sup>11</sup> *Id.* at 502.

<sup>12</sup> *Id.*

<sup>13</sup> *In re Eight & One-Half Mile Relief Drain*, 369 Mich 641, 649; 120 NW2d 789, 793 (1963) (quotation marks and citations omitted).

<sup>14</sup> *Id.* (citations omitted).

MOAHR Docket No. 22-000772  
Page 5 of 5

matter until March 6, 2023. The Court of Appeals has held that "the question whether and how much the value of land has increased as the result of certain improvements is factual, to be determined on the basis of evidence presented by the parties."<sup>15</sup> The Court has also held "a motion for summary disposition is premature if granted before discovery on a disputed issue is complete."<sup>16</sup> Indeed, "the purpose of summary disposition is to avoid extensive discovery and an evidentiary hearing when a case can be quickly resolved with a ruling on an issue of law."<sup>17</sup> Therefore,

IT IS ORDERED that Petitioner's Motion for Summary Disposition is DENIED.

By



Entered: December 22, 2022  
ejg

#### PROOF OF SERVICE

I certify that a copy of the foregoing was sent on the entry date indicated above to the parties or their attorneys or authorized representatives, if any, utilizing either the mailing or email addresses on file, as provide by those parties, attorneys, or authorized representatives.

By: Tribunal Clerk

---

<sup>15</sup> *Kadzban*, 442 Mich at 502.

<sup>16</sup> *Oliver v Smith*, 269 Mich App 560, 567 (2006) (citations omitted).

<sup>17</sup> *Mackey v Dep't of Corrections*, 205 Mich App 330, 333-334 (1994).

**Court of Appeals, State of Michigan**

**ORDER**

New 555 Commercial LLC v City of Birmingham

Kathleen Jansen  
Presiding Judge

Docket No. 364563

Mark J. Cavanagh

LC No. 22-000772-TT

Sima G. Patel  
Judges

---

The application for leave to appeal is DENIED for failure to persuade the Court of the need for immediate appellate review.



---

Presiding Judge

Jansen, P.J., would grant the application for leave to appeal.

November 22, 2023

165973

THE NEW 555 COMMERCIAL, LLC, THE  
NEW 555 RESIDENTAL, LLC, MANORWOOD  
PROPERTIES, LLC, and ASSOCIATES OF  
555, LP,

Petitioners-Appellants,

v

SC: 165973  
COA: 364563  
Tax Tribunal: 22-000772-TT

CITY OF BIRMINGHAM,  
Respondent-Appellee.

---

On order of the Court, the application for leave to appeal the July 7, 2023 order of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration as on leave granted.

---

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

---

NEW 555 COMMERCIAL, LCC, NEW 555  
RESIDENTIAL, LCC, MANORWOOD  
PROPERTIES, LCC, and ASSOCIATES OF 555,  
LP,

UNPUBLISHED  
August 22, 2024

Petitioners-Appellants,

v

No. 364563  
Tax Tribunal  
LC No. 22-000772-TT

CITY OF BIRMINGHAM,

Respondent-Appellee.

---

Before: REDFORD, P.J., and GADOLA, C.J., and RIORDAN, J.

PER CURIAM.

This litigation involves a special assessment levied by respondent, City of Birmingham (the city), on properties owned by petitioners, New 555 Commercial, LLC, New 555 Residential, LLC, Manorwood Properties, LLC, and Associates of 555, LP. Petitioners appeal an order issued by the Michigan Tax Tribunal (the Tribunal) denying their motion for summary disposition brought under MCR 2.116(C)(10). After this Court denied petitioners’ application for leave to appeal,<sup>1</sup> our Supreme Court, in lieu of granting leave, remanded the case to this Court for consideration as on leave granted.<sup>2</sup> The Tribunal, applying a common-law presumption that the special assessment was valid, ruled that a genuine issue of material fact existed regarding whether petitioners’ real estate was benefited by the city’s construction project and the extent of any benefit. The Tribunal rejected arguments that the city’s legislative body—the city commission—was required to conduct a specific benefits analysis or make findings supporting its determination that the properties were benefited before confirming the special assessment. On appeal, petitioners argue that the Tribunal erred in its ruling because, as a matter of law, the city commission failed

---

<sup>1</sup> *New 555 Commercial, LLC v City of Birmingham*, unpublished order of the Court of Appeals, entered July 7, 2023 (Docket No. 364563).

<sup>2</sup> *New 555 Commercial, LLC v City of Birmingham*, 513 Mich 898 (2023).

to comply with the city's own ordinances by not making a pre-assessment determination that the properties were benefited by an increase in market value reasonably proportionate to the amount of the special assessment. Petitioners further contend that a benefits analysis does not entail a mere apportionment of the project's costs and that the Tribunal failed to even consider the relevant ordinances, let alone analyze them in any serious manner. For the reasons set forth in this opinion, we affirm.

## I. BACKGROUND

Petitioners are related entities, and this matter concerns commercial properties owned by petitioners that are comprised of two buildings and a vacant lot on three contiguous parcels located in the city (hereafter the "555 Complex"). The city commission confirmed a special assessment roll to fund a sidewalk and streetscape reconstruction project bordering the 555 Complex.<sup>3</sup> Petitioners received a notice from the city informing them that the city commission had assessed a total amount of \$453,832.83 against the 555 Complex for the sidewalk and streetscape improvements. We note that the project entailed eliminating 11 out of the 30 parking spaces adjoining the 555 Complex.

Petitioners filed a petition in the Tribunal, alleging that the special assessment was invalid because the sidewalk and streetscape project did not confer any financial benefit on the 555 Complex. Petitioners moved for summary disposition under MCR 2.116(C)(10), contending that, in violation of its ordinances, the city commission made no determination before confirming the special assessment roll that the project would confer a special benefit on the 555 Complex by increasing its market value in reasonable proportion to the amount of the special assessment. In response, the city maintained that it had complied with its ordinances and state law in confirming the special assessment roll and that petitioners failed to submit any evidence rebutting the presumption of validity; therefore, under MCR 2.116(I)(2), the city rather than petitioners was entitled to summary disposition.

The Tribunal denied petitioners' motion for summary disposition because they failed to meet their burden of proof by providing evidence rebutting the common-law presumption that the special assessment was valid. The Tribunal concluded that the city commission had no obligation to conduct a specific benefits analysis or make findings that the 555 Complex was benefited before levying the special assessment. The Tribunal similarly denied the city's request for summary disposition, concluding that there remained genuine issues of material fact regarding whether the sidewalk and streetscape project conferred a special benefit on the 555 Complex and, if so, the extent of the benefit.<sup>4</sup> We discuss additional facts in the analysis section of this opinion, as necessary to resolve the appeal.

---

<sup>3</sup> The improvements at issue were part of the third and final phase of a massive construction project that involved upgrades to or the replacement of sewers, utilities, lead service lines, water lines, and roadways in the area of South Old Woodward Road.

<sup>4</sup> The Tribunal noted that discovery remained open. We note that the city has not filed a cross-appeal, nor does it argue that the Tribunal erred by denying its request for summary disposition.

## II. ANALYSIS

### A. STANDARDS OF REVIEW

The Tribunal has exclusive and original jurisdiction over “[a] proceeding for direct review of a final decision, finding, ruling, determination, or order of an agency relating to assessment, valuation, rates, *special assessments*, allocation, or equalization, under the property tax laws of this state.” (Emphasis added.) In *Briggs Tax Serv, LLC v Detroit Pub Sch*, 485 Mich 69, 75; 780 NW2d 753 (2010), our Supreme Court discussed the relevant standards of review:

The standard of review of Tax Tribunal cases is multifaceted. If fraud is not claimed, this Court reviews the Tax Tribunal’s decision for misapplication of the law or adoption of a wrong principle. We deem the Tax Tribunal’s factual findings conclusive if they are supported by “competent, material, and substantial evidence on the whole record.” But when statutory interpretation is involved, this Court reviews the Tax Tribunal’s decision de novo. We also review de novo the grant or denial of a motion for summary disposition. [Citations omitted.]

In *Bonner v City of Brighton*, 495 Mich 209, 221-222; 848 NW2d 380 (2014), the Supreme Court discussed the review of the ordinance language:

Further, because ordinances are treated as statutes for purposes of interpretation and review, we also review de novo the interpretation and application of a municipal ordinance. Since the rules governing statutory interpretation apply with equal force to a municipal ordinance, the goal of construction and interpretation of an ordinance is to discern and give effect to the intent of the legislative body. The most reliable evidence of that intent is the language of the ordinance itself and, therefore, the words used in an ordinance must be given their plain and ordinary meanings. [Citations omitted.]

### B. SPECIAL ASSESSMENTS – LEGAL PRINCIPLES

While resembling a tax, a special assessment is not a tax; instead, it is “a specific levy designed to recover the costs of improvements that confer local and peculiar benefits upon property within a defined area.” *Kane v Williamstown Twp*, 301 Mich App 582, 586; 836 NW2d 868 (2013) (quotation marks and citation omitted); see also *City of Highland Park v State Land Bank Auth*, 340 Mich App 593, 614; 986 NW2d 638 (2022) (“In contrast to a tax, a special assessment is imposed to defray the costs of specific local improvements, rather than to raise revenue for general governmental purposes.”) (citation omitted). Special assessments are “sustained upon the theory that the value of the property in the special assessment district is enhanced by the improvement for which the assessment is made.” *Kadzban v City of Grandville*, 442 Mich 495, 500; 502 NW2d 299 (1993) (quotation marks and citations omitted).

“[M]unicipalities are not free to levy special assessments without regard for the amount of benefit that inures to the assessed property. For a special assessment to be valid, there must be some proportionality between the amount of the special assessment and the benefits derived therefrom.” *Id.* at 501-502 (quotation marks and citation omitted). “In the absence of such a

relationship, the special assessment would be akin to the taking of property without due process of law.” *Id.* at 502 (quotation marks and citation omitted). In *Ahearn v Bloomfield Charter Twp*, 235 Mich App 486, 493; 597 NW2d 858 (1999), this Court restated, in part, our Supreme Court’s holding in *Kadzban*, articulating a two-prong test for evaluating the validity of a special assessment:

Two requirements must be met in order for a special assessment to be deemed valid: (1) the improvement funded by the special assessment must confer a special benefit upon the assessed properties beyond that provided to the community as a whole, and (2) the amount of [the] special assessment must be reasonably proportionate to the benefits derived from the improvement. [Citations omitted.]

With respect to the first requirement, “[i]n order for an improvement to be deemed to have conferred a ‘special benefit,’ it must cause an increase in the market value of the land specially assessed.” *Id.* In regard to the second requirement, “[a] determination of increased market value is necessary to determine whether the benefit is proportionate to the cost incurred.” *Id.* It is a “well-settled principle that municipal decisions regarding special assessments are presumed to be valid,” and “the decisions of municipal officers regarding special assessments generally should be upheld.” *Kadzban*, 442 Mich at 502 (quotation marks and citation omitted). When courts review the validity of special assessments, they are not tasked with determining whether there is a rigid dollar-for-dollar balance between the value of the benefit and the amount of the special assessment. *Id.* “Rather, a special assessment will be declared invalid only when the party challenging the assessment demonstrates that there is a substantial or unreasonable disproportionality between the amount assessed and the value which accrues to the land as a result of the improvements.” *Id.* (quotation marks and citation omitted).

The questions whether and how much the value of property has increased because of an improvement are factual, which must be resolved on the basis of the evidence presented by the parties. *Id.* Accordingly, the pertinent findings are made by the trier of fact, i.e., the Tribunal. *Id.* Because of the presumption of validity, “to effectively challenge special assessments, plaintiffs, at a minimum, must present credible evidence to rebut the presumption that the assessments are valid.” *Id.* at 505. Absent such evidence, the Tribunal has no basis to strike down a special assessment. *Id.* If a plaintiff presents evidence that effectively rebuts the presumption of validity, the burden going forward with evidence shifts to the municipality. *Id.* at 505 n 5. “At that point, the city must . . . present evidence proving that the assessments are reasonably proportionate in order to sustain the assessments.” *Id.*<sup>5</sup>

---

<sup>5</sup> The *Kadzban* Court noted:

Street and utility improvements are common bases for special assessments. In numerous instances, abutting property has been specially assessed the costs of paving a road or installing a sewer system. However, not every street improvement primarily benefits the property that abuts the street. Indeed, in some instances, an

### C. DISCUSSION AND RESOLUTION

Without taking into consideration the city’s ordinances, we would easily conclude that the Tribunal did not err by denying petitioners’ motion for summary disposition because they did not present any evidence concerning the impact—or lack thereof—that the sidewalk and streetscape project had on the market value of the 555 Complex as necessary to rebut the presumption of validity. But of course, we must examine the pertinent city ordinances because petitioners’ stance is premised entirely on the city commission’s alleged failure to comply with the ordinances. We conclude that petitioners’ ordinance-based arguments ultimately do not change the equation because the city commission complied with the city’s ordinances and was thus entitled to the presumption of validity. Accordingly, the Tribunal did not err by denying petitioners’ motion for summary disposition.

The presumption of validity or proportionality is a creature of the common law and dates back to 1894 in Michigan. See *In re Eight & One-Half Mile Relief Drain*, 369 Mich 641, 649; 120 NW2d 789 (1963) (“The presumption, declared and redeclared many times since, appeared first in *Powers v Grand Rapids*, 98 Mich 393, 397; 57 NW 250 [1894].”). In *Powers*, 98 Mich at 397, our Supreme Court observed:

The presumption is that, in making the district and the assessment, the officers of the municipality acted in good faith, and have correctly and faithfully exercised the discretion reposed in them. In such case, where mistake or abuse of discretion is not manifest or demonstrable, the determination of the municipal officers in whom such discretion is vested is conclusive, and it is not reviewable by the courts. [Treatise citation omitted.]

A legislative body, which would include the city commission in this case, “may alter or abrogate the common law through its legislative authority.” See *Murphy v Inman*, 509 Mich 132, 153; 983 NW2d 354 (2022).<sup>6</sup> Therefore, notwithstanding the common-law presumption of validity, the city commission was first required to comply with the city’s relevant ordinances regarding special assessments. See also *Adams v Bay City*, 78 Mich 211, 215-216; 44 NW 138 (1889). Only after such compliance could the city take advantage of the protections offered by the common-law presumption of validity. In other words, if the city commission acted in

---

“improved” street, e.g., one that is widened from a two-lane residential street to a four-lane thoroughfare, may be a detriment to abutting property. In such instances, we have invalidated special assessments because the assessed property received no special benefit in addition to the benefit that was conferred upon the community as a whole. [*Id.* at 500-501 (citations omitted).]

<sup>6</sup> We note that MCL 117.4d(1)(a) states that “[e]ach city may in its charter provide . . . [f]or assessing and reassessing the costs, or a portion of the costs, of a public improvement to a special district.” Chapter X, § 1, of the city’s charter, authorizes the imposition of special assessments by the city commission, and § 2 authorizes the enactment of ordinances to govern special-assessment procedures.

conformance with the city's ordinances in confirming the special assessment roll, the assessment would be presumed valid and proportional, and petitioners would have been required to submit evidence to rebut the presumption. But if the city commission did not comply with the ordinances in the first instance as required to confirm a special assessment roll, the assessment cannot stand and must be vacated, without regard to the presumption of validity.

We now turn to the ordinances at issue in this case. Birmingham City Code (BCC), § 94-1, provides:

This chapter is adopted to comply with Chapter X of the Charter for the city to provide by ordinance for a complete special assessment procedure concerning the initiation of projects, plans and specifications, estimates of cost, notice and conduct of hearings, making and confirming of assessment rolls, correction of errors, contested assessments, financing of improvements made by special assessment, collection of special assessments and interest thereon, deferral of payments due to hardship, and all other matters concerning special assessments.

“The city commission shall have the power and authority to determine that the whole or any part of the cost of any public improvement shall be defrayed by special assessments upon the property especially benefitted, consistent with the procedures set forth in this chapter.” BCC, § 94-3.

BCC, § 94-8(b)(3) provides that “[i]f the commission determines to continue to proceed with [an] improvement, the commission shall adopt a resolution . . . [p]rescribing what portion of the cost of such improvement shall be paid by special assessment upon the property especially benefitted, *determining what benefits will be received by affected properties* and what portion, if any, of the cost shall be paid by the city[.]” (Emphasis added.) And BCC, § 94-9, which addresses special assessment rolls, provides, in pertinent part:

(b) The manager shall make a special assessment roll of all lots and parcels of land within the designated district to be benefitted by the proposed improvement *and assess to each lot or parcel of land the amount benefitted thereby*. The amount spread in each case shall be based upon the cost estimate of the city engineer.

\* \* \*

(f) If, after hearing all objections and making a record of such changes as the commission deems justified, the commission determines that it is satisfied with said special assessment roll, *and that assessments are in proportion to benefits received*, it shall thereupon pass a resolution making such determination and confirming the roll. [Emphasis added.]

In our view, the key language is found in BCC, §§ 94-8(b)(3) and 94-9(f), which required, in the context of this case, that the city commission adopt a resolution determining what benefits the 555 Complex would receive as a result of the sidewalk and streetscape improvement and that the city commission make a determination that the special assessment would be in proportion to the benefits received. These provisions constituted requirements that had to be satisfied before the

special assessment roll could be confirmed. Although it is true that the common law on special assessments provides that a “benefit” to property is solely measured in terms of an increase in market value, see, e.g., *Kadzban*, 442 Mich at 501; *Dixon Rd Group v City of Novi*, 426 Mich 390, 400; 395 NW2d 211 (1986), the city’s ordinances do not define the term “benefit.” But an “improvement” under the ordinances is defined as “a public improvement of such a nature as to *especially benefit* any real property, any part of the cost of which is to be assessed against one or more lots or parcels of land, in proportion to the benefit derived therefrom.” BCC, § 94-2 (emphasis added). Accordingly, a determination by the city that there will be an “improvement” to property necessarily correlates to a determination that the property will be “specially benefited” for purposes of the BCC.

In interrogatories sent to the city by petitioners, the following question was asked and answered:

3. Please explain the method that was used to determine the amount of the Special Assessment that has been allocated to the Subject Property.

Answer: The City calculated the total amounts for the entire Streetscape (Streetscape costs include but are not limited to: sidewalks, planters, utilities, underground utilities, construction, sprinkler, concrete pavement, concrete sidewalk, removal, installation, concrete curb, soil, boulders, landscaping and all other elements that can be categorized in the sidewalk area of the Project which was then (“Streetscape Amount”). The total Streetscape Amount was then divided by the total the amount of the linear foot for the Project, and multiplied this amount by the linear foot the Subject Property has (This cost less 25% since the City pays 25%). Answering further, the City detailed and summarized this information at various public hearings, including March 14, 2022, and April 11, 2022. By way of further response, the City is providing information presented to the City Commission (on March 14, 2022, and April 11, 2022), and spreadsheets outlining its position, pursuant to MCR 2.309(E). The City will make available to Plaintiffs for inspection additional, non-relevant, documents concerning the entire Project at a mutually convenient date and time.

The city’s answer appeared to reveal that a prospective increase in market value of the 555 Complex played no role in determining the amount of the special assessment. In the city’s response to petitioners’ interrogatory asking whether the city contended that the project would increase the value of the 555 Complex, the city replied, in part, that it had “not yet retained an appraiser or valuation expert to determine any increase in value.” But as indicated earlier, under the city’s ordinances, any “improvement” to property is considered to be a “benefit,” and the ordinances do not provide or suggest that a “benefit” is measured in terms of an increase in market value.

The city submitted an affidavit executed by Scott Zielinski, the assistant city engineer, who averred that he was involved in preparing two reports for the city commission that informed the members of “the proposed special benefits, the nature of it, the improvement, the costs, the benefit derived therefrom, and the reasonable proportionality of assessing the special assessment against the affected property owners.” He listed all of the attributes of the sidewalk and streetscape project,

and Zielinski noted that he had recommended approval of the special assessment because “the improvements” associated with the project increased the value of the adjacent properties. Zielinski further averred that it was his “opinion that the special assessment was proportionate to the increase in value of all of the properties[.]” He indicated that the city commission “took all of the information, my report, my spreadsheet, [the city’s engineer’s report], and other pertinent information, *and formulated its decision based upon these reports and our recommendation.*” (Emphasis added.) There was no documentary evidence contradicting Zielinski’s affidavit; therefore, we must accept that the city commission’s determination of the special assessment was formulated as claimed by Zielinski.

We have reviewed the minutes from the city commission meetings held on March 14 and April 11, 2022, that concerned the sidewalk and streetscape improvement project. During the March 14, 2022 meeting, the city commission adopted a resolution “declaring the necessity of the improvement” and special assessment district, “with special assessments levied in accordance with benefits against the properties within such assessment district[.]” It is quite evident that the city commission viewed the “improvements” or “benefits” to be the planned physical attributes of the streetscape to be constructed in phase three of the project. With respect to the April 11, 2022 meeting, at which the city commission confirmed the special assessment roll, the minutes revealed that Zielinski was present and provided information to the commission and that the commissioners confirmed the roll after making remarks finding that the project would greatly improve the aesthetics and safety of the area.

We conclude that on consideration of Zielinski’s affidavit in conjunction with the minutes of the pertinent meetings, the city commission complied with the ordinances by determining that the 555 Complex would receive benefits from the project in the form of aesthetic and safety improvements created by the physical attributes of the streetscape and that the special assessment would be in proportion to or in accordance with the benefits to be received.

### III. CONCLUSION

We hold that city commission complied with the city’s ordinances; therefore, the city was entitled to the presumption of validity and the Tribunal did not err by denying petitioners’ motion for summary disposition given the absence of documentary evidence to overcome the presumption. The case must proceed in the Tribunal for a determination whether the special assessment was reasonably and substantially proportionate to any increase in the market value of the 555 Complex due to the sidewalk and streetscape improvements.

We affirm. Having fully prevailed on appeal, the city may tax costs under MCR 7.219.

/s/ James Robert Redford  
 /s/ Michael F. Gadola  
 /s/ Michael J. Riordan

November 7, 2025

167620

NEW 555 COMMERCIAL, LLC, NEW 555  
RESIDENTAL, LLC, MANORWOOD  
PROPERTIES, LLC, and ASSOCIATES OF  
555, LP,

Petitioners-Appellants,

v

SC: 167620  
COA: 364563  
MTT: 22-000772-TT

CITY OF BIRMINGHAM,  
Respondent-Appellee.

\_\_\_\_\_ /

On order of the Court, the application for leave to appeal the August 22, 2024 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(I)(1). The parties shall file supplemental briefs in accordance with MCR 7.312(E), addressing: (1) whether the Court of Appeals properly interpreted the term “benefits” as used in Birmingham City Code §§ 94-8(b)(3), 94-9(f), see *Dixon Rd Group v Novi*, 426 Mich 390, 399-400 (1986); (2) whether the special assessment was therefore levied in accordance with the applicable city ordinances, see *Wikman v Novi*, 413 Mich 617, 636 (1982); and (3) whether a genuine dispute of material fact existed with respect to the “ ‘proportionality between the amount of the special assessment and the benefits derived therefrom,’ ” *Kadzban v Grandville*, 442 Mich 495, 501-502 (1993) (opinion by GRIFFIN, J.), quoting *Dixon Rd Group*, 426 Mich at 401.

Persons or groups interested in the determination of the issues presented in this case who are not exempt from the motion requirement under MCR 7.312(H) may move the Court for permission to file briefs amicus curiae.

# Michigan Tax Tribunal

Licensing and Regulatory Affairs

[Mi.gov Home](#)

[Contact the Tribunal](#)

[Tax Tribunal Home](#)

RECEIVED by MSC 12/19/2025 4:47:39 PM

## Tax Docket Lookup

### Tax Docket Information:

<b>Docket Number:</b>	22-000772-TT
<b>Status:</b>	Abeyance
<b>Petitioner:</b>	The New 555 Commercial LLC,The New Residential 555 LLC,Manorwood Properties LLC,Associates of 555 LP
<b>Respondent:</b>	City Of Birmingham
<b>Case Type:</b>	ET Property
<b>Division:</b>	ET
<b>County:</b>	Oakland

**Full Title:** The New 555 Commercial LLC,The New Residential 555 LLC,Manorwood Properties LLC,Associates of 555 LP,Petitioners vs. City Of Birmingham,Respondent

**Judge:** Halm, Patricia L

Parcels/Assessments
08-19-36-210-001
08-19-36-210-003
08-19-36-210-005

- Download links are available on the right below.

Action Information						
Line #	Subject	Filer	Line Ref	Enter Date/Post Mark	Fee	Related Item
63	Order Placing Case in Abeyance			10/15/2024		Download
62	Order Removing Case from 8/1-15/24 PHGC			10/15/2024		Download
61	Granted	PET	56	10/15/2024		Download
60	Order granting Motion.		56	10/15/2024		Download
59	Proof of Service of Misc Documents was received.	PET		09/26/2024		Download
58	Evidence was received.	PET		09/26/2024		Download
57	Proof of Service of Misc Documents was received.	PET		09/26/2024		Download
56	Motion for Reconsideration was received.	PET		09/26/2024	\$50.00	Download
55	Order Placing Case on 8/1-15/24 PHGC			09/19/2024		Download
54	Order removing case from abeyance.			09/19/2024		Download
53	Granted	RESP	51	09/19/2024		Download
52	Order granting Motion.		51	09/19/2024		Download
51	Motion to Reinstate was received.	RESP		09/13/2024	\$50.00	Download
50	Decision Affirmed - Higher Court			08/22/2024		Download
						Download
49	Denied	RESP	45	08/10/2023		Download
48	Order Denying Motion		45	08/10/2023		Download

47	Proof of Service of Misc Documents was received.	PET		08/04/2023		Download
46	A response to motion was filed.	PET		08/04/2023		Download
45	Motion to Remove Case from Abeyance	RESP		07/28/2023	\$50.00	Download
44	Order - Higher Court			07/07/2023		Download
43	Record Sent - COA			04/25/2023		
42	Certification Letter COA			04/25/2023		Download
41	Record requested- COA			04/24/2023		Download
40	Response	RESP	34	02/24/2023	\$50.00	Download
39	Order Placing Case in Abeyance			02/28/2023		Download
38	Order Removing Case from PHGC			02/28/2023		Download
37	Denied	RESP	33	02/28/2023		Download
36	Order Denying Motion		33	02/28/2023		Download
35	Filing Fee Received	RESP	33	02/14/2023	\$50.00	Download
34	No Action Taken			02/13/2023		Download
33	Motion to Extend was received.	RESP		02/10/2023	\$0.00	Download
28	Proof of Service of Misc Documents was received.	RESP		02/09/2023		Download
23	Claim of Appeal	PET	21	01/12/2023		Download
22	Proof of Service of Misc Documents was received.	PET		01/12/2023		Download
21	Claim of Appeal was filed	PET		01/12/2023	\$100.00	Download
20	Denied	PET	13	12/22/2022		Download
19	Order Denying Motion		13	12/22/2022		Download
18	Proof of Service of Misc Documents was received.	RESP		12/19/2022		Download
17	A response to motion was filed.	RESP		12/19/2022		Download
16	Proof of Service of Misc Documents was received.	PET		11/21/2022		Download
15	Proposed Exhibits were filed for hearing.	PET		11/21/2022		Download
14	Brief	PET		11/21/2022		Download
13	Motion for Summary Disposition was received.	PET		11/21/2022	\$100.00	Download
12	Prehearing General Call			08/16/2022		Download

11	Order Vacating			08/03/2022		Download
10	Proof of Service of Misc Documents was received.	RESP		07/27/2022		Download
9	Order of Default of Respondent			07/27/2022		Download
8	Appearance			07/12/2022		Download
7	Answer was received			07/12/2022		Download
6	ET Case Info Sheet			07/12/2022		Download
5	Proof of service of petition was received.	PET		06/07/2022		Download
4	Petition has been verified	PET	2	05/13/2022		Download
3	Notice of Docket Number ET			05/13/2022		Download
2	A petition was received.	PET		05/10/2022		Download
1	ET Case Info Sheet			05/10/2022	\$300.00	Download

[Back](#)

[New Search](#)

Copyright 2025 State of Michigan

[Mi.gov Home \(https://www.michigan.gov\)](https://www.michigan.gov)

[Policies \(https://www.michigan.gov/policies\)](https://www.michigan.gov/policies)

[Accessibility \(https://www.michigan.gov/adaform\)](https://www.michigan.gov/adaform)

[Disability Resources \(https://www.michigan.gov/disabilityresources\)](https://www.michigan.gov/disabilityresources)

[Statewide FOIA Directory \(https://www.michigan.gov/foia\)](https://www.michigan.gov/foia)

[Departments \(https://www.michigan.gov/som/government/branches-of-government/executive-branch\)](https://www.michigan.gov/som/government/branches-of-government/executive-branch)

# NEW 555 COMMERCIAL LLC V CITY OF BIRMINGHAM

COA 364563

MSC 167620

Lower Court/Tribunal

TAX TRIBUNAL

Judge(s)

BIEDA STEVEN M

Docket

Case Documents

## Case Information

### Case Header



COA

Court Of Appeals



MSC

Michigan Supreme Court

### Case Number



COA #364563



MSC #167620



MSC #165973

### Case Status

MSC Pending on Application

COA Case Concluded; File Open

---

## Parties & Attorneys to the Case – Court of Appeals

1

**NEW 555 COMMERCIAL LLC**

Petitioner - Appellant

Attorney(s)

**LONG JASON C**

**#59244**, Retained

---

2

**NEW 555 RESIDENTIAL LLC**

Petitioner - Appellant

Attorney(s)

Same

---

3

**MANORWOOD PROPERTIES LLC**

Petitioner - Appellant

Attorney(s)

Same

---

4

**ASSOCIATES OF 555 LP**

Petitioner - Appellant

Attorney(s)

Same

---

5

BIRMINGHAM CITY OF

Respondent - Appellee

Attorney(s)

GOJCAJ PETER

#68888, City Attorney

## Parties & Attorneys to the Case – Supreme Court

1

NEW 555 COMMERCIAL LLC

Petitioner

Attorney(s)

Jason C. Long

#59244

2

NEW 555 RESIDENTIAL LLC

Petitioner

3

MANORWOOD PROPERTIES LLC

Petitioner

4

# ASSOCIATES OF 555 LP

Petitioner

RECEIVED by MSC 12/19/2025 4:47:39 PM

5

## BIRMINGHAM CITY OF

Respondent

Attorney(s)

Seth A. O'Loughlin

#80257

Laura M. Hallahan

#42101

**Collapse All**

**Expand All**

01/12/2023	1 App For Leave to Appeal - Civil
12/22/2022	2 Order Appealed From
01/31/2023	3 Answer - Application
02/21/2023	4 Reply to Answer - Application
04/24/2023	5 Noticed
04/28/2023	6 Electronic Material Received by Record Room
05/16/2023	7 Record Request
05/17/2023	8 Record Filed
07/04/2023	11 Submitted on Motion Docket

07/07/2023	12 Order: Application - Deny
08/04/2023	13 Application for Leave to SCt
08/04/2023	14 Supreme Court: SCt Case Caption
09/05/2023	15 Supreme Court Motion: Housekeeping
09/05/2023	16 Supreme Court: Answer - SCt Application/Complaint
09/08/2023	17 Supreme Court Order: Chief Justice - Grant
09/22/2023	18 Supreme Court: Reply - SCt Application/Complaint
11/22/2023	19 Supreme Court Order: Remand as Leave Granted
11/22/2023	20 Supreme Court - File Ret'd By - Re-Open as on Leave Granted
11/27/2023	21 Email Contact
12/08/2023	22 Motion: Extend Time - Appellant
12/19/2023	24 Submitted on Administrative Motion Docket
12/19/2023	25 Order: Extend Time - Appellant Brief - Grant
02/09/2024	26 Brief: Appellant
03/07/2024	28 Motion: Extend Time - Appellee
03/19/2024	29 Submitted on Administrative Motion Docket
03/20/2024	30 Order: Extend Time - Appellee Brief - Grant
04/11/2024	31 Brief: Appellee

---

04/26/2024	32 Brief: Reply
08/06/2024	40 Submitted on Case Call
08/06/2024	41 Oral Argument Audio
08/22/2024	44 Opinion - Per Curiam - Unpublished
09/13/2024	45 Bill of Costs Filed
09/26/2024	46 Supreme Court: Telephone Contact
09/26/2024	47 Application for Leave to SCt
09/26/2024	48 Supreme Court: SCt Case Caption
10/01/2024	49 Costs Taxed Per MCR 7.219
10/24/2024	50 Supreme Court: Answer - SCt Application/Complaint
11/13/2024	51 Supreme Court: Reply - SCt Application/Complaint
03/17/2025	52 Supreme Court: Appearance of Attorney
03/17/2025	53 Supreme Court: Appearance of Attorney
06/25/2025	54 Supreme Court: Stipulation Filed
11/07/2025	55 Supreme Court Order: MOAA -Oral Argument on Lv Appl
12/11/2025	56 Supreme Court: Substitution of Counsel

---

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING & REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
MICHIGAN TAX TRIBUNAL

THE NEW 555 COMMERCIAL, LLC,  
THE NEW 555 RESIDENTIAL, LLC,  
MANORWOOD PROPERTIES, LLC, and  
ASSOCIATES OF 555, LP,

Docket No. 22-000772

Petitioners,

v.

CITY OF BIRMINGHAM,

Respondent.

---

Jason C. Long (P59244)  
WILLIAMS, WILLIAMS, RATTNER  
& PLUNKETT, PC  
380 N. Old Woodward Ave., Ste. 300  
Birmingham, MI 48009  
(248) 642-0333  
Attorneys for Petitioners

PETER GOJCAJ (P68888)  
BEIER HOWLETT, P.C.  
Attorneys for Respondent  
3001 W. Big Beaver Rd.  
Suite 600  
Troy, MI 48084  
(248) 645-9400  
pgojcaj@bhlaw.us.com

---

**RESPONDENT'S ANSWERS TO PETITIONERS INTERROGATORIES AND  
REQUEST FOR PRODUCTION**

Respondent, CITY OF BIRMINGHAM, ("Birmingham" or "City") by and through its attorneys, BEIER HOWLETT, hereby respond to Petitioners Interrogatories and Request for Production to Respondent, City of Birmingham, as follows:

**GENERAL OBJECTIONS**

Birmingham asserts the following General objections with respect to each of Petitioners discovery requests. Birmingham's specific objections and response below are subject to and without waiver of the following General Objections:

1. Birmingham incorporates the following general objections into each of its responses. Similarly, the use of any general objections in response to a specific discovery request incorporates by reference the definition of the terms, as explained below:

A. (“Exceeds the Scope of Permissible Discovery”). Birmingham objects to the discovery requests to the extent they request information or documents that are not in their possession, custody or control, or are not obtainable through reasonable and good faith inquiry. Further, Birmingham objects to any discovery request not limited to any matter which is within the subject matter of this action and is otherwise irrelevant, immaterial and/or exceeds the scope of discovery permissible under the applicable Court Rules.

B. (“Privileged Information”). To the extent the discovery requests seek disclosure of privileged information or information which is protected by the attorney-client privilege, the work-product doctrine or any other applicable privilege, Birmingham objects to the same for the reason that such information is not discoverable under applicable law.

C. (“Confidential Information”). Birmingham objects to any discovery request that seeks confidential proprietary and/or private commercial or personal information which is considered confidential and not discoverable.

D. (“Overly Broad and Unduly Burdensome”) and/or (“Vague and Ambiguous”). Birmingham objects to any discovery request that fails to specify a relevant and reasonable time period for which responsive information is sought. Further, Birmingham objects to any discovery request that is vague, ambiguous, overly broad, unduly burdensome, oppressive or requests irrelevant information. By responding to any discovery request, Birmingham does not admit the relevance or admissibility of any information or documents provided.

E. (“Legal Conclusion”). Birmingham objects to any discovery request that is that is either based upon conclusions of law or upon assumptions that are based upon conclusions of law not accepted by Birmingham.

F. (“Definitions”). Birmingham objects to any discovery request that is based on, or incorporates term(s) for which the propounding parties have purported to assign to a particular meaning, some or all of which Birmingham disagrees with and does not accept. Further, Birmingham objects generally to the discovery requests, including the “Instructions” and “Definitions,” to the extent they purport to impose burdens greater than and/or inconsistent with those imposed by applicable law, including any Michigan statutes and/or Michigan Court Rules. In particular, Birmingham objects to the requests to the extent they are irrelevant, improper, harassing, overly broad, unduly burdensome, premature, vague or ambiguous, seek information beyond the scope of permissible discovery, and/or purport to call for Plaintiff’s contentions, opinions, legal conclusions, or legal theories at this stage of the action.

2. Birmingham objects to the factual characterizations and legal conclusions in the discovery requests. By responding to a request, Birmingham does not admit or accept the factual characterizations or legal conclusions contained any request; nor does Birmingham concede the relevance or admissibility of any information or documents requested or provided.

3. Birmingham objects to the discovery requests as being, in many instances, overly broad and too encompassing to permit literal compliance, which would be unduly burdensome. Birmingham disclaims any obligation to respond to those requests that demand that it produce “all” documents relating to any subject.

4. Objections and response are not to be construed as representation that responsive documents exist, nor are they to be construed as a representation as to the nature and extent of any responsive documents in existence.

5. Birmingham has not yet completed its investigation of the facts related to this litigation. Consequently, all of the responses contained herein are based only on such information and documentation that is presently available to Birmingham. Further investigation, research, and analysis may supply additional facts, add meaning to known facts, and perhaps establish entirely new factual conclusions, all of which may in turn lead to additions or changes to these responses. Accordingly, Birmingham reserves the right to supplement and/or amend its responses should additional and/or different information be obtained during the course of discovery and investigation, and to offer evidence as additional facts are ascertained, analyses are made, research is completed, and contentions become apparent.

6. Birmingham does not concede that any of the information or documents it will produce are or will be admissible evidence at trial or any evidentiary hearing. Furthermore, Birmingham does not waive any objection, whether or not asserted herein, to the use of any such documents at any hearing or trial in this matter.

7. Birmingham objects to the discovery requests to the extent they purport to require Birmingham to respond on behalf of other persons, or to provide information that is not in the possession, custody or control of Birmingham.

These General Objections are incorporated into Birmingham's specific response set forth below.

#### **DISCOVERY REQUESTS**

1. Please identify each person that participated in preparing the responses to these Discovery Requests.

**Answer:**

**Assistant City Engineer, Scott Zielinski, and City Planner, Brooks Cowan, with the assistance of counsel.**

2. For each person identified in response to Interrogatory No. 1, please explain that person's relationship to Respondent, i.e., whether the person is an employee, consultant, or something else.

**Answer:**

**Scott Zielinski is employed by the City as Assistant Engineer. Brooks Cowan is employed by the City as the City Planner.**

3. Please explain the method that was used to determine the amount of the Special Assessment that has been allocated to the Subject Property.

**Answer:**

**The City calculated the total amounts for the entire Streetscape (Streetscape costs include but are not limited to:, sidewalks, planters, utilities, underground utilities, construction, sprinkler, concrete pavement, concrete sidewalk, removal, installation, concrete curb, soil, boulders, landscaping and all other elements that can be categorized in the sidewalk area of the Project which was then ("Streetscape Amount")). The total Streetscape Amount was then divided by the total the amount of the linear foot for the Project, and multiplied this amount by the linear foot the Subject Property has (This cost less 25% since the City pays 25%). Answering further, the City detailed and summarized this information at various public hearings, including March 14, 2022, and April 11, 2022. By way of further response, the City is providing information presented to the City Commission (on March 14, 2022, and April 11, 2022), and spreadsheets outlining its position, pursuant to MCR 2.309(E). The City will make available to Plaintiffs for inspection additional, non-relevant, documents concerning the entire Project at a mutually convenient date and time.**

4. Please explain the method that was used to determine the amount of the Special Assessment that has been allocated to each parcel in the Project Area other than the Subject Property.

**Answer:**

The City calculated the total amounts for the entire Streetscape (Streetscape costs include but are not limited to: sidewalks, planters, utilities, underground utilities, construction, sprinkler, concrete pavement, concrete sidewalk, removal, installation, concrete curb, soil, boulders, landscaping and all other elements that can be categorized in the sidewalk area of the Project which was then (“Streetscape Amount”). The total Streetscape Amount was then divided by the total the amount of the linear foot for the Project, and multiplied this amount by the linear foot the Subject Property has (This cost less 25% since the City pays 25%). Answering further, the City detailed and summarized this information at various public hearings, including March 14, 2022, and April 11, 2022. By way of further response, the City is providing information presented to the City Commission (on March 14, 2022, and April 11, 2022), and spreadsheets outlining its position, pursuant to MCR 2.309(E). The City will make available to Plaintiffs for inspection additional, non-relevant, documents concerning the entire Project at a mutually convenient date and time.

5. Please identify all documents evidencing the methodology that was used to determine the amount of the Special Assessment that has been allocated to the Subject Property.

**Answer:**

See answer to Interrogatory No. 3.

6. Please identify all documents evidencing the methodology that was used to determine the amount of the Special Assessment that has been allocated to each parcel in the Project Area other than the Subject Property.

**Answer:**

See answer to Interrogatory No. 3.

7. Please identify your agent, employee, or representative who is most knowledgeable concerning the methodology that was used to determine the amount of the Special Assessment that has been allocated to the Subject Property.

**Answer:**

Scott Zielinski.

8. Do you contend that the Project will increase the Subject Property's value?

**Answer:**

**Objection; relevance. A Special assessment is a "specific levy designed to recover the costs of improvements that confer local and peculiar benefits upon property within a defined area." *Kadzban v Grandville*, 442 Mich 495, 500; 502 NW2d 299 (1993). Accordingly, special assessment are designed to cover the costs of improvement. The City did not include the roadway or parking in the Special Assessment. The City has not yet retained an appraiser or valuation expert to determine any increase in value. If, or when, the City retains such an expert, the City will supplement the answer to this Interrogatory.**

9. If your response to the preceding Interrogatory was anything other than an unqualified negative, please explain the manner in which you anticipate that the Project will

result in an increase in the Subject Property's true cash value, including without limitation whether you contend that the Project will result in (a) changes in tenant rents at the Subject Property, (b) changes in vacancy at the Subject Property, (c) changes in expenses at the Subject Property, (d) changes in the capitalization analysis applicable to the Subject Property, and/or € other changes in the factors influencing the Subject Property's value.

**Answer:**

**Please see the answer to Interrogatory No. 8 above.**

**10.** How much did your analysis of the Project's impact on the Subject Property's value decrease the Subject Property's value based on the loss of 11 public street parking spaces adjacent to the Subject Property?

**Answer:**

**Objection; relevance.** A Special assessments is a "specific levy designed to recover the costs of improvements that confer local and peculiar benefits upon property within a defined area." *Kadzban v Grandville*, 442 Mich 495, 500; 502 NW2d 299 (1993). Accordingly, special assessment are designed to cover the costs of improvement. The City did not include the roadway or parking in the Special Assessment. The City has not yet retained an appraiser or valuation expert to determine any increase in value. If, or when, the City retains such an expert, the City will supplement the answer to this Interrogatory. Answering further parking spaces and roadway costs were not included in the Special Assessment.

11. How much did your analysis of the Project's impact on the Subject Property's value decrease the Subject Property's value based on the loss of 60 public street parking spaces throughout the Project Area?

Answer:

Objection; relevance. A Special assessments is a "specific levy designed to recover the costs of improvements that confer local and peculiar benefits upon property within a defined area." *Kadzban v Grandville*, 442 Mich 495, 500; 502 NW2d 299 (1993). Accordingly, special assessment are designed to cover the costs of improvement. The City did not include the roadway or parking in the Special Assessment. The City has not yet retained an appraiser or valuation expert to determine any increase in value. If, or when, the City retains such an expert, the City will supplement the answer to this Interrogatory. Answering further parking spaces and roadway costs were not included in the Special Assessment.

12. How much did your analysis of the Project's impact on the Subject Property's value decrease the Subject Property's value based on the loss of the loading zone that had been in front of northerly building on Parcel No. 08-19-36-210-001?

Answer:

Objection; relevance. A Special assessment is a "specific levy designed to recover the costs of improvements that confer local and peculiar benefits upon property within a defined area." *Kadzban v Grandville*, 442 Mich 495, 500; 502 NW2d 299 (1993). Accordingly, special assessment are designed to cover the costs of improvement. The City has not yet retained an appraiser or valuation expert to determine any increase in value. If, or when,

the City retains such an expert, the City will supplement the answer to this Interrogatory. Answering further parking spaces and roadway costs were not included in the Special Assessment.

13. How much did your analysis of the Project's impact on the Subject Property's value decrease the Subject Property's value based on the loss of the handicap vehicle access that had been in front of the northerly building on Parcel No. 08-19-36-210-001?

**Answer:**

**Objection; relevance.** A Special assessment is a "specific levy designed to recover the costs of improvements that confer local and peculiar benefits upon property within a defined area." *Kadzban v Grandville*, 442 Mich 495, 500; 502 NW2d 299 (1993). Accordingly, special assessment are designed to cover the costs of improvement. The City did not include the roadway or parking in the Special Assessment. The City has not yet retained an appraiser or valuation expert to determine any increase in value. If, or when, the City retains such an expert, the City will supplement the answer to this Interrogatory. Answering further parking spaces and roadway costs were not included in the Special Assessment.

14. How much did your analysis of the Project's impact on the Subject Property's value decrease the Subject Property's value based on the placement of a bus stop immediately in front of the entrance to the Subject Property ?

**Answer:**

**Objection; relevance.** A Special assessments is a "specific levy designed to recover the costs of improvements that confer local and peculiar benefits upon property within a defined area." *Kadzban v Grandville*, 442 Mich 495, 500; 502 NW2d 299 (1993). Accordingly,

special assessment are designed to cover the costs of improvement. The City did not include the roadway or parking in the Special Assessment. The City has not yet retained an appraiser or valuation expert to determine any increase in value. If, or when, the City retains such an expert, the City will supplement the answer to this Interrogatory. Answering further parking spaces and roadway costs were not included in the Special Assessment.

15. Please identify all persons that you contacted concerning the Project's impact on the Subject Property's value.

**Answer:**

**Objection; relevance and ambiguous concerning the term "impact." Although the City did not discuss 'impact' and 'value' pertaining to any property, the City did consult the Project with its engineers and consultants, which are:**

**Brett J. Buchholz, PE of Nowak & Fraus, LLC**

**Matthew Manda of MKSK, Inc.**

**Julie M. Kroll, PE, PTOE of Fleis & Vandenbrink Engineering, Inc., and**

**Angelo Iafrate Construction Company, and its subcontractors.**

16. For each person identified in your response to the preceding Interrogatory, please (a) identify the date of the contact, (b) explain the nature of the contact, whether in-person, by telephone, email, or something else, (c) identify any documents exchanged between you and the person, (d) state whether the person is an expert and if so, identify the person's qualifications, and (e) explain the substance of your interaction with the person concerning the Project's impact on the Subject Property's value.

Answer:

The City objects as this interrogatory is unduly burdensome, overly broad and irrelevant. The City had numerous contacts with its consultant and engineers, which are not necessarily documented.

17. Please identify your agent, employee, or representative who is most knowledgeable concerning the Project's impact on the Subject Property's value.

Answer:

The City objects to the terms "impact on the Subject Property's value." A Special assessment is a "specific levy designed to recover the costs of improvements that confer local and peculiar benefits upon property within a defined area." *Kadzban v Grandville*, 442 Mich 495, 500; 502 NW2d 299 (1993). Scott Zielinski assisted the City with the Special Assessment concerning the Subject Property and Project.

18. Do you contend that the Project will provide special benefits for the Subject Property?

Answer:

Objection; relevance. A Special assessment is a "specific levy designed to recover the costs of improvements that confer local and peculiar benefits upon property within a defined area." *Kadzban v Grandville*, 442 Mich 495, 500; 502 NW2d 299 (1993). Accordingly, special assessment are designed to cover the costs of improvement. The City has not yet retained an appraiser or valuation expert to determine any increase in value or "special benefit." If, or when, the City retains such an expert, the City will supplement the answer to this Interrogatory.

19. If your answer to the preceding Interrogatory was anything other than an unqualified negative, please explain all special benefits that you expect the Project to provide for the Subject Property.

**Answer:**

**Objection; relevance.** See Answer to Interrogatory No. 3. A Special assessment is a “specific levy designed to recover the costs of improvements that confer local and peculiar benefits upon property within a defined area.” *Kadzban v Grandville*, 442 Mich 495, 500; 502 NW2d 299 (1993). Accordingly, special assessment are designed to cover the costs of improvement. The City has not yet retained an appraiser or valuation expert to determine any increase in value. If, or when, the City retains such an expert, the City will supplement the answer to this Interrogatory.

20. For each special benefit that you expect the Project to provide for the Subject Property, please explain (a) whether you believe that the Subject Property was experiencing a problem before the Project, (b) all substantive facts supporting any belief that the Subject Property was experiencing a problem before the Project, (c) the manner in which the Project addresses any such problem for the Subject Property, (d) if you do not believe that the Subject Property was experiencing a problem before the Project, how the Project benefits the Subject Property, and (e) how the special benefit will impact the Subject Property’s value.

**Answer:**

**Objection; relevance.** A Special assessment is a “specific levy designed to recover the costs of improvements that confer local and peculiar benefits upon property within a defined area.” *Kadzban v Grandville*, 442 Mich 495, 500; 502 NW2d 299 (1993). Accordingly,

special assessment are designed to cover the costs of improvement. The City has not yet retained an appraiser or valuation expert to determine any increase in value or “special benefit.” If, or when, the City retains such an expert, the City will supplement the answer to this Interrogatory.

21. Please identify all persons that you contacted concerning any special benefit that the Project may provide for the Subject Property.

**Answer:**

**Objection; relevance and the terms ‘special benefit’ is ambiguous. Special assessments is a “specific levy designed to recover the costs of improvements that confer local and peculiar benefits upon property within a defined area.” *Kadzban v Grandville*, 442 Mich 495, 500; 502 NW2d 299 (1993). The City has not yet retained an appraiser or valuation expert to determine any increase in value or “special benefit.” If, or when, the City retains such an expert, the City will supplement the answer to this Interrogatory.**

22. For each person identified in your response to the preceding Interrogatory, please (a) identify the date of the contact, (b) explain the nature of the contact, whether in-person, by telephone, email, or something else, (c) identify any documents exchanged between you and the person, (d) explain the substance of your interaction with the person concerning any special benefit that the Project may provide for the Subject Property, and (e) explain any analysis that the person offered concerning any alleged impact on the Subject Property’s value.

**Answer:**

**See Answer to Interrogatory No. 15**

23. Please identify your agent, employee, or representative who is most knowledgeable concerning the special benefits that you expect the Project to provide for the Subject Property.

**Answer:**

**Objection; relevance and the terms ‘special benefit’ is ambiguous. Special assessments is a “specific levy designed to recover the costs of improvements that confer local and peculiar benefits upon property within a defined area.” *Kadzban v Grandville*, 442 Mich 495, 500; 502 NW2d 299 (1993). Scott Zielinski is the person with the most knowledge concerning the special assessment.**

24. Please explain in detail all contact that you have had with any and/or all of the Subject Property’s tenants and other occupants concerning the Project, including without limitation (a) the date of the contact, (b) the individual person contacted, (c) the substance of any communication with the person.

**Answer:**

**The City objects as this interrogatory is unduly burdensome, overly broad and irrelevant. The City had numerous contacts with its consultant and engineers, which are not necessarily documented. See attached documentation concerning ‘contacts’ that the City had with its residents.**

25. Please identify all documents relating to contact that you have had with any and/or all of the Subject Property’s tenants and/or other occupants concerning the Project.

**Answer:**

The City objects as this interrogatory is unduly burdensome, overly broad and irrelevant. The City had numerous contacts with its consultant and engineers, which are not necessarily documented. See attached documentation concerning 'contacts' that the City had with its residents.

26. Please explain in detail all contact that you have had with any and/or all of the Subject Property's owners concerning the Project, including without limitation (a) the date of the contact, (b) the individual person contacted, (c) the substance of any communication with the person.

**Answer:**

The City objects as this interrogatory is unduly burdensome, overly broad and irrelevant. The City had numerous contacts with its consultant and engineers, which are not necessarily documented. See attached documentation concerning 'contacts' that the City had with its residents.

27. Please identify all documents relating to contact that you have had with any and/or all of the Subject Property's owners concerning the Project.

**Answer:**

The City objects as this interrogatory is unduly burdensome, overly broad and irrelevant. The City had numerous contacts with its consultant and engineers, which are not necessarily documented. See attached documentation concerning 'contacts' that the City had with its residents.

28. Please identify all persons that you anticipate that you may present as lay witnesses at any hearing in this matter.

**Answer:**

**The City has not determined who it will call as a lay or expert witness at this time.**

**Persons/entities with knowledge of this Project are:**

**Scott Zielinski**

**Brooks Cowan**

**Brett J. Buchholz, PE of Nowak & Fraus, LLC**

**Matthew Manda of MKSK, Inc.**

**Julie M. Kroll, PE, PTOE of Fleis & Vandenbrink Engineering, Inc., and**

**Angelo Iafrate Construction Company, and its subcontractors.**

**The City will supplement and comply with the Tax Tribunal's scheduling order once the City determines who it will call at trial.**

29. For each person identified in your response to the preceding Interrogatory, please (a) explain the topics that the person is anticipated to address in testimony, (b) explain the basis for the person's knowledge about all such topics, (c) identify all documents that provide the basis for the person's knowledge, (d) explain the substance of the person's anticipated testimony, and (e) identify all documents that may be offered as evidence during the person's testimony.

**Answer:**

**The City has not determined who it will call as a lay or expert witness at this time.**

**Persons/entities with knowledge of this Project are:**

**Scott Zielinski**

**Brooks Cowan**

**Brett J. Buchholz, PE of Nowak & Fraus, LLC**

**Matthew Manda of MKSK, Inc.**

**Julie M. Kroll, PE, PTOE of Fleis & Vandenbrink Engineering, Inc., and**

**Angelo Iafrate Construction Company, and its subcontractors.**

**The City will supplement and comply with the Tax Tribunal's scheduling order once the City determines who it will call at trial.**

30. Please identify all persons that you anticipate that you may present as expert witnesses at any hearing in this matter.

Answer:

**The City has not determined who it will call as a lay or expert witness at this time.**

**Persons/entities with knowledge of this Project are:**

**Scott Zielinski**

**Brooks Cowan**

**Brett J. Buchholz, PE of Nowak & Fraus, LLC**

**Matthew Manda of MKSK, Inc.**

**Julie M. Kroll, PE, PTOE of Fleis & Vandenbrink Engineering, Inc., and**

**Angelo Iafrate Construction Company, and its subcontractors.**

**The City will supplement and comply with the Tax Tribunal's scheduling order once the City determines who it will call at trial. In addition, the City may retain an appraiser in evaluation effort, but it hasn't done so at this time.**

31. For each person identified in your response to the preceding Interrogatory, please (a) explain the topics that the person is anticipated to address in testimony, (b) explain the basis for the person's knowledge about all such topics, (c) identify any documents that provide the

basis for the person's knowledge, (d) identify all reports that the person has provided, (e) explain the substance of the person's anticipated testimony including the substance of all opinions that the person may offer, and (f) explain the person's qualifications to provide such testimony.

**Answer:**

**The City has not determined who it will call as a lay or expert witness at this time.**

**Persons/entities with knowledge of this Project are:**

**Scott Zielinski**

**Brooks Cowan**

**Brett J. Buchholz, PE of Nowak & Fraus, LLC**

**Matthew Manda of MKSK, Inc.**

**Julie M. Kroll, PE, PTOE of Fleis & Vandenbrink Engineering, Inc., and**

**Angelo Iafrate Construction Company, and its subcontractors.**

**The City will supplement and comply with the Tax Tribunal's scheduling order once the City determines who it will call at trial. In addition, the City may retain an appraiser in evaluation effort, but it hasn't done so at this time.**

32. Do you dispute that the Project eliminates 60 public street parking spaces from the Project Area?

**Answer:**

**The City objects to this Interrogatory as it is irrelevant. The City did not include the roadway, median or parking in its Special Assessment concerning the Subject Property. The City disputes that the amount of parking spaces it eliminated or will eliminate is 60, but 64.**

33. If your response to the preceding Interrogatory is anything other than an unqualified negative, please explain the number of street parking spaces that you believe the Project eliminates from the Project Area.

**Answer:**

**See above Answer.**

34. Do you dispute that the Project eliminates 11 public street parking spaces that were adjacent to the Subject Property before the Project?

**Answer:**

**The City objects to this Interrogatory as it is irrelevant. The City did not include the roadway, median or parking in its Special Assessment concerning the Subject Property.**

35. If your response to the preceding Interrogatory is anything other than an unqualified negative, please explain the number of street parking spaces that were adjacent to the Subject Property before the Project that you believe the Project eliminates.

**Answer:**

**The City objects to this Interrogatory as it is irrelevant. The City did not include the roadway, median or parking in its Special Assessment concerning the Subject Property.**

36. Do you dispute that your Planning Commission has concluded that the parking deck within the Subject Property is at full capacity?

**Answer:**

**The City objects to this interrogatory because it is irrelevant to the Special Assessment that was assessed against the Subject Property. By way of further response, this discovery**

request is “fishing expedition” for the purposes of obtaining information that is irrelevant, may be taken out of context to create allegations where none legitimately exist. Subject to and not waiving any objection, the City states that it disputes that the Planning Staff has concluded that the parking deck within the Subject Property is at full capacity.

37. If your response to the preceding Interrogatory is anything other than an unqualified negative, please explain any conclusion that you understand your Planning Commission to have reached concerning the capacity of the parking deck within the Subject Property.

**Answer:**

The City objects to this interrogatory because it is irrelevant to the Special Assessment that was assessed against the Subject Property. By way of further response, this discovery request is “fishing expedition” for the purposes of obtaining information that is irrelevant, may be taken out of context to create allegations where none legitimately exist. Subject to and without waiving any objection, the City states that it disputes that the Planning Staff has concluded that the parking deck within the Subject Property is at full capacity.

38. Please identify all documents relating to any conclusions from your Planning Commission concerning the capacity of the parking deck within the Subject Property.

**Answer:**

The City objects to this interrogatory because it is irrelevant to the Special Assessment that was assessed against the Subject Property. By way of further response, this discovery request is “fishing expedition” for the purposes of obtaining information that is irrelevant, may be taken out of context to create allegations where none legitimately exist. Subject to

and without waiving any objection, the City states that it disputes that the Planning Staff has concluded that the parking deck within the Subject Property is at full capacity. Subject to and without waiving any objection, please see the attached.

39. Do you dispute that the Project eliminates the loading area that for approximately 48 years has been in front of the northerly building on Parcel No. 08-19-36-210-001?

**Answer:**

The City objects to this interrogatory because it is irrelevant to the Special Assessment that was assessed against the Subject Property. By way of further response, this discovery request is “fishing expedition” for the purposes of obtaining information that is irrelevant, may be taken out of context to create allegations where none legitimately exist. Subject to and not waving any objection, the City states that it disputes that the Planning Staff has concluded that the parking deck within the Subject Property is at full capacity.

40. Where do you anticipate that commercial vehicles serving the Subject Property will load and unload parcels and other materials after the Project?

**Answer:**

The City objects to this interrogatory because it is irrelevant to the Special Assessment that was assessed against the Subject Property. By way of further response, this discovery request is “fishing expedition” for the purposes of obtaining information that is irrelevant, may be taken out of context to create allegations where none legitimately exist. Subject to and not waiving any objection, the City states that it disputes that the Planning Staff has concluded that the loading area within the Subject Property is at full capacity.

41. Do you dispute that before the Project, persons traveling to the Subject Property in handicap-accessible vehicles used the loading area in front of the northerly building on Parcel No. 08-19-36-210-001 to enter and exit their vehicles to access the Subject Property?

**Answer:**

**The City objects to this interrogatory because it is irrelevant to the Special Assessment that was assessed against the Subject Property. By way of further response, this discovery request is “fishing expedition” for the purposes of obtaining information that is irrelevant, may be taken out of context to create allegations where none legitimately exist. Subject to and not waiving any objection, the City states that it disputes that the Planning Staff has concluded that the handicap-accessible vehicles within the Subject Property is at full capacity.**

42. Where do you anticipate that persons traveling to the Subject Property in handicap-accessible vehicles will enter and exit their vehicles to access the Subject Property after the Project?

**Answer:**

**The City objects to this interrogatory because it is irrelevant to the Special Assessment that was assessed against the Subject Property. By way of further response, this discovery request is “fishing expedition” for the purposes of obtaining information that is irrelevant, may be taken out of context to create allegations where none legitimately exist. Subject to and not waiving any objection, the City states that it disputes that the Planning Staff has concluded that the handicap-accessible vehicles within the Subject Property is at full capacity.**

43. Do you dispute that the site plan approval for Parcel No. 19-36-210-005 relied on the adjacent public street parking to provide 29 parking spaces?

**Answer:**

The City objects to this interrogatory because it is irrelevant to the Special Assessment that was assessed against the Subject Property. By way of further response, this discovery request is “fishing expedition” for the purposes of obtaining information that is irrelevant, may be taken out of context to create allegations where none legitimately exist. Subject to and not waiving any objection, the City states that it disputes that the Planning Staff has concluded that the parking spaces within the Subject Property is at full capacity.

44. Do you dispute that after the Project, Parcel No. 19-36-210-005 will no longer conform to its site plan due to the loss of 11 public street parking spaces?

**Answer:**

The City objects to this interrogatory because it is irrelevant to the Special Assessment that was assessed against the Subject Property. By way of further response, this discovery request is “fishing expedition” for the purposes of obtaining information that is irrelevant, may be taken out of context to create allegations where none legitimately exist. Subject to and without waiving any objection, the Planning Division disputes that Parcel No. 19-36-210-005 will no longer conform to the site plan as a result of the project.

45. If your response to the immediately preceding Interrogatory was anything other than an unqualified negative, please explain the reasoning for your response.

**Answer:**

The City objects to this interrogatory because it is irrelevant to the Special Assessment that was assessed against the Subject Property. By way of further response, this discovery request is “fishing expedition” for the purposes of obtaining information that is irrelevant, may be taken out of context to create allegations where none legitimately exist. Subject to and without waiving any objection, it is the Planning Division’s opinion that Parcel No. 19-36-210-005 will conform to its site plan at the present moment, with the various occupants, tenants, and retail establishments that are there currently.

46. Do you dispute that after the Project, Parcel No. 19-36-210-005 will no longer conform to your zoning ordinance due to the loss of the 11 public street parking spaces?

Answer:

The City objects to this interrogatory because it is irrelevant to the Special Assessment that was assessed against the Subject Property. By way of further response, this discovery request is “fishing expedition” for the purposes of obtaining information that is irrelevant, may be taken out of context to create allegations where none legitimately exist. Subject to and without waiving any objection, it is the Planning Division’s opinion that Parcel No. 19-36-210-005 will conform to its site plan at the present moment, with the various occupants, tenants, and retail establishments that are there currently.

47. If your response to the immediately preceding Interrogatory was anything other than an unqualified negative, please explain the reasoning for your response.

Answer:

The City objects to this interrogatory because it is irrelevant to the Special Assessment that was assessed against the Subject Property. By way of further response, this discovery

request is “fishing expedition” for the purposes of obtaining information that is irrelevant, may be taken out of context to create allegations where none legitimately exist. Subject to and without waiving any objection, it is the Planning Division’s opinion that Parcel No. 19-36-210-005 will conform to its site plan at the present moment, with the various occupants, tenants, and retail establishments that are there currently.

48. Have you prepared any analysis of the cost that the Subject Property’s owners would incur to remedy any nonconformity with the zoning ordinance resulting from the Project?

**Answer:**

The City objects to this interrogatory because it is irrelevant to the Special Assessment that was assessed against the Subject Property. By way of further response, this discovery request is “fishing expedition” for the purposes of obtaining information that is irrelevant, may be taken out of context to create allegations where none legitimately exist. Subject to and without waiving any objection, no documents have been prepared.

49. If your response to the immediately preceding Interrogatory was anything other than an unqualified negative, please explain all such analyses, including (a) the professional fees that the Subject Property’s owners would incur, (b) any construction costs that the Subject Property’s owners would incur, (c) all other costs that the Subject Property’s owners would incur.

**Answer:**

The City objects to this interrogatory because it is irrelevant to the Special Assessment that was assessed against the Subject Property. By way of further response, this discovery request is “fishing expedition” for the purposes of obtaining information that is irrelevant, may be taken out of context to create allegations where none legitimately exist. Subject to

and without waiving any objection, it is the Planning Division's opinion that Parcel No. 19-36-210-005 will conform to its site plan at the present moment, with the various occupants, tenants, and retail establishments that are there currently.

50. Please identify all documents relating to any analyses of the cost that the Subject Property's owners would incur to remedy any nonconformity with the zoning ordinance resulting from the Project.

**Answer:**

The City objects to this interrogatory because it is irrelevant to the Special Assessment that was assessed against the Subject Property. By way of further response, this discovery request is "fishing expedition" for the purposes of obtaining information that is irrelevant, may be taken out of context to create allegations where none legitimately exist. Subject to and without waiving any objection, it is the Planning Division's opinion that Parcel No. 19-36-210-005 will conform to its site plan at the present moment, with the various occupants, tenants, and retail establishments that are there currently.

51. If you dispute that after the Project, Parcel No. 19-36-210-005 will no longer conform to your zoning ordinance, please confirm that after the Project, Parcel No. 19-36-210-005 continues to have the exact same level of compliance with the zoning ordinance that it had before the Project.

**Answer:**

The City objects to this interrogatory because it is irrelevant to the Special Assessment that was assessed against the Subject Property. By way of further response, this discovery request is "fishing expedition" for the purposes of obtaining information that is irrelevant,

may be taken out of context to create allegations where none legitimately exist. Subject to and without waiving any objection, it is the Planning Division's opinion that Parcel No. 19-36-210-005 will conform to its site plan at the present moment, with the various occupants, tenants, and retail establishments that are there currently.

52. Do you contend that the Project will increase the Subject Property's value proportionately to the amount of the Special Assessment allocated to the Subject Property?

Answer:

Objection; relevance. Asked and answered. A Special assessment is a "specific levy designed to recover the costs of improvements that confer local and peculiar benefits upon property within a defined area." *Kadzban v Grandville*, 442 Mich 495, 500; 502 NW2d 299 (1993). Accordingly, special assessment are designed to cover the costs of improvement. The City has not yet retained an appraiser or valuation expert to determine any increase in value. If, or when, the City retains such an expert, the City will supplement the answer to this Interrogatory.

53. If your response to the preceding Interrogatory was anything other than an unqualified negative, please explain the proportionality between the amount of the Special Assessment allocated to the Subject Property and the alleged increase in the Subject Property's true cash value.

Answer:

Objection; relevance. Asked and answered. A Special assessment is a "specific levy designed to recover the costs of improvements that confer local and peculiar benefits upon

property within a defined area.” *Kadzban v Grandville*, 442 Mich 495, 500; 502 NW2d 299 (1993). Accordingly, special assessment are designed to cover the costs of improvement. The City has not yet retained an appraiser or valuation expert to determine any increase in value. If, or when, the City retains such an expert, the City will supplement the answer to this Interrogatory.

54. Please explain all analyses that you conducted concerning the proportionality between the amount of the Special Assessment allocated to the Subject Property and the alleged increase in the Subject Property’s true cash value.

**Answer:**

**Objection; relevance. Asked and answered.** A Special assessment is a “specific levy designed to recover the costs of improvements that confer local and peculiar benefits upon property within a defined area.” *Kadzban v Grandville*, 442 Mich 495, 500; 502 NW2d 299 (1993). Accordingly, special assessment are designed to cover the costs of improvement. The City has not yet retained an appraiser or valuation expert to determine any increase in value. If, or when, the City retains such an expert, the City will supplement the answer to this Interrogatory.

55. Please identify your agent, employee, or representative who is most knowledgeable concerning the proportionality between the amount of the Special Assessment allocated to the Subject Property and the alleged increase in the Subject Property’s true cash value.

**Answer:**

**Objection; relevance. Asked and answered.** A Special assessment is a “specific levy designed to recover the costs of improvements that confer local and peculiar benefits upon

property within a defined area.” *Kadzban v Grandville*, 442 Mich 495, 500; 502 NW2d 299 (1993). Accordingly, special assessment are designed to cover the costs of improvement. The City has not yet retained an appraiser or valuation expert to determine any increase in value. If, or when, the City retains such an expert, the City will supplement the answer to this Interrogatory.

56. Do you dispute that before the Project, snow removal from S. Old Woodward Avenue included plowing snow into the center of S. Old Woodward Avenue for later removal?

**Answer:**

**Objection; relevance.** A Special assessment is a “specific levy designed to recover the costs of improvements that confer local and peculiar benefits upon property within a defined area.” *Kadzban v Grandville*, 442 Mich 495, 500; 502 NW2d 299 (1993). Accordingly, special assessment are designed to cover the costs of improvement. The City has not yet retained an appraiser or valuation expert to determine any increase in value. If, or when, the City retains such an expert, the City will supplement the answer to this Interrogatory.

57. Do you dispute that after the Project, what had been the center of S. Old Woodward Avenue will be occupied by a median?

**Answer:**

**Objection; relevance.** A Special assessment is a “specific levy designed to recover the costs of improvements that confer local and peculiar benefits upon property within a defined area.” *Kadzban v Grandville*, 442 Mich 495, 500; 502 NW2d 299 (1993). Accordingly, special assessment are designed to cover the costs of improvement. The City has not yet retained an appraiser or valuation expert to determine any increase in value. If, or when,

the City retains such an expert, the City will supplement the answer to this Interrogatory. By way of further response, the City states that not all of the center of Old Woodward Ave. will be occupied by a median after the project.

58. Please explain your plans for snow removal from S. Old Woodward Avenue in the Project Area after the Project's completion.

**Answer:**

**Objection; relevance.** A Special assessment is a “specific levy designed to recover the costs of improvements that confer local and peculiar benefits upon property within a defined area.” *Kadzban v Grandville*, 442 Mich 495, 500; 502 NW2d 299 (1993). Accordingly, special assessment are designed to cover the costs of improvement. The City has not yet retained an appraiser or valuation expert to determine any increase in value. If, or when, the City retains such an expert, the City will supplement the answer to this Interrogatory. By way of further response, this interrogatory is as irrelevant as it does not relate to the Special assessment that the City assessed against the subject property. The Special assessment did not include roadway/snow removal.

59. After the Project, will you plow snow from S. Old Woodward Avenue into the remaining public street parking spaces in the Project Area?

**Answer:**

**Objection; relevance.** A Special assessment is a “specific levy designed to recover the costs of improvements that confer local and peculiar benefits upon property within a defined area.” *Kadzban v Grandville*, 442 Mich 495, 500; 502 NW2d 299 (1993). Accordingly, special assessment are designed to cover the costs of improvement. The City has not yet

retained an appraiser or valuation expert to determine any increase in value. If, or when, the City retains such an expert, the City will supplement the answer to this Interrogatory. By way of further response, this interrogatory is as irrelevant as it does not relate to the Special assessment that the City assessed against the subject property. The Special assessment did not include roadway/snow removal.

60. Do you dispute that alleged aesthetic improvements to S. Old Woodward Avenue benefit the entire City of Birmingham?

Answer:

Objection; relevance. A Special assessment is a “specific levy designed to recover the costs of improvements that confer local and peculiar benefits upon property within a defined area.” *Kadzban v Grandville*, 442 Mich 495, 500; 502 NW2d 299 (1993). Accordingly, special assessment are designed to cover the costs of improvement. The City has not yet retained an appraiser or valuation expert to determine any increase in value. If, or when, the City retains such an expert, the City will supplement the answer to this Interrogatory.

61. If your response to the immediately preceding Interrogatory was in the affirmative, please explain your conclusion that alleged aesthetic improvements to S. Old Woodward Avenue do not benefit the entire City of Birmingham.

Answer:

Objection; relevance. A Special assessment is a “specific levy designed to recover the costs of improvements that confer local and peculiar benefits upon property within a defined area.” *Kadzban v Grandville*, 442 Mich 495, 500; 502 NW2d 299 (1993). Accordingly, special assessment are designed to cover the costs of improvement. The City has not yet

retained an appraiser or valuation expert to determine any increase in value. If, or when, the City retains such an expert, the City will supplement the answer to this Interrogatory.

62. Please identify (a) the total cost of the Project, and (b) the costs included in the Project that relate solely to aesthetic improvements not including the rehabilitation of road and infrastructure.

**Answer:**

Pursuant to MCR 2.309 (E) please see the attached spreadsheet which includes the total cost of the project.

63. Why does the Project move the bus stop that had been located on Bowers Street beneath the parking deck included within the Subject Property?

**Answer:**

Objection; relevance. As the roadway, parking, and bus stop are not part of the Special Assessment. Answering further, this is irrelevant to the subject matters at issue. By way of further response, the bus stop was determined by officials of SMART and the City after discussions.

64. Why does the Project move the bus stop that had been located in front of 411 S. Old Woodward Avenue?

**Answer:**

Objection; relevance. The roadway, parking, and bus stop are not part of the Special Assessment. Answering further, this is irrelevant to the subject matters at issue. By way of further response, the bus stop was determined by officials of SMART and the City after

discussions. Answering further, The City disputes there is or was a bus stop at 411 S. Old Woodward.

65. Why does the Project place a new bus stop immediately in front of the entrance to the Subject Property?

Answer:

Objection; relevance. As the roadway, parking, and bus stop are not part of the Special Assessment. Answering further, this is irrelevant to the subject matters at issue. By way of further response, the bus stop was determined by officials of SMART and the City after discussions.

66. Please identify all documents relating to the decision for the Project to include a bus stop in front of the entrance to the Subject Property.

Answer:

Objection; relevance. As the roadway, parking, and bus stop are not part of the Special Assessment. Answering further, this is irrelevant to the subject matters at issue. By way of further response, the bus stop was determined by officials of SMART and the City after discussions.

67. Do you contend that Parcel No. 08-19-36-210-003 is independently developable?

Answer:

This interrogatory is irrelevant to the subject matter at hand. The City further objects that this interrogatory is speculative. The City is not the owner of the subject parcel number referenced.

68. If your response to the immediately preceding Interrogatory was anything other than an unqualified negative, please explain for Parcel No. 08-19-36-210-003 (a) the size of the buildable area, (b) the square footage that would be required for any stairwells in a development, and (c) the square footage that would be required for any elevator in a multi-story development.

**Answer:**

**This interrogatory is irrelevant to the subject matter at hand. The City further objects that this interrogatory is speculative. The City is not the owner of the subject parcel number referenced.**

#### Requests for Production of Documents

1. Please produce copies of all documents identified in your responses to the foregoing Interrogatories.

**Answer:**

**The City details and summarized this information at public hearings, including March 14, 2022 and April 11, 2022. The packet information is attached.**

2. Please produce copies of all documents that were consulted to prepare your responses to the foregoing Interrogatories.

**Answer:**

**The City details and summarized this information at public hearings, including March 14, 2022 and April 11, 2022. The packet information is attached.**

3. Please produce copies of all emails regarding the Project (a) to members of the Birmingham City Commission, (b) from members of the Birmingham City Commission, and/or (c) between members of the Birmingham City Commission.

**Answer:**

**The City objects to this document request that is overly broad, unduly burdensome, and irrelevant. Subject matter includes a Special assessment that was assessed against the property owners in phase 3 of the project.**

4. Please produce copies of all correspondence regarding the Project (a) to members of the Birmingham City Commission, (b) from members of the Birmingham City Commission, and/or (C) between members of the Birmingham City Commission.

**Answer:**

**The City objects to this document request that is overly broad, unduly burdensome, and irrelevant. Subject matter includes a Special assessment that was assessed against the property owners in phase 3 of the project.**

5. Please produce copies of all memoranda regarding the project (a) to members of the Birmingham City Commission, (b) from members of the Birmingham City Commission, and/or (c) between members of the Birmingham City Commission.

**Answer:**

**The City details and summarized this information at public hearings, including March 14, 2022 and April 11, 2022. The packet information is attached.**

6. Please produce copies of all documents relating to discussion, comments, or questions concerning the Project's impact on the Subject Property.

**Answer:**

**The City details and summarized this information at public hearings, including March 14, 2022 and April 11, 2022. The packet information is attached.**

7. Please produce copies of all documents relating to discussion, comments, or questions concerning the Project's impact on the Project Area.

**Answer:**

**The City details and summarized this information at public hearings, including March 14, 2022 and April 11, 2022. The packet information is attached.**

8. Please produce copies of all documents relating to discussion, comments, or analysis of the Project's impact on public street parking.

**Answer:**

**The City details and summarized this information at public hearings, including March 14, 2022 and April 11, 2022. The packet information is attached.**

9. Please produce copies of all documents relating to discussion, comments, or analysis of the Project's elimination of 60 public street parking spaces.

**Answer:**

**Objection; relevance. As the roadway and parking were not part of the special assessments. Nevertheless, by way of further response, the City provides that this information was provided to representatives of Petitioners, including Jack Reinhart.**

10. Please produce copies of all documents relating to discussion, comments, or analysis of the Project's elimination of 11 public street parking spaces adjacent to the Subject Property.

**Answer:**

**Objection; relevance. As the roadway and parking were not part of the special assessments. Nevertheless, by way of further response, the City provides that this information was provided to representatives of Petitioners, including Jack Reinhart.**

11. Please produce copies of all documents relating to discussion, comments, or analysis of the Project's economic effect on the Subject Property.

**Answer:**

**Objection; relevance. As the roadway and parking were not part of the special assessments. Nevertheless, by way of further response, the City provides that this information was provided to representatives of Petitioners, including Jack Reinhart.**

12. Please produce copies of all documents relating to discussion, comments, or analysis of the Project's economic effect on the Project Area.

**Answer:**

**The City details and summarized this information at public hearings, including March 14, 2022 and April 11, 2022. The packet information is attached.**

13. Please produce copies of all documents relating to discussion, comments, or analysis of the Project's economic effect on the Subject Property's tenants.

**Answer:**

**The City details and summarized this information at public hearings, including March 14, 2022 and April 11, 2022. The packet information is attached.**

**14.** Please produce copies of all documents relating to discussion, comments, or analysis of the Project's impact on public transit.

**Answer:**

**The City details and summarized this information at public hearings, including March 14, 2022 and April 11, 2022. The packet information is attached.**

**15.** Please produce copies of all transcripts of the March 14, 2022 hearing concerning the Special Assessment before the Birmingham City Commission.

**Answer:**

**Objection; the City does not prepare transcripts concerning the March 14 or April 11 hearing. However, the City uploads all the City commission meetings videos to Vimeo.com.**

**16.** Please produce copies of all transcripts of the April 11, 2022 hearing concerning the Special Assessment before the Birmingham City Commission.

**Answer:**

**Objection; the City does not prepare transcripts concerning the March 14 or April 11 hearing. However, the City uploads all the City commission meetings videos to Vimeo.com.**

**17.** Please produce copies of all photographs depicting the Subject Property before the Project.

**Answer:**

**The City objects to this as it is overly broad, unduly burdensome, and irrelevant.**

18. Please produce copies of all drawings, renderings, and other depictions of the Subject Property with the Project completed.

**Answer:**

**The City will make available to Plaintiffs for inspection, additional, nonrelevant, documents concerning the entire project at a mutually convenient date and time.**

19. Please produce copies of all drawings, diagrams, and/or plans depicting the location of public right-of-way located within the Project Area.

**Answer:**

**The City will make available to Plaintiffs for inspection, additional, nonrelevant, documents concerning the entire project at a mutually convenient date and time.**

20. Please produce copies of all documents evidencing drawings, diagrams, and/or plans depicting the location of public street parking within the Project Area before the Project.

**Answer:**

**The City will make available to Plaintiffs for inspection, additional, nonrelevant, documents concerning the entire project at a mutually convenient date and time.**

21. Please produce copies of all drawings, diagrams, and/or plans depicting the location of public street parking within the Project Area after the Project's completion.

**Answer:**

The City will make available to Plaintiffs for inspection, additional, nonrelevant, documents concerning the entire project at a mutually convenient date and time.

22. Please produce copies of all documents relating to the Project's impact on Parcel No. 08-19-36-210-005's compliance with its site plan.

Answer:

The City will make available to Plaintiffs for inspection, additional, nonrelevant, documents concerning the entire project at a mutually convenient date and time.

23. Please produce copies of all documents relating to the Project's impact on Parcel No. 08-19-36-210-005's conformity with your zoning ordinance.

Answer:

The City will make available to Plaintiffs for inspection, additional, nonrelevant, documents concerning the entire project at a mutually convenient date and time.

24. Please produce copies of all drawings, diagrams, and/or plans depicting comparisons of the location of public street parking within the Project Area with the Project and without the Project.

Answer:

The City will make available to Plaintiffs for inspection, additional, nonrelevant, documents concerning the entire project at a mutually convenient date and time.

25. Please produce copies of all drawings, diagrams, and/or plans depicting the location of public transportation facilities within the Project Area before the Project.

**Answer:**

**The City will make available to Plaintiffs for inspection, additional, nonrelevant, documents concerning the entire project at a mutually convenient date and time.**

26. Please produce copies of all drawings, diagrams, and/or plans depicting the location of public transportation facilities within the Project Area after the Project's completion.

**Answer:**

**The City will make available to Plaintiffs for inspection, additional, nonrelevant, documents concerning the entire project at a mutually convenient date and time.**

27. Please produce copies of all documents relating to the plans for snow storage in, and/or snow removal from, S. Old Woodward Avenue in the Project Area after the Project's completion.

**Answer:**

**The City will make available to Plaintiffs for inspection, additional, nonrelevant, documents concerning the entire project at a mutually convenient date and time.**

28. Please produce copies of all construction plans for the Project.

**Answer:**

**The City will make available to Plaintiffs for inspection, additional, nonrelevant, documents concerning the entire project at a mutually convenient date and time.**

29. Please produce copies of all documents relating to design options for the Project that were considered but not adopted.

**Answer:**

**The City will make available to Plaintiffs for inspection, additional, nonrelevant, documents concerning the entire project at a mutually convenient date and time.**

30. Please produce copies of all documents relating to your Planning Commission's discussion, analysis, and/or conclusions concerning the parking deck within the Subject Property.

**Answer:**

**The City will make available to Plaintiffs for inspection, additional, nonrelevant, documents concerning the entire project at a mutually convenient date and time.**

31. Please produce copies of all documents that you anticipate that you may introduce as exhibits at any hearing in this matter.

**Answer:**

**The City will make available to Plaintiffs for inspection, additional, nonrelevant, documents concerning the entire project at a mutually convenient date and time.**

32. Please produce copies of all documents that you believe support any contention that the Project increases the Subject Property's value.

**Answer:**

**The City will make available to Plaintiffs for inspection, additional, nonrelevant, documents concerning the entire project at a mutually convenient date and time.**

33. Please produce copies of all documents that you believe support any contention that any increase in the Subject Property's value attributable to the Project is proportional to the amount of the Special Assessment allocated to the Subject Property.

**Answer:**

**The City will make available to Plaintiffs for inspection, additional, nonrelevant, documents concerning the entire project at a mutually convenient date and time.**

34. Please produce copies of all documents itemizing costs for the Project.

**Answer:**

**The City will make available to Plaintiffs for inspection, additional, nonrelevant, documents concerning the entire project at a mutually convenient date and time.**

35. Please produce copies of all documents identifying the costs for alleged aesthetic improvements within the Project Area.

**Answer:**

**The City will make available to Plaintiffs for inspection, additional, nonrelevant, documents concerning the entire project at a mutually convenient date and time.**

**BEIER HOWLETT, P.C.**

By: */s/ Peter Gojcaj*  
PETER GOJCAJ (P68888)  
Attorneys for Respondent  
3001 W. Big Beaver Road, Suite 600  
Troy, MI 48084  
(248) 645-9400  
[pgojcaj@bhlaw.us.com](mailto:pgojcaj@bhlaw.us.com)

Dated: October 6, 2022

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING & REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
MICHIGAN TAX TRIBUNAL

THE NEW 555 COMMERCIAL, LLC,  
THE NEW 555 RESIDENTIAL, LLC,  
MANORWOOD PROPERTIES, LLC, and  
ASSOCITES OF 555, LP,  
Petitioners,

Docket No. 22-000772  
Property Nos. 08-19-36-210-001  
08-19-36-210-003  
08-19-36-210-005

v

CITY OF BIRMINGHAM,

Respondent.

---

Williams, Williams, Rattner & Plunkett, P.C.  
Jason C. Long (P59244)  
*Attorneys for Petitioners*  
380 N. Old Woodward Ave., Ste. 300  
Birmingham, MI 48009  
(248) 642-0333  
[jlong@wwrplaw.com](mailto:jlong@wwrplaw.com)

Beier Howlett, P.C.  
Peter Gojcaj (P68888)  
Monika Koleci (P85371)  
*Attorneys for Respondent*  
3001 W. Big Beaver Rd., Ste. 600  
Troy, MI 48084  
248-282-1063 / 248-645-9344-fax  
[pgojcaj@bhlaw.us.com](mailto:pgojcaj@bhlaw.us.com)  
[mkoleci@bhlaw.us.com](mailto:mkoleci@bhlaw.us.com)

---

**RESPONDENT’S RESPONSE TO PETITIONER’S  
MOTION FOR SUMMARY DISPOSITION**

Respondent, City of Birmingham (“City”), through its attorneys, Beier Howlett, P.C., responds to Petitioner’s Motion for Summary Disposition as follows:

**INTRODUCTION**

The Petitioners attempt to take a few discovery responses out of context as their only basis for their Motion for Summary Disposition. Indeed, Petitioners cite to Responses to Interrogatories Nos. 18, 19, and 20 for the proposition that because the “City has not yet retained an appraiser or valuation to determine any increase in value,” that somehow that statement entitles Petitioners to summary disposition. To the contrary, it is the City that is entitled to summary disposition pursuant

to MCR 2.116(I)(2), because there is no genuine issue of fact as the City properly determined that it was necessary to make particular improvements that specially benefitted the Petitioners' properties and the Petitioners' properties were assessed in accurate proportionality of the improvement and benefit derived (perhaps even less).

## STATEMENT OF FACT

### A. The Project

The City of Birmingham is a local government located in Oakland County, Michigan, approximately 15 miles from the City of Detroit. Within its jurisdiction, the City has an affluent downtown area.

In early 2017, the City embarked upon a road construction project for its downtown area, which was to be completed in three phases. The entire three phases of the Project are designed to make changes to the roadways of Maple and Old Woodward in the downtown area in order to reduce. The entire 3 phases of the project are designed to upgrade the City's underground assets and replace old infrastructure: sewers, utilities, lead service lines, water lines and more. Then once completed, the downtown area is restored and in doing so was designed to reduce vehicular speeds, calm and improve traffic, improve pedestrian safety, walkability, and create an esthetically and improved streetscape uniting all of the downtown area. (The City Assistant Engineer's, Scott Zielinski, affidavit is attached as Exhibit 1.)

As the entire Project also upgrades underground assets and replace an old infrastructure: sewers, utilities, lead service lines, water lines, road pavements and more (for the entire Old Woodward Road, from E. Brown Street to Landon Street), the instant petition only deals with a small portion of the entire Project. The City could have issued special assessments for the entire Project (which cost in excess of \$10,000,000), it is only the portion from the curb/sidewalk (not

the roadway) to the property owners' buildings that the City issued the subject Special Assessment.<sup>1</sup> This Special Assessment is considered the "Streetscape."

The first two phases were completed in 2018 and 2020, respectively. Phase 1, which is the area north of the subject matter concerning this lawsuit was completed in 2018 and includes Old Woodward Avenue from Brown Street to Oakland Street. (Exhibit 1) Phase 2, involving Maple Road which is north of the area of concern and stretches from east to west, crossing Old Woodward Avenue from Maple Road, from Chester to Woodward Avenue, was completed in 2020. (Exhibit 1)

Phase 3, which concerns this Petition, began in May of 2022 and has been completed. (Exhibit 1). The Project is a well-thought out design, planned by top-notch engineers, architects and other planners (Exhibit 1).

The Project's goals were based upon engineering plans and public input:

- Improve pedestrian safety.
- Improve walkability and accessibility.
- Reduce parking conflicts; parking across intersections, backing into parking spaces, and parking into crosswalks.
- Upgrade to be ADA compliant.
- Adding greenspace, sitting areas and dining areas.
- Optimize parking to include electric scooters and bicycles.
- Integrate green infrastructure.

## **B. The Special Assessment District**

<sup>1</sup> The City reserves the right to provide evidence at the Hearing on the entire cost of the Project.

Concerning Special Assessments, the City Ordinance provides that “*Improvement* means a public improvement of such a nature as to specially benefit any real property, any part of the cost of which is to be assessed against one or more lots or parcels of land, in proportion to the benefit derived therefrom.” Chapter 94, Section 1. (Emphasis in original) (A copy of the entire relevant City Ordinance is attached as Exhibit 2).

The “city commission **shall have the power and authority to determine that the whole or any part of the cost of any public improvement shall be defrayed by special assessments upon the property especially benefitted**, consistent with the procedures set forth in this chapter.” Chapter 94, Section 3. (Exhibit 2). Proceedings for the making of public improvements within the city may be commenced by resolution of the city commission. Chapter 94, Section 3. (Exhibit 2).

Before the City Commission makes a decision as to any public improvement, the city engineer shall prepare and submit a preliminary report to the City Commission explaining the nature and scope of the project, recommended approach, estimates of cost, life of the improvement, a description of the proposed assessment district(s) and such other pertinent information. Chapter 94, Section 6. (Exhibit 2). Both the City Engineer and the City Assistant Engineer **prepared two reports** (dated March 10, 2022, and March 8, 2022, respectively) providing the City Commission the necessary information in order for them to determine the public improvement is necessary, which is summarized below. (Copies of these reports are attached as Exhibits 3 and 4).

By way of background, phases 1 and 2 of the Project included special assessments charged to the benefitted property owners that included the same type of improvements in this case (ie, the Streetscape): mainly replacement of sidewalks, and landscape enhancements. (Exhibit 3 and 4). Notably, no property owners objected to the special assessments in phases 1 and 2 of the Project.

In Phase 3, as was completed in phases 1 and 2, City Assistant Engineer Scott Zielinski, prepared his report explaining the nature and scope of the project, recommended approach, estimates of cost, life of the improvement, a description of the proposed assessment district(s) and all other necessary information that is required by state statute and City ordinance. (Exhibit 1) ,

Scott Zielinski's report, in part, provides:

The new streetscape will consist of an **enhanced version of the downtown standard sawcut** concrete sidewalk with exposed aggregate sidewalk between the main pedestrian path and the street curb. Elements of the **new streetscape design** to be included in this project include:

- All **new concrete and exposed aggregate sidewalks** from the building face to the back of the curbs.
- Removal and replacement of all street trees, including excavation and replacement with approximately 1,000 cubic feet of specially formulated soil designed to encourage tree growth.
- **Enlarged, raised planter beds around each new street tree, framed by a 6-inch** high exposed aggregate curb, with irrigation, and professionally designed landscaping.
- **Granite seating areas where space permits.**
- **Installation of underground electrical system to provide new lighting opportunities for trees along the sidewalk and in the proposed median.**
- **Installation of sprinkler systems to maintain new plant life.**

(Exhibit 4).

Mr. Zielinski explained to the City Commission before they made their determinations, “the cost per property will be assessed as an average cost per linear foot of frontage for the *improvements*. The properties with multiple owners will share the cost of the frontage, and the amount will be based on the square footage of building area owned. The City will bill one-tenth of the assessment, as is standard on other special assessment districts, plus interest, on an annual basis, to make the cost more manageable for the property owners.” (Emphasis added) (Exhibit 4). Scott Zielinski recommended to the City Commission that the Special Assessment be approved because the improvements to the affected properties (including Petitioners’) would increase in value. (Exhibit 1). This was done prior to the City Commission approving of the Special

Assessment. (Exhibit 1). Mr. Zielinski also created the attached spreadsheet, which is the basis of the Special Assessment Petitioners' complain of. (Exhibit 5). As the attached spreadsheet depicted in Exhibit 5 illustrates, the Special Assessment allocated to the benefitted property owners, including Petitioners, includes electrical, construction equipment, construction costs for irrigation and sewer, sidewalk pavement construction costs, landscaping construction costs, that total approximately \$2,481,888.55 (the Streetscape Amount). The total amount charged to the benefitted properties is equal to 75% of the Streetscape Amount of the project. The remaining 25% (\$827,296.18) would be allocated directly to the City. Of the 75%, which is \$2,481,888.55, Petitioners' responsible portion is approximately \$453,000.00. As noted in response to interrogatory no. 3, the City calculated these amounts for the entire streetscape (streetscape costs include but are not limited to sidewalks, planters, utilities, underground utilities, construction, sprinkler, concrete pavement, concrete sidewalk removal, installation, concrete curb, soil, boulders, landscaping, and all other elements that can be categorized in the sidewalk area of the project). This total streetscape amount was then divided by the total linear feet for the project, then further multiplied by the linear feet of the subject properties. It is Scott Zielinski's opinion that the special assessment was proportionate to increase in value of all of the properties, including Petitioners'. (Exhibit 1).

Based on this information, the City Commission adopted a Resolution declaring necessity of the project and improvements and therefore approved and created a Special Assessment District with special assessments levied in accordance with **benefits to the properties within the assessment district**, which include Petitioners' properties. (A copy of the minutes of this Resolution is attached as Exhibit 6). The City Commission declared that the special assessment district shall include all properties of the 165 parcels listed in the engineering report. The City commission

further declared that the City Commission would meet on Monday, April 11, 2022 at 7:30 P.M. for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for the sidewalk and streetscape improvements adjacent to all properties within the project area on South Old Woodward Avenue, between Brown Street and Landon Street. (Exhibit 6)

The Resolution (Exhibit 6) adopted by the City Commission complies with City Ordinance Chapter 94, Section 8. This Ordinance provides:

- (b) If the commission determines to continue to proceed with the improvement, the commission shall adopt a resolution:
  - (1) Determining the necessity of the improvement;
  - (2) Approving the detailed plans and estimates of cost prepared by the city engineer;
  - (3) Prescribing what portion of the cost of such improvement shall be paid by special assessment upon the **property especially benefited, determining what benefits will be** received by affected properties and what portion, if any, of the cost shall be paid by the city;
  - (4) Delineating the boundaries of the special assessment district;
  - (5) Determining the method or formula to be used in making the assessment; and
  - (6) Directing the manager to prepare a special assessment roll and present the same to the commission for confirmation (unless the special assessment roll was previously prepared).

In compliance with the City Ordinance, Chapter 94, Section 9, the City Commission confirmed the special assessment roll for such improvements on April 11, 2022. (A copy of the City Commission meeting minutes for April 11, 2022 is attached as Exhibit 7). Petitioners timely objected to these public hearings, then filed their Petition on or about June 7, 2022.

### **C. The Petition and Discovery**

After filing their Petition, Petitioners propounded in excess of 150 Interrogatories (including subparts) which were mainly irrelevant to the issues at hand, and in excess of 35

Requests for Production of Documents. (A copy of the subject Discovery Requests and the City's Responses are attached as Exhibit 8). Petitioners cite to Responses to Interrogatories Nos. 18, 19, and 20 for the proposition that because the "City has not yet retained **an appraiser or valuation expert** to determine any increase in value," that somehow that statement entitles Petitioners to summary disposition. Petitioners would have this Tax Tribunal believe that all municipalities need to hire an appraiser or valuation expert before issuing special assessments. There is no support in Michigan law, statutes, or the City ordinance that requires the City to retain an appraiser or valuation expert in order to determine the exact increase in property value when the City Commission adopts a resolution and a creation of a special assessment district.

Petitioners wholly ignore the City's Response to Interrogatory No. 3, which provides:

**The City calculated the total amounts for the entire Streetscape (Streetscape costs include but are not limited to:, sidewalks, planters, utilities, underground utilities, construction, sprinkler, concrete pavement, concrete sidewalk, removal, installation, concrete curb, soil, boulders, landscaping and all other elements that can be categorized in the sidewalk area of the Project which was then ("Streetscape Amount")). The total Streetscape Amount was then divided by the total the amount of the linear foot for the Project, and multiplied this amount by the linear foot the Subject Property has (This cost less 25% since the City pays 25%). Answering further, the City detailed and summarized this information at various public hearings, including March 14, 2022, and April 11, 2022. By way of further response, the City is providing information presented to the City Commission (on March 14, 2022, and April 11, 2022), and spreadsheets outlining its position, pursuant to MCR 2.309(E). The City will make available to Plaintiffs for inspection additional, non-relevant, documents concerning**

**the entire Project at a mutually convenient date and time.** (Exhibit 8, Response to Interrogatories No. 3)

Considering the above evidence, it becomes clear that the City is entitled to summary disposition, pursuant to 2.116(I)(2).

### **III. LAW AND ANALYSIS**

#### **A. Standard For Summary Disposition.**

##### **1. General Standard Under MCR 2.116(C)(10).**

“Summary disposition is appropriate if the evidence demonstrates that there is no genuine issue concerning any material fact and the moving party is entitled to judgment as a matter of law.” *Rednour v. Hastings Mut. Ins. Co.*, 468 Mich 241, 256-257; 661 NW2d 562 (2003). A motion for summary disposition based on MCR 2.116(C)(10) tests the factual support for the claim. *Downey v Charlevoix County Bd of Rd Commn*, 227 Mich App 621 (1998).

The party opposing such a motion has the burden of establishing that a genuine issue of material fact exists by coming forth with the requisite evidence. *Tope v Howe*, 179 Mich App 91 (1989). Mere allegations or denials will not suffice. *Dept of Soc Serv v Aetna Cas & Sur Co*, 177 Mich App 440 (1989). Indeed, the statement of a non-moving party’s conclusions, unsupported by allegations of fact upon which they must be based, will not establish a genuine issue of fact. *NuVision v Dunscombe*, 163 Mich App 674, 681 (1988). Notably, “a party may not create issues of fact thorough contradiction of that party’s prior sworn statements.” (Emphasis added). *Progressive Timberlands, Inc v R & R Heavy Haulers, Inc*, 243 Mich App 404, 411; 622 NW2d 533 (2000).

##### **2. General Standard Under MCR 2.116(I)(2).**

Pursuant to MCR 2.116(I)(2), a trial court may grant summary disposition to nonmoving party if it is entitled to judgment as matter of law. Summary disposition under MCR 2.116(I)(2) is

appropriate when “it appears to the court that the opposing party, rather than the moving party, is entitled to judgment ...” *Sharper Image Corp v Dep't of Treasury*, 216 Mich App 698, 701; 550 NW2d 596 (1996).

**B. The City is entitled to Summary Disposition.**

The well-settled principle that municipal decisions regarding special assessments are presumed to be valid. See *In re Eight and One-Half Mile Relief Drain*, 369 Mich. 641, 649, 120 N.W.2d 789 (1963). The decisions of municipal officers regarding special assessments “generally should be upheld.” *Id.*, 426 Mich. At 403, 395 N.W.2d 211. It is not the task of courts to determine whether there is “a rigid dollar-for-dollar balance between the amount of the special assessment and the amount of the benefit...” *Id* at 402-403, 395 N.W.2d 211.

A special assessment is a levy upon property within a particular district. *Kadzban v. Grandville*, 442 Mich. 495, 500, 502 N.W.2d 299 (1993). Unlike a tax, which is imposed to raise revenue for general governmental purposes, a special assessment is designed to recover the costs of improvements that confer local and peculiar benefits upon property within a defined area. *Id* Two requirements must be met in order for a special assessment to be deemed valid: (1) the improvement funded by special assessment must confer a special benefit upon the assessed properties beyond that provided to the community as a whole, and (2) the amount of special assessment must be reasonably proportionate to the benefits derived from the improvement. See *id.* At 501-502, 502 N.W.2d 299; *Dixon Rd. Group v Novi*, 426 Mich. 390, 398-403, 395 N.W.2d 211 (1986). In order for an improvement to be deemed to have conferred a “special benefit,” it must cause an increase in the market value of the land specially assessed. *Kadzban, supra* at 501, 502 N.W.2d 299; *Dixon Rd, supra* at 400-401, 395 N.W.2d 211.

A special assessment can be seen as remunerative; it is a specific levy designed to recover the costs of improvements that confer local and peculiar benefits upon property within a defined

area. *Kuick v Grand Rapids*, 200 Mich. 582, 588, 166 N.W. 979(1918). **Street and utility improvements are common bases for special assessments.** In numerous instances, abutting property has been specially assessed the costs of paving a road or installing a \*501 sewer system. See e.g., *Kuick, supra*; *Foren v Royal Oak*, 342 Mich. 451, 70 N.W.2d 692 (1955); *Axtell v City of Portage*, 32 Mich.App. 491, 189 N.W.2d 99 (1971).

For a special assessment to be valid, “there must be some proportionality between the amount of the special assessment and the benefits derived therefrom.” *Id.*

In this case, the City confirmed the special assessment according to state law and its ordinance. Indeed, the Assistant City Engineer prepared a report indicating what the improvements would be (nature and scope) and how the amounts would be allocated. The City Commission then resolved to direct the Special Assessment, and then confirm that the Special Assessment was appropriate.

The streetscape confers **a special benefit to all the properties affected**, and the City determined that the amount of the special assessment is reasonably **proportionate to the benefits derived from the improvement**. This is done almost to an exact science. As indicated above, the City took the total amount of the streetscape amount (less 25%), and then divided that amount to the total linear square foot frontage for all the effected property owners and then multiplied it to the Petitioners’ linear footage that it owns. Plus, the City followed the requirements of the Special Assessment.

Scott Zielinski recommended to the City Commission that the Special Assessment be approved because the improvements to the affected properties (including Petitioners) **would increase in value**. (Emphasis added) (Exhibit 1). This was done prior to the City Commissioner approving the special assessment. (Exhibit 1). It is Scott Zielinski’s opinion that the special

assessment was proportionate to increase in value of all of the properties, including Petitioners'. (Exhibit 1).

It is abundantly clear that the City properly made a special assessment against all of the properties, including Petitioners'. Accordingly, the summary disposition in favor of City is appropriate. Even if that result is not obtained, summary disposition in favor of Petitioners wholly inappropriate.

WHEREFORE, Respondent City of Birmingham respectfully requests that this Tribunal deny Petitioner's Motion in its entirety. Further, Respondent requests the Tribunal grant summary disposition in its favor pursuant to MCR 2.116(I) (2) and dismiss this appeal. Based on the above evidence, there is no genuine issue of material fact that would suggest that this appeal should go forward as Petitioners have not demonstrated ownership, which is fatal to its case.

**BEIER HOWLETT, P.C.**

/s/ Peter Gojcaj  
 Peter Gojcaj (P68888)  
 Monika Koleci (P85371)  
 Attorneys for Respondent  
 3001 W. Big Beaver Rd., Ste. 600  
 Troy, MI 48084  
 (248) 282-1063 / (248) 645-9344-fax

Dated: December 19, 2022

**PROOF OF SERVICE**

The undersigned certifies that a copy of the attached **ANSWER TO MOTION FOR SUMMARY DISPOSITION** and this **PROOF OF SERVICE** were served upon the attorneys of record of all parties to the above cause by:

**XX**      **Email & U.S. FIRST CLASS MAIL**

on **December 19, 2022**. I declare under the penalty of perjury that the statement above is true to the best of my information, knowledge and belief.

/s/ Erin Miller  
 Erin Miller

# EXHIBIT 1

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING & REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
MICHIGAN TAX TRIBUNAL

THE NEW 555 COMMERCIAL, LLC,  
THE NEW 555 RESIDENTIAL, LLC,  
MANORWOOD PROPERTIES, LLC, and  
ASSOCITES OF 555, LP,  
Petitioners,

Docket No. 22-000772  
Property Nos. 08-19-36-210-001  
08-19-36-210-003  
08-19-36-210-005

v

CITY OF BIRMINGHAM,

Respondent.

---

Williams, Williams, Rattner & Plunkett, P.C.  
Jason C. Long (P59244)  
*Attorneys for Petitioners*  
380 N. Old Woodward Ave., Ste. 300  
Birmingham, MI 48009  
(248) 642-0333  
[jlong@wwrplaw.com](mailto:jlong@wwrplaw.com)

Beier Howlett, P.C.  
Peter Gojcaj (P68888)  
Monika Koleci (P85371)  
*Attorneys for Respondent*  
3001 W. Big Beaver Rd., Ste. 600  
Troy, MI 48084  
248-282-1063 / 248-645-9344-fax  
[pgojcaj@bhlaw.us.com](mailto:pgojcaj@bhlaw.us.com)  
[mkoleci@bhlaw.us.com](mailto:mkoleci@bhlaw.us.com)

---

**AFFIDAVIT OF SCOTT ZIELINSKI**

STATE OF MICHIGAN )  
                                  )SS.  
COUNTY OF OAKLAND)

Scott Zielinski, being duly sworn, deposes and says:

1. I make this Affidavit on behalf of Respondent in my capacity as the Assistant City Engineer for the City of Birmingham's ("City").
2. I make these statements set forth in this Affidavit based on my review of the City's records and from personal knowledge, and if called to testify would be able to do so.

3. The City embarked upon an infrastructure improvement project including road construction, sewer, watermain and ADA sidewalk improvements for its downtown area, which was to be completed in three phases.

4. The entire three phases of the Project are designed to make changes to the roadways of Maple and Old Woodward in the downtown area in order to reduce vehicular speeds, calm and improve traffic, improve pedestrian safety, and walkability while improving the City's infrastructure.

5. As the entire Project also upgrades underground assets and replace an old infrastructure: sewers, utilities, lead service lines, water lines, road pavements and more (for the entire Old Woodward Road, from E. Brown St to Landon St), the instant petition only deals with a small portion of the entire Project. The City could have issued special assessments for the entire Project (which cost in excess of \$10,000,000), it is only the portion from the curb/sidewalk (not the roadway) to the property owners' buildings that the City issued the subject Special Assessment. This Special Assessment is considered the "Streetscape."

6. Phase 1 (which is the area north of the subject matter concerning this lawsuit) was completed in 2018 and includes Old Woodward Avenue from Brown Street to Oakland Street.

7. Phase 2 involving Maple Road (which is north of the area of concern and stretches from east to west, crossing Old Woodward Avenue from Maple Road, from Chester to Woodward Avenue), was completed in 2020.

8. Phase 3, which concerns this Petition, began in May of 2022 and has been substantially completed.

9. The Project is a well-thought out design, planned by top-notch engineers, architects and other planners.

10. Both the City Engineer and I **prepared two reports** (dated March 10, 2022, and March 8, 2022, respectively) providing the City Commission information on the proposed special benefits, the nature of it, the improvement, the costs, the benefit derived therefrom, and the reasonable proportionality of assessing the special assessment against the affected property owners.

11. By way of background, concerning phases 2 and 3 the City had special assessments against the affected property owners that included the same type of improvements in this case (ie, the Streetscape): mainly replacement of sidewalks, and landscape enhancements.

12. Returning to the current issue, I prepared my report explaining the nature and scope of the project, recommended approach, estimates of cost, life of the improvement, a description of the proposed assessment district(s), and such other pertinent.

13. My report provides the new streetscape will consist of an **enhanced version of the downtown standard saw cut** concrete sidewalk with an exposed aggregate sidewalk between the main pedestrian path and the street curb. Elements of the **new streetscape design** to be included in this project include:

- **All new concrete and exposed aggregate sidewalks** from the building face to the back of the curbs.
- Removal and replacement of all street trees, including excavation and replacement with approximately 1,000 cubic feet of specially formulated soil designed to encourage tree growth.
- **Enlarged, raised planter beds around each new street tree, framed by a 6-inch high exposed aggregate curb, with irrigation, and professionally designed landscaping.**
- **Granite seating areas where space permits.**
- **Installation of an underground electrical system to provide new lighting opportunities for trees along the sidewalk and in the proposed median**
- **Installation of sprinkler systems to maintain new plant life**

14. My report explains that the cost per property will be assessed as an average cost per linear foot of frontage for the *improvements*. The properties with multiple owners will share the cost of the frontage, and the amount will be based on the square footage of the building area owned. The City will bill one-tenth of the assessment, as is standard on other special assessment districts, plus interest, on an annual basis, to make the cost more manageable for the property owners.

15. I recommended to the City Commission (before the City Commission decision) that the Special Assessment be approved because the improvements to the affected properties (including Petitioners') would increase in value.

16. I prepared the attached spreadsheet depicted in Exhibit 5, which illustrates that the Special Assessment allocated to the effective property owners, including Petitioners, includes electrical, construction equipment, construction costs for irrigation, sidewalk pavement construction costs, landscaping construction costs, that total approximately \$2,481,888.55 (the Streetscape Amount). The total amount charged to the benefitted properties is equal to 75% of the Streetscape Amount of the project. The remaining 25% (\$827,296.18) would be allocated directly to the City. Of the 75%, which is \$2,481,888.55, Petitioners' responsible portion is approximately \$453,000.00. As noted in response to interrogatory no. 3, the City calculated these amounts for the entire streetscape (streetscape costs include but are not limited to sidewalks, planters, utilities, underground utilities, construction, sprinkler, concrete pavement, concrete sidewalk removal, installation, concrete curb, soil, boulders, landscaping, and all other elements that can be categorized in the sidewalk area of the project). This total streetscape amount was then divided by the total linear feet for the project, then further multiplied by the linear feet of the subject properties.

17. It is and was my opinion that the special assessment was proportionate to the increase in value of all of the properties, including Petitioners’.

18. The City Commission took all of the information, my report, my spreadsheet, Mr. Surhigh’s Report (City Engineer at the time), and other pertinent information, and formulated its decision based upon these reports and our recommendation.


19. This Affidavit is based on personal knowledge.

20. If sworn as a witness I can testify competently to the facts stated in this Affidavit.

Further, Affiant sayeth not.

  
Scott Zielinski

On December 9, 2022,, before me personally appeared Scott Zielinski as Assistant City Engineer for the City of Birmingham who acknowledged that with authority to do so he signed this Affidavit on behalf of the City of Birmingham.

  
Notary Public, Wayne County, Michigan  
Acting in Oakland County, Michigan  
My Commission Expires: 3.17.2026

# EXHIBIT 2

## Chapter 94 SPECIAL ASSESSMENTS<sup>1</sup>

### Sec. 94-1. Purpose.

This chapter is adopted to comply with Chapter X of the Charter for the city to provide by ordinance for a complete special assessment procedure concerning the initiation of projects, plans and specifications, estimates of cost, notice and conduct of hearings, making and confirming of assessment rolls, correction of errors, contested assessments, financing of improvements made by special assessment, collection of special assessments and interest thereon, deferral of payments due to hardship, and all other matters concerning special assessments. (Ord. No. 1637, 3-24-97)

### Sec. 94-2. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Applicant* means an owner and the owner's spouse, if any, who files an application for deferral under this chapter.

*Cost*, when referring to the cost of any public improvement, shall mean the cost of surveys, plans, rights-of-way, spreading of rolls, notices, advertising, financing, construction, legal fees, administrative expense, condemnation and all other costs incidental to the making of such improvement, the special assessments therefor and the financing thereof.

<sup>1</sup>Editor's note(s)—Ordinance No. 1637, adopted March, 24, 1997, repealed §§ 94-1—94-26 and replaced with §§ 94-1—94-18. Formerly, such sections pertained to similar provisions and derived from §§ 1.500—1.525 of the 1963 Code.

Charter reference(s)—Special assessments, ch. X.

Cross reference(s)—Administration, ch. 2; streets, sidewalks and other public places, ch. 98.

State law reference(s)—Powers re assessments, MCL 117.4a, 117.4b, 117.4d, 117.5, MSA 5.2074, 5.2075, 5.2077, 5.2084; notices and hearings, MCL 211.741 et seq., MSA 5.3534(1) et seq.

*Engineer* means the director of the department of engineering and public services.

*Homestead* means a dwelling owned and occupied as a home by the owner thereof, including all contiguous unoccupied real property owned by the person.

*Household* means a housing unit consisting of related persons residing in a homestead who are age 18 or older and are not claimed as dependents on the owner's state or federal income tax returns.

*Household income* means all income received by all members of a household in a tax year, while members of the household. If any household member has become unemployed or has resigned from employment within the six-month period prior to the application date, the household income shall be computed at the rate of pay immediately prior to the termination or resignation from employment with the following exceptions:

- (1) The household member has permanently retired.
- (2) The household member has received a permanent medical leave due to total disability.

*Improvement* means a public improvement of such a nature as to specially benefit any real property, any part of the cost of which is to be assessed against one or more lots or parcels of land, in proportion to the benefit derived therefrom.

*Income* means the sum of federal adjusted gross income, as defined in 26 U.S.C. 1, et seq., of the Internal Revenue Code, as amended, plus all income specifically excluded or exempt from the computations of the federal adjusted gross income.

- (1) The term does not include the first \$300.00 of gifts in cash or kind from nongovernmental sources or the first \$300.00 received from awards, prizes, lottery, bingo, or other gambling winnings.
- (2) Income does not include surplus foods, relief in kind supplied by a governmental agency, payments or credits under this chapter, any governmental grant which has to be used by the claimant for rehabilitation of the homestead, amounts deducted from monthly Social Security or Railroad Retirement Benefits for Medicare premiums, or contributions by an employer to life, accident, or health insurance plans.

- (3) Income does not include energy assistance grants and energy assistance tax credits.

*Manager* means the city manager or his designee.

*Net worth* means the total value of assets owned less total liabilities. For purposes of this chapter, net worth shall not include the value of the homestead and file value of any one automobile registered in the name of the owner of the homestead.

*Owner* means a person who holds solely or concurrently with others a fee interest in a parcel of real property, or who is purchasing a parcel of real property under a mortgage or land contract.

*Street* means a public street, avenue, highway, road, path, boulevard, right-of-way, or alley or other access used for travel by the public.

(Ord. No. 1637, 3-24-97; Ord. No. 1962, 4-21-08)

### **Sec. 94-3. Commission authority.**

The city commission shall have the power and authority to determine that the whole or any part of the cost of any public improvement shall be defrayed by special assessments upon the property especially benefitted, consistent with the procedures set forth in this chapter.

(Ord. No. 1637, 3-24-97)

### **Sec. 94-4. Initiation of improvement.**

Proceedings for the making of public improvements within the city may be commenced by resolution of the city commission, on its own initiative.

- (1) The commission, in order to ascertain whether or not a satisfactory number of property owners to be assessed desire any particular improvement to be made, may request and receive a petition therefor, or may receive a petition voluntarily presented.
- (2) The commission shall carefully consider any petition received, but petitions shall be advisory only and shall not be jurisdictional. Petitions shall in no event be mandatory upon the commission.

(Ord. No. 1637, 3-24-97)

**Sec. 94-5. Petitions.**

- (a) All petitions shall be circulated and signed on blank forms furnished by the city engineer. Such petitions shall contain, in addition to the signature of the owner(s), a brief description of the property owned by the respective signers thereof.
- (b) Petitions shall be verified by the affidavit(s) of the petition circulator(s) attesting that signatures on the petition are genuine and that the persons signing are owners of the described properties.
- (c) Petitions shall be filed with the city engineer.
- (d) All petitions shall be referred by the city engineer to the manager. The manager shall check the petitions to determine whether they conform to the foregoing requirements and shall report his or her findings to the city engineer.

(Ord. No. 1637, 3-24-97; Ord. No. 1962, 4-21-08)

**Sec. 94-6. City engineer's report.**

- (a) Before the commission shall decide on making any public improvements, the city engineer shall prepare and submit a preliminary report to the city commission which shall include a general description of the nature and scope of the project, a recommended approach to the project including coordination of other city projects and finding sources, preliminary estimates of cost, an estimate of the life of the improvement, a description of the proposed assessment district(s), and such other pertinent information as may enable the commission to determine the cost, scope, extent and necessity of the proposed improvement and whether any portion of the cost should be paid by the city at large. A copy of the city engineer's report shall also be filed with the city clerk for public examination.
- (b) Whenever any property interest is acquired by condemnation or otherwise for the purpose of any public improvement, the cost thereof and of the proceedings required to acquire such property interest may be added to the cost of such public improvement.

(Ord. No. 1637, 3-24-97)

**Sec. 94-7. Notice of public hearing.**

- (a) After the filing of the city engineer's report under section 94-6, above, a public hearing before the city commission on the advisability of proceeding to establish a special assessment district for the making of the public improvement shall be set, which hearing shall be held not less than ten days after notice thereof has been both published in a newspaper published or generally circulated in the city, and sent by first-class mail to all property owners in the proposed special assessment district as shown by the current property tax roll of the city. The notice shall include a statement that appearance and protest at the public hearing is required in order to appeal the special assessment to the Michigan Tax Tribunal, and that an owner or interested party, or his or her agent, may appear and protest in person or by letter, if received by the commission prior to the public hearing. The hearing required by this section may be held at any regular or special meeting of the commission.
- (b) At the public hearing on the proposed improvement, all persons interested shall be given an opportunity to be heard.

(Ord. No. 1637, 3-24-97)

**Sec. 94-8. Determination of necessity by commission.**

- (a) Following the hearing, the commission may determine whether to continue to proceed, or to modify the scope of the public improvement, if necessary, in such a manner as it deems to be in the best interest of the city, provided that if the amount of work is increased or properties are added to the district, then another public hearing shall be held pursuant to notice as prescribed in section 94-7.
- (b) If the commission determines to continue to proceed with the improvement, the commission shall adopt a resolution:
- (1) Determining the necessity of the improvement;
  - (2) Approving the detailed plans and estimates of cost prepared by the city engineer;

- (3) Prescribing what portion of the cost of such improvement shall be paid by special assessment upon the property especially benefited, determining what benefits will be received by affected properties and what portion, if any, of the cost shall be paid by the city;
  - (4) Delineating the boundaries of the special assessment district;
  - (5) Determining the method or formula to be used in making the assessment; and
  - (6) Directing the manager to prepare a special assessment roll and present the same to the commission for confirmation (unless the special assessment roll was previously prepared).
- (c) The commission may modify the resolution to proceed that was adopted pursuant to subsection (b) at any time, but if any modification will increase the cost or scope of the improvement or add properties to the assessment district, a further public hearing shall be held and notice given as prescribed in section 94-7.

(Ord. No. 1637, 3-24-97; Ord. No. 1962, 4-21-08)

**Sec. 94-9. Special assessment roll.**

- (a) No construction contract or expenditure, except for the cost of preparing necessary plans, specifications and estimates of costs, for any public improvement to be financed in whole or part by special assessment shall be made before the confirmation of the special assessment roll for such improvement.
- (b) The manager shall make a special assessment roll of all lots and parcels of land within the designated district to be benefited by the proposed improvement and assess to each lot or parcel of land the amount benefited thereby. The amount spread in each case shall be based upon the cost estimate of the city engineer.
- (c) After the manager completes the assessment roll, it shall be filed with the clerk for public examination and presentation to the commission for review and confirmation by it.

- (d) The commission shall fix the time and place at which the commission will meet to review the special assessment roll and to give interested persons an opportunity to be heard; which meeting shall not be less than ten days after notice thereof has been both published in a newspaper published or generally circulated in the city and sent by first-class mail to all property owners in the proposed special assessment district as shown by the current property tax roll of the city. The meeting required by this section may be held at any regular or special meeting of the commission.
- (e) The commission shall meet at the time and place scheduled for review of the special assessment roll.
  - (1) At such, meeting, the commission shall consider all objections to the special assessment roll submitted in writing or orally at the meeting;
  - (2) The commission may correct the roll as to any special assessment or description of any lot or parcel of land or other errors appearing therein; or
  - (3) The commission may, by resolution, annul the assessment roll and direct that a new roll be prepared, following the same procedures applicable to the making of the original roll.
- (f) If, after hearing all objections and making a record of such changes as the commission deems justified, the commission determines that it is satisfied with said special assessment roll, and that assessments are in proportion to benefits received, it shall thereupon pass a resolution making such determination and confirming the roll. The resolution shall also:
  - (1) Direct the manager to spread the various sums and amounts appearing thereon on a special assessment roll;
  - (2) Order placement of the roll on file in the city clerk's office and direct the clerk to attach his or her warrant to a certified copy within ten days;
  - (3) Command the city treasurer to bill and collect the special assessments or installments as provided in this chapter, to be due within 60 days of billing, unless a later date for billing and collecting is established by the commission in accordance with the following paragraph;
  - (4) If the commission determines construction of part or all of the improvement will not occur immediately after the confirmation of the

roll, and if the commission also deems it unnecessary to collect the assessment forthwith, the resolution shall provide for the billing and collection of the assessment at the time of the construction of the improvement; and

- (5) Direct the treasurer to give notice by first-class mail to each property owner on the special assessment roll that the roll has been confirmed, and further containing the information set forth in subsections (h) and 94-10(b).
- (g) Whenever a special assessment roll shall be confirmed by the commission, it shall be final and conclusive. Such roll shall have the date of confirmation endorsed thereon and shall from that date be final and conclusive for the purpose of the improvement to which it applies, subject only to adjustment to conform to the actual cost of the improvement, or as otherwise provided in section 94-13.
- (h) Such special assessments and all proceedings upon which such special assessments are based shall be incontestable, unless an appeal to the Michigan Tax Tribunal is instituted within 30 days after the date of confirmation of such special assessment roll.
- (i) Failure on the part of the city or any official or employee thereof to give or mail any notice required to be given or mailed by this chapter, or failure by any property owner to receive any such notice shall not invalidate any special assessment or special assessment roll.
- (j) Where deemed appropriate, the commission may authorize the public hearing on necessity of proceeding with the public improvement and on confirmation of the special assessment roll to be combined provided that all public notice requirements of this chapter are fulfilled.

(Ord. No. 1637, 3-24-97; Ord. No. 1833, 4-19-04; Ord. No. 1962, 4-21-08)

#### **Sec. 94-10. Payments.**

- (a) All special assessments shall be payable in such number of approximately equal installments, not to exceed ten, as the commission may determine. The first installment of a special assessment shall be due and payable within 60 days of billing, or such later date as the commission may establish closer to

the time of construction, and one installment shall be due and payable each year thereafter on the anniversary of such due date, with annual interest upon all unpaid installments to be fixed by the commission at a rate not to exceed 12 percent per annum, provided that no interest shall be charged upon any amount paid within 60 days of billing of the first installment. The whole assessment, both primary and deferred, against any lot or parcel of land may be paid to the city treasurer at any time in full with accrued interest and penalties thereon. If any special assessment or any installment of a special assessment is not paid when due, then such assessment or installment shall be deemed to be delinquent and there shall be, in addition to interest, a penalty added at the rate of one percent for each month or fraction thereof that the same remains unpaid before being reported to the commission for the purpose of being reassessed upon the city tax roll.

- (b) After the commission has directed the billing and collection of the assessment, the treasurer shall notify by first-class mail each property owner on the special assessment roll of the obligation to pay the amount assessed and:
  - (1) When the special assessment is not payable in installments, the time within which it may be paid without interest, or penalty.
  - (2) When the special assessment is payable in installments, the notice shall state the due date of the first installment and the date from which interest will be charged on future installments.
- (c) If any lots or lands are divided in compliance with city ordinance after a special assessment thereon has been confirmed and before the collection of all installments, the manager shall apportion the uncollected amounts upon the several parts of lots and lands so divided, and all assessments thereafter made upon such lots or lands shall be according to such apportionment.

(Ord. No. 1637, 3-24-97; Ord. No. 1962, 4-21-08)

#### **Sec. 94-11. Accounts.**

Funds raised by special assessment to pay the cost of any public improvement shall be held in a special fund to pay such cost or to repay money borrowed therefor. Each special assessment account must be used only for the

improvement project for which the assessment was levied. If there is a surplus, the surplus shall be refunded pro rata, without interest, as follows: Where the assessment has been paid in full, by a refund in cash to the owner of the premises at the time the refund was ordered, and where the assessment has not been paid in full, by credit on the assessment roll. No refund of \$20.00 or less shall be required.

(Ord. No. 1637, 3-24-97)

**Sec. 94-12. Lien until paid.**

- (a) All special assessments, including installment payments, shall, from the date of the confirmation thereof, constitute a lien on the respective lots or parcels assessed, and until paid shall be charged against the respective owners of the lots or parcels assessed.
- (b) The city treasurer shall annually, on May 1, certify any delinquent special assessment, or any part thereof, together with all accrued interest and penalty, to the commission; and, it shall be transferred and reassessed, with an additional 15 percent penalty, on the next annual city tax roll. Such charges so assessed shall be collected in the same manner as general city taxes.

(Ord. No. 1637, 3-24-97; Ord. No. 1834, 4-19-04)

**Sec. 94-13. Adjustments and corrections.**

- (a) Excessive assessments.
  - (1) The excess by which any special assessment proves larger than the actual cost of the improvement and expenses incidental thereto may be placed in the general fund of the city if such excess is five percent or less of the assessment.
  - (2) Should the assessment prove larger than necessary by more than five percent, the entire excess shall be refunded on a pro rata basis according to assessments to the owners of the property assessed as shown by the current assessment roll of the city, provided, however, no refunds shall be made of less than \$20.00.

- a. Such refund shall be made by credit against future unpaid installments to the extent any installments are remaining, and the balance, if any, of such refund shall be in cash.
  - b. No refunds may be made which contravene the provisions of any outstanding evidence of indebtedness secured in whole or in part by such special assessment.
- (b) Additional pro rata assessments may be made when any special assessment roll proves insufficient to pay for the actual cost of the improvement for which it was levied and the expenses incident thereto, provided that the additional pro rata assessment shall not exceed 25 percent of the total assessment originally confirmed unless a public hearing before the commission is first held to review and confirm such additional assessment, for which hearing notices shall be published and mailed as provided in the case of review of the original special assessment roll.
- (c) Invalid assessments.
  - (1) whenever any special assessment shall, in the opinion of the commission, be incorrect or invalid by reason of any irregularity or informality in the proceedings, or if any court or tribunal of competent jurisdiction shall adjudge the assessment to be illegal, the commission may, regardless of whether the improvement has been made or not, or whether any part of the assessment has been paid or not, cause a new assessment to be made for the same purpose for which the former assessment was made.
  - (2) All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment.
  - (3) Whenever any sum or part thereof levied upon any property under the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment or if the payments exceed the amount of the reassessment, refunds shall be made.
  - (4) No judgment or decree nor any act of the commission vacating a special assessment shall destroy or impair the lien of the city upon the premises assessed for such amount of the assessment as may be equitably charged

against the same or as by regular mode of proceeding might have been lawfully assessed thereupon.

(Ord. No. 1637, 3-24-97)

**Sec. 94-14. Assessment against single lot.**

When any expense shall be incurred by the city upon or in respect to any separate or single lot or parcel of land which, by the provisions of this chapter, the city commission is authorized to charge and collect as a special assessment, and not being of that class of special assessments required to be made pro rata upon several lots or parcels of land in a special assessment district, an account of the labor, materials, or services for which such expense was incurred and the name and address of the owner or person chargeable therewith, if known, shall be reported to the commission in such manner as it may prescribe. The provisions of this chapter with reference to special assessments generally, and the proceedings necessary before making the improvements, shall not apply to assessments to cover the expense incurred in respect to that class of improvements contemplated in this section.

- (1) No improvement or expense shall be subject to special assessment under this section unless the owner of or party in interest in the property to be so assessed shall receive ten days' notice by mail of any meeting at which commission action on such an improvement, expense, or special assessment is to be considered, with such notice to be provided in accordance with the requirements and procedures set forth in this chapter.
- (2) The commission shall determine what amount or part of every expense is to be assessed and the person, if known, against whom such expense shall be charged, and the lot upon which the same shall be levied as a special assessment; and as often as the commission shall deem it expedient, it shall require all of the several amounts so reported and determined, and the several lots or parcels of land and person chargeable therewith, respectively, to be reported by the treasurer to the manager for assessment.
- (3) Upon receiving the commission's report, the manager shall make a special assessment roll, and levy as a special assessment upon each lot so

reported to him and against the persons chargeable therewith, if known, the whole amount of all the charges so directed to be levied upon each lot or parcel of land respectively, together with a penalty of ten percent, and when completed, the manager shall report the assessment to the commission and thereupon the same proceeding shall be had as provided in this chapter for special assessments in other cases, except the commission may require that the same be paid in one or any other number of installments not to exceed five; provided that the notice of the filing of the special assessment roll in such cases, and of the reviewing of the same, may be given by sending such notice by registered mail to the persons named in such roll at their last known address, instead of giving notice by publication. If such notice is given by publication, the commission may order the cost thereof to be added to the roll and distributed pro rata according to the amount of the special assessments therein. It shall not be necessary to make a separate roll for each lot or parcel of land against which such an assessment may be made, but assessments against several lots or parcels of land may be included in one roll.

(Ord. No. 1637, 3-24-97; Ord. No. 1962, 4-21-08)

**Sec. 94-15. Assessments for off-street parking.**

When the proposed public improvement is a facility to provide public off-street parking, the commission may determine that any lot within the proposed assessment district which is developed to a floor area ratio of less than 1.0 will be additionally benefited if at some time in the future additional floor area is constructed on such property. In such instances, a resolution adopted pursuant to section 94-8 shall direct the manager to prepare the assessment roll by including therein a deferred assessment benefit, to be calculated as follows:

- (1) The manager shall compute the estimated benefit to the lot to be assessed using the actual square footage of land and building at the time of such assessment, to achieve the primary assessment figure.
- (2) The manager shall compute for each lot in the district the maximum additional square footage of building which could be added to the property under the current zoning ordinance without providing additional

square footage of building which could be added to the property under the current zoning ordinance without providing additional on-site parking. If such property has, at the time of assessment, a floor area ratio of 1.0 or greater, no deferred off-street parking assessment shall be entered against such property. whether the lot or parcel is not being utilized at the time of assessment at the maximum floor area ratio of 1.0, the manager shall compute a deferred off-street parking assessment based on the additional allowable potential building area computed above and shall enter such amount on the roll as the deferred off-street parking assessment on such property.

- (3) Such deferred off-street parking assessments shall be canceled at the time of development if the building constructed or enlarged is residential in character. Primarily residential buildings shall be defined as any building with two or more stories in which the first floor or any portion thereof is occupied by a commercial or business use and all additional stories are utilized for residential purposes.

(Ord. No. 1637, 3-24-97; Ord. No. 1962, 4-21-08)

**Sec. 94-16. Deferred off-street parking assessments.**

- (a) The manager shall enter the amount of any deferred off-street parking assessment upon the roll at the time of its preparation. Such assessment shall not be due as to any lot against which a deferred off-street parking assessment has been made until it shall be developed so as to increase the floor area existing at the time of the assessment by five percent or more or increase the floor area ratio to 1.0. Upon the issuance of a building permit authorizing such an increase in floor area, the city commission shall, by resolution, confirm the making of the deferred off-street parking assessment and it shall be due and payable in full within 30 days. Failure to pay a deferred off-street parking assessment within the above-stated time period shall be grounds for issuance of a stop-work order on the subject property by the building official.
- (b) Deferred off-street parking assessments may be paid in full at the owner's option, at any time after the roll of primary assessments has been confirmed. A building owner may elect to finance a deferred off-street parking

assessment with the primary assessment if such an election is made in writing and filed with the city treasurer within 14 months after confirmation of the primary assessment roll. Interest on a deferred off-street parking assessment shall not start to accrue until 60 days after such deferred off-street parking assessment was confirmed by the commission.

(Ord. No. 1637, 3-24-97; Ord. No. 1962, 4-21-08)

**Sec. 94-17. Time limitation.**

No deferred off-street parking assessment shall be confirmed by the city commission unless such confirmation takes place within 20 years from the date on which the original roll was confirmed. As to any deferred off-street parking assessment not confirmed within such 20-year period, it shall no longer be considered a potential assessment against a lot. Any deferred off-street parking assessment which has been paid in advance shall not be refunded even though not confirmed within the 20-year period.

(Ord. No. 1637, 3-24-97)

**Sec. 94-18. Deferred payments of special assessments based on hardship.**

- (a) The city may grant deferrals of special assessment payments of persons who, in the opinion of the city commission, by reason of hardship are unable to contribute toward the cost thereof, in accordance with the provisions of this section.
- (b) An owner may apply for deferment of any or all installment payments of special assessments due in a particular year on the owner's homestead. The application shall be made upon an affidavit form available from the city treasurer.
  - (1) The affidavit form shall contain the following:
    - a. The name, or names if owned jointly, and social security number of the applicant.
    - b. The homestead address and sidewall number.
    - c. The home and business telephone number of the applicant.
    - d. The length of ownership of the homestead by the applicant.

- e. Total household income for the past calendar year. The applicant shall attach copies of the most recently filed federal and state income tax forms of all members of the household, including all schedules, to the application.
  - f. Current place of employment. If the applicant is unemployed, the date of termination or resignation from employment shall be stated.
  - g. A statement of the net worth of all household members as of the date of the application.
  - h. The number of dependents, as defined in 26 U.S.C. 1, et seq., of the Internal Revenue Code, as amended, residing with the applicant at the homestead.
  - i. If the applicant is over 65 years of age or totally and permanently disabled, the applicant shall attach a copy of the notice from the treasurer denying deferment of special assessment under MCL 211.765, as amended, to the application.
  - j. The amount of the special assessment installment payment for which deferment is requested and the date such installment comes or was due.
  - k. A statement located immediately above the applicant's signature: "It is understood that if this deferment is authorized, the City will place a lien on your property."
  - l. The form shall be signed by the applicant and notarized. If the homestead is owned jointly by husband and wife, both shall sign and file the affidavit.
- (2) In addition to the above, copies of the following documents shall be attached to the application:
- a. Recorded deed and land contract or mortgage for the homestead property.
  - b. The cover page of the current homeowners or hazard insurance policy covering the homestead.
  - c. A death certificate or divorce decree, if such document affects the title to the homestead property.

- d. Any other document that the city may require to process the application for deferment.
- (c) Application for deferment of an installment payment of a special assessment must be made no later than 30 days after the due date of a special assessment or installment for which deferment is requested.
- (d) To qualify for a deferment of an installment payment, the applicant must meet all of the following requirements:
  - (1) Total household income attributed to the applicant in the past calendar year cannot exceed the level adopted by the state for its special assessment deferral program, plus an additional amount equal to the deduction allowed by state income tax law for each dependent residing with the applicant at the homestead;
  - (2) Total net worth of all members of the household cannot exceed \$10,000.00;
  - (3) The homestead must be the primary residence of the applicant;
  - (4) The homestead must have been owned and occupied by the applicant for at least three years;
  - (5) The applicant cannot be eligible for deferment of special assessment under MCL 211.761, et seq., as amended;
  - (6) The amount of the installment payments to be deferred on special assessments exceeds \$300.00 per year;
  - (7) Property taxes on the homestead property should not be more than two years delinquent.
- (e) Immediately upon receipt of the affidavit form, the treasurer shall stamp the application with the time and date of receipt. The treasurer shall promptly examine the application to determine if the applicant meets the requirements of this chapter.
  - (1) The treasurer shall request the Manager to make an inspection of the property and property records and conduct an investigation and survey as the treasurer deems necessary. An applicant shall not be compelled to supply information not reasonably necessary to a proper determination

- of the eligibility of the owner and the homestead for the relief provided under this section.
- (2) The treasurer shall promptly make a decision and shall notify the applicant of this decision not later than 30 days after the receipt of the application by the treasurer. The decision of the treasurer shall be final.
- (f) The payment of any installment payment on a special assessment due and payable on a homestead in a year in which the owner meets all the eligibility requirements of this section shall be deferred until the occurrence of the first of the following events:
- (1) The homestead or any part of the homestead is conveyed or transferred to another, provided however, that:
    - a. The original applicant for the deferral may convey or transfer an interest in the homestead to another person jointly with the applicant provided that the original applicant continues to reside at the homestead, or
    - b. An owner who owns the property jointly with another may convey or transfer that interest to the original applicant for the deferral provided that the original applicant to whom the property is conveyed continues to reside at the homestead;
  - (2) A land contract selling the homestead is entered into;
  - (3) The owner fails to maintain adequate homeowners and hazard insurance as required herein; or
  - (4) One year after the original applicant's death, subject to further order of the probate court; however, the death of a spouse shall not terminate the deferments of special assessments for a household owned by husband and wife as long as the spouse does not remarry.
- (g) Payment of deferred amounts.
- (1) Any special assessment deferred under this section may be paid at anytime.
  - (2) Upon the occurrence of any one of the events terminating a deferral of an installment payment under subsection 94-18(f), above, the deferred amount plus interest shall be paid in full.

- (3) If the owner fails to make such payment when the deferment is terminated, the provisions of this chapter regarding the collection of special assessments shall again apply to the deferred payment as if no deferment had been granted and the city may enforce the lien upon the property in any manner permitted by law.
- (h) Interest shall accrue on deferred installment payments at the monthly rate provided for nondeferred installment payments within the special assessment district.
- (i) The treasurer shall send to the owner, by first-class mail, a yearly statement showing the amounts of deferred assessments on the homestead and the interest outstanding thereon.
- (j) Notice of lien.
  - (1) Upon grant of a deferment or grant of the initial deferment if deferments are granted in subsequent years, the city shall record a notice of lien in its favor at the Oakland County Register of Deeds stating that there exists a lien upon such property for deferred special assessments. The lien created shall include the amount of interest provided hereunder.
  - (2) The owner shall sign all documents necessary for the filing of such lien as a condition to receiving a deferral.
  - (3) If subsequent deferments are granted, the treasurer shall ascertain whether the notice of the previously filed with the register of deeds is still in effect. If it is not, a new notice of lien shall be filed against the property with the register of deeds.
- (k) For the duration of the deferment, the owner shall maintain homeowners and hazard insurance on the homestead in an amount not less than the amount of the deferred assessment(s) and accrued interest plus the balance of any mortgage or other lien or encumbrance superior to the city's lien. On or before June 1st of each year for the duration of the deferment, the owner shall provide the treasurer with proof of such homeowners and hazard insurance in the form of a certificate of insurance, and such certificate of insurance shall show the city as an additional insured and shall further contain a clause requiring the insurance company to give the city 30 days

advance notice of cancellation, termination or material change in the insurance coverage.

- (l) All deferments made under this section apply only to the installment payment for the year granted and for the specific special assessment district for which the deferment has been granted. An owner can apply for further deferments in any given year that installments are due if the eligibility requirements are met and this chapter remains in effect.
- (m) Nothing in this chapter shall give any person a vested right to receive a deferment or in the standards to be applied in granting such a deferment.
  - (1) The city commission may change, modify, or delete any of the terms and conditions of this section or repeal it in its entirety at any time without notice to any applicant or recipient of a deferment.
  - (2) However, once a deferment is granted, it cannot be revoked and payment be required prior to the time set forth in this section.
- (n) Penalties.
  - (1) In addition to all other penalties imposed by this chapter, if any person shall make a false or misleading statement on an application for deferment under this section, such person shall be guilty of a misdemeanor and all amounts deferred shall be immediately due and payable.
  - (2) Failure to pay such deferrals within 30 days of receiving notice from the treasurer shall result in the foreclosure of the liens placed upon the subject property pursuant to this section.

(Ord. No. 1637, 3-24-97; Ord. No. 1962, 4-21-08)

# EXHIBIT 3

**VII. NEW BUSINESS**

- A. S. Old Woodward Ph. 3 Estimated Project Cost Update
  
- B. Public Hearing of Necessity for S. Old Woodward Sidewalk and Streetscape Special Assessment District
  - 1. Resolution declaring necessity and approving a Special Assessment District with special assessments levied in accordance with benefits against the properties within such assessment district. The special assessment district shall include all properties within the following district of 165 parcels (listed in report), and the City Commission will meet on Monday, April 11, 2022 at 7:30 P.M. for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for the sidewalk and streetscape improvements adjacent to all properties within the project area on South Old Woodward Avenue, between Brown Street and Landon Street.
  
- C. Public Hearing of Necessity for S Old Woodward Water and Sewer Special Assessment District
  - 1. Resolution declaring necessity and approving a Special Assessment District with special assessments levied in accordance with benefits against the properties within such assessment district. The special assessment district shall include all properties within the following district of 10 parcels (listed in report), and the City Commission will meet on Monday, April 11, 2022 at 7:30 P.M. for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for the water and sewer lateral replacements for properties within the project area on South Old Woodward Avenue, between Brown Street and Landon Street.
  
- D. Commission discussion on items from prior meeting  
(none)
  
- E. Commission Items for Future Discussion. A motion is required to bring up the item for future discussion at the next reasonable agenda, no discussion on the topic will happen tonight.

**VIII. REMOVED FROM CONSENT AGENDA**

**IX. COMMUNICATIONS**

- A. Eric Wolfe Regarding Rezoning Questions - Staff Responses and Related Communications

**X. REPORTS**

- A. Commissioner Reports
  - 1. Notice of intention to appoint Housing Board of Appeals



# MEMORANDUM

Engineering Department

**DATE:** March 10, 2022  
**TO:** Thomas M. Markus, City Manager  
**FROM:** James J. Surhigh, Consulting City Engineer  
**SUBJECT:** S. Old Woodward Phase 3 Project – City Contract #1-22(P)  
Project Budget and Expenditure Report

---

## INTRODUCTION:

The Engineering Department and City consultants have been working towards finalizing the plans, specifications and contract documents for the planned Phase 3 of the downtown reconstruction during the 2022 construction season. Phase 3 includes S. Old Woodward, between Brown Street and Landon Street. This project has been on the City's 5-year Capital Improvement Plan (CIP) for a number of years, and is shown in the current 3-year City Budget for FY 2022/2023. The lead consulting engineer for the project, Nowak & Fraus Engineers, has provided an updated construction cost estimate based on project quantities as included in the project documents that are currently being advertised for bids. The purpose of this report is to document the project costs that have been incurred to date and estimate remaining project costs. The projected expenditures will be compared to the currently approved and projected budget amounts, and general recommendations for budget amendments will be presented.

## BACKGROUND:

Project plans have been prepared following the conceptual design for the Phase 3 project which was approved by City Commission on October 25, 2021. Similar to the first two phases, Phase 3 will consist of reconstructing the pavement and sidewalks across the entire right-of-way (nearly building face to building face in many areas). Features of the project include new concrete pavement, curbs, sidewalks, exposed-aggregate sidewalks, granite benches, exposed-aggregate curbed planter boxes, trees and other plantings, landscaping, irrigation, and new street lighting. Planned utility work needed for the project includes new storm sewers and catch basins, replacement of aging water mains and fire hydrants, extension of the new fiberoptic conduit system from Phase 1, and new underground electric conduit and related equipment for powering street-level outlets and future electric vehicle charging stations. An exhibit showing the overall project area, as prepared by MKSK and presented at the February 21, 2022 public informational meeting, is attached for reference.

Planning and design for the project began in 2021, with MKSK, Inc. leading the consultant team for conceptual design of the project and public engagement. After the conceptual plan was approved by the City Commission, the final design effort began with Nowak & Fraus Engineers leading the design team, which includes MKSK (landscaping & public engagement), Fleis & Vandenbrink (traffic engineering), and G2 Consultants (geotechnical

engineering). Detailed construction plans and specifications were completed on February 14, 2022, and the project is currently being advertised for bids on the Michigan Intergovernmental Trade Network (MITN). The bid opening is scheduled for March 21, 2022.

Other services will be performed prior to the start of construction that are being contracted by the City. These services include M-1 Studios for preconstruction video survey of the public right-of-way in the project area and private buildings along the route that provide entry agreements to allow this service, DVM Utilities for performing sewer cleaning and televising services on public combined sewers and private storm and sanitary service laterals in the project area, engineering consultant Hubbell, Roth & Clark, Inc. to administer the sewer service investigation effort, Hart to remove trees and grind stumps prior to construction, and Orkin Pest Control for necessary treatments in the sewers prior to construction.

**CURRENT BUDGET SUMMARY:**

Costs for the S. Old Woodward Reconstruction project are being planned to be paid in FY21/22 and FY22/23. Project costs are expected to be split between the Major Streets Fund, General Fund – Sidewalks, General Fund – Fiber Optic Conduit, General Fund – Street Lights, Sewer Fund, and Water Fund. The following table summarizes the amounts in each of these funds budgeted for this project, based on the approved FY21/22 and projected FY22/23 budget:

Planned Estimated Budget for Phase 3 Project

<u>Fund</u>	<u>Fiscal Year</u>	<u>Budget Amount</u>
Major Streets, Public Improvements	21/22	\$ 1,000,000
Major Streets, Public Improvements	22/23	\$ 3,000,000
General Fund, Sidewalks, Public Improvements	22/23	\$ 2,470,000
General Fund, Fiber Optic Conduit, Public Improv.	22/23	\$ 270,000
General Fund, Street Lights, Public Improv.	22/23	\$ 525,000
Sewer Fund, Sewer Engineering, Public Improv.	22/23	\$ 750,000
Water Fund, Water Mains, Public Improvements	22/23	\$ <u>125,000</u>
	TOTAL	\$ 8,140,000

**ESTIMATED EXPENDITURE SUMMARY:**

Expenditures have been occurring for the planning and engineering design efforts. To date, these expenditures total approximately \$372,000. Estimated expenditures through the end of FY21/22 for planning, engineering design, and other pre-construction contractual services is estimated to be approximately \$662,500.

Nowak & Fraus Engineers provided their Engineer’s Opinion of Probable Construction Costs for the project, based on the scope-of-work and quantities detailed on the construction plans, which is attached to this report as a reference. The estimated construction cost for the project is \$7,982,220. While the engineer’s estimate is expected to consider factors such as current bidding environment and material costs, it does not consider recent world events and their effect on fuel costs and other supply-chain issues, and how that could trickle down to individual projects. In fact, we would expect the

contractors bidding this project do not have a full understanding of those factors at this time. Bids are scheduled to be opened on March 21, 2022, which will likely differ from this estimated amount.

One line item in the contract requires some explanation as it will significantly affect the total bid amount, but will not be completely paid out with the project. The "Road Closure Assessment" item was established with the Phase 1 project in 2018, and being used again in Phase 3 to incentivize the contractor to expedite construction of the project. For this item, the contractor bids the number of days they expect the project to require for completion, which is then charged at \$10,000 per day to formulate their total bid amount. Bids are evaluated considering the total amount of this item. In the execution of the contract, the contractor will only be paid under this item if they complete the work in fewer days than the number bid, and if that occurs, only for the number of days fewer than bid time \$10,000 per day. For the purpose of this report, we are assuming the contractor will finish 30 days fewer than bid, resulting in a payment of \$300,000. The engineer's estimate assumed 150 days would be bid for this item, for a total bid cost of \$1,500,000, therefore, in the attached budget and expenditure worksheet, we included a "credit" in the amount of \$1,200,000 to reflect the fact that the entire amount will not result in an expenditure.

During design of the project, it became evident that certain sewer and water main improvements were necessary that had not been originally anticipated for this project. These included incorporation of "green infrastructure" elements and the associated storm water treatment and storage structures, replacement of the 30" diameter combined sewer along the east side of the road that conflicts with the proposed planter boxes and streetlight foundations, and replacement of portions of the 12" water main that conflicts with the proposed storm sewer and combined sewer. The approximate estimated construction cost associated with each of these is \$135,000 for "green infrastructure" elements, \$300,000 for replacing the 30" combined sewer, and \$145,000 for replacing the 12" water main.

DTE Energy owns and operates the City streetlights, and will be contracted with separately for installation of the proposed streetlights with this project. DTE was not able to provide a detailed cost estimate at this time for the new streetlights, as they are waiting for input from their suppliers for lighting materials. However, Nowak & Fraus Engineers provided an opinion on those costs, based on costs from 2020 for Maple Road, and estimate the streetlight costs to be approximately \$499,000.

The total estimated project cost is the sum of the costs for planning/engineering design, pre-construction contractual services, construction cost (based on engineer's estimate at this time & considering a "credit" for the Road Closure Assessment item), DTE streetlight construction cost, construction contingency amount (10% of construction cost recommended), and construction engineering & inspection costs (estimated at 15% of construction cost at this time). The total estimated project cost is \$10,378,000, and will be spread across the various budget accounts as follows:

Updated Engineer Estimated Budget for Phase 3 Project

<u>Fund</u>	<u>Estimated Expenditure</u>
Major Streets, Public Improvements	\$ 4,072,000
General Fund, Sidewalks, Public Improvements*	\$ 3,292,000
General Fund, Fiber Optic Conduit, Public Improv.	\$ 622,000
General Fund, Street Lights, Public Improv.	\$ 514,000
Sewer Fund, Sewer Engineering, Public Improv.	\$ 1,135,000
Water Fund, Water Mains, Public Improvements	\$ <u>743,000</u>
<b>TOTAL</b>	<b>\$ 10,378,000</b>

\*note: approx. 75% of construction costs for streetscape items may be defrayed by special assessment

These estimated costs and expenditures are provided in more detail on the attached Project Budget and Expenditure Worksheet.

**FISCAL IMPACT:**

This latest estimate of construction costs is approximately \$2.2 million higher than was originally planned. Approximately \$1.2 million of this additional cost would be funded by the General Fund with the remaining \$1 million to come out of the Sewer and Water funds. Approximately half of \$1.2 million of additional cost in the General Fund is anticipated to be included in special assessment roll and collected over 10 years. The Finance Department is currently working on the proposed budget for FY 22/23 and has been using these updated numbers to project future fund balances in all of these funds. It is projected that the City will have to use some of its General Fund balance in FY 22/23 in order to pay for this project and recuperate this use of fund balance over the next 2 years. Once the bids are opened and we have more accurate numbers, further adjustments to the proposed budget for FY 22/23 may be needed.

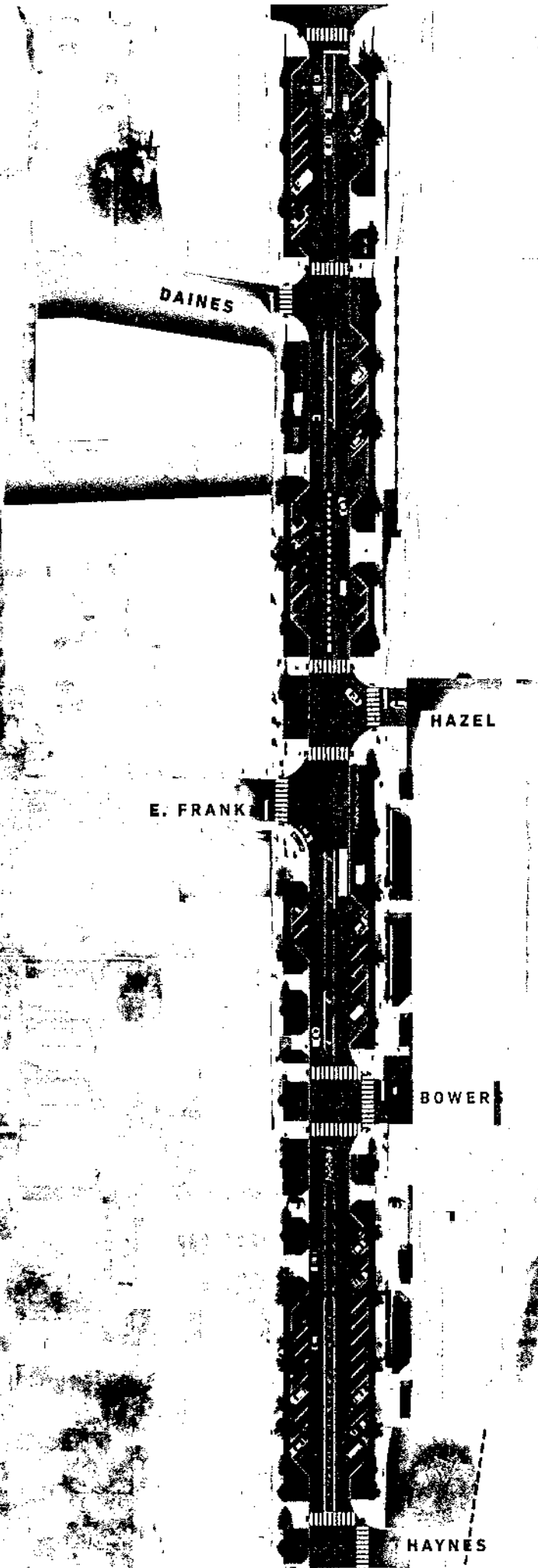
**SUMMARY:**

The S. Old Woodward Phase 3 Reconstruction project has been planned and budgeted for a number of years. Even though adjustments in the budget may have been made as previous phases were completed, they have not completely corrected for the sharp increases in construction costs that have been occurring in recent years due to increases in material and labor costs. While this trend had been occurring before the COVID-19 pandemic, the cost increases have been exasperated by the effects of the pandemic on the workforce and supply-chain. This report is providing an update on where the project currently stands with respect to the projected budget and estimated expenditures. Once bids for the project are opened, a revised estimate will be established based on bid results and a comprehensive report on this project will be presented.

**ATTACHMENTS:**

- MKSK exhibit showing overall project layout
- Project Budget/Expenditure Worksheet
- Engineer’s Estimate of Construction Costs

BROWN



19/2025 4:47:39 PM

				202-449.001-981.0100 MAJOR STREETS	101-444.001-981.0100 SIDEWALKS	101-444.003-981.0100 FIBER OPTIC CONDUIT	401-901.010-981.0100 STREET LIGHTS	590-536.001-981.0100 SEWER PUBLIC IMPROV	591-537.004-981.0100 WATER PUBLIC IMPROV	TOTAL
<b>BUDGET SUMMARY (APPROVED 21/22 BUDGET)</b>										
<u>2021/2022</u>										
S OLD WOODWARD DESIGN/PRELIM CONST	NFE	Jul 21-Jun 22		1,000,000						
<u>2022/2023</u>										
S OLD WOODWARD PHASE 3										
OLD WOODWARD - PH III (Brown - Landon)	NFE/OHM	Jun-Nov 2022		3,000,000	2,470,000	270,000	525,000	200,000	125,000	
S OLD WOODWARD STREET LIGHT REPLACEMENT	NFE	Jun-Nov 2022								
S OLD WOODWARD FIBER OPTICS	NFE	Jun-Nov 2022								
OLD WOODWARD PHASE 4										
S. OLD WOODWARD - S END (Landon - Lincoln)	NFE			-				500,000	-	
<b>TOTAL CURRENT BUDGET</b>				<b>4,000,000</b>	<b>2,470,000</b>	<b>270,000</b>	<b>525,000</b>	<b>700,000</b>	<b>125,000</b>	<b>8,090,000</b>

<b>ESTIMATED EXPENDITURES (ACTUALS AS OF 3/4/22)</b>										
				To Date	Remain	Total				
<u>Engineering Costs</u>										
MKSK				152,012	26,368	178,380	178,380			
F&V				24,599	15,401	40,000	40,000			
NFE				197,354	108,750	306,104	91,831	91,831	61,221	61,221
G2				17,238	1,040	18,278	5,483	5,483	3,656	3,656
	Subtotal:			391,203	151,558	542,761				
<u>Other Contractual Costs</u>										
M-1 Studios Pre-Con Video				-	27,000	27,000	27,000			
DVM Utilities - Sewer Lateral Invest				-	73,448	73,448	73,448			
HRC - Admin of Sewer Lateral Invest				-	15,000	15,000	15,000			
Orkin				-	4,320	4,320			4,320	
	Subtotal:			-	119,768	119,768				

19/2025 4:47:39 PM

				202-449.001-981.0100 MAJOR STREETS	101-444.001-981.0100 SIDEWALKS	101-444.003-981.0100 FIBER OPTIC CONDUIT	401-901.010-981.0100 STREET LIGHTS	590-536.001-981.0100 SEWER PUBLIC IMPROV	591-537.004-981.0100 WATER PUBLIC IMPROV	TOTAL
<u>Construction Costs</u>										
Engineer's Estimate (excl General Items)	<u>amt to split</u>	<u>direct acct</u>	5,961,785	2,413,183	2,073,733	415,614		659,125	400,130	Total
Engineer's Estimate General Items	2,074,775	231,885	2,306,660	861,753	792,985	144,639	13,650	291,884	201,750	8,268,446
"Credit" for Road Closure Assessment*			(1,200,000)	(485,730)	(417,405)	(83,656)		(132,670)	(80,539)	(1,200,000)
Construction Contingency (10%)			826,845	327,494	286,672	56,025		95,101	60,188	826,845
DTE Street Lighting			499,000				499,000			
		Subtotal:	8,394,290							
<u>Construction Engineering (15% total)</u>										
	<u>To Date</u>	<u>Remain</u>	<u>Total</u>							
OHM (contr admin, const engin, inspection) [12%]	-	990,575	990,575	392,992	344,006	67,230		114,121	72,226	
NFE (shop drawings, survey/layout) [2.5%]	-	206,369	206,369	81,873	71,668	14,006		23,775	15,047	
G2 (materials testing) [1.5%]	-	123,822	123,822	49,124	43,001	8,404		14,265	9,028	
Subtotal:	-	1,320,766	1,320,766							
<b>TOTAL ESTIMATED EXPENDITURES</b>				<b>4,072,000</b>	<b>3,292,000</b>	<b>622,000</b>	<b>514,000</b>	<b>1,135,000</b>	<b>743,000</b>	<b>10,378,000</b>
<b>BUDGET SURPLUS/(SHORTFALL)</b>				<b>(72,000)</b>	<b>(822,000)</b>	<b>(352,000)</b>	<b>11,000</b>	<b>(435,000)</b>	<b>(618,000)</b>	<b>(2,288,000)</b>

\* Road Closure Assessment Item:

- contractor bids # of days to complete project, total days is used in evaluating bid result. Contractor will only be paid if project completed early - assuming potential 30 day "bonus"

Percentage of Total Eng Estim minus General Items

	101-	101-		
	202	444.001	444.003	590
	0.405	0.348	0.070	0.111
				0.067

**ENGINEER'S OPINION OF PROBABLE COST**  
**2022 SOUTH OLD WOODWARD RECONSTRUCTION - PHASE 3 (CONTRACT**

NO.	ITEM DESCRIPTION	PAY UNIT	TOTAL QUANTITY
<b>SEWER PAY ITEMS</b>			
1	30" Combined Sewer, C76, CL-IV, Trench A	LF	1,276
2	30" Storm Sewer, C76, CL-IV, Trench A	LF	324
3	24" Storm Sewer, C76, CL-IV, Trench A	LF	616
4	21" Storm Sewer, C76, CL-IV, Trench A	LF	390
5	18" Storm Sewer, C76, CL-IV, Trench A	LF	174
6	12" Storm Sewer, C76, CL-IV, Trench A	LF	303
7	10" Storm Sewer, PVC SDR 26, Trench A	LF	24
8	36" Storm Detention, CMP, Type II Aluminized, Perforated, Trench per Detail	LF	912
9	18" Storm Detention, CMP, Type II Aluminized, Solid-Wall, Trench A	LF	26
10	New 6'-0" Diameter Combined Manhole w/ 2 Ext. Drop Connections	EA	1
11	New 5'-0" Diameter Combined Manhole (Construct Online)	EA	1
12	New 5'-0" Diameter Combined Manhole	EA	4
13	Storm Pre-Treatment Structure, Vortechs 7000, or approved equal	EA	1
14	New 6'-0" Diameter Storm Manhole w/ Weir (Construct Online)	EA	1
15	New 5'-0" Diameter Outlet Control Storm M.H. w/ PVC Restriction Tee & Backflow Preventer (Per Detail)	EA	1
16	New 5'-0" Diameter Storm Manhole	EA	3
17	New 4'-0" Diameter Storm Manhole	EA	1
18	New 5'-0" Diameter Catch Basin w/ 2' Sump	EA	6
19	New 4'-0" Diameter Catch Basin w/ 2' Sump	EA	7
20	New 4'-0" Diameter Yard Catch Basin for Bio-Retention Outlet Control (per detail)	EA	1
21	New 2'-0" Diameter Inlet	EA	6
22	New 24" Diameter CMP Riser Manhole	EA	7
23	New 12" Diameter PVC Landscape Drain w/ Metal Bee-Hive Grate	EA	7
24	6" Perforated Pipe Underdrain (w/ Trench Detail)	LF	3,900
25	4" Perforated Pipe Underdrain (w/ Geotextile Sock)	LF	2,650
26	Sewer Tap, 30"	EA	1
27	Sewer Tap, 18"	EA	1
28	Sewer Tap, 12"	EA	1
29	Sewer Tap, 10"	EA	2
30	Sewer Service, 15" PVC SDR 26	LF	37
31	Sewer Service, 12" PVC SDR 26	LF	37
32	Sewer Service, 10" PVC SDR 26	LF	130
33	Sewer Service, 8" PVC SDR 26	LF	163
34	Sewer Service, 6" PVC SDR 23.5	LF	752
35	Sewer Service Tap, 15"	EA	1
36	Sewer Service Tap, 12"	EA	1
37	Sewer Service Tap, 10"	EA	5
38	Sewer Service Tap, 8"	EA	5
39	Sewer Service Tap, 6"	EA	51
40	Sewer Service Connection, 8"	EA	5
41	Sewer Service Connection, 6"	EA	5
42	Sewer Investigation, Laterals	HR	40
43	Reconstruct Manhole (if and where needed)	VF	80
44	Remove & Replace Structure Cover (as directed by City)	LB	3,200
45	Remove Ex. Manhole	EA	16
46	Remove Ex. Drainage Structure	EA	12
47	Removal and Disposal of Contaminated Material, Type 2	CY	100
48	Removal and Disposal of Contaminated Material, Type 3	CY	100
49	Remove Ex. 30" Sewer	LF	1,265
50	Remove Ex. 24" Sewer	LF	60
51	Remove Ex. 18" Sewer	LF	25
52	Remove Ex. 12" Sewer	LF	470
53	Bulkhead Structure, 30"	EA	1
54	Bulkhead Structure, 24"	EA	1

NO.	ITEM DESCRIPTION	PAY UNIT	TOTAL QUANTITY
84	4'x4' Standard Terminator Manhole, Frame & Cover	EA	15
85	4" S-40 PVC Conduit	LF	14,792
86	4" S-40 PVC Dome Cap	EA	44
87	4" Conduit Spacer - Base	EA	1,440
88	4" Conduit Spacer - Intermediate	EA	720
89	24" Cable Rack	EA	120
90	(1) 2" SDR-11 Conduit	LF	3,602
91	(1) 1-1/4" SDR-11 Innerduct	LF	3,602
92	(1) 1" SDR-11 Innerduct	LF	3,602
93	1.64" (7) Way Microduct	LF	3,602
94	#14 AWG Tracer Wire	LF	3,602
<b>SUBTOTAL FIBER CONDUIT PAY ITEMS</b>			
<b>ELECTRICAL PAY ITEMS</b>			
95	Meter socket single phase	EA	2
96	Meter socket three phase	EA	1
97	Cabinet GFI Receptacles	EA	3
98	Service Cabinet	EA	3
99	Service Cabinet Foundation	EA	3
100	Circuit Breaker Panelboard 120V/208V-3PH	EA	1
101	Circuit Breaker Panelboard 120V/240V-1PH	EA	2
102	Control Contactor	EA	3
103	300 W Heater	EA	6
104	Thermostat	EA	3
105	Transient Suppression TVSS	EA	3
106	120V GFCI WP Receptacle	EA	59
107	Cable, 600 Volt, 2#12	LF	70
108	Cable, 600 Volt, 2#10	LF	2,520
109	Cable, 600 Volt, 3#8	LF	75
110	Cable, 600 Volt, 2#6	LF	365
111	Cable, 600 Volt, 3#6	LF	2,490
112	Cable, 600 Volt, 4#6	LF	200
113	Cable, 600 Volt, 5#6	LF	425
114	Cable, 600 Volt, # 12 ground	LF	70
115	Cable, 600 Volt, # 10 ground	LF	2,525
116	Cable, 600 Volt, # 8 ground	LF	435
117	Cable, 600 Volt, # 6 ground	LF	3,110
118	Conduit, EMT, 0.5 inch	LF	70
119	Conduit, PVC schedule 80, 0.75 inch	LF	2,480
120	Conduit, PVC schedule 80, 1 inch	LF	585
121	Conduit, PVC schedule 80, 1.25 inch	LF	2,185
122	Conduit, PVC schedule 80, 1.5 inch	LF	605
123	Conduit, HDPE, 0.75 inch	LF	45
124	Conduit, HDPE, 1.25 inch	LF	215
125	Conduit, HDPE, 1.5 inch	LF	240
126	Conduit, HDPE, 2 inch	LF	190
127	Conduit, HDPE, 2.5 inch	LF	375
128	Grade Box GB-1, 8" W x 12" L x 12" D cast iron	EA	3
129	Grade Box GB-2, 12" W x 14" L x 12" D cast iron	EA	15
130	Ground Rods	EA	4
131	Underground Warning Tape	LF	6,615
132	Charging Bollards, EV (Future)	EA	2
<b>SUBTOTAL ELECTRICAL PAY ITEMS</b>			
<b>IRRIGATION PAY ITEMS</b>			
133	Meter Pit	EA	1
134	Sprinkler Assembly	EA	388
135	Valve Assembly	EA	18
136	1-1/2 inch PVC Mainline	LF	795
137	1-1/2 inch Polyethylene lateral line	LF	795
138	1 inch Polyethylene lateral line	LF	2,520

NO.	ITEM DESCRIPTION	PAY UNIT	TOTAL QUANTITY	
170	Pavement Marking, Polyurea, 4 inch, Yellow	LF	1,210	
171	Pavement Marking, Polyurea, 4 inch, Blue	LF	840	
172	Pavement Marking, Polyurea, 24 inch Stop Bar, White	LF	150	
173	Pavement Marking, Polyurea, 24 inch Crosshatching, White	LF	1,750	
174	Pavement Marking, Polyurea, Lt Turn Arrow, White	EA	4	
175	Pavement Marking, Polyurea, Only, White	EA	1	
176	Recessing Pavt Mkr, Longit	LF	4,530	
177	Recessing Pavt Mkr, Transv	SF	3,990	
178	Adjust Structure Cover	EA	12	
179	Cold Patch	TON	50	
180	Temporary Sidewalk Maintenance Aggregate, 21AA	CY	200	
181	Maintenance Aggregate	LS	1	
<b>SUBTOTAL PAVING PAY ITEMS</b>				
<b>LANDSCAPE PAY ITEMS</b>				
182	Structural Soil Mix (30" depth)	CFT	56,148	
183	Organic Plant Soil Mix - Bioswale Planters (30" depth)	CFT	7,287	\$
184	Organic Plant Soil Mix - Plant Beds (24" depth)	CFT	20,008	\$
185	Organic Plant Soil Mix - Lawn (6" depth)	CFT	1,781	\$
186	Bio-Swale Aggregate (Planters and Large Bio-swale)	CY	36	\$
187	Bio-Swale Pea Gravel (4" depth)	CY	8	\$
188	Exposed Aggregate Weir	LS	1	\$
189	Native MI Boulders (6-18") and washed stone	TON	7	\$
190	Lawn Sod (includes fine grading and fertilizer)	SY	396	\$
191	Shredded Hardwood Mulch (3" depth)	SY	1,169	\$
192	GINKGO BILOBA 'AUTUMN GOLD', 3"-3.5" CAL.	EA	21	\$
193	LIQUIDAMBAR STYRACIFLUA 'ROTUNDILOBA', 3"-3.5" CAL.	EA	21	\$
194	PLATANUS X ACERIFOLIA, 3.5-4" CAL.	EA	17	\$
195	TILIA CORDATA 'GREENSPIRE', 3.5-4" CAL.	EA	18	\$
196	AMELANCHIER X GRANDIFLORA 'BRILLIANCE', 6' HT.	EA	29	\$
197	CRATAEGUS LAEVIGATA 'CRIMSON CLOUD', 2" CAL.	EA	17	\$
198	HYDRANGEA PANICULATA 'TARDIVA', #7 CONT.	EA	7	\$
199	CORNUS STOLONIFERA 'FARROW', #5 CONT.	EA	145	\$
200	HYDRANGEA PANICULATA 'LITTLE QUICK FIRE', #5 CONT.	EA	84	\$
201	ILEX GLABRA 'SHAMROCK', #3 CONT.	EA	48	\$
202	JUNIPERUS HORIZONTALIS 'LIMEGLOW', #3 CONT.	EA	140	\$
203	JUNIPERUS VIRGINIANA 'GREY OWL', #5 CONT.	EA	86	\$
204	PINUS MUGO 'HONEYCOMB', #3 CONT.	EA	148	\$
205	SPIRAEA JAPONICA 'DOUBLE PLAY CANDY CORN', #3 CONT.	EA	36	\$
206	ASTER NOVAE-ANGLIAE, #1 CONT.	EA	244	\$
207	COREOPSIS VERTICILLATA 'MOONBEAM', #1 CONT.	EA	250	\$
208	GERANIUM X 'ROZANNE', #1 CONT.	EA	32	\$
209	HEMEROCALLIS X 'HAPPY RETURNS', #1 CONT.	EA	288	\$
210	IRIS VERSICOLOR, #2 CONT.	EA	252	\$
211	LEUCANTHEMUM X SUPERBUM 'SNOW LADY', #1 CONT.	EA	450	\$
212	LIRIOPE MUSCARI 'VARIEGATA', #1 CONT.	EA	757	\$
213	PHYSOSTEGIA VIRGINIANA, #2 CONT.	EA	88	\$
214	RUDBECKIA FULGIDA 'LITTLE GOLDSTAR', #1 CONT.	EA	48	\$
215	SALVIA X SYLVESRIS 'MAY NIGHT', #1 CONT.	EA	32	\$
216	CALAMAGROSTIS X ACUTIFLORA 'KARL FOERSTER', #3 CONT.	EA	244	\$
217	CAREX VULPINOIDEA, #1 CONT.	EA	348	\$
218	FESTUCA OVINA 'ELIJAH BLUE', #1 CONT.	EA	144	\$
219	JUNCUS TENUIS, #1 CONT.	EA	168	\$
220	PENNISETUM ALOPECUROIDES 'LITTLE BUNNY', #2 CONT.	EA	767	\$
221	SELSERIA AUTUMNALIS, #1 CONT.	EA	504	\$
222	NARCISSUS 'ICE FOLLIES', BULB	EA	282	\$
223	NARCISSUS 'KING ALFRED', BULB	EA	282	\$
224	NARCISSUS 'RED DEVON'	EA	282	\$

# EXHIBIT 4



# MEMORANDUM

(Engineering)

**DATE:** March 8, 2022  
**TO:** Thomas M. Markus, City Manager  
**FROM:** Scott D. Zielinski, Assistant City Engineer  
**SUBJECT:** Hearing of Necessity for S. Old Woodward Sidewalk and Streetscape SAD

---

## INTRODUCTION:

The city's streetscape and sidewalks will be improved this summer as part of the Engineering Department's planned downtown area Phase 3 reconstruction project along South Old Woodward between Brown Street and Landon Street. Work will be similar to previous phases of work completed in 2018 for Phase 1 on Old Woodward from Oakland Avenue to Brown Street, and in 2020 for Phase 2 work completed on Maple Road from Southfield Road to Pierce Street, and from Old Woodward Avenue to Woodward Avenue. The completed work included upgrades to all streetscape features from building face to building face across the road. The Engineering Department is recommending the Sidewalk and Streetscape Special Assessment District (SAD) be set at this time.

## BACKGROUND:

Phase 1 and Phase 2 portions of the downtown reconstruction projects (completed in 2018 and 2020), included complete replacement of the sidewalks, and provided certain landscape enhancements and pedestrian-oriented amenities within the project areas. The costs to the city for construction of these improvements in Phase 1 and Phase 2 were partially defrayed by way of Special Assessment to the property owners adjoining that project area. In the same way, the city intends to assess a portion of the costs for the streetscape improvements that are planned to be constructed with the Phase 3 project.

The new streetscape will consist of an enhanced version of the downtown standard sawcut concrete sidewalk with exposed aggregate sidewalk between the main pedestrian path and the street curb. Elements of the new streetscape design to be included in this project include:

- All new concrete and exposed aggregate sidewalks from the building face to the back of curbs.
- Removal and replacement of all street trees, including excavation and replacement with approximately 1,000 cubic feet of specially formulated soil designed to encourage tree growth.
- Enlarged, raised planter beds around each new street tree, framed by a 6 inch high exposed aggregate curb, with irrigation, and professionally designed landscaping.
- Granite seating areas where space permits.

- Installation of underground electrical system to provide new lighting opportunities for trees along the sidewalk and in the proposed median.

On previous projects of this nature, it has been the City's policy to assess 75% of the streetscape improvements to the properties that share frontage with the improvements. The cost per property will be assessed as an average cost per linear foot of frontage for the improvements. The properties with multiple owners will share the cost of the frontage, and the amount will be based on the square footage of building area owned. The City will bill one-tenth of the assessment, as is standard on other special assessment districts, plus interest, on an annual basis, to make the cost more manageable for the property owners. The attached map highlights property frontages subject to a sidewalk streetscape assessment.

For purposes of the assessment district, the properties on the west side of South Old Woodward from East Brown Street to Daines Street (the RH development property) have been included in the district in case current development plans change and the City elects to proceed with improvements in this area. However, if the development project begins as planned, about the same time as the City's project (as the developer is currently indicating), then the cost for streetscape improvements in this area will not be expended by the City, nor charged to the property owner as they will be completed by the development.

The Engineering Department plans to provide a detailed spreadsheet with estimated assessment values based off the engineer's estimate at the Hearing of Necessity.

#### LEGAL REVIEW:

Chapter 94 – Special Assessments of the Birmingham City Code outlines the process by which a special assessment is conducted in the City of Birmingham. This project will follow the prescribed City Code procedures.

#### FISCAL IMPACT:

Revenue generated from the Sidewalk and Streetscape SAD for the Phase 3 Old Woodward Reconstruction project will defray the costs incurred by the city for construction of these improvements and has been considered as an integral part of the financial forecasting for the General Fund in future years.

#### PUBLIC COMMUNICATIONS:

Notice for the Confirmation of Roll is to be distributed by the Clerk's Office. The Engineering Department has sent all property owners a letter explaining the associated work. The design team held an informational meeting regarding the project on Monday, February 21, 2022 from 5:30-7:00 p.m. at City Hall in the Commission Room (a zoom link was also provided on the City website for remote viewing). The team discussed the project overview, traffic access during construction, Birmingham Shopping District initiatives during construction, and special assessments related to the project. A recording of this meeting is available on the city's website at [www.bhamgov.org/oldwoodwardphase3](http://www.bhamgov.org/oldwoodwardphase3).

**SUMMARY:**

The Engineering Department recommends that the commission declare necessity and approve a Special Assessment District for the improvement of sidewalk and streetscape as part of the Phase 3 South Old Woodward Reconstruction. Should the Commission form the Special Assessment District, a Public Hearing for Confirmation of the Roll should be set on April 11, 2022.

**ATTACHMENTS:**

Map of proposed Special Assessment District

Spreadsheet of properties with estimated costs and associated lengths

Clerk’s Confirmation of Public Hearing Notice

**SUGGESTED COMMISSION ACTION:**

Make a motion adopting a resolution declaring necessity and approving a Special Assessment District with special assessments levied in accordance with benefits against the properties within such assessment district. The special assessment district shall include all properties within the following district of **165** parcels (listed below), and the City Commission will meet on Monday, April 11, 2022 at 7:30 P.M. for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for the sidewalk and streetscape improvements adjacent to all properties within the project area on South Old Woodward Avenue, between Brown Street and Landon Street.

Parcel No.	Property Address
08-19-36-204-027	300 S OLD WOODWARD AVE
08-19-36-205-026	442 S OLD WOODWARD AVE
08-19-36-205-041	444 S OLD WOODWARD AVE
08-19-36-205-043	400 S OLD WOODWARD AVE
08-19-36-208-016	355 S OLD WOODWARD AVE
08-19-36-208-017	401 S OLD WOODWARD AVE
08-19-36-208-019	411 S OLD WOODWARD AVE
08-19-36-208-020	411 S OLD WOODWARD AVE
08-19-36-208-021	411 S OLD WOODWARD AVE
08-19-36-208-022	411 S OLD WOODWARD AVE
08-19-36-208-025	411 S OLD WOODWARD AVE
08-19-36-208-026	411 S OLD WOODWARD AVE
08-19-36-208-027	411 S OLD WOODWARD AVE
08-19-36-208-028	411 S OLD WOODWARD AVE
08-19-36-208-029	411 S OLD WOODWARD AVE
08-19-36-208-030	411 S OLD WOODWARD AVE
08-19-36-208-031	411 S OLD WOODWARD AVE
08-19-36-208-032	411 S OLD WOODWARD AVE

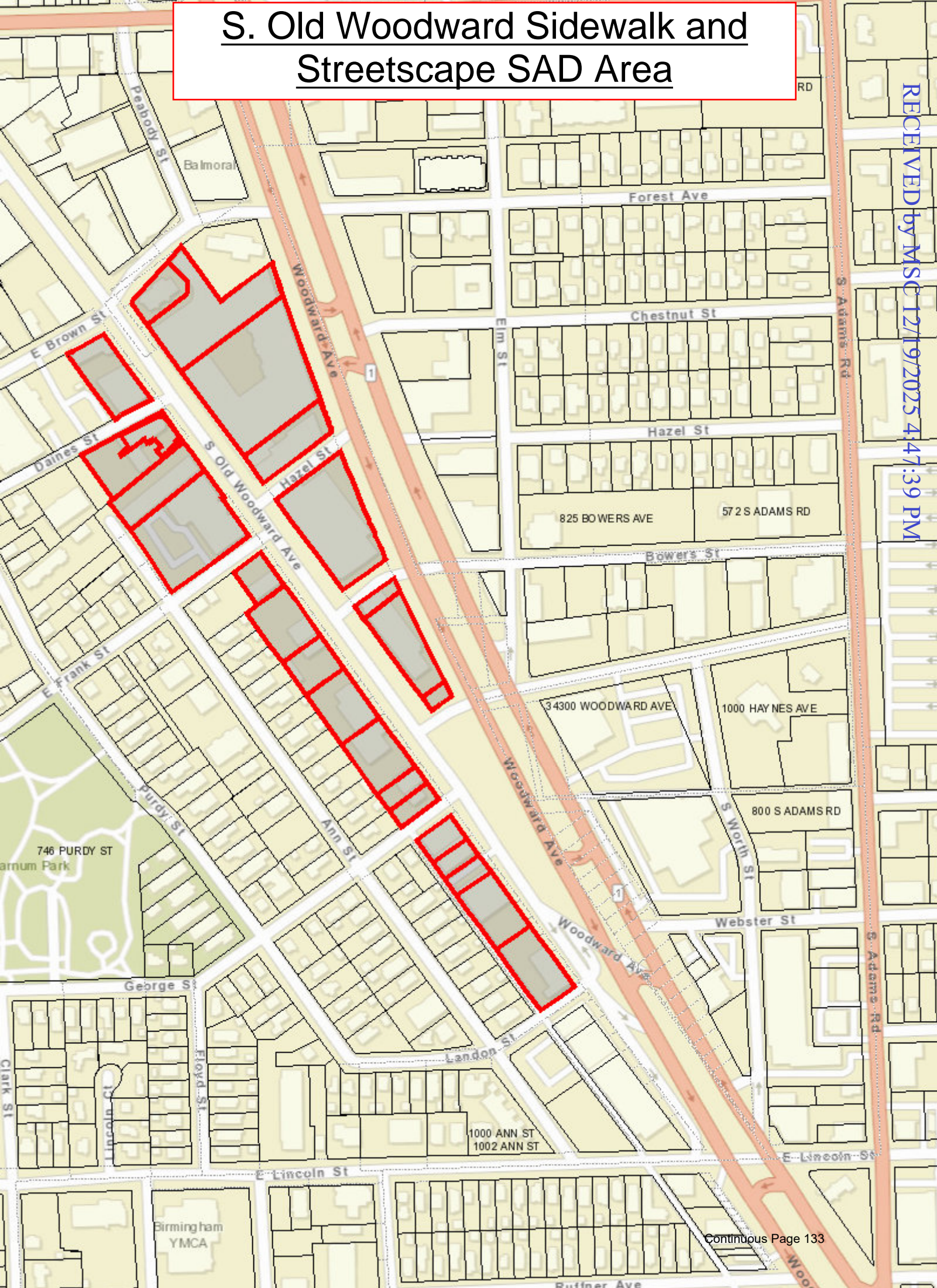
08-19-36-208-033	411	S	OLD WOODWARD AVE
08-19-36-208-034	411	S	OLD WOODWARD AVE
08-19-36-208-035	411	S	OLD WOODWARD AVE
08-19-36-208-036	411	S	OLD WOODWARD AVE
08-19-36-208-037	411	S	OLD WOODWARD AVE
08-19-36-208-038	411	S	OLD WOODWARD AVE
08-19-36-208-039	411	S	OLD WOODWARD AVE
08-19-36-208-040	411	S	OLD WOODWARD AVE
08-19-36-208-041	411	S	OLD WOODWARD AVE
08-19-36-208-043	411	S	OLD WOODWARD AVE
08-19-36-208-044	411	S	OLD WOODWARD AVE
08-19-36-208-045	411	S	OLD WOODWARD AVE
08-19-36-208-046	411	S	OLD WOODWARD AVE
08-19-36-208-047	411	S	OLD WOODWARD AVE
08-19-36-208-048	411	S	OLD WOODWARD AVE
08-19-36-208-049	411	S	OLD WOODWARD AVE
08-19-36-208-054	411	S	OLD WOODWARD AVE
08-19-36-208-055	411	S	OLD WOODWARD AVE
08-19-36-208-062	411	S	OLD WOODWARD AVE
08-19-36-208-063	411	S	OLD WOODWARD AVE
08-19-36-208-064	411	S	OLD WOODWARD AVE
08-19-36-208-065	411	S	OLD WOODWARD AVE
08-19-36-208-066	411	S	OLD WOODWARD AVE
08-19-36-208-067	411	S	OLD WOODWARD AVE
08-19-36-208-068	411	S	OLD WOODWARD AVE
08-19-36-208-069	411	S	OLD WOODWARD AVE
08-19-36-208-070	411	S	OLD WOODWARD AVE
08-19-36-208-071	411	S	OLD WOODWARD AVE
08-19-36-208-072	411	S	OLD WOODWARD AVE
08-19-36-208-073	411	S	OLD WOODWARD AVE
08-19-36-208-074	411	S	OLD WOODWARD AVE
08-19-36-208-075	411	S	OLD WOODWARD AVE
08-19-36-208-080	411	S	OLD WOODWARD AVE
08-19-36-208-081	411	S	OLD WOODWARD AVE
08-19-36-208-086	411	S	OLD WOODWARD AVE
08-19-36-208-087	411	S	OLD WOODWARD AVE
08-19-36-208-088	411	S	OLD WOODWARD AVE
08-19-36-208-089	411	S	OLD WOODWARD AVE
08-19-36-208-090	411	S	OLD WOODWARD AVE
08-19-36-208-091	411	S	OLD WOODWARD AVE
08-19-36-208-092	411	S	OLD WOODWARD AVE
08-19-36-208-093	411	S	OLD WOODWARD AVE
08-19-36-208-094	411	S	OLD WOODWARD AVE

08-19-36-208-096	411	S	OLD WOODWARD AVE
08-19-36-208-097	411	S	OLD WOODWARD AVE
08-19-36-208-098	411	S	OLD WOODWARD AVE
08-19-36-208-099	411	S	OLD WOODWARD AVE
08-19-36-208-100	411	S	OLD WOODWARD AVE
08-19-36-208-101	411	S	OLD WOODWARD AVE
08-19-36-208-102	411	S	OLD WOODWARD AVE
08-19-36-208-103	411	S	OLD WOODWARD AVE
08-19-36-208-104	411	S	OLD WOODWARD AVE
08-19-36-208-105	411	S	OLD WOODWARD AVE
08-19-36-208-106	411	S	OLD WOODWARD AVE
08-19-36-208-107	411	S	OLD WOODWARD AVE
08-19-36-208-108	411	S	OLD WOODWARD AVE
08-19-36-208-115	411	S	OLD WOODWARD AVE
08-19-36-208-116	411	S	OLD WOODWARD AVE
08-19-36-208-117	411	S	OLD WOODWARD AVE
08-19-36-208-118	411	S	OLD WOODWARD AVE
08-19-36-208-119	411	S	OLD WOODWARD AVE
08-19-36-208-120	411	S	OLD WOODWARD AVE
08-19-36-208-121	411	S	OLD WOODWARD AVE
08-19-36-208-122	411	S	OLD WOODWARD AVE
08-19-36-208-123	411	S	OLD WOODWARD AVE
08-19-36-208-124	411	S	OLD WOODWARD AVE
08-19-36-208-125	411	S	OLD WOODWARD AVE
08-19-36-208-126	411	S	OLD WOODWARD AVE
08-19-36-208-127	411	S	OLD WOODWARD AVE
08-19-36-208-128	411	S	OLD WOODWARD AVE
08-19-36-208-129	411	S	OLD WOODWARD AVE
08-19-36-208-130	411	S	OLD WOODWARD AVE
08-19-36-208-133	411	S	OLD WOODWARD AVE
08-19-36-208-134	411	S	OLD WOODWARD AVE
08-19-36-208-135	411	S	OLD WOODWARD AVE
08-19-36-208-136	411	S	OLD WOODWARD AVE
08-19-36-208-137	411	S	OLD WOODWARD AVE
08-19-36-208-138	411	S	OLD WOODWARD AVE
08-19-36-208-141	411	S	OLD WOODWARD AVE
08-19-36-208-142	411	S	OLD WOODWARD AVE
08-19-36-208-143	411	S	OLD WOODWARD AVE
08-19-36-208-146	411	S	OLD WOODWARD AVE
08-19-36-208-147	411	S	OLD WOODWARD AVE
08-19-36-208-149	411	S	OLD WOODWARD AVE
08-19-36-208-150	411	S	OLD WOODWARD AVE
08-19-36-208-151	411	S	OLD WOODWARD AVE

08-19-36-208-152	411	S	OLD WOODWARD AVE
08-19-36-208-153	411	S	OLD WOODWARD AVE
08-19-36-208-154	411	S	OLD WOODWARD AVE
08-19-36-208-155	411	S	OLD WOODWARD AVE
08-19-36-208-156	411	S	OLD WOODWARD AVE
08-19-36-208-157	411	S	OLD WOODWARD AVE
08-19-36-208-168	411	S	OLD WOODWARD AVE
08-19-36-208-169	411	S	OLD WOODWARD AVE
08-19-36-208-170	411	S	OLD WOODWARD AVE
08-19-36-208-171	411	S	OLD WOODWARD AVE
08-19-36-208-172	411	S	OLD WOODWARD AVE
08-19-36-208-173	411	S	OLD WOODWARD AVE
08-19-36-208-174	411	S	OLD WOODWARD AVE
08-19-36-208-175	411	S	OLD WOODWARD AVE
08-19-36-208-176	411	S	OLD WOODWARD AVE
08-19-36-208-177	411	S	OLD WOODWARD AVE
08-19-36-208-178	411	S	OLD WOODWARD AVE
08-19-36-208-179	411	S	OLD WOODWARD AVE
08-19-36-208-180	411	S	OLD WOODWARD AVE
08-19-36-208-181	411	S	OLD WOODWARD AVE
08-19-36-208-182	411	S	OLD WOODWARD AVE
08-19-36-208-183	411	S	OLD WOODWARD AVE
08-19-36-208-184	411	S	OLD WOODWARD AVE
08-19-36-208-185	411	S	OLD WOODWARD AVE
08-19-36-208-186	411	S	OLD WOODWARD AVE
08-19-36-208-187	411	S	OLD WOODWARD AVE
08-19-36-208-188	411	S	OLD WOODWARD AVE
08-19-36-208-189	411	S	OLD WOODWARD AVE
08-19-36-208-190	411	S	OLD WOODWARD AVE
08-19-36-208-191	411	S	OLD WOODWARD AVE
08-19-36-208-192	411	S	OLD WOODWARD AVE
08-19-36-208-193	411	S	OLD WOODWARD AVE
08-19-36-208-194	411	S	OLD WOODWARD AVE
08-19-36-208-195	411	S	OLD WOODWARD AVE
08-19-36-208-196	411	S	OLD WOODWARD AVE
08-19-36-208-197	411	S	OLD WOODWARD AVE
08-19-36-208-198	411	S	OLD WOODWARD AVE
08-19-36-208-199	411	S	OLD WOODWARD AVE
08-19-36-208-200	411	S	OLD WOODWARD AVE
08-19-36-208-201	411	S	OLD WOODWARD AVE
08-19-36-208-202	411	S	OLD WOODWARD AVE
08-19-36-208-203	411	S	OLD WOODWARD AVE
08-19-36-208-205	411	S	OLD WOODWARD AVE

08-19-36-208-206	411	S	OLD WOODWARD AVE
08-19-36-208-207	469/479	S	OLD WOODWARD AVE
08-19-36-210-001	555	S	OLD WOODWARD AVE
08-19-36-210-003	555	S	OLD WOODWARD AVE
08-19-36-210-005	555	S	OLD WOODWARD AVE
08-19-36-211-001	400	S	OLD WOODWARD AVE
08-19-36-253-025	750	S	OLD WOODWARD AVE
08-19-36-253-026	772	S	OLD WOODWARD AVE
08-19-36-253-028	588	S	OLD WOODWARD AVE
08-19-36-253-029	608	S	OLD WOODWARD AVE
08-19-36-253-030	500	S	OLD WOODWARD AVE
08-19-36-253-034	690	S	OLD WOODWARD AVE
08-19-36-253-035	670	S	OLD WOODWARD AVE
08-19-36-278-012	808	S	OLD WOODWARD AVE
08-19-36-278-013	820	S	OLD WOODWARD AVE
08-19-36-278-014	832	S	OLD WOODWARD AVE
08-19-36-278-017	850	S	OLD WOODWARD AVE
08-19-36-278-018	880	S	OLD WOODWARD AVE

# S. Old Woodward Sidewalk and Streetscape SAD Area



RECEIVED by MSC 12/19/2025 4:47:39 PM

Proposed Streetscape Special Assessment Properties and Estimated Costs

RECEIVED by MSC 12/19/2025 4:47:39 PM

Property Address	Unit	Parcel No.	Assessment Length	Est
300 S OLD WOODWARD AVE		08-19-36-204-027	100	\$52,076.20
442 S OLD WOODWARD AVE		08-19-36-205-026	45	\$23,434.29
444 S OLD WOODWARD AVE		08-19-36-205-041	85.45	\$44,499.11
400 S OLD WOODWARD AVE		08-19-36-205-043	131.1	\$68,271.90
355 S OLD WOODWARD AVE		08-19-36-208-016	145.2	\$75,614.64
401 S OLD WOODWARD AVE		08-19-36-208-017		\$82,887.98
411 S OLD WOODWARD AVE	501	08-19-36-208-019		\$264.31
411 S OLD WOODWARD AVE	503	08-19-36-208-020		\$250.27
411 S OLD WOODWARD AVE	505	08-19-36-208-021		\$250.27
411 S OLD WOODWARD AVE	507	08-19-36-208-022		\$215.87
411 S OLD WOODWARD AVE	515	08-19-36-208-025		\$182.18
411 S OLD WOODWARD AVE	517	08-19-36-208-026		\$182.18
411 S OLD WOODWARD AVE	521	08-19-36-208-027		\$226.40
411 S OLD WOODWARD AVE	523	08-19-36-208-028		\$245.36
411 S OLD WOODWARD AVE	525	08-19-36-208-029		\$245.36
411 S OLD WOODWARD AVE	527	08-19-36-208-030		\$245.36
411 S OLD WOODWARD AVE	529	08-19-36-208-031		\$245.36
411 S OLD WOODWARD AVE	531	08-19-36-208-032		\$246.41
411 S OLD WOODWARD AVE	530	08-19-36-208-033		\$282.21
411 S OLD WOODWARD AVE	528	08-19-36-208-034		\$393.13
411 S OLD WOODWARD AVE	524	08-19-36-208-035		\$393.13
411 S OLD WOODWARD AVE	522	08-19-36-208-036		\$510.37
411 S OLD WOODWARD AVE	518	08-19-36-208-037		\$652.88
411 S OLD WOODWARD AVE	514	08-19-36-208-038		\$278.35
411 S OLD WOODWARD AVE	512	08-19-36-208-039		\$289.58
411 S OLD WOODWARD AVE	510	08-19-36-208-040		\$935.45
411 S OLD WOODWARD AVE	508	08-19-36-208-041		\$349.26
411 S OLD WOODWARD AVE	504	08-19-36-208-043		\$349.26
411 S OLD WOODWARD AVE	502	08-19-36-208-044		\$349.26
411 S OLD WOODWARD AVE	500	08-19-36-208-045		\$349.26
411 S OLD WOODWARD AVE	601	08-19-36-208-046		\$264.31
411 S OLD WOODWARD AVE	603	08-19-36-208-047		\$250.27
411 S OLD WOODWARD AVE	605	08-19-36-208-048		\$250.27
411 S OLD WOODWARD AVE	607	08-19-36-208-049		\$215.87
411 S OLD WOODWARD AVE	621	08-19-36-208-054		\$226.40
411 S OLD WOODWARD AVE	623	08-19-36-208-055		\$245.36
411 S OLD WOODWARD AVE	624	08-19-36-208-062		\$393.13
411 S OLD WOODWARD AVE	622	08-19-36-208-063		\$510.37
411 S OLD WOODWARD AVE	618	08-19-36-208-064		\$652.88
411 S OLD WOODWARD AVE	614	08-19-36-208-065		\$278.35
411 S OLD WOODWARD AVE	612	08-19-36-208-066		\$289.58
411 S OLD WOODWARD AVE	610	08-19-36-208-067		\$935.45
411 S OLD WOODWARD AVE	608	08-19-36-208-068		\$349.26
411 S OLD WOODWARD AVE	604	08-19-36-208-069		\$349.26
411 S OLD WOODWARD AVE	602	08-19-36-208-070		\$349.26
411 S OLD WOODWARD AVE	600	08-19-36-208-071		\$349.26
411 S OLD WOODWARD AVE	701	08-19-36-208-072		\$264.31
411 S OLD WOODWARD AVE	703	08-19-36-208-073		\$250.27
411 S OLD WOODWARD AVE	705	08-19-36-208-074		\$250.27
411 S OLD WOODWARD AVE	707	08-19-36-208-075		\$215.87
411 S OLD WOODWARD AVE	721	08-19-36-208-080		\$226.40
411 S OLD WOODWARD AVE	723	08-19-36-208-081		\$245.36
411 S OLD WOODWARD AVE	730	08-19-36-208-086		\$282.21
411 S OLD WOODWARD AVE	728	08-19-36-208-087		\$393.13
411 S OLD WOODWARD AVE	724	08-19-36-208-088		\$393.13
411 S OLD WOODWARD AVE	722	08-19-36-208-089		\$510.37
411 S OLD WOODWARD AVE	718	08-19-36-208-090		\$652.88
411 S OLD WOODWARD AVE	714	08-19-36-208-091		\$278.35
411 S OLD WOODWARD AVE	712	08-19-36-208-092		\$289.58
411 S OLD WOODWARD AVE	710	08-19-36-208-093		\$935.45
411 S OLD WOODWARD AVE	708	08-19-36-208-094		\$349.26

Proposed Streetscape Special Assessment Properties and Estimated Costs

RECEIVED by MSC 12/19/2025 4:47:39 PM

Property Address	Unit	Parcel No.	Assessment Length	Est
411 S OLD WOODWARD AVE	704	08-19-36-208-096	259.17	\$349.26
411 S OLD WOODWARD AVE	702	08-19-36-208-097		\$349.26
411 S OLD WOODWARD AVE	700	08-19-36-208-098		\$349.26
411 S OLD WOODWARD AVE	801	08-19-36-208-099		\$264.31
411 S OLD WOODWARD AVE	803	08-19-36-208-100		\$250.27
411 S OLD WOODWARD AVE	805	08-19-36-208-101		\$250.27
411 S OLD WOODWARD AVE	807	08-19-36-208-102		\$215.87
411 S OLD WOODWARD AVE	811	08-19-36-208-103		\$182.18
411 S OLD WOODWARD AVE	813	08-19-36-208-104		\$182.18
411 S OLD WOODWARD AVE	815	08-19-36-208-105		\$182.18
411 S OLD WOODWARD AVE	817	08-19-36-208-106		\$182.18
411 S OLD WOODWARD AVE	821	08-19-36-208-107		\$226.40
411 S OLD WOODWARD AVE	823	08-19-36-208-108		\$245.36
411 S OLD WOODWARD AVE	824	08-19-36-208-115		\$393.13
411 S OLD WOODWARD AVE	822	08-19-36-208-116		\$510.37
411 S OLD WOODWARD AVE	818	08-19-36-208-117		\$652.88
411 S OLD WOODWARD AVE	814	08-19-36-208-118		\$278.35
411 S OLD WOODWARD AVE	812	08-19-36-208-119		\$289.58
411 S OLD WOODWARD AVE	810	08-19-36-208-120		\$935.45
411 S OLD WOODWARD AVE	808	08-19-36-208-121		\$349.26
411 S OLD WOODWARD AVE	804	08-19-36-208-122		\$349.26
411 S OLD WOODWARD AVE	802	08-19-36-208-123		\$349.26
411 S OLD WOODWARD AVE	800	08-19-36-208-124		\$349.26
411 S OLD WOODWARD AVE	901	08-19-36-208-125		\$264.31
411 S OLD WOODWARD AVE	903	08-19-36-208-126		\$250.27
411 S OLD WOODWARD AVE	905	08-19-36-208-127		\$250.27
411 S OLD WOODWARD AVE	907	08-19-36-208-128		\$215.87
411 S OLD WOODWARD AVE	911	08-19-36-208-129		\$182.18
411 S OLD WOODWARD AVE	913	08-19-36-208-130		\$182.18
411 S OLD WOODWARD AVE	921	08-19-36-208-133		\$226.40
411 S OLD WOODWARD AVE	923	08-19-36-208-134		\$245.36
411 S OLD WOODWARD AVE	925	08-19-36-208-135		\$245.36
411 S OLD WOODWARD AVE	927	08-19-36-208-136		\$245.36
411 S OLD WOODWARD AVE	929	08-19-36-208-137		\$245.36
411 S OLD WOODWARD AVE	931	08-19-36-208-138		\$246.41
411 S OLD WOODWARD AVE	924	08-19-36-208-141		\$393.13
411 S OLD WOODWARD AVE	922	08-19-36-208-142		\$510.37
411 S OLD WOODWARD AVE	918	08-19-36-208-143		\$652.88
411 S OLD WOODWARD AVE	910	08-19-36-208-146		\$935.45
411 S OLD WOODWARD AVE	908	08-19-36-208-147		\$349.26
411 S OLD WOODWARD AVE	904	08-19-36-208-149		\$349.26
411 S OLD WOODWARD AVE	902	08-19-36-208-150	\$349.26	
411 S OLD WOODWARD AVE	900	08-19-36-208-151	\$349.26	
411 S OLD WOODWARD AVE	1001	08-19-36-208-152	\$264.66	
411 S OLD WOODWARD AVE	1003	08-19-36-208-153	\$250.62	
411 S OLD WOODWARD AVE	1005	08-19-36-208-154	\$250.62	
411 S OLD WOODWARD AVE	1007	08-19-36-208-155	\$216.22	
411 S OLD WOODWARD AVE	1011	08-19-36-208-156	\$182.18	
411 S OLD WOODWARD AVE	1013	08-19-36-208-157	\$182.18	
411 S OLD WOODWARD AVE	1024	08-19-36-208-168	\$393.13	
411 S OLD WOODWARD AVE	1022	08-19-36-208-169	\$510.37	
411 S OLD WOODWARD AVE	1018	08-19-36-208-170	\$652.88	
411 S OLD WOODWARD AVE	1014	08-19-36-208-171	\$278.35	
411 S OLD WOODWARD AVE	1012	08-19-36-208-172	\$289.94	
411 S OLD WOODWARD AVE	1010	08-19-36-208-173	\$935.45	
411 S OLD WOODWARD AVE	1008	08-19-36-208-174	\$348.91	
411 S OLD WOODWARD AVE	1004	08-19-36-208-175	\$348.91	
411 S OLD WOODWARD AVE	1002	08-19-36-208-176	\$348.91	
411 S OLD WOODWARD AVE	1000	08-19-36-208-177	\$349.26	
411 S OLD WOODWARD AVE	711	08-19-36-208-178	\$373.83	
411 S OLD WOODWARD AVE	725	08-19-36-208-179	\$501.25	

Proposed Streetscape Special Assessment Properties and Estimated Costs

RECEIVED by MSC 12/19/2025 4:47:39 PM

Property Address	Unit	Parcel No.	Assessment Length	Est
411 S OLD WOODWARD AVE	729	08-19-36-208-180		\$502.65
411 S OLD WOODWARD AVE	829	08-19-36-208-181		\$502.65
411 S OLD WOODWARD AVE	828	08-19-36-208-182		\$686.58
411 S OLD WOODWARD AVE	1015	08-19-36-208-183		\$373.83
411 S OLD WOODWARD AVE	1021	08-19-36-208-184		\$481.94
411 S OLD WOODWARD AVE	1029	08-19-36-208-185		\$502.65
411 S OLD WOODWARD AVE	511	08-19-36-208-186		\$373.83
411 S OLD WOODWARD AVE	611	08-19-36-208-187		\$373.83
411 S OLD WOODWARD AVE	615	08-19-36-208-188		\$373.83
411 S OLD WOODWARD AVE	715	08-19-36-208-189		\$373.83
411 S OLD WOODWARD AVE	912	08-19-36-208-190		\$578.47
411 S OLD WOODWARD AVE	1028	08-19-36-208-191		\$686.58
411 S OLD WOODWARD AVE	825	08-19-36-208-192		\$501.25
411 S OLD WOODWARD AVE	1025	08-19-36-208-193		\$501.25
411 S OLD WOODWARD AVE	506	08-19-36-208-194		\$349.26
411 S OLD WOODWARD AVE	606	08-19-36-208-195		\$349.26
411 S OLD WOODWARD AVE	706	08-19-36-208-196		\$349.26
411 S OLD WOODWARD AVE	806	08-19-36-208-197		\$349.26
411 S OLD WOODWARD AVE	906	08-19-36-208-198		\$349.26
411 S OLD WOODWARD AVE	1006	08-19-36-208-199		\$349.26
411 S OLD WOODWARD AVE	630	08-19-36-208-200		\$686.58
411 S OLD WOODWARD AVE	915	08-19-36-208-201		\$373.83
411 S OLD WOODWARD AVE	928	08-19-36-208-202		\$686.58
411 S OLD WOODWARD AVE	625	08-19-36-208-203		\$501.25
411 S OLD WOODWARD AVE	629	08-19-36-208-205		\$245.36
411 S OLD WOODWARD AVE	631	08-19-36-208-206		\$246.41
469/479 S OLD WOODWARD AVE		08-19-36-208-207	80.56	\$41,952.59
555 S OLD WOODWARD AVE		08-19-36-210-001	569.96	\$296,813.50
555 S OLD WOODWARD AVE		08-19-36-210-003	65	\$33,849.53
555 S OLD WOODWARD AVE		08-19-36-210-005	61.52	\$32,037.28
400 S OLD WOODWARD AVE		08-19-36-211-001	131.1	\$68,271.90
750 S OLD WOODWARD AVE		08-19-36-253-025	50	\$26,038.10
772 S OLD WOODWARD AVE		08-19-36-253-026	81	\$42,181.72
588 S OLD WOODWARD AVE		08-19-36-253-028	150	\$78,114.30
608 S OLD WOODWARD AVE		08-19-36-253-029	100	\$52,076.20
500 S OLD WOODWARD AVE		08-19-36-253-030	148	\$77,072.77
690 S OLD WOODWARD AVE		08-19-36-253-034	150	\$78,114.30
670 S OLD WOODWARD AVE		08-19-36-253-035	150	\$78,114.30
808 S OLD WOODWARD AVE		08-19-36-278-012	95.8	\$49,889.00
820 S OLD WOODWARD AVE		08-19-36-278-013	50	\$26,038.10
832 S OLD WOODWARD AVE		08-19-36-278-014	50	\$26,038.10
850 S OLD WOODWARD AVE		08-19-36-278-017	150	\$78,114.30
880 S OLD WOODWARD AVE		08-19-36-278-018	255	\$132,794.31



# MEMORANDUM

Clerk's Office

**DATE:** Thursday, March 10, 2022

**TO:** Scott Zielinski, Assistant City Engineer

**FROM:** Christina Woods, Deputy Clerk

**SUBJECT:** Clerk's Office Confirmation of Public Hearing of Necessity and Confirmation: Old Woodward Streetscape Special Assessment District

The public hearing of necessity and confirmation notice process has been completed for the Old Woodward Streetscape Special Assessment District. Please see attachments for further confirmation.

Mailing Date: March 4, 2022

Publishing Dates in the Birmingham Eccentric: February 27 & March 6 2022

Also posted on [www.bhamgov.org/publicnotices](http://www.bhamgov.org/publicnotices)

Attachments:

1. Public Hearing Notice
2. Addresses
3. Mailing Letter
4. Affidavit of publishing

RECEIVED by MSC 12/19/2025 4:47:39 PM

<b>NOTICE OF PUBLIC HEARINGS</b>	
<b>BIRMINGHAM CITY COMMISSION</b>	
<b>PUBLIC HEARING OF NECESSITY</b>	
<b>PUBLIC HEARING OF CONFIRMATION</b>	
Meeting Date, Time, Location:	HEARING OF NECESSITY FOR SPECIAL ASSESSMENT DISTRICT Monday, Monday, March 14, 2022, 7:30 PM Municipal Building, 151 Martin, Birmingham, MI 48009
Meeting Date, Time, Location:	HEARING OF CONFIRMATION FOR SPECIAL ASSESSMENT DISTRICT Monday, April 11, 2022, 7:30 PM Municipal Building, 151 Martin, Birmingham, MI 48009
Project Location:	S. Old Woodward Avenue, from Brown St. to Landon St.
Nature of Improvement:	Construction of sidewalk and streetscape improvements adjacent to all properties within the project area
City Staff Contact:	Scott Zielinski, Assistant City Engineer <a href="mailto:szielinski@bhamgov.org">szielinski@bhamgov.org</a> , (248)530-1838
Notice Requirements:	Mail to affected property owners Publish February 27, 2022 & March 6, 2022
Approved minutes may be reviewed at:	City Clerk's Office
Should you have any statement regarding the above, you are invited to attend the meeting in person or virtually through ZOOM: <b><a href="https://zoom.us/j/655079760">https://zoom.us/j/655079760</a></b> Meeting ID: <b>655 079 760</b>	
You or your agent may appear at the hearings to express your views; however, if you fail to protest either in person or by letter received on or before the date of the hearing, you cannot appeal the amount of the special assessment to the Michigan Tax Tribunal. Mail any correspondence to: City Clerk, P.O. Box 3001, Birmingham, MI 48012.	
The property owner may file a written appeal of the special assessment with the State Tax Tribunal within 30 days after the confirmation of the special assessment roll if that special assessment was protested at the hearing held for the purpose of confirming the roll.	
All special assessments, including installment payments, shall, from the date of the confirmation thereof, constitute a lien on the respective lots or parcels assessed, and until paid shall be charged against the respective owners of the lots or parcels assessed.	
Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk's Office at 248.530.1880 (voice) or 248.644.5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.	

## Old Wood Sewer and Streetscape Public Hearing addresses

Parcel	Name	Address	City	State	Zip
1936204027	WOODWARD DEVELOPMENT LLC	15 KOCH RD	CORTE MADERA	CA	94925
1936205026	FLORENCE SHARE	333 W FORT ST FL 12TH	DETROIT	MI	48226
1936205041	GALYN ASSOCIATES LTD PTNSHP	1435 N GLENGARRY RD	BLOOMFIELD HILLS	MI	48301
1936205043	NBNS LLC	180 HIGH OAK RD	BLOOMFIELD HILLS	MI	48304
1936208015	325 S OLD WOODWARD LLC	330 HAMILTON ROW STE 300	BIRMINGHAM	MI	48009
1936208016	FULLER CENTRAL PARK PRPRTS	112 PEABODY ST	BIRMINGHAM	MI	48009
1936208017	HANA AJJOUR	411 S OLD WOODWARD AVE # 906	BIRMINGHAM	MI	48009
1936208017	LISA M HUSSMAN	11070 RESORT RD STE 307	ELLCOTT CITY	MD	21042
1936208017	PETER SAROTTE	411 S OLD WOODWARD AVE # 515	BIRMINGHAM	MI	48009
1936208017	WAAD INVESTMENTS LLC	4805 BANTRY DR	WEST BLOOMFIELD	MI	48322
1936208017	NIKOLE L FINE	883 EMMONS AVE	BIRMINGHAM	MI	48009
1936208017	TONI STREIT	411 S OLD WOODWARD AVE # 523	BIRMINGHAM	MI	48009
1936208017	CORCORAN STREET PROPERTIES LLC	3560 ROLAND DR	BLOOMFIELD HILLS	MI	48301
1936208017	STEVEN H MUSKOVITZ	16146 BELFORD DR	MILTON	GA	30004
1936208017	LORNA G WESTFALL	28347 CHATHAM RD	GROSSE ILE	MI	48138
1936208017	ROBERT P LEVIN	411 S OLD WOODWARD AVE # 510	BIRMINGHAM	MI	48009
1936208017	VALERIE A FOLEY	411 S OLD WOODWARD AVE # 508	BIRMINGHAM	MI	48009
1936208017	KEVIN COOPER	3847 BOULDER DR	TROY	MI	48084
1936208017	GEORGIANNA STEUDLE	1149 HILLPOINTE CIR	BLOOMFIELD HILLS	MI	48304
1936208017	LAURIE SALL	411 S OLD WOODWARD AVE # 500	BIRMINGHAM	MI	48009
1936208017	STACIE JILL LEIB	411 S OLD WOODWARD AVE # 601	BIRMINGHAM	MI	48009
1936208017	KAM PROPERTIES LLC	511 OLDE TOWNE RD UNIT 81515	ROCHESTER	MI	48308
1936208017	FRANCIS A ENGELHARDT	411 S OLD WOODWARD AVE # 904	BIRMINGHAM	MI	48009
1936208017	EUNICE GALPERIN REVOC TRUST	411 S OLD WOODWARD AVE # 902	BIRMINGHAM	MI	48009
1936208017	DAVID A ROBINSON	28145 GREENFIELD RD STE 100	SOUTHFIELD	MI	48076
1936208017	GERALD F REINHART	390 PARK ST STE 222	BIRMINGHAM	MI	48009
1936208017	STUART D SHERR	31300 ORCHARD LAKE RD STE 200	FARMINGTON HILLS	MI	48334
1936208017	GERALD F REINHART	32700 BINGHAM LN	BINGHAM FARMS	MI	48025
1936208017	HAN HAN	411 S OLD WOODWARD AVE # 1007	BIRMINGHAM	MI	48009
1936208017	MARY LOU GILDERS	8600 95TH AVE	EVART	MI	49631
1936208017	CARINE VAN LANDSCHOOT	411 S OLD WOODWARD AVE # 607	BIRMINGHAM	MI	48009
1936208017	EUGENE J WITTSTOCK	411 S OLD WOODWARD AVE # 621	BIRMINGHAM	MI	48009
1936208017	GREGORY W GEIGER	628 WOODLAND ST	BIRMINGHAM	MI	48009
1936208017	DORIS A HANNA REVOC TRUST	3755 WALNUT BROOK DR	ROCHESTER HILLS	MI	48309
1936208017	RAMA K P PINNAMANENI	411 S OLD WOODWARD AVE # 622	BIRMINGHAM	MI	48009
1936208017	DAVID SZCZUPAK	28870 GIRARD TER	NAPLES	FL	34119
1936208017	TANZANITE 61 LLC	3041 HERON POINTE DR	BLOOMFIELD HILLS	MI	48302
1936208017	SHIRLEY NAKASH	PO BOX 7137	BLOOMFIELD HILLS	MI	48302
1936208017	MARIA A CHIRCO	411 S OLD WOODWARD AVE # 929	BIRMINGHAM	MI	48009
1936208017	ALANA GUN	411 S OLD WOODWARD AVE # 931	BIRMINGHAM	MI	48009
1936208017	ESTELLE MILLER REVOC TRUST	411 S OLD WOODWARD AVE # 924	BIRMINGHAM	MI	48009
1936208017	MUNE GOWDA	411 S OLD WOODWARD AVE # 922	BIRMINGHAM	MI	48009
1936208017	BETTY BILLIG	239 N GLENHURST DR	BLOOMFIELD HILLS	MI	48301
1936208017	EDWIN B SHAW	411 S OLD WOODWARD AVE # 910	BIRMINGHAM	MI	48009
1936208017	SUSAN WINSHALL REVOC TRUST	411 S OLD WOODWARD AVE # 828	BIRMINGHAM	MI	48009
1936208017	VANGELOFF PROPERTIES LLC	411 S OLD WOODWARD AVE UNIT 718	BIRMINGHAM	MI	48009
1936208017	SAMUEL MCKNIGHT	411 S OLD WOODWARD AVE # 825	BIRMINGHAM	MI	48009
1936208017	CHRISTOPOHER P AMMANN TRUST	411 S OLD WOODWARD AVE # 1025	BIRMINGHAM	MI	48009
1936208017	FREDERICK C YEAGER REVOC TRUST	411 S OLD WOODWARD AVE # 506	BIRMINGHAM	MI	48009
1936208017	ALEX S PAUL	411 S OLD WOODWARD AVE # 606	BIRMINGHAM	MI	48009
1936208017	SUSAN A MASCIA	411 S OLD WOODWARD AVE # 706	BIRMINGHAM	MI	48009
1936208017	SILVIO COZZETTO	411 S OLD WOODWARD AVE # 806	BIRMINGHAM	MI	48009
1936208017	SHIRLEY NAKASH REVOC TRUST	PO BOX 7137	BLOOMFIELD HILLS	MI	48302
1936208017	MTM INVESTMENTS HOLDINGS LLC	325 S OLD WOODWARD AVE STE 2	BIRMINGHAM	MI	48009
1936208017	STEVE LINTON	55 S MAIN ST STE 345	NAPERVILLE	IL	60540
1936208017	9003 ASSOCIATES LLC	5480 CORPORATE DR STE 230	TROY	MI	48098
1936208017	STEVEN H MUSKOVITZ	16146 BELFORD DR	MILTON	GA	30004
1936208017	FREDERICK A FROMM	411 S OLD WOODWARD AVE # 1006	BIRMINGHAM	MI	48009
1936208017	ROBERT SLOAN	411 S OLD WOODWARD AVE # 630	BIRMINGHAM	MI	48009
1936208017	MICHEL M HANNA	2894 MEADOWOOD LN	BLOOMFIELD HILLS	MI	48302
1936208017	JEFFREY M FRATARCANGELI	558 STANLEY BLVD	BIRMINGHAM	MI	48009
1936208017	KAREN ZACK	411 S OLD WOODWARD AVE # 625	BIRMINGHAM	MI	48009

RECEIVED by MSC 12/19/2025 4:47:39 PM

1936208017	GERALD F BAKER III	411 S OLD WOODWARD AVE # 629	BIRMINGHAM	MI	48009
1936208017	OLD WOODWARD 631 LLC	39475 W 13 MILE RD STE 203	NOVI	MI	48377
1936208017	ANN ELIZABETH MILLER COHEN TRUST	411 S OLD WOODWARD AVE # 610	BIRMINGHAM	MI	48009
1936208017	SHANDA RUMBLE REVOC TRUST	411 S OLD WOODWARD AVE # 608	BIRMINGHAM	MI	48009
1936208017	CAROLINE DANESHVAR	411 S OLD WOODWARD AVE # 604	BIRMINGHAM	MI	48009
1936208017	DANA ABNER	121 W LONG LAKE RD STE 300	BLOOMFIELD HILLS	MI	48304
1936208017	MAX A SURNOW	320 MARTIN ST STE 100	BIRMINGHAM	MI	48009
1936208017	JASON R LUCKOFF IRR TRUST	411 S OLD WOODWARD AVE # 701	BIRMINGHAM	MI	48009
1936208017	DEBRA JO ELSHOLZ	411 S OLD WOODWARD AVE # 703	BIRMINGHAM	MI	48009
1936208017	411 BIRMINGHAM PLACE LLC	6609 QUEEN ANNE DR	WEST BLOOMFIELD	MI	48322
1936208017	RENEE LOSSIA ACHO	3467 SUTTON PL	BLOOMFIELD HILLS	MI	48301
1936208017	LISA GROFFSKY ARONSON	1823 N HONORE ST	CHICAGO	IL	60622
1936208017	MARY NALBANDIAN	3015 BROCKMAN BLVD	ANN ARBOR	MI	48104
1936208017	WILLIAM D KOLB LIVING TRUST	411 S OLD WOODWARD AVE # 518	BIRMINGHAM	MI	48009
1936208017	ANDREW RUST	411 S OLD WOODWARD AVE # 514	BIRMINGHAM	MI	48009
1936208017	CHRISTOPHER M AMBROSE	146 S WASHINGTON ST	OXFORD	MI	48371
1936208017	KAREN REINHART	32700 BINGHAM LN	BINGHAM FARMS	MI	48025
1936208017	VINAY PALLEGAR	411 S OLD WOODWARD AVE # 507	BIRMINGHAM	MI	48009
1936208017	SAMANTHA TULLIO	411 S OLD WOODWARD AVE # 1011	BIRMINGHAM	MI	48009
1936208017	GAYLE S GOODMAN	411 S OLD WOODWARD AVE # 912	BIRMINGHAM	MI	48009
1936208017	BARBARA A ZAGUROLI	411 S OLD WOODWARD AVE # 707	BIRMINGHAM	MI	48009
1936208017	ANDREW RICH	411 S OLD WOODWARD AVE # 721	BIRMINGHAM	MI	48009
1936208017	TRG BP LLC	390 PARK ST STE 222	BIRMINGHAM	MI	48009
1936208017	ERIN LEIGH MELLOTT	411 S OLD WOODWARD AVE # 730	BIRMINGHAM	MI	48009
1936208017	MICHIGAN-MR LLC	PO BOX 2585	PALM BEACH	FL	33480
1936208017	ANVITA SINHA	10224 FOX BOROUGH DR	OAKDALE	CA	95361
1936208017	JUDY M JENNINGS	411 S OLD WOODWARD AVE # 722	BIRMINGHAM	MI	48009
1936208017	SHIRLEY VANGELOFF	6278 N FEDERAL HWY # 414	FORT LAUDERDALE	FL	33308
1936208017	CYNTHIA M VAKHARIYA	142 WESTCHESTER WAY	BIRMINGHAM	MI	48009
1936208017	WILLY CHWANG	27 ARTISAN WAY	MENLO PARK	CA	94025
1936208017	LOUIS P ROCKKIND	411 S OLD WOODWARD AVE # 710	BIRMINGHAM	MI	48009
1936208017	GREGORY A CARNAGO	667 E BIG BEAVER RD STE 201	TROY	MI	48083
1936208017	BRADLEY STEEL	411 S OLD WOODWARD AVE # 704	BIRMINGHAM	MI	48009
1936208017	THOMAS BEELER TRUSTEE	258 GOLDEN GATE PT # 801	SARASOTA	FL	34236
1936208017	BP SPS LLC	1829 WESTRIDGE DR	ROCHESTER HILLS	MI	48306
1936208017	MERI BARASH	500 NE 15TH AVE	FORT LAUDERDALE	FL	33301
1936208017	MELVYN C STERNFELD	411 S OLD WOODWARD AVE # 802	BIRMINGHAM	MI	48009
1936208017	ALAN TUNG	411 S OLD WOODWARD AVE # 800	BIRMINGHAM	MI	48009
1936208017	801 BIRMINGHAM PLACE TRUST	25800 NORTHWESTERN HWY # 515	SOUTHFIELD	MI	48035
1936208017	EATON AND MORE MANAGEMENT LLC	2463 HERONWOOD DR	BLOOMFIELD HILLS	MI	48302
1936208017	JOSEPH LOPEZ	411 S OLD WOODWARD AVE # 905	BIRMINGHAM	MI	48009
1936208017	PATRICK W ROBERTS	PO BOX 9037	MIRAMAR BEACH	FL	32550
1936208017	ALISSA CZISNY	411 S OLD WOODWARD AVE # 911	BIRMINGHAM	MI	48009
1936208017	WAAD INVESTMENTS LLC	4805 BANTRY DR	WEST BLOOMFIELD	MI	48322
1936208017	ADELHEID SEIDENSTICKER	666 BALDWIN CT	BIRMINGHAM	MI	48009
1936208017	ADELHEID F SEIDENSTICKER	666 BALDWIN CT	BIRMINGHAM	MI	48009
1936208017	DANIEL J O'BRIEN TRUST	1818 ARGOSY CT	BLOOMFIELD HILLS	MI	48302
1936208017	KAREN REINHART	32700 BINGHAM LN	BINGHAM FARMS	MI	48025
1936208017	MOUSSA HANNA	411 S OLD WOODWARD AVE # 1000	BIRMINGHAM	MI	48009
1936208017	KA L CHANG	3171 W SHORE DR	ORCHARD LAKE	MI	48324
1936208017	THE BOYLL FAMILY LIVING TRUST	411 S OLD WOODWARD AVE # 725	BIRMINGHAM	MI	48009
1936208017	CAROL BARNETT KOZLOW REVOC TRUST	411 S OLD WOODWARD AVE # 729	BIRMINGHAM	MI	48009
1936208017	THOMAS HARDY	411 S OLD WOODWARD AVE # 829	BIRMINGHAM	MI	48009
1936208017	DJF LAM GROUP LLC	3803 KAELEAF RD	LAKE ORION	MI	48360
1936208017	DORIS HANNA	3755 WALNUT BROOK DR	ROCHESTER HILLS	MI	48309
1936208017	411 S OLD WOODWARD LLC	3467 SUTTON PL	BLOOMFIELD HILLS	MI	48301
1936208017	SUSAN M SOSNICK REVOC TRUST	300 SEMINOLE AVE APT 6B II LUGANO CONDO	PALM BEACH	FL	33480
1936208017	TERRY MANN	411 S OLD WOODWARD AVE # 813	BIRMINGHAM	MI	48009
1936208017	EVELYN CHAN REVOCABLE TRUST	5234 BREEZE HILL PL	TROY	MI	48098
1936208017	EMILY KAY BELCHER	411 S OLD WOODWARD AVE # 817	BIRMINGHAM	MI	48009
1936208017	GREGORY L HARVEY	411 S OLD WOODWARD AVE # 821	BIRMINGHAM	MI	48009
1936208017	RICK LEE HAMILTON	411 S OLD WOODWARD AVE # 823	BIRMINGHAM	MI	48009
1936208017	ISAAC INVESTMENT COMPANY LLC	5295 MIDDLEBELT RD	WEST BLOOMFIELD	MI	48323

1936208017	KENNETH M KOROTKIN	411 S OLD WOODWARD AVE # 822	BIRMINGHAM	MI	48009
1936208017	JEFF ROBERTS	411 S OLD WOODWARD AVE # 818	BIRMINGHAM	MI	48009
1936208017	MARIA N CLEMENTE	411 S OLD WOODWARD AVE # 705	BIRMINGHAM	MI	48009
1936208017	CARLOS MAIDAGAN	3098 RESEARCH DR	ROCHESTER HILLS	MI	48309
1936208017	BIRMINGHAM PLACE REALTY LLC	411 S OLD WOODWARD AVE # 1024	BIRMINGHAM	MI	48009
1936208017	PONNAPPA PANDIKUTHIRA	4215 TOPAZ CT NW	CEDAR RAPIDS	IA	52405
1936208017	CAROL J MITRI	411 S OLD WOODWARD AVE # 1018	BIRMINGHAM	MI	48009
1936208017	JOSEPH W WRONSKI	411 S OLD WOODWARD AVE # 1014	BIRMINGHAM	MI	48009
1936208017	CATHERINE M BROZEK REAL ESTATE TRUST	411 S OLD WOODWARD AVE # 1012	BIRMINGHAM	MI	48009
1936208017	VANDAD RAOFI	411 S OLD WOODWARD AVE # 1010	BIRMINGHAM	MI	48009
1936208017	NEDA MIRAFZALI	310 CORRIE RD	ANN ARBOR	MI	48105
1936208017	JULIE A WOLFE	411 S OLD WOODWARD AVE # 1021	BIRMINGHAM	MI	48009
1936208017	BRENDA KNIGHT	11426 N JUSTIN DR	MEQUON	WI	53092
1936208017	ALICE K LEZOTTE TRUSTEE	411 S OLD WOODWARD AVE # 511	BIRMINGHAM	MI	48009
1936208017	ALEXANDER PFAU	411 S OLD WOODWARD AVE # 611	BIRMINGHAM	MI	48009
1936208017	JANIS E STERLING REVOC TRUST	4212 WOODLANE CT	WESTLAKE VILLAGE	CA	91362
1936208017	NISREEN K MURAD	411 S OLD WOODWARD AVE # 715	BIRMINGHAM	MI	48009
1936208017	BAVAND HAMIDI	31 LARKMEAD	ALISO VIEJO	CA	92656
1936208017	MICHAEL FREZZA	411 S OLD WOODWARD AVE # 812	BIRMINGHAM	MI	48009
1936208017	LEE STEINBERG	411 S OLD WOODWARD AVE # 810	BIRMINGHAM	MI	48009
1936208017	JORDAN BRODER	411 S OLD WOODWARD AVE # 808	BIRMINGHAM	MI	48009
1936208017	JOHN W HOFFFLER REVOC TRUST	411 S OLD WOODWARD AVE # 804	BIRMINGHAM	MI	48009
1936208017	CYNTHIA K NEAL	24100 SORREL CT	BEAR VALLEY SPRINGS	CA	93561
1936208017	JOLIE GOLDBERG	411 S OLD WOODWARD AVE # 901	BIRMINGHAM	MI	48009
1936208207	BIRMINGHAM TOWER PARTNERS LLC	251 E MERRILL ST STE 205	BIRMINGHAM	MI	48009
1936210003	ASSOCIATES OF 555 LTD PARTNERSHIP	555 S OLD WOODWARD AVE	BIRMINGHAM	MI	48009
1936210005	MANORWOOD PROPERTIES LLC	555 S OLD WOODWARD AVE STE 705	BIRMINGHAM	MI	48009
1936253025	GRC ASSETS LLC	750 S OLD WOODWARD AVE	BIRMINGHAM	MI	48009
1936253026	WOODWARD & GEORGE LLC	784 S OLD WOODWARD AVE	BIRMINGHAM	MI	48009
1936253028	EID PROPERTIES LLC	588 S OLD WOODWARD AVE	BIRMINGHAM	MI	48009
1936253029	BITONTI REAL ESTATE LLC	709 ANN ST	BIRMINGHAM	MI	48009
1936253030	ICG REAL ESTATE COMPANY LLC	500 S OLD WOODWARD AVE	BIRMINGHAM	MI	48009
1936253034	690 S OLD WOODWARD LLC	112 PEABODY ST	BIRMINGHAM	MI	48009
1936253035	HORMOZ ALIZADEH LLC	1416 INWOODS CIR	BLOOMFIELD HILLS	MI	48302
1936278012	GLOBAL REAL ESTATE INVESTMENTS LLC	808 S OLD WOODWARD AVE	BIRMINGHAM	MI	48009
1936278013	WOODWARD VIEW LLC	251 E MERRILL ST FL 2ND	BIRMINGHAM	MI	48009
1936278014	WOODWARD VIEW LLC	251 E MERRILL ST FL 2ND	BIRMINGHAM	MI	48009
1936278017	BEIER FAMILY REAL ESTATE	43223 W 12 MILE RD	NOVI	MI	48377
1936278018	PERIMETER PROPERTIES LLC	112 PEABODY ST	BIRMINGHAM	MI	48009

«Name»  
«Address»  
«City», «State» «Zip»

February 22, 2022

TO: Property Owners

RE: S. Old Woodward Phase 3 Paving Project  
Water & Sewer Lateral Replacement and Street Scape Assessments

Phase three of the City of Birmingham's downtown infrastructure improvements will take place during the 2022 construction season. Significant work will occur on South Old Woodward between Brown and Landon. Upgrades to the sidewalk streetscape along with the water and sewer system, and complete street pavement replacement are planned.

With this letter you are receiving **two (2)** notifications of public hearings (Hearing of Necessity) scheduled to occur on **Monday, March 14, 2022** at the regularly scheduled City Commission meeting at 7:30 p.m. The first is to consider a Special Assessment District (SAD) for sidewalk and streetscape upgrades. The second is to consider an SAD for replacing certain water and sewer laterals to individual properties within the project area. All property owners in the project area will be assessed for sidewalk and streetscape upgrades. Some, but not all, will be assessed for water and sewer laterals. The following information will help clarify what is being assessed for each SAD.

For the **first** SAD for sidewalks and streetscape, as with previous projects of this nature, it has been the City's policy to assess 75% of the streetscape improvements to the properties that share frontage with the improvements. Improvement items include:

- All new concrete and exposed aggregate sidewalks from the building face to the back of curbs.
- Removal and replacement of all street trees, including excavation and replacement with approximately 1,000 cu.ft. of specially formulated soil designed to encourage tree growth.
- Enlarged, raised planter beds around each new street tree, framed by a 6 inch high exposed aggregate curb, with irrigation, and professionally designed landscaping.
- Granite seating areas where space permits.
- Installation of underground electrical system to provide new lighting opportunities for trees along the sidewalk and in the proposed median.

The cost per property will be assessed as an average cost per linear foot of frontage for the improvements. The properties with multiple owners will share the cost of the frontage, and the amount will be based on the square footage of building area owned. The City will bill one-tenth of the assessment (as would be done on

other special assessment districts) plus approximately 5% interest annually on the remaining balance, to make the cost more manageable for the property owners. The City plans to provide an estimate of costs associated with this SAD at the March 14<sup>th</sup> Hearing of Necessity.

The **second** SAD is for water and sewer laterals. As previously stated, some but not all property owners in the project area will be assessed for water and sewer laterals. Since water and sewer services only benefit one property, they are not considered a part of the City's public system. Therefore, the maintenance and repair of the services from the building to the connection at the public main is the responsibility of each individual property owner. City policy dictates that these replacements are completed at the property owner's expense. Only those who qualify as outlined below will have their sewer and/or water service replaced and receive an assessment.

The City's policy outlined in section 114-30 of the city code is to replace any water service that is less than 1 inch in diameter, and outlined in section 114-171 of the city code is to replace any sewer service that is 50 or more years old, in poor condition, or is made of materials that do not meet city standards (e.g. "Orangeburg" pipe). Replacement during a road construction project protects the City's investment in the road by reducing the chance of failure by a lateral within the right-of-way area.

The actual cost of replacing the section of the water and/or sewer lateral charged to you will vary depending on the actual location of the City mains, and any other obstacles, such as trees, that are in the way. Property owners are only charged for the actual length of service replaced if their service qualifies for assessment as described above.

After the work is completed, an invoice will be generated and sent to the property owner of record for the length of service(s) replaced. Payment in full will be expected within 30 days of receipt. As with the first assessment, if you are not in a position to pay off the charge in one payment, it can be broken into as many as 10 annual payments. An annual interest charge on the remaining balance, currently about 5%, will apply. It is anticipated that property owners will see a total charge of \$1,600 to \$5,000 for water and/or sewer lateral work related to this project. Official estimates will be provided at the Hearing for Necessity.

If you have any questions or concerns, please contact the Engineering Office at (248) 530-1850. You have the opportunity to speak directly to the City Commission at the Public Hearing of Necessity that will be held on March 14, 2022.

Residents and businesses are encouraged to sign up for the South Old Woodward Reconstruction Phase 3 Constant Contact group at [bit.ly/bhamnews](https://bit.ly/bhamnews) to receive updates throughout the project. Learn more about the project at [www.bhamgov.org/oldwoodwardphase3](https://www.bhamgov.org/oldwoodwardphase3).

Sincerely,

Scott D. Zielinski, P.E.  
Assistant City Engineer  
[szielinski@bhamgov.org](mailto:szielinski@bhamgov.org)  
(248)530-1838



MICHIGAN.COM – Serving the  
OBSERVER & ECCENTRIC and HOMETOWN WEEKLY NEWSPAPERS  
6200 Metropolitan Pkwy, Sterling Heights, MI 48312

BE IT MADE KNOWN THAT THE FOLLOWING ADVERTISEMENT APPEARED IN:

Publication: Birmingham Eccentric  
Placed By: City of Birmingham  
Subject: Old Woodward SAD Streetscape  
Date of Publication: February 27 & March 6, 2022

Susan Totoraitis (Susan Totoraitis), being duly sworn, deposes  
and says that the advertising illustrated above/attached was published in the  
Birmingham Eccentric Newspaper following date/s/: Feb. 27 & March 6, 2022,  
INVOICE number 361430, and as an authorized employee of the Observer and  
Eccentric Media, she knows well the facts stated/herein. Cost: \$260.64.

STATE OF MICHIGAN

NOTARIZED BY: Gina Anne Huff

March 8, 2022

DATED: \_\_\_\_\_

Acting in County of Macomb

GINA ANNE HUFF  
NOTARY PUBLIC - STATE OF MICHIGAN  
COUNTY OF LIVINGSTON  
My Commission Expires March 09, 2023

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
VILLAGE OF FRANKLIN  
32325 Franklin Road, Franklin, Michigan 48025

Village Grass and Noxious Weeds Ordinance  
Property Owners and or Parties of Interest:

Notice is hereby given to all persons occupying or owning any property within the Village of Franklin that pursuant to Chapter 1479.01, as amended in the Village Code of Ordinances, it shall be the duty of such owners or occupants to keep all grass and weeds cut below a height of eight (8) inches. If the provisions of the Ordinance are not complied with, the Village shall cause such grass to be cut. The actual cost of such cutting, plus twenty percent (20%) for administration charge, shall be charged to and paid by the owner. If necessary, the Village shall have a lien for the cutting expenses, costs and twenty percent (20%) administration charge, which lien shall be enforced in the manner prescribed by state law for the enforcement of tax liens.

Heather Mydloski  
Village Clerk

Publish: March 06, 2022

LO-0000361566 3x3

NOTICE OF PUBLIC HEARING  
CITY OF BIRMINGHAM

PUBLIC HEARING OF NECESSITY  
PUBLIC HEARING OF CONFIRMATION

Meeting Date, Time, Location:	HEARING OF NECESSITY FOR SPECIAL ASSESSMENT DISTRICT Monday, Monday, March 14, 2022, 7:30 PM Municipal Building, 151 Martin, Birmingham, MI 48009
Meeting Date, Time, Location:	HEARING OF CONFIRMATION FOR SPECIAL ASSESSMENT DISTRICT Monday, April 11, 2022, 7:30 PM Municipal Building, 151 Martin, Birmingham, MI 48009
Project Location:	S. Old Woodward Avenue, from Brown St. to Landon St.
Nature of Improvement:	Construction of sidewalk and streetscape improvements adjacent to all properties within the project area
City Staff Contact:	Scott Zielinski, Assistant City Engineer <a href="mailto:szielinski@bhamgov.org">szielinski@bhamgov.org</a> , (248)530-1838
Notice Requirements:	Mail to affected property owners Publish February 27, 2022 & March 6, 2022
Approved minutes may be reviewed at:	City Clerk's Office

Should you have any statement regarding the above, you are invited to attend the meeting in person or virtually through ZOOM: <https://zoom.us/j/655079760> Meeting ID: 655 079 760

You or your agent may appear at the hearings to express your views; however, if you fail to protest either in person or by letter received on or before the date of the hearing, you cannot appeal the amount of the special assessment to the Michigan Tax Tribunal. Mail any correspondence to: City Clerk, P.O. Box 3001, Birmingham, MI 48012.

The property owner may file a written appeal of the special assessment with the State Tax Tribunal within 30 days after the confirmation of the special assessment roll if that special assessment was protested at the hearing held for the purpose of confirming the roll.

All special assessments, including installment payments, shall, from the date of the confirmation thereof, constitute a lien on the respective lots or parcels assessed, and until paid shall be charged against the respective owners of the lots or parcels assessed.

Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk's Office at 248.530.1880 (voice) or 248.644.5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.

Publish February 27 & March 6, 2022

LO-0000361430 3x6

NOTICE OF PUBLIC HEARINGS  
BIRMINGHAM CITY COMMISSION  
PUBLIC HEARING OF NECESSITY  
PUBLIC HEARING OF CONFIRMATION

Meeting Date, Time, Location:	HEARING OF NECESSITY FOR SPECIAL ASSESSMENT DISTRICT Monday, Monday, March 14, 2022, 7:30 PM Municipal Building, 151 Martin, Birmingham, MI 48009
Meeting Date, Time, Location:	HEARING OF CONFIRMATION FOR SPECIAL ASSESSMENT DISTRICT Monday, April 11, 2022, 7:30 PM Municipal Building, 151 Martin, Birmingham, MI 48009
Project Location:	S. Old Woodward Avenue, from Brown St. to Landon St.
Nature of Improvement:	Replacement and improvement of water and sewer leads meeting the requirements for assessment, for all properties within project area
City Staff Contact:	Scott Zielinski, Assistant City Engineer <a href="mailto:szielinski@bhamgov.org">szielinski@bhamgov.org</a> , (248)530-1838
Notice Requirements:	Mail to affected property owners Publish February 27, 2022 & March 6, 2022
Approved minutes may be reviewed at:	City Clerk's Office

Should you have any statement regarding the above, you are invited to attend the meeting in person or virtually through ZOOM: <https://zoom.us/j/655079760> Meeting ID: 655 079 760

You or your agent may appear at the hearings to express your views; however, if you fail to protest either in person or by letter received on or before the date of the hearing, you cannot appeal the amount of the special assessment to the Michigan Tax Tribunal. Mail any correspondence to: City Clerk, P.O. Box 3001, Birmingham, MI 48012.

The property owner may file a written appeal of the special assessment with the State Tax Tribunal within 30 days after the confirmation of the special assessment roll if that special assessment was protested at the hearing held for the purpose of confirming the roll.

All special assessments, including installment payments, shall, from the date of the confirmation thereof, constitute a lien on the respective lots or parcels assessed, and until paid shall be charged against the respective owners of the lots or parcels assessed.

Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk's Office at 248.530.1880 (voice) or 248.644.5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.

Publish: February 27 & March 6, 2022

LO-0000361429 3x6

INVITATION TO BID  
BID NO. 9941  
ERGOTRON LEARN FIT SIT-STAND DESK  
TROY SCHOOL DISTRICT

The Troy School District will receive firm, sealed bids for furnishing, delivering, and assembling/installing new Ergotron Learn Fit Sit-Stand Desks to 12 different locations within the Troy School District.

Specifications and proposal forms can be obtained online at <http://www.troy.k12.mi.us>. From the main page click the "Business Services" tab listed under "Departments", then click "Purchasing" and scroll down to locate and access the bid documents.

Your proposal and two copies marked "Bid 9941 Ergotron Desks" must be delivered no later than 10:00 a.m., Tuesday, March 15, 2022, Troy School District, Services Building/Technology Department, 4420 Livernois Road, Troy, MI 48098 ATTN: Beth Soggs, Technology Director, at which time all bids will be publicly opened and read aloud immediately thereafter. Bid proposals received after this time will not be considered or accepted.

All questions regarding the bid specified, or the bid terms and conditions will be accepted in writing ONLY and subsequently answered through an addendum to all interested parties. Questions must be received no later than noon, Wednesday, March 9, 2022, and may be emailed to: [bsoggs@troy.k12.mi.us](mailto:bsoggs@troy.k12.mi.us). At no other time prior to the bid opening will questions/concerns be addressed or accepted.

All bidders must provide familial disclosure in compliance with MCL 380.1267 and attach this information to the bid proposal. The bid proposal will be accompanied by a sworn and notarized statement disclosing any familial relationship that exists between the owner or any employee of the bidder and any member of the Troy School Board or the Troy School Districts Superintendent. Also, a sworn and notarized Affidavit of compliance for the Iran Economic Sanctions Act certifying the vendor does and will comply with Public Act 517 of 2012 shall accompany all proposals. Both forms will be enclosed in the specification's booklet that shall be used for this purpose. The District will not accept a bid proposal that does not include these sworn and notarized disclosure statement.

The Troy Board of Education reserves the right to accept or reject any or all bids, either in whole or in part; to award contract to other than the low bidder; to waive any irregularities and/or informalities; and in general to make awards in any manner deemed to be in the best interest of the owner.

Technology Department  
Troy School District  
4420 Livernois Road  
Troy, MI 48098

Publish: March 6, 2022

LO-0000361580 3x6

INVITATION TO BID  
BID NO. 9942  
AVER DOCUMENT  
CAMERAS  
TROY SCHOOL DISTRICT

The Troy School District will receive firm, sealed bids for furnishing and delivering new Aver document cameras.

Specifications and proposal forms can be obtained online at <http://www.troy.k12.mi.us>. From the main page click the "Business Services" tab listed under "Departments", then click "Purchasing" and scroll down to locate and access the bid documents.

Your proposal and two copies marked "Bid 9942 Aver Document Cameras" must be delivered no later than 10:00 a.m., Tuesday, March 15, 2022, Troy School District, Services Building/Technology Department, 4420 Livernois Road, Troy, MI 48098 ATTN: Beth Soggs, Technology Director, at which time all bids will be publicly opened and read aloud immediately thereafter. Bid proposals received after this time will not be considered or accepted.

All questions regarding the bid specified, or the bid terms and conditions will be accepted in writing ONLY and subsequently answered through an addendum to all interested parties. Questions must be received no later than noon, Wednesday, March 9, 2022, and may be emailed to: [bsoggs@troy.k12.mi.us](mailto:bsoggs@troy.k12.mi.us). At no other time prior to the bid opening will questions/concerns be addressed or accepted.

All bidders must provide familial disclosure in compliance with MCL 380.1267 and attach this information to the bid proposal. The bid proposal will be accompanied by a sworn and notarized statement disclosing any familial relationship that exists between the owner or any employee of the bidder and any member of the Troy School Board or the Troy School Districts Superintendent. Also, a sworn and notarized Affidavit of compliance for the Iran Economic Sanctions Act certifying the vendor does and will comply with Public Act 517 of 2012 shall accompany all proposals. Both forms will be enclosed in the specification's booklet that shall be used for this purpose. The District will not accept a bid proposal that does not include these sworn and notarized disclosure statement.

The Troy Board of Education reserves the right to accept or reject any or all bids, either in whole or in part; to award contract to other than the low bidder; to waive any irregularities and/or informalities; and in general to make awards in any manner deemed to be in the best interest of the owner.

Technology Department  
Troy School District  
4420 Livernois Road  
Troy, MI 48098

Publish: March 6, 2022

LO-0000361582 3x6



Baldwin Public Library  
300 W. Merrill Street  
Birmingham, MI 48009  
248-647-1700

NOTICE OF PUBLIC HEARING  
Monday, March 21, 2022 at 7:30 p.m.  
2022-2023 Budget Hearing

The Baldwin Public Library Board of Directors will hold a public hearing on Monday, March 21, 2022, at 7:30 p.m., in the Rotary Tribute and Donor Rooms of the Baldwin Public Library, 300 W. Merrill, Birmingham, MI. Members of the public may attend in person or via Zoom.

This public hearing is being held to consider the 2022-2023 budget for the Baldwin Public Library.

The property tax millage rate proposed to be levied to support the proposed budget will be a subject of this hearing.

Topic: Baldwin Public Library 2022-2023 Budget Hearing  
Time: Mar 21, 2022 07:30 PM Eastern Time

The public may participate via Zoom:  
Join Zoom Meeting: <https://us02web.zoom.us/j/88033156263>  
Meeting ID: 880 3315 6263  
One tap mobile: +13017158592,,88033156263# US (Washington DC)  
+13126266799,,88033156263# US (Chicago)

Public comments may be presented either in person or in writing.

By 5:00 p.m. on Friday, March 18, 2022 you may obtain a copy of the proposed budget by going to the Library's website ([www.baldwinlib.org](http://www.baldwinlib.org)), asking at the Library's Adult Services Reference Desk (248-554-4650), or contacting Robert Stratton (248-554-4684).

Approved minutes of this hearing may be reviewed on the Library's website or at its Business Office.

THIS NOTICE IS GIVEN in accordance with Act 261, 1968 Public Act 267.  
DATE POSTED: February 18, 2022

Persons with disabilities that may require assistance for effective participation in this public meeting should contact the Library at the number (248) 647-1700, or (248) 644-5115 (for the hearing impaired) at least one day before the meeting to request help in mobility, visual, hearing, or other assistance.  
*Las personas con incapacidad que requieren algún tipo de ayuda para la participación en esta sesión pública deben ponerse en contacto con la oficina del escribano de la biblioteca en el número (248) 647-1700 o al (248) 644-5115 (para las personas con incapacidad auditiva) por lo menos un día antes de la reunión para solicitar ayuda a la movilidad, visual, auditiva, o de otras asistencias. (Title VI of the Civil Rights Act of 1964).*

Publish: March 6, 2022

LO-0000361443 3x6.5

OBSERVER & ECCENTRIC  
PART OF THE USA TODAY NETWORK  
hometownlife.com

Find what you need

OBSERVER & ECCENTRIC  
PART OF THE USA TODAY NETWORK  
hometownlife.com

RECEIVED by MSC 12/19/2025 4:47:39 PM

# SOUTH OLD WOODWARD AVE PHASE #3

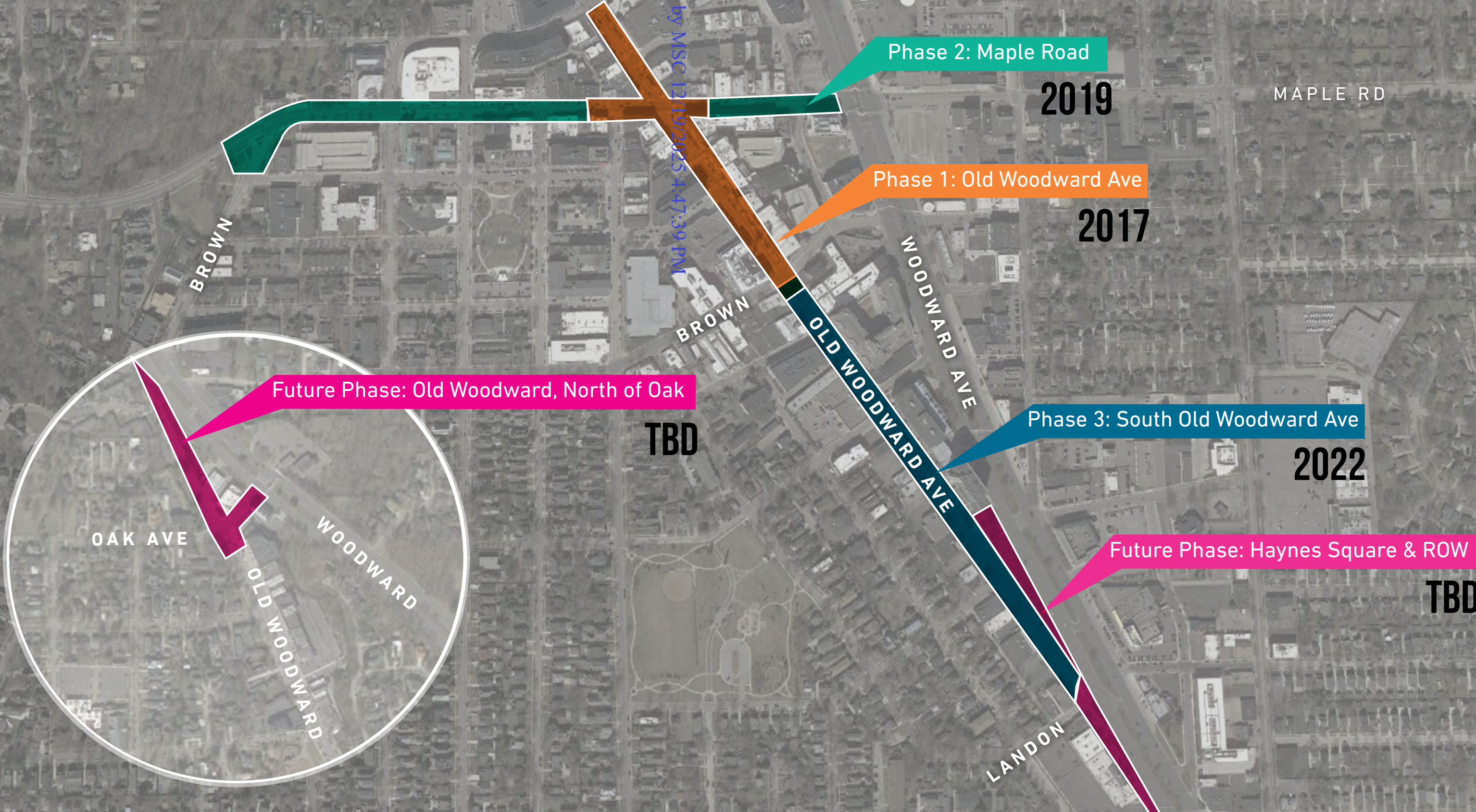
HEARING OF NECESSITY Sidewalks and StreetScape

March 14, 2022



# PROJECT PHASING

RECEIVED by MSC 12/19/2025 4:47:39 PM



# SPECIAL ASSESSMENT DISTRICTS

RECEIVED by MSC 12/19/2025 4:47:39 PM

- Sidewalk & Streetscape Amenities (75% assessed)
  - includes concrete sidewalks, landscaping planters, irrigation, trees, plantings, benches, etc.



# PROJECT GOALS

- **Complement Phase 1 & 2**
- Reduce vehicle speeds, **improve pedestrian safety**
- **Improve walkability** and safety, intuitive crossings
- **Reduce pedestrian and vehicular conflicts**
- Upgrade to be **ADA compliant**
- Add **green space, seating areas, and dining**
- **Optimize parking, scooters and bicycles**
- Integrate **green infrastructure**

RECEIVED by MSO 12/19/2025 4:47:39 PM



# Questions?



RECEIVED by MSC 12/19/2025 4:47:39 PM

# EXHIBIT 5





RECEIVED BY MSC 12/19/2025 4:47:39 PM

					ANGLO IAFRATE CONSTRUCTION CO. (BID 3/21/2022)		Major STREETS		Local STREETS		SEWER MAINS		WATER MAINS		FIBER OPTIC CONDUIT		STREETLIGHTS		SIDEWALKS		Sidewalk STREETScape SAD BREAKDOWN			TOTAL	
No.	ITEMS FOR BID	QUANTITY	UNITS	UNIT PRICE	AMOUNT	101-444.001-981.0100		203-449.001-981.0100		202-449.001-981.0100		203-449.001-981.0100		101-444.001-981.0100		401-901.010-981.0100		101-444.001-981.0100		CITY PORTION 25%	SAD PORTION				
SEWER PAY ITEMS					QUANT	AMOUNT	QUANT	AMOUNT	QUANT	AMOUNT	QUANT	AMOUNT	QUANT	AMOUNT	QUANT	AMOUNT	QUANT	AMOUNT	QUANT	AMOUNT	QUANT	AMOUNT	AMOUNT		
142	Soil Sensor	1	EA	\$ 355.00	\$ 355.00																		\$ 355.00	\$ 355.00	
143	4" PVC Sleeve	1,800	LF	\$ 9.30	\$ 16,740.00																		\$ 16,740.00	\$ 16,740.00	
144	2" PVC Sleeve	4,086	LF	\$ 8.20	\$ 33,505.20																		\$ 33,505.20	\$ 33,505.20	
145	Conduit Stub for Street Light Hanging Basket	54	EA	\$ 180.00	\$ 9,720.00																		\$ 9,720.00	\$ 9,720.00	
<b>SUBTOTAL IRRIGATION PAY ITEMS</b>																							\$ 144,863.00	\$ 144,863.00	
<b>PAVING PAY ITEMS</b>																									
146	Station Grading	20	STA	\$ 21,200.00	\$ 424,000.00																		\$ 424,000.00	\$ 424,000.00	
147	Subgrade Undercutting	640	CY	\$ 65.00	\$ 41,600.00																		\$ 41,600.00	\$ 41,600.00	
148	Excavation for Tree Wells	2,270	CY	\$ 36.00	\$ 81,720.00																		\$ 81,720.00	\$ 81,720.00	
149	Removing Brick Pavers	400	SY	\$ 25.00	\$ 10,000.00																		\$ 10,000.00	\$ 10,000.00	
150	Salvaging & Restoring Brick Pavers on Private Property	490	LF	\$ 40.00	\$ 19,600.00																		\$ 19,600.00	\$ 19,600.00	
151	Removing Concrete Sidewalk & Ramp (sawcutting included)	5,580	SY	\$ 14.00	\$ 78,120.00																		\$ 78,120.00	\$ 78,120.00	
152	Removing Pavement Full Depth (Curb & Gutter included)	16,055	SY	\$ 14.60	\$ 234,403.00																		\$ 234,403.00	\$ 234,403.00	
153	Cold Milling Asphalt, 2"	93	SY	\$ 25.00	\$ 2,325.00																		\$ 2,325.00	\$ 2,325.00	
154	Abandon Ex. Landscape Planters South of Brown Street	1	LS	\$ 4,500.00	\$ 4,500.00																		\$ 4,500.00	\$ 4,500.00	
155	Bituminous Mixture No. 5EML, 1.5" Surface Course	35	TON	\$ 350.00	\$ 12,250.00																		\$ 12,250.00	\$ 12,250.00	
156	Bituminous Mixture No. 4EML, 2.0" Base/Leveling Courses	132	TON	\$ 250.00	\$ 33,000.00																		\$ 33,000.00	\$ 33,000.00	
157	Aggregate Base, MDOT 21AA Limestone, 8"	11,448	SY	\$ 17.60	\$ 201,484.80																		\$ 201,484.80	\$ 201,484.80	
158	Concrete Pavement, Non-reinforced, 7", incl. Integral Detail F2 Curb & Gutter (Parking)	2,977	SY	\$ 63.00	\$ 187,551.00																		\$ 187,551.00	\$ 187,551.00	
159	Concrete Pavement, Non-reinforced, 8", incl. Integral Detail F2 Curb & Gutter (Old Woods)	7,620	SY	\$ 69.00	\$ 525,780.00																		\$ 525,780.00	\$ 525,780.00	
160	Concrete Sidewalk, 4", Scoring Treatment (Includes Integral Curb)	38,680	SF	\$ 8.00	\$ 309,440.00																		\$ 309,440.00	\$ 309,440.00	
161	Concrete Sidewalk, 6", Scoring Treatment (Includes Ramp)	9,480	SF	\$ 10.00	\$ 94,800.00																		\$ 94,800.00	\$ 94,800.00	
162	Concrete Sidewalk, 4", Exposed Aggregate, Scoring Treatment	23,400	SF	\$ 10.25	\$ 239,850.00																		\$ 239,850.00	\$ 239,850.00	
163	Concrete Sidewalk, 6", Exposed Aggregate, Scoring Treatment	4,550	SF	\$ 13.00	\$ 59,150.00																		\$ 59,150.00	\$ 59,150.00	
164	10' Reinforced Concrete Bus Shelter Pad	200	SF	\$ 24.00	\$ 4,800.00																		\$ 4,800.00	\$ 4,800.00	
165	Handicap Ramp Truncated Domes (per ramp)	742	SF	\$ 81.00	\$ 60,102.00																		\$ 60,102.00	\$ 60,102.00	
166	Granite Bollards	9	EA	\$ 2,700.00	\$ 24,300.00																		\$ 24,300.00	\$ 24,300.00	
167	Re-install Granite Bollards at Maple Intersection	1	LS	\$ 4,100.00	\$ 4,100.00																		\$ 4,100.00	\$ 4,100.00	
168	Granite Seatwall on Foundation, Complete	72	LF	\$ 1,470.00	\$ 105,840.00																		\$ 105,840.00	\$ 105,840.00	
169	Install Salvaged Granite Seatwall on new Foundation	24	LF	\$ 385.00	\$ 9,240.00																		\$ 9,240.00	\$ 9,240.00	
170	Bike Rack Hoop	27	EA	\$ 490.00	\$ 13,230.00																		\$ 13,230.00	\$ 13,230.00	
171	Concrete Curb & Gutter, 18", MDOT Type F2, Modified	2,096	LF	\$ 25.00	\$ 52,400.00																		\$ 52,400.00	\$ 52,400.00	
172	Concrete Curb, Exposed Aggregate, 6", Tree Planters	4,247	LF	\$ 105.00	\$ 445,935.00																		\$ 445,935.00	\$ 445,935.00	
173	Pavement Marking, Polyurea, 4 inch, White	2,480	LF	\$ 1.85	\$ 4,588.00																		\$ 4,588.00	\$ 4,588.00	
174	Pavement Marking, Polyurea, 4 inch, Yellow	1,210	LF	\$ 1.85	\$ 2,238.50																		\$ 2,238.50	\$ 2,238.50	
175	Pavement Marking, Polyurea, 4 inch, Blue	840	LF	\$ 1.65	\$ 1,386.00																		\$ 1,386.00	\$ 1,386.00	
176	Pavement Marking, Polyurea, 24 inch Stop Bar, White	150	LF	\$ 9.00	\$ 1,350.00																		\$ 1,350.00	\$ 1,350.00	
177	Pavement Marking, Polyurea, 24 inch Crosshatching, White	1,750	LF	\$ 9.00	\$ 15,750.00																		\$ 15,750.00	\$ 15,750.00	
178	Pavement Marking, Polyurea, Lt Turn Arrow, White	4	EA	\$ 155.00	\$ 620.00																		\$ 620.00	\$ 620.00	
179	Pavement Marking, Polyurea, Only, White	1	EA	\$ 155.00	\$ 155.00																		\$ 155.00	\$ 155.00	
180	Recessing Pavt Mkrgr, Longit	4,530	LF	\$ 0.55	\$ 2,491.50																		\$ 2,491.50	\$ 2,491.50	
181	Recessing Pavt Mkrgr, Transv	3,990	SF	\$ 2.20	\$ 8,778.00																		\$ 8,778.00	\$ 8,778.00	
182	Adjust Structure Cover	12	EA	\$ 680.00	\$ 8,160.00	4.00	\$ 2,720.00			4.00	\$ 2,720.00												\$ 8,160.00	\$ 8,160.00	
183	Cold Patch	50	TON	\$ 315.00	\$ 15,750.00																		\$ 15,750.00	\$ 15,750.00	
184	Temporary Sidewalk Maintenance Aggregate, 21AA	200	CY	\$ 88.00	\$ 17,600.00																		\$ 17,600.00	\$ 17,600.00	
185	Maintenance Aggregate	1	LS	\$ 19,100.00	\$ 19,100.00																		\$ 19,100.00	\$ 19,100.00	
<b>SUBTOTAL PAVING PAY ITEMS</b>						\$ 1,746,945.80		\$ 47,575.00		\$ 2,720.00		\$ 2,720.00		\$ -		\$ 1,577,527.00		\$ 13,340.00		\$ 394,381.75		\$ 1,183,145.25		\$ 1,577,527.00	\$ 3,377,487.80
<b>LANDSCAPE PAY ITEMS</b>																									
186	Structural Soil Mix (30" depth)	56,148	CFT	\$ 3.20	\$ 179,673.60																		\$ 179,673.60	\$ 179,673.60	
187	Organic Plant Soil Mix - Bioswale Planters (30" depth)	7,287	CFT	\$ 3.00	\$ 21,861.00																		\$ 21,861.00	\$ 21,861.00	
188	Organic Plant Soil Mix - Plant Beds (24" depth)	20,008	CFT	\$ 2.80	\$ 56,022.40																		\$ 56,022.40	\$ 56,022.40	
189	Organic Plant Soil Mix - Lawn (6" depth)	1,781	CFT	\$ 3.40	\$ 6,055.40																		\$ 6,055.40	\$ 6,055.40	
190	Bio-Swale Aggregate (Planters and Large Bio-swale)	36	CY	\$ 56.00	\$ 2,016.00																		\$ 2,016.00	\$ 2,016.00	
191	Bio-Swale Pea Gravel (4" depth)	8	CY	\$ 320.00	\$ 2,560.00																		\$ 2,560.00	\$ 2,560.00	
192	Exposed Aggregate Weir	1	LS	\$ 26,000.00	\$ 26,000.00																		\$ 26,000.00	\$ 26,000.00	
193	Native MI Boulders (6-18") and washed stone	7	TON	\$ 1,070.00	\$ 7,490.00																		\$ 7,490.00	\$ 7,490.00	
194	Lawn Sod (includes fine grading and fertilizer)	396	SY	\$ 12.00	\$ 4,752.00																		\$ 4,752.00	\$ 4,752.00	
195	Shredded Hardwood Mulch (3" depth)	1,189	SY	\$ 6.00	\$ 7,014.00																		\$ 7,014.00	\$ 7,014.00	
196	GINKGO BILOBA 'AUTUMN GOLD', 3'-3.5" CAL.	21	EA	\$ 956.00	\$ 20,076.00																		\$ 20,076.00	\$ 20,076.00	
197	LIQUIDAMBAR STYRACIFLUA 'ROTUNDILOBA', 3'-3.5" CAL.	21	EA	\$ 832.00	\$ 17,472.00																		\$ 17,472.00	\$ 17,472.00	
198	PLATANUS X ACERIFOLIA, 3.5-																								

RECEIVED BY MSC 12/19/2025 4:47:39 PM

				ANGLO IAFRATE CONSTRUCTION CO. (BID 3/21/2022)		Major STREETS		Local STREETS		SEWER MAINS		WATER MAINS		FIBER OPTIC CONDUIT		STREETLIGHTS		SIDEWALKS		Sidewalk STREETScape SAD BREAKDOWN			TOTAL																					
No.	ITEMS FOR BID	QUANTITY	UNITS	UNIT PRICE	AMOUNT	101-444.001-981.0100		203-449.001-981.0100		202-449.001-981.0100		203-449.001-981.0100		101-444.001-981.0100		401-901.010-981.0100		101-444.001-981.0100		CITY PORTION 25%		SAD PORTION																						
SEWER PAY ITEMS																						QUANT	AMOUNT	QUANT	AMOUNT	QUANT	AMOUNT	QUANT	AMOUNT	QUANT	AMOUNT	QUANT	AMOUNT	QUANT	AMOUNT	QUANT	AMOUNT	QUANT	AMOUNT	QUANT	AMOUNT	AMOUNT		
213	HEMEROCALLIS X 'HAPPY RETURNS, #1 CONT.	288	EA	\$ 23.00	\$ 6,624.00																	\$ 1,656.00	\$ 4,968.00	\$ 6,624.00																				
214	IRIS VERSICOLOR, #2 CONT.	252	EA	\$ 39.00	\$ 9,828.00																	\$ 9,828.00	\$ 9,828.00	\$ 9,828.00																				
215	LEUCANTHEMUM X SUPERBUM 'SNOW LADY', #1 CONT.	450	EA	\$ 21.00	\$ 9,450.00																	\$ 2,362.50	\$ 7,087.50	\$ 9,450.00																				
216	LIRIOPE MUSCARI 'VARIEGATA', #1 CONT.	757	EA	\$ 23.00	\$ 17,411.00																	\$ 4,352.75	\$ 13,058.25	\$ 17,411.00																				
217	PHYSOSTEGIA VIRGINIANA, #2 CONT.	88	EA	\$ 42.00	\$ 3,696.00																	\$ 3,696.00	\$ 3,696.00	\$ 3,696.00																				
218	RUDBECKIA FULGIDA 'LITTLE GOLDSTAR', #1 CONT.	48	EA	\$ 35.00	\$ 1,680.00																	\$ 1,680.00	\$ 1,680.00	\$ 1,680.00																				
219	SALVIA X SYLVESRIS 'MAY NIGHT', #1 CONT.	32	EA	\$ 22.00	\$ 704.00																	\$ 176.00	\$ 528.00	\$ 704.00																				
220	CALAMAGROSTIS X ACUTIFLORA 'KARL FOERSTER', #3 CONT.	241	EA	\$ 62.00	\$ 14,942.00																	\$ 14,942.00	\$ 14,942.00	\$ 14,942.00																				
221	CAREX VULPINOIDEA, #1 CONT.	348	EA	\$ 35.00	\$ 12,180.00																	\$ 12,180.00	\$ 12,180.00	\$ 12,180.00																				
222	FESTUCA OVINA 'ELIJAH BLUE', #1 CONT.	144	EA	\$ 36.00	\$ 5,184.00																	\$ 1,296.00	\$ 3,888.00	\$ 5,184.00																				
223	JUNCUS TENUIS, #1 CONT.	168	EA	\$ 35.00	\$ 5,880.00																	\$ 5,880.00	\$ 5,880.00	\$ 5,880.00																				
224	PENNISETUM ALOPECUROIDES 'LITTLE BUNNY', #2 CONT.	767	EA	\$ 35.00	\$ 26,845.00																	\$ 26,845.00	\$ 26,845.00	\$ 26,845.00																				
225	SELSERIA AUTUMNALIS, #1 CONT.	539	EA	\$ 38.00	\$ 20,482.00																	\$ 5,120.50	\$ 15,361.50	\$ 20,482.00																				
226	NARCISSUS 'ICE FOLLIES', BULB	282	EA	\$ 2.25	\$ 634.50																	\$ 634.50	\$ 634.50	\$ 634.50																				
227	NARCISSUS 'KING ALFRED', BULB	282	EA	\$ 2.25	\$ 634.50																	\$ 634.50	\$ 634.50	\$ 634.50																				
228	NARCISSUS 'RED DEVON'	282	EA	\$ 2.25	\$ 634.50																	\$ 634.50	\$ 634.50	\$ 634.50																				
<b>SUBTOTAL LANDSCAPE PAY ITEMS</b>																						\$ 579,239.90	\$ 579,239.90	\$ 579,239.90																				
<b>GENERAL PAY ITEMS</b>																																												
229	Critical Path Time Schedule	1	LS	\$ 25,000.00	\$ 25,000.00	0.26	\$ 6,466.20			0.25	\$ 6,243.79	0.08	\$ 2,088.93					0.41	\$ 10,201.08			\$ 2,550.27	\$ 7,650.81	\$ 10,201.08																				
230	Mobilization, (Max. 5% of Bid)	1	LS	\$ 500,000.00	\$ 500,000.00																	\$ 125,000.00	\$ 375,000.00	\$ 500,000.00																				
231	Mobile Field Office	1	LS	\$ 25,000.00	\$ 25,000.00	0.44	\$ 10,923.43			0.42	\$ 10,547.71	0.14	\$ 3,528.86											\$ 25,000.00																				
232	Water and Sewer Allowance	1	LS	\$ 125,000.00	\$ 125,000.00					0.50	\$ 62,500.00	0.50	\$ 62,500.00											\$ 125,000.00																				
233	Snow Fencing	1,500	LF	\$ 5.00	\$ 7,500.00	0.26	\$ 1,939.86			0.25	\$ 1,873.14	0.08	\$ 626.68									\$ 3,060.32	\$ 3,060.32	\$ 3,060.32																				
234	Temporary 6' Tall Chain Link Fencing	775	LF	\$ 15.00	\$ 11,625.00	0.26	\$ 3,006.78			0.25	\$ 2,903.36	0.08	\$ 971.35									\$ 4,743.50	\$ 4,743.50	\$ 4,743.50																				
235	Screen-wall Repair at #588 S. Old Woodward	1	LS	\$ 28,000.00	\$ 28,000.00																	\$ 28,000.00	\$ 28,000.00	\$ 28,000.00																				
236	Stump Grinding	60	HR	\$ 250.00	\$ 15,000.00																	\$ 3,750.00	\$ 11,250.00	\$ 15,000.00																				
237	Vibration Monitoring	1	LS	\$ 84,000.00	\$ 84,000.00	0.26	\$ 21,726.42			0.25	\$ 20,979.13	0.08	\$ 7,018.82									\$ 34,275.63	\$ 34,275.63	\$ 34,275.63																				
238	Street Light Conduit, 4" PVC Schedule 40, 4' deep	80	LF	\$ 45.00	\$ 3,600.00																	\$ 3,600.00	\$ 3,600.00	\$ 3,600.00																				
239	Salvage Existing Signs	1	LS	\$ 500.00	\$ 500.00																		\$ 500.00	\$ 500.00																				
240	New Signs	300	SF	\$ 18.50	\$ 5,550.00																		\$ 5,550.00	\$ 5,550.00																				
241	Sign Post, U-Channel	456	LF	\$ 8.00	\$ 3,648.00																		\$ 3,648.00	\$ 3,648.00																				
242	LED Enhanced Pedestrian Sign & Post (30" W11-2, Solar-Powered)	1	EA	\$ 8,425.00	\$ 8,425.00																		\$ 8,425.00	\$ 8,425.00																				
243	Plywood Pedestrian Fence	3,200	LF	\$ 34.00	\$ 108,800.00																	\$ 108,800.00	\$ 108,800.00	\$ 108,800.00																				
244	Removing Street Light Foundation	45	EA	\$ 475.00	\$ 21,375.00																	\$ 21,375.00	\$ 21,375.00	\$ 21,375.00																				
245	Parking Meter Post	57	EA	\$ 275.00	\$ 15,675.00																	\$ 15,675.00	\$ 15,675.00	\$ 15,675.00																				
246	Inlet Filter	32	EA	\$ 115.00	\$ 3,680.00																	\$ 3,680.00	\$ 3,680.00	\$ 3,680.00																				
247	Inlet Sediment Pit	32	EA	\$ 240.00	\$ 7,680.00																	\$ 7,680.00	\$ 7,680.00	\$ 7,680.00																				
248	Road Closure Assessment, Days @ \$10,000/Day	150	DAYS	\$ 10,000.00	\$ 1,500,000.00	0.26	\$ 387,971.79			0.25	\$ 374,627.37	0.08	\$ 125,336.10									\$ 612,064.74	\$ 612,064.74	\$ 1,500,000.00																				
249	Traffic Maintenance and Control, Days @ \$500/Day (Minimum)	150	DAYS	\$ 2,100.00	\$ 315,000.00	0.44	\$ 137,635.16			0.42	\$ 132,901.15	0.14	\$ 44,463.68									\$ 315,000.00	\$ 315,000.00	\$ 315,000.00																				
<b>SUBTOTAL GENERAL PAY ITEMS</b>							\$ 587,792.64	\$ -	\$ 623,935.66	\$ 246,534.44	\$ -	\$ 24,975.00	\$ 1,331,820.27	\$ 778,619.19	\$ 138,300.27	\$ 414,900.81	\$ 1,331,820.27	\$ 2,815,058.00	\$ 2,815,058.00	\$ 2,815,058.00	\$ 2,815,058.00	\$ 2,815,058.00	\$ 2,815,058.00	\$ 2,815,058.00																				
<b>TOTAL BID:</b>					\$ 10,120,538.95	\$ 2,334,738.44	\$ 47,575.00	\$ 2,310,794.66	\$ 810,893.44	\$ 503,758.50	\$ 24,975.00	\$ 4,087,803.92	\$ 778,619.19	\$ 827,296.18	\$ 2,481,888.55	\$ 4,087,803.92	\$ 10,120,538.95	\$ 10,120,538.95	\$ 10,120,538.95	\$ 10,120,538.95	\$ 10,120,538.95	\$ 10,120,538.95	\$ 10,120,538.95	\$ 10,120,538.95																				

everything but general	\$ 1,746,945.80	\$ 47,575.00	\$ 1,686,859.00	\$ 564,359.00	\$ 503,758.50	\$ -	\$ 2,755,983.65
total for splitting	1,746,945.80		1,686,859.00	564,359.00			2,755,983.65
% for split Street,Sew,Wat,Side	0.26		0.25	0.08			0.41
% split Street,Sew,Wat	0.44		0.42	0.14			
could move			\$ 223,367.00				

City Total							
25% of Private Properties	\$ 827,296.18	\$ 2,481,888.55					\$ 7,305,480.95
25% Direct City Cost							6,754,147.45
includes							1.00
to a city property							433320.18
City total cost	\$ 1,260,616.36						
% of total SAD items	38.09%						

# EXHIBIT 6

**Birmingham City Commission Minutes****March 14, 2022****Municipal Building, 151 Martin****7:30 p.m.****Vimeo Link: <https://vimeo.com/683112653>****I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Therese Longe, Mayor, opened the meeting with the Pledge of Allegiance.

**II. ROLL CALL**

Alexandria Bingham, City Clerk, called the roll.

Present: Mayor Longe  
 Mayor Pro Tem Boutros  
 Commissioner Baller  
 Commissioner Haig  
 Commissioner Host  
 Commissioner McLain  
 Commissioner Schafer

Absent: None

Administration: City Manager Markus, City Clerk Bingham, Assistant City Manager Ecker, City Attorney Kucharek, Consulting City Engineer Surhigh, Assistant City Engineer Zielinski

**III. PROCLAMATIONS, CONGRATULATORY RESOLUTIONS, AWARDS, APPOINTMENTS, RESIGNATIONS AND CONFIRMATIONS, ADMINISTRATION OF OATHS, INTRODUCTION OF GUESTS AND ANNOUNCEMENTS.****Announcements**

Michigan and Oakland County are at a substantial rate of COVID-19 community transmission. Per Occupational Safety and Health Administration (OSHA) mask guidance for areas of high or substantial community transmission levels, and to continue to protect essential government operations and functions, the city requires masks in City Hall for all employees, and for board and commission members. Masks are recommended for members of the public who attend city meetings. The City continues to provide KN-95 respirators for all in-person meeting attendees.

Happy Birthday Commissioner Baller

Mohmadyunes Patel - City Engineer Coming to Birmingham

Congresswoman Haley Stevens

**IV. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA**

- A. Public Comment – Brad Coulter  
 a. Additional communication regarding this submitted public comment has been included.

David Bloom expressed concerns regarding a number of Commissioners’ conduct during and since the 2021 Commission election campaign.

Brad Coulter summarized the content of his submitted written comments. He expressed support for the pending code of conduct and asked that it include any persons and businesses that interact with the City government.

Samuel Oh expressed concerns about recommended upzoning in the Triangle in the 2040 Master Plan draft. He asked that the 2040 Plan maintain the zoning currently recommended for the Triangle in the 2007 Triangle Plan.

**V. CONSENT AGENDA**  
 All items listed on the consent agenda are considered to be routine and will be enacted by one motion and approved by a roll call vote. There will be no separate discussion of the items unless a commissioner or citizen so requests, in which event the item will be removed from the general order of business and considered under the last item of new business.

**03-069-22 Consent Agenda**

The following items were pulled from the Consent Agenda:

Commissioner Haig: Item H – Advisory Parking Committee Resignation – Sarshar Nasserian

**MOTION:** Motion by Mayor Pro Tem Boutros, seconded by Commissioner Host:  
 To approve the Consent Agenda excluding Item H.

ROLL CALL VOTE: Ayes, Mayor Pro Tem Boutros  
 Commissioner Host  
 Commissioner McLain  
 Commissioner Schafer  
 Mayor Longe  
 Commissioner Baller  
 Commissioner Haig

Nays, None

- A. Resolution to approve the City Commission meeting revised minutes of February 14, 2022.
- B. Resolution to approve the City Commission meeting minutes of February 28, 2022.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 2, 2022, in the amount of \$283,691.17.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 9, 2022, in the amount of \$1,671,096.82.
- E. Resolution to approve a special event permit as requested by the Michigan Parkinson Foundation to hold the 2022 Parkinson Walk on Saturday, June 18, 2022, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff leading up to or at the time of the event.

- F. Resolution to approve a special event permit as requested by the HDSA Michigan Chapter to hold Yoga in the Park on Saturday, June 18, 2022, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff leading up to or at the time of the event.
- G. Resolution to accept the resignation of Erin Rodenhouse from the Board of Zoning appeals, to thank her for her service and to direct the City Clerk to begin the process of filling the vacancy.
- I. Resolution to accept the resignation of Pierre Yaldo from the Brownfield Redevelopment Authority, thank him for his service, and to direct the City Clerk to begin the process of filling the vacancy.
- J. Resolution to accept the resignation of David Lurie from the Mutli-Modal Transportation Board, thank him for his service, and to direct the City Clerk to begin the process of filling the vacancy.
- K. Resolution approving a 2-year contract extension (through November 15, 2023) with Birmingham Lawn for lawn maintenance services in an amount not to exceed \$347,562. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funding for this project has been budgeted for using funds from the following other contractual services accounts: \$193,854 in Parks (101-751.000-811.0000), \$55,490 in City Properties (101-441.003-811.0000), \$13,156 in Well Sites (591-537.002-811.0000), \$15,274 in Local Streets (203-449.003-937.0400), \$59,788 in Major Streets (202-449.003-937.0400), and \$10,000 in Grass/Noxious Weed Enforcement (101-441.007-811.0000).

**03-070-22 (Item H) Advisory Parking Committee Resignation – Sarshar Nasserian**

Commissioner Haig and McLain noted it might be necessary to clarify for board applicants that virtual attendance is no longer an option for counting as present, counting towards a quorum, or voting.

Mayor Longe asked that Staff make it clear to applicants that attendance in person is now required for board participation.

**MOTION:** Motion by Commissioner Haig, seconded by Mayor Pro Tem Boutros: To accept the resignation of Sarshar Nasserian from the Advisory Parking Committee, thank him for his service, and to direct the City Clerk to begin the process of filling the vacancy.

**VOICE VOTE:** Ayes, Commissioner Haig  
 Mayor Pro Tem Boutros  
 Commissioner Host  
 Commissioner McLain  
 Commissioner Schafer  
 Mayor Longe  
 Commissioner Baller

Nays, None

**VI. UNFINISHED BUSINESS**

None.

**VII. NEW BUSINESS**

**03-071-22                    S. Old Woodward Ph. 3 Estimated Project Cost Update**

CCE Surhigh presented the item.

In reply to Commission inquiry, CM Markus noted that the geopolitical context often causes costs to diverge from cost estimates. He said those changes do not give him pause in terms of scheduling a hearing of necessity. He said the Commission's decision regarding the viability of this project would come after bids have been received and reviewed. He noted that the bids would inform Staff and the Commission about how the project might impact the City's budget, what changes budgetary changes might be required, and what changes might need to be re-engineered within the project. He stated that the project needs to be done, that the City always repairs sewer and water when such a project is done, and that it is appropriate to address the streetscape at the same time.

Mayor Pro Tem Boutros noted that delaying the project would likely only increase the costs.

Commissioner McLain noted that the S. Old Woodward area is not Americans with Disabilities Act (ADA) compliant, and so it is necessary to redo the street. She said she was glad to be having a transparent conversation about the increase in costs but remained definite that the project must move forward. She noted that a delay would also negatively impact the business owners in the area, who have to deal with uncertainty until the project is complete.

**Public Comment**

Mr. Bloom recommended that the City undertake a re-engineering of the project now so the project would not be further delayed if a re-engineering is needed once bids are received. He also asked whether Plante Moran should revise the City's five-year forecasts in light of the project's estimated cost increases.

**03-072-22                    Public Hearing of Necessity for S. Old Woodward Sidewalk and Streetscape Special Assessment District**

Mayor Longe disclosed that her spouse's landlord has a property in the proposed special assessment district (SAD). She reported being advised by the City Attorney that fact did not represent a conflict of interest.

CA Kucharek confirmed, and said she appreciated the Mayor's transparency.

The Mayor opened the public hearing at 8:27 p.m.

ACE Zielinski presented the item.

The Mayor noted that the Commission received formal protest of this item on behalf of 555 Residential LLC, 555 Commercial LLC, and Manorwood Properties LLC.

The Mayor closed the public hearing at 8:32 p.m.

**MOTION:**                    Motion by Mayor Pro Tem Boutros, seconded by Commissioner Haig:  
To adopt a resolution declaring the necessity of the improvement and of the Special Assessment District with special assessments levied in accordance with benefits against the properties within such assessment district which has been outlined by parcel number and included in the packet before the Commission on pages three, four, five, six, and seven. To further approve the detailed plans and estimates of the costs

prepared by the City Engineer as presented, to prescribe which portion of the costs of such improvements will be paid by special assessment upon the property especially benefited, determining that the benefits received by affected properties and what portion shall be paid by the City, which is 25% paid by the City and 75% assessed against the properties. Furthermore, the delineating of boundaries of the special assessment as defined by parcel numbers on pages three, four, five, six, and seven of the Commission packet, and to determine the method or formula to be used in making the assessment as provided in the Commission packet, in section 7B of the March 14, 2022 Commission packet, and furthermore by direction the Manager to prepare a special assessment roll and to present the same to the Commission for confirmation, which will be completed at the public hearing on April 11, 2022. Furthermore that the special assessment district will include all properties within the following districts as stated, and that the City Commission will meet on Monday, April 11, 2022 at 7:30 p.m. for the purpose of conducting the public hearing to confirm the assessment roll for the sidewalk and street scape improvements adjacent to all properties within the project area on South Old Woodward Avenue, between Brown Street and Landon Street.

### Public Comment

Jason Long, attorney, reiterated his letter on behalf of the 555 Commercial LLC and the 555 Residential LLC protesting the proposed SAD.

Jack Reinhardt, managing partner of the 555 and representative for Manorwood Properties LLC, also spoke against the proposed SAD and aspects of the S. Old Woodward project.

Mark Nickita summarized the lengthy review and study process that went into designing the S. Old Woodward project and recommended the Commission move forward with both the proposed SAD and the project as a whole.

Joe Vicari, owner of the Birmingham Pub, said that losing parking will negatively impact businesses in the S. Old Woodward area and suggested that the Commission delay the project, opining that prices for the project would likely decrease in a few years.

Mr. Bloom recommended that the City find a way to address Mr. Reinhardt's concerns given Mr. Reinhardt's level of investment in the City.

Mayor Pro Tem Boutros and Commissioners Baller, McLain, Host, and Haig conceded that the reconstruction of S. Old Woodward would be uncomfortable for area businesses in the short-term but would ultimately be beneficial to them in the long-term.

Commissioner McLain noted that the impact of the construction on businesses and their parking was at least partially mitigated during Phases One and Two of the project, and said those lessons in mitigation could be replicated on S. Old Woodward in Phase Three.

Mayor Pro Tem Boutros echoed Mr. Nickita's comments, and added that the City has already gone through two previous phases in other areas of the City and seen positive results.

Commissioner Baller acknowledged that customers to the S. Old Woodward area may have to walk a bit farther after the project's completion, but concurred with Mr. Nickita and Mayor Pro Tem Boutros that the improved streetscape would benefit both businesses in the area and the community as a whole.

Commissioner Haig said that while he believed the S. Old Woodward project would improve the area for

businesses and the community, he wished fewer parking spaces could be removed from the S. Old Woodward area. He said he was concerned both about the project potentially increasing parking in the neighborhoods and the potential need to balance out the loss of parking with a new parking deck.

Commissioner Schafer summarized the experience of studying this item as a former Multi-Modal Transportation Board member as far back as Summer 2021. She noted that the S. Old Woodward project would improve the infrastructure, make the area aesthetically more pleasing, improve the area for pedestrians, and improve the area in terms of accessibility. She agreed with Mayor Pro Tem Boutros and Commissioners Baller, McLain, and Haig that those improvements would also benefit the businesses in the area.

Commissioner Host offered his support for the S. Old Woodward project, noting the planned improvements in terms of both safety and aesthetics.

Mayor Longe noted that this is not the final decision on this matter. She noted that the improvements in infrastructure, pedestrian safety, and accessibility are important. She noted that while costs for the project are high now, if more federal infrastructure funding becomes available then prices for the project would only increase and may not level off for a decade.

ROLL CALL VOTE:     Ayes,   Mayor Pro Tem Boutros  
   Commissioner Haig  
   Commissioner Host  
   Commissioner McLain  
   Commissioner Schafer  
   Mayor Longe  
   Commissioner Baller

Nays,   None

**03-073-22                   Public Hearing of Necessity for S Old Woodward Water and Sewer  
 Special Assessment District**

Mayor Longe reiterated her disclosure from the previous item. She opened the public hearing at 9:13 p.m.

ACE Zielinski presented the item.

The Mayor closed the public hearing at 9:15 p.m.

The Mayor noted that the Commission also received formal protest of this item on behalf of 555 Residential LLC, 555 Commercial LLC, and Manorwood Properties LLC.

**MOTION:**                   Motion by Mayor Pro Tem Boutros, seconded by Commissioner Schafer:  
 To declare the necessity to replace the water and sewer lateral for the 10 properties that have been listed in the March 14, 2022 City Commission packet on pages two and three. Further, approving the detailed plans and estimates of costs prepared by the City Engineer that can be found in the March 14, 2022 City Commission packet, 7C, on page four. And further describing the scope of the properties that can be found on pages four and five. Therefore, prescribing the portion of the costs to be paid by special assessment will be 100% by the properties listed. Further direction to the Manager to prepare the special assessment roll that will be completed on Monday, April 11, 2022 for the Commission's confirmation on the roll.

ROLL CALL VOTE: Ayes, Commissioner Haig  
Mayor Pro Tem Boutros  
Commissioner Host  
Commissioner McLain  
Commissioner Schafer  
Mayor Longe  
Commissioner Baller

Nays, None

**Commission Items for Future Discussion.** A motion is required to bring up the item for future discussion at the next reasonable agenda, no discussion on the topic will happen tonight.

In reply to Commissioner Host, CM Markus said he would offer a suggested action on the topics of social districts and food trucks to the Commission at its next meeting.

**Commission discussion on items from prior meeting**

**VIII. REMOVED FROM CONSENT AGENDA**

**IX. COMMUNICATIONS**

A. Eric Wolfe Regarding Rezoning Questions - Staff Responses and Related Communications

**X. REPORTS**

A. Commissioner Reports

1. Notice of intention to appoint Housing Board of Appeals
2. Notice of intention to appoint Brownfield Redevelopment Authority
3. Notice of intention to appoint Board of Zoning Appeals
4. Notice of intention to appoint Advisory Parking Committee
5. Notice of intention to appoint Multi-Modal Transportation Board
6. Notice of intention to appoint Architectural Review Committee

Mayor Longe noted that the number of positions available for appointment should indicate to the Michigan Legislature that the inability for board members to attend board meetings virtually is an issue.

B. Commissioner Comments

Commissioner Haig expressed dismay regarding two fellow Commissioners' conduct during and since the 2021 Commission election campaign. He admonished his fellow Commissioners to commit to adhering to the pending code of conduct and to treating each other with respect.

Commissioner Haig then thanked the Police and Fire Departments for replying to him regarding an inquiry. He noted he also received a clarification from ACM Ecker regarding a question he had asked about tax increment financing, but that correspondence was not included in the agenda package. He concluded by saying that all communications between Commissioners and Staff should be included in the agenda packet, and not just certain communications.

Commissioner McLain recommended that Birmingham residents over 50 years of age, who might have restricted mobility in the case of an emergency, call the Birmingham Fire Department to learn more about Knox Boxes.

Commissioner McLain then recommended the book "Conversations Worth Having: Using Appreciative Inquiry to Fuel Productive and Meaningful Engagement", by Jacqueline M. Stavros, Cheri Torres, David L. Cooperrider, to help inform the Commission's and the public's discourse around developing a code of conduct.

Commissioner Host spoke in favor of developing a code of conduct and of clarifying how conflicts of interest are handled. He noted that the focus of each Commissioner should be addressing the issues affecting the community.

Commissioner Host clarified that while the City funds Birmingham Public Schools, the operations and governance of the school system are completely separate from the Commission.

Commissioner Baller noted that Michigan campaign finance laws make election financing transparent to the community. He continued the Birmingham community includes more than just the City's residents, that those non-resident community members should not be referred to as 'outsiders', and said those non-resident community members deserve the wider community's respect. He noted also that residents have votes in the City, whereas non-residents do not.

Commissioner Host noted that Mr. Coulter apologized for his statement referencing 'outsiders'. Commissioner Host then asked whether it was appropriate to be uncivil to residents, since it is inappropriate to be uncivil to non-residents.

The Mayor expressed appreciation for all the Commissioner comments, and noted that cross-talk was discouraged during Commissioner comments.

Commissioner Haig asked if he could make an additional comment since Commissioner Host was permitted an additional comment.

The Mayor allowed Commissioner Haig to speak again on the basis that the Commissioner said his comment would be brief.

Commissioner Haig agreed with Commissioner Baller that the perspectives of non-resident community members are important. He noted that while he and Commissioner Baller have points of disagreement, he also agrees with Commissioner Baller on many points.

Mayor Longe briefly summarized the meeting she, CM Markus, and ATCM Fairbairn had with General Counsel Shindo from the Japanese Consulate in Detroit.

Commissioner McLain advised her colleagues to try and handle their disagreements quietly and outside of Commission time, so that the focus during Commission meetings can be getting the people's business done.

- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
  - 1. 2021 Annual Golf Report

The Mayor commended DPSD Wood and GOCM Brito on the performance of the City's golf courses.

2. City Manager Annual Performance Update

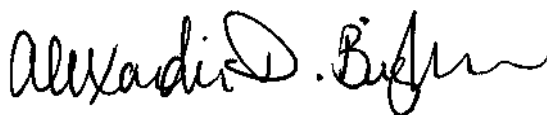
CM Markus summarized the item and said he would schedule his performance review for the first Commission meeting in April.

In reply to Commission inquiry, CM Markus confirmed that the review would be held in closed session and that his term with the City is scheduled to last through the end of June 2023.

INFORMATION ONLY

**XI. ADJOURN**

Mayor Longe adjourned the meeting at 9:37 p.m.



Alexandria Bingham  
City Clerk



Laura Eichenhorn  
City Transcriptionist

# EXHIBIT 7

**Birmingham City Commission Minutes**  
**April 11, 2022**  
**Municipal Building, 151 Martin**  
**7:30 p.m.**  
**Vimeo Link: <https://vimeo.com/693372436>**

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Therese Longe, Mayor, opened the meeting with the Pledge of Allegiance.

**II. ROLL CALL**

Alexandria Bingham, City Clerk, called the roll.

Present: Mayor Longe  
 Mayor Pro Tem Boutros  
 Commissioner Baller  
 Commissioner Haig  
 Commissioner Host  
 Commissioner McLain  
 Commissioner Schafer

Absent: None

Administration: City Manager Markus, City Clerk Bingham, Assistant City Manager Ecker, City Attorney Kucharek, Consulting City Engineer Surhigh, Deputy Treasurer Todd, Parking Manager Weingartz, Assistant City Engineer Zielinski

**III. PROCLAMATIONS, CONGRATULATORY RESOLUTIONS, AWARDS, APPOINTMENTS, RESIGNATIONS AND CONFIRMATIONS, ADMINISTRATION OF OATHS, INTRODUCTION OF GUESTS AND ANNOUNCEMENTS.**

**Announcements**

Per the CDC, COVID-19 Community Level for Oakland County is currently Low. The City continues to recommend the public wear masks while attending city meetings. These precautions are recommended while risks for COVID-19 transmission remain from new variants. All City employees, commissioners and board members must wear a mask while indoors when 6-feet of social distancing cannot be maintained. The City continues to provide KN-95 respirators for all in-person meeting attendees.

As a reminder, the community is encouraged to submit non-emergency concerns or questions to the city via the new GovAlert mobile app. The free app is fast and user-friendly. Simply download the app, available for both iOS and Android devices, and follow the prompts. A short video that explains how to use the app is available at [www.bhamgov.org/govalert](http://www.bhamgov.org/govalert).

Happy Birthday Commissioner Schafer

Proclamation Recognizing Armenian Genocide Remembrance Day

Proclamation Condemning Violence and Discrimination

The City of Birmingham received a grant through Oakland County Parks and Recreation Grant Program made possible by the Mileage that was passed by voters in November 2020. The Oakland County Parks and Recreation (OCPR) Grant Programs were created to assist local communities with planning, preliminary engineering/design, and construction costs directly related to park improvement and trail projects located in Oakland County. The City received the maximum award of \$100,000 for the Adams Park Development Project.

The Historic Greenwood Cemetery was added to the National Parks Service’s National Underground Railroad to Freedom Network.

**04-100-22 To Limit Public Comment to Four Minutes Per Comment**

Due to the public’s interest in speaking on the S. Old Woodward topic, Mayor Longe recommended limiting public comment to four minutes per speaker, for the present meeting only, in order to make sure every speaker had a chance to be heard. She asked whether her fellow Commissioners concurred.

Both MPT Boutros and Commissioner Host concurred. There was no further Commissioner comment.

**MOTION:** Motion by MPT Boutros, seconded by Commissioner Host:  
To limit public comment, for the sake of the evening’s agenda, to four minutes per speaker per comment.

VOICE VOTE: Ayes, MPT Boutros  
Commissioner Host  
Commissioner McLain  
Commissioner Schafer  
Mayor Longe  
Commissioner Haig  
Commissioner Baller

Nays, None

Mayor Longe asked CC Bingham to keep time for comments, and to raise her hand when a speaker had 30 seconds remaining.

**IV. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA**

State Senator Marshall Bullock introduced himself and stated that due to state redistricting he would now be Birmingham’s representative in the State Senate. He described his assignments in the senate, his familiarity with Birmingham, and his commitment to advocating for Birmingham’s interests.

Oakland County Commissioner Chuck Moss updated the Commission about current events at the county level.

Dan Marsh, Executive Director of the Birmingham YMCA, updated the Commission on current Birmingham YMCA programming.

**V. CONSENT AGENDA**

All items listed on the consent agenda are considered to be routine and will be enacted by one motion and approved by a roll call vote. There will be no separate discussion of the items unless a

commissioner or citizen so requests, in which event the item will be removed from the general order of business and considered under the last item of new business.

**04-101-22 Consent Agenda**

The following items were pulled from the Consent Agenda:

Commissioners Haig and Schafer:

Item A – City Commission Minutes of March 28, 2022

Commissioner Haig: Item I – Peabody Street Parking Structure – Emergency Shoring, Additional Column Investigation and Repair

**MOTION:** Motion by Commissioner Baller, seconded by MPT Boutros:  
To approve the Consent Agenda excluding Items A and I, and with Mayor Longe recusing from voting on Item G.

ROLL CALL VOTE:     Ayes, Commissioner Baller  
  MPT Boutros  
  Commissioner Host  
  Commissioner McLain  
  Commissioner Schafer  
  Mayor Longe  
  Commissioner Haig

Nays, None

- B. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 30, 2022, in the amount of \$489,197.83.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated April 6, 2022, in the amount of \$583,776.59.
- D. Resolution approving the contract with KLM Landscape for the purchase and planting of 162 trees for the "2022 Spring Tree Purchase and Plant," for a total project cost not to exceed \$70,800.00. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funds are available from the following accounts: \$17,785.75 from the Local Streets Fund-Forestry Service Contract account #203-449.005-819.0000, \$17,785.75 from the Major Streets Fund-Forestry Service Contract account #202-449.005-819.0000, \$18,614.25 from the Local Streets Fund-Operating Supplies account #203-449.005-729.0000, and \$16,614.25 from the Major Streets Fund-Operating Supplies account #202-449.005-729.0000 for these services.
- E. Resolution to approve the purchase of the larvicide material from Clarke Mosquito Control in the amount not to exceed \$10,772.40. Further, to waive the normal bidding requirements based on the government regulated pricing for this type of material. Funds for this purchase will come from the Sewer Fund-Operating Supplies Account #590-536.002-729.0000.
- F. Resolution to set a public hearing date of May 9, 2022 to consider the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 2225 E. 14 Mile – Our Shepherd – to allow new parking lot landscaping, signage and new covered entries at an existing religious institution in the R2 zoning district.

- G. Resolution to set a public hearing date of May 9, 2022 to consider the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 220 Merrill – 220 Restaurant – to allow the addition of a new outdoor dining platform in the Merrill St. right-of-way.
- H. Resolution authorizing the Request for Qualifications for a professional facilitator to comprehensively guide the City’s strategic planning process and complete the final strategic plan document.

**04-102-22 (Item A) City Commission Minutes of March 28, 2022**

Commissioner Schafer stated that it was she, not Commissioner Host, who nominated Mr. Peard to the Multi-Modal Transportation Board.

Commissioner Haig asked that ‘code enforcement’ be changed to ‘establishments’ at the bottom of page 16.

**MOTION:** Motion by Commissioner Haig, seconded by Commissioner Schafer:  
To approve the City Commission minutes of March 28, 2022.

VOICE VOTE: Ayes, Commissioner Haig  
Commissioner Schafer  
Mayor Longe  
Commissioner Baller  
MPT Boutros  
Commissioner Host  
Commissioner McLain

Nays, None

**04-103-22 (Item I) Peabody Street Parking Structure – Emergency Shoring, Additional Column Investigation and Repair**

In reply to Commissioner Haig, CM Markus and PM Weingartz confirmed that six additional columns in the Peabody Structure were inspected for defects. The six additional columns did not have the same issues as the two that needed to be repaired.

CM Markus stated that this work would extend the life of the Peabody Structure.

**MOTION:** Motion by Commissioner Haig, seconded by Commissioner Host:  
To confirm the City Manager’s authorization for the emergency expenditure related to the repair of the Peabody Street Structure Emergency Shoring, Additional Column Investigation and Repair by Pullman SST Inc. for a cost not to exceed \$235,000.00 to be charged to the Automobile Parking System Fund, Peabody Parking Structure Capital Outlay Building account #585-538.004-977.0000.

ROLL CALL VOTE: Ayes, Commissioner Haig  
Commissioner Host  
Commissioner McLain  
Commissioner Schafer  
Mayor Longe  
Commissioner Baller

MPT Boutros

Nays, None

**VI. UNFINISHED BUSINESS**

None.

**VII. NEW BUSINESS**

The Mayor and CA Kucharek summarized for the public the purposes of Items 04-104-22 and 04-105-22.

Mayor Longe also noted that her spouse’s landlord has an additional property, at which her spouse is not a tenant, within the proposed special assessment district. Upon consultation with the City Attorney, it was determined that this dynamic did not represent a conflict of interest.

CA Kucharek concurred with the Mayor.

**04-104-22 Resolution for Confirming S.A.D. #897S and S.A.D. #897W – S. Old Woodward Water & Sewer Lateral Special Assessment**

Mayor Longe opened the public hearing at 8:02 p.m.

DT Todd presented the item.

Rick Rattner said a report found that the lateral sewer leads to 555 S. Old Woodward were investigated and found not to be a part of this assessment. He asked for confirmation from the City.

CM Markus said it was his understanding that Mr. Rattner’s statement was correct, and that the roll would have to be amended to remove that item.

ACE Zielinski confirmed that the lateral sewer leads to 555 S. Old Woodward were not included in the roll.

The Mayor closed the public hearing at 8:04 p.m.

**MOTION:** Motion by MPT Boutros, seconded by Commissioner Schafer:  
To confirm Special Assessment Rolls 897S and 897W as indicated in the Staff Report.

ROLL CALL VOTE: Ayes, MPT Boutros  
Commissioner Schafer  
Mayor Longe  
Commissioner Baller  
Commissioner Haig  
Commissioner Host  
Commissioner McLain

Nays, None

**04-105-22 Public Hearing Confirming SAD #897 – S. Old Woodward Sidewalk and Streetscape, Phase 3 Project Area**

The Mayor opened the public hearing at 8:05 p.m.

DT Todd presented the item.

The Mayor closed the public hearing at 8:06 p.m.

**MOTION:** Motion by MPT Boutros, seconded by Commissioner Schafer:  
To confirm Special Assessment Roll 897 as indicated in the Staff Report.

ROLL CALL VOTE: Ayes, MPT Boutros  
Commissioner Schafer  
Mayor Longe  
Commissioner Baller  
Commissioner Haig  
Commissioner Host  
Commissioner McLain

Nays, None

**04-106-22 South Old Woodward Phase 3 Paving Project – Contract #1-22 (P)  
Contract Award**

Mayor Longe stated that the Commission received a number of communications regarding this item. She listed the communications received and stated that those communications were included in the public record.

ACE Zielinski, ACM Ecker, Brad Strader of MKSK, and Paul Tulikangas of Nowak & Fraus Engineers presented the item.

CCE Surhigh and ACE Zielinski described the water and sewer updates that occurred in the first two phases of the project and the water and sewer updates that would occur as part of Phase Three.

In reply to Commissioner Host, ACE Zielinski confirmed that the bidder selected for Phase Three also completed Phases One and Two.

It was confirmed for Commissioner McLain that both Phases One and Two were completed early.

In reply to MPT Boutros, Mr. Strader confirmed that the lessons learned from Phases One and Two were being applied in Phase Three.

In reply to Commissioner Haig, Mr. Strader confirmed that the current proposal was the best option for retaining as many parking spaces as possible. He noted that spaces were also retained by adding the infrastructure for electric vehicles (EV) without dedicating any spaces to EV charging at this time.

In reply to the Mayor, Mr. Strader confirmed that 17 parking spaces which would have been lost in previous proposals were added back into the current proposal.

Public Comment

Mayor Longe reminded the public of the four minute limit per speaker per topic.

Bob Krausmann, resident of and realtor for the 555, Daniel Brown, superintendent of the 555, Daniel Morrow, realtor for the 555, Molly Barron, commercial tenant of the 555, Cathy Wilson, business owner on S. Old Woodward, Jodie Ikoff, commercial tenant of the 555, Michelle Russo, general manager of the 555, Blendi Suvaria, operating partner of the Birmingham Pub, and Paul Reagan, resident, expressed concerns about the proposed removal of parking.

Mr. Krausmann provided the Commission with a copy of his letter which outlined his concerns.

Mr. Brown and Ms. Barron also expressed concern about how the proposed location of the bus stop would impact pedestrian safety.

Ms. Barron said that valet services would likely not ameliorate the parking issue during construction since the majority of clients in the area visit for hourly classes, meaning the previous hour's clients would all need to leave at once while the next hour's clients are all arriving.

Michael Lane, area business owner, recommended that the City work with concerned S. Old Woodward business owners to see what accommodations could be made.

John Gardner, business tenant of the 555, and Robert Ziegelman, also a business tenant of the 555, summarized their joint letter to the Commission.

Jack Reinhardt, management agent for the 555, summarized his letter to the Commission.

Rick Rattner, attorney at 380 N. Old Woodward, and a number of other speakers recommended the bus stop remain at Bowers, with possible improvements, instead of being moved in front of the 555.

Mark Nickita, resident near S. Old Woodward, commended Staff and the consultants for the project's public engagement process and the design of the project. He said the project would immensely improve safety and walkability in the S. Old Woodward area.

Stuart Sherman, resident, described the thoroughness of public engagement process and concurred with Mr. Nickita's comments that the project would improve safety and walkability.

Both Messrs. Nickita and Sherman noted that the design of the project had already been approved and was not on the evening's agenda. They both asked the Commission to move the suggested motion.

Cindy Rose, resident near S. Old Woodward, spoke in support of the project.

The Mayor invited Staff to provide clarifying information in reply to some of the concerns raised.

ACE Zielinski clarified that the bus stop would require the removal of two to three parking spaces, not the six mentioned by some speakers. An additional three to four parking spaces at that intersection will have to be removed for safety reasons, regardless of the bus stop's ultimate location.

ACE Zielinski also said he studied parking in the area between 6 a.m. and 8 a.m., which was described by a number of speakers as one of the two peak parking times. He explained that:

- The parking directly in front of the 555 closest to Frank St. is usually fully occupied during that time, with the exception of the accessible parking space;
- The parking on the west side of S. Old Woodward closest to Frank is sometimes occupied during those times, and sometimes not;

- In front of the southern tower of the 555, 10 to 11 parking spaces are usually unoccupied during those times, and across the street from the southern tower of the 555 only one to two parking spaces are usually occupied during those times;
- After 8 a.m. 10 spots are usually open in front of the south part of the 555, and 10 spots are usually open in front of the north part of the 555; and,
- There was limited-to-no use of the parking south of Haynes, and limited use of the parking on the west side of S. Old Woodward.

CM Markus said:

- The project was designed towards improving walkability and safety in the area;
- The City will continue to work with businesses in the area to mitigate the impacts of construction;
- The project's design took into account the differences between N. and S. Old Woodward;
- The bulk of the parking being removed is due to State and Federal safety standards;
- The City continues to work with S. Old Woodward businesses to reduce double driveways to single driveways which could allow the addition of further on-street parking;
- Messrs. Nickita and Sherman were correct that this item was about awarding the contract, and not about the project's design;
- The City could always make further changes to the area if necessary once construction is concluded;
- The Commission could also direct the City to conduct further study if they determine that there is some exceptional need after the contract is awarded; and,
- He recommended that the Commission advance the suggested motion.

**MOTION:**

Motion by Commissioner Baller, seconded by MPT Boutros:

To approve the project budget and award the S. Old Woodward Phase 3 Paving Project #1-22 (P) as presented in the Staff Report.

Commissioner Haig expressed regret that the item was not at a point where possible changes could still be considered. He also noted that conversations occurred between the Multi-Modal Transportation Board, consultants, and Staff about the proposed changes, and that the need for the removal of parking was discussed with the MMTB at that time. He said that while he was not happy about the loss of parking, he was happy about the significant improvements in safety for the area. He said the project would also result in aesthetic improvements to the S. Old Woodward area. He stated that while some of the public would likely appreciate the changes, others would seek to hold the Commission accountable for results they do not appreciate. He stated that almost half of the current Commission was not yet elected during the design process, and could not impact the design process as Commissioners. He said that at this point the Commission had to move the project forward. He said that with the inclusion of his comments he would support the motion.

Commissioner Baller shared his unreserved support for the project. He thanked the public for sharing their opinions, expressed regret that they did not participate in the public engagement process earlier, and stated that the City put immense effort into soliciting public feedback during the design phase. He said the project would result in a much improved S. Old Woodward area and that people would appreciate, and adjust to, the changes. He suggested that the owners of the 555 consider making some of their parking available to patrons visiting the 555's commercial tenants.

Commissioner Host said he supported the motion because of the Commission's charge to safeguard the safety of the City's residents. He stated that while there were some drawbacks to the design, the design would make S. Old Woodward safer, and that the issue of safety remains paramount.

Commissioner McLain concurred with Commissioner Host that safety remains paramount. She said that she could not imagine that the designers did not consider the safety aspect of the project. She said she imagined that there would continue to be conversations about how to improve the safety of the area.

MPT Boutros stated that there was a lengthy design phase, during which as much parking was retained as possible. He explained that the water and sewer infrastructure needs to be improved in the S. Old Woodward area, and that it is appropriate to increase pedestrian safety and walkability as part of that project. He concurred with Commissioner Baller's recommendation that the 555 consider offering parking during the day for the patrons of their commercial tenants. MPT Boutros concluded by offering his support for motion.

Commissioner Schafer concurred with Commissioner Host about the Commission's responsibility for the safety of Birmingham residents, and added that the Commission has a responsibility to those who visit Birmingham as well. She stated that she used to patronize one of the businesses at the 555 and had no issue parking south of Haynes and walking half a block. She said that most people will likely greatly appreciate the improvements to the area. She also attested to the lengthy design and study process. She thanked the consultants and Staff for their work on the project. She concluded by stating her support for both the motion and the project as a whole.

Mayor Longe thanked the Commissioners and public for their comments and letters. She stated the Commission believes it has done its due diligence. She said that while she understood the concerns about the removal of parking, Mr. Nickita was correct in his comments from October 2021 that the water and sewer infrastructure could not be replaced without also making changes to the surface of the street. Consequently, the surface of the road has to be brought into compliance with current safety standards. She noted that MKSK added 17 parking spaces back during the design phase of the project. She said she was glad to hear that the City would continue to ask businesses with two driveways to consider removing one in order to create additional on-street parking. She said she was also glad to hear that the Commission could always raise additional discussion on the project at a future meeting if necessary. She concluded by affirming that the motion on the floor is to approve the contract. She asked the Clerk to call the roll.

ROLL CALL VOTE:     Ayes,   MPT Boutros  
   Commissioner Host  
   Commissioner McLain  
   Commissioner Schafer  
   Mayor Longe  
   Commissioner Baller  
   Commissioner Haig

Nays,   None

**04-107-22                   Request for Closed Session to Discuss a Periodic Personnel Evaluation of the City Manager**

**(A roll call vote is required and the vote must be approved by a 2/3 majority of the commission. The commission will adjourn to closed session after all other business has been addressed in open session and reconvene to open session, after the closed session, for purposes of taking formal action resulting from the closed session and for purposes of adjourning the meeting.)**

**MOTION:**                   Motion by Commissioner Host, seconded by MPT Boutros:

To meet in closed session to discuss the personnel evaluation of the City Manager pursuant to Section 8(a) of the Open Meetings Act.

ROLL CALL VOTE: Ayes, MPT Boutros  
Commissioner Host  
Commissioner McLain  
Commissioner Schafer  
Mayor Longe  
Commissioner Baller  
Commissioner Haig

Nays, None

The Commission went into closed session at 10:30 p.m.

The Commission reconvened into open session at 11:28 p.m.

**Commission Items for Future Discussion.** A motion is required to bring up the item for future discussion at the next reasonable agenda, no discussion on the topic will happen tonight.

**04-108-22 Further Discussion Regarding the Evening's Workshop Topic**

**MOTION:** Motion by Commissioner Baller, seconded by Commissioner Haig:  
To have a brief discussion regarding the topic of the evening's workshop.

VOICE VOTE: Ayes, MPT Boutros  
Commissioner Host  
Commissioner McLain  
Commissioner Schafer  
Mayor Longe  
Commissioner Baller  
Commissioner Haig

Nays, None

**04-109-22 Downtown Parking**

**MOTION:** Motion by Commissioner Host, seconded by Commissioner Haig:  
To consider placing downtown parking on the agenda at the first available opportunity.

In reply to the Mayor, Commissioner Host explained he was looking to clarify what happens in the wake of the parking assessment district.

Commissioner Baller said he was not supportive of the motion.

In reply to the Mayor, CA Kucharek confirmed that parking is prescribed through the City's zoning. She said that further discussion would be inappropriate while a motion was on the table.

VOICE VOTE: Ayes, MPT Boutros  
Commissioner Host

Commissioner Haig

Nays, Commissioner McLain  
Commissioner Schafer  
Mayor Longe  
Commissioner Baller

**Commission discussion on items from prior meeting**

**VIII. REMOVED FROM CONSENT AGENDA**

**IX. COMMUNICATIONS**

**X. REPORTS**

- A. Commissioner Reports
  - 1. Notice of Intention to Appoint to the Board of Building Trade Appeals
- B. Commissioner Comments

Commissioner Host said he would like the Commission to increase collaboration by having at least annual joint workshops with the City's other boards and committees.

Commissioner Host said he hopes noise from Woodward could be lessened as part of the City's work with MDOT to improve safety on Woodward.

- C. Advisory Boards, Committees, Commissioners' Reports and Agendas
- D. Legislation
- E. City Staff
  - 1. 2021 Police Annual Report

The Mayor thanked the Police Department for their work.

INFORMATION ONLY

**XI. ADJOURN**

Mayor Longe adjourned the meeting at 11:28 p.m.



Alexandria Bingham  
City Clerk



Laura Eichenhorn  
City Transcriptionist



**MEMORANDUM**

Planning Division

**DATE:** April 22<sup>nd</sup>, 2022

**TO:** Planning Board Members

**FROM:** Brooks Cowan, Senior Planner

**APPROVED:** Nicholas Dupuis, Planning Director

**SUBJECT:** 588 S. Old Woodward - Phoenicia – Special Land Use Permit Amendment, Final Site Plan & Design Review

The subject site, 588 S. Old Woodward - Phoenicia, is currently a single story restaurant with a Class C Retail – On Premises liquor license. Phoenicia has operated as a restaurant in Birmingham since 1982. Restaurants operating with a Class C license do not have a cap on the amount of indoor or outdoor seating.

The applicant has submitted a Special Land Use Amendment and Final Site Plan and Design Review application proposing a 1,381 square foot addition to the rear of the building to accommodate additional kitchen area and private dining. A new outdoor dining plan is also proposed to accommodate the new sidewalk of the S. Old Woodward Phase 3 construction, as well as some minor changes to the on-site parking lot.

**1.0 Land Use and Zoning**

1. Existing Land Use – Single story Food & Drink establishment.
2. Zoning – B2-B (General Business) and D2 (Downtown Overlay)
3. Summary of Adjacent Land Use and Zoning –

	North	South	East	West
<b>Existing Land Use</b>	Commercial	Commercial	Commercial	Residential
<b>Existing Zoning District</b>	B2-B (General - Business)	B2-B (General - Business)	B3 (Office - Residential)	R3 (Single Family Residential)
<b>Overlay Zoning District</b>	D2	D2	D5	N/A

## 2.0 Setback and Height Requirements

there are currently no issues with bulk, height or placement with the Special Land Use Permit, Final Site Plan/Design Review application submitted.

## 3.0 Screening and Landscaping

1. Dumpster Screening – New dumpster screening is proposed at the southwest corner of the property. The existing dumpster is a 5 yard dumpster that is 7 feet in height which is proposed to be screened by a 7 foot masonry screenwall that will match the existing building, with painted metal posts and painted vertical wood boards for the gates, satisfying requirements of Article 4, Section 4.54(B)(8).
2. Parking Lot Screening – The parking lot is proposed to be screened from S. Old Woodward with 36 inch high Taxus Moon or Hatfield landscaping spaced 18 inches on center. This is a change from the current masonry screenwall. Article 4, Section 4.54(C)(3)(d) of the Zoning Ordinance enables the Planning Board to approve the use of evergreen screening in place of a masonry wall. **The Planning Division recommends the Planning Board approve of the proposed evergreen screening.**  
The existing 6 foot masonry screenwall on the west side of the property will continue to screen the parking lot from the residential zone, satisfying parking lot screening requirements for parking lots adjacent to residential zones of Article 4, Section 4.54(B)(7).
3. Mechanical Equipment Screening – A new ground transformer is proposed in the southwest corner of the property which is screened by the building and the 6 foot rear screenwall. New rooftop mechanical units are proposed which are 10 feet from the southern edge of the roof and have a maximum height of 5.5 feet. Rooftop mechanical units will be screened by 8 feet tall painted metal panels to match the grey stone building color.
4. Landscaping – The applicant has indicated additional landscaping surrounding the building and parking area. As previously mentioned, 36 inch high Taxus Moon or Hatfields will be used to screen three rows of parking from S. Old Woodward. Each row of screening landscaping along S. Old Woodward will be accompanied with a Frontier Hybrid Elm canopy tree 3 to 3.5 inches in caliper.  
The building will retain the northern elevation's existing hydrangea vines on the wall trellises. The site plan also indicates expanded landscaping along the north elevation buffering the parking from the building with 120 virca groundcover

that are 18 inches off center. A new greenspace is proposed in the northwest corner of the property with 6 Limelight Hydrangea, 9 magic carpet spirea, and a Green Vase Zelkova canopy tree 3 inches in caliper.

The proposed landscaping species are not on Birmingham's prohibited species list. Also, Article 4, Section 4.20(C)(1) *Exceptions* excludes properties in the Downtown Overlay District from having to meet the parking lot landscaping requirements of Section 4.20(E) and 4.20(F), therefore the applicant is not required to provide 5% total parking lot landscaping.

5. Streetscape – The applicant is not proposing changes to the streetscape at this time. The S. Old Woodward Phase 3 project provides a number of amenities in front of the subject space including 2 street lights, 5 planter boxes and 7 new trees. 3 new bike racks will be installed in the right-of-way at the northeast corner of the property.

#### 4.0 Parking, Loading and Circulation

1. Parking – The applicant is proposing an additional 1,381 square feet for a total of 4,049 square feet. Food and drink uses in the B2-B zone require 1 parking space for every 75 square foot, **therefore the subject site requires 54 parking spaces.**

Phoenicia is proposing 34 parking spaces on-site, therefore requiring an additional 20 parking spaces. Article 4.45(G)(3) *Methods of Providing Parking Facilities* enables the parking requirement to be met "by the collective provisions of the required off-street parking for 2 or more buildings or uses, provided that the total of such off-street parking areas shall not be less than the sum of the requirements of the various buildings or uses computed separately, and the location of such area meets the requirements of subsection (2) of this section, except as provided in Section 4.45(G)(4)..."

The applicant has indicated a parking lease agreement with the 555 Building for an additional 20 parking spaces to satisfy the parking requirement. City staff have verified that the 555 building has an excess of 20 parking spaces to share which is provided in a parking analysis below. Parking lease agreements are not required to be recorded on the land titles for all affected properties if there is an excess of required parking spaces to be shared.

The applicant has also demonstrated that the property is within 100 feet of the property in which the parking lease agreement has been entered into upon, satisfying proximity requirements of Article 4, Section 4.45(G)(2) of the Zoning

Ordinance. A breakdown of 555 S. Old Woodward's parking requirement, which is zoned B3 Office-Residential, and the excess of 20 parking spaces for the building is included below.

Article 4, Section 4.50(D) *Office, Residential and Restaurant Parking* enables reductions from residential and restaurant requirements for properties in the B3 Office-Residential zone stating, "Where there is combined within a single building, an office use, a residential use, and a commercial restaurant, up to 40% of the parking supplied to meet the requirement for office use may also be used to meet the requirements for residential use and up to 30% of the remaining parking requirement for office use may be used to meet the requirement for the commercial restaurant."

The residential and restaurant reduction values enabled by Article 4, Section 4.50(D) for the 555 building were calculated as follows:

***Office and Residential Parking (40% Reduction)***

Office Parking	128
<u>Reduction</u>	<u>40%</u>
Total	51* (residential reduction used in final calculations)

***Office and Restaurant Parking (30% Reduction)***

Remaining Office	77 (128 -- 51*)
<u>Reduction</u>	<u>30%</u>
Total	23** (restaurant reduction used in final calculations)

The residential and restaurant reduction values for a mixed use building were incorporated into the total parking calculations for the 555 building below:

***Residential***

Unit Type	Units	space / unit	Spaces Required
Studio	11	1	11
One-Bedroom	33	1	33
Two-Bedroom	54	1.25	67.5
Total	98		111.5 (112)
Total after shared office parking reduction (112-51*)			<b>61</b>

<u>Office</u>	SF	Space / SF	Spaces Required
	38,250 SF	300	<b>128</b>



amount of on-site parking required per the Zoning Ordinance total of all uses (356 spaces).

**Considering the excess of 20 total parking spaces at the 555 building, the peak parking demands for Phoenicia, and the amount of available parking spaces in the 555 building's parking structure given recent counts (256-237 spaces), the Planning Division recommends the Planning Board and City Commission approve the parking lease agreement between Phoenicia and the 555 building. The applicant must provide the City with a signed shared parking agreement for 20 parking spaces, or obtain a parking variance from the Board of Zoning Appeals.**

2. Loading – The subject building is less than 5,000 square feet and therefore is not required to provide an on-site loading space that is 40' x 12' x 14'.
3. Vehicular Circulation and Access – Vehicular circulation and access involves a one-way access drive through the parking lot. The proposed ingress and egress access points are proposed to be 10 feet wide and align with the S. Old Woodward Phase 3 plans where thickened concrete will be provided where vehicles must drive across.
4. Pedestrian Circulation and Access – A new door is proposed facing north with an extended walkway connecting the parking lot to the proposed private dining area. The main access will remain facing east towards the new sidewalk on S. Old Woodward.

## 5.0 Lighting

The photometric plan indicates 5 Bega LED wall sconce luminaires - four located along the northern elevation and one on the south elevation near the rear door. The wall sconces will be installed at a height of 12 feet and appear to be full cut-off lights. The site plan indicates 5 lights on the north elevation wall which is one more than on the photometric plan – the applicant will be required to update the photometric plan with all proposed lights.

One pole mounted, full-cut off luminaire at 13 feet in height in the NW corner of the property is proposed to illuminate the parking lot. The new entrance facing north will also have a new recessed, 6" open wall wash LED light to illuminate the entrance.

The photometric plan indicates a circulation area of foot candles ranging from 0.1 to 9.5. Article 4.21(F)(2) & 4.21(F)(3) of the Zoning Ordinance requires circulation areas to have a minimum foot candle level of 0.2 and may not exceed a maximum-to-minimum

ratio of 20:1. The current ratio is 95:1, therefore the applicant must update their photometric plan to satisfy the foot candle requirements for parking lot circulation areas.

The foot candle levels along the property line abutting the single family zone to the west range from 0.1 to 0.5 which is below the 0.6 maximum, therefore satisfying the Zoning Ordinance requirement for illuminance levels.

**The applicant must submit an updated photometric plan with minimum foot candle levels of 0.2 and a minimum to maximum ratio of 20:1 foot candles for the parking lot circulation area or obtain a variance from the Board of Zoning Appeals.**

#### 6.0 Departmental Reports

1. Engineering Division – 5 foot clear sidewalk path must be maintained on sidewalk between the building and outdoor patio.
2. Department of Public Services – Comments will be provided to the Planning Board by April 27<sup>th</sup>, 2022.
3. Fire Department – See attachment for Fire Department Comments.
4. Police Department – The Police Department has no concerns at this time.
5. Building Division – The Building Department has no concerns at this time. See attachment for general comments from the Building Department.
6. Parking Manager – The Parking Manager has no concerns at this time.

#### 7.0 Design Review

The applicant is not proposing any changes to the front of the building facing S. Old Woodward, the windows, planters. And current detailing will remain. All structural changes are proposed in the rear of the building. The existing indoor seating arrangement is proposed to have new seating along the southern portion of the restaurant and have a total of 82 table seats and 9 bar seats. 14 additional seats are proposed in the new expansion with a linear skylight above the table. The private dining area is proposed to be 494 square feet. Two additional indoor bathrooms, kitchen space, and an employee locker room are proposed to modernize the back of house work area. The rear expansion appears to clean up what is now an unorganized and aesthetically unappealing rear storage area with unscreened dumpsters and a wooden shack in close proximity to a residential area.

The northern elevation facing the parking lot will maintain the existing trellises with ivy and add a new door that connects to the private dining area. The new door is emphasized with a grey Mankato stone surrounding. A new window is proposed for the new addition of the private dining area which has a stone header.

The south elevation and west elevation are proposed to continue to be all brick and will be painted to match the existing brick color. A rear door will provide access from the kitchen to dumpster in the back.

Article 4, Section 4.90(B) Window Standards requires building elevations on the ground floor that do not face a frontage line but contain a public entrance to be no less than 30% clear glazing between 1 and 8 feet above grade. The northern elevation is proposed to have a public entrance but very minimal glazing and does not appear to satisfy the window standard requirements. As mentioned previously, the northern elevation is proposed to maintain the existing hydrangea vines on the trellises for the majority of the elevation. Article 4, Section 4.90(E) enables flexibility in glazing requirements and allows the glazing standards to be modified by a majority vote of the Planning Board if the following conditions are met:

- a. The subject property must be in a zoning district that allows mixed uses;
- b. The scale, color, design and quality of materials must be consistent with the building and site on which it is located;
- c. The proposed development must not adversely affect other uses and buildings in the neighborhood;
- d. Glazing above the first story shall not exceed a maximum of 70% of the façade area;
- e. Windows shall be verticle in proportion.

**The Planning Division finds that the proposed site plan satisfies the requirements of Article 4, Section 4.90(E)(a) through 4.90(E)(e) and recommends that the Planning Board vote to allow Phoenicia's northern elevation with a public entrance to have less than 30% clear glazing between 1 and 8 feet.**

#### Outdoor Dining

The applicant is proposing a 36-seat outdoor dining patio directly in front of the tenant space. The design incorporates approved streetscape plans for the S. Old Woodward Phase 3 update with an extended sidewalk. Phoenicia's outdoor dining deck will no longer be in the street on top of parking spaces across from an intersection. The dining area will be buffered from the street by a city planter box with three street trees.

The patio is proposed to exist entirely on public property, therefore the applicant will be expected to apply for an Outdoor Dining Permit annually and enter into a lease agreement with the City for the use of public property as a part of that permit.

To define the space, the applicant is proposing a 42 in. black aluminum perimeter railing with circular detailing around all sides with an opening on the west side. Four grey aluminum planter boxes are proposed also proposed along the sidewalk on the west side of the outdoor seating space to delineate the area. The specifications for the tables and chairs indicate metal and wood as per the ordinance requirements. Two Tucci umbrellas are also proposed above the center tables. One trash receptacle within the outdoor dining area is proposed.

The applicant has also provided dimensions indicating that a 5 ft. clear path will be maintained between the planters along the building frontage and the outdoor dining area which includes the planter boxes.

Signage

No new signs are proposed, the applicant will maintain the existing sign next to the front entrance reading "588 Phoenicia".

**8.0 Required Attachments**

	Submitted	Not Submitted	Not Required
Existing Conditions Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Detailed and Scaled Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Certified Land Survey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Interior Floor Plans	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Landscape Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Photometric Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Colored Elevations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Material Specification Sheets	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Material Samples	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Site & Aerial Photographs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**9.0 Approval Criteria**

In accordance with Article 7, section 7.27 of the Zoning Ordinance, the proposed plans for development must meet the following conditions:

- (1) The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.

- (2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.
- (3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property nor diminish the value thereof.
- (4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.
- (5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.
- (6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

In addition, Article 7, Section 7.26 requires applications for a Special Land Use Permit to meet the following criteria:

- (1) The use is consistent with and will promote the Intent and purpose of this Zoning Ordinance.
- (2) The use will be compatible with adjacent uses of land, the natural environment, and the capabilities of public services and facilities affected by the land use.
- (3) The use is consistent with the public health, safety and welfare of the city.
- (4) The use is in compliance with all other requirements of this Zoning Ordinance.
- (5) The use will not be injurious to the surrounding neighborhood.
- (6) The use is in compliance with state and federal statutes.

#### 10.0 Recommendation

Based on a review of the site plan submitted, the Planning Division recommends that the Planning Board recommend **APPROVAL** to the City Commission the Special Land Use and Final Site Plan/Design Review application for 588 S. Old Woodward – Phoenicia – with the following conditions:

1. The applicant submit a signed parking lease agreement for 20 parking spaces or obtain a variance for required parking spaces from the Board of Zoning Appeals;
2. The applicant submit an updated photometric plan that satisfies the foot candle level requirements for parking lot circulation areas;
3. The Planning Board allow evergreen parking lot screening in place of a masonry screen wall;

- 4. The Planning Board allow the glazing standards for the northern elevation with a public entrance to be modified; and
- 5. The applicant comply with the requests of all City Departments.

**11.0 Sample Motion Language (*Special Land Use Permit*)**

Motion to recommend **APPROVAL** to the City Commission the Special Land Use Permit for 588 S. Old Woodward – Phoenicia – subject to the conditions of Final Site Plan & Design Review approval.

- 1. The applicant submit a signed parking lease agreement for 20 parking spaces or obtain a variance for required parking spaces from the Board of Zoning Appeals;
- 2. The applicant submit an updated photometric plan that satisfies the foot candle level requirements for parking lot circulation areas;
- 3. The Planning Board allow evergreen parking lot screening in place of a masonry screen wall;
- 4. The Planning Board allow the glazing standards for the northern elevation with a public entrance to be modified; and
- 5. The applicant comply with the requests of all City Departments.

**OR**

Motion to **POSTPONE** the Special Land Use Permit for 588 S. Old Woodward – Phoenicia – pending receipt of the following:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

**OR**

Motion to recommend **DENIAL** to the City Commission the Special Land Use Permit for 588 S. Old Woodward – Phoenicia – for the following reasons:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

**12.0 Sample Motion Language (*Final Site Plan & Design Review*)**

((

Motion to recommend **APPROVAL** to the City Commission the Final Site Plan & Design Review for 588 S. Old Woodward – Phoenicia – with the following conditions:

1. The applicant submit a signed parking lease agreement for 20 parking spaces or obtain a variance for required parking spaces from the Board of Zoning Appeals;
2. The applicant submit an updated photometric plan that satisfies the foot candle level requirements for parking lot circulation areas;
3. The Planning Board allow evergreen parking lot screening in place of a masonry screen wall;
4. The Planning Board allow the glazing standards for the northern elevation with a public entrance to be modified; and
5. The applicant comply with the requests of all City Departments.

**OR**

Motion to **POSTPONE** the Final Site Plan & Design Review for 588 S. Old Woodward – Phoenicia – pending receipt of the following:

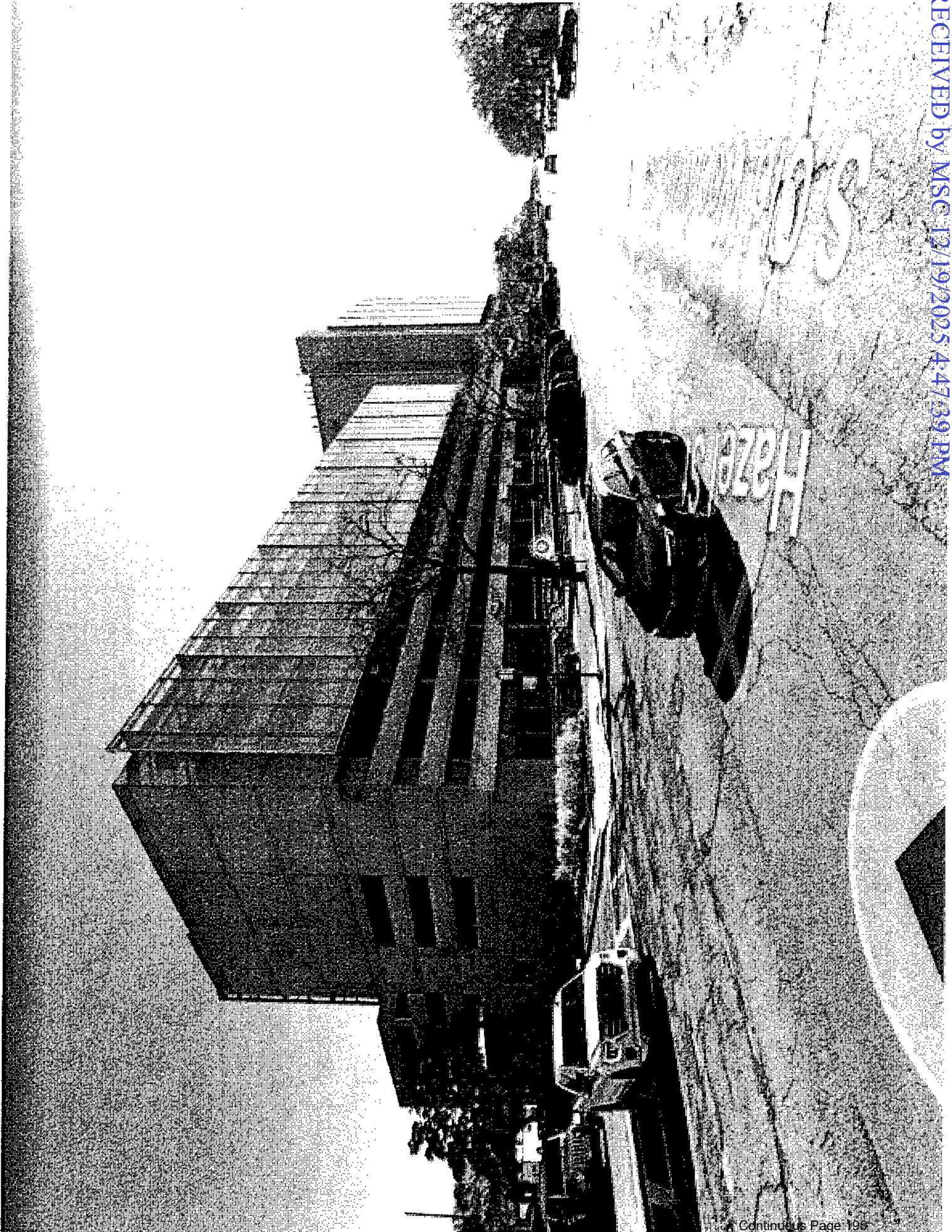
1. The applicant submit a signed parking lease agreement for 20 parking spaces or obtain a variance for required parking spaces from the Board of Zoning Appeals;
2. The applicant submit an updated photometric plan that satisfies the foot candle level requirements for parking lot circulation areas;
3. The Planning Board allow evergreen parking lot screening in place of a masonry screen wall;
4. The Planning Board allow the glazing standards for the northern elevation with a public entrance to be modified; and
5. The applicant comply with the requests of all City Departments.

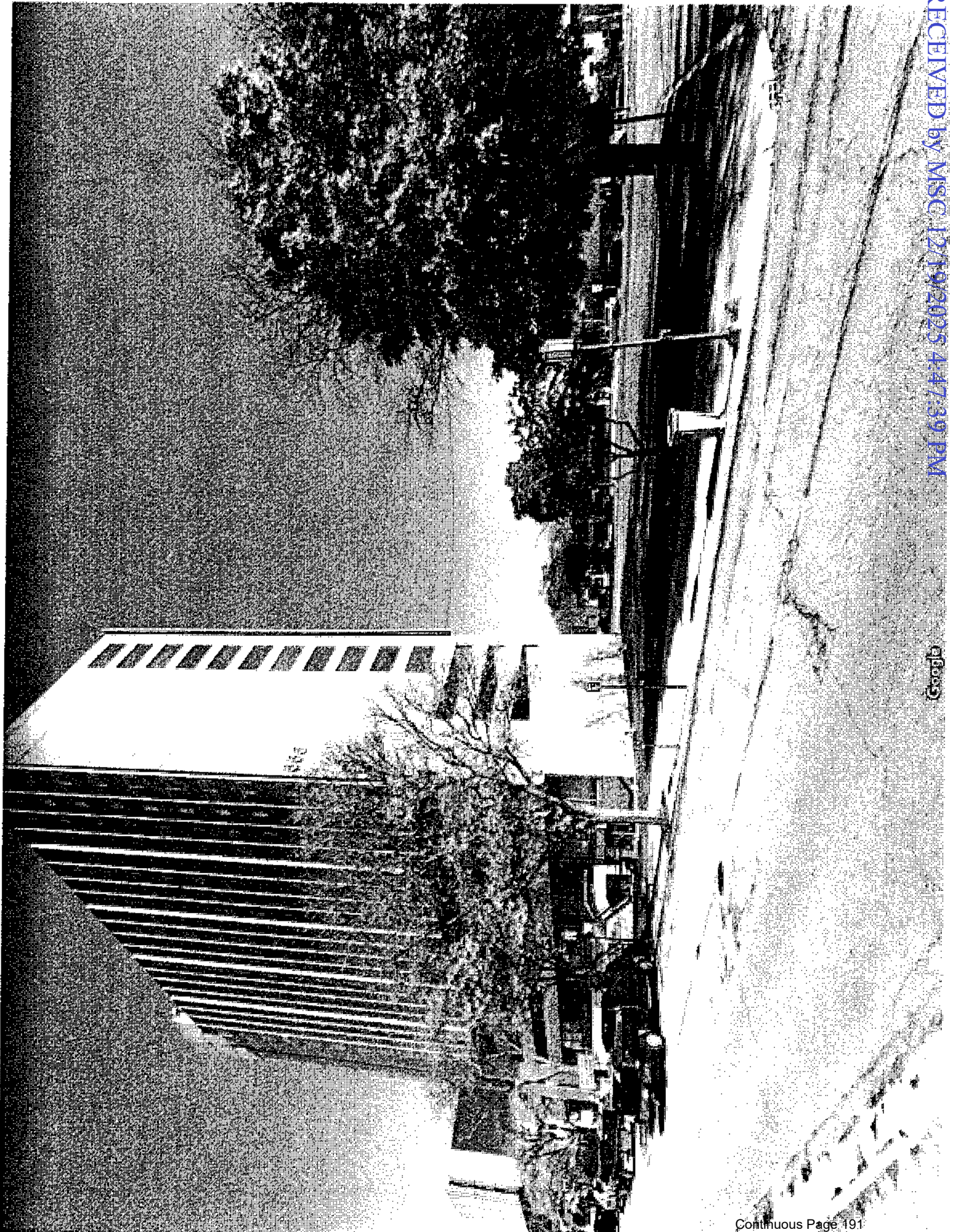
**OR**

Motion to recommend the **DENIAL** to the City Commission the Final Site Plan & Design Review for 588 S. Old Woodward – Phoenicia – for the following reasons:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

12







Parcel Number	26-16-07-216-005	Jurisdiction	City of Birmingham	County	OAKLAND	Printed On	04/14/2012			
Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liberal It. Inc.	Verified By	Printed Trans.		
Property Address	Class: COMMERCIAL-VACANT (Zoning: BV)	Bellevue Parcel(s)		Map	Number	Status				
Owner's Name/Address	Assoc. of 555 LTD PARTNERSHIP 555 S OLD ROADWAY AVE BIRMINGHAM MI 38009-6626	Class: COMMERCIAL-VACANT (Zoning: BV)	Bellevue Parcel(s)	Map	Number	Status				
Tax Description	70% BLDG. ERC IN ASSESSOR'S PLAT NO 13 LOT 17 10-09-07 BK 103-004 Comments/Influences ACQUISITION/ASUM/PA LAND SUBSTITUTION, JT 11-04-07 Parcel 279-004 split to 210-001 002,003	2009 Est. 107,375	Improved	X	Value	Land Value Estimates (for Bond Table) CCM Land Table COM Ind Land Rates 1				
			Public			Description Front Depth Front Depth Rate (Adj) Reason Value				
			Improvements			607/IND RA Rate 6 275.46 241.9 SqFt 75.45000 100 197,275				
			Gravel Road			0.26 Total Acres Total Est. Land Value 197,275				
			X Paved Road							
			X Storm Sewer							
			X Sidewalk							
			X Water							
			X Sewer							
			X Electric							
			X Gas							
			X Cable							
			Street Lights							
			Standard Utilities							
			Underground Utility							
			Topography of Site							
			X Level							
			X Rolling							
			X Hill							
			X Undeveloped							
			X Swamp							
			X Wooded							
			X Open							
			X Waterfront							
			X Marine							
			X Wetland							
			X Flood Plain							
				Year	Land Value	Building Value	Assessed Value	Ratio of Review	Exemption/Other	Taxable Value
				2010	74,800	0	74,800			\$74,800
				2011	74,800	0	74,800			\$74,800
				2012	65,750	0	65,750			\$65,750
				2013	61,940	0	61,940			\$61,940



The Equalized Assessment Act (EA) - 2009  
Licensed Tax County of Oakland, Michigan

\*\*\* Information herein deemed reliable but not guaranteed \*\*\*

Parcel Number: 08-19-36-210-005      Jurisdiction: City of Birmingham      County: OAKLAND      Platted on: 06/14/2022

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Pctgt. Trans.
ASSOCIATES OF 555 LLC	MANORWOOD PROPERTIES LLC	50,000	03/27/2015	PTA	22-OUTLIER		NOT VERIFIED	100.0

Property Address	Class	Zoning	Building Permits	Date	Number	Status
555 S OLD WOODWARD AVE STE 100	COMMERCIAL-INPROV	BI	Alteration/Remodel	08/17/2021	08PS21-0075	Closed
	P.R.E.	01	Other	05/18/2021	08PB21-0443	Closed
	IT Only:		Other	04/28/2021	08PB21-0280	Closed
	2022 Est. TCV 1,499,534	TCV/TTA: 273.32	Other	04/28/2021	08PS21-0012	Closed

Owner's Name/Address	2022 Est. TCV	TCV/TTA	Other
MANORWOOD PROPERTIES LLC 555 S OLD WOODWARD AVE STE 100 BIRMINGHAM MI 48009-6618	1,499,534	273.32	

Tax Description	Improvements	Land Value Estimates	Factors	Value
T2M, R10E, SEC 36 ASSESSOR'S PLAT NO 13 PART OF LOT 12 BEG AT NW COR OF LOT 12, TH N 56-34-10 E 120.34 FT, TH ALG CURVE TO LEFT, RAD 6939.63 FT, CHORD BEARS S 22-42-20 E 35.02 FT, DIST OF 35.02 FT, TH S 55-21-08 W 113.17 FT, TH N 34-27-40 W 36.62 FT TO BEG 0.10 A 2-18-15 FR PREV UNDESC LAND	X Improved	Vacant	COM/IND RA Rate 2 596.65	421.007
	X Public		0.10 Total Acres	421.007
	X Gravel Road		4356 SqFt	
	X Paved Road		96.65000	
	X Storm Sewer		100	
	X Sidewalk			
	X Water			
	X Sewer			
	X Electric			
	X Gas			
X Curb				
X Street Lights				
X Standard Utilities				
X Underground Utils.				

Comments/Influences	Topography of Site	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
1/20/22 MTT REV. PER INFO GATHERED DURING MTT. ADDING FUNCTIONAL OBS FOR LAYOUT AS PARKING STRUCTURE DIVIDES SECOND FLOOR AND FIRST FLOOR IS BLY CUT INTO SIDEWALK. CHGS AS ADJ. #77	X Level	2022	210,500	619,270	849,770			516,500C
09/18/15 - TRIPLE NICKLE BAR/LOUNGE NOW ON ITS OWN PARCEL #21	Rolling	2021	206,470	884,030	1,090,500		500,000T	500,000C
6/01/2017 Updated sketch per on-site review of property. #23	Low	2020	172,060	894,290	1,066,350		515,000T	515,000C
	High	2019	172,060	878,870	1,050,930		1,050,930A	542,720C
	Landscaped							
	Swamp							
	Wooded							
	Pond							
	Waterfront							
	Ravine							
	Mecland							
	Flood Plain							

Who	When	What	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
977	01/20/2022	Other	2022	210,500	619,270	849,770			516,500C
021	09/08/2015	Other	2021	206,470	884,030	1,090,500		500,000T	500,000C
923	06/01/2017	Other	2020	172,060	894,290	1,066,350		515,000T	515,000C
			2019	172,060	878,870	1,050,930		1,050,930A	542,720C

\*\*\* Information herein deemed reliable but not guaranteed\*\*\*

Printed on 02/14/2025

Fiscal Year: 02-15-30-210-005



\*\*\* Information Report issued by the Department of Education \*\*\*

Commercial/Industrial Building/Section 1 of 3 Parcel Number: 08-19-36-210-005 Printed on 06/14/2022

Desc. of Bldg/Section: BLDG 1 SEC 1 Calculator Occupancy: Restaurants		<<<< Calculator Cost Computations >>>> Class: C Quality: Average Stories: 1 Story Height: 11 Perimeter: 380 Overall Building Height: 22																							
Class: C Floor Area: 3,304 Gross Bldg Area: 6,218 Stories Above Grd: 1 Average Sty Hght: 11 Bsmnt Wall Hght:		Construction Cost <table border="1"> <tr> <th>High</th> <th>Above Ave.</th> <th>Ave.</th> <th>X</th> <th>Low</th> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table> ** ** Calculator Cost Data ** ** Quality: Average Heat1: Package Heating & Cooling 100 Heat2: No Heating or Cooling 01 Ave. Sqft/Story: 3304 Ave. Perimeter: 380 Has Elevators:		High	Above Ave.	Ave.	X	Low																	
High	Above Ave.	Ave.	X	Low																					
Dcpr. Table : 24 Effective Age : 9 Physical %Good: 81 Func. %Good : 70 Economic %Good: 100		Base Rate for Upper Floors = 165.85 (10) Heating system: Package Heating & Cooling Cost/Sqft: 19.30 100% Adjusted Square Foot Cost for Upper Floors = 185.15 Total Floor Area: 3,304 Base Cost New of Upper Floors = 611,735 3,307 Sq. Ft. of Sprinklers @ 5.13. Cost New = 16,965 Reproduction/Replacement Cost = 628,700 Eff. Age: 9 Phy. %Good/Abnr. Phy. /Func. /Econ. /Overall %Good: 81 /100/70 /100/58.1 Total Depreciated Cost = 365,275																							
2014 Year Built Reroofed		Area: Perimeter: Type: Heat: Hot Water, Radiant Floor																							
22 Overall Bldg Height		* Mezzanine Info * Area #1: Type #1: Area #2: Type #2:																							
Comments: 1ST FLOOR FUNCTIONAL OBS FOR LAYOUT		* Sprinkler Info * Area: 3307 Type: Average																							
(1) Excavation/Site Prep:		(7) Interior:																							
(2) Foundation: <table border="1"> <tr> <th>Foundings</th> <th>Block</th> </tr> <tr> <td>X Poured Conc</td> <td>Brick/Stone</td> </tr> </table>		Foundings	Block	X Poured Conc	Brick/Stone	(8) Plumbing: <table border="1"> <tr> <th>Many Above Ave.</th> <th>Average Typical</th> <th>Few None</th> </tr> <tr> <td>Total Fixtures</td> <td>Urinals</td> <td></td> </tr> <tr> <td>3-Piece Baths</td> <td>Wash Bowls</td> <td></td> </tr> <tr> <td>2-Piece Baths</td> <td>Water Heaters</td> <td></td> </tr> <tr> <td>Shower Stalls</td> <td>Wash Fountains</td> <td></td> </tr> <tr> <td>Toilets</td> <td>Water Softeners</td> <td></td> </tr> </table>		Many Above Ave.	Average Typical	Few None	Total Fixtures	Urinals		3-Piece Baths	Wash Bowls		2-Piece Baths	Water Heaters		Shower Stalls	Wash Fountains		Toilets	Water Softeners	
Foundings	Block																								
X Poured Conc	Brick/Stone																								
Many Above Ave.	Average Typical	Few None																							
Total Fixtures	Urinals																								
3-Piece Baths	Wash Bowls																								
2-Piece Baths	Water Heaters																								
Shower Stalls	Wash Fountains																								
Toilets	Water Softeners																								
(3) Frame:		(11) Electric and Lighting: <table border="1"> <tr> <th>Outlets:</th> <th>Fixtures:</th> </tr> <tr> <td>Few</td> <td>Few</td> </tr> <tr> <td>Average</td> <td>Average</td> </tr> <tr> <td>Many</td> <td>Many</td> </tr> <tr> <td>Unfinished Typical</td> <td>Unfinished Typical</td> </tr> <tr> <td>Flex Conduit</td> <td>Incandescent</td> </tr> <tr> <td>Rigid Conduit</td> <td>Fluorescent</td> </tr> <tr> <td>Armored Cable</td> <td>Mercury</td> </tr> <tr> <td>Non-Metallic</td> <td>Sodium Vapor</td> </tr> <tr> <td>Bus Duct</td> <td>Transformer</td> </tr> </table>		Outlets:	Fixtures:	Few	Few	Average	Average	Many	Many	Unfinished Typical	Unfinished Typical	Flex Conduit	Incandescent	Rigid Conduit	Fluorescent	Armored Cable	Mercury	Non-Metallic	Sodium Vapor	Bus Duct	Transformer		
Outlets:	Fixtures:																								
Few	Few																								
Average	Average																								
Many	Many																								
Unfinished Typical	Unfinished Typical																								
Flex Conduit	Incandescent																								
Rigid Conduit	Fluorescent																								
Armored Cable	Mercury																								
Non-Metallic	Sodium Vapor																								
Bus Duct	Transformer																								
(4) Floor Structure:		(12) Roof Structure: Slope=0																							
(5) Floor Cover:		(13) Heating and Cooling: <table border="1"> <tr> <th>Gas</th> <th>Coal</th> <th>Hand Fired</th> </tr> <tr> <td>Oil</td> <td>Stoker</td> <td>Boiler</td> </tr> </table>		Gas	Coal	Hand Fired	Oil	Stoker	Boiler																
Gas	Coal	Hand Fired																							
Oil	Stoker	Boiler																							
(6) Ceiling:		(14) Roof Cover:																							
		(19) Miscellaneous: (40) Exterior Wall: <table border="1"> <tr> <th>Thickness</th> <th>Bsmnt Insul.</th> </tr> <tr> <td></td> <td></td> </tr> </table>		Thickness	Bsmnt Insul.																				
Thickness	Bsmnt Insul.																								

\*\*\* Information herein deemed reliable but not guaranteed\*\*\*

Commercial/Industrial Building/Section 2 of 3 Parcel Number: 08-19-16-210-005 Printed on 06/14/2022

Desc. of Bldg/Section: BLDG 1 SEC 2 Calculator Occupancy: Restaurants		<<<< Calculator Cost Computations >>>> Class: C Quality: Average Stories: 1 Story Height: 11 Perimeter: 192 Overall Building Height: 22											
Class: C Floor Area: 1,543 Gross Bldg Area: 6,228 Stories Above Grd: 1 Average Sty Hght: 11 Bsmnt Wall Hght		Construction Cost <table border="1"> <tr> <th>High</th> <th>Above Ave.</th> <th>Ave.</th> <th>X</th> <th>Low</th> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table> ** ** Calculator Cost Data ** ** Quality: Average Heat#1: Package Heating & Cooling 100 Heat#2: No Heating or Cooling 01 Ave. SqFt/Story: 1543 Ave. Perimeter: 192 Has Elevators:		High	Above Ave.	Ave.	X	Low					
High	Above Ave.	Ave.	X	Low									
Depr. Table : 21 Effective Age : 9 Physical %Good: 83 Func. %Good : 70 Economic %Good: 100		Base Rate for Upper Floors = 170.69 (10) Heating system: Package Heating & Cooling Cost/SqFt: 19.86 100 Adjusted Square Foot Cost for Upper Floors = 190.55 Total Floor Area: 1,543 Base Cost New of Upper Floors = 294,019 1,547 Sq. Ft. of Sprinklers @ 5.76, Cost New = 8,911 Reproduction/Replacement Cost = 302,930 Est. Age: 9 Phy. %Good/Abnr. Phy. /Func. /Econ. /Overall %Good: 83 /100/70 /100/58.1 Total Depreciated Cost = 176,002 ECF (E.C.F. Table CAS) 1.840 => TCV of Bldg: 2 = 323,844 Replacement Cost/Floor Area= 195.33 Est. TCV/Floor Area= 209.88											
2014 Year Built Remodeled 22 Overall Bldg Height Comments: 2ND FLOOR. FUNCTIONAL OBS FOR LAYOUT		*** Basement Info *** Area: Perimeter: Type: Heat: No Heating or Cooling * Hexamine Info * Area #1: Type #1: Area #2: Type #2: * Sprinkler Info * Area: 1547 Type: Average											

(1) Excavation/Site Prep:	(7) Interior:	(11) Electric and Lighting:	(39) Miscellaneous:
(2) Foundation:	(8) Plumbing:	Outlets:	(40) Exterior Wall:
X Poured Conc	Many Above Ave.	Few Average Many Unfinished Typical	Thickness Bsmnt Insul.
Brick/Stone	Average Typical	Few Average Many Unfinished Typical	
Block	Total Fixtures	Flex Conduit Rigid Conduit Armored Cable Non-Metallic Bus Duct	
(3) Frame:	3-piece Baths	Mercury Sodium Vapor Transformer	
(4) Floor Structure:	2-piece Baths	(13) Roof Structure: Slope=0	
(5) Floor Cover:	Shower Stalls	(14) Roof Cover:	
(6) Ceiling:	Toilets		
	Urinals		
	Wash Bowls		
	Water Heaters		
	Wash Fountains		
	Water Softeners		
	(9) Sprinklers:		
	(10) Heating and Cooling:		
	Gas Oil Coal Stoker Hand Fired Boiler		

\*\*\* Information herein deemed reliable but not guaranteed\*\*\*

Commercial/Industrial Building/Section 3 of 3 Parcel Number: 08-19-36-210-005 Printed on 06/14/2022

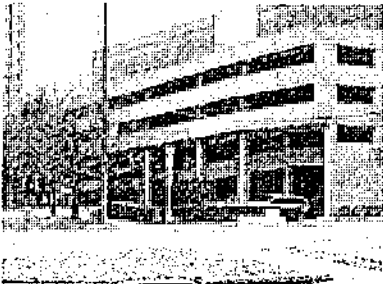
Desc. of Bldg/Section: BLDG 1 SEC J Calculator Occupancy: Restaurants		<<<< Calculator Cost Computations >>>> Class: C Quality: Average Stories: 1 Story Height: 11 Perimeter: 162 Overall Building Height: 22															
Class: C Floor Area: 1,371 Gross Bldg Area: 6,218 Stories Above Grd: 1 Average Story Hght: 11 Basement Wall Hght:		Construction Cost <table border="1"> <tr> <th>High</th> <th>Above Ave.</th> <th>Ave.</th> <th>X</th> <th>Low</th> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>		High	Above Ave.	Ave.	X	Low									
High	Above Ave.	Ave.	X	Low													
Dept. Table : 21 Effective Age : 9 Physical %Good: 83 Func. %Good : 70 Economic %Good: 100		** ** Calculator Cost Data ** ** Quality: Average Heat#1: Package Heating & Cooling 100 Heat#2: No Heating or Cooling 01 Ave. SqFt/Story: 1371 Ave. Perimeter: 162 Has Elevators:															
2014 Year Built Remodeled		Area: Perimeter: Type: Heat: No Heating or Cooling															
22 Overall Bldg Height		*** Basement Info *** Area #1: Type #1: Area #2: Type #2:															
Comments: FUNCTIONAL OBS FOR LAYOUT		* Mezzanine Info * Area: 1371 Type: Average															
(1) Excavation/Site Prep:		(7) Interior:															
(2) Foundation:		(8) Plumbing:															
<table border="1"> <tr> <th>X</th> <th>Poured Conc</th> <th>Brick/Stone</th> <th>Block</th> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </table>		X	Poured Conc	Brick/Stone	Block					<table border="1"> <tr> <th>Many Above Ave.</th> <th>Average Typical</th> <th>Few None</th> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>		Many Above Ave.	Average Typical	Few None			
X	Poured Conc	Brick/Stone	Block														
Many Above Ave.	Average Typical	Few None															
(3) Frame:		<table border="1"> <tr> <th>Total Fixtures</th> <th>Urinals</th> </tr> <tr> <td>3-Piece Baths</td> <td>Wash Bowls</td> </tr> <tr> <td>2-Piece Baths</td> <td>Water Heaters</td> </tr> <tr> <td>Shower Stalls</td> <td>Wash Fountains</td> </tr> <tr> <td>Toilets</td> <td>Water Softeners</td> </tr> </table>		Total Fixtures	Urinals	3-Piece Baths	Wash Bowls	2-Piece Baths	Water Heaters	Shower Stalls	Wash Fountains	Toilets	Water Softeners				
Total Fixtures	Urinals																
3-Piece Baths	Wash Bowls																
2-Piece Baths	Water Heaters																
Shower Stalls	Wash Fountains																
Toilets	Water Softeners																
(4) Floor Structure:		(9) Sprinklers:															
(5) Floor Cover:		(10) Heating and Cooling:															
(8) Ceiling:		<table border="1"> <tr> <th>Gas</th> <th>Coal</th> <th>Hand Fired</th> </tr> <tr> <td>Oil</td> <td>Stoker</td> <td>Boiler</td> </tr> </table>		Gas	Coal	Hand Fired	Oil	Stoker	Boiler								
Gas	Coal	Hand Fired															
Oil	Stoker	Boiler															
		(11) Electric and Lighting:															
		(12) Roof Structure: Slope=0															
		(13) Roof Cover:															
		(14) Exterior Wall:															
		<table border="1"> <tr> <th>Thickness</th> <th>Basmt Insul.</th> </tr> <tr> <td></td> <td></td> </tr> </table>		Thickness	Basmt Insul.												
Thickness	Basmt Insul.																
		(15) Miscellaneous:															
		(16) Outlets:															
		(17) Fixtures:															
		(18) Flex Conduit Rigid Conduit Armored Cable Non-Metallic Bus Duct															
		(19) Incandescent Fluorescent Mercury Sodium Vapor Transformer															

\*\*\* Information herein deemed reliable but not guaranteed\*\*\*



Printed on 6/14/2012

Parcel Number: 62-10-26-016-001



\*\*\* Information herein deemed reliable but not guaranteed\*\*\*

Commercial/Industrial Building/Section 1 of 7 Parcel Number: 08-19-36-210-001 Printed on 06/14/2022

Desc. of Bldg/Section: Building 1, Section 1 Calculator Occupancy: Stores - Retail		<<<< Calculator Cost Computations >>>> Class: C Quality: Average Stories: 1 Story Height: 11 Perimeter: 692																			
Class: C Floor Area: 19,836 Gross Bldg Area: 245,740 Stories Above Grd: 1 Average Str Hght: 11 Basmt Wall Hght:		Construction Cost <table border="1"> <tr> <th>High</th> <th>Above Ave.</th> <th>Avg.</th> <th>X</th> <th>Low</th> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table> ** Calculator Cost Data ** Quality: Average Heat#1: Package Heating & Cooling 100 Heat#2: Package Heating & Cooling 01 Ave. SqFt/Story: 19836 Ave. Perimeter: 692 Has Elevators:		High	Above Ave.	Avg.	X	Low													
High	Above Ave.	Avg.	X	Low																	
Depr. Table : 21 Effective Age : 53 Physical %Good: 40 Func. %Good : 100 Economic %Good: 100		Base Rate for Upper Floors = 80.37 (10) Heating system: Package Heating & Cooling Cost/SqFt: 13.04 1904 Adjusted Square Foot Cost for Upper Floors = 94.21 Total Floor Area: 19,836 Base Cost New of Upper Floors = 1,860,749 19,836 Sq. Ft. of Sprinklers @ 4.09, Cost New = 81,129 Reproduction/Replacement Cost = 1,949,878 Eff. Age: 53 Phy. %Good/Abnr. Phy./Func./Econ./Overall %Good: 40 /100/100/100/40.0 Total Depreciated Cost = 779,951																			
1978 Year Built Remodeled Overall Bldg Height		Area: Perimeter: Type: Heat: Hot Water, Radiant Floor * Mezzanine Info * Area #1: Type #1: Area #2: Type #2: * Sprinkler Info * Area: 19836 Type: Average																			
Comments: 1ST FLOOR (GARDEN LEVEL)		Unit in Place Items 2 STP ELEVATOR CAL PGL197 Rate Quantity Arch %Good Depr. Cost \$819.05 2 1.00 40 4,655 ECF (E.C.F. Table CRL) 1.501 => TCV of Bldg: 1 = 1,177,694 Replacement Cost/Floor Area= 98.89 Est. TCV/Floor Area= 59.37																			
(1) Excavation/Site Prep:		(7) Interior:																			
(12) Foundation:		(8) Plumbing:																			
<table border="1"> <tr> <th>Footings</th> <th>Many Above Ave.</th> <th>Average Typical</th> <th>Few None</th> </tr> <tr> <td>X Poured Conc</td> <td>Brick/Stone</td> <td>Block</td> <td></td> </tr> </table>		Footings	Many Above Ave.	Average Typical	Few None	X Poured Conc	Brick/Stone	Block		<table border="1"> <tr> <th>Total Fixtures</th> <th>Urinals</th> </tr> <tr> <td>3-Piece Baths</td> <td>Wash Bowls</td> </tr> <tr> <td>2-Piece Baths</td> <td>Water Heaters</td> </tr> <tr> <td>Showers Stalls</td> <td>Wash Fountains</td> </tr> <tr> <td>Toilets</td> <td>Water Softeners</td> </tr> </table>		Total Fixtures	Urinals	3-Piece Baths	Wash Bowls	2-Piece Baths	Water Heaters	Showers Stalls	Wash Fountains	Toilets	Water Softeners
Footings	Many Above Ave.	Average Typical	Few None																		
X Poured Conc	Brick/Stone	Block																			
Total Fixtures	Urinals																				
3-Piece Baths	Wash Bowls																				
2-Piece Baths	Water Heaters																				
Showers Stalls	Wash Fountains																				
Toilets	Water Softeners																				
(3) Frame:		Outlets: <table border="1"> <tr> <th>Few Average</th> <th>Many Average</th> </tr> <tr> <td>Unfinished Typical</td> <td>Unfinished Typical</td> </tr> </table>		Few Average	Many Average	Unfinished Typical	Unfinished Typical														
Few Average	Many Average																				
Unfinished Typical	Unfinished Typical																				
(4) Floor Structures:		Flex Conduit Rigid Conduit Armored Cable Non-Metallic Bus Duct Incandescent Fluorescent Mercury Sodium Vapor Transformer																			
(5) Floor Cover:		(11) Roof Structure: Slope=0																			
(6) Ceiling:		(10) Heating and Cooling:																			
		<table border="1"> <tr> <th>Gas</th> <th>Coal</th> <th>Hand Fired</th> </tr> <tr> <td>Oil</td> <td>Stoker</td> <td>Boiler</td> </tr> </table>		Gas	Coal	Hand Fired	Oil	Stoker	Boiler												
Gas	Coal	Hand Fired																			
Oil	Stoker	Boiler																			
		(14) Roof Cover:																			
		(13) Miscellaneous:																			
		(9) Sprinklers:																			
		(10) Exterior Wall:																			
		<table border="1"> <tr> <th>Thickness</th> <th>Basmt Insul.</th> </tr> <tr> <td></td> <td></td> </tr> </table>		Thickness	Basmt Insul.																
Thickness	Basmt Insul.																				

\*\*\* Information herein deemed reliable but not guaranteed\*\*\*

Commercial/Industrial Building/Section 2 of 7 Parcel Number: 08-19-36-210-001 Printed on 06/14/2022

Desc. of Bldg/Section: Building 1, Section 2 Calculator Occupancy: Stores - Retail		<<<< Calculator Cost Computations >>>> Class: C Quality: Average Stories: 1 Story Height: 11 Perimeter: 704																							
Class: C Floor Area: 17,215 Gross Bldg Area: 245,740 Stories Above Grd: 1 Average Story Height: 11 Basement Wall Height:		Construction Cost <table border="1"> <tr> <th>High</th> <th>Above Ave.</th> <th>Ave.</th> <th>X</th> <th>Low</th> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>		High	Above Ave.	Ave.	X	Low																	
High	Above Ave.	Ave.	X	Low																					
Dept. Table : 21 Effective Age : 53 Physical %Good: 40 Func. %Good : 100 Economic %Good: 100		Calculator Cost Data Quality: Average Heat#1: Package Heating & Cooling 100 Heat#2: Package Heating & Cooling 01 Ave. SqFt./Story: 17215 Ave. Perimeter: 704 Has Elevators:																							
1978 Year Built Remodeled		Area: Perimeter: Type: Heat: Hot Water, Radiant Floor																							
Overall Bldg Height		*** Basement Info *** Area: Type: Type #2:																							
Comments: 2ND FLOOR (GROUND LEVEL)		* Mezzanine Info * Area #1: Type #1: Area #2: Type #2: * Sprinkler Info * Area: 17215 Type: Average																							
(1) Excavation/Site Prep:		(7) Interior:																							
(2) Foundation:		(8) Plumbing:																							
<table border="1"> <tr> <th>Footings</th> <th>Block</th> </tr> <tr> <td>X Poured Conc</td> <td>Brick/Stone</td> </tr> </table>		Footings	Block	X Poured Conc	Brick/Stone	<table border="1"> <tr> <th>Many Above Ave.</th> <th>Average Typical</th> <th>Few None</th> </tr> <tr> <td>Total Fixtures</td> <td>Urinals</td> <td></td> </tr> <tr> <td>3-Piece Baths</td> <td>Wash Bowls</td> <td></td> </tr> <tr> <td>2-Piece Baths</td> <td>Water Heaters</td> <td></td> </tr> <tr> <td>Shower Stalls</td> <td>Wash Fountains</td> <td></td> </tr> <tr> <td>Toilets</td> <td>Water Softeners</td> <td></td> </tr> </table>		Many Above Ave.	Average Typical	Few None	Total Fixtures	Urinals		3-Piece Baths	Wash Bowls		2-Piece Baths	Water Heaters		Shower Stalls	Wash Fountains		Toilets	Water Softeners	
Footings	Block																								
X Poured Conc	Brick/Stone																								
Many Above Ave.	Average Typical	Few None																							
Total Fixtures	Urinals																								
3-Piece Baths	Wash Bowls																								
2-Piece Baths	Water Heaters																								
Shower Stalls	Wash Fountains																								
Toilets	Water Softeners																								
(3) Frame:		(11) Electric and Lighting:																							
(4) Floor Structure:		<table border="1"> <tr> <th>Outlets:</th> <th>Fixtures:</th> </tr> <tr> <td>Few Average Many Unfinished Typical</td> <td>Few Average Many Unfinished Typical</td> </tr> <tr> <td>Flex Conduit Rigid Conduit Armored Cable Non-Metallic Bus Duct</td> <td>Incandescent Fluorescent Mercury Sodium Vapor Transformer</td> </tr> </table>		Outlets:	Fixtures:	Few Average Many Unfinished Typical	Few Average Many Unfinished Typical	Flex Conduit Rigid Conduit Armored Cable Non-Metallic Bus Duct	Incandescent Fluorescent Mercury Sodium Vapor Transformer																
Outlets:	Fixtures:																								
Few Average Many Unfinished Typical	Few Average Many Unfinished Typical																								
Flex Conduit Rigid Conduit Armored Cable Non-Metallic Bus Duct	Incandescent Fluorescent Mercury Sodium Vapor Transformer																								
(5) Floor Cover:		(13) Roof Structure: Slope=0																							
(6) Ceiling:		(14) Roof Cover:																							
(10) Heating and Cooling:		(40) Exterior Wall:																							
<table border="1"> <tr> <th>Gas Oil</th> <th>Coal Stoker</th> <th>Hand Fired Boiler</th> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>		Gas Oil	Coal Stoker	Hand Fired Boiler				<table border="1"> <tr> <th>Thickness</th> <th>Bsmnt Insul.</th> </tr> <tr> <td></td> <td></td> </tr> </table>		Thickness	Bsmnt Insul.														
Gas Oil	Coal Stoker	Hand Fired Boiler																							
Thickness	Bsmnt Insul.																								

\*\*\* Information herein deemed reliable but not guaranteed\*\*\*

Commercial/Industrial Building/Section 3 of 7 Parcel Number: 08-19-36-210-001 Printed on 06/14/2022

Desc. of Bldg/Section: BLDG 1 SEC 3 Calculator Occupancy: Garages - Parking Levels (Intermediate/Under		<<<< Calculator Cost Computations >>>> Class: C Quality: Average Stories: 3 Storey Height: 0 Perimeter: 902	
Class: C Floor Area: 105,202 Gross Bldg Area: 245,740 Stories Above Gnd: 3 Average Sty Hght: 8 Bmnt Wall Hght:		Construction Cost High Above Ave. Ave. X Low ** Calculator Cost Data ** Quality: Average Heat#1: Ventilation only, Ducts/Blow 100 Heat#2: No Heating or Cooling 01 Ave. SqFt/Story: 35057 Ave. Perimeter: 902 Has Elevators: X *** Basement Info *** Area: Perimeter: Type: Heat: Hot Water, Radiant Floor * Mezzanine Info * Area #1: Type #1: Area #2: Type #2: * Sprinkler Info * Area: 105202 Type: Average	
Depr. Table : 24 Effective Age : 53 Physical %Good: 40 Eunc. %Good : 100 Economic %Good: 100		Base Rate for Upper Floors = 53.18 (10) Heating system: Ventilation only, Ducts/Blowers Cost/SqFt: 3.57 1001 Adjusted Square Foot Cost for Upper Floors = 56.70 Total Floor Area: 105,202 Base Cost New of Upper Floors = 5,964,953 105,202 Sq.Ft. of Sprinklers @ 3.28, Cost New = 345,063 Reproduction/Replacement Cost = 6,310,016 Eff. Age: 53 Phy. %Good/Abns. Phy./Eunc./Econ./Overall %Good: 40 /100/100/100/40.0 Total Depreciated Cost = 2,524,006 ECF (C.C.F. Table CRL) 1.501 => TCV of Bldg: 3 = 3,788,534 Replacement Cost/Floor Area= 59.98 Est. TCV/Floor Area= 36.01	
1978 Year Built Renodeled Overall Bldg Height		Comments: 3RD, 4TH, & 5TH FLOORS	
(1) Excavation/Site Prep:		(7) Interior:	
(2) Foundation: X Roured Conc Brick/Stone Block		(8) Plumbing: Many Above Ave. Average Typical Few None Total Fixtures 3-Piece Baths Urinals 2-Piece Baths Wash Bowls Shower Stalls Water Heaters Toilets Wash Fountains Water Softeners	
(3) Frame:		(9) Sprinklers:	
(4) Floor Structure:		(10) Heating and Cooling: Gas Coal Hand Fired Oil Stoker Boiler	
(5) Floor Cover:		(11) Electric and Lighting: Outlets: Fixtures: Few Average Average Average Many Many Unfinished Unfinished Typical Typical Flex Conduit Incandescent Rigid Conduit Fluorescent Armored Cable Mercury Non-Metallic Sodium Vapor Bus Duct Transformert	
(6) Ceiling:		(13) Roof Structure: Slope=0	
		(14) Roof Cover:	
		(39) Miscellaneous: (40) Exterior Wall: Thickness Bmnt Insul.	

\*\*\* Information herein deemed reliable but not guaranteed\*\*\*

Commercial/Industrial Building/Section 4 of 7 Parcel Number: 08-19-16-210-001 Printed on 06/14/2022

Desc. of Bldg/Section: Building 1, Section 4 Calculator Occupancy: Office Buildings		<<<< Calculator Cost Computations >>>> Class: C Quality: Average Stories: 3 Story Height: 11 Perimeter: 635	
Class: C Floor Area: 50,043 Gross Bldg Area: 245,740 Stories Above Grd: 3 Average Sty Hght: 11 Basmt Hght: 11		Construction Cost High Above Ave. Ave. X Low ** ** Calculator Cost Data ** ** Quality: Average Heat#1: Package Heating & Cooling 100 Heat#2: Forced Air Furnace 01 Ave. SqFt./Story: 16681 Ave. Perimeter: 635 Has Elevators: X	
Depr. Table : 21 Effective Age : 53 Physical %Good: 40 Func. %Good : 100 Economic %Good: 100		Base Rate for Upper Floors = 116.41 (10) Heating system: Package Heating & Cooling Cost/SqFt: 21.49 100T Adjusted Square Foot Cost for Upper Floors = 137.90 Total Floor Area: 50,043 Base Cost New of Upper Floors = 6,900,930 50,043 Sq.Ft. of Sprinklers @ 3.71, Cost New = 185,660 Reproduction/Replacement Cost = 7,086,590 Eff. Age: 53 Phy. %Good/Abr. Phy. /Econ. /Overall %Good: 40 /100/100/100/40.0 Total Depreciated Cost = 2,834,626 ECF (E.C.F. Table CRL) 1.501 -> TCV of Bldg: 4 = 4,254,789 Replacement Cost/Floor Area= 141.61 Est. TCV/Floor Area= 85.02	
1978 Year Built Remodeled		Area: Perimeter: Type: Heat: Hot Water, Radiant Floor	
Overall Bldg Height		* Mezzanine Info * Area #1: Type #1: Area #2: Type #2:	
Comments: 6TH, 7TH, & 8TH FLOORS		* Sprinkler Info * Area: 50043 Type: Average	
(1) Excavation/Site Prep:		(7) Interior:	
(2) Foundation:		(8) Plumbing:	
% Poured Conc Brick/Stone Block		Many Above Ave. Average Typical Few None Total Fixtures 3-Piece Baths 2-Piece Baths Shower Stalls Toilets Urinals Wash Bowls Water Heaters Wash Fountains Water Softeners	
(3) Frame:		(9) Sprinklers:	
(4) Floor Structure:		(10) Heating and Cooling:	
(5) Floor Cover:		Gas Oil Coal Stoker Hand Fired Boiler	
(6) Ceiling:		(11) Electric and Lighting:	
		Outlets: Fixtures: Few Average Many Unfinished Typical Flex Conduit Rigid Conduit Armored Cable Non-Metallic Bus Duct Incandescent Fluorescent Mercury Sodium Vapor Transformer	
		(13) Roof Structure: Slope=0	
		(14) Roof Cover:	
		(12) Miscellaneous:	
		(40) Exterior Wall:	
		Thickness Basmt Insul.	

\*\*\* Information herein deemed reliable but not guaranteed\*\*\*

Commercial/Industrial Building/Section 5 of 7 Parcel Number: 08-19-36-210-001 Printed on 06/14/2022

Desc. of Bldg/Section: Building 2, Section 1 Calculator Occupancy: Stores - Retail		<<<< Calculator Cost Computations >>>> Class: C Quality: Average Stories: 1 Story Height: 11 Perimeter: 476	
Class: C Floor Area: 9,342 Gross Bldg Area: 245,740 Stories Above Grd: 1 Average Sty Hght: 11 Basmt Wall Hght:		Construction Cost High Above Ave. Ave. X Low ** ** Calculator Cost Data ** ** Quality: Average Heat#1: Package Heating & Cooling 100 Heat#2: Package Heating & Cooling 01 Ave. SqFt/Story: 9342 Ave. Perimeter: 476 Has Elevators:	
Depc. Table : 21 Effective Age : 53 Physical %Good: 40 Func. %Good : 100 Economic %Good: 100		Base Rate for Upper Floors = 86.89 (10) Heating system: Package Heating & Cooling Cost/Sqft: 11.96 100% Adjusted Square Foot Cost for Upper Floors = 101.85 Total Floor Area: 9,342 Base Cost New of Upper Floors = 951,482 9,342 Sq.Ft. of Sprinklers @ 4.59. Cost New = 42,880 Reproduction/Replacement Cost = 994,362 Eff. Age: 53 Phy. %Good/Abnr. Phy./Func./Econ./Overall %Good: 40 /100/100/100/40.0 Total Depreciated Cost = 197,745 ECF (E.C.F. Table CRL) 1.501 => TCV of Bldg: 5 = 597,015 Replacement Cost/Floor Area= 106.44 Est. TCV/Floor Area= 63.91	
1978 Year Built Remodeled Overall Bldg Height		*** Basement Info *** Area: Perimeter: Type: Heat: Hot Water, Radiant Floor	
Comments: 1ST FLOOR (LOWER LEVEL)		* Mezzanine Info * Area #1: Type #1: Area #2: Type #2: * Sprinkler Info * Area: 9342 Type: Average	
(1) Excavation/Site Prep:		(7) Interior:	
(2) Foundation:		(8) Plumbing:	
X Poured Conc Brick/Stone Block		Many Above Ave. Average Typical Few None Total Fixtures 3-Piece Baths Urinals 2-Piece Baths Wash Bowls Shower Stalls Water Heaters Toilets Wash Fountains Water Softeners	
(3) Frame:		(9) Sprinklers:	
(4) Floor Structure:		(10) Heating and Cooling:	
(5) Floor Cover:		Gas Oil Coal Stoker Hand Fired Boiler	
(6) Ceiling:		(11) Electric and Lighting:	
		Outlets: Fixtures: Few Average Many Unfinished Typical Few Average Many Unfinished Typical Flex Conduit Rigid Conduit Armored Cable Non-Metallic Bus Duct Incandescent Fluorescent Mercury Sodium Vapor Transformer	
		(12) Roof Structure: Slope=0	
		(13) Roof Cover:	
		(14) Exterior Wall:	
		Thickness Basmt Insul.	

\*\*\* Information herein deemed reliable but not guaranteed\*\*\*

Commercial/Industrial Building/Section 6 of 7

Parcel Number: 08-19-36-210-001

Printed on

06/14/2022

Desc. of Bldg/Section: Building 2, Section 2 Calculator Occupancy: Stores - Retail		<<<< Calculator Cost Computations >>>> Class: C Quality: Average Stories: 1 Story Height: 11 Perimeter: 498	
Class: C Floor Area: 8,544 Gross Bldg Area: 245,740 Stories Above Grd: 1 Average Sty Hght: 11 Bsmnt Wall Hght:		Construction Cost High Above Ave. Ave. X Low Base Rate for Upper Floors = 89.76	
Depr. Table : 24 Effective Age : 48 Physical %Good: 40 Func. %Good : 100 Economic %Good: 100		** * * Calculator Cost Data * * * * Quality: Average Heat#1: Package Heating & Cooling 100 Heat#2: Package Heating & Cooling 01 Ave. SqFt/Story: 8544 Ave. Perimeter: 498 Has Elevators:	
1978 Year Built Remodeled		(10) Heating System: Package Heating & Cooling Cost/SqFt: 15.46 100% Adjusted Square Foot Cost for Upper Floors = 105.22 Total Floor Area: 8,544 Base Cost Now of Upper Floors = 899,000 8,544 Sq. Ft. of Sprinklers @ 4.59. Cost Now = 39,217 Reproduction/Replacement Cost = 938,217 Eff. Age: 48 Phy. %Good/Abnr. Phy./Func./Econ./Overall %Good: 40 /100/100/100/40.0 Total Depreciated Cost = 375,287	
Overall Bldg Height		DCF (S.C.F. Table CRL) 1.501 => TCV of Bldg: 6 = 563,305 Replacement Cost/Floor Area = 109.81 Est. TCV/Floor Area = 65.93	
Comments: 2ND FLOOR (GROUND LEVEL)		* * * Basement Info * * * Area: Perimeter: Type: Heat: Hot Water, Radiant Floor * Mezzanine Info * Area #1: Type #1: Area #2: Type #2: * Sprinkler Info * Area: 8544 Type: Average	
(1) Excavation/Site Prep:		(7) Interior:	
(2) Foundation:		(8) Plumbing:	
X Poured Conc Brick/Stone Block		Many Above Ave. Average Typical Few None	
(3) Frame:		Total Fixtures 3-Piece Baths Urinals 2-Piece Baths Wash Bowls Shower Stalls Water Heaters Toilets Wash Fountains Water Softeners	
(4) Floor Structure:		(9) Sprinklers:	
(5) Floor Cover:		(10) Heating and Cooling:	
(6) Ceiling:		Gas Oil Coal Hand Fired Stoker Boilers	
		(11) Electric and Lighting:	
		Outlets: Fixtures: Few Average Many Unfinished Typical Few Average Many Unfinished Typical Fier Conduit Rigid Conduit Armored Cable Non-Metallic Bus Duct Incandescent Fluorescent Mercury Sodium Vapor Transformer	
		(13) Roof Structure: Slope=0	
		(14) Roof Cover:	
		(12) Miscellaneous: (140) Exterior Wall: Thickness Bsmnt Insul.	

\*\*\* Information herein deemed reliable but not guaranteed\*\*\*

Commercial/Industrial Building/Section 7 of 7 Parcel Number: 08-19-36-210-001 Printed on 06/14/2022

Desc. of Bldg/Section: Building 2, Section 3 Calculator Occupancy: Garages - Parking Levels (Intermediate/Under		<<<< Calculator Cost Computations >>>> Class: C Quality: Average Stories: 3 Story Height: 8 Perimeter: 457	
Class: C Floor Area: 35,558 Gross Bldg Area: 245,740 Stories Above Grd: 3 Average Sty Hght: 8 Bsmnt Wall Hght:		Construction Cost High Above Ave. Ave. X Low ** Calculator Cost Data ** Quality: Average Heat#1: Ventilation only, Ducts/Blow 100 Heat#2: No Heating or Cooling 0% Avc. SqFt/Story: 11853 Avc. Perimeter: 457 Has Elevators: X	
Depr. Table: 24 Effective Age: 53 Physical %Good: 40 Func. %Good: 100 Economic %Good: 100		Base Rate for Upper Floors = 55.09 (10) Heating system: Ventilation only, Ducts/Blowers Cost/Sqft: 3.65 100% Adjusted Square Foot Cost for Upper Floors = 58.74 Total Floor Area: 35,558 Base Cost New of Upper Floors = 2,088,671 35,558 Sq. Ft. of Sprinklers @ 3.96, Cost New = 140,810 Reproduction/Replacement Cost = 2,229,487 Eff. Age: 53 Phy. %Good/Abnr. Phy./Func./Econ./Overall %Good: 40 /100/100/100/40.0 Total Depreciated Cost = 891,795	
1978 Year Bult Remodeled Overall Bldg Height		*** Basement Info *** Area: Perimeter: Type: Heat: Hot Water, Radiant Floor	
Comments: 3RD, 4TH, & 5TH FLOORS		* Mezzanine Info * Area #1: Type #1: Area #2: Type #2: * Sprinkler Info * Area: 35558 Type: Average	

(1) Excavation/Site Prep:		(7) Interior:		(11) Electric and Lighting:		(39) Miscellaneous:	
(2) Foundation:		(8) Plumbing:		Outlets:			
X	Poured Conc	Brick/Stone	Block	Many Above Ave.	Average Typical	Few None	
(3) Frame:		Total Fixtures	Urinals	Few	Average	Few	
		3-Piece Baths	Wash Bowls	Many	Many	Average	
		2-Piece Baths	Water Heaters	Unfinished Typical	Unfinished Typical	Unfinished Typical	
		Shower Stalls	Wash Fountains	Floor Conduit	Incandescent	Fluorescent	
		Toilets	Water Softeners	Rigid Conduit	Mercury	Sodium Vapor	
(4) Floor Structure:		(9) Sprinklers:		Armored Cable	Transformer	(40) Exterior Wall:	
				Non-Metallic		Thickness	Bsmnt Insul.
				Bus Duct			
(5) Floor Cover:		(10) Heating and Cooling:		(13) Roof Structure: Slope=0			
		Gas	Coal	Hand Fired			
		Oil	Stoker	Boiler	(14) Roof Cover:		
(6) Ceiling:							

\*\*\* Information herein deemed reliable but not guaranteed\*\*\*



## MEMORANDUM

Treasurer's Office

**DATE:** 4/11/2022

**TO:** Thomas M. Markus, City Manager

**FROM:** Jack Todd, Deputy Treasurer  
Mark Gerber, Finance Director/Treasurer

**SUBJECT:** Resolution for Confirming S.A.D. #897  
S. Old Woodward Sidewalk and Streetscape

### INTRODUCTION:

A public hearing on the confirmation of the special assessment roll for streetscape and sidewalk improvements on S. Old Woodward from Brown Street to Landon Street is being held on April 11<sup>th</sup>, 2022. The special assessment will defray the costs to the City for public improvements made to City streetscape and sidewalks on S. Old Woodward from Brown Street to Landon Street. If the City Commission confirms the roll, the property owners who proportionally benefit from these improvements will be assessed for the cost of the improvements.

Due to an increase in cost between the engineers' estimate presented at the Hearing of Necessity and the bid result actual item prices, the City has revised the estimated costs associated with S.A.D. #897. Attached is both an updated estimate cost spreadsheet for the confirmation of the roll for S.A.D. #897 and the spreadsheet for the estimated costs that was presented at the Hearing of Necessity based on the engineers' estimate for the project. Project items associated with the streetscape work have increased approximately 25.1% in cost per linear foot of assessable street frontage between the engineers' estimates to the as bld estimate.

Comments during the hearing of confirmation are limited to those questions or objections submitted in writing or orally specifically addressing the assessment roll pursuant to Section 94-9 of the City Code.

### BACKGROUND:

At the City Commission meeting held on March 14, 2022, the City Commission determined the necessity of the S. Old Woodward Sidewalk and Streetscape project and a Hearing of Confirmation of the Special Assessment Roll was set for April 11<sup>th</sup>, 2022.

### LEGAL REVIEW:

The purpose of this hearing is to review and hear any objections, either in writing or orally, to the special assessment roll. The special assessment roll is a listing of all of the properties and lots to be assessed for the public improvements to the property. Pursuant to the City Code at Sec. 94-9, whenever a special assessment roll shall be confirmed by the Commission, it should be final and conclusive.

**FISCAL IMPACT:**

If confirmed, the City would collect \$2,048,568.37 from the Sidewalk Streetscape SAD. Property owners have ten (10) years to pay the special assessment.

**PUBLIC COMMUNICATIONS:**

Property owners were notified by first class mail of the public hearing dates. If the City Commission confirms the special assessment rolls, the Treasurer's office will notify the property owners in the special assessment district of the confirmation and the lien on their property by first class mail.

**SUMMARY:**

The Treasurer's office recommends that the City Commission conduct the public hearing of confirmation of special assessment district 897 and further to confirm the rolls as attached to this memo.

**ATTACHMENTS:**

- Proposed Special Assessment Roll
- Pre-Bid Estimate for Proposed SAD
- Memorandum: Hearing of Necessity for S. Old Woodward Sidewalk and Streetscape SAD
- Memorandum: Clerk's Office Confirmation of Public Hearing of Necessity and Confirmation: Old Woodward Streetscape Special Assessment District
- Letter of Protest of Special Assessment from The New 555 Residential, LLC; The New 555 Commercial, LLC; and Manorwood Properties, LLC dated March 14, 2022

**SUGGESTED COMMISSION ACTION:**

Make a motion adopting a resolution confirming special assessment roll 897 as follows:

**WHEREAS**, Special Assessment Roll, designated Roll No. 897, has heretofore been estimated by the City Engineer, and prepared for collection by the City Treasurer; and

**WHEREAS**, notice was given pursuant to Section 94-7 of the City Code, to each owner or party-in-interest of property and lots to be assessed contained in this roll, by first class mail, and by publication in the newspaper and generally circulated in the City; and

**WHEREAS**, at said hearing held on April 11, 2022, all those property owners and/or lot owners, or their representatives have been given an opportunity to be heard for any objections to the roll and costs thereof for said special assessment roll; and

**WHEREAS**, the Commission, after considering all objections before them, either orally or in writing, to the special assessment roll, and having made such a record, the Commission determines that it is satisfied with said special assessment roll; and

**WHEREAS**, the Commission, after hearing all objections and making a record, has deemed that such assessments are in proportion to the benefits received; and

**WHEREAS**, the Commission directs the City Manager to spread the various sums in amounts appearing thereon as prepared by the City Engineer to be placed on the special assessment roll; and

**WHEREAS**, the placement of the special assessment roll shall be on file in the City Clerk's Office; and

**WHEREAS**, the City Commission directs the City Clerk to attach his/her warrant to a certified copy of the special assessment roll within ten (10) days; and

**WHEREAS**, the City Commission commands the City Treasurer to bill and collect the special assessments to be due within sixty (60) days of billing; and

**WHEREAS**, the City Commission further directs the Treasurer to give notice by first class mail to each property owner on the special assessment roll that the roll has been confirmed on this date; and

**WHEREAS**, the Treasurer is directed to notify by first class mail each property owner or lot owner on the special assessment roll of their obligation to pay the amount assessed; and

**WHEREAS**, the Special Assessment Notice will include the amount to be paid, the time to be paid, and any interest obligated for the installment payments; and

**WHEREAS**, when the special assessment will be paid in installments, the notice shall state the due date of the first installment and the date from which interest will be charged on all future installments.

**NOW, THEREFORE, BE IT RESOLVED**, that Special Assessment Roll No. 897 be in all things ratified and confirmed, and that the City Clerk be and is hereby instructed to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement.

**BE IT FURTHER RESOLVED**, that special assessment shall be payable in ten (10) payments as provided in Section 94-10 of the Code of the City of Birmingham, with an annual interest rate of four and one-half percent (4.5%) on all unpaid installments.

Streetscape Special Assessment 897 Roll						
Estimate Based on Bld						
Parcel No.	Property Address				Sq Ft	Total
08-19-36-204-027	300	S	OLD WOODWARD AVE			\$ 65,160.93
08-19-36-205-026	442	S	OLD WOODWARD AVE			\$ 55,386.79
08-19-36-205-041	444	S	OLD WOODWARD AVE			\$ 55,680.01
08-19-36-205-043	400	S	OLD WOODWARD AVE	#100		\$ 85,425.98
08-19-36-208-016	355	S	OLD WOODWARD AVE			\$ 94,613.67
08-19-36-208-017	401	S	OLD WOODWARD AVE		236,140	\$ 103,714.52
08-19-36-208-019	411	S	OLD WOODWARD AVE	#501	753	\$ 330.72
08-19-36-208-020	411	S	OLD WOODWARD AVE	#503	713	\$ 313.16
08-19-36-208-021	411	S	OLD WOODWARD AVE	#505	713	\$ 313.16
08-19-36-208-022	411	S	OLD WOODWARD AVE	#507	615	\$ 270.11
08-19-36-208-025	411	S	OLD WOODWARD AVE	#515	519	\$ 227.95
08-19-36-208-026	411	S	OLD WOODWARD AVE	#517	519	\$ 227.95
08-19-36-208-027	411	S	OLD WOODWARD AVE	#521	645	\$ 283.29
08-19-36-208-028	411	S	OLD WOODWARD AVE	#523	699	\$ 307.01
08-19-36-208-029	411	S	OLD WOODWARD AVE	#525	699	\$ 307.01
08-19-36-208-030	411	S	OLD WOODWARD AVE	#527	699	\$ 307.01
08-19-36-208-031	411	S	OLD WOODWARD AVE	#529	699	\$ 307.01
08-19-36-208-032	411	S	OLD WOODWARD AVE	#531	702	\$ 308.32
08-19-36-208-033	411	S	OLD WOODWARD AVE	#530	804	\$ 353.12
08-19-36-208-034	411	S	OLD WOODWARD AVE	#528	1,120	\$ 491.91
08-19-36-208-035	411	S	OLD WOODWARD AVE	#524	1,120	\$ 491.91
08-19-36-208-036	411	S	OLD WOODWARD AVE	#522	1,454	\$ 638.61
08-19-36-208-037	411	S	OLD WOODWARD AVE	#518	1,860	\$ 816.93
08-19-36-208-038	411	S	OLD WOODWARD AVE	#514	793	\$ 348.29
08-19-36-208-039	411	S	OLD WOODWARD AVE	#512	825	\$ 362.35
08-19-36-208-040	411	S	OLD WOODWARD AVE	#510	2,665	\$ 1,170.49
08-19-36-208-041	411	S	OLD WOODWARD AVE	#508	995	\$ 437.01
08-19-36-208-043	411	S	OLD WOODWARD AVE	#504	995	\$ 437.01
08-19-36-208-044	411	S	OLD WOODWARD AVE	#502	995	\$ 437.01
08-19-36-208-045	411	S	OLD WOODWARD AVE	#500	995	\$ 437.01
08-19-36-208-046	411	S	OLD WOODWARD AVE	#601	753	\$ 330.72
08-19-36-208-047	411	S	OLD WOODWARD AVE	#603	713	\$ 313.16
08-19-36-208-048	411	S	OLD WOODWARD AVE	#605	713	\$ 313.16
08-19-36-208-049	411	S	OLD WOODWARD AVE	#607	615	\$ 270.11
08-19-36-208-054	411	S	OLD WOODWARD AVE	#621	645	\$ 283.29
08-19-36-208-055	411	S	OLD WOODWARD AVE	#623	699	\$ 307.01
08-19-36-208-062	411	S	OLD WOODWARD AVE	#624	1,120	\$ 491.91
08-19-36-208-063	411	S	OLD WOODWARD AVE	#622	1,454	\$ 638.61
08-19-36-208-064	411	S	OLD WOODWARD AVE	#618	1,860	\$ 816.93
08-19-36-208-065	411	S	OLD WOODWARD AVE	#614	793	\$ 348.29
08-19-36-208-066	411	S	OLD WOODWARD AVE	#612	825	\$ 362.35
08-19-36-208-067	411	S	OLD WOODWARD AVE	#610	2,665	\$ 1,170.49
08-19-36-208-068	411	S	OLD WOODWARD AVE	#608	995	\$ 437.01

08-19-36-208-069	411	S	OLD WOODWARD AVE	#604	995	\$	437.01
08-19-36-208-070	411	S	OLD WOODWARD AVE	#602	995	\$	437.01
08-19-36-208-071	411	S	OLD WOODWARD AVE	#600	995	\$	437.01
08-19-36-208-072	411	S	OLD WOODWARD AVE	#701	753	\$	330.72
08-19-36-208-073	411	S	OLD WOODWARD AVE	#703	713	\$	313.16
08-19-36-208-074	411	S	OLD WOODWARD AVE	#705	713	\$	313.16
08-19-36-208-075	411	S	OLD WOODWARD AVE	#707	615	\$	270.11
08-19-36-208-080	411	S	OLD WOODWARD AVE	#721	645	\$	283.29
08-19-36-208-081	411	S	OLD WOODWARD AVE	#723	699	\$	307.01
08-19-36-208-086	411	S	OLD WOODWARD AVE	#730	804	\$	353.12
08-19-36-208-087	411	S	OLD WOODWARD AVE	#728	1,120	\$	491.91
08-19-36-208-088	411	S	OLD WOODWARD AVE	#724	1,120	\$	491.91
08-19-36-208-089	411	S	OLD WOODWARD AVE	#722	1,454	\$	638.61
08-19-36-208-090	411	S	OLD WOODWARD AVE	#718	1,860	\$	816.93
08-19-36-208-091	411	S	OLD WOODWARD AVE	#714	793	\$	348.29
08-19-36-208-092	411	S	OLD WOODWARD AVE	#712	825	\$	362.35
08-19-36-208-093	411	S	OLD WOODWARD AVE	#710	2,665	\$	1,170.49
08-19-36-208-094	411	S	OLD WOODWARD AVE	#708	995	\$	437.01
08-19-36-208-096	411	S	OLD WOODWARD AVE	#704	995	\$	437.01
08-19-36-208-097	411	S	OLD WOODWARD AVE	#702	995	\$	437.01
08-19-36-208-098	411	S	OLD WOODWARD AVE	#700	995	\$	437.01
08-19-36-208-099	411	S	OLD WOODWARD AVE	#801	753	\$	330.72
08-19-36-208-100	411	S	OLD WOODWARD AVE	#803	713	\$	313.16
08-19-36-208-101	411	S	OLD WOODWARD AVE	#805	713	\$	313.16
08-19-36-208-102	411	S	OLD WOODWARD AVE	#807	615	\$	270.11
08-19-36-208-103	411	S	OLD WOODWARD AVE	#811	519	\$	227.95
08-19-36-208-104	411	S	OLD WOODWARD AVE	#813	519	\$	227.95
08-19-36-208-105	411	S	OLD WOODWARD AVE	#815	519	\$	227.95
08-19-36-208-106	411	S	OLD WOODWARD AVE	#817	519	\$	227.95
08-19-36-208-107	411	S	OLD WOODWARD AVE	#821	645	\$	283.29
08-19-36-208-108	411	S	OLD WOODWARD AVE	#823	699	\$	307.01
08-19-36-208-115	411	S	OLD WOODWARD AVE	#824	1,120	\$	491.91
08-19-36-208-116	411	S	OLD WOODWARD AVE	#822	1,454	\$	638.61
08-19-36-208-117	411	S	OLD WOODWARD AVE	#818	1,860	\$	816.93
08-19-36-208-118	411	S	OLD WOODWARD AVE	#814	793	\$	348.29
08-19-36-208-119	411	S	OLD WOODWARD AVE	#812	825	\$	362.35
08-19-36-208-120	411	S	OLD WOODWARD AVE	#810	2,665	\$	1,170.49
08-19-36-208-121	411	S	OLD WOODWARD AVE	#808	995	\$	437.01
08-19-36-208-122	411	S	OLD WOODWARD AVE	#804	995	\$	437.01
08-19-36-208-123	411	S	OLD WOODWARD AVE	#802	995	\$	437.01
08-19-36-208-124	411	S	OLD WOODWARD AVE	#800	995	\$	437.01
08-19-36-208-125	411	S	OLD WOODWARD AVE	#901	753	\$	330.72
08-19-36-208-126	411	S	OLD WOODWARD AVE	#903	713	\$	313.16
08-19-36-208-127	411	S	OLD WOODWARD AVE	#905	713	\$	313.16
08-19-36-208-128	411	S	OLD WOODWARD AVE	#907	615	\$	270.11
08-19-36-208-129	411	S	OLD WOODWARD AVE	#911	519	\$	227.95
08-19-36-208-130	411	S	OLD WOODWARD AVE	#913	519	\$	227.95

08-19-36-208-133	411	S	OLD WOODWARD AVE	#921	645	\$	283.29
08-19-36-208-134	411	S	OLD WOODWARD AVE	#923	699	\$	307.01
08-19-36-208-135	411	S	OLD WOODWARD AVE	#925	699	\$	307.01
08-19-36-208-136	411	S	OLD WOODWARD AVE	#927	699	\$	307.01
08-19-36-208-137	411	S	OLD WOODWARD AVE	#929	699	\$	307.01
08-19-36-208-138	411	S	OLD WOODWARD AVE	#931	702	\$	308.32
08-19-36-208-141	411	S	OLD WOODWARD AVE	#924	1,120	\$	491.91
08-19-36-208-142	411	S	OLD WOODWARD AVE	#922	1,454	\$	638.61
08-19-36-208-143	411	S	OLD WOODWARD AVE	#918	1,860	\$	816.93
08-19-36-208-146	411	S	OLD WOODWARD AVE	#910	2,665	\$	1,170.49
08-19-36-208-147	411	S	OLD WOODWARD AVE	#908	995	\$	437.01
08-19-36-208-149	411	S	OLD WOODWARD AVE	#904	995	\$	437.01
08-19-36-208-150	411	S	OLD WOODWARD AVE	#902	995	\$	437.01
08-19-36-208-151	411	S	OLD WOODWARD AVE	#900	995	\$	437.01
08-19-36-208-152	411	S	OLD WOODWARD AVE	#1001	754	\$	331.16
08-19-36-208-153	411	S	OLD WOODWARD AVE	#1003	714	\$	313.59
08-19-36-208-154	411	S	OLD WOODWARD AVE	#1005	714	\$	313.59
08-19-36-208-155	411	S	OLD WOODWARD AVE	#1007	616	\$	270.55
08-19-36-208-156	411	S	OLD WOODWARD AVE	#1011	519	\$	227.95
08-19-36-208-157	411	S	OLD WOODWARD AVE	#1013	519	\$	227.95
08-19-36-208-168	411	S	OLD WOODWARD AVE	#1024	1,120	\$	491.91
08-19-36-208-169	411	S	OLD WOODWARD AVE	#1022	1,454	\$	638.61
08-19-36-208-170	411	S	OLD WOODWARD AVE	#1018	1,860	\$	816.93
08-19-36-208-171	411	S	OLD WOODWARD AVE	#1014	793	\$	348.29
08-19-36-208-172	411	S	OLD WOODWARD AVE	#1012	826	\$	362.79
08-19-36-208-173	411	S	OLD WOODWARD AVE	#1010	2,665	\$	1,170.49
08-19-36-208-174	411	S	OLD WOODWARD AVE	#1008	994	\$	436.57
08-19-36-208-175	411	S	OLD WOODWARD AVE	#1004	994	\$	436.57
08-19-36-208-176	411	S	OLD WOODWARD AVE	#1002	994	\$	436.57
08-19-36-208-177	411	S	OLD WOODWARD AVE	#1000	995	\$	437.01
08-19-36-208-178	411	S	OLD WOODWARD AVE	#711	1,065	\$	467.76
08-19-36-208-179	411	S	OLD WOODWARD AVE	#725	1,428	\$	627.19
08-19-36-208-180	411	S	OLD WOODWARD AVE	#729	1,432	\$	628.95
08-19-36-208-181	411	S	OLD WOODWARD AVE	#829	1,432	\$	628.95
08-19-36-208-182	411	S	OLD WOODWARD AVE	#828	1,956	\$	859.09
08-19-36-208-183	411	S	OLD WOODWARD AVE	#1015	1,065	\$	467.76
08-19-36-208-184	411	S	OLD WOODWARD AVE	#1021	1,373	\$	603.03
08-19-36-208-185	411	S	OLD WOODWARD AVE	#1029	1,432	\$	628.95
08-19-36-208-186	411	S	OLD WOODWARD AVE	#511	1,065	\$	467.76
08-19-36-208-187	411	S	OLD WOODWARD AVE	#611	1,065	\$	467.76
08-19-36-208-188	411	S	OLD WOODWARD AVE	#615	1,065	\$	467.76
08-19-36-208-189	411	S	OLD WOODWARD AVE	#715	1,065	\$	467.76
08-19-36-208-190	411	S	OLD WOODWARD AVE	#912	1,648	\$	723.81
08-19-36-208-191	411	S	OLD WOODWARD AVE	#1028	1,956	\$	859.09
08-19-36-208-192	411	S	OLD WOODWARD AVE	#825	1,428	\$	627.19
08-19-36-208-193	411	S	OLD WOODWARD AVE	#1025	1,428	\$	627.19
08-19-36-208-194	411	S	OLD WOODWARD AVE	#506	995	\$	437.01

08-19-36-208-195	411	S	OLD WOODWARD AVE	#606	995	\$	437.01
08-19-36-208-196	411	S	OLD WOODWARD AVE	#706	995	\$	437.01
08-19-36-208-197	411	S	OLD WOODWARD AVE	#806	995	\$	437.01
08-19-36-208-198	411	S	OLD WOODWARD AVE	#906	995	\$	437.01
08-19-36-208-199	411	S	OLD WOODWARD AVE	#1006	995	\$	437.01
08-19-36-208-200	411	S	OLD WOODWARD AVE	#630	1,956	\$	859.09
08-19-36-208-201	411	S	OLD WOODWARD AVE	#915	1,065	\$	467.76
08-19-36-208-202	411	S	OLD WOODWARD AVE	#928	1,956	\$	859.09
08-19-36-208-203	411	S	OLD WOODWARD AVE	#625	1,428	\$	627.19
08-19-36-208-205	411	S	OLD WOODWARD AVE	#629	699	\$	307.01
08-19-36-208-206	411	S	OLD WOODWARD AVE	#631	702	\$	308.32
08-19-36-208-207	469/479	S	OLD WOODWARD AVE			\$	52,493.64
08-19-36-210-001	555	S	OLD WOODWARD AVE			\$	371,391.23
08-19-36-210-003	555	S	OLD WOODWARD AVE			\$	42,354.60
08-19-36-210-005	555	S	OLD WOODWARD AVE			\$	40,087.00
08-19-36-211-001	400	S	OLD WOODWARD AVE	#208		\$	85,425.98
08-19-36-253-025	750	S	OLD WOODWARD AVE			\$	32,580.46
08-19-36-253-026	772	S	OLD WOODWARD AVE			\$	52,780.35
08-19-36-253-028	588	S	OLD WOODWARD AVE			\$	97,741.39
08-19-36-253-029	608	S	OLD WOODWARD AVE			\$	65,160.93
08-19-36-253-030	500	S	OLD WOODWARD AVE			\$	96,438.17
08-19-36-253-034	690	S	OLD WOODWARD AVE			\$	97,741.39
08-19-36-253-035	670	S	OLD WOODWARD AVE			\$	97,741.39
08-19-36-278-012	808	S	OLD WOODWARD AVE			\$	62,424.17
08-19-36-278-013	820	S	OLD WOODWARD AVE			\$	32,580.46
08-19-36-278-014	832	S	OLD WOODWARD AVE			\$	32,580.46
08-19-36-278-017	850	S	OLD WOODWARD AVE			\$	97,741.39
08-19-36-278-018	880	S	OLD WOODWARD AVE			\$	166,160.37
						\$	2,048,568.37

Streetscape Special Assessment 897							
Parcel No.			Property Address		Sq Ft	SAD897 Roll	Pre-Bid Estimate
08-19-36-204-027	300	S	OLD WOODWARD AVE			\$65,160.93	\$52,076.20
08-19-36-205-026	442	S	OLD WOODWARD AVE			\$55,386.79	\$44,264.77
08-19-36-205-041	444	S	OLD WOODWARD AVE			\$55,680.01	\$44,499.11
08-19-36-205-043	400	S	OLD WOODWARD AVE	#100		\$85,425.98	\$68,271.90
08-19-36-208-016	355	S	OLD WOODWARD AVE			\$94,613.67	\$75,614.64
08-19-36-208-017	401	S	OLD WOODWARD AVE		236,140	\$103,714.52	\$82,887.98
08-19-36-208-019	411	S	OLD WOODWARD AVE	#501	753	\$330.72	\$264.31
08-19-36-208-020	411	S	OLD WOODWARD AVE	#503	713	\$313.16	\$250.27
08-19-36-208-021	411	S	OLD WOODWARD AVE	#505	713	\$313.16	\$250.27
08-19-36-208-022	411	S	OLD WOODWARD AVE	#507	615	\$270.11	\$215.87
08-19-36-208-025	411	S	OLD WOODWARD AVE	#515	519	\$227.95	\$182.18
08-19-36-208-026	411	S	OLD WOODWARD AVE	#517	519	\$227.95	\$182.18
08-19-36-208-027	411	S	OLD WOODWARD AVE	#521	645	\$283.29	\$226.40
08-19-36-208-028	411	S	OLD WOODWARD AVE	#523	699	\$307.01	\$245.36
08-19-36-208-029	411	S	OLD WOODWARD AVE	#525	699	\$307.01	\$245.36
08-19-36-208-030	411	S	OLD WOODWARD AVE	#527	699	\$307.01	\$245.36
08-19-36-208-031	411	S	OLD WOODWARD AVE	#529	699	\$307.01	\$245.36
08-19-36-208-032	411	S	OLD WOODWARD AVE	#531	702	\$308.32	\$246.41
08-19-36-208-033	411	S	OLD WOODWARD AVE	#530	804	\$353.12	\$282.21
08-19-36-208-034	411	S	OLD WOODWARD AVE	#528	1,120	\$491.91	\$393.13
08-19-36-208-035	411	S	OLD WOODWARD AVE	#524	1,120	\$491.91	\$393.13
08-19-36-208-036	411	S	OLD WOODWARD AVE	#522	1,454	\$638.61	\$510.37
08-19-36-208-037	411	S	OLD WOODWARD AVE	#518	1,860	\$816.93	\$652.88
08-19-36-208-038	411	S	OLD WOODWARD AVE	#514	793	\$348.29	\$278.35
08-19-36-208-039	411	S	OLD WOODWARD AVE	#512	825	\$362.35	\$289.58
08-19-36-208-040	411	S	OLD WOODWARD AVE	#510	2,665	\$1,170.49	\$935.45
08-19-36-208-041	411	S	OLD WOODWARD AVE	#508	995	\$437.01	\$349.26
08-19-36-208-043	411	S	OLD WOODWARD AVE	#504	995	\$437.01	\$349.26
08-19-36-208-044	411	S	OLD WOODWARD AVE	#502	995	\$437.01	\$349.26
08-19-36-208-045	411	S	OLD WOODWARD AVE	#500	995	\$437.01	\$349.26
08-19-36-208-046	411	S	OLD WOODWARD AVE	#601	753	\$330.72	\$264.31
08-19-36-208-047	411	S	OLD WOODWARD AVE	#603	713	\$313.16	\$250.27
08-19-36-208-048	411	S	OLD WOODWARD AVE	#605	713	\$313.16	\$250.27
08-19-36-208-049	411	S	OLD WOODWARD AVE	#607	615	\$270.11	\$215.87
08-19-36-208-054	411	S	OLD WOODWARD AVE	#621	645	\$283.29	\$226.40
08-19-36-208-055	411	S	OLD WOODWARD AVE	#623	699	\$307.01	\$245.36
08-19-36-208-062	411	S	OLD WOODWARD AVE	#624	1,120	\$491.91	\$393.13
08-19-36-208-063	411	S	OLD WOODWARD AVE	#622	1,454	\$638.61	\$510.37
08-19-36-208-064	411	S	OLD WOODWARD AVE	#618	1,860	\$816.93	\$652.88
08-19-36-208-065	411	S	OLD WOODWARD AVE	#614	793	\$348.29	\$278.35
08-19-36-208-066	411	S	OLD WOODWARD AVE	#612	825	\$362.35	\$289.58
08-19-36-208-067	411	S	OLD WOODWARD AVE	#610	2,665	\$1,170.49	\$935.45
08-19-36-208-068	411	S	OLD WOODWARD AVE	#608	995	\$437.01	\$349.26
08-19-36-208-069	411	S	OLD WOODWARD AVE	#604	995	\$437.01	\$349.26
08-19-36-208-070	411	S	OLD WOODWARD AVE	#602	995	\$437.01	\$349.26
08-19-36-208-071	411	S	OLD WOODWARD AVE	#600	995	\$437.01	\$349.26
08-19-36-208-072	411	S	OLD WOODWARD AVE	#701	753	\$330.72	\$264.31
08-19-36-208-073	411	S	OLD WOODWARD AVE	#703	713	\$313.16	\$250.27
08-19-36-208-074	411	S	OLD WOODWARD AVE	#705	713	\$313.16	\$250.27
08-19-36-208-075	411	S	OLD WOODWARD AVE	#707	615	\$270.11	\$215.87
08-19-36-208-080	411	S	OLD WOODWARD AVE	#721	645	\$283.29	\$226.40
08-19-36-208-081	411	S	OLD WOODWARD AVE	#723	699	\$307.01	\$245.36
08-19-36-208-086	411	S	OLD WOODWARD AVE	#730	804	\$353.12	\$282.21
08-19-36-208-087	411	S	OLD WOODWARD AVE	#728	1,120	\$491.91	\$393.13
08-19-36-208-088	411	S	OLD WOODWARD AVE	#724	1,120	\$491.91	\$393.13

08-19-36-208-089	411	S	OLD WOODWARD AVE	#722	1,454	\$638.61	\$510.37
08-19-36-208-090	411	S	OLD WOODWARD AVE	#718	1,860	\$816.93	\$652.88
08-19-36-208-091	411	S	OLD WOODWARD AVE	#714	793	\$348.29	\$278.35
08-19-36-208-092	411	S	OLD WOODWARD AVE	#712	825	\$362.35	\$289.58
08-19-36-208-093	411	S	OLD WOODWARD AVE	#710	2,665	\$1,170.49	\$935.45
08-19-36-208-094	411	S	OLD WOODWARD AVE	#708	995	\$437.01	\$349.26
08-19-36-208-096	411	S	OLD WOODWARD AVE	#704	995	\$437.01	\$349.26
08-19-36-208-097	411	S	OLD WOODWARD AVE	#702	995	\$437.01	\$349.26
08-19-36-208-098	411	S	OLD WOODWARD AVE	#700	995	\$437.01	\$349.26
08-19-36-208-099	411	S	OLD WOODWARD AVE	#801	753	\$330.72	\$264.31
08-19-36-208-100	411	S	OLD WOODWARD AVE	#803	713	\$313.16	\$250.27
08-19-36-208-101	411	S	OLD WOODWARD AVE	#805	713	\$313.16	\$250.27
08-19-36-208-102	411	S	OLD WOODWARD AVE	#807	615	\$270.11	\$215.87
08-19-36-208-103	411	S	OLD WOODWARD AVE	#811	519	\$227.95	\$182.18
08-19-36-208-104	411	S	OLD WOODWARD AVE	#813	519	\$227.95	\$182.18
08-19-36-208-105	411	S	OLD WOODWARD AVE	#815	519	\$227.95	\$182.18
08-19-36-208-106	411	S	OLD WOODWARD AVE	#817	519	\$227.95	\$182.18
08-19-36-208-107	411	S	OLD WOODWARD AVE	#821	645	\$283.29	\$226.40
08-19-36-208-108	411	S	OLD WOODWARD AVE	#823	699	\$307.01	\$245.36
08-19-36-208-115	411	S	OLD WOODWARD AVE	#824	1,120	\$491.91	\$393.13
08-19-36-208-116	411	S	OLD WOODWARD AVE	#822	1,454	\$638.61	\$510.37
08-19-36-208-117	411	S	OLD WOODWARD AVE	#818	1,860	\$816.93	\$652.88
08-19-36-208-118	411	S	OLD WOODWARD AVE	#814	793	\$348.29	\$278.35
08-19-36-208-119	411	S	OLD WOODWARD AVE	#812	825	\$362.35	\$289.58
08-19-36-208-120	411	S	OLD WOODWARD AVE	#810	2,665	\$1,170.49	\$935.45
08-19-36-208-121	411	S	OLD WOODWARD AVE	#808	995	\$437.01	\$349.26
08-19-36-208-122	411	S	OLD WOODWARD AVE	#804	995	\$437.01	\$349.26
08-19-36-208-123	411	S	OLD WOODWARD AVE	#802	995	\$437.01	\$349.26
08-19-36-208-124	411	S	OLD WOODWARD AVE	#800	995	\$437.01	\$349.26
08-19-36-208-125	411	S	OLD WOODWARD AVE	#901	753	\$330.72	\$264.31
08-19-36-208-126	411	S	OLD WOODWARD AVE	#903	713	\$313.16	\$250.27
08-19-36-208-127	411	S	OLD WOODWARD AVE	#905	713	\$313.16	\$250.27
08-19-36-208-128	411	S	OLD WOODWARD AVE	#907	615	\$270.11	\$215.87
08-19-36-208-129	411	S	OLD WOODWARD AVE	#911	519	\$227.95	\$182.18
08-19-36-208-130	411	S	OLD WOODWARD AVE	#913	519	\$227.95	\$182.18
08-19-36-208-133	411	S	OLD WOODWARD AVE	#921	645	\$283.29	\$226.40
08-19-36-208-134	411	S	OLD WOODWARD AVE	#923	699	\$307.01	\$245.36
08-19-36-208-135	411	S	OLD WOODWARD AVE	#925	699	\$307.01	\$245.36
08-19-36-208-136	411	S	OLD WOODWARD AVE	#927	699	\$307.01	\$245.36
08-19-36-208-137	411	S	OLD WOODWARD AVE	#929	699	\$307.01	\$245.36
08-19-36-208-138	411	S	OLD WOODWARD AVE	#931	702	\$308.32	\$246.41
08-19-36-208-141	411	S	OLD WOODWARD AVE	#924	1,120	\$491.91	\$393.13
08-19-36-208-142	411	S	OLD WOODWARD AVE	#922	1,454	\$638.61	\$510.37
08-19-36-208-143	411	S	OLD WOODWARD AVE	#918	1,860	\$816.93	\$652.88
08-19-36-208-146	411	S	OLD WOODWARD AVE	#910	2,665	\$1,170.49	\$935.45
08-19-36-208-147	411	S	OLD WOODWARD AVE	#908	995	\$437.01	\$349.26
08-19-36-208-149	411	S	OLD WOODWARD AVE	#904	995	\$437.01	\$349.26
08-19-36-208-150	411	S	OLD WOODWARD AVE	#902	995	\$437.01	\$349.26
08-19-36-208-151	411	S	OLD WOODWARD AVE	#900	995	\$437.01	\$349.26
08-19-36-208-152	411	S	OLD WOODWARD AVE	#1001	754	\$331.16	\$264.66
08-19-36-208-153	411	S	OLD WOODWARD AVE	#1003	714	\$313.59	\$250.62
08-19-36-208-154	411	S	OLD WOODWARD AVE	#1005	714	\$313.59	\$250.62
08-19-36-208-155	411	S	OLD WOODWARD AVE	#1007	616	\$270.55	\$216.22
08-19-36-208-156	411	S	OLD WOODWARD AVE	#1011	519	\$227.95	\$182.18
08-19-36-208-157	411	S	OLD WOODWARD AVE	#1013	519	\$227.95	\$182.18
08-19-36-208-168	411	S	OLD WOODWARD AVE	#1024	1,120	\$491.91	\$393.13
08-19-36-208-169	411	S	OLD WOODWARD AVE	#1022	1,454	\$638.61	\$510.37
08-19-36-208-170	411	S	OLD WOODWARD AVE	#1018	1,860	\$816.93	\$652.88
08-19-36-208-171	411	S	OLD WOODWARD AVE	#1014	793	\$348.29	\$278.35

08-19-36-208-172	411	S	OLD WOODWARD AVE	#1012	826	\$362.79	\$289.94
08-19-36-208-173	411	S	OLD WOODWARD AVE	#1010	2,665	\$1,170.49	\$935.45
08-19-36-208-174	411	S	OLD WOODWARD AVE	#1008	994	\$436.57	\$348.91
08-19-36-208-175	411	S	OLD WOODWARD AVE	#1004	994	\$436.57	\$348.91
08-19-36-208-176	411	S	OLD WOODWARD AVE	#1002	994	\$436.57	\$348.91
08-19-36-208-177	411	S	OLD WOODWARD AVE	#1000	995	\$437.01	\$349.26
08-19-36-208-178	411	S	OLD WOODWARD AVE	#711	1,065	\$467.76	\$373.83
08-19-36-208-179	411	S	OLD WOODWARD AVE	#725	1,428	\$627.19	\$501.25
08-19-36-208-180	411	S	OLD WOODWARD AVE	#729	1,432	\$628.95	\$502.65
08-19-36-208-181	411	S	OLD WOODWARD AVE	#829	1,432	\$628.95	\$502.65
08-19-36-208-182	411	S	OLD WOODWARD AVE	#828	1,956	\$859.09	\$686.58
08-19-36-208-183	411	S	OLD WOODWARD AVE	#1015	1,065	\$467.76	\$373.83
08-19-36-208-184	411	S	OLD WOODWARD AVE	#1021	1,373	\$603.03	\$481.94
08-19-36-208-185	411	S	OLD WOODWARD AVE	#1029	1,432	\$628.95	\$502.65
08-19-36-208-186	411	S	OLD WOODWARD AVE	#511	1,065	\$467.76	\$373.83
08-19-36-208-187	411	S	OLD WOODWARD AVE	#611	1,065	\$467.76	\$373.83
08-19-36-208-188	411	S	OLD WOODWARD AVE	#615	1,065	\$467.76	\$373.83
08-19-36-208-189	411	S	OLD WOODWARD AVE	#715	1,065	\$467.76	\$373.83
08-19-36-208-190	411	S	OLD WOODWARD AVE	#912	1,648	\$723.81	\$578.47
08-19-36-208-191	411	S	OLD WOODWARD AVE	#1028	1,956	\$859.09	\$686.58
08-19-36-208-192	411	S	OLD WOODWARD AVE	#825	1,428	\$627.19	\$501.25
08-19-36-208-193	411	S	OLD WOODWARD AVE	#1025	1,428	\$627.19	\$501.25
08-19-36-208-194	411	S	OLD WOODWARD AVE	#506	995	\$437.01	\$349.26
08-19-36-208-195	411	S	OLD WOODWARD AVE	#606	995	\$437.01	\$349.26
08-19-36-208-196	411	S	OLD WOODWARD AVE	#706	995	\$437.01	\$349.26
08-19-36-208-197	411	S	OLD WOODWARD AVE	#806	995	\$437.01	\$349.26
08-19-36-208-198	411	S	OLD WOODWARD AVE	#906	995	\$437.01	\$349.26
08-19-36-208-199	411	S	OLD WOODWARD AVE	#1006	995	\$437.01	\$349.26
08-19-36-208-200	411	S	OLD WOODWARD AVE	#630	1,956	\$859.09	\$686.58
08-19-36-208-201	411	S	OLD WOODWARD AVE	#915	1,065	\$467.76	\$373.83
08-19-36-208-202	411	S	OLD WOODWARD AVE	#928	1,956	\$859.09	\$686.58
08-19-36-208-203	411	S	OLD WOODWARD AVE	#625	1,428	\$627.19	\$501.25
08-19-36-208-205	411	S	OLD WOODWARD AVE	#629	699	\$307.01	\$245.36
08-19-36-208-206	411	S	OLD WOODWARD AVE	#631	702	\$308.32	\$246.41
08-19-36-208-207	469/179	S	OLD WOODWARD AVE			\$52,493.64	\$41,952.59
08-19-36-210-001	555	S	OLD WOODWARD AVE			\$371,391.23	\$296,813.50
08-19-36-210-003	555	S	OLD WOODWARD AVE			\$42,354.60	\$33,849.53
08-19-36-210-005	555	S	OLD WOODWARD AVE			\$40,087.00	\$32,037.28
08-19-36-211-001	400	S	OLD WOODWARD AVE	#208		\$85,425.98	\$68,271.90
08-19-36-253-025	750	S	OLD WOODWARD AVE			\$32,580.46	\$26,038.10
08-19-36-253-026	772	S	OLD WOODWARD AVE			\$52,780.35	\$42,181.72
08-19-36-253-028	588	S	OLD WOODWARD AVE			\$97,741.39	\$78,114.30
08-19-36-253-029	608	S	OLD WOODWARD AVE			\$65,160.93	\$52,076.20
08-19-36-253-030	500	S	OLD WOODWARD AVE			\$96,438.17	\$77,072.77
08-19-36-253-034	690	S	OLD WOODWARD AVE			\$97,741.39	\$78,114.30
08-19-36-253-035	670	S	OLD WOODWARD AVE			\$97,741.39	\$78,114.30
08-19-36-278-012	808	S	OLD WOODWARD AVE			\$62,424.17	\$49,889.00
08-19-36-278-013	820	S	OLD WOODWARD AVE			\$32,580.46	\$26,038.10
08-19-36-278-014	832	S	OLD WOODWARD AVE			\$32,580.46	\$26,038.10
08-19-36-278-017	850	S	OLD WOODWARD AVE			\$97,741.39	\$78,114.30
08-19-36-278-018	880	S	OLD WOODWARD AVE			\$166,160.37	\$132,794.31
						\$2,048,568.37	\$1,637,202.79

10



# MEMORANDUM

(Engineering)

**DATE:** March 8, 2022  
**TO:** Thomas M. Markus, City Manager  
**FROM:** Scott D. Zielinski, Assistant City Engineer  
**SUBJECT:** Hearing of Necessity for S. Old Woodward Sidewalk and Streetscape SAD

---

## INTRODUCTION:

The city's streetscape and sidewalks will be improved this summer as part of the Engineering Department's planned downtown area Phase 3 reconstruction project along South Old Woodward between Brown Street and Landon Street. Work will be similar to previous phases of work completed in 2018 for Phase 1 on Old Woodward from Oakland Avenue to Brown Street, and in 2020 for Phase 2 work completed on Maple Road from Southfield Road to Pierce Street, and from Old Woodward Avenue to Woodward Avenue. The completed work included upgrades to all streetscape features from building face to building face across the road. The Engineering Department is recommending the Sidewalk and Streetscape Special Assessment District (SAD) be set at this time.

## BACKGROUND:

Phase 1 and Phase 2 portions of the downtown reconstruction projects (completed in 2018 and 2020), included complete replacement of the sidewalks, and provided certain landscape enhancements and pedestrian-oriented amenities within the project areas. The costs to the city for construction of these improvements in Phase 1 and Phase 2 were partially defrayed by way of Special Assessment to the property owners adjoining that project area. In the same way, the city intends to assess a portion of the costs for the streetscape improvements that are planned to be constructed with the Phase 3 project.

The new streetscape will consist of an enhanced version of the downtown standard sawcut concrete sidewalk with exposed aggregate sidewalk between the main pedestrian path and the street curb. Elements of the new streetscape design to be included in this project include:

- All new concrete and exposed aggregate sidewalks from the building face to the back of curbs.
- Removal and replacement of all street trees, including excavation and replacement with approximately 1,000 cubic feet of specially formulated soil designed to encourage tree growth.
- Enlarged, raised planter beds around each new street tree, framed by a 6 inch high exposed aggregate curb, with irrigation, and professionally designed landscaping.
- Granite seating areas where space permits.

- Installation of underground electrical system to provide new lighting opportunities for trees along the sidewalk and in the proposed median.

On previous projects of this nature, it has been the City's policy to assess 75% of the streetscape improvements to the properties that share frontage with the improvements. The cost per property will be assessed as an average cost per linear foot of frontage for the improvements. The properties with multiple owners will share the cost of the frontage, and the amount will be based on the square footage of building area owned. The City will bill one-tenth of the assessment, as is standard on other special assessment districts, plus interest, on an annual basis, to make the cost more manageable for the property owners. The attached map highlights property frontages subject to a sidewalk streetscape assessment.

For purposes of the assessment district, the properties on the west side of South Old Woodward from East Brown Street to Daines Street (the RH development property) have been included in the district in case current development plans change and the City elects to proceed with improvements in this area. However, if the development project begins as planned, about the same time as the City's project (as the developer is currently indicating), then the cost for streetscape improvements in this area will not be expended by the City, nor charged to the property owner as they will be completed by the development.

The Engineering Department plans to provide a detailed spreadsheet with estimated assessment values based off the engineer's estimate at the Hearing of Necessity.

#### LEGAL REVIEW:

Chapter 94 – Special Assessments of the Birmingham City Code outlines the process by which a special assessment is conducted in the City of Birmingham. This project will follow the prescribed City Code procedures.

#### FISCAL IMPACT:

Revenue generated from the Sidewalk and Streetscape SAD for the Phase 3 Old Woodward Reconstruction project will defray the costs incurred by the city for construction of these improvements and has been considered as an integral part of the financial forecasting for the General Fund in future years.

#### PUBLIC COMMUNICATIONS:

Notice for the Confirmation of Roll is to be distributed by the Clerk's Office. The Engineering Department has sent all property owners a letter explaining the associated work. The design team held an informational meeting regarding the project on Monday, February 21, 2022 from 5:30-7:00 p.m. at City Hall in the Commission Room (a zoom link was also provided on the City website for remote viewing). The team discussed the project overview, traffic access during construction, Birmingham Shopping District initiatives during construction, and special assessments related to the project. A recording of this meeting is available on the city's website at [www.bhamgov.org/oldwoodwardphase3](http://www.bhamgov.org/oldwoodwardphase3).

**SUMMARY:**

The Engineering Department recommends that the commission declare necessity and approve a Special Assessment District for the improvement of sidewalk and streetscape as part of the Phase 3 South Old Woodward Reconstruction. Should the Commission form the Special Assessment District, a Public Hearing for Confirmation of the Roll should be set on April 11, 2022.

**ATTACHMENTS:**

Map of proposed Special Assessment District

Spreadsheet of properties with estimated costs and associated lengths

Clerk’s Confirmation of Public Hearing Notice

**SUGGESTED COMMISSION ACTION:**

Make a motion adopting a resolution declaring necessity and approving a Special Assessment District with special assessments levied in accordance with benefits against the properties within such assessment district. The special assessment district shall include all properties within the following district of **165** parcels (listed below), and the City Commission will meet on Monday, April 11, 2022 at 7:30 P.M. for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for the sidewalk and streetscape improvements adjacent to all properties within the project area on South Old Woodward Avenue, between Brown Street and Landon Street.

Parcel No.	Property Address
08-19-36-204-027	300 S OLD WOODWARD AVE
08-19-36-205-026	442 S OLD WOODWARD AVE
08-19-36-205-041	444 S OLD WOODWARD AVE
08-19-36-205-043	400 S OLD WOODWARD AVE
08-19-36-208-016	355 S OLD WOODWARD AVE
08-19-36-208-017	401 S OLD WOODWARD AVE
08-19-36-208-019	411 S OLD WOODWARD AVE
08-19-36-208-020	411 S OLD WOODWARD AVE
08-19-36-208-021	411 S OLD WOODWARD AVE
08-19-36-208-022	411 S OLD WOODWARD AVE
08-19-36-208-025	411 S OLD WOODWARD AVE
08-19-36-208-026	411 S OLD WOODWARD AVE
08-19-36-208-027	411 S OLD WOODWARD AVE
08-19-36-208-028	411 S OLD WOODWARD AVE
08-19-36-208-029	411 S OLD WOODWARD AVE
08-19-36-208-030	411 S OLD WOODWARD AVE
08-19-36-208-031	411 S OLD WOODWARD AVE
08-19-36-208-032	411 S OLD WOODWARD AVE

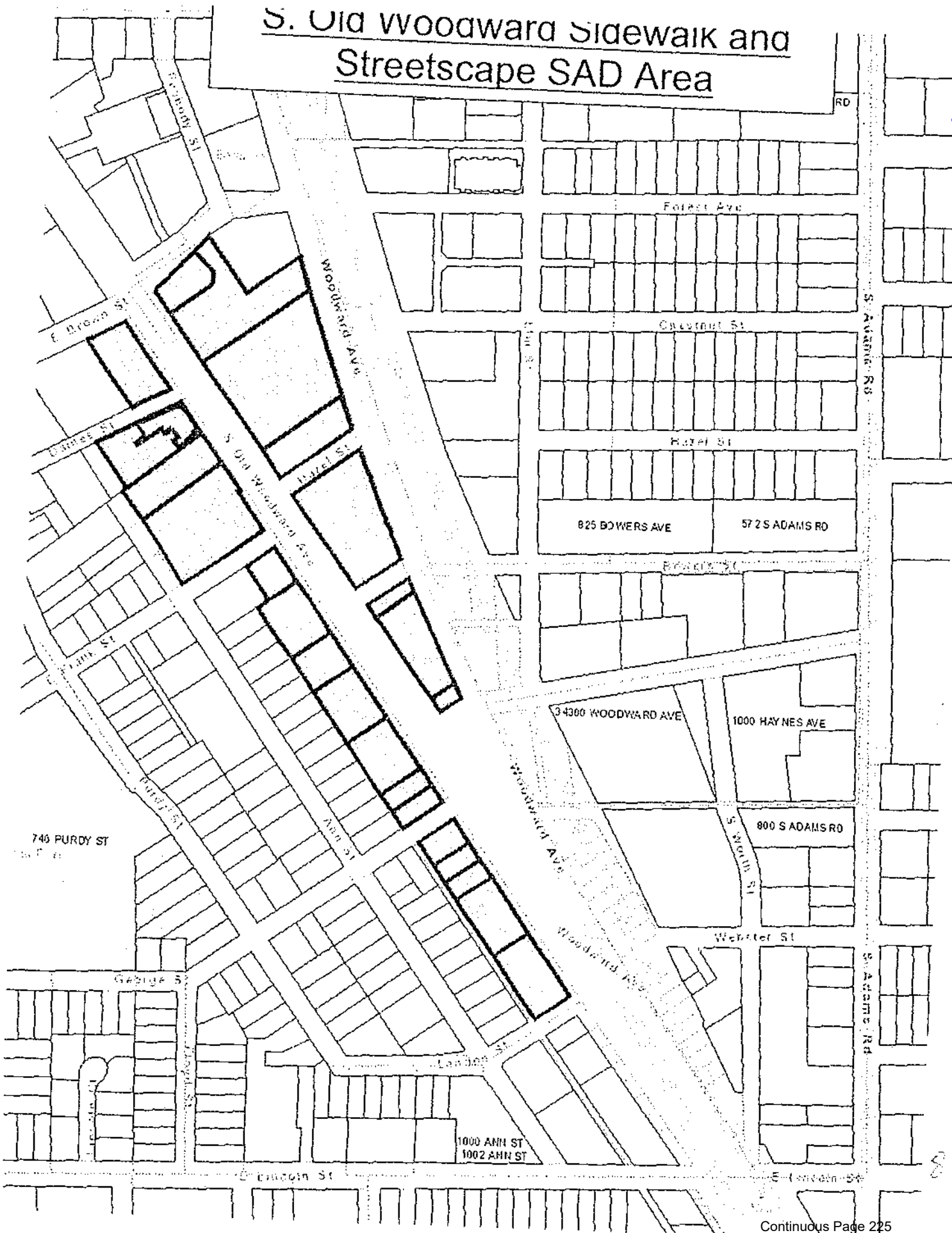
08-19-36-208-033	411	S	OLD WOODWARD AVE
08-19-36-208-034	411	S	OLD WOODWARD AVE
08-19-36-208-035	411	S	OLD WOODWARD AVE
08-19-36-208-036	411	S	OLD WOODWARD AVE
08-19-36-208-037	411	S	OLD WOODWARD AVE
08-19-36-208-038	411	S	OLD WOODWARD AVE
08-19-36-208-039	411	S	OLD WOODWARD AVE
08-19-36-208-040	411	S	OLD WOODWARD AVE
08-19-36-208-041	411	S	OLD WOODWARD AVE
08-19-36-208-043	411	S	OLD WOODWARD AVE
08-19-36-208-044	411	S	OLD WOODWARD AVE
08-19-36-208-045	411	S	OLD WOODWARD AVE
08-19-36-208-046	411	S	OLD WOODWARD AVE
08-19-36-208-047	411	S	OLD WOODWARD AVE
08-19-36-208-048	411	S	OLD WOODWARD AVE
08-19-36-208-049	411	S	OLD WOODWARD AVE
08-19-36-208-054	411	S	OLD WOODWARD AVE
08-19-36-208-055	411	S	OLD WOODWARD AVE
08-19-36-208-062	411	S	OLD WOODWARD AVE
08-19-36-208-063	411	S	OLD WOODWARD AVE
08-19-36-208-064	411	S	OLD WOODWARD AVE
08-19-36-208-065	411	S	OLD WOODWARD AVE
08-19-36-208-066	411	S	OLD WOODWARD AVE
08-19-36-208-067	411	S	OLD WOODWARD AVE
08-19-36-208-068	411	S	OLD WOODWARD AVE
08-19-36-208-069	411	S	OLD WOODWARD AVE
08-19-36-208-070	411	S	OLD WOODWARD AVE
08-19-36-208-071	411	S	OLD WOODWARD AVE
08-19-36-208-072	411	S	OLD WOODWARD AVE
08-19-36-208-073	411	S	OLD WOODWARD AVE
08-19-36-208-074	411	S	OLD WOODWARD AVE
08-19-36-208-075	411	S	OLD WOODWARD AVE
08-19-36-208-080	411	S	OLD WOODWARD AVE
08-19-36-208-081	411	S	OLD WOODWARD AVE
08-19-36-208-086	411	S	OLD WOODWARD AVE
08-19-36-208-087	411	S	OLD WOODWARD AVE
08-19-36-208-088	411	S	OLD WOODWARD AVE
08-19-36-208-089	411	S	OLD WOODWARD AVE
08-19-36-208-090	411	S	OLD WOODWARD AVE
08-19-36-208-091	411	S	OLD WOODWARD AVE
08-19-36-208-092	411	S	OLD WOODWARD AVE
08-19-36-208-093	411	S	OLD WOODWARD AVE
08-19-36-208-094	411	S	OLD WOODWARD AVE

08-19-36-208-096	411	S	OLD WOODWARD AVE
08-19-36-208-097	411	S	OLD WOODWARD AVE
08-19-36-208-098	411	S	OLD WOODWARD AVE
08-19-36-208-099	411	S	OLD WOODWARD AVE
08-19-36-208-100	411	S	OLD WOODWARD AVE
08-19-36-208-101	411	S	OLD WOODWARD AVE
08-19-36-208-102	411	S	OLD WOODWARD AVE
08-19-36-208-103	411	S	OLD WOODWARD AVE
08-19-36-208-104	411	S	OLD WOODWARD AVE
08-19-36-208-105	411	S	OLD WOODWARD AVE
08-19-36-208-106	411	S	OLD WOODWARD AVE
08-19-36-208-107	411	S	OLD WOODWARD AVE
08-19-36-208-108	411	S	OLD WOODWARD AVE
08-19-36-208-115	411	S	OLD WOODWARD AVE
08-19-36-208-116	411	S	OLD WOODWARD AVE
08-19-36-208-117	411	S	OLD WOODWARD AVE
08-19-36-208-118	411	S	OLD WOODWARD AVE
08-19-36-208-119	411	S	OLD WOODWARD AVE
08-19-36-208-120	411	S	OLD WOODWARD AVE
08-19-36-208-121	411	S	OLD WOODWARD AVE
08-19-36-208-122	411	S	OLD WOODWARD AVE
08-19-36-208-123	411	S	OLD WOODWARD AVE
08-19-36-208-124	411	S	OLD WOODWARD AVE
08-19-36-208-125	411	S	OLD WOODWARD AVE
08-19-36-208-126	411	S	OLD WOODWARD AVE
08-19-36-208-127	411	S	OLD WOODWARD AVE
08-19-36-208-128	411	S	OLD WOODWARD AVE
08-19-36-208-129	411	S	OLD WOODWARD AVE
08-19-36-208-130	411	S	OLD WOODWARD AVE
08-19-36-208-133	411	S	OLD WOODWARD AVE
08-19-36-208-134	411	S	OLD WOODWARD AVE
08-19-36-208-135	411	S	OLD WOODWARD AVE
08-19-36-208-136	411	S	OLD WOODWARD AVE
08-19-36-208-137	411	S	OLD WOODWARD AVE
08-19-36-208-138	411	S	OLD WOODWARD AVE
08-19-36-208-141	411	S	OLD WOODWARD AVE
08-19-36-208-142	411	S	OLD WOODWARD AVE
08-19-36-208-143	411	S	OLD WOODWARD AVE
08-19-36-208-146	411	S	OLD WOODWARD AVE
08-19-36-208-147	411	S	OLD WOODWARD AVE
08-19-36-208-149	411	S	OLD WOODWARD AVE
08-19-36-208-150	411	S	OLD WOODWARD AVE
08-19-36-208-151	411	S	OLD WOODWARD AVE

08-19-36-208-152	411	S	OLD WOODWARD AVE
08-19-36-208-153	411	S	OLD WOODWARD AVE
08-19-36-208-154	411	S	OLD WOODWARD AVE
08-19-36-208-155	411	S	OLD WOODWARD AVE
08-19-36-208-156	411	S	OLD WOODWARD AVE
08-19-36-208-157	411	S	OLD WOODWARD AVE
08-19-36-208-168	411	S	OLD WOODWARD AVE
08-19-36-208-169	411	S	OLD WOODWARD AVE
08-19-36-208-170	411	S	OLD WOODWARD AVE
08-19-36-208-171	411	S	OLD WOODWARD AVE
08-19-36-208-172	411	S	OLD WOODWARD AVE
08-19-36-208-173	411	S	OLD WOODWARD AVE
08-19-36-208-174	411	S	OLD WOODWARD AVE
08-19-36-208-175	411	S	OLD WOODWARD AVE
08-19-36-208-176	411	S	OLD WOODWARD AVE
08-19-36-208-177	411	S	OLD WOODWARD AVE
08-19-36-208-178	411	S	OLD WOODWARD AVE
08-19-36-208-179	411	S	OLD WOODWARD AVE
08-19-36-208-180	411	S	OLD WOODWARD AVE
08-19-36-208-181	411	S	OLD WOODWARD AVE
08-19-36-208-182	411	S	OLD WOODWARD AVE
08-19-36-208-183	411	S	OLD WOODWARD AVE
08-19-36-208-184	411	S	OLD WOODWARD AVE
08-19-36-208-185	411	S	OLD WOODWARD AVE
08-19-36-208-186	411	S	OLD WOODWARD AVE
08-19-36-208-187	411	S	OLD WOODWARD AVE
08-19-36-208-188	411	S	OLD WOODWARD AVE
08-19-36-208-189	411	S	OLD WOODWARD AVE
08-19-36-208-190	411	S	OLD WOODWARD AVE
08-19-36-208-191	411	S	OLD WOODWARD AVE
08-19-36-208-192	411	S	OLD WOODWARD AVE
08-19-36-208-193	411	S	OLD WOODWARD AVE
08-19-36-208-194	411	S	OLD WOODWARD AVE
08-19-36-208-195	411	S	OLD WOODWARD AVE
08-19-36-208-196	411	S	OLD WOODWARD AVE
08-19-36-208-197	411	S	OLD WOODWARD AVE
08-19-36-208-198	411	S	OLD WOODWARD AVE
08-19-36-208-199	411	S	OLD WOODWARD AVE
08-19-36-208-200	411	S	OLD WOODWARD AVE
08-19-36-208-201	411	S	OLD WOODWARD AVE
08-19-36-208-202	411	S	OLD WOODWARD AVE
08-19-36-208-203	411	S	OLD WOODWARD AVE
08-19-36-208-205	411	S	OLD WOODWARD AVE

08-19-36-208-206	411	S	OLD WOODWARD AVE
08-19-36-208-207	469/479	S	OLD WOODWARD AVE
08-19-36-210-001	555	S	OLD WOODWARD AVE
08-19-36-210-003	555	S	OLD WOODWARD AVE
08-19-36-210-005	555	S	OLD WOODWARD AVE
08-19-36-211-001	400	S	OLD WOODWARD AVE
08-19-36-253-025	750	S	OLD WOODWARD AVE
08-19-36-253-026	772	S	OLD WOODWARD AVE
08-19-36-253-028	588	S	OLD WOODWARD AVE
08-19-36-253-029	608	S	OLD WOODWARD AVE
08-19-36-253-030	500	S	OLD WOODWARD AVE
08-19-36-253-034	690	S	OLD WOODWARD AVE
08-19-36-253-035	670	S	OLD WOODWARD AVE
08-19-36-278-012	808	S	OLD WOODWARD AVE
08-19-36-278-013	820	S	OLD WOODWARD AVE
08-19-36-278-014	832	S	OLD WOODWARD AVE
08-19-36-278-017	850	S	OLD WOODWARD AVE
08-19-36-278-018	880	S	OLD WOODWARD AVE

# S. Old Woodward Sidewalk and Streetscape SAD Area



Proposed Streetscape Special Assessment Properties and Estimated Costs

Property Address	Unit	Parcel No.	Assessment Length	Est
300 S OLD WOODWARD AVE		08-19-36-204-027	100	\$52,076.20
442 S OLD WOODWARD AVE		08-19-36-205-026	45	\$23,434.29
444 S OLD WOODWARD AVE		08-19-36-205-041	85.45	\$44,499.11
400 S OLD WOODWARD AVE		08-19-36-205-043	131.1	\$68,271.90
355 S OLD WOODWARD AVE		08-19-36-208-016	145.2	\$75,614.64
401 S OLD WOODWARD AVE		08-19-36-208-017		\$82,887.98
411 S OLD WOODWARD AVE	501	08-19-36-208-019		\$264.31
411 S OLD WOODWARD AVE	503	08-19-36-208-020		\$250.27
411 S OLD WOODWARD AVE	505	08-19-36-208-021		\$250.27
411 S OLD WOODWARD AVE	507	08-19-36-208-022		\$215.87
411 S OLD WOODWARD AVE	515	08-19-36-208-025		\$182.18
411 S OLD WOODWARD AVE	517	08-19-36-208-026		\$182.18
411 S OLD WOODWARD AVE	521	08-19-36-208-027		\$226.40
411 S OLD WOODWARD AVE	523	08-19-36-208-028		\$245.36
411 S OLD WOODWARD AVE	525	08-19-36-208-029		\$245.36
411 S OLD WOODWARD AVE	527	08-19-36-208-030		\$245.36
411 S OLD WOODWARD AVE	529	08-19-36-208-031		\$245.36
411 S OLD WOODWARD AVE	531	08-19-36-208-032		\$246.41
411 S OLD WOODWARD AVE	530	08-19-36-208-033		\$282.21
411 S OLD WOODWARD AVE	528	08-19-36-208-034		\$393.13
411 S OLD WOODWARD AVE	524	08-19-36-208-035		\$393.13
411 S OLD WOODWARD AVE	522	08-19-36-208-036		\$510.37
411 S OLD WOODWARD AVE	518	08-19-36-208-037		\$652.88
411 S OLD WOODWARD AVE	514	08-19-36-208-038		\$278.35
411 S OLD WOODWARD AVE	512	08-19-36-208-039		\$289.58
411 S OLD WOODWARD AVE	510	08-19-36-208-040		\$935.45
411 S OLD WOODWARD AVE	508	08-19-36-208-041		\$349.26
411 S OLD WOODWARD AVE	504	08-19-36-208-043		\$349.26
411 S OLD WOODWARD AVE	502	08-19-36-208-044		\$349.26
411 S OLD WOODWARD AVE	500	08-19-36-208-045		\$349.26
411 S OLD WOODWARD AVE	601	08-19-36-208-046		\$264.31
411 S OLD WOODWARD AVE	603	08-19-36-208-047		\$250.27
411 S OLD WOODWARD AVE	605	08-19-36-208-048		\$250.27
411 S OLD WOODWARD AVE	607	08-19-36-208-049		\$215.87
411 S OLD WOODWARD AVE	621	08-19-36-208-054		\$226.40
411 S OLD WOODWARD AVE	623	08-19-36-208-055		\$245.36
411 S OLD WOODWARD AVE	624	08-19-36-208-062		\$393.13
411 S OLD WOODWARD AVE	622	08-19-36-208-063		\$510.37
411 S OLD WOODWARD AVE	618	08-19-36-208-064		\$652.88
411 S OLD WOODWARD AVE	614	08-19-36-208-065		\$278.35
411 S OLD WOODWARD AVE	612	08-19-36-208-066		\$289.58
411 S OLD WOODWARD AVE	610	08-19-36-208-067		\$935.45
411 S OLD WOODWARD AVE	608	08-19-36-208-068		\$349.26
411 S OLD WOODWARD AVE	604	08-19-36-208-069		\$349.26
411 S OLD WOODWARD AVE	602	08-19-36-208-070		\$349.26
411 S OLD WOODWARD AVE	600	08-19-36-208-071		\$349.26
411 S OLD WOODWARD AVE	701	08-19-36-208-072		\$264.31
411 S OLD WOODWARD AVE	703	08-19-36-208-073		\$250.27
411 S OLD WOODWARD AVE	705	08-19-36-208-074		\$250.27
411 S OLD WOODWARD AVE	707	08-19-36-208-075		\$215.87
411 S OLD WOODWARD AVE	721	08-19-36-208-080		\$226.40
411 S OLD WOODWARD AVE	723	08-19-36-208-081		\$245.36
411 S OLD WOODWARD AVE	730	08-19-36-208-086		\$282.21
411 S OLD WOODWARD AVE	728	08-19-36-208-087		\$393.13
411 S OLD WOODWARD AVE	724	08-19-36-208-088		\$393.13
411 S OLD WOODWARD AVE	722	08-19-36-208-089		\$510.37
411 S OLD WOODWARD AVE	718	08-19-36-208-090		\$652.88
411 S OLD WOODWARD AVE	714	08-19-36-208-091		\$278.35
411 S OLD WOODWARD AVE	712	08-19-36-208-092		\$289.58
411 S OLD WOODWARD AVE	710	08-19-36-208-093		\$935.45
411 S OLD WOODWARD AVE	708	08-19-36-208-094		\$349.26

Proposed Streetscape Special Assessment Properties and Estimated Costs

Property Address	Unit	Parcel No.	Assessment Length	Est
411 S OLD WOODWARD AVE	704	08-19-36-208-096	259.17	\$349.26
411 S OLD WOODWARD AVE	702	08-19-36-208-097		\$349.26
411 S OLD WOODWARD AVE	700	08-19-36-208-098		\$349.26
411 S OLD WOODWARD AVE	801	08-19-36-208-099		\$264.31
411 S OLD WOODWARD AVE	803	08-19-36-208-100		\$250.27
411 S OLD WOODWARD AVE	805	08-19-36-208-101		\$250.27
411 S OLD WOODWARD AVE	807	08-19-36-208-102		\$215.87
411 S OLD WOODWARD AVE	811	08-19-36-208-103		\$182.18
411 S OLD WOODWARD AVE	813	08-19-36-208-104		\$182.18
411 S OLD WOODWARD AVE	815	08-19-36-208-105		\$182.18
411 S OLD WOODWARD AVE	817	08-19-36-208-106		\$182.18
411 S OLD WOODWARD AVE	821	08-19-36-208-107		\$226.40
411 S OLD WOODWARD AVE	823	08-19-36-208-108		\$245.36
411 S OLD WOODWARD AVE	824	08-19-36-208-115		\$393.13
411 S OLD WOODWARD AVE	822	08-19-36-208-116		\$510.37
411 S OLD WOODWARD AVE	818	08-19-36-208-117		\$652.88
411 S OLD WOODWARD AVE	814	08-19-36-208-118		\$278.35
411 S OLD WOODWARD AVE	812	08-19-36-208-119		\$289.58
411 S OLD WOODWARD AVE	810	08-19-36-208-120		\$935.45
411 S OLD WOODWARD AVE	808	08-19-36-208-121		\$349.26
411 S OLD WOODWARD AVE	804	08-19-36-208-122		\$349.26
411 S OLD WOODWARD AVE	802	08-19-36-208-123		\$349.26
411 S OLD WOODWARD AVE	800	08-19-36-208-124		\$349.26
411 S OLD WOODWARD AVE	901	08-19-36-208-125		\$264.31
411 S OLD WOODWARD AVE	903	08-19-36-208-126		\$250.27
411 S OLD WOODWARD AVE	905	08-19-36-208-127		\$250.27
411 S OLD WOODWARD AVE	907	08-19-36-208-128		\$215.87
411 S OLD WOODWARD AVE	911	08-19-36-208-129		\$182.18
411 S OLD WOODWARD AVE	913	08-19-36-208-130		\$182.18
411 S OLD WOODWARD AVE	921	08-19-36-208-133		\$226.40
411 S OLD WOODWARD AVE	923	08-19-36-208-134		\$245.36
411 S OLD WOODWARD AVE	925	08-19-36-208-135		\$245.36
411 S OLD WOODWARD AVE	927	08-19-36-208-136		\$245.36
411 S OLD WOODWARD AVE	929	08-19-36-208-137		\$245.36
411 S OLD WOODWARD AVE	931	08-19-36-208-138		\$246.41
411 S OLD WOODWARD AVE	924	08-19-36-208-141		\$393.13
411 S OLD WOODWARD AVE	922	08-19-36-208-142		\$510.37
411 S OLD WOODWARD AVE	918	08-19-36-208-143		\$652.88
411 S OLD WOODWARD AVE	910	08-19-36-208-146		\$935.45
411 S OLD WOODWARD AVE	908	08-19-36-208-147		\$349.26
411 S OLD WOODWARD AVE	904	08-19-36-208-149	\$349.26	
411 S OLD WOODWARD AVE	902	08-19-36-208-150	\$349.26	
411 S OLD WOODWARD AVE	900	08-19-36-208-151	\$349.26	
411 S OLD WOODWARD AVE	1001	08-19-36-208-152	\$264.66	
411 S OLD WOODWARD AVE	1003	08-19-36-208-153	\$250.62	
411 S OLD WOODWARD AVE	1005	08-19-36-208-154	\$250.62	
411 S OLD WOODWARD AVE	1007	08-19-36-208-155	\$216.22	
411 S OLD WOODWARD AVE	1011	08-19-36-208-156	\$182.18	
411 S OLD WOODWARD AVE	1013	08-19-36-208-157	\$182.18	
411 S OLD WOODWARD AVE	1024	08-19-36-208-168	\$393.13	
411 S OLD WOODWARD AVE	1022	08-19-36-208-169	\$510.37	
411 S OLD WOODWARD AVE	1018	08-19-36-208-170	\$652.88	
411 S OLD WOODWARD AVE	1014	08-19-36-208-171	\$278.35	
411 S OLD WOODWARD AVE	1012	08-19-36-208-172	\$289.94	
411 S OLD WOODWARD AVE	1010	08-19-36-208-173	\$935.45	
411 S OLD WOODWARD AVE	1008	08-19-36-208-174	\$348.91	
411 S OLD WOODWARD AVE	1004	08-19-36-208-175	\$348.91	
411 S OLD WOODWARD AVE	1002	08-19-36-208-176	\$348.91	
411 S OLD WOODWARD AVE	1000	08-19-36-208-177	\$349.26	
411 S OLD WOODWARD AVE	711	08-19-36-208-178	\$373.83	
411 S OLD WOODWARD AVE	725	08-19-36-208-179	\$501.25	

Proposed Streetscape Special Assessment Properties and Estimated Costs

Property Address	Unit	Parcel No.	Assessment Length	Est
411 S OLD WOODWARD AVE	729	08-19-36-208-180		\$502.65
411 S OLD WOODWARD AVE	829	08-19-36-208-181		\$502.65
411 S OLD WOODWARD AVE	828	08-19-36-208-182		\$686.58
411 S OLD WOODWARD AVE	1015	08-19-36-208-183		\$373.83
411 S OLD WOODWARD AVE	1021	08-19-36-208-184		\$481.94
411 S OLD WOODWARD AVE	1029	08-19-36-208-185		\$502.65
411 S OLD WOODWARD AVE	511	08-19-36-208-186		\$373.83
411 S OLD WOODWARD AVE	611	08-19-36-208-187		\$373.83
411 S OLD WOODWARD AVE	615	08-19-36-208-188		\$373.83
411 S OLD WOODWARD AVE	715	08-19-36-208-189		\$373.83
411 S OLD WOODWARD AVE	912	08-19-36-208-190		\$578.47
411 S OLD WOODWARD AVE	1028	08-19-36-208-191		\$686.58
411 S OLD WOODWARD AVE	825	08-19-36-208-192		\$501.25
411 S OLD WOODWARD AVE	1025	08-19-36-208-193		\$501.25
411 S OLD WOODWARD AVE	506	08-19-36-208-194		\$349.26
411 S OLD WOODWARD AVE	606	08-19-36-208-195		\$349.26
411 S OLD WOODWARD AVE	706	08-19-36-208-196		\$349.26
411 S OLD WOODWARD AVE	806	08-19-36-208-197		\$349.26
411 S OLD WOODWARD AVE	906	08-19-36-208-198		\$349.26
411 S OLD WOODWARD AVE	1006	08-19-36-208-199		\$349.26
411 S OLD WOODWARD AVE	630	08-19-36-208-200		\$686.58
411 S OLD WOODWARD AVE	915	08-19-36-208-201		\$373.83
411 S OLD WOODWARD AVE	928	08-19-36-208-202		\$686.58
411 S OLD WOODWARD AVE	625	08-19-36-208-203		\$501.25
411 S OLD WOODWARD AVE	629	08-19-36-208-205		\$245.36
411 S OLD WOODWARD AVE	631	08-19-36-208-206		\$246.41
469/479 S OLD WOODWARD AVE		08-19-36-208-207	80.56	\$41,952.59
555 S OLD WOODWARD AVE		08-19-36-210-001	569.96	\$296,813.50
555 S OLD WOODWARD AVE		08-19-36-210-003	65	\$33,849.53
555 S OLD WOODWARD AVE		08-19-36-210-005	61.52	\$32,037.28
400 S OLD WOODWARD AVE		08-19-36-211-001	131.1	\$68,271.90
750 S OLD WOODWARD AVE		08-19-36-253-025	50	\$26,038.10
772 S OLD WOODWARD AVE		08-19-36-253-026	81	\$42,181.72
588 S OLD WOODWARD AVE		08-19-36-253-028	150	\$78,114.30
608 S OLD WOODWARD AVE		08-19-36-253-029	100	\$52,076.20
500 S OLD WOODWARD AVE		08-19-36-253-030	148	\$77,072.77
690 S OLD WOODWARD AVE		08-19-36-253-034	150	\$78,114.30
670 S OLD WOODWARD AVE		08-19-36-253-035	150	\$78,114.30
808 S OLD WOODWARD AVE		08-19-36-278-012	95.8	\$49,889.00
820 S OLD WOODWARD AVE		08-19-36-278-013	50	\$26,038.10
832 S OLD WOODWARD AVE		08-19-36-278-014	50	\$26,038.10
850 S OLD WOODWARD AVE		08-19-36-278-017	150	\$78,114.30
880 S OLD WOODWARD AVE		08-19-36-278-018	255	\$132,794.31

# SOUTH OLD WOODWARD AVE PH

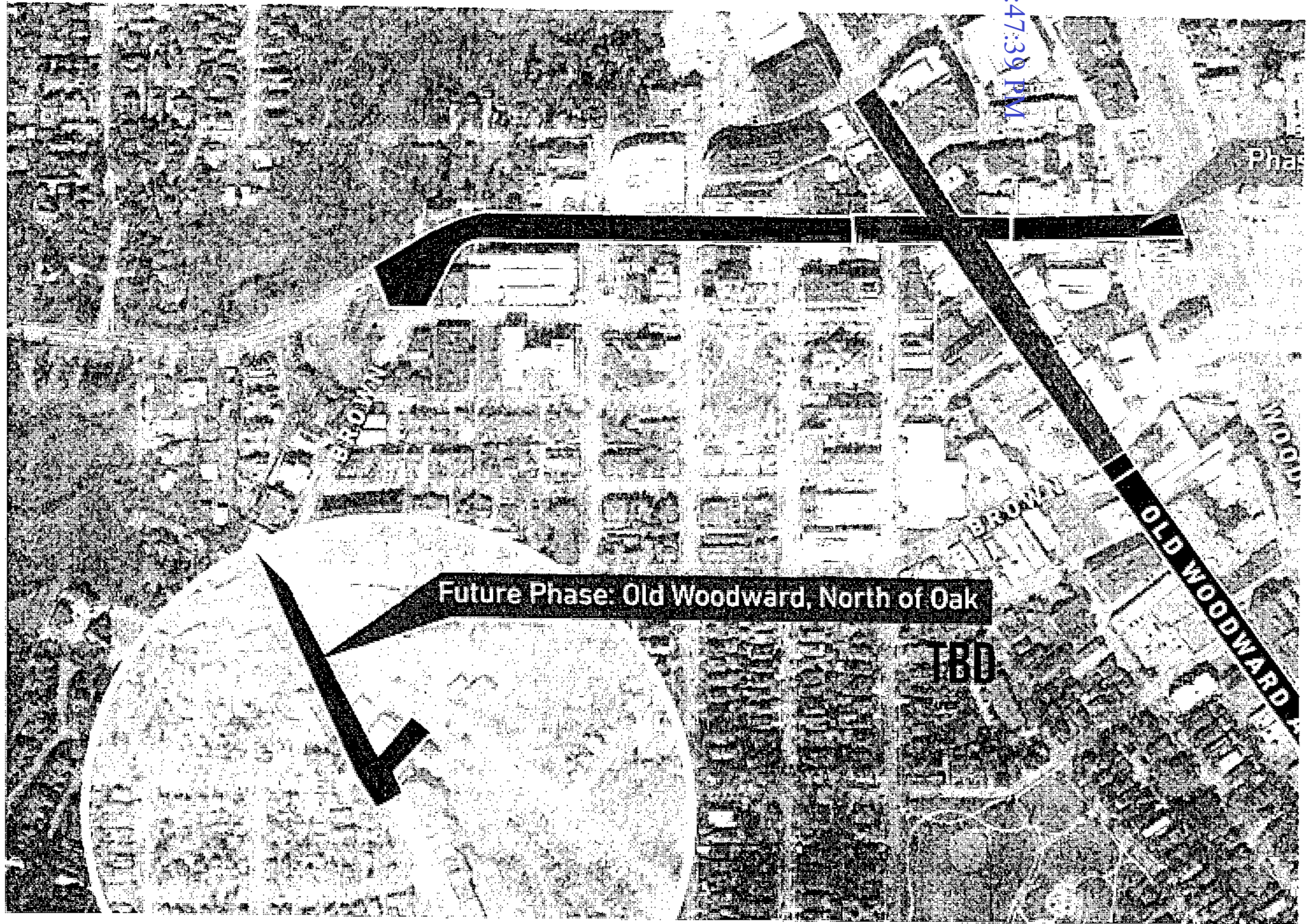
HEARING OF NECESSITY Sidewalks and

March 14, 2022



# PROJECT PHASING

19/2025 4:47:39 PM



# SPECIAL ASSESSMENT DISTRICTS

1/9/2025 4:47:39 PM

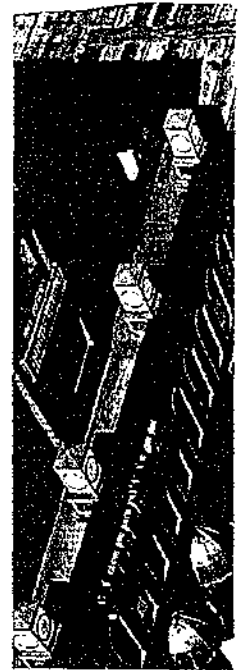
- Sidewalk & Streetscape Amenities (75% ass
  - includes concrete sidewalks, landscaping plants plantings, benches, etc.

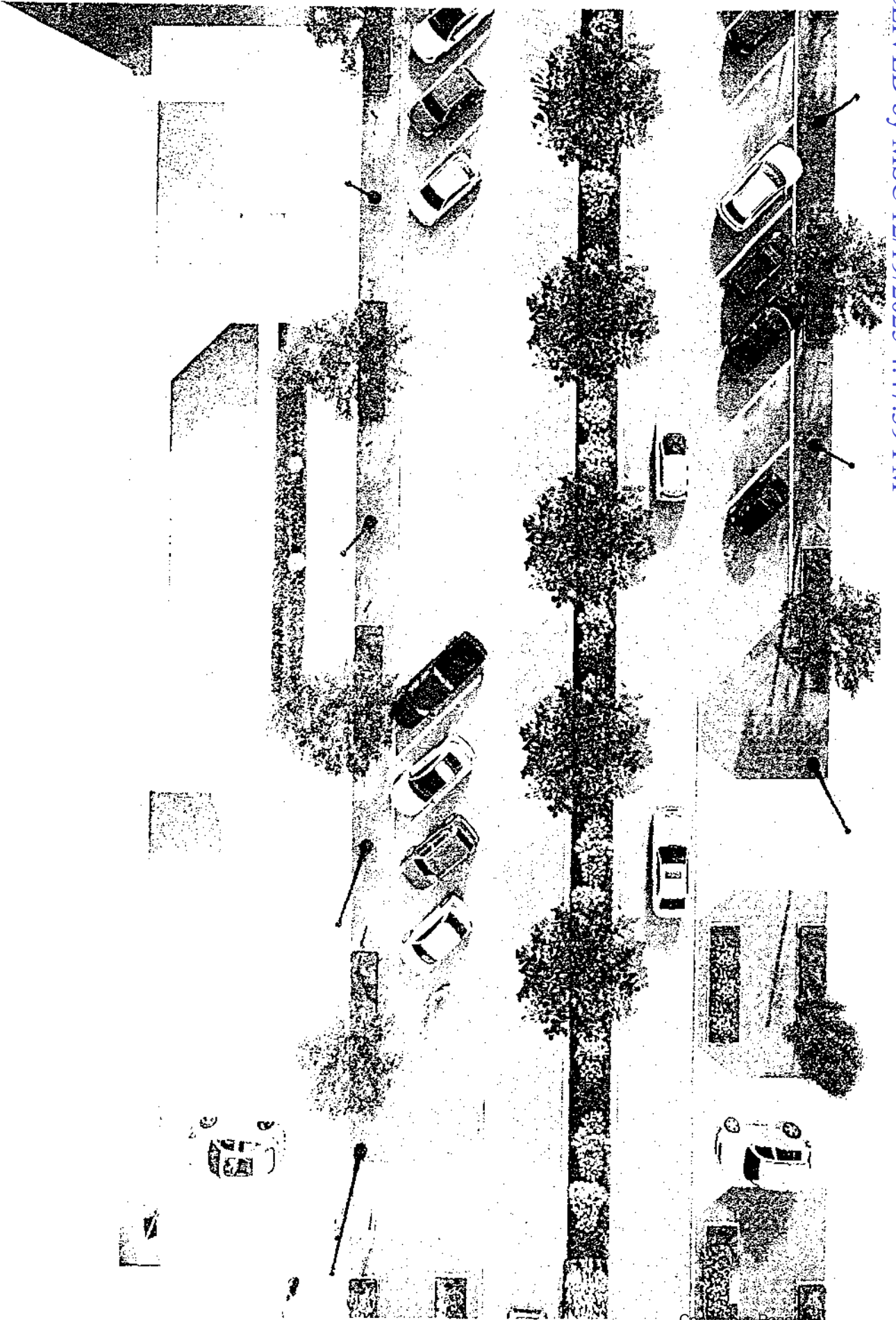


# PROJECT GOALS

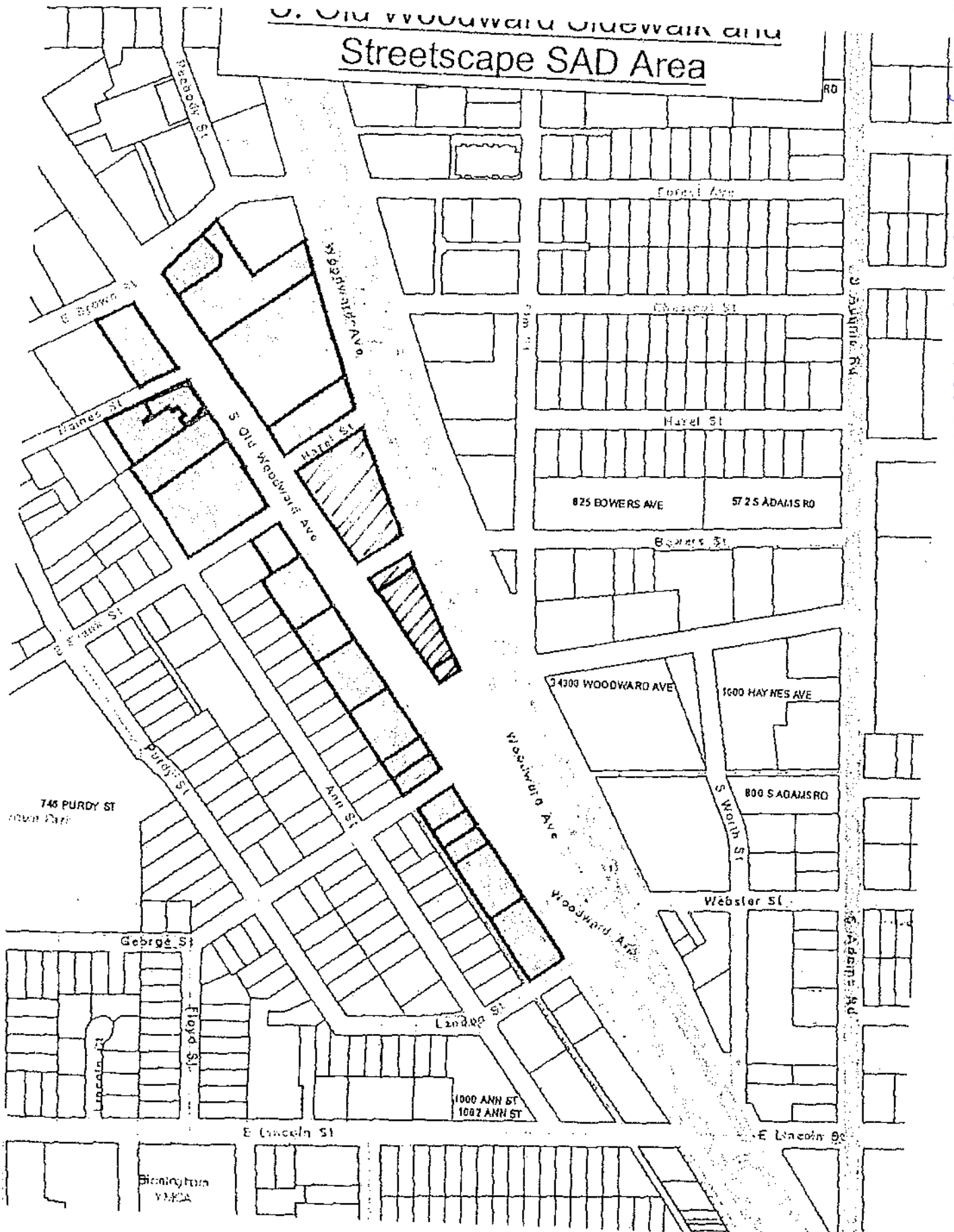
- **Complement Phase 1 & 2**
- Reduce vehicle speeds, **improve pedestrian safety**
- **Improve walkability** and safety, intuitive crossings
- **Reduce pedestrian and vehicular conflicts**
- Upgrade to be **ADA compliant**
- Add **green space, seating areas, and dining**
- **Optimize parking, scooters and bicycles**
- **Integrate green infrastructure**

1/9/2025 4:47:39 PM





Questions?





## MEMORANDUM

(Engineering)

**DATE:** April 8, 2022  
**TO:** Jack Reinhart  
**FROM:** Scott Zielinski, P.E. – City of Birmingham Assistant City Engineer  
**SUBJECT:** Response to items of concern related to S. Old Woodward project.

---

Per your request the City has looked into items associated with the planned 3<sup>rd</sup> phase of the City's downtown redevelopment project. The City is also providing a response to comments and questions by your property manager and business tenants that you have brought to our attention. Comments and questions addressed in this memo included the following:

1. An overlay comparison of City parking spaces in front of the 555 buildings between Hazel and Haynes both before and after the City project.
2. A count of City parking spaces being eliminated and the reasoning for this decision.
3. A final count of City parking spaces that will be available after construction.
4. Parking during construction including:
  - a. Construction Worker Parking, and
  - b. Tenant client parking.
5. Construction occurring along the 555 building's retaining walls.
6. Why the 555 buildings part of the SAD for sewer lead work.
7. The traffic plan for maintaining some traffic on S. Old Woodward during construction why it is southbound.
8. Explanation for placement of the bus stop on Old Woodward from Bowers and addressing concerns that have been expressed regarding the new location.

The City has conducted review of these items and provides the following responses:

- In response to item #1:


The City has appended the requested drawing. The provided drawing shows the City parking spaces that are being eliminated based on the current traffic safety standard requirements of the Michigan Vehicle Code, the Michigan Manual on Uniform Traffic

Control Devices, and the Americans with Disabilities Act, in addition to general industry standard safety practices for general street parking, bus stop areas, in relation to pedestrian crossings, and for handicap compliant spaces as designed by the City Consulting professionals.

- In response to items #2 and #3:

30 full-size City parking spaces exist currently in front of the 555 building's between Hazel and Haynes along the east side of S. Old Woodward. As required or recommended by the current traffic safety standard requirements of the Michigan Vehicle Code, the Michigan Manual on Uniform Traffic Control Devices, and the Americans with Disabilities Act, in addition to general industry standard safety practices for general street parking, bus stop areas, parking in relation to pedestrian crossings and for Handicap compliant spaces the following number of spaces are planned in removal as follows:

- Two (2) City parking spaces are being removed as the City increases the size of the City handicap parking spaces to provide adequate and legal spacing for ADA compliant handicap parking spaces and ADA compliant access to the sidewalk.
- Seven (7) City parking spaces are being removed for traffic and pedestrian safety measures (due to items such as proximity to intersections and to pedestrian crossings)
- Three (3) City parking spaces are being removed due to the planned placement of the bus stop.

As the City plans to construct nineteen (**19**) full-size parking spaces between Hazel and Haynes [Two (2) of which are handicap parking spaces] this results in a net loss of eleven (11) full-size parking spaces. The City also plans to install four (4) moped/motorcycle parking spaces in this area in ½ size spaces. 

- In response to item #4:

- Item A: The contractor will have the ability to park within the closed section of the work zone or will be required to park in a City structure (Pierce or Peabody structures)
- Item B: BSD is working on concept ideas, and the City is hopeful during construction that the ownership of the 555 would be willing to work on an agreement with the City for the tenant business of the 555 to use the 555's decks to help support them through the construction.

- In response to item #5:

The City has reviewed the project items that relate to work adjacent to the 555 property's retaining wall. Originally the City was to remove the existing 30" sewer in the Right-of-Way (ROW), the excavation was to be nearly 8ft deep. After consideration of concerns brought forth by the 555 property in relation to the retaining wall, the City is evaluating options for elimination of this work.

At this time the City only intends to replace streetscape items within 10 feet of the retaining wall. Depths of work will be limited in the 10 ft area adjacent to the retaining

wall. At this time the anticipated deepest excavation is less than 4 ft and will be limited in occurrence. Work immediately adjacent to the retaining wall in the ROW will be held to approximately 2 ft or less and is intended for sidewalk replacement activities.

- In response to item #6:

As stated at the Public Hearing of Necessity for S Old Woodward Water and Sewer Special Assessment District on March 14<sup>th</sup> the City had not been able to complete the inspection of the 555 building's sewer leads and therefore was required to include them in the proposed special assessment district for sewer and water laterals. Based on the City's completion of inspection of the 555 building's sewer leads, the City has been able to determine the 555 buildings sewer leads do not meet the requirements for assessment associated with the required criteria for; material type, quality or age. Therefore the 555 properties are not being included in the Confirmation of Roll associated with the special assessment district for the sewer and water laterals. The 555 property will not be charged for work associated with the sewer or water laterals in the Right-of-Way.

- In response to item #7:

As previously discussed, the City intends to allow traffic to use one lane on the south bound travel direction starting at Hazel. Frank and George will also be accessible to the south bound travel lane. Logistically in order to limit outside traffic from the construction zone we are limiting the entry to the area so vehicles only looking to reach businesses in the construction zone will enter the area. The less traffic in the work zone the safer the area will be.

- In response to Item #8:

The City is looking to improve the safety of the bus stop location. The current area on Bowers is poorly lit, and the location's proximity to Woodward provides a risk of incident with vehicles turning off of southbound Woodward onto eastbound Bowers St.

The location in front of the northern 555 building as determined by the City Engineering Consultants, meets the design criteria related to the distance from an intersection while maintaining the bus stop along SMART's current bus loop. Additional consideration was given to parking locations along the entirety of Bowers to Brown for the daily utilization rates as they compared to spaces where the City is required to remove to meet current safety standards set forth by the Michigan Vehicle Code, the Michigan Manual on Uniform Traffic Control Devices, and the Americans with Disabilities Act, in addition to general industry standard safety practices for bus stop locations in regards to street intersections and pedestrian crossings. In general the closer to Brown the higher the utilization is for the street as a whole.

The 555 ownership management and business tenants have expressed concerns of the bus stop in proximity to the cross walk that crosses Old Woodward on the north side of Frank St. The planned bus shelter is approximately 85ft south of the planned crosswalk, and as part of our project we are also planning to increase crosswalk lighting. The City notes the concern from the 555 that people may violate traffic laws to drive around the bus in the left turn lane, unfortunately the City does not have the ability to make drivers

follow traffic laws through design. The City's Police Department will enforce all appropriate traffic laws.

The designed bus stop, crosswalks, and decisions to eliminate City parking spaces, were all design items reviewed by the City's traffic engineering consultants and all necessary changes are a safety improvement over the current condition of S. Old Woodward.

**Birmingham City Commission Minutes**  
**March 14, 2022**  
**Municipal Building, 151 Martin**  
**7:30 p.m.**  
**Vimeo Link: <https://vimeo.com/683112653>**

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Therese Longe, Mayor, opened the meeting with the Pledge of Allegiance.

**II. ROLL CALL**

Alexandria Bingham, City Clerk, called the roll.

Present: Mayor Longe  
Mayor Pro Tem Boutros  
Commissioner Baller  
Commissioner Haig  
Commissioner Host  
Commissioner McLain  
Commissioner Schafer

Absent: None

Administration: City Manager Markus, City Clerk Bingham, Assistant City Manager Ecker, City Attorney Kucharek, Consulting City Engineer Surhigh, Assistant City Engineer Zielinski

**III. PROCLAMATIONS, CONGRATULATORY RESOLUTIONS, AWARDS, APPOINTMENTS, RESIGNATIONS AND CONFIRMATIONS, ADMINISTRATION OF OATHS, INTRODUCTION OF GUESTS AND ANNOUNCEMENTS.**

**Announcements**

Michigan and Oakland County are at a substantial rate of COVID-19 community transmission. Per Occupational Safety and Health Administration (OSHA) mask guidance for areas of high or substantial community transmission levels, and to continue to protect essential government operations and functions, the city requires masks in City Hall for all employees, and for board and commission members. Masks are recommended for members of the public who attend city meetings. The City continues to provide KN-95 respirators for all in-person meeting attendees.

Happy Birthday Commissioner Baller

Mohmadyunes Patel - City Engineer Coming to Birmingham

Congresswoman Haley Stevens

**IV. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA**

- A. Public Comment – Brad Coulter
  - a. Additional communication regarding this submitted public comment has been included.

David Bloom expressed concerns regarding a number of Commissioners’ conduct during and since the 2021 Commission election campaign.

Brad Coulter summarized the content of his submitted written comments. He expressed support for the pending code of conduct and asked that it include any persons and businesses that interact with the City government.

Samuel Oh expressed concerns about recommended upzoning in the Triangle in the 2040 Master Plan draft. He asked that the 2040 Plan maintain the zoning currently recommended for the Triangle in the 2007 Triangle Plan.

**V. CONSENT AGENDA**  
 All items listed on the consent agenda are considered to be routine and will be enacted by one motion and approved by a roll call vote. There will be no separate discussion of the items unless a commissioner or citizen so requests, in which event the item will be removed from the general order of business and considered under the last item of new business.

**03-069-22 Consent Agenda**

The following items were pulled from the Consent Agenda:  
 Commissioner Haig: Item H – Advisory Parking Committee Resignation – Sarshar Nasserian

**MOTION:** Motion by Mayor Pro Tem Boutros, seconded by Commissioner Host:  
 To approve the Consent Agenda excluding Item H.

ROLL CALL VOTE: Ayes, Mayor Pro Tem Boutros  
 Commissioner Host  
 Commissioner McLain  
 Commissioner Schafer  
 Mayor Longe  
 Commissioner Baller  
 Commissioner Haig

Nays, None

- A. Resolution to approve the City Commission meeting revised minutes of February 14, 2022.
- B. Resolution to approve the City Commission meeting minutes of February 28, 2022.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 2, 2022, in the amount of \$283,691.17.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 9, 2022, in the amount of \$1,671,096.82.
- E. Resolution to approve a special event permit as requested by the Michigan Parkinson Foundation to hold the 2022 Parkinson Walk on Saturday, June 18, 2022, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff leading up to or at the time of the event.

- F. Resolution to approve a special event permit as requested by the HDSA Michigan Chapter to hold Yoga in the Park on Saturday, June 18, 2022, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff leading up to or at the time of the event.
- G. Resolution to accept the resignation of Erin Rodenhouse from the Board of Zoning appeals, to thank her for her service and to direct the City Clerk to begin the process of filling the vacancy.
- I. Resolution to accept the resignation of Pierre Yaldo from the Brownfield Redevelopment Authority, thank him for his service, and to direct the City Clerk to begin the process of filling the vacancy.
- J. Resolution to accept the resignation of David Lurie from the Mutli-Modal Transportation Board, thank him for his service, and to direct the City Clerk to begin the process of filling the vacancy.
- K. Resolution approving a 2-year contract extension (through November 15, 2023) with Birmingham Lawn for lawn maintenance services in an amount not to exceed \$347,562. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funding for this project has been budgeted for using funds from the following other contractual services accounts: \$193,854 in Parks (101-751.000-811.0000), \$55,490 in City Properties (101-441.003-811.0000), \$13,156 in Well Sites (591-537.002-811.0000), \$15,274 in Local Streets (203-449.003-937.0400), \$59,788 in Major Streets (202-449.003-937.0400), and \$10,000 in Grass/Noxious Weed Enforcement (101-441.007-811.0000).

**03-070-22 (Item H) Advisory Parking Committee Resignation – Sarshar Nasserian**

Commissioner Haig and McLain noted it might be necessary to clarify for board applicants that virtual attendance is no longer an option for counting as present, counting towards a quorum, or voting.

Mayor Longe asked that Staff make it clear to applicants that attendance in person is now required for board participation.

**MOTION:** Motion by Commissioner Haig, seconded by Mayor Pro Tem Boutros:  
To accept the resignation of Sarshar Nasserian from the Advisory Parking Committee, thank him for his service, and to direct the City Clerk to begin the process of filling the vacancy.

VOICE VOTE: Ayes, Commissioner Haig  
Mayor Pro Tem Boutros  
Commissioner Host  
Commissioner McLain  
Commissioner Schafer  
Mayor Longe  
Commissioner Baller

Nays, None

**VI. UNFINISHED BUSINESS**

None.

**VII. NEW BUSINESS**

**03-071-22****S. Old Woodward Ph. 3 Estimated Project Cost Update**

CCE Surhigh presented the item.

In reply to Commission inquiry, CM Markus noted that the geopolitical context often causes costs to diverge from cost estimates. He said those changes do not give him pause in terms of scheduling a hearing of necessity. He said the Commission's decision regarding the viability of this project would come after bids have been received and reviewed. He noted that the bids would inform Staff and the Commission about how the project might impact the City's budget, what changes budgetary changes might be required, and what changes might need to be re-engineered within the project. He stated that the project needs to be done, that the City always repairs sewer and water when such a project is done, and that it is appropriate to address the streetscape at the same time.

Mayor Pro Tem Boutros noted that delaying the project would likely only increase the costs.

Commissioner McLain noted that the S. Old Woodward area is not Americans with Disabilities Act (ADA) compliant, and so it is necessary to redo the street. She said she was glad to be having a transparent conversation about the increase in costs but remained definite that the project must move forward. She noted that a delay would also negatively impact the business owners in the area, who have to deal with uncertainty until the project is complete.

Public Comment

Mr. Bloom recommended that the City undertake a re-engineering of the project now so the project would not be further delayed if a re-engineering is needed once bids are received. He also asked whether Plante Moran should revise the City's five-year forecasts in light of the project's estimated cost increases.

**03-072-22****Public Hearing of Necessity for S. Old Woodward Sidewalk and Streetscape Special Assessment District**

Mayor Longe disclosed that her spouse's landlord has a property in the proposed special assessment district (SAD). She reported being advised by the City Attorney that fact did not represent a conflict of interest.

CA Kucharek confirmed, and said she appreciated the Mayor's transparency.

The Mayor opened the public hearing at 8:27 p.m.

ACE Zielinski presented the item.

The Mayor noted that the Commission received formal protest of this item on behalf of 555 Residential LLC, 555 Commercial LLC, and Manorwood Properties LLC.

The Mayor closed the public hearing at 8:32 p.m.

**MOTION:**

Motion by Mayor Pro Tem Boutros, seconded by Commissioner Haig:

To adopt a resolution declaring the necessity of the improvement and of the Special Assessment District with special assessments levied in accordance with benefits against the properties within such assessment district which has been outlined by parcel number and included in the packet before the Commission on pages three, four, five, six, and seven. To further approve the detailed plans and estimates of the costs

prepared by the City Engineer as presented, to prescribe which portion of the costs of such improvements will be paid by special assessment upon the property especially benefited, determining that the benefits received by affected properties and what portion shall be paid by the City, which is 25% paid by the City and 75% assessed against the properties. Furthermore, the delineating of boundaries of the special assessment as defined by parcel numbers on pages three, four, five, six, and seven of the Commission packet, and to determine the method or formula to be used in making the assessment as provided in the Commission packet, in section 7B of the March 14, 2022 Commission packet, and furthermore by direction the Manager to prepare a special assessment roll and to present the same to the Commission for confirmation, which will be completed at the public hearing on April 11, 2022. Furthermore that the special assessment district will include all properties within the following districts as stated, and that the City Commission will meet on Monday, April 11, 2022 at 7:30 p.m. for the purpose of conducting the public hearing to confirm the assessment roll for the sidewalk and street scape improvements adjacent to all properties within the project area on South Old Woodward Avenue, between Brown Street and Landon Street.

### Public Comment

Jason Long, attorney, reiterated his letter on behalf of the 555 Commercial LLC and the 555 Residential LLC protesting the proposed SAD.

Jack Reinhardt, managing partner of the 555 and representative for Manorwood Properties LLC, also spoke against the proposed SAD and aspects of the S. Old Woodward project.

Mark Nickita summarized the lengthy review and study process that went into designing the S. Old Woodward project and recommended the Commission move forward with both the proposed SAD and the project as a whole.

Joe Vicari, owner of the Birmingham Pub, said that losing parking will negatively impact businesses in the S. Old Woodward area and suggested that the Commission delay the project, opining that prices for the project would likely decrease in a few years.

Mr. Bloom recommended that the City find a way to address Mr. Reinhardt's concerns given Mr. Reinhardt's level of investment in the City.

Mayor Pro Tem Boutros and Commissioners Baller, McLain, Host, and Haig conceded that the reconstruction of S. Old Woodward would be uncomfortable for area businesses in the short-term but would ultimately be beneficial to them in the long-term.

Commissioner McLain noted that the impact of the construction on businesses and their parking was at least partially mitigated during Phases One and Two of the project, and said those lessons in mitigation could be replicated on S. Old Woodward in Phase Three.

Mayor Pro Tem Boutros echoed Mr. Nickita's comments, and added that the City has already gone through two previous phases in other areas of the City and seen positive results.

Commissioner Baller acknowledged that customers to the S. Old Woodward area may have to walk a bit farther after the project's completion, but concurred with Mr. Nickita and Mayor Pro Tem Boutros that the improved streetscape would benefit both businesses in the area and the community as a whole.

Commissioner Haig said that while he believed the S. Old Woodward project would improve the area for



ROLL CALL VOTE: Ayes, Commissioner Haig  
 Mayor Pro Tem Boutros  
 Commissioner Host  
 Commissioner McLain  
 Commissioner Schafer  
 Mayor Longe  
 Commissioner Baller

Nays, None

**Commission Items for Future Discussion.** A motion is required to bring up the item for future discussion at the next reasonable agenda, no discussion on the topic will happen tonight.

In reply to Commissioner Host, CM Markus said he would offer a suggested action on the topics of social districts and food trucks to the Commission at its next meeting.

**Commission discussion on items from prior meeting**

**VIII. REMOVED FROM CONSENT AGENDA**

**IX. COMMUNICATIONS**

A. Eric Wolfe Regarding Rezoning Questions - Staff Responses and Related Communications

**X. REPORTS**

A. Commissioner Reports

1. Notice of intention to appoint Housing Board of Appeals
2. Notice of intention to appoint Brownfield Redevelopment Authority
3. Notice of intention to appoint Board of Zoning Appeals
4. Notice of intention to appoint Advisory Parking Committee
5. Notice of intention to appoint Multi-Modal Transportation Board
6. Notice of intention to appoint Architectural Review Committee

Mayor Longe noted that the number of positions available for appointment should indicate to the Michigan Legislature that the inability for board members to attend board meetings virtually is an issue.

B. Commissioner Comments

Commissioner Haig expressed dismay regarding two fellow Commissioners' conduct during and since the 2021 Commission election campaign. He admonished his fellow Commissioners to commit to adhering to the pending code of conduct and to treating each other with respect.

Commissioner Haig then thanked the Police and Fire Departments for replying to him regarding an inquiry. He noted he also received a clarification from ACM Ecker regarding a question he had asked about tax increment financing, but that correspondence was not included in the agenda package. He concluded by saying that all communications between Commissioners and Staff should be included in the agenda packet, and not just certain communications.

Commissioner McLain recommended that Birmingham residents over 50 years of age, who might have restricted mobility in the case of an emergency, call the Birmingham Fire Department to learn more about Knox Boxes.

Commissioner McLain then recommended the book "Conversations Worth Having: Using Appreciative Inquiry to Fuel Productive and Meaningful Engagement", by Jacqueline M. Stavros, Cheri Torres, David L. Cooperrider, to help inform the Commission's and the public's discourse around developing a code of conduct.

Commissioner Host spoke in favor of developing a code of conduct and of clarifying how conflicts of interest are handled. He noted that the focus of each Commissioner should be addressing the issues affecting the community.

Commissioner Host clarified that while the City funds Birmingham Public Schools, the operations and governance of the school system are completely separate from the Commission.

Commissioner Baller noted that Michigan campaign finance laws make election financing transparent to the community. He continued the Birmingham community includes more than just the City's residents, that those non-resident community members should not be referred to as 'outsiders', and said those non-resident community members deserve the wider community's respect. He noted also that residents have votes in the City, whereas non-residents do not.

Commissioner Host noted that Mr. Coulter apologized for his statement referencing 'outsiders'. Commissioner Host then asked whether it was appropriate to be uncivil to residents, since it is inappropriate to be uncivil to non-residents.

The Mayor expressed appreciation for all the Commissioner comments, and noted that cross-talk was discouraged during Commissioner comments.

Commissioner Haig asked if he could make an additional comment since Commissioner Host was permitted an additional comment.

The Mayor allowed Commissioner Haig to speak again on the basis that the Commissioner said his comment would be brief.

Commissioner Haig agreed with Commissioner Baller that the perspectives of non-resident community members are important. He noted that while he and Commissioner Baller have points of disagreement, he also agrees with Commissioner Baller on many points.

Mayor Longe briefly summarized the meeting she, CM Markus, and ATCM Fairbairn had with General Counsel Shindo from the Japanese Consulate in Detroit.

Commissioner McLain advised her colleagues to try and handle their disagreements quietly and outside of Commission time, so that the focus during Commission meetings can be getting the people's business done.

- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
  - 1. 2021 Annual Golf Report

The Mayor commended DPSD Wood and GOCM Brito on the performance of the City's golf courses.

2. City Manager Annual Performance Update

CM Markus summarized the item and said he would schedule his performance review for the first Commission meeting in April.

In reply to Commission inquiry, CM Markus confirmed that the review would be held in closed session and that his term with the City is scheduled to last through the end of June 2023.

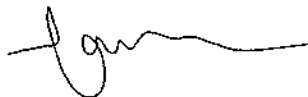
INFORMATION ONLY

**XI. ADJOURN**

Mayor Longe adjourned the meeting at 9:37 p.m.



Alexandria Bingham  
City Clerk



Laura Eichenhorn  
City Transcriptionist

## Statement of John J. Reinhart

Date: April 6, 2022

OBJECTIONS TO MAJOR ISSUES REGARDING THE SOUTH OLD WOODWARD DEVELOPMENT BASED ON SIGNIFICANT SAFETY ISSUES, ELIMINATION OF PARKING IN FRONT OF THE 555 BUILDING, ADA ISSUES AND THE NEED FOR A CROSSWALK AT BOWER STREET. OBJECTIONS ALSO WITH RESPECT TO THE SPECIAL ASSESMENT DISTRICT FOR THE CERTAIN COST OF THE SOUTH OLD WOODWARD DEVELOPMENT

My name is Jack Reinhart I am the owner of Manorwood Properties LLC the real estate where Birmingham Pub resides. I am also the general partner and responsible for the day-to-day management of the 555Building complex.

I was on the city zoom call on February 21<sup>st</sup> 2022, that was the first time that I ever heard of the elimination of 60 parking spots on Old Woodward. At that meeting, there was no mention of the relocation of the bus stop from in front of Birmingham Place down to the 555 Building, in front of possibly the most dangerous pedestrian crossing in the city.

I also attended the meeting on March 14<sup>th</sup> 2022. I spoke at in that meeting quite extensively. I raised many issues having to do with safety, the loss of the parking spots in front of 555, objected to the special assessment district and still did not know about the bus stop being relocated so I did not speak about that particular issue.

When I completed my presentation, I asked if there were any questions fully expecting a number of questions. The commissioners had no questions for me whatsoever. What happened immediately after was somewhat shocking to me. The cities consultants got up basically reaffirmed everything in their plan no one addressing the comments and concerns of any of the citizens and business owners like Joe Vicari, who owns the Birmingham Pub. Then each or most members the commissioner made very positive statements for the record saying how important this was for the city and the City had to get it done now and basically gave no consideration to any of the issues that I raised and many of the other citizens of the City of Birmingham raised. Summarizing their statements on the record it was basically "Come hell or high water this is getting done".

The City Commissioners have a duty to look into realistic issues, that are raised especially if they deal with the safety of the citizens of the City especially pedestrians potential ADA issues, and the City's invitees to their City.

I'm sending my revised statements now that I know much more, directly to all the commissioners so they'll have plenty of time to review what concerns 555 and Manorwood Properties, prior to the meeting on April 11<sup>th</sup> 2022. Perhaps this may generate some questions.

Last week I met with Sean Kammer and Scott Zielinski the City Engineer and another city official. I have asked for an overlay so that I know exactly what spots 555 is going to lose. I also

## Statement of John J. Reinhart

objected vehemently to locating and moving the bus stop in front of Birmingham Place to the front of 555 due to extreme safety concerns. At that meeting, I told him that was totally unacceptable to me and I would never agree to it. Sean Kammer said they would look into moving the bus stop and get back to me.

I have at least three phone calls into Scott Zielinski and he has yet to call me back on these important matters. I also left a voicemail for Sean Krammer.

I recognize that there's a functional requirement and that the city water and sewage drainage system needs to be replaced because it is in excess of 50 years old. However, much of this includes the beautification of the city with additional landscaping and a center median strip. All very nice, looks beautiful but from my perspective does not justify some of the reductions in functionality and costs for adjacent property owners, that have no interest in paying for the beautification of the city for which the entire city and all of its residence and visitors benefit.

This is a very important project to the City of Birmingham. They planned this for several years. Phase 1 and Phase 2 are completed north of South Old Woodward.

I would submit to the Commission that as important as this is to the City, it is every bit as important, even much more important to the tenants and the building owners and the residents on Ann Street and to CVS. The tenants, the property owners as well as the neighbors on Ann Street, which will take the overflow and CVS which is already taking the overflow will be significantly and dramatically adversely affected.

For the past two years the tenants of 555, especially the lifestyle tenants, have gotten their businesses ruined and destroyed because of COVID-19. Even today we do not know whether or not COVID-19 is over with or will continue to adversely affect these businesses. In fact, China shut down the entire city of Shanghai and many others due to Covid just last week.

As I said this will be more important to the tenants of the 555 building and adjacent building owners because this represents their livelihood and their life blood and possibly even the existence of these businesses which are still struggling because of COVID-19.

From my perspective, a significant project such as this to be successful and be in harmony with the City and the Community it requires communication. Personally, I must admit I am disappointed with the communication of the city and the Commission has had with the tenants and property owners in in South-old Woodward.

No one has talked to me no one has called me on the phone I've checked with my tenants no one has talked with any of them. In fact, some of them have sent emails to the city the city 's response we will get back to you and they never do.

Sure we've all seen a lot of this in the newspaper and heard about it. However, I know that no

## Statement of John J. Reinhart

one has ever sat down and met with me face-to-face or even so much just called me on the phone to discuss this. I find it very difficult so many of these decisions are being made without dealing with those that are directly affected and have the direct pragmatic and practical understandings of the logistics that all of this is going to cost. Let alone the hardship on these businesses. This does not represent good government community cooperation.

It appears that this is all been done by outside consulting firms I know there's been some informal meetings. But from my perspective nobody's got their boots on the ground and kicked the tires of what's really going to happen and how are they are going to affect the economics of the City and the redevelopment of South old Woodward so that the tenants of and property owners of the City remain viable.

**NOTICE:**

**First and foremost, I object to the entire plan that effects the 555 Residence, LLC in that never did we get any formal notices, never did anyone meet with the 555 residences owners or its employees, no one even called the 555 on the phone. This plan has a very significant reduction on the value of the 555 Building and its tenants. The 555 Building was entitled to be given FORMAL NOTICE if you intended to materially decrease the value of building and decreased the value of the 555 tenants' business. The 555 Building that has been here in Birmingham for 48 years and we just invested at the insistence of the City over \$30,000,000.00 in this property.**

**PARKING:**

Although it is nowhere in the written presentation of February 21<sup>st</sup> 2022, I now understand that there are 60 street parking spots south of Brown that are proposed to be eliminated.

This is really quite incredible especially since the city openly acknowledges they have a major parking problem within the city, where it is my understanding that a separate study indicates the city needs more than 3,000 parking spots. The most valuable parking spots in the City especially to support a viable retail community and restaurants are its street parking.

I ask, "Why was this not in the written presentation on February 21<sup>st</sup> 2022"?

The presentation makes a big point that this is being done because of ADA requirements that have to be met. I have looked at the plan and there may be a few ADA requirements, but nowhere would ADA requirements require the elimination of 60 street parking spots. I also believe there may be some grandfathering arguments allow us to meet some of those requirements but possibly not all of them.

One matter that is not dealt with at all in the study is that due to the nature of the lifestyle tenants that focus on exercise, physical therapy, and rehabilitation. The street parking at the 555

## Statement of John J. Reinhart

Building is paramount for the citizens of the City of Birmingham to follow their doctors' directions to use alternative methods to increase their mobility such as Pilates, yoga and supervised physical exercise. The alternative to physical therapy in many cases is very high-risk surgery.

I, myself have three fractured lumbar vertebrae. Plus, I have one fractured thoracic vertebra. The head of neurological surgery at Providence Hospital Dr. Tech Soo, has advised me to go to Pilates twice a week and other physical exercise in order to prevent high risk back surgery. I have been going to Pilates four (4) years and Birmingham Ultimate Fitness for eleven (11) years based on Dr. Soo's advice. Literally if I don't go to this physical therapy, I would not be able to walk upright.

I am not the only one that goes to Pilates, yoga and Birmingham Ultimate Fitness and Justin Anderson's fitness to assist me in maintaining my mobility without major high-risk surgery. There are many others, and they depend on street parking to go rehabilitation because of their limited mobility. Surprisingly the proposed plan illuminates all of the street parking in front of these tenants and substitutes a bus stop. The only way this could happen is that whoever put the study together never talked to the lifestyle tenants or investigated who frequents the building and how important straight parking is to these residents of the City of Birmingham.

In talking with Pilates, Yoga, Justin Anderson and Birmingham Ultimate Fitness, they estimate that on some days well over 400 people patronize these establishments on a daily basis and literally 1,000's on a weekly basis.

**BUS STOP:**

The bus stop relocation from Birmingham Place to the 555 was never mentioned in the presentation on February 21<sup>st</sup> 2022.

I have never heard of it being talked about in meetings before the commission. The first I became aware of it was when I discovered it on the last page of the February 21<sup>st</sup> 2022, presentation materials.

The 555 Building has been probably the most iconic building in the City of Birmingham for over 48 years. Years back the city constantly urged and cajoled 555 to spend significant money to rehabilitate and re-develop the 555 Building. At the time some of the City fathers referred to it as "The Pigsty of Birmingham".

In 2014, 555 commenced a complete redevelopment of the property. We replaced the curtain walls of the residence and in the commercial building. We put over \$3 million into the parking structure. We redesigned and updated all of the interior space hallways and common areas. On top of that we redid all the hard scape on the upper and lower levels of the retail. 555 invested over \$30 million in this redevelopment. We are extremely pleased on how it came out and how

## Statement of John J. Reinhart

well it's been received by the community.

Now for the City of Birmingham to now propose putting a bus stop in front of The 555 Building and to eliminate 36% of the 555 street parking is totally unacceptable to us. This will have a material significant decrease in the value of the 555 Building and our tenants' businesses which the city urged and cajoled us and insisted that we redevelop. How is that fair?

I can assure you the partners of 555 will not accept this unequivocally.

However, much more important than the effects that this can have on the value and the financial matters and the leasing of the 555 Building, let me assure you placing the bus stop where it is proposed causes significant and I mean very significant pedestrian safety risks and significant liability risks to the City of Birmingham.

Hazel and Frank Street on Old Woodward crosswalks are perhaps the most dangerous in the entire City of Birmingham. They are not symmetrical, and cars constantly take a diagonal route from Frank to get to big Woodward from Hazel to get to Frank so they can go to the CVS store or take a shortcut over to Southfield Road in order to avoid the congestion in the heart of the City of Birmingham.

One of Molly Baran's patrons got hit by a car at that cross-section. She will speak to that. On top of that many people have told me that they have almost gotten hit by cars at that crosswalk.

Now the City proposes to block the visibility site lines down South Old Woodward where currently cars go 35 to 45 miles an hour. I know this plan is intending to slow down northbound traffic. All I can say is don't count on it. More importantly, the bus stop takes out the northbound lane. There is now only a left turn lane when the bus is there. Let me assure you when the bus is there car traffic will go around the bus violating the left turn lane with no ability to see any pedestrians crossing Old Woodward at Hazel, let alone the diagonal traffic coming from Frank to Hazel.

#### WHO PAYS FOR IT?

I'm not going to spend a lot of time on all the issues that are there with respect to who should pay for these improvements. We do not believe that this would qualify as a special assessment district due the significant detrimental loss of value due to the taking of 60 street parking spots. On top of that at a minimum the city should talk to the property owners and the tenants that would be asked to pay for this. I can assure you they will all tell you if they have to pay for it they don't want it. This beautification project benefits the entire City. This is the gateway to the City of Birmingham all residents patrons and visitors benefit from this. If this is what The City wants to do then the City of Birmingham's property taxes should pay for.

#### LOGISTICS:

## Statement of John J. Reinhart

At the meeting on February 21<sup>st</sup> 2022, a number of property owners or tenants expressed deep concern over the logistics as planned by the city having a direct effect on their businesses. Some of them receive freight daily, semi-trucks and there was no provision what's the plan on how to make sure that these businesses can continue to receive these deliveries necessary for to keep them in business or to operate during this construction period.

My understanding is that the only traffic on Old Woodward will be southbound on the west side of Old Woodward. How is this fair to all the tenants on the east side of old Woodward? 555 has 18 retail tenants on the east side of old Woodward more than any other building on Old Woodward. I was told that the only crosswalk would be at Brown. This is so unfair in so many of the tenants will not be capable walking a quarter of a mile north to get to the east side of Woodward at Brown Street.

This should be solved by having an elevated crosswalk at Bower Street which is midway from Brown Street down to the South end of old Woodward. If this cannot be accomplished, it will be discrimination against the east side tenants of Old Woodward including the Birmingham Pub which is a restaurant. This would be totally discriminatory.

Another concern I have that was not discussed to date at the meetings are what is The City going to do with the snow in the winter. Right now when we have even a relatively small snow it ends up exactly where the proposed median strip is supposed to be with your proposed new developments. I don't know how they're going to be able to put it there without ruining the landscaping, busting up the concrete and curbs.

I hope they don't plan on pushing it into the remaining parking spots that they have left which would create more and further significant hardship and parking problems for all South Woodward businesses and tenants!

In a very significant snow it would create monumental problems not having the ability to push the snow to the center of old Woodward. Logistically I have no idea how they would deal with this.

Currently they push it to the center of the street, and it stays there for a couple days until they can get the front loaders to remove it. This problem is getting compounded throughout the city because they now have to remove the snow throughout the city with front loaders. The problem I have here though is there's no place to put the snow in the interim. From the initial plowing of the street until the front loaders get around to moving it.

Perhaps the City has figure this out, but it has never been discussed and it's not in the presentation and when I asked Scott Zielinski about it he said well we will deal with it, we'll figure out how to deal with it later. I believe this issue must be dealt with before proceeding.

## Statement of John J. Reinhart

## STRUCTURAL:

My understanding is that all the sidewalks are going to be torn up and replaced. With respect to the 555 Building, this is within 2 feet of a major retaining wall of the building.

The 555 has hired engineers to evaluate the structural integrity of our retaining wall that runs the entire length of our property. Measurements are being made and will be delivered to the city so that if any damage is caused by the excavation so close to our retaining wall clearly it will be the responsibility of the city.

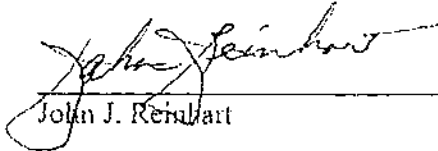
We had to hire two sets of engineers to get a baseline to protect the integrity of the 555 from this construction. We have given the City the names of our engineers and hopefully they have reached out and contacted them so they can work together on this.

The 555 expects the city will pay for all these professional expenses because but for the construction of this project none of this would ever have taken place and there would be no concerns to the 555 building and the existence of our retaining wall.

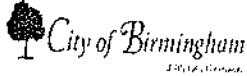
As I mentioned in the beginning, this is a very important project for the City of Birmingham. Additionally, first and foremost I am dearly concerned about the safety of the pedestrians, especially moving perfectly safe bus stop to a very high-risk location with significant federal ADA ramifications and possibly lawsuits by patrons of the lifestyle center. I believe it is much more important for the property owners and the tenants on S. Old Woodward Ave. The existence of the lifestyle center and lifestyle tenants is what has allowed 555 to lease up over 90% of the retail space which was 60% vacant for over 20 years.

If the City really does want the City to develop to the south end of Old Woodward. I do not think you want to take away all the street parking, put a bus stop there that creates significant safety hazards for pedestrians and then on top of it make these small businesses pay for a major part of the Beautification and redevelopment. That benefits the entire city.

Very Truly Yours,



John J. Reinhart



Scott Zielinski &lt;szielinski@bhamgov.org&gt;

---

## Questions for Phase 3 meeting 4/11

1 message

molly baran &lt;mollypilates@att.net&gt;

Reply-To: molly baran &lt;mollypilates@att.net&gt;

To: Scott Zielinski &lt;szielinski@bhamgov.org&gt;

Wed, Apr 6, 2022 at 8:24 PM

Hello Scott,

I am resending my questions and concerns for the meeting on Monday 4/11.

I am the owner of Studio M Pilates in the 555 Building. My business is on the lower level North End. I have been here for over 13 years. I attended the last meeting for the Phase 3 project. I will be attending the next meeting Monday 4/11. I have listed below some concerns and questions. I thought it would be good to send them on to you before the meeting.

Thank you for your time

### Parking Before and After Construction,

The businesses in my building on the lower level are mostly Fitness based. Pilates Studio, Yoga and 2 separate Personal group training Studios. We all have group classes from approximately 5:50am through 1:00pm and again 3:30pm through 9pm.

Between all businesses we could be 40-60 cars needing parking all at the same time on the hour. As the second wave of cars is leaving another comes. **All at the same time, double.** Add to that the other businesses that have customers. This is going to be a problem especially during construction. Parking in our structure is not an option at \$6.50 an hour.

Birmingham Shopping District said they will provide Valet Parking. That is not going to work with volume of 60 cars all at once. How are they planning on handling that for us? Clients will not come if it is a hassle to get here on time for a class/session.

CVS is on alert to our customers parking in their lot and will Tow cars. They have warned our clients.

Where will the Construction workers be parking? Will that be monitored?

### Handicapped Access

My Studio has some post rehab and Elderly clients needing Handicapped access. How is that going to be handled during construction? Parking in my building parking structure is not an option for a client with limited mobility issues. They have to pass through 3 Doors that are not automatic, negotiate the one Elevator that goes to the bottom floor, then walk a distance to the end where my Studio is. The cost to park in the structure is also \$6.50 hour.

### Crossover

At the last meeting it was stated that clients and customers of businesses can park in the west neighborhood on Ann etc. It was mentioned the only crossover from the East side is at Brown St. This is not a practical solution. We need another crossover midway.

### Post Construction

Bus Stop - If you look at the view of the North End of our building, you will see the rendering for a Bus Stop on the corner at Hazel. It is placed at the crosswalk toward CVS. It shows a left hand turn lane to Frank. Cars will use that lane to pass the bus. Dangerous! Cars drive across from Frank to Hazel to get to Woodward not

4/8/22, 4:35 PM

City of Birmingham MI Mail - Questions for Phase 3 meeting 4/11

stopping or looking. It is illegal to cross at an angle like that. It is a very dangerous crosswalk already. I have had a client get hit by a car there. Having a bus there with cars passing it with low visibility is dangerous. The City use to have an orange pylon there that got driven over so many times they just removed it. There is a tremendous amount of foot traffic at that crosswalk to go to CVS. Probably the busiest at this end because of CVS. The Bus stop should not be placed there. It is an accident waiting to happen.

Where is handicapped parking for our building? I see a space for a motorcycle. That should be a Handicapped space.

Will there still be parallel parking on Hazel and Frank?

It is imperative that parking is addressed now so I can prepare my clients. If we make parking easy and clear for all we can get through the construction. If I loose money again over this summer I will have to close after having a thriving buisness in Birmingham for 13 years. I was shut down for 6 months just 18 months ago. My business has just started to make money again. I am a reasonable person and understand it needs to be done. We need a solid plan for our unique businesses in this area.

Thank you!

Molly Baran

Owner, Pilates

248/721-0033

<http://studio-m-pilates.com>

Statement of Nicole Ashley regarding Safety Issues; elimination of parking; creation of the bus stop and cost to businesses.

Date April 7, 2022

I, Nicole Ashley make the statement being as follows:

I am the co-owner of blo blow dry bar located at the S. Old Woodward in the 555 Building and have been a business tenant at this address since 2016.

I have reviewed in detail the City's plans for the redevelopment of South Old Woodward. In my opinion, this plan is first and foremost highly unsafe to pedestrians and adds a bus stop that makes the Frank Street and Ann Street crossing much more dangerous than it already is.

The plan unnecessarily removes parking that is critical to the survival of my business as well as the other lifestyle tenants of Birmingham. This is the area that is zoned for Lifestyle Tenants.

The 555 building was chosen by my partner Amanda Fraifogl and myself specifically because of the parking located directly in front of our store front. This is critical to our business. Our clients are generally in and out within an hour. We have wedding parties, Ladies preparing for special events, prom and homecoming clients...none of which will be interested in hiking 3 blocks up the street in the rain, snow or humidity.

Perhaps if the city would like to subsidize the 555 building for parking, a solution may be obtainable, as there are many free city parking areas that would otherwise suffice for our clientele if they were not so far away. As is, we are desperate to hang on to these few spots.

Furthermore, businesses such as mine are barely scraping by. We have all been decimated by Covid and to suggest any type of assessment for landscaping is ludicrous and may very well be the straw that breaks the camel's back. If we must pay for it, we unequivocally do not want it.

Lastly, we implore you to keep one side of S. old Woodward traffic moving during this construction phase. I recall what happened to Birmingham during the last construction. It became a ghost town. People purposely stayed away. It was a joke to all who did not have businesses affected during that time. And under the current supply chain shortages this closure could last 2x or even 3x longer than the previous phases. Businesses were forced to close as I fear ours may be if you don't revamp your plans and find a better way to support your business residents.

Cordially,

Nicole Ashley

Co-owner

Blo Blow Dry Bar

( 586) 764-5406cell

Statement of Daniel Brown regarding major Safety issues elimination of parking creation of the bus stop and the need for cross over at Bowers

Clerk's Office  
City of Birmingham, MI

Date April 6, 2022

APR - 8 2022

I Daniel Brown make the statement being as follows:

RECEIVED 12:35  
*woods*

I am the maintenance supervisor for the 555 Building and have held this position for the last three years.

I am on the 555 property and the surrounding area every day by approximately 8:00am to 5:00pm on an average five to six days a week.

I have reviewed in detail the City's plans for the redevelopment of South Old Woodward. In my option, this plan is first and foremost highly unsafe to pedestrians and adds a bus stop that makes the Frank Street and Ann Street cross overall much more dangerous than it already is. Lastly it unnecessarily removes parking that is critical to the survival of lifestyle tenants of Birmingham. This is the area that is zoned for Lifestyle Tenants. The loss of the parking alone, based on my estimated effects over 1000 Lifestyle Tenants. Furthermore, these tenants will be driven into the CVS parking lot and Ann Street to park on.

Upsetting those city residents. They will have nowhere else place to park.

The City has relied on the parking meters for its parking utilization study. The parking meters are not picking up the utilization from 6:00am until 9:00am. This is the peak time for utilization of the street parking. Accordingly, any parking study utilizing the parking meters is inherently defective. On top of that most of the parking spots south of Hayes are barely used at all. Scott Zielinski City engineer told Jack Reinhart and Michelle Russo that there is only 40% of utilization of parking South of Brown. This study is fallacious and flawed from inception based on basic common sense. There are 95 parking spots south of Hayes that are vacant most of the time. This along with not metering the parking from 6:00am-9:00 skews the utilization study making it totally unreliable and cannot be used to eliminate parking spots where all the lifestyle tenants depend on them for the viability of their business. Furthermore, the study give no consideration to peak parking times that currently drives the overflow from the Lifestyle tenants into CVS private lot and the street parking of the residents on Ann Street.

At 8:00am, all the street parking is fully utilized due to Our Lifestyle Center tenants. We have tenants such as:

- 555 Fitness Center
- Birmingham Ultimate Fitness

- Justin Anderson's fitness
- Pilates
- Community Yoga
- Beauty Fusion
- Eyedolize & Massages

The patrons of these tenants begin using the street parking as early as 5:00am, the spaces are fully occupied between 6:00am and 11:00am.

Again, starting approximately 4:00pm, the street parking again is fully utilized until approximately 8:00pm.

I frequently visit CVS on Old Woodward, just north of Hazel Street, on the west side of the Old Woodward on a daily basis. I cross at the crosswalk at Old Woodward and Hazel. I can attest that on many occasions, at least four, to my immediate recollection, I have almost gotten hit by cars at the crosswalk. There is very poor visibility here without the bus stop, it will get much much worst with the bus stop.

The reason why it is so dangerous is the cars going eastbound on Frank Street cross diagonally to Hazel to get to Big Woodward. Correspondingly, cars going westbound on Hazel again cross diagonally to get to Frank Street, where the CVS parking lot is or it is a shortcut to Southfield Road, rather than to go through the center of town.

I have looked at the City's plans and have observed, they are placing a bus stop right in front of the 555 Building. Considering the insanity that goes on at the crosswalk at Hazel Street and Old Woodward and Frank Street and Old Woodward. This bus stop will further significantly complicate not only the traffic but most importantly the safety of The City of Birmingham pedestrians.

Like I said I've almost got hit at least four times at the crosswalk and now the bus stop is going to block the visibility of the pedestrian being able to look southbound on Old Woodward. In my opinion this is creating a much, much higher risk for pedestrians and is unnecessarily inherently dangerous. In short, in my opinion, this is an accident waiting to happen.

Knowing Birmingham, I am aware that there is a bus stop directly north in front of Birmingham Place. It's been there for years. It is in a much safer location. I measured how far north it is and it is only 360 feet north of the proposed new bus stop. That bus stop is in the heart of City where most of people that use the bus work. The current location is clearly in a much safer location for the pedestrians of the City of Birmingham.

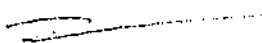
As part of the community, I can only question why would the city move the bus stop in front of the 555 Building and take out six or seven parking spots, when these parking spots are so critical to the viability of the tenants of the 555 Building. These parking spots are the lifeline and life

blood of these small business.

I also did measure the distance from where construction is commencing at Brown Street down to where the construction ends on Lincoln Street. It is a total of 2640 feet in each direction for a total of 5280 total feet the 555 building is 450 linear feet on Old Woodward. Based on the linear feet the 555 should only lose a maximum of 4 parking spots (computed as follows  $450/5280 = 8\%$  and  $8\% \times 60\text{spots} = 4.8$  parking spots). The City study shows the 555 losing 11 parking spots. The loss of 11 parking spots in front of 555 is inherently unfair and totally unequitable. Especially since the 95 parking spots South of Hayes are hardly used at all. In my opinion, based on the special recreational zoning and handicap issue and the important of the Lifestyle Center of Birmingham and the important to the citizens of Birmingham, the 555 should lose no parking spots. Take them from South of Hayes on North of Hazel.

As important as this project is to the City and its business and tenants, no one has interviewed me to access my intimate daily knowledge of South Old Woodward, or to my knowledge of any South Old Woodward Business owners or tenants that I talk with every day.

Very Truly Yours,



---

Daniel Brown  
555 Maintenance Supervisor Linear

Statement of Daniel Brown regarding major Safety Issues elimination of parking creation of the bus stop and the need for cross over at Bowers

Date April 6, 2022

I Daniel Brown make the statement being as follows:

I am the maintenance supervisor for the 555 Building and have held this position for the last three years.

I am on the 555 property and the surrounding area every day by approximately 8:00am to 5:00pm on an average five to six days a week.

I have reviewed in detail the City's plans for the redevelopment of South Old Woodward. In my opinion, this plan is first and foremost highly unsafe to pedestrians and adds a bus stop that makes the Frank Street and Ann Street cross overall much more dangerous than it already is. Lastly it unnecessarily removes parking that is critical to the survival of lifestyle tenants of Birmingham. This is the area that is zoned for Lifestyle Tenants. The loss of the parking alone, based on my estimated effects over 1000 Lifestyle Tenants. Furthermore, these tenants will be driven into the CVS parking lot and Ann Street to park on.

Upsetting those city residents. They will have nowhere else place to park.

The City has relied on the parking meters for its parking utilization study. The parking meters are not picking up the utilization from 6:00am until 9:00am. This is the peak time for utilization of the street parking. Accordingly, any parking study utilizing the parking meters is inherently defective. On top of that most of the parking spots south of Hayes are barely used at all. Scott Zielinski City engineer told Jack Reinhart and Michelle Russo that there is only 40% of utilization of parking South of Brown. This study is fallacious and flawed from inception based on basic common sense. There are 95 parking spots south of Hayes that are vacant most of the time. This along with not metering the parking from 6:00am-9:00 skews the utilization study making it totally unreliable and cannot be used to eliminate parking spots where all the lifestyle tenants depend on them for the viability of their business. Furthermore, the study give no consideration to peak parking times that currently drives the overflow from the Lifestyle tenants into CVS private lot and the street parking of the residents on Ann Street.

At 8:00am, all the street parking is fully utilized due to Our Lifestyle Center tenants. We have tenants such as:

- 555 Fitness Center
- Birmingham Ultimate Fitness

- Justin Anderson's fitness
- Pilates
- Community Yoga
- Beauty Fusion
- Eyedolize & Massages

The patrons of these tenants begin using the street parking as early as 5:00am, the spaces are fully occupied between 6:00am and 11:00am.

Again, starting approximately 4:00pm, the street parking again is fully utilized until approximately 8:00pm.

I frequently visit CVS on Old Woodward, just north of Hazel Street, on the west side of the Old Woodward on a daily basis. I cross at the crosswalk at Old Woodward and Hazel. I can attest that on many occasions, at least four, to my immediate recollection, I have almost gotten hit by cars at the crosswalk. There is very poor visibility here without the bus stop, it will get much much worst with the bus stop.

The reason why it is so dangerous is the cars going eastbound on Frank Street cross diagonally to Hazel to get to Big Woodward. Correspondingly, cars going westbound on Hazel again cross diagonally to get to Frank Street, where the CVS parking lot is or it is a shortcut to Southfield Road, rather than to go through the center of town.

I have looked at the City's plans and have observed, they are placing a bus stop right in front of the 555 Building. Considering the insanity that goes on at the crosswalk at Hazel Street and Old Woodward and Frank Street and Old Woodward. This bus stop will further significantly complicate not only the traffic but most importantly the safety of The City of Birmingham pedestrians.

Like I said I've almost got hit at least four times at the crosswalk and now the bus stop is going to block the visibility of the pedestrian being able to look southbound on Old Woodward. In my opinion this is creating a much, much higher risk for pedestrians and is unnecessarily inherently dangerous. In short, in my opinion, this is an accident waiting to happen.

Knowing Birmingham, I am aware that there is a bus stop directly north in front of Birmingham Place. It's been there for years. It is in a much safer location. I measured how far north it is and it is only 360 feet north of the proposed new bus stop. That bus stop is in the heart of City where most of people that use the bus work. The current location is clearly in a much safer location for the pedestrians of the City of Birmingham.


As part of the community, I can only question why would the city move the bus stop in front of the 555 Building and take out six or seven parking spots, when these parking spots are so critical to the viability of the tenants of the 555 Building. These parking spots are the lifeline and life

blood of these small business.

I also did measure the distance from where construction is commencing at Brown Street down to where the construction ends on Lincoln Street. It is a total of 2640 feet in each direction for a total of 5280 total feet the 555 building is 450 linear feet on Old Woodward. Based on the linear feet the 555 should only lose a maximum of 4 parking spots (computed as follows  $450/5280 = 8\%$  and  $8\% \times 60\text{spots} = 4.8$  parking spots). The City study shows the 555 losing 11 parking spots. The loss of 11 parking spots in front of 555 is inherently unfair and totally unequitable. Especially since the 95 parking spots South of Hayes are hardly used at all. In my opinion, based on the special recreational zoning and handicap issue and the important of the Lifestyle Center of Birmingham and the important to the citizens of Birmingham, the 555 should lose no parking spots. Take them from South of Hayes on North of Hazel.

As important as this project is to the City and its business and tenants, no one has interviewed me to access my intimate daily knowledge of South Old Woodward, or to my knowledge of any South Old Woodward Business owners or tenants that I talk with every day.

Very Truly Yours,



---

Daniel Brown  
555 Maintenance Supervisor Linear

4/7/22, 4:06 PM

Gmail - Fwd: Phase 3 Old Woodward Project



Jack Reinhart <jjreinhart@gmail.com>

---

## Fwd: Phase 3 Old Woodward Project

1 message

molly baran <mollypilates@att.net>

Wed, Apr 6, 2022 at 3:54 PM

To: Jack Reinhart <jjreinhart@gmail.com>, Scott Zielinski <sziefinski@bhamgov.org>

See my below emails from February.

Thank you

Sent from my iPhone

Begin forwarded message:

From: molly baran <mollypilates@att.net>  
Date: March 11, 2022 at 7:02:04 PM EST  
To: Jim Surhigh <cityengineer@bhamgov.org>  
Subject: Re: Phase 3 Old Woodward Project  
Reply-To: molly baran <mollypilates@att.net>

Thank you Jim.

All the Businesses up in this corridor appreciate consideration to the other issues.

**Molly Baran**

248/721-0033

<http://studio-m-pilates.com>

On Friday, March 11, 2022, 05:30:21 PM EST, Jim Surhigh <cityengineer@bhamgov.org> wrote:

Molly,

Your message has been received, and sorry that we haven't responded yet. We don't have answers to all of your questions yet about use of properties that the City does not own, but please note that there will not be any public street parking allowed in the work zone during construction.

Sincerely,

Jim Surhigh, P.E.  
Consulting City Engineer

On Fri, Mar 11, 2022 at 5:04 PM molly baran <mollypilates@att.net> wrote:

Please confirm you recieved my email below? I have no response from anyone.

Thank you,

**Molly Baran**

248/721-0033

<http://studio-m-pilates.com>

On Tuesday, February 22, 2022, 09:56:46 AM EST, molly baran <mollypilates@att.net> wrote:

Good Morning,

I am the owner of Studio M Pilates in the 555 building. I am located at the North/West corner lower level. I attended the informational meeting last evening. Some thoughts regarding parking during *and* after the project. As discussed we are in a very different retail dynamic on the East side of the street.

My Pilates Studio has small group classes through the morning and evening hours. We may have 8-10 cars (clients) coming in at the same time for a class starting on the hour. The Yoga Studio has the same scenario with larger numbers, maybe 15-20. Valet can not handle that number all at once at our corner. Between Community Yoga and our Pilates Studio we can have a total of 40 cars needing parking all at once. If participants can't in on time they will go elsewhere.

Valet works well for shoppers, not groups coming in and out all at once.

I am planning on getting them to park in our building. The cost for parking in the 555 is expensive. I should not have to absorb the cost. The structure capacity may also be a problem since it is already filled with residents and employees in the building.

-Could the empty Bank building on Hazel be used for parking?

-Where will the construction workers park? It was pointed out parking available west on Ann etc. that will not work if the construction workers are taking spaces.

There is an ongoing problem with constructions workers taking up spaces all along Old Woodward. I was frustrated last week at 9am not able to find a space North of Brown because of trucks taking up spaces. My clients complain now about trucks taking parking spaces.

Is Parking enforcement going to take control of that? We will also be dealing with the New construction of Restoration hardware.

Thank your for your consideration. I realize the project needs to be completed and we all need to work together.

Molly Baran

248/721-0033

<http://studio-m-pilates.com>

Statement of Michelle Russo:

Major Safety Issues, Elimination of Parking, Creation of the Bus Stop

Clerk's Office  
City of Birmingham, MI

Date April 6, 2022

APR - 8 2022

12:35 P  
C... ..

I Michelle Russo make the statement being as follows:

RECEIVED

I am the General Manager of the 555 Property and have held the position since 2006.

When I stated on the 555 property, it was struggling to fill its retail spaces. My professional point of view of this was due to the overall lack of business in the area overall and any interest in the South End of Old Woodward. I have always found this very odd, after all, it is the Gateway to Birmingham. The only business on a daily bases that use the majority of the street parking in this area at that time was The Center of Yoga. Now many years later, the parking spaces have become even significant. This is mainly due to the Lifestyle Center of Birmingham and the interest in the South End.

The Landlords had a vision back then to create something that not only would sustain new Tenants of the 555 Property but would bring more traffic to the south end of Old Woodward. Through this vision they created The Lifestyle Center of Birmingham which today is flourishing.

In the 16 years that I have managed the property, the Landlords, the Lifestyle Tenants successes, and their client base have helped create more traffic and interest in the South End of Old Woodward than anything else I have witnessed.

This plan unnecessarily removes street parking that is critical to the survival of Lifestyle Tenants. Furthermore, the area is zoned for Lifestyle Tenants and the loss of the street parking alone, based on the 555 Staff findings is estimated to effect over 2000 Lifestyle Tenants Client Base weekly. As well-known as they are "The Lifestyle Tenants" for their services, they are as equally known for the relief they give to those who use their services because injury and or illness.

There is a large amount of these patrons that utilize the services of the Lifestyle Tenants just to stay healthy however, due to illness and or injury there are those that do because of relief they get because of these services/therapy/workouts, they receive that are crucial to their health and well-being. These very same people walk with canes and or need the help from another's to move about and cannot walk the distances that will be required once the street parking is taken away. Being able to walk the short distance will mean the difference between being able to continue with their therapy or not, with the people they have work with for years in many cases.

It is not unusual at I am on the 555 property and the surrounding area by 6am and leave as late as 8:30/9am. At these early hours all the street parking especially in front of the Commercial Building, where the Bus Stop is planned, the street parking spots are fully utilized due to Our Lifestyle Center tenants.

These are the Tenants:

- 555 Fitness Center
- Birmingham Ultimate Fitness
- Justin Anderson's fitness
- Pilates
- Community Yoga
- Beauty Fusion
- Eyedoize & Massages

The patrons of these Tenants begin using the street parking as early as 6:00am and the spaces are fully occupied. There can be as many as 40-60 cars needing parking all at the same time on the hour as the second wave of cars is leaving another comes. *All at the same time.* The Fitness related businesses have groups of people from approximately 6am -11:00 and again 4:00 through as late as 9:00 every day. After 9am those street parking is utilized by all of the other Retail Tenants, Howard Hanna, Nails 07, Mainstreet Design, Oakland Blo, Willoughby Architects, and Ziegelman and Gardner Associates. After 11am adding to the list is the Birmingham Pub and Phoenicia Restaurant.

The City has relied on the parking meters for its parking utilization study. The parking meters are not picking up the utilization from 6:00am until 9:00am. This is the peak time for utilization of the street parking by the 555 Tenants patrons. Accordingly, any parking study utilizing the parking meters is inherently defective. On top of that most of the parking spots south of Hayes are barely used at all. Scott Zielinski City engineer told Jack Reinhart and me that there is only 40% of utilization of parking South of Brown. This study is flawed. There are 95 parking spots south of Hayes that are vacant most of the time. This skews the utilization study making it totally unreliable and cannot be used to eliminate parking spots where all the lifestyle tenants and the other Tenants depend on them for the sustainability of their business.

I have reviewed in detail the City's plans for the redevelopment of South Old Woodward. In my opinion, this plan is first and foremost highly unsafe to pedestrians by adding a bus stop that makes the Frank Street and Ann Street cross overall much more dangerous than it already is. Like many of us at the 555 I frequently visit CVS. Crossing at the crosswalk at Old Woodward and Hazel. I can confirm that I am not the only one on many occasions have almost gotten hit by a car at the crosswalk. There is very poor visibility here without the bus stop. Seeing the insanity that goes on going eastbound on Frank Street cross diagonally to Hazel to get to Big Woodward, Correspondingly, cars going westbound on Hazel again cross diagonally to get to Frank Street, where the CVS parking lot or shortcutting to Southfield Road, rather than to go through the center of town is crazy! This bus stop will significantly complicate not only the traffic but most importantly the safety of The City of Birmingham pedestrians.

The placement of a bus stop right in front of the 555 Building will create a much, much higher risk for pedestrians and is without cause, fundamentally dangerous.

I am aware that there is a bus stop directly north in front of Birmingham Place and in a much safer location. We measured how far north it is and it is only 360 feet north of the proposed new bus stop. That bus stop is closer to the heart of City where most of people that use the bus work.

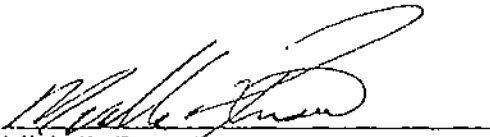
The current location is clearly in a much safer location for the pedestrians of the City of Birmingham.

Based on the linear feet the 555 should only lose a maximum of 4 parking spots. The City study shows the 555 losing 11 parking spots. The loss of 11 parking spots in front of 555 is inherently one-sided and totally unequitable. Especially since the street parking South of Hayes are hardly used at all. Based on the zoning, the significant of the Lifestyle Center of Birmingham, and the importance to the citizens of Birmingham, the 555 should not lose any street parking spots. Take them from South of Hayes.

The vibrancy of the Tenants makes the City, if we lose these 555 Tenants the City will have a hard time developing south of Frank Street.

I question why would the city move the bus stop in front of the 555 Building and take out the street parking when these parking spots are as critical to the viability of the Tenants of the 555 Building, especially the Lifestyles Center of Birmingham Tenants, and just as crucial to the surrounding Businesses.

Sincerely,



Michelle Russo  
General Manager  
The New555 Commercial LLC  
Then New 555 Residential LLC

Statement of Michelle Russo:

Major Safety Issues, Elimination of Parking, Creation of the Bus Stop

Date April 6, 2022

I Michelle Russo make the statement being as follows:

I am the General Manager of the 555 Property and have held the position since 2006.

When I stated on the 555 property, it was struggling to fill its retail spaces. My professional point of view of this was due to the overall lack of business in the area overall and any interest in the South End of Old Woodward. I have always found this very odd, after all, it is the Gateway to Birmingham. The only business on a daily bases that use the majority of the street parking in this area at that time was The Center of Yoga. Now many years later, the parking spaces have become even significant. This is mainly due to the Lifestyle Center of Birmingham and the interest in the South End.

The Landlords had a vision back then to create something that not only would sustain new Tenants of the 555 Property but would bring more traffic to the south end of Old Woodward. Through this vision they created The Lifestyle Center of Birmingham which today is flourishing.

In the 16 years that I have managed the property, the Landlords, the Lifestyle Tenants successes, and their client base have helped create more traffic and interest in the South End of Old Woodward than anything else I have witnessed.

This plan unnecessarily removes street parking that is critical to the survival of Lifestyle Tenants. Furthermore, the area is zoned for Lifestyle Tenants and the loss of the street parking alone, based on the 555 Staff findings is estimated to effect over 2000 Lifestyle Tenants Client Base weekly. As well-known as they are "The Lifestyle Tenants" for their services, they are as equally known for the relief they give to those who use their services because injury and or illness.

There is a large amount of these patrons that utilize the services of the Lifestyle Tenants just to stay healthy however, due to illness and or injury there are those that do because of relief they get because of these services/therapy/workouts, they receive that are crucial to their health and well-being. These very same people walk with canes and or need the help from another's to move about and cannot walk the distances that will be required once the street parking is taken away. Being able to walk the short distance will mean the difference between being able to continue with their therapy or not, with the people they have work with for years in many cases.

It is not unusual at I am on the 555 property and the surrounding area by 6am and leave as late as 8:30/9am. At these early hours all the street parking especially in front of the Commercial Building, where the Bus Stop is planned, the street parking spots are fully utilized due to Our Lifestyle Center tenants.

These are the Tenants:

- 555 Fitness Center
- Birmingham Ultimate Fitness
- Justin Anderson's fitness
- Pilates
- Community Yoga
- Beauty Fusion
- Eyedolize & Massages

The patrons of these Tenants begin using the street parking as early as 6:00am and the spaces are fully occupied. There can be as many as 40-60 cars needing parking all at the same time on the hour as the second wave of cars is leaving another comes. *All at the same time.* The Fitness related businesses have groups of people from approximately 6am -11:00 and again 4:00 through as late as 9:00 every day. After 9am those street parking is utilized by all of the other Retail Tenants, Howard Hanna, Nails 07, Mainstreet Design, Oakland Blo, Willoughby Architects, and Ziegelman and Gardner Associates. After 11am adding to the list is the Birmingham Pub and Phoenicia Restaurant.

The City has relied on the parking meters for its parking utilization study. The parking meters are not picking up the utilization from 6:00am until 9:00am. This is the peak time for utilization of the street parking by the 555 Tenants patrons. Accordingly, any parking study utilizing the parking meters is inherently defective. On top of that most of the parking spots south of Hayes are barely used at all. Scott Zielinski City engineer told Jack Reinhart and me that there is only 40% of utilization of parking South of Brown. This study is flawed. There are 95 parking spots south of Hayes that are vacant most of the time. This skews the utilization study making it totally unreliable and cannot be used to eliminate parking spots where all the lifestyle tenants and the other Tenants depend on them for the sustainability of their business.

I have reviewed in detail the City's plans for the redevelopment of South Old Woodward. It is my opinion, this plan is first and foremost highly unsafe to pedestrians by adding a bus stop that makes the Frank Street and Ann Street cross overall much more dangerous than it already is. Like many of us at the 555 I frequently visit CVS. Crossing at the crosswalk at Old Woodward and Hazel. I can confirm that I am not the only one on many occasions have almost gotten hit by a car at the crosswalk. There is very poor visibility here without the bus stop. Seeing the insanity that goes on going eastbound on Frank Street cross diagonally to Hazel to get to Big Woodward, Correspondingly, cars going westbound on Hazel again cross diagonally to get to Frank Street, where the CVS parking lot or short cutting to Southfield Road, rather than to go through the center of town is crazy! This bus stop will significantly complicate not only the traffic but most importantly the safety of The City of Birmingham pedestrians.

The placement of a bus stop right in front of the 555 Building will create a much, much higher risk for pedestrians and is without cause, fundamentally dangerous.

I am aware that there is a bus stop directly north in front of Birmingham Place and in a much safer location. We measured how far north it is and it is only 360 feet north of the proposed new bus stop. That bus stop is closer to the heart of City where most of people that use the bus work.

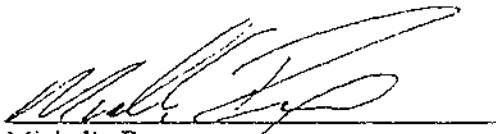
The current location is clearly in a much safer location for the pedestrians of the City of Birmingham.

Based on the linear feet the 555 should only lose a maximum of 4 parking spots. The City study shows the 555 losing 11 parking spots. The loss of 11 parking spots in front of 555 is inherently one-sided and totally unequitable. Especially since the street parking South of Hayes are hardly used at all. Based on the zoning, the significant of the Lifestyle Center of Birmingham, and the importance to the citizens of Birmingham, the 555 should not lose any street parking spots. Take them from South of Hayes.

The vibrancy of the Tenants makes the City, if we lose these 555 Tenants the City will have a hard time developing south of Frank Street.

I question why would the city move the bus stop in front of the 555 Building and take out the street parking when these parking spots are as critical to the viability of the Tenants of the 555 Building, especially the Lifestyles Center of Birmingham Tenants, and just as crucial to the surrounding Businesses.

Sincerely,



Michelle Russo  
General Manager  
The New555 Commercial LLC  
Then New 555 Residential LLC



**SIGNATURE  
ASSOCIATES**

One Towne Square, Suite 1200  
Southfield, MI 48076

(248) 948 9000  
signatureassociates.com

Clerk's Office  
City of Birmingham, MI

APR - 8 2022

RECEIVED 12:35  
Cwoods

April 7, 2022

My name is Dan Morrow, I'm with Signature Associates in Southfield, and I represent ownership of 555 South Old Woodward regarding the leasing of their retail and office space. I have been at the building several times a week since taking over listing responsibilities in January 2020. I am also a Birmingham resident.

When reviewing the plan for the South Old Woodward portion of the redesign project, I have several concerns about the design as presented.

- Pedestrian safety
- Immediate parking needs
- Long term parking needs

#### Pedestrian safety

According to the presentation from February 21, 2022, one of the primary goals of the project is to "Reduce vehicle speeds, improve pedestrian safety". I feel the plan as presented will not accomplish this goal.

Adding a bus stop to the northern portion of the block between Bowers and Hazel will make this already perilous intersection even more so. The meeting of 3 streets in one small area, which I understand cannot be changed, is dangerous enough. This bus stop will obstruct the view of all parties, making it even more dangerous.

Surely there must a way to move this bus stop to an area where pedestrians won't have to contend with vehicles coming from a variety of blind angles.

#### Immediate parking needs

It's well documented that street parking in Birmingham is at a premium. The plan will eliminate over 60 spaces from this area of South Old Woodward, many of those coming at the expense of parking in front of the 555 Building for the bus stop.

Retail in this section of Old Woodward is not like that north of Brown. This is very much destination retail, such as salons, yoga, Pilates, and personal trainers, all of which are tenants at 555. Since this portion of South Old Woodward isn't a walkable retail area, customers can park their cars, run in for their hour-long workout or beauty appointment, then be on their way. Further, our trainers, Pilates and yoga tenants often work with clients who are in need of physical therapy, nursing injuries, or even disabilities, making the accessibility of street parking essential. Street parking has also been instrumental in our success leasing retail space at the 555 Building.

If we are to keep retail tenants' best interest in mind, accessible parking in front of the building is what's best for these small business owners.

#### Long term parking needs



**SIGNATURE  
ASSOCIATES**

As we've seen with the exciting RH development, older single- and two-story buildings will be torn down to accommodate larger scale development. In addition to these types of buildings, there are also privately owned surface parking lots in this section of Old Woodward, which it's safe to say will be facing a similar transformation in the coming years.

The redevelopment of the former Mountain King site illustrates the challenge this aggressive parking reduction will present. Mixed use developments with ground floor retail will need parking. Where will customers park, if not at metered spaces?

This is not a short-term decision – the existing street has been in place for over 50 years. Accommodating future development needs to be factored into the decision-making process, which at this point does not seem to be the case.

Thank you for your time.

Dan Morrow  
Signature Associates  
dmorrow@signatureassociates.com

RECEIVED by MSC 12/19/2025 4:47:39 PM

Statement of Dustin Wenzel regarding major Safety Issues, elimination of parking by the creation of the bus stop and the effect on the small businesses of the 555 Building

Clerk's Office  
City of Birmingham, MI

Date April 7, 2022

APR - 8 2022

I Dustin Wenzel make the statement being as follows:

RECEIVED 12:35 P  
awoods

I am the Owner of Birmingham Ultimate Fitness Located in residential side of 555 Building and have been at this location for almost 12 years.

I have reviewed in detail the City's plans for the redevelopment of South Old Woodward. With a great amount of attention being paid to the recently released plans for phase three of the project. First and foremost, I would like to express a strong concern for the timing of this project. The Covid-19 Virus has hurt many small businesses over the last two years Birmingham Ultimate Fitness and I'm sure other tenants of the 555-lifestyle center were not immune. My Issue is that many of us are only recently getting back on our feet and I have great concerns that the timing of this project is going to disrupt much needed and continued growth for recovery. Considerations need to be made for the survival of many of the small business effected by Phase Three.

In addition I have concerns for pedestrians that make the Frank Street and Ann Street cross a much more dangerous route to travel because of "in my opinion" a very poorly placed Bus station. This also raises additional concerns as it unnecessarily removes parking that is critical to the lifestyle tenants of Birmingham.

Birmingham Ultimate Fitness opens at 5/6 am, street parking is fully utilized at this time and remains utilized by all Birmingham Ultimate Fitness Clients until and after 9am. With some of our heaviest times being between 4:00pm and 8:00pm. I have been informed that the City has relied on the parking meters for its parking utilization study. The parking meters are not picking up the utilization from 5:00am until 9:00am. This is the peak time for utilization of the street parking. Accordingly, any parking study utilizing the parking meters is inherently defective. On top of that most of the parking spots south of Hayes are barely used at all. This skews the utilization study making it totally unreliable and cannot be used to eliminate parking spots where all the lifestyle tenants depend on them for the viability of their business.

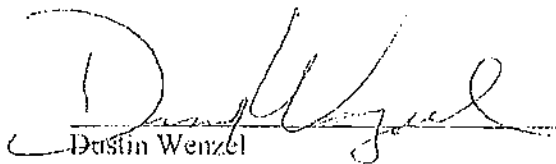
I used to walk to the CVS on Old Woodward, just north of Hazel Street, on the west side of the Old Woodward. I crossed at the crosswalk at Old Woodward and Hazel. I have sincerely lost count how many times I have almost been hit by car crossing here. After two very scary almost accidents I have decide to drive ever since. My Concern after looking at the City's plans and after what I have experienced, they are placing a bus stop right in front of the 555 Building. Considering the insanity that goes on at the crosswalk at Hazel Street and Old Woodward and Frank Street and Old Woodward. This bus stop will further significantly complicate not only the traffic but most importantly the safety of The City of Birmingham pedestrians.

"You are essentially putting a blind spot in front of a crosswalk that is already dangerous."

In regard to the construction and parking. Some of the clients of Birmingham Ultimate Fitness have physical and mobility limitations. Some require walking support or can only walk short distances. This project would eliminate the ability for these specialized clientele to continue with us. While the City is looking at parking, I believe the handicap parking spots at the South of 555 should be move to the North side of the apartment building directly in front of Birmingham Ultimate Fitness.

To Close, I would like to express that I understand that there are certain infrastructural needs that need to be done. But I sincerely don't believe that a proper amount of research has gone into the effect it is going to have on the small businesses, specifically to the 555 Lifestyle Ctr INCLUDING Birmingham Ultimate Fitness. The timing of this project, the placement of the bus stop, and the loss of parking spots immediately adjacent to the 555 building, show a disheartening lack of concern not only for the businesses but for the citizens of the city of Birmingham.

Very Truly Yours,



Dustin Wenzel

Owner

Birmingham Ultimate Fitness

**Birmingham City Commission Minutes**  
**April 11, 2022**  
**Municipal Building, 151 Martin**  
**7:30 p.m.**  
**Vimeo Link: <https://vimeo.com/693372436>**

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Therese Longe, Mayor, opened the meeting with the Pledge of Allegiance.

**II. ROLL CALL**

Alexandria Bingham, City Clerk, called the roll.

Present: Mayor Longe  
Mayor Pro Tem Boutros  
Commissioner Baller  
Commissioner Haig  
Commissioner Host  
Commissioner McLain  
Commissioner Schafer

Absent: None

Administration: City Manager Markus, City Clerk Bingham, Assistant City Manager Ecker, City Attorney Kucharek, Consulting City Engineer Surhigh, Deputy Treasurer Todd, Parking Manager Weingartz, Assistant City Engineer Zielinski

**III. PROCLAMATIONS, CONGRATULATORY RESOLUTIONS, AWARDS, APPOINTMENTS, RESIGNATIONS AND CONFIRMATIONS, ADMINISTRATION OF OATHS, INTRODUCTION OF GUESTS AND ANNOUNCEMENTS.**

**Announcements**

Per the CDC, COVID-19 Community Level for Oakland County is currently Low. The City continues to recommend the public wear masks while attending city meetings. These precautions are recommended while risks for COVID-19 transmission remain from new variants. All City employees, commissioners and board members must wear a mask while indoors when 6-feet of social distancing cannot be maintained. The City continues to provide KN-95 respirators for all in-person meeting attendees.

As a reminder, the community is encouraged to submit non-emergency concerns or questions to the city via the new GovAlert mobile app. The free app is fast and user-friendly. Simply download the app, available for both iOS and Android devices, and follow the prompts. A short video that explains how to use the app is available at [www.bhamgov.org/govalert](http://www.bhamgov.org/govalert).

Happy Birthday Commissioner Schafer

Proclamation Recognizing Armenian Genocide Remembrance Day

Proclamation Condemning Violence and Discrimination

The City of Birmingham received a grant through Oakland County Parks and Recreation Grant Program made possible by the Mileage that was passed by voters in November 2020. The Oakland County Parks and Recreation (OCPR) Grant Programs were created to assist local communities with planning, preliminary engineering/design, and construction costs directly related to park improvement and trail projects located in Oakland County. The City received the maximum award of \$100,000 for the Adams Park Development Project.

The Historic Greenwood Cemetery was added to the National Parks Service’s National Underground Railroad to Freedom Network.

**04-100-22 To Limit Public Comment to Four Minutes Per Comment**

Due to the public’s interest in speaking on the S. Old Woodward topic, Mayor Longe recommended limiting public comment to four minutes per speaker, for the present meeting only, in order to make sure every speaker had a chance to be heard. She asked whether her fellow Commissioners concurred.

Both MPT Boutros and Commissioner Host concurred. There was no further Commissioner comment.

**MOTION:** Motion by MPT Boutros, seconded by Commissioner Host:  
To limit public comment, for the sake of the evening’s agenda, to four minutes per speaker per comment.

VOICE VOTE: Ayes, MPT Boutros  
Commissioner Host  
Commissioner McLain  
Commissioner Schafer  
Mayor Longe  
Commissioner Haig  
Commissioner Baller

Nays, None

Mayor Longe asked CC Bingham to keep time for comments, and to raise her hand when a speaker had 30 seconds remaining.

**IV. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA**

State Senator Marshall Bullock introduced himself and stated that due to state redistricting he would now be Birmingham’s representative in the State Senate. He described his assignments in the senate, his familiarity with Birmingham, and his commitment to advocating for Birmingham’s interests.

Oakland County Commissioner Chuck Moss updated the Commission about current events at the county level.

Dan Marsh, Executive Director of the Birmingham YMCA, updated the Commission on current Birmingham YMCA programming.

**V. CONSENT AGENDA**

All items listed on the consent agenda are considered to be routine and will be enacted by one motion and approved by a roll call vote. There will be no separate discussion of the items unless a

commissioner or citizen so requests, in which event the item will be removed from the general order of business and considered under the last item of new business.

**04-101-22 Consent Agenda**

The following items were pulled from the Consent Agenda:

- Commissioners Haig and Schafer:
  - Item A – City Commission Minutes of March 28, 2022
- Commissioner Haig:
  - Item I – Peabody Street Parking Structure – Emergency Shoring, Additional Column Investigation and Repair

**MOTION:** Motion by Commissioner Baller, seconded by MPT Boutros:  
To approve the Consent Agenda excluding Items A and I, and with Mayor Longe recusing from voting on Item G.

ROLL CALL VOTE: Ayes, Commissioner Baller  
MPT Boutros  
Commissioner Host  
Commissioner McLain  
Commissioner Schafer  
Mayor Longe  
Commissioner Haig

Nays, None

- B. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 30, 2022, in the amount of \$489,197.83.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated April 6, 2022, in the amount of \$583,776.59.
- D. Resolution approving the contract with KLM Landscape for the purchase and planting of 162 trees for the "2022 Spring Tree Purchase and Plant," for a total project cost not to exceed \$70,800.00. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funds are available from the following accounts: \$17,785.75 from the Local Streets Fund-Forestry Service Contract account #203-449.005-819.0000, \$17,785.75 from the Major Streets Fund-Forestry Service Contract account #202-449.005-819.0000, \$18,614.25 from the Local Streets Fund-Operating Supplies account #203-449.005-729.0000, and \$16,614.25 from the Major Streets Fund-Operating Supplies account #202-449.005-729.0000 for these services.
- E. Resolution to approve the purchase of the larvicide material from Clarke Mosquito Control in the amount not to exceed \$10,772.40. Further, to waive the normal bidding requirements based on the government regulated pricing for this type of material. Funds for this purchase will come from the Sewer Fund-Operating Supplies Account #590-536.002-729.0000.
- F. Resolution to set a public hearing date of May 9, 2022 to consider the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 2225 E. 14 Mile – Our Shepherd – to allow new parking lot landscaping, signage and new covered entries at an existing religious institution in the R2 zoning district.

- G. Resolution to set a public hearing date of May 9, 2022 to consider the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 220 Merrill – 220 Restaurant – to allow the addition of a new outdoor dining platform in the Merrill St. right-of-way.
- H. Resolution authorizing the Request for Qualifications for a professional facilitator to comprehensively guide the City’s strategic planning process and complete the final strategic plan document.

**04-102-22 (Item A) City Commission Minutes of March 28, 2022**

Commissioner Schafer stated that it was she, not Commissioner Host, who nominated Mr. Peard to the Multi-Modal Transportation Board.

Commissioner Haig asked that ‘code enforcement’ be changed to ‘establishments’ at the bottom of page 16.

**MOTION:** Motion by Commissioner Haig, seconded by Commissioner Schafer:  
To approve the City Commission minutes of March 28, 2022.

**VOICE VOTE:** Ayes, Commissioner Haig  
Commissioner Schafer  
Mayor Longe  
Commissioner Baller  
MPT Boutros  
Commissioner Host  
Commissioner McLain

Nays, None

**04-103-22 (Item I) Peabody Street Parking Structure – Emergency Shoring, Additional Column Investigation and Repair**

In reply to Commissioner Haig, CM Markus and PM Weingartz confirmed that six additional columns in the Peabody Structure were inspected for defects. The six additional columns did not have the same issues as the two that needed to be repaired.

CM Markus stated that this work would extend the life of the Peabody Structure.

**MOTION:** Motion by Commissioner Haig, seconded by Commissioner Host:  
To confirm the City Manager’s authorization for the emergency expenditure related to the repair of the Peabody Street Structure Emergency Shoring, Additional Column Investigation and Repair by Pullman SST Inc. for a cost not to exceed \$235,000.00 to be charged to the Automobile Parking System Fund, Peabody Parking Structure Capital Outlay Building account #585-538.004-977.0000.

**ROLL CALL VOTE:** Ayes, Commissioner Haig  
Commissioner Host  
Commissioner McLain  
Commissioner Schafer  
Mayor Longe  
Commissioner Baller

MPT Boutros

Nays, None

**VI. UNFINISHED BUSINESS**

None.

**VII. NEW BUSINESS**

The Mayor and CA Kucharek summarized for the public the purposes of Items 04-104-22 and 04-105-22.

Mayor Longe also noted that her spouse’s landlord has an additional property, at which her spouse is not a tenant, within the proposed special assessment district. Upon consultation with the City Attorney, it was determined that this dynamic did not represent a conflict of interest.

CA Kucharek concurred with the Mayor.

**04-104-22 Resolution for Confirming S.A.D. #897S and S.A.D. #897W – S. Old Woodward Water & Sewer Lateral Special Assessment**

Mayor Longe opened the public hearing at 8:02 p.m.

DT Todd presented the item.

Rick Rattner said a report found that the lateral sewer leads to 555 S. Old Woodward were investigated and found not to be a part of this assessment. He asked for confirmation from the City.

CM Markus said it was his understanding that Mr. Rattner’s statement was correct, and that the roll would have to be amended to remove that item.

ACE Zielinski confirmed that the lateral sewer leads to 555 S. Old Woodward were not included in the roll.

The Mayor closed the public hearing at 8:04 p.m.

**MOTION:** Motion by MPT Boutros, seconded by Commissioner Schafer:  
To confirm Special Assessment Rolls 897S and 897W as indicated in the Staff Report.

ROLL CALL VOTE: Ayes, MPT Boutros  
Commissioner Schafer  
Mayor Longe  
Commissioner Baller  
Commissioner Haig  
Commissioner Host  
Commissioner McLain

Nays, None

**04-105-22 Public Hearing Confirming SAD #897 – S. Old Woodward Sidewalk and Streetscape, Phase 3 Project Area**

The Mayor opened the public hearing at 8:05 p.m.

DT Todd presented the item.

The Mayor closed the public hearing at 8:06 p.m.

**MOTION:** Motion by MPT Boutros, seconded by Commissioner Schafer:  
To confirm Special Assessment Roll 897 as indicated in the Staff Report.

ROLL CALL VOTE: Ayes, MPT Boutros  
Commissioner Schafer  
Mayor Longe  
Commissioner Baller  
Commissioner Haig  
Commissioner Host  
Commissioner McLain

Nays, None

**04-106-22 South Old Woodward Phase 3 Paving Project – Contract #1-22 (P)  
Contract Award**

Mayor Longe stated that the Commission received a number of communications regarding this item. She listed the communications received and stated that those communications were included in the public record.

ACE Zielinski, ACM Ecker, Brad Strader of MKSK, and Paul Tulikangas of Nowak & Fraus Engineers presented the item.

CCE Surhigh and ACE Zielinski described the water and sewer updates that occurred in the first two phases of the project and the water and sewer updates that would occur as part of Phase Three.

In reply to Commissioner Host, ACE Zielinski confirmed that the bidder selected for Phase Three also completed Phases One and Two.

It was confirmed for Commissioner McLain that both Phases One and Two were completed early.

In reply to MPT Boutros, Mr. Strader confirmed that the lessons learned from Phases One and Two were being applied in Phase Three.

In reply to Commissioner Haig, Mr. Strader confirmed that the current proposal was the best option for retaining as many parking spaces as possible. He noted that spaces were also retained by adding the infrastructure for electric vehicles (EV) without dedicating any spaces to EV charging at this time.

In reply to the Mayor, Mr. Strader confirmed that 17 parking spaces which would have been lost in previous proposals were added back into the current proposal.

Public Comment

Mayor Longe reminded the public of the four minute limit per speaker per topic.

Bob Krausmann, resident of and realtor for the 555, Daniel Brown, superintendent of the 555, Daniel Morrow, realtor for the 555, Molly Barron, commercial tenant of the 555, Cathy Wilson, business owner on S. Old Woodward, Jodie Ikoff, commercial tenant of the 555, Michelle Russo, general manager of the 555, Blendi Suvaria, operating partner of the Birmingham Pub, and Paul Reagan, resident, expressed concerns about the proposed removal of parking.

Mr. Krausmann provided the Commission with a copy of his letter which outlined his concerns.

Mr. Brown and Ms. Barron also expressed concern about how the proposed location of the bus stop would impact pedestrian safety.

Ms. Barron said that valet services would likely not ameliorate the parking issue during construction since the majority of clients in the area visit for hourly classes, meaning the previous hour's clients would all need to leave at once while the next hour's clients are all arriving.

Michael Lane, area business owner, recommended that the City work with concerned S. Old Woodward business owners to see what accommodations could be made.

John Gardner, business tenant of the 555, and Robert Ziegelman, also a business tenant of the 555, summarized their joint letter to the Commission.

Jack Reinhardt, management agent for the 555, summarized his letter to the Commission.

Rick Rattner, attorney at 380 N. Old Woodward, and a number of other speakers recommended the bus stop remain at Bowers, with possible improvements, instead of being moved in front of the 555.

Mark Nickita, resident near S. Old Woodward, commended Staff and the consultants for the project's public engagement process and the design of the project. He said the project would immensely improve safety and walkability in the S. Old Woodward area.

Stuart Sherman, resident, described the thoroughness of public engagement process and concurred with Mr. Nickita's comments that the project would improve safety and walkability.

Both Messrs. Nickita and Sherman noted that the design of the project had already been approved and was not on the evening's agenda. They both asked the Commission to move the suggested motion.

Cindy Rose, resident near S. Old Woodward, spoke in support of the project.

The Mayor invited Staff to provide clarifying information in reply to some of the concerns raised.

ACE Zielinski clarified that the bus stop would require the removal of two to three parking spaces, not the six mentioned by some speakers. An additional three to four parking spaces at that intersection will have to be removed for safety reasons, regardless of the bus stop's ultimate location.

ACE Zielinski also said he studied parking in the area between 6 a.m. and 8 a.m., which was described by a number of speakers as one of the two peak parking times. He explained that:

- The parking directly in front of the 555 closest to Frank St. is usually fully occupied during that time, with the exception of the accessible parking space;
- The parking on the west side of S. Old Woodward closest to Frank is sometimes occupied during those times, and sometimes not;

- In front of the southern tower of the 555, 10 to 11 parking spaces are usually unoccupied during those times, and across the street from the southern tower of the 555 only one to two parking spaces are usually occupied during those times;
- After 8 a.m. 10 spots are usually open in front of the south part of the 555, and 10 spots are usually open in front of the north part of the 555; and,
- There was limited-to-no use of the parking south of Haynes, and limited use of the parking on the west side of S. Old Woodward.

CM Markus said:

- The project was designed towards improving walkability and safety in the area;
- The City will continue to work with businesses in the area to mitigate the impacts of construction;
- The project's design took into account the differences between N. and S. Old Woodward;
- The bulk of the parking being removed is due to State and Federal safety standards;
- The City continues to work with S. Old Woodward businesses to reduce double driveways to single driveways which could allow the addition of further on-street parking;
- Messrs. Nickita and Sherman were correct that this item was about awarding the contract, and not about the project's design;
- The City could always make further changes to the area if necessary once construction is concluded;
- The Commission could also direct the City to conduct further study if they determine that there is some exceptional need after the contract is awarded; and,
- He recommended that the Commission advance the suggested motion.

**MOTION:**

Motion by Commissioner Baller, seconded by MPT Boutros:

To approve the project budget and award the S. Old Woodward Phase 3 Paving Project #1-22 (P) as presented in the Staff Report.

Commissioner Haig expressed regret that the item was not at a point where possible changes could still be considered. He also noted that conversations occurred between the Multi-Modal Transportation Board, consultants, and Staff about the proposed changes, and that the need for the removal of parking was discussed with the MMTB at that time. He said that while he was not happy about the loss of parking, he was happy about the significant improvements in safety for the area. He said the project would also result in aesthetic improvements to the S. Old Woodward area. He stated that while some of the public would likely appreciate the changes, others would seek to hold the Commission accountable for results they do not appreciate. He stated that almost half of the current Commission was not yet elected during the design process, and could not impact the design process as Commissioners. He said that at this point the Commission had to move the project forward. He said that with the inclusion of his comments he would support the motion.

Commissioner Baller shared his unreserved support for the project. He thanked the public for sharing their opinions, expressed regret that they did not participate in the public engagement process earlier, and stated that the City put immense effort into soliciting public feedback during the design phase. He said the project would result in a much improved S. Old Woodward area and that people would appreciate, and adjust to, the changes. He suggested that the owners of the 555 consider making some of their parking available to patrons visiting the 555's commercial tenants.

Commissioner Host said he supported the motion because of the Commission's charge to safeguard the safety of the City's residents. He stated that while there were some drawbacks to the design, the design would make S. Old Woodward safer, and that the issue of safety remains paramount.

Commissioner McLain concurred with Commissioner Host that safety remains paramount. She said that she could not imagine that the designers did not consider the safety aspect of the project. She said she imagined that there would continue to be conversations about how to improve the safety of the area.

MPT Boutros stated that there was a lengthy design phase, during which as much parking was retained as possible. He explained that the water and sewer infrastructure needs to be improved in the S. Old Woodward area, and that it is appropriate to increase pedestrian safety and walkability as part of that project. He concurred with Commissioner Baller's recommendation that the 555 consider offering parking during the day for the patrons of their commercial tenants. MPT Boutros concluded by offering his support for motion.

Commissioner Schafer concurred with Commissioner Host about the Commission's responsibility for the safety of Birmingham residents, and added that the Commission has a responsibility to those who visit Birmingham as well. She stated that she used to patronize one of the businesses at the 555 and had no issue parking south of Haynes and walking half a block. She said that most people will likely greatly appreciate the improvements to the area. She also attested to the lengthy design and study process. She thanked the consultants and Staff for their work on the project. She concluded by stating her support for both the motion and the project as a whole.

Mayor Longe thanked the Commissioners and public for their comments and letters. She stated the Commission believes it has done its due diligence. She said that while she understood the concerns about the removal of parking, Mr. Nickita was correct in his comments from October 2021 that the water and sewer infrastructure could not be replaced without also making changes to the surface of the street. Consequently, the surface of the road has to be brought into compliance with current safety standards. She noted that MKSK added 17 parking spaces back during the design phase of the project. She said she was glad to hear that the City would continue to ask businesses with two driveways to consider removing one in order to create additional on-street parking. She said she was also glad to hear that the Commission could always raise additional discussion on the project at a future meeting if necessary. She concluded by affirming that the motion on the floor is to approve the contract. She asked the Clerk to call the roll.

ROLL CALL VOTE:     Ayes,   MPT Boutros  
   Commissioner Host  
   Commissioner McLain  
   Commissioner Schafer  
   Mayor Longe  
   Commissioner Baller  
   Commissioner Haig

Nays,   None

**04-107-22                   Request for Closed Session to Discuss a Periodic Personnel Evaluation of the City Manager**

**(A roll call vote is required and the vote must be approved by a 2/3 majority of the commission. The commission will adjourn to closed session after all other business has been addressed in open session and reconvene to open session, after the closed session, for purposes of taking formal action resulting from the closed session and for purposes of adjourning the meeting.)**

**MOTION:**                   Motion by Commissioner Host, seconded by MPT Boutros:

To meet in closed session to discuss the personnel evaluation of the City Manager pursuant to Section 8(a) of the Open Meetings Act.

ROLL CALL VOTE: Ayes, MPT Boutros  
Commissioner Host  
Commissioner McLain  
Commissioner Schafer  
Mayor Longe  
Commissioner Baller  
Commissioner Haig

Nays, None

The Commission went into closed session at 10:30 p.m.

The Commission reconvened into open session at 11:28 p.m.

**Commission Items for Future Discussion.** A motion is required to bring up the item for future discussion at the next reasonable agenda, no discussion on the topic will happen tonight.

**04-108-22 Further Discussion Regarding the Evening's Workshop Topic**

**MOTION:** Motion by Commissioner Baller, seconded by Commissioner Haig:  
To have a brief discussion regarding the topic of the evening's workshop.

VOICE VOTE: Ayes, MPT Boutros  
Commissioner Host  
Commissioner McLain  
Commissioner Schafer  
Mayor Longe  
Commissioner Baller  
Commissioner Haig

Nays, None

**04-109-22 Downtown Parking**

**MOTION:** Motion by Commissioner Host, seconded by Commissioner Haig:  
To consider placing downtown parking on the agenda at the first available opportunity.

In reply to the Mayor, Commissioner Host explained he was looking to clarify what happens in the wake of the parking assessment district.

Commissioner Baller said he was not supportive of the motion.

In reply to the Mayor, CA Kucharek confirmed that parking is prescribed through the City's zoning. She said that further discussion would be inappropriate while a motion was on the table.

VOICE VOTE: Ayes, MPT Boutros  
Commissioner Host

Commissioner Haig

Nays, Commissioner McLain  
Commissioner Schafer  
Mayor Longe  
Commissioner Baller

**Commission discussion on items from prior meeting**

**VIII. REMOVED FROM CONSENT AGENDA**

**IX. COMMUNICATIONS**

**X. REPORTS**

- A. Commissioner Reports
  - 1. Notice of Intention to Appoint to the Board of Building Trade Appeals
- B. Commissioner Comments

Commissioner Host said he would like the Commission to increase collaboration by having at least annual joint workshops with the City's other boards and committees.

Commissioner Host said he hopes noise from Woodward could be lessened as part of the City's work with MDOT to improve safety on Woodward.

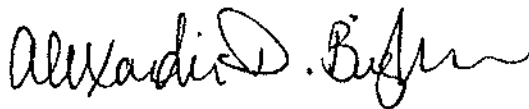
- C. Advisory Boards, Committees, Commissioners' Reports and Agendas
- D. Legislation
- E. City Staff
  - 1. 2021 Police Annual Report

The Mayor thanked the Police Department for their work.


INFORMATION ONLY

**XI. ADJOURN**

Mayor Longe adjourned the meeting at 11:28 p.m.



Alexandria Bingham  
City Clerk



Laura Eichenhorn  
City Transcriptionist

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING & REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
MICHIGAN TAX TRIBUNAL

THE NEW 555 COMMERCIAL, LLC,  
THE NEW 555 RESIDENTIAL, LLC,  
MANORWOOD PROPERTIES, LLC, and  
ASSOCIATES OF 555, LP,

Petitioners,

Docket No. 22-  
Parcel Nos. 08-19-36-210-001  
08-19-36-210-003  
08-19-36-210-005

v.

CITY OF BIRMINGHAM,

Respondent.

---

Jason C. Long (P59244)  
WILLIAMS, WILLIAMS, RATTNER  
& PLUNKETT, PC  
380 N. Old Woodward Ave., Ste. 300  
Birmingham, MI 48009  
(248) 642-0333  
Attorneys for Petitioners

---

Entire Tribunal Special Assessment Petition

Petitioners The New 555 Commercial, LLC, The New 555 Residential, LLC, Manorwood Properties, LLC, and Associates of 555, LP, by and through their attorneys, Williams Williams Rattner & Plunkett, PC, state as follows for their Entire Tribunal Special Assessment Petition.

### The Parties

1. Petitioner The New 555 Commercial, LLC, is a Michigan limited liability company with its registered offices located at 555 S. Old Woodward Avenue, Suite 705, Birmingham, Michigan 48009.

2. Petitioner The New 555 Residential, LLC, is a Michigan limited liability company with its registered offices located at 555 S. Old Woodward Avenue, Suite 705, Birmingham, Michigan 48009.

3. Petitioner Manorwood Properties, LLC, is a Michigan limited liability company with its registered offices located at 555 S. Old Woodward Avenue, Suite 705, Birmingham, Michigan 48009.

4. Petitioner Associates of 555, LP, is a Michigan limited partnership with its registered offices located at 555 S. Old Woodward Avenue, Suite 705, Birmingham, Michigan 48009.

5. Petitioners are legal entities that are in common control, all of which have John “Jack “ Reinhart as a principal.

6. Respondent City of Birmingham is a Michigan municipal corporation with its offices located at 151 Martin Street, Birmingham, Michigan 48009.

### The Subject Properties

7. Petitioners The New 555 Commercial, LLC, and The New 555 Residential, LLC, are the parties in interest in property commonly known as 555 S. Old Woodward Avenue, Birmingham, Michigan, and identified as Parcel No. 08-19-36-210-001 (the “Main Building”).

8. Petitioner Manorwood Properties, LLC, is the party in interest in property commonly known as 555 S. Old Woodward Avenue, Suite 100, Birmingham, Michigan, and identified as Parcel No. 08-19-36-210-005 (the “Birmingham Pub Building”).

9. Petitioner Associates of 555, LP, is the party in interest in property consisting of vacant land on S. Old Woodward Avenue, Birmingham, Michigan, which adjoins the southerly side of the Main Building, and is identified as Parcel No. 08-19-36-210-003 (the “Vacant Parcel”).

10. The Main Building, the Birmingham Pub Building, and the Vacant Parcel (collectively, the “555 Complex”) are all contiguous.

11. The parcels comprising the 555 Complex are all classified as commercial real property.

12. The parcels comprising the 555 Complex are all located within the Birmingham public school district, the Oakland County intermediate school district, and the Oakland County community college district.

#### **The Special Assessment**

13. On March 14, 2022, the Birmingham City Commission held a hearing to discuss a proposed special assessment district to fund the reconstruction of the S. Old Woodward Avenue streetscape.

14. Petitioners’ principal Mr. Reinhart, along with other persons, personally appeared at the March 14, 2022 hearing to protest the proposed special assessment district.

15. On April 11, 2022, the Birmingham City Commission held a hearing to confirm a special assessment roll identified as special assessment #897 (the “Special Assessment”).

16. Respondent intends to use the Special Assessment to fund the reconstruction of the S. Old Woodward Avenue streetscape, which entails eliminating 64 of approximately 180 parking spaces within the project area, including eliminating approximately 11 of 30 parking spaces that adjoin the 555 Complex. The elimination of parking spaces adjoining the 555 Complex will render the 555 Complex a nonconforming property because the zoning approvals for the Birmingham Pub Building were based on the presence of 36 adjacent street parking spaces. Respondent’s S. Old Woodward streetscape reconstruction plan would eliminate parking spaces that were the basis for the zoning approvals.

17. Petitioners’ principal Mr. Reinhart personally appeared at the April 11, 2022 hearing to protest the proposed Special Assessment. At that hearing, the Birmingham City Commission limited each speaker to four minutes regardless of the number of properties that the speaker represented.

18. A number of other persons also appeared at the April 11, 2022 hearing to protest the proposed Special Assessment, including without limitation residents of the 555 Complex, commercial tenants of the 555 Complex, and brokers that represent Petitioners in marketing tenant suites in the 555 Complex, along with other business owners.

19. In advance of the April 11, 2022 hearing, Mr. Reinhart also submitted a letter in protest of the proposed Special Assessment, which addressed the

negative effects of the proposed Special Assessment and S. Old Woodward Avenue streetscape reconstruction on the 555 Complex, including the devastating effect of the loss of adjacent parking, the significant cost imposed on the 555 Complex, and other factors.

20. The Birmingham City Commission did not grant any relief and instead confirmed the Special Assessment on April 11, 2022.

21. Petitioners received notices from Respondent on April 20, 2022, advising that Respondent had confirmed the Special Assessment and that the following amounts would be assessed against the 555 Complex:

The Main Building .....	\$371,391.23
The Birmingham Pub Building .....	\$42,354.60
The Vacant Parcel .....	\$40,087.00
Total.....	\$453,832.83

Copies of the notices are attached as Exhibit A.

22. Respondent’s notices advised that the total amount of the assessment is due immediately, or that the amount of the assessment may be paid over 10 annual installments with interest at 4.5% on all unpaid amounts. *See Exhibit A.*

**The Special Assessment is Invalid**

23. The reconstruction of the S. Old Woodward Avenue streetscape that is the subject of the Special Assessment does not confer a benefit on the 555 Complex.

24. The proposed reconstruction of the S. Old Woodward Avenue streetscape originated with Respondent’s desire to replace sewer and water lines located within right-of-way along S. Old Woodward Avenue.

25. Respondent's desire to reconstruct S. Old Woodward Avenue in a manner that eliminates parking and, in Respondent's view, beautifies the right-of-way, does not confer any special benefit on the 555 Complex. There is no public parking structure located in the S. Old Woodward area, so there is no place for business patrons to park vehicles at peak business hours. Respondent's proposed elimination of spaces will result in businesses leaving the S. Old Woodward area due to a lack of parking. The 555 Complex will suffer a significant loss of value from the elimination of 64 parking spaces in the S. Old Woodward area and specifically the loss of 11 of 30 parking spaces adjoining the 555 Complex.

26. The proposed S. Old Woodward reconstruction plans call for a bus stop directly in front of the entrance to the 555 Complex, whereby the view of the 555 directly Complex is blocked. Furthermore, the bus stop is located exactly where disabled patients visiting Dr. Jon Anderson, whose medical offices are located in the 555 Complex, park their handicapped vehicles so the patients may enter and exit the 555 Complex; those patients travel in handicapped vehicles that are too tall to enter the 555 Complex's parking deck. This has a discriminatory effect on disabled patients that require emergency oral surgery at Dr. Anderson's offices.

27. The proposed beautification, and restoration of streets and sidewalks after replacement of sewer and water lines, is directed to the City of Birmingham as a whole and to all its residents and visitors, such that a special assessment to fund beautification and restoration is invalid under Michigan law. The 555 Complex receives no special benefit from the proposed reconstruction of S. Old Woodward Avenue.

28. Moreover, Respondent's planning board during recently concluded that the 555 Complex's parking structure, which is the only parking structure located in the S. Old Woodward Avenue area, is at full capacity. The elimination of 64 parking spaces that would result from the proposed reconstruction of the S. Old Woodward Avenue will therefore prevent any further development on S. Old Woodward Avenue, thereby further decreasing the value of the 555 Complex.

29. The amount of the Special Assessment on the Main Building is not reasonably proportionate to any benefit that could possibly be derived from the reconstruction of the S. Old Woodward Avenue streetscape.

30. The amount of the Special Assessment on the Birmingham Pub Building is not reasonably proportionate to any benefit that could possibly be derived from the reconstruction of the S. Old Woodward Avenue streetscape.

31. The amount of the Special Assessment on the Vacant Parcel is not reasonably proportionate to any benefit that could possibly be derived from the reconstruction of the S. Old Woodward Avenue streetscape.

32. The Vacant Parcel itself is not independently developable because of the impact of the Woodward Avenue right-of-way and the applicable setbacks under Respondent's zoning ordinance, such that the amount of the proposed Special Assessment is particularly disproportionate as to the Vacant Parcel.

33. The amounts of the Special Assessment on each of the Main Building, the Birmingham Pub Building, and the Vacant Parcel, are also disproportionate to objective measures of the amount of the Special Assessment that could lawfully be charged to each of them.

34. The market values of the parcels comprising the 555 Complex collectively and individually are not increased and in fact are decreased as a result of the proposed reconstruction of the S. Old Woodward Avenue streetscape, which will result in the elimination of 64 parking spaces including 11 of 30 adjacent to the 555 Complex.

35. The Special Assessment is invalid because it (a) violates Michigan law, (b) is based on erroneous principles and information, (c) is based on the misapplication of valuation principles, and (d) otherwise violates Petitioners' rights.

36. Petitioners contend that valid special assessments for the 555 Complex cannot exceed the following amounts:

The Main Building .....	\$0
The Birmingham Pub Building .....	\$0
The Vacant Parcel .....	\$0
Total .....	\$0

37. The amounts in dispute are therefore as follows:

The Main Building .....	\$371,391.23
The Birmingham Pub Building .....	\$42,354.60
The Vacant Parcel .....	\$40,087.00
Total .....	\$453,832.83

**Conclusion and Request for Relief**

Wherefore, Petitioners respectfully request that this honorable Tribunal enter Judgment finding that the Special Assessment is invalid, finding that there is no special assessment amount due for the reconstruction of the S. Old Woodward

Avenue streetscape from Petitioners, and granting Petitioners all other relief to which they are entitled under Michigan law.

Respectfully Submitted,

WILLIAMS WILLIAMS RATTNER  
& PLUNKETT PC

By: /s/ Jason C. Long

Jason C. Long (P59244)  
Attorneys for Petitioners

Dated: May 10, 2022

# Exhibit A

To the Petition

APR 20 2022

April 19, 2022

THE NEW 555 COMMERCIAL LLC  
555 S OLD WOODWARD AVE  
BIRMINGHAM, MI 48009-6658

RE: Special Assessment District #897  
S. Old Woodward Streetscape

On April 11th, 2022 the Birmingham City Commission confirmed the above referenced special assessment. This letter shall serve as notification that from the date of confirmation all special assessments shall constitute a lien on the respective lots or parcels assessed.

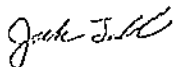
The amount of the special assessment for 555 S OLD WOODWARD AVE , Parcel Number 08-19-36-210-001 is \$ 371,391.23. The total due may be payable over 10 annual installments. Payments are due within 60 days of billing. Please note, if you choose to pay in installments, the interest rate will be 4.5% on the unbilled balance.

**Please Note: This is not a bill.**

Section 94.9(h) of the City Code provides that:  
"Such special assessments and all proceedings upon which special assessments are based shall be incontestable, unless an appeal to the Michigan Tax Tribunal is instituted within 30 days after the date of confirmation of such special assessment roll."

If you have any questions regarding billing, please feel free to contact me at 248-530-1833. If you have questions regarding the project, please contact the Department of Engineering at 248-530-1840.

Sincerely,



Jack Todd  
Deputy Treasurer

APR 20 2022

April 19, 2022

ASSOCIATES OF 555 LTD PARTNERSHIP  
555 S OLD WOODWARD AVE  
BIRMINGHAM, MI 48009-6658

RE: Special Assessment District #897  
S. Old Woodward Streetscape

On April 11th, 2022 the Birmingham City Commission confirmed the above referenced special assessment. This letter shall serve as notification that from the date of confirmation all special assessments shall constitute a lien on the respective lots or parcels assessed.

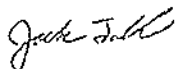
The amount of the special assessment for 555 S OLD WOODWARD AVE , Parcel Number 08-19-36-210-003 is \$ 42,354.60. The total due may be payable over 10 annual installments. Payments are due within 60 days of billing. Please note, if you choose to pay in installments, the interest rate will be 4.5% on the unbilled balance.

**Please Note: This is not a bill.**

Section 94.9(h) of the City Code provides that:  
"Such special assessments and all proceedings upon which special assessments are based shall be incontestable, unless an appeal to the Michigan Tax Tribunal is instituted within 30 days after the date of confirmation of such special assessment roll."

If you have any questions regarding billing, please feel free to contact me at 248-530-1833. If you have questions regarding the project, please contact the Department of Engineering at 248-530-1840.

Sincerely,



Jack Todd  
Deputy Treasurer

April 19, 2022

MANORWOOD PROPERTIES LLC  
555 S OLD WOODWARD AVE STE 705  
BIRMINGHAM, MI 48009-6618

RE: Special Assessment-District #897  
S. Old Woodward Streetscape

On April 11th, 2022 the Birmingham City Commission confirmed the above referenced special assessment. This letter shall serve as notification that from the date of confirmation all special assessments shall constitute a lien on the respective lots or parcels assessed.

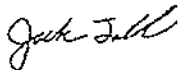
The amount of the special assessment for 555 S OLD WOODWARD AVE #705, Parcel Number 08-19-36-210-005 is \$ 40,087. The total due may be payable over 10 annual instalments. Payments are due within 60 days of billing. Please note, if you choose to pay in instalments, the interest rate will be 4.5% on the unbilled balance.

**Please Note: This is not a bill.**

Section 94.9(h) of the City Code provides that:  
"Such special assessments and all proceedings upon which special assessments are based shall be incontestable, unless an appeal to the Michigan Tax Tribunal is instituted within 30 days after the date of confirmation of such special assessment roll."

If you have any questions regarding billing, please feel free to contact me at 248-530-1833. If you have questions regarding the project, please contact the Department of Engineering at 248-530-1840.

Sincerely,



Jack Todd  
Deputy Treasurer

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING & REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
MICHIGAN TAX TRIBUNAL

THE NEW 555 COMMERCIAL, LLC,  
THE NEW 555 RESIDENTIAL, LLC,  
MANORWOOD PROPERTIES, LLC, and  
ASSOCITES OF 555, LP,  
Petitioners,

Docket No. 22-000772  
Property Nos. 08-19-36-210-001  
08-19-36-210-003  
08-19-36-210-005

v

CITY OF BIRMINGHAM,

Respondent.

---

Williams, Williams, Rattner & Plunkett, P.C.  
Jason C. Long (P59244)  
*Attorneys for Petitioners*  
380 N. Old Woodward Ave., Ste. 300  
Birmingham, MI 48009  
(248) 642-0333  
[jlong@wwrplaw.com](mailto:jlong@wwrplaw.com)

Beier Howlett, P.C.  
Peter Gojcaj (P68888)  
Monika Koleci (P85371)  
*Attorneys for Respondent*  
3001 W. Big Beaver Rd., Ste. 600  
Troy, MI 48084  
248-282-1063 / 248-645-9344-fax  
[pgojcaj@bhlaw.us.com](mailto:pgojcaj@bhlaw.us.com)  
[mkoleci@bhlaw.us.com](mailto:mkoleci@bhlaw.us.com)

---

**AFFIDAVIT OF SCOTT ZIELINSKI**

STATE OF MICHIGAN )  
                                  )SS.  
COUNTY OF OAKLAND)

Scott Zielinski, being duly sworn, deposes and says:

1. I make this Affidavit on behalf of Respondent in my capacity as the Assistant City Engineer for the City of Birmingham's ("City").

2. I make these statements set forth in this Affidavit based on my review of the City's records and from personal knowledge, and if called to testify would be able to do so.

3. The City embarked upon an infrastructure improvement project including road construction, sewer, watermain and ADA sidewalk improvements for its downtown area, which was to be completed in three phases.

4. The entire three phases of the Project are designed to make changes to the roadways of Maple and Old Woodward in the downtown area in order to reduce vehicular speeds, calm and improve traffic, improve pedestrian safety, and walkability while improving the City's infrastructure.

5. As the entire Project also upgrades underground assets and replace an old infrastructure: sewers, utilities, lead service lines, water lines, road pavements and more (for the entire Old Woodward Road, from E. Brown St to Landon St), the instant petition only deals with a small portion of the entire Project. The City could have issued special assessments for the entire Project (which cost in excess of \$10,000,000), it is only the portion from the curb/sidewalk (not the roadway) to the property owners' buildings that the City issued the subject Special Assessment. This Special Assessment is considered the "Streetscape."

6. Phase 1 (which is the area north of the subject matter concerning this lawsuit) was completed in 2018 and includes Old Woodward Avenue from Brown Street to Oakland Street.

7. Phase 2 involving Maple Road (which is north of the area of concern and stretches from east to west, crossing Old Woodward Avenue from Maple Road, from Chester to Woodward Avenue), was completed in 2020.

8. Phase 3, which concerns this Petition, began in May of 2022 and has been substantially completed.

9. The Project is a well-thought out design, planned by top-notch engineers, architects and other planners.

10. Both the City Engineer and I **prepared two reports** (dated March 10, 2022, and March 8, 2022, respectively) providing the City Commission information on the proposed special benefits, the nature of it, the improvement, the costs, the benefit derived therefrom, and the reasonable proportionality of assessing the special assessment against the affected property owners.

11. By way of background, concerning phases 2 and 3 the City had special assessments against the affected property owners that included the same type of improvements in this case (ie, the Streetscape): mainly replacement of sidewalks, and landscape enhancements.

12. Returning to the current issue, I prepared my report explaining the nature and scope of the project, recommended approach, estimates of cost, life of the improvement, a description of the proposed assessment district(s), and such other pertinent.

13. My report provides the new streetscape will consist of an **enhanced version of the downtown standard saw cut concrete sidewalk** with an exposed aggregate sidewalk between the main pedestrian path and the street curb. Elements of the **new streetscape design** to be included in this project include:

- **All new concrete and exposed aggregate sidewalks** from the building face to the back of the curbs.
- Removal and replacement of all street trees, including excavation and replacement with approximately 1,000 cubic feet of specially formulated soil designed to encourage tree growth.
- **Enlarged, raised planter beds around each new street tree, framed by a 6-inch high exposed aggregate curb, with irrigation, and professionally designed landscaping.**
- **Granite seating areas where space permits.**
- **Installation of an underground electrical system to provide new lighting opportunities for trees along the sidewalk and in the proposed median**
- **Installation of sprinkler systems to maintain new plant life**

14. My report explains that the cost per property will be assessed as an average cost per linear foot of frontage for the *improvements*. The properties with multiple owners will share the cost of the frontage, and the amount will be based on the square footage of the building area owned. The City will bill one-tenth of the assessment, as is standard on other special assessment districts, plus interest, on an annual basis, to make the cost more manageable for the property owners.

15. I recommended to the City Commission (before the City Commission decision) that the Special Assessment be approved because the improvements to the affected properties (including Petitioners') would increase in value.

16. I prepared the attached spreadsheet depicted in Exhibit 5, which illustrates that the Special Assessment allocated to the effective property owners, including Petitioners, includes electrical, construction equipment, construction costs for irrigation, sidewalk pavement construction costs, landscaping construction costs, that total approximately \$2,481,888.55 (the Streetscape Amount). The total amount charged to the benefitted properties is equal to 75% of the Streetscape Amount of the project. The remaining 25% (\$827,296.18) would be allocated directly to the City. Of the 75%, which is \$2,481,888.55, Petitioners' responsible portion is approximately \$453,000.00. As noted in response to interrogatory no. 3, the City calculated these amounts for the entire streetscape (streetscape costs include but are not limited to sidewalks, planters, utilities, underground utilities, construction, sprinkler, concrete pavement, concrete sidewalk removal, installation, concrete curb, soil, boulders, landscaping, and all other elements that can be categorized in the sidewalk area of the project). This total streetscape amount was then divided by the total linear feet for the project, then further multiplied by the linear feet of the subject properties.

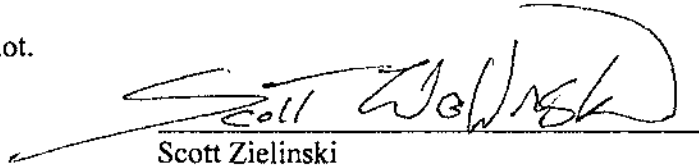
17. It is and was my opinion that the special assessment was proportionate to the increase in value of all of the properties, including Petitioners’.

18. The City Commission took all of the information, my report, my spreadsheet, Mr. Surhigh’s Report (City Engineer at the time), and other pertinent information, and formulated its decision based upon these reports and our recommendation.

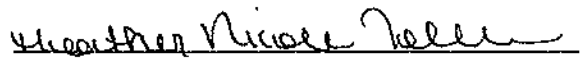
19. This Affidavit is based on personal knowledge.

20. If sworn as a witness I can testify competently to the facts stated in this Affidavit.

Further, Affiant sayeth not.

  
Scott Zielinski

On December 9, 2022,, before me personally appeared Scott Zielinski as Assistant City Engineer for the City of Birmingham who acknowledged that with authority to do so he signed this Affidavit on behalf of the City of Birmingham.

  
Notary Public, Wayne County, Michigan  
Acting in Oakland County, Michigan  
My Commission Expires: 3.17.2026

## CHAPTER X. - SPECIAL ASSESSMENTS

## Section 1. - [Authority to impose; resolution.]

The commission shall have the power to determine that the whole or any part of the expense of any public improvement shall be defrayed by special assessments upon the property specially benefited or which may be specially benefited in the future and shall so declare by resolution. Such resolution shall state the estimated cost of the improvement, what proportion of the cost thereof shall be paid by special assessments, and what proportion, if any, shall be a general obligation of the city, the number of installments in which assessments may be paid, and shall designate the districts or land and premises upon which special assessments shall or may be levied. Such resolution may provide that specified development or improvement of property will benefit from a public improvement and establish assessments against such property to be collected if and after such improvement or development of property is undertaken.

(Amend. of 4-4-83)

**State Law reference**— Permissible that Charter provide for assessing costs of public improvements, MCL 117.4d, MSA 5.2077.

## Section 2. - [Establishment of procedure.]

The commission shall prescribe by general ordinance complete special assessment procedure concerning plans and specifications, estimate of costs, the making of the assessment roll and correction of errors, the notice and conduct of hearings on the necessity of a public improvement and the confirmation of the special assessment roll, the collection of and interest to be borne by special assessments and any other matters concerning the making of improvements by the special assessment method.

(Amend. of 4-4-83)

## Section 3. - [Imposition of lien.]

From the date of confirmation of any roll levying any special assessment, the full amount of the assessment and all interest thereon shall constitute a lien on the property subject thereto and that amount shall also be a debt of the person to whom assessed until paid and, in case of delinquency, may be collected as delinquent city property taxes.

(Amend. of 4-4-83)

## Section 4. - [Collection.]

No action of any kind may be instituted for the purpose of contesting or enjoining the collection of any special assessment (a) unless, within 30 days after the confirmation of the special assessment roll, written notice is given to the commission indicating an intention to file such an action and stating the grounds on which it is claimed that the assessment is illegal and (b) unless that action shall be commenced within 60 days after the confirmation of the roll.

(Amend. of 4-4-83)

Section 5. - [Reassessment.]

Whenever the commission deems any special assessment invalid or defective, or whenever a court adjudges an assessment to be illegal in whole or in part, the commission may cause a new assessment to be levied for the same purpose, whether or not the improvement or any part thereof has been completed, or any part of the special assessment collected. In reassessment proceedings hereunder, it shall not be necessary for the commission to redetermine the necessity of the improvement or to hold a hearing thereon. If any portion of the original assessment is collected and not refunded, it shall be applied upon the reassessment, and the reassessment shall to that extent, be deemed satisfied. If more than the amount reassessed is collected, the balance shall be refunded to the person making such payment.

(Amend. of 4-4-83)

*Footnotes:*

--- (1) ---

**Editor's note**— Ordinance No. 1637, adopted March, 24, 1997, repealed §§ 94-1—94-26 and replaced with §§ 94-1—94-18. Formerly, such sections pertained to similar provisions and derived from §§ 1.500—1.525 of the 1963 Code.

**Charter reference**— *Special assessments, ch. X.*

**Cross reference**— *Administration, ch. 2; streets, sidewalks and other public places, ch. 98.*

**State Law reference**— *Powers re assessments, MCL 117.4a, 117.4b, 117.4d, 117.5; notices and hearings, MCL 211.741 et seq.*

Sec. 94-1. - Purpose.

This chapter is adopted to comply with Chapter X of the Charter for the city to provide by ordinance for a complete special assessment procedure concerning the initiation of projects, plans and specifications, estimates of cost, notice and conduct of hearings, making and confirming of assessment rolls, correction of errors, contested assessments, financing of improvements made by special assessment, collection of special assessments and interest thereon, deferral of payments due to hardship, and all other matters concerning special assessments.

(Ord. No. 1637, 3-24-97)

Sec. 94-2. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Applicant* means an owner and the owner's spouse, if any, who files an application for deferral under this chapter.

*Cost*, when referring to the cost of any public improvement, shall mean the cost of surveys, plans, rights-of-way, spreading of rolls, notices, advertising, financing, construction, legal fees, administrative expense, condemnation and all other costs incidental to the making of such improvement, the special assessments therefor and the financing thereof.

*Engineer* means the director of the department of engineering and public services.

*Homestead* means a dwelling owned and occupied as a home by the owner thereof, including all contiguous unoccupied real property owned by the person.

*Household* means a housing unit consisting of related persons residing in a homestead who are age 18 or older and are not claimed as dependents on the owner's state or federal income tax returns.

*Household income* means all income received by all members of a household in a tax year, while members of the household. If any household member has become unemployed or has resigned from employment within the six-month period prior to the application date, the household income shall be computed at the rate of pay immediately prior to the termination or resignation from employment with the following exceptions:

- (1) The household member has permanently retired.
- (2) The household member has received a permanent medical leave due to total disability.

*Improvement* means a public improvement of such a nature as to specially benefit any real property, any part of the cost of which is to be assessed against one or more lots or parcels of land, in proportion to the benefit derived therefrom.

*Income* means the sum of federal adjusted gross income, as defined in 26 U.S.C. 1, et seq., of the Internal Revenue Code, as amended, plus all income specifically excluded or exempt from the computations of the federal adjusted gross income.

- (1) The term does not include the first \$300.00 of gifts in cash or kind from nongovernmental sources or the first \$300.00 received from awards, prizes, lottery, bingo, or other gambling winnings.
- (2) Income does not include surplus foods, relief in kind supplied by a governmental agency, payments or credits under this chapter, any governmental grant which has to be used by the claimant for rehabilitation of the homestead, amounts deducted from monthly Social Security or Railroad Retirement Benefits for Medicare premiums, or contributions by an employer to life, accident, or health insurance plans.
- (3) Income does not include energy assistance grants and energy assistance tax credits.

*Manager* means the city manager or his designee.

*Net worth* means the total value of assets owned less total liabilities. For purposes of this chapter, net worth shall not include the value of the homestead and file value of any one automobile registered in the name of the owner of the homestead.

*Owner* means a person who holds solely or concurrently with others a fee interest in a parcel of real property, or who is purchasing a parcel of real property under a mortgage or land contract.

*Street* means a public street, avenue, highway, road, path, boulevard, right-of-way, or alley or other access used for travel by the public.

(Ord. No. 1637, 3-24-97; Ord. No. 1962, 4-21-08)

Sec. 94-3. - Commission authority.

The city commission shall have the power and authority to determine that the whole or any part of the cost of any public improvement shall be defrayed by special assessments upon the property especially benefitted, consistent with the procedures set forth in this chapter.

(Ord. No. 1637, 3-24-97)

Sec. 94-4. - Initiation of improvement by commission.

- (a) Proceedings for making public improvements within the city may be commenced by resolution of the city commission, on its own initiative, making the improvement and special assessment mandatory.
- (b) In order to ascertain what level of support exists among property owners to be assessed for a special improvement, the city commission may choose to direct staff to circulate an expression of interest form.
- (c) The commission shall carefully consider any petition or expression of interest forms received, but both petitions and expression of interest forms shall be advisory only. Petitions or expression of interest forms shall in no event be mandatory upon the commission.

(Ord. No. 1637, 3-24-97; Ord. No. 2499, 10-25-21)

**Editor's note**— Ord. No. 2499, adopted October 25, 2021, changed the title of section 94-4 from "Initiation of improvement" to "Initiation of improvement by commission." The historical notation has been preserved for reference purposes.

Sec. 94-5. - Property owners may petition for an improvement.

- (a) All property-owner initiated petitions shall be circulated and signed on forms furnished by the city engineer. Such petitions shall contain, in addition to the signature of the owner(s), a brief description of the property owned.
- (b) Petitions shall be verified by the affidavit(s) of the petition circulator(s) attesting that signatures on the petition are genuine and that the persons signing are owners of the described properties.
- (c) Petitions shall be filed with the city engineer.
- (d) All petitions shall be referred by the city engineer to the city manager and city clerk. The city clerk shall verify the petitions and signatures determining whether they conform to the foregoing requirements and shall report the city clerk's findings to the city engineer and city manager.

(Ord. No. 1637, 3-24-97; Ord. No. 1962, 4-21-08; Ord. No. 2499, 10-25-21)

**Editor's note**— Ord. No. 2499, adopted October 25, 2021, changed the title of section 94-5 from "Petitions" to "Property owners may petition for an improvement." The historical notation has been preserved for reference purposes.

Sec. 94-6. - City engineer's report.

- (a) Before the commission shall decide on making any public improvements, whether initiated by commission or property owners through the petition process, the city engineer shall prepare and submit a preliminary report to the city commission which shall include a general description of the nature and scope of the project, a recommended approach to the project including coordination of other city projects and funding sources, preliminary estimates of cost, an estimate of the life of the improvement, a description of the proposed assessment district(s), and such other pertinent information as may enable the commission to determine the cost, scope, extent and necessity of the proposed improvement and whether any portion of the cost should be paid by the city at large. A copy of the city engineer's report shall also be filed with the city clerk for public examination.
- (b) Whenever any property interest is acquired by condemnation or otherwise for the purpose of any public improvement, the cost thereof and of the proceedings required to acquire such property interest may be added to the cost of such public improvement.

(Ord. No. 1637, 3-24-97; Ord. No. 2499, 10-25-21)

Sec. 94-7. - Notice of public hearing.

- (a) After the filing of the city engineer's report under section 94-6, above, a public hearing before the city commission on the advisability of proceeding to establish a special assessment district for the making of the public improvement shall be set, which hearing shall be held not less than ten days after notice thereof has been both published in a newspaper published or generally circulated in the city, and sent by first-class mail to all property owners in the proposed special assessment district as shown by the current property tax roll of the city. The notice shall include a statement that appearance and protest at the public hearing is required in order to appeal the special assessment to the Michigan Tax Tribunal, and that an owner or interested party, or his or her agent, may appear and protest in person or by letter, if received by the commission prior to the public hearing. The hearing required by this section may be held at any regular or special meeting of the commission.
- (b) At the public hearing on the proposed improvement, all persons interested shall be given an opportunity to be heard.

(Ord. No. 1637, 3-24-97; Ord. No. 2499, 10-25-21)

Sec. 94-8. - Determination of necessity by commission.

- (a) Following the hearing, the commission may determine whether it is necessary to continue to proceed, or to modify the scope of the public improvement, if necessary, in such a manner as it deems to be in the best interest of the city, provided that if the amount of work is increased or properties are added to the district, then another public hearing shall be held pursuant to notice as prescribed in section 94-7.
- (b) If the commission determines to continue to proceed with the improvement, the commission shall adopt a resolution:
  - (1) Determining the necessity of the improvement;
  - (2) Approving the detailed plans and estimates of cost prepared by the city engineer;
  - (3) Prescribing what portion of the cost of such improvement shall be paid by special assessment upon the property especially benefited, determining what benefits will be received by affected properties and what portion, if any, of the cost shall be paid by the city;
  - (4) Delineating the boundaries of the special assessment district;
  - (5) Determining the method or formula to be used in making the assessment; and
  - (6) Directing the city manager to prepare a special assessment roll and present the same to the commission for confirmation (unless the special assessment roll was previously prepared).
- (c) The commission may modify the resolution to proceed that was adopted pursuant to subsection (b) at any time, but if any modification will increase the cost or scope of the improvement or add properties to the assessment district, a further public hearing shall be held and notice given as prescribed in section 94-7.

(Ord. No. 1637, 3-24-97; Ord. No. 2499, 10-25-21)

Sec. 94-9. - Special assessment roll.

- (a) No construction contract or expenditure, except for the cost of preparing necessary plans, specifications and estimates of costs, for any public improvement to be financed in whole or part by special assessment shall be made before the confirmation of the special assessment roll for such improvement.
- (b) The manager shall make a special assessment roll of all lots and parcels of land within the designated district to be benefited by the proposed improvement and assess to each lot or parcel of land the amount benefited thereby. The amount spread in each case shall be based upon the cost estimate of the city engineer.
- (c) After the manager completes the assessment roll, it shall be filed with the clerk for public examination and presentation to the commission for review and confirmation by it.
- (d)

The commission shall fix the time and place at which the commission will meet to review the special assessment roll and to give interested persons an opportunity to be heard; which meeting shall not be less than ten days after notice thereof has been both published in a newspaper published or generally circulated in the city and sent by first-class mail to all property owners in the proposed special assessment district as shown by the current property tax roll of the city. The meeting required by this section may be held at any regular or special meeting of the commission.

- (e) The commission shall meet at the time and place scheduled for review of the special assessment roll.
  - (1) At such, meeting, the commission shall consider all objections to the special assessment roll submitted in writing or orally at the meeting;
  - (2) The commission may correct the roll as to any special assessment or description of any lot or parcel of land or other errors appearing therein; or
  - (3) The commission may, by resolution, annul the assessment roll and direct that a new roll be prepared, following the same procedures applicable to the making of the original roll.
- (f) If, after hearing all objections and making a record of such changes as the commission deems justified, the commission determines that it is satisfied with said special assessment roll, and that assessments are in proportion to benefits received, it shall thereupon pass a resolution making such determination and confirming the roll. The resolution shall also:
  - (1) Direct the manager to spread the various sums and amounts appearing thereon on a special assessment roll;
  - (2) Order placement of the roll on file in the city clerk's office and direct the clerk to attach his or her warrant to a certified copy within ten days;
  - (3) Command the city treasurer to bill and collect the special assessments or installments as provided in this chapter, to be due within 60 days of billing, unless a later date for billing and collecting is established by the commission in accordance with the following paragraph;
  - (4) If the commission determines construction of part or all of the improvement will not occur immediately after the confirmation of the roll, and if the commission also deems it unnecessary to collect the assessment forthwith, the resolution shall provide for the billing and collection of the assessment at the time of the construction of the improvement; and
  - (5) Direct the treasurer to give notice by first-class mail to each property owner on the special assessment roll that the roll has been confirmed, and further containing the information set forth in subsections (h) and 94-10(b).
- (g) Whenever a special assessment roll shall be confirmed by the commission, it shall be final and conclusive. Such roll shall have the date of confirmation endorsed thereon and shall from that date be final and conclusive for the purpose of the improvement to which it applies, subject only

to adjustment to conform to the actual cost of the improvement, or as otherwise provided in section 94-13.

- (h) Such special assessments and all proceedings upon which such special assessments are based shall be incontestable, unless an appeal to the Michigan Tax Tribunal is instituted within 30 days after the date of confirmation of such special assessment roll.
- (i) Failure on the part of the city or any official or employee thereof to give or mail any notice required to be given or mailed by this chapter, or failure by any property owner to receive any such notice shall not invalidate any special assessment or special assessment roll.
- (j) Where deemed appropriate, the commission may authorize the public hearing on necessity of proceeding with the public improvement and on confirmation of the special assessment roll to be combined provided that all public notice requirements of this chapter are fulfilled.

(Ord. No. 1637, 3-24-97; Ord. No. 1833, 4-19-04; Ord. No. 1962, 4-21-08)

Sec. 94-10. - Payments.

- (a) All special assessments shall be payable in such number of approximately equal installments, not to exceed ten, as the commission may determine. The first installment of a special assessment shall be due and payable within 60 days of billing, or such later date as the commission may establish closer to the time of construction, and one installment shall be due and payable each year thereafter on the anniversary of such due date, with annual interest upon all unpaid installments to be fixed by the commission at a rate not to exceed 12 percent per annum, provided that no interest shall be charged upon any amount paid within 60 days of billing of the first installment. The whole assessment, both primary and deferred, against any lot or parcel of land may be paid to the city treasurer at any time in full with accrued interest and penalties thereon. If any special assessment or any installment of a special assessment is not paid when due, then such assessment or installment shall be deemed to be delinquent and there shall be, in addition to interest, a penalty added at the rate of one percent for each month or fraction thereof that the same remains unpaid before being reported to the commission for the purpose of being reassessed upon the city tax roll.
- (b) After the commission has directed the billing and collection of the assessment, the treasurer shall notify by first-class mail each property owner on the special assessment roll of the obligation to pay the amount assessed and:
  - (1) When the special assessment is not payable in installments, the time within which it may be paid without interest, or penalty.
  - (2) When the special assessment is payable in installments, the notice shall state the due date of the first installment and the date from which interest will be charged on future installments.
- (c)

If any lots or lands are divided in compliance with city ordinance after a special assessment thereon has been confirmed and before the collection of all installments, the manager shall apportion the uncollected amounts upon the several parts of lots and lands so divided, and all assessments thereafter made upon such lots or lands shall be according to such apportionment.

(Ord. No. 1637, 3-24-97; Ord. No. 1962, 4-21-08)

Sec. 94-11. - Accounts.

Funds raised by special assessment to pay the cost of any public improvement shall be held in a special fund to pay such cost or to repay money borrowed therefor. Each special assessment account must be used only for the improvement project for which the assessment was levied. If there is a surplus, the surplus shall be refunded pro rata, without interest, as follows: Where the assessment has been paid in full, by a refund in cash to the owner of the premises at the time the refund was ordered, and where the assessment has not been paid in full, by credit on the assessment roll. No refund of \$20.00 or less shall be required.

(Ord. No. 1637, 3-24-97)

Sec. 94-12. - Lien until paid.

- (a) All special assessments, including installment payments, shall, from the date of the confirmation thereof, constitute a lien on the respective lots or parcels assessed, and until paid shall be charged against the respective owners of the lots or parcels assessed.
- (b) The city treasurer shall annually, on May 1, certify any delinquent special assessment, or any part thereof, together with all accrued interest and penalty, to the commission; and, it shall be transferred and reassessed, with an additional 15 percent penalty, on the next annual city tax roll. Such charges so assessed shall be collected in the same manner as general city taxes.

(Ord. No. 1637, 3-24-97; Ord. No. 1834, 4-19-04)

Sec. 94-13. - Adjustments and corrections.

- (a) Excessive assessments.
  - (1) The excess by which any special assessment proves larger than the actual cost of the improvement and expenses incidental thereto may be placed in the general fund of the city if such excess is five percent or less of the assessment.
  - (2) Should the assessment prove larger than necessary by more than five percent, the entire excess shall be refunded on a pro rata basis according to assessments to the owners of the property assessed as shown by the current assessment roll of the city, provided, however, no refunds shall be made of less than \$20.00.

a.

Such refund shall be made by credit against future unpaid installments to the extent any installments are remaining, and the balance, if any, of such refund shall be in cash.

b. No refunds may be made which contravene the provisions of any outstanding evidence of indebtedness secured in whole or in part by such special assessment.

(b) Additional pro rata assessments may be made when any special assessment roll proves insufficient to pay for the actual cost of the improvement for which it was levied and the expenses incident thereto, provided that the additional pro rata assessment shall not exceed 25 percent of the total assessment originally confirmed unless a public hearing before the commission is first held to review and confirm such additional assessment, for which hearing notices shall be published and mailed as provided in the case of review of the original special assessment roll.

(c) Invalid assessments.

- (1) whenever any special assessment shall, in the opinion of the commission, be incorrect or invalid by reason of any irregularity or informality in the proceedings, or if any court or tribunal of competent jurisdiction shall adjudge the assessment to be illegal, the commission may, regardless of whether the improvement has been made or not, or whether any part of the assessment has been paid or not, cause a new assessment to be made for the same purpose for which the former assessment was made.
- (2) All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment.
- (3) Whenever any sum or part thereof levied upon any property under the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment or if the payments exceed the amount of the reassessment, refunds shall be made.
- (4) No judgment or decree nor any act of the commission vacating a special assessment shall destroy or impair the lien of the city upon the premises assessed for such amount of the assessment as may be equitably charged against the same or as by regular mode of proceeding might have been lawfully assessed thereupon.

(Ord. No. 1637, 3-24-97)

Sec. 94-14. - Assessment against single lot.

When any expense shall be incurred by the city upon or in respect to any separate or single lot or parcel of land which, by the provisions of this chapter, the city commission is authorized to charge and collect as a special assessment, and not being of that class of special assessments required to be made pro rata upon several lots or parcels of land in a special assessment district, an account of the labor, materials, or services for which such expense was incurred and the name and address of the owner or person chargeable

therewith, if known, shall be reported to the commission in such manner as it may prescribe. The provisions of this chapter with reference to special assessments generally, and the proceedings necessary before making the improvements, shall not apply to assessments to cover the expense incurred in respect to that class of improvements contemplated in this section.

- (1) No improvement or expense shall be subject to special assessment under this section unless the owner of or party in interest in the property to be so assessed shall receive ten days' notice by mail of any meeting at which commission action on such an improvement, expense, or special assessment is to be considered, with such notice to be provided in accordance with the requirements and procedures set forth in this chapter.
- (2) The commission shall determine what amount or part of every expense is to be assessed and the person, if known, against whom such expense shall be charged, and the lot upon which the same shall be levied as a special assessment; and as often as the commission shall deem it expedient, it shall require all of the several amounts so reported and determined, and the several lots or parcels of land and person chargeable therewith, respectively, to be reported by the treasurer to the manager for assessment.
- (3) Upon receiving the commission's report, the manager shall make a special assessment roll, and levy as a special assessment upon each lot so reported to him and against the persons chargeable therewith, if known, the whole amount of all the charges so directed to be levied upon each lot or parcel of land respectively, together with a penalty of ten percent, and when completed, the manager shall report the assessment to the commission and thereupon the same proceeding shall be had as provided in this chapter for special assessments in other cases, except the commission may require that the same be paid in one or any other number of installments not to exceed five; provided that the notice of the filing of the special assessment roll in such cases, and of the reviewing of the same, may be given by sending such notice by registered mail to the persons named in such roll at their last known address, instead of giving notice by publication. If such notice is given by publication, the commission may order the cost thereof to be added to the roll and distributed pro rata according to the amount of the special assessments therein. It shall not be necessary to make a separate roll for each lot or parcel of land against which such an assessment may be made, but assessments against several lots or parcels of land may be included in one roll.

(Ord. No. 1637, 3-24-97; Ord. No. 1962, 4-21-08)

Sec. 94-15. - Assessments for off-street parking.

When the proposed public improvement is a facility to provide public off-street parking, the commission may determine that any lot within the proposed assessment district which is developed to a floor area ratio of less than 1.0 will be additionally benefited if at some time in the future additional floor area is

constructed on such property. In such instances, a resolution adopted pursuant to section 94-8 shall direct the manager to prepare the assessment roll by including therein a deferred assessment benefit, to be calculated as follows:

- (1) The manager shall compute the estimated benefit to the lot to be assessed using the actual square footage of land and building at the time of such assessment, to achieve the primary assessment figure.
- (2) The manager shall compute for each lot in the district the maximum additional square footage of building which could be added to the property under the current zoning ordinance without providing additional square footage of building which could be added to the property under the current zoning ordinance without providing additional on-site parking. If such property has, at the time of assessment, a floor area ratio of 1.0 or greater, no deferred off-street parking assessment shall be entered against such property. whether the lot or parcel is not being utilized at the time of assessment at the maximum floor area ratio of 1.0, the manager shall compute a deferred off-street parking assessment based on the additional allowable potential building area computed above and shall enter such amount on the roll as the deferred off-street parking assessment on such property.
- (3) Such deferred off-street parking assessments shall be canceled at the time of development if the building constructed or enlarged is residential in character. Primarily residential buildings shall be defined as any building with two or more stories in which the first floor or any portion thereof is occupied by a commercial or business use and all additional stories are utilized for residential purposes.

(Ord. No. 1637, 3-24-97; Ord. No. 1962, 4-21-08)

Sec. 94-16. - Deferred off-street parking assessments.

- (a) The manager shall enter the amount of any deferred off-street parking assessment upon the roll at the time of its preparation. Such assessment shall not be due as to any lot against which a deferred off-street parking assessment has been made until it shall be developed so as to increase the floor area existing at the time of the assessment by five percent or more or increase the floor area ratio to 1.0. Upon the issuance of a building permit authorizing such an increase in floor area, the city commission shall, by resolution, confirm the making of the deferred off-street parking assessment and it shall be due and payable in full within 30 days. Failure to pay a deferred off-street parking assessment within the above-stated time period shall be grounds for issuance of a stop-work order on the subject property by the building official.
- (b) Deferred off-street parking assessments may be paid in full at the owner's option, at any time after the roll of primary assessments has been confirmed. A building owner may elect to finance a deferred off-street parking assessment with the primary assessment if such an election is made in writing and filed with the city treasurer within 14 months after confirmation of the primary

assessment roll. Interest on a deferred off-street parking assessment shall not start to accrue until 60 days after such deferred off-street parking assessment was confirmed by the commission.

(Ord. No. 1637, 3-24-97; Ord. No. 1962, 4-21-08)

Sec. 94-17. - Time limitation.

No deferred off-street parking assessment shall be confirmed by the city commission unless such confirmation takes place within 20 years from the date on which the original roll was confirmed. As to any deferred off-street parking assessment not confirmed within such 20-year period, it shall no longer be considered a potential assessment against a lot. Any deferred off-street parking assessment which has been paid in advance shall not be refunded even though not confirmed within the 20-year period.

(Ord. No. 1637, 3-24-97)

Sec. 94-18. - Deferred payments of special assessments based on hardship.

- (a) The city may grant deferrals of special assessment payments of persons who, in the opinion of the city commission, by reason of hardship are unable to contribute toward the cost thereof, in accordance with the provisions of this section.
- (b) An owner may apply for deferment of any or all installment payments of special assessments due in a particular year on the owner's homestead. The application shall be made upon an affidavit form available from the city treasurer.
  - (1) The affidavit form shall contain the following:
    - a. The name, or names if owned jointly, and social security number of the applicant.
    - b. The homestead address and sidewall number.
    - c. The home and business telephone number of the applicant.
    - d. The length of ownership of the homestead by the applicant.
    - e. Total household income for the past calendar year. The applicant shall attach copies of the most recently filed federal and state income tax forms of all members of the household, including all schedules, to the application.
    - f. Current place of employment. If the applicant is unemployed, the date of termination or resignation from employment shall be stated.
    - g. A statement of the net worth of all household members as of the date of the application.
    - h. The number of dependents, as defined in 26 U.S.C. 1, et seq., of the Internal Revenue Code, as amended, residing with the applicant at the homestead.
    - i.

If the applicant is over 65 years of age or totally and permanently disabled, the applicant shall attach a copy of the notice from the treasurer denying deferment of special assessment under MCL 211.765, as amended, to the application.

- j. The amount of the special assessment installment payment for which deferment is requested and the date such installment comes or was due.
  - k. A statement located immediately above the applicant's signature: "It is understood that if this deferment is authorized, the City will place a lien on your property."
  - l. The form shall be signed by the applicant and notarized. If the homestead is owned jointly by husband and wife, both shall sign and file the affidavit.
- (2) In addition to the above, copies of the following documents shall be attached to the application:
- a. Recorded deed and land contract or mortgage for the homestead property.
  - b. The cover page of the current homeowners or hazard insurance policy covering the homestead.
  - c. A death certificate or divorce decree, if such document affects the title to the homestead property.
  - d. Any other document that the city may require to process the application for deferment.
- (c) Application for deferment of an installment payment of a special assessment must be made no later than 30 days after the due date of a special assessment or installment for which deferment is requested.
- (d) To qualify for a deferment of an installment payment, the applicant must meet all of the following requirements:
- (1) Total household income attributed to the applicant in the past calendar year cannot exceed the level adopted by the state for its special assessment deferral program, plus an additional amount equal to the deduction allowed by state income tax law for each dependent residing with the applicant at the homestead;
  - (2) Total net worth of all members of the household cannot exceed \$10,000.00;
  - (3) The homestead must be the primary residence of the applicant;
  - (4) The homestead must have been owned and occupied by the applicant for at least three years;
  - (5) The applicant cannot be eligible for deferment of special assessment under MCL 211.761, et seq., as amended;
  - (6) The amount of the installment payments to be deferred on special assessments exceeds \$300.00 per year;
  - (7) Property taxes on the homestead property should not be more than two years delinquent.
- (e)

Immediately upon receipt of the affidavit form, the treasurer shall stamp the application with the time and date of receipt. The treasurer shall promptly examine the application to determine if the applicant meets the requirements of this chapter.

- (1) The treasurer shall request the Manager to make an inspection of the property and property records and conduct an investigation and survey as the treasurer deems necessary. An applicant shall not be compelled to supply information not reasonably necessary to a proper determination of the eligibility of the owner and the homestead for the relief provided under this section.
  - (2) The treasurer shall promptly make a decision and shall notify the applicant of this decision not later than 30 days after the receipt of the application by the treasurer. The decision of the treasurer shall be final.
- (f) The payment of any installment payment on a special assessment due and payable on a homestead in a year in which the owner meets all the eligibility requirements of this section shall be deferred until the occurrence of the first of the following events:
- (1) The homestead or any part of the homestead is conveyed or transferred to another, provided however, that:
    - a. The original applicant for the deferral may convey or transfer an interest in the homestead to another person jointly with the applicant provided that the original applicant continues to reside at the homestead, or
    - b. An owner who owns the property jointly with another may convey or transfer that interest to the original applicant for the deferral provided that the original applicant to whom the property is conveyed continues to reside at the homestead;
  - (2) A land contract selling the homestead is entered into;
  - (3) The owner fails to maintain adequate homeowners and hazard insurance as required herein;  
or
  - (4) One year after the original applicant's death, subject to further order of the probate court; however, the death of a spouse shall not terminate the deferments of special assessments for a household owned by husband and wife as long as the spouse does not remarry.
- (g) Payment of deferred amounts.
- (1) Any special assessment deferred under this section may be paid at anytime.
  - (2) Upon the occurrence of any one of the events terminating a deferral of an installment payment under subsection 94-18(f), above, the deferred amount plus interest shall be paid in full.
  - (3)

If the owner fails to make such payment when the deferment is terminated, the provisions of this chapter regarding the collection of special assessments shall again apply to the deferred payment as if no deferment had been granted and the city may enforce the lien upon the property in any manner permitted by law.

- (h) Interest shall accrue on deferred installment payments at the monthly rate provided for nondeferred installment payments within the special assessment district.
- (i) The treasurer shall send to the owner, by first-class mail, a yearly statement showing the amounts of deferred assessments on the homestead and the interest outstanding thereon.
- (j) Notice of lien.
  - (1) Upon grant of a deferment or grant of the initial deferment if deferments are granted in subsequent years, the city shall record a notice of lien in its favor at the Oakland County Register of Deeds stating that there exists a lien upon such property for deferred special assessments. The lien created shall include the amount of interest provided hereunder.
  - (2) The owner shall sign all documents necessary for the filing of such lien as a condition to receiving a deferral.
  - (3) If subsequent deferments are granted, the treasurer shall ascertain whether the notice of the previously filed with the register of deeds is still in effect. If it is not, a new notice of lien shall be filed against the property with the register of deeds.
- (k) For the duration of the deferment, the owner shall maintain homeowners and hazard insurance on the homestead in an amount not less than the amount of the deferred assessment(s) and accrued interest plus the balance of any mortgage or other lien or encumbrance superior to the city's lien. On or before June 1st of each year for the duration of the deferment, the owner shall provide the treasurer with proof of such homeowners and hazard insurance in the form of a certificate of insurance, and such certificate of insurance shall show the city as an additional insured and shall further contain a clause requiring the insurance company to give the city 30 days advance notice of cancellation, termination or material change in the insurance coverage.
- (l) All deferments made under this section apply only to the installment payment for the year granted and for the specific special assessment district for which the deferment has been granted. An owner can apply for further deferments in any given year that installments are due if the eligibility requirements are met and this chapter remains in effect.
- (m) Nothing in this chapter shall give any person a vested right to receive a deferment or in the standards to be applied in granting such a deferment.
  - (1) The city commission may change, modify, or delete any of the terms and conditions of this section or repeal it in its entirety at any time without notice to any applicant or recipient of a deferment.
  - (2)

However, once a deferment is granted, it cannot be revoked and payment be required prior to the time set forth in this section.

(n) Penalties.

- (1) In addition to all other penalties imposed by this chapter, if any person shall make a false or misleading statement on an application for deferment under this section, such person shall be guilty of a misdemeanor and all amounts deferred shall be immediately due and payable.
- (2) Failure to pay such deferrals within 30 days of receiving notice from the treasurer shall result in the foreclosure of the liens placed upon the subject property pursuant to this section.

(Ord. No. 1637, 3-24-97; Ord. No. 1962, 4-21-08)