



**PLANNING AND  
DEVELOPMENT DEPARTMENT**

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June 30, 2023

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

**RE: Amendment to Development Agreement  
1301, 1312 and 1313 Seward**

Honorable City Council:

On May 31, 2018, the City of Detroit closed on the sale by development agreement of 1301, 1312 and 1313 Seward to S&S Development Group to construct two residential buildings with a total of 54 units (the "Project"). The development agreement was modified and assigned to Merrill Development, LLC (the "Developer") pursuant to a modification, assignment, assumption and consent agreement dated March 12, 2019 ("Modified Development Agreement"). On November 10, 2020, your Honorable Body approved an extension requiring construction to be completed by June 30, 2025.

The Developer has since requested to extend certain deadlines in the Modified Development Agreement to account for complications related to construction financing. The Developer now anticipates closing by September 2023 on construction financing for Phase 1 of the Project, which will include construction of 27 units with 50% of the units being leased at affordable rates. Phase 2 of the Project will include construction of another 27 units with lease rates determined by available financing sources.

The Developer now anticipates that construction of the Project will commence by September 30, 2023 and be completed by September 30, 2027. For this reason, the Planning and Development Department requests to further amend the Development Agreement and to allow additional necessary extensions to the construction dates to be entered into without additional City Council approval.

In support of the Project, we hereby request that your Honorable Body adopt the attached resolution authorizing an amendment to the Modified Development Agreement to reflect the above referenced revised Project completion schedule.

Respectfully submitted,

*Antoine Bryant*

Antoine Bryant  
Director

cc: Malik Washington, Mayor's Office

## RESOLUTION

BY COUNCIL MEMBER: \_\_\_\_\_

**WHEREAS**, on May 31, 2018, the City of Detroit, through its Planning and Development Department (“P&DD”), closed on the conveyance of certain property at 1301-1303, 1312 and 1313 Seward (collectively the “Property”), more particularly described in attached Exhibit A, to S&S Development Group, LLC subject to that certain development agreement dated November 30, 2016 (“Development Agreement”); and

**WHEREAS**, on February 01, 2019, your Honorable Body adopted that certain resolution that: (1) approved an extension of the construction commencement and completion dates for the development project contemplated in the Development Agreement and (2) authorized a Modification, Assignment, Assumption and Consent Agreement recognizing such extensions and the City’s consent to assign the Development Agreement to Merrill Development, LLC (“Developer”). The Development Agreement was amended by that certain Modification, Assignment, Assumption and Consent Agreement dated March 12, 2019; and

**WHEREAS**, Developer now wishes to further extend certain dates and deadlines in the Development Agreement, as amended, consistent with a revised project schedule to accommodate recent construction financing to be secured by the Developer; now therefore be it

**RESOLVED**, that the P&DD Director, or his authorized designee, be and is hereby authorized to execute an amendment to the Development Agreement that 1) requires construction of the improvements to commence by September 30, 2023 and to be completed by September 30, 2027 and 2) requires that at least 50% of the units constructed at 1312 Seward be leased at affordable rates for a period of time and at levels mutually agreed to by P&DD and Developer based on the available funding sources for the project and 3) allows the P&DD Director, or his authorized designee, to agree to further Development Agreement amendments to accommodate further potential changes which may affect the ability of the Developer to commence construction, without further City Council approval; and be it further

**RESOLVED**, that the P&DD Director, or his authorized designee, is authorized to execute any required instruments to make and incorporate amendments or changes to the Development Agreement consistent with the resolution; and be it finally

**RESOLVED**, any amendment to the Development Agreement will be considered confirmed when executed by the P&DD Director, or his authorized designee, and approved by Corporation Counsel as to form.

EXHIBIT A

Land in the City of Detroit, County of Wayne and State of Michigan being the West 6.8 feet of vacated Merrill Street lying East of and adjoining Lot 24 & the North 169 feet of Lot 24 & the North 169 feet of Lot 23; Block 12 and the East 3 feet of Lot 3 and Lots 2 & 1; Block 13; Beck's Subdivision of part of Quarter Sections No. 55 and 56, Ten Thousand Acre Tract. Rec'd L. 4, P. 59 Plats, Wayne County Records.

PER ASSESSORS *gaa* 9.30.09

DESCRIPTION CORRECT  
ENGINEER OF SURVEYS

By *Denise P. Lan*

METCO Services, Inc.

Merrill Place Condominiums

a/k/a 1301-1303, 1313 & 1312 Seward  
Ward 06 Items 001721, 001722 & 001746

LDJ