



October 16, 2024

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

Re: Abolishment of the 35th Street Apartments Brownfield Redevelopment Plan

Dear Honorable Council Members:

The 35th Street Apartments Brownfield Redevelopment Plan (the “Plan”) was approved by City Council on November 13, 2007. The legal descriptions for the subject Plan are attached (Exhibit A).

At the regularly scheduled August 28, 2024 DBRA Board of Directors meeting, DBRA staff recommended abolishment of the Plan on the basis that the project has been completed and the purposes for which the plan was established are accomplished in accordance with Section 14(8)(a) of Act 381. The DBRA subsequently adopted a resolution (Exhibit B) approving the abolishment of the Plan and authorizing the submission of a copy of its resolution to request that City Council adopt a resolution abolishing the Plan.

The DBRA, as authorized by City Council, sent a notification of abolishment of the Plan (Exhibit C) in accordance with Section 14(8)(b).

Authority’s Request

The Authority is respectfully requesting the following action from the City Council:

- a.) October 22, 2024
Referral of the resolution abolishing the Plan to Detroit City Council Planning and Economic Development Standing Committee on October 24, 2024.
- b.) October 24, 2024
Consideration of the City Council’s Planning and Economic Development Standing Committee to abolish the Plan and opportunity for the Developer to be heard during public comment.
- c.) October 29, 2024
City Council adoption of the Resolution (Exhibit D), abolishing the Plan.

Sincerely,

Jennifer Kanalos
Authorized Agent

C: Detroit City Council
City Clerk
Lakisha Barclift
Jai Singletary
Raymond Scott
Brian Vosburg
Malik Washington

Exhibit A
Legal Descriptions of Plan to be Terminated

PARCEL 4:

Lot 14, Block A, Brush's Subdivision as recorded in Liber 16 of plats, Page 24, Wayne County Records.
Commonly known as: 5700 Michigan Avenue

PARCEL 1:

Lots 8 thru 13, inclusive, except the South 49 feet of the West 53.6 feet thereof, Block A, Brush's Subdivision, according to the plat thereof recorded in Liber 16, of plats Page(s) 24, Wayne County Records.
Commonly known as: 5716 Michigan Avenue

PARCEL 3:

The South 49 feet of Lots 8 and 9 and the South 49 feet of the West 3.6 feet of Lot 10, Block A, Brush's Subdivision as recorded in Liber 16 of plats, Page 24, Wayne County Records.
Commonly known as: 5728 Michigan Avenue

Exhibit B
DBRA Resolution



CODE DBRA 24-08-145-03

35TH STREET APARTMENTS BROWNFIELD PLAN: RECOMMENDATION TO CITY COUNCIL TO ABOLISH PLAN

WHEREAS, the City of Detroit Brownfield Redevelopment Authority (the “DBRA”) was created pursuant to Michigan Public Act 381 of 1996, as amended (“Act 381”); and

WHEREAS, the City Council of the City of Detroit (“City Council”) is the governing body (as that term is defined by Act 381) of the DBRA; and

WHEREAS, on October 11, 2007, the DBRA Board of Directors approved the 35th Street Apartments Brownfield Plan (the “Plan”) and recommended the approval of the Plan to City Council; and

WHEREAS, on November 13, 2007, City Council approved the Plan; and

WHEREAS, on November 14, 2007, the Mayor of the City of Detroit approved the Plan; and

WHEREAS, Section 14(8)(a) of Act 381 of 1996, as amended, permits a governing body to abolish a brownfield plan when it finds that the purposes for which the plan was established are accomplished; and

WHEREAS, on October 10, 2017, City Council delegated developer termination notices to the DBRA; and

WHEREAS, the “developer” for the Plan is Southwest Housing Solutions Corporation (the “Developer”); and

WHEREAS, the DBRA has determined that the project identified in the Plan has been completed and the purposes for which the Plan was established have been accomplished; and

WHEREAS, the DBRA Board of Directors desires to recommend abolishment of the Plan to City Council.

NOW THEREFORE, BE IT RESOLVED, subject to the notice authority delegated to the DBRA by the City Council, the DBRA Board of Directors hereby authorizes a written termination notice to the Developer; and

BE IT FURTHER RESOLVED, subject to the completion of the notice requirement described in Section 14(8)(b)(i) of Act 381 and the provision to the Developer of an opportunity to be heard at a public meeting pursuant to Section 14(8)(b)(ii) of Act 381, the DBRA Board of Directors hereby recommends termination of the Plan to City Council; and

BE IT FURTHER RESOLVED, subject to the abolishment of the Plan by City Council, that the DBRA Board of Directors hereby authorizes the termination of any other agreements or contracts between the Developer and the DBRA that were executed in conjunction with the Plan; and

BE IT FURTHER RESOLVED, that any two Officers, or any one of the Officers and any one of the Authorized Agents or any two of the DBRA's Authorized Agents, shall hereafter have the authority to negotiate and execute all documents with such other terms and conditions that are determined by such Authorized Agents and/or Officers to be customary or appropriate and not inconsistent with this resolution, and to negotiate and execute all other documents, contracts, or papers, and take all actions, necessary or appropriate to implement the provisions and intent of this resolution on behalf of the DBRA.

BE IT FINALLY RESOLVED, that all of the acts and transactions of any officer or authorized agent of the DBRA, in the name and on behalf of the DBRA, relating to matters contemplated by the foregoing resolutions, which acts would have been approved by the foregoing resolutions except that such acts were taken prior to execution of these resolutions, are hereby in all respects confirmed, approved and ratified.

August 28, 2024

Exhibit C
Notice of Abolishment



September 17, 2024

SENT VIA CERTIFIED MAIL

Southwest Housing Solutions Corporation
Attn: Steve Gabrys
1920 25th Street
Detroit, MI 48216

AKT Peerless Environmental Consultants
333 W Fort St #100
Detroit, Michigan 48226

RE: Notice of Intent to Abolish Brownfield Plan for 35th Street Apartments

To Whom it May Concern:

Per Act 381 of 1996 Section 14(8)(a), this letter is to inform you that the Detroit City Council has authorized this notice to inform you that abolishment of the Brownfield Plan for the 35th Street Apartments Project (the "Plan") will be considered in no less than thirty ("30") days.

On October 11, 2007 the DBRA adopted and on November 13, 2007 the Detroit City Council approved the Plan.

It is our understanding that the project as described in the Plan has been completed, the associated Single Business Tax Credit has been utilized, and the purposes for which the plan was established have been accomplished. Because the project has been completed, the Brownfield Plan will be abolished for the subject project per Act 381 of 1996 Section 14(8)(a). While you are welcome to speak at any public meeting of City Council regarding the proposed abolishment, the following public meetings have been tentatively scheduled at the Coleman A. Young Municipal Center, 2 Woodward Avenue, 13th Floor, Detroit, MI 48226 regarding the abolishment of the Plan where, should you desire, you will also have an opportunity to be heard:

- Thursday, October 24, 2024 at 10:00 AM – Detroit City Council Planning & Economic Development Standing Committee
- Tuesday, October 29, 2024 at 10:00 AM – Detroit City Council of the Whole Meeting

In no event would any abolishment be effective until at least 30 days after the date of this notice. Should you have any questions please feel free to contact Brian Vosburg at (313) 237-4612 or bvosburg@degc.org.

Sincerely,

Jennifer Kanalos
Authorized Agent

CC: Rebecca Navin, DEGC
Brian Vosburg, DEGC/DBRA
Ngozi Nwaesei, Lewis & Munday

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Southwest Housing Solutions Corporation
Attn: Steve Gabrys
1920 25th Street
Detroit, MI 48216

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AKT Peerless Environmental Consultants
333 W Fort St #100
Detroit, Michigan 48226

Exhibit D
City Council Resolution

**RESOLUTION
ABOLISHING THE BROWNFIELD PLAN
OF THE CITY OF DETROIT BROWNFIELD REDEVELOPMENT AUTHORITY
FOR THE 35TH STREET APARTMENTS REDEVELOPMENT PROJECT;**

City of Detroit
County of Wayne, Michigan

WHEREAS, pursuant to 381 PA 1996, as amended (“Act 381”), the City of Detroit Brownfield Redevelopment Authority (“Authority”) has been established by resolution of the City Council of the City of Detroit (the “City Council”) for the purpose of promoting the revitalization of eligible properties in the City of Detroit; and

WHEREAS, on November 13, 2007, City Council approved the Brownfield Plan for 35th Street Apartments (the “Plan”); and

WHEREAS, the eligible property described in Exhibit A, attached hereto, is the eligible property subject to the Plan; and

WHEREAS, Section 14(8)(a) of Act 381 permits a governing body to abolish a brownfield plan or plan amendment for an eligible property if finds that the purposes for which the plan was established are accomplished; and

WHEREAS, the City Council is the governing body (as that term is defined by Act 381) of the Authority; and

WHEREAS, the Authority’s staff has confirmed that the project has been completed and the purposes for which the plan was established are accomplished; and

WHEREAS, on August 28, 2024, the Board of Directors of the Authority adopted a resolution recommending abolishment of the Plan; and

WHEREAS, on October 3, 2017, City Council authorized the Authority, on behalf of City Council, to manage and/or administer the notices required by Act 381 in connection with any brownfield plan or plan amendment terminations; and

WHEREAS, a notice of the abolishment of the Plan was given in accordance with Section 14(8)(b)(i) of Act 381, a copy of which is attached as Exhibit B; and

WHEREAS, in accordance with Section 14(8)(b)(ii) of Act 381, the developer identified in the Plan was provided with an opportunity to be heard at a public meeting on July 25, 2024.

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. The Plan is hereby abolished by City Council in accordance with Section 14(8)(a) of Act 381.
2. City Council hereby ratifies the termination, if any, of any agreements or contracts between the developer of the Plan and the Authority that were executed in conjunction with the Plan, including, but not limited to, the reimbursement agreement.

The City Clerk is requested to submit one (1) certified copies of this Resolution to the DBRA, 500 Griswold Street, Suite 2200, Detroit, MI 48226

AYES: Members

NAYS: Members

RESOLUTION DECLARED ADOPTED.

Janice Winfrey, City Clerk
City of Detroit
County of Wayne, Michigan

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Detroit, County of Wayne, State of Michigan, at a regular meeting held on _____, 2024, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Janice Winfrey, City Clerk
City of Detroit
County of Wayne, Michigan