



October 22, 2024

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

Re: Abolishment of the St. Aubin Square Brownfield Redevelopment Plan

Dear Honorable Council Members:

The St. Aubin Square Brownfield Redevelopment Plan (the "Plan") was approved by City Council on July 14, 2009. The legal descriptions for the subject Plan are attached (Exhibit A).

At the regularly scheduled September 11, 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 29, 2024
Referral of the resolution abolishing the Plan to Detroit City Council Planning and Economic Development Standing Committee on October 31, 2024.
- b.) October 31, 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.) November 12, 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

ATTACHMENT B

Legal Descriptions of Eligible Property to which the Plan Applies

Land situated in the City of Detroit, County of Wayne, State of Michigan:

All of Lots 1 and 13, Block 68, and the vacated alley between said Lots of the Plat of Subdivision of West ½ of Private Claim 91 from Watson to Fremont Streets, City of Detroit, Wayne County, Michigan, as recorded in Liber 4 of Plats, Page 41, Wayne County Records; and

All of Lots 70 through 86, inclusive, and all of the vacated alleys adjacent thereto of Bridge and Lewis Subdivision of Out lot 41 and Southerly 2/3 of Out Lot 40, St. Aubin farm, Wayne County, Michigan, as recorded in Liber 3 of Plats, Page 31, Wayne County Records; and

All that part of Out lot 44 of the Plat of Subdivision of Private Claims 14 and 589, as surveyed by J. Mullet, June 1847, for Basique St. Aubin, City of Detroit, Wayne County, Michigan as recorded in Liber 31 of Deeds, Pages 91, Wayne County Records, all as further described as: Beginning at the intersection of the Northerly line of Willis Avenue, 50 feet wide, and the Easterly line of St. Aubin Avenue, 50 feet wide, being also the Southwest corner of Said Lot 75; thences along the Easterly line of said St. Aubin Avenue, North 26 degrees 00 Minutes 00 seconds West 338.50 feet; thence along the Southerly line of Canfield Avenue 60 feet wide, North 64 degrees 00 minutes 00 seconds east 300.00 feet; thence along the Westerly line of a Public Alley, 19 feet wide, being also the Easterly line of said Lots 1, 113 and their extensions, South 26 degrees 00 minutes 00 seconds East 338.50 feet; thence along the Northerly line of said Willis Avenue, South 64 degrees 00 minutes 00 seconds West 300.00 feet to the Point of Beginning.

Exhibit B
DBRA Resolution



TO: BOARD OF DIRECTORS
DETROIT BROWNFIELD REDEVELOPMENT AUTHORITY

FROM: BRIAN VOSBURG

DATE: SEPTEMBER 11, 2024

RE: RECOMMENDATION TO CITY COUNCIL TO ABOLISH THE ST. AUBIN SQUARE
BROWNFIELD PLAN

Section 14(8)(a) of Act 381 of 1996, as amended, states:

“A brownfield plan or plan amendment may be abolished or terminated according to this subsection subject to all of the following:

- (a) The governing body may abolish a brownfield plan when it finds that the purposes for which the plan was established are accomplished.
- (b) The governing body may terminate a brownfield plan or plan amendment for an eligible property if the project for which eligible activities were identified in the brownfield plan or plan amendment fails to occur with respect to the eligible property for at least 2 years following the date of the resolution approving the brownfield plan or plan amendment, provided that the governing body first does both of the following:
 - (i) Gives 30 days' prior written notice to the developer at its last known address by certified mail or other method that documents proof of delivery attempted.
 - (ii) Provides the developer an opportunity to be heard at a public meeting.”

Over the years, the DBRA has approved Brownfield Plans which describe projects that have been completed (the “Plan(s)”). These Plans, per the State Act, must be abolished as the final step to formally indicate the completion of the project and tax incentive, and end any requirements for the City and State to perform any ongoing administrative requirements for the tax incentive.

St. Aubin Square is a Plan approved by Council on July 14, 2009, and consisted of a Michigan Single Business Tax Credit. The project, developed by St. Aubin Square LDRA-LP - Shelbome Development, proposed the renovation of a 49 unit apartment development which includes a substantial rehabilitation of seven total buildings. The project has been completed and the purposes for which the Plan was established have been accomplished. Section 14(8)(b) of Act 381 of 1996, as amended, allows City Council to abolish the plan as a result.

It is the opinion of DBRA staff that the St. Aubin Square Plan should be abolished due to the fact that the project described in the Plan has been completed and the purposes for which the Plan was established have been accomplished. DBRA staff, upon DBRA Board approval, will send a notice via certified mail to the developer no less than 30 days before the date City Council is scheduled to abolish the Plan.

A resolution recommending the following actions for the Plan is attached for your review and approval:

1. Recommendation to abolish the Plan to City Council.
2. Issue a certified letter notification to the Developer of the intent to abolish the Plan in no less than 30 days as well as the opportunity to be heard at a public meeting.
3. Authorization to the DBRA to terminate any other agreements or contracts between Developer and the DBRA executed in conjunction with the Plan upon abolishment of the Plan by City Council.

The Plan will be formally abolished upon adoption of a Resolution for the Plan by City Council and following the signing of the Resolution by the Mayor.



CODE DBRA 24-09-175-03

ST. AUBIN SQUARE 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 June 11, 2009, the DBRA Board of Directors approved the St. Aubin Square Brownfield Plan (the “Plan”) and recommended the approval of the Plan to City Council; and

WHEREAS, on July 14, 2009, City Council 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 St. Aubin Square LDRA-LP - Shelborne Development (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.

September 11, 2024

Exhibit C
Notice of Abolishment



October 1, 2024

SENT VIA CERTIFIED MAIL

St. Aubin Square LDRA-LP - Shelborne Development
35122 West Michigan Avenue
Wayne, MI 48184

ASTI Environmental
660 Cascade West Parkway SE
Grand Rapids, MI 49546

RE: Notice of Intent to Abolish the Brownfield Plan for St. Aubin Square

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 St. Aubin Square Project (the "Plan") will be considered in no less than thirty ("30") days.

On June 11, 2009 the DBRA adopted and on July 14, 2009 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 31, 2024 at 10:00 AM – Detroit City Council Planning & Economic Development Standing Committee
- Tuesday, October 31, 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

7018 2290 0000 8690 9672

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<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____

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City, State

St. Aubin Square LDRA-LP -
Shelbome Development
35122 West Michigan Avenue
Wayne, MI 48184

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____

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Sent To

Street and

City, State

ASTI Environmental
660 Cascade West Parkway SE
Grand Rapids, MI 49546

Exhibit D
City Council Resolution

**RESOLUTION
ABOLISHING THE BROWNFIELD PLAN
OF THE CITY OF DETROIT BROWNFIELD REDEVELOPMENT AUTHORITY
FOR THE ST. AUBIN SQUARE 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 July 14, 2009, City Council approved the Brownfield Plan for St. Aubin Square (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 September 11, 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 October 31, 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