

REGULAR MEETING OF THE COUNCIL
OF THE
CITY OF DEARBORN

March 4, 2014

The Council convened at 7:33 P.M., President of the Council Susan Dabaja presiding. Present at roll call were Councilmembers Abraham, Bazzy, Sareini, Shooshanian, Tafelski and President of the Council Dabaja; absent, O'Donnell. A quorum being present, the Council was declared in session.

Reverend John Aho of the Dearborn Evangelical Covenant Church delivered the invocation.

By Abraham supported by Shooshanian.

3-87-14. RESOLVED: That the minutes of the previous regular meeting of February 11, 2014 and special meeting of February 4, 2014 and the same are hereby approved as recorded and published.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Dabaja, Sareini, Shooshanian, and Tafelski (6). Nays: none. Absent: O'Donnell (1).

By Shooshanian supported by Abraham.

3-88-14. RESOLVED: That Ordinance No. 13-1414 be taken from the table and placed upon its final reading.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Dabaja, Sareini, Shooshanian, and Tafelski (6). Nays: none. Absent: O'Donnell (1).

The Clerk then read Ordinance No. 13-1414 entitled, "An Ordinance to Amend the Zoning Ordinance of the City of Dearborn by Amending Article 2.00, Section 2.03, entitled 'Accessory Buildings and Structures'."

The President of the Council announced that this was the final reading of the Ordinance.

The President of the Council then put the question, "Shall this Ordinance pass?"

3-88-14. Upon roll call the Ordinance was adopted as follows: Yeas: Abraham, Bazzy, Dabaja, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: O'Donnell (1).

By Abraham supported by Tafelski.

3-89-14. RESOLVED: That Ordinance No. 14-1421 be taken from the table and placed upon its final reading.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Dabaja, Sareini, Shooshanian, and Tafelski (6). Nays: none. Absent: O'Donnell (1).

The Clerk then read Ordinance No. 14-1421 entitled, "An Ordinance to Amend the Traffic and Motor Vehicles Chapter (Chapter 18) of the Code of The City of Dearborn by Amending Section 18-345 entitled 'Parking Prohibited in Specific Places'."

The President of the Council announced that this was the final reading of the Ordinance.

The President of the Council then put the question, "Shall this Ordinance pass?"

3-89-14. Upon roll call the Ordinance was adopted as follows: Yeas: Abraham, Bazzy, Dabaja, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: O'Donnell (1).

Councilmember Tafelski introduced Ordinance No. 14-1422, entitled, "An Ordinance to Amend Article II of Chapter 10 of the Code of the City of Dearborn, entitled 'Fire Prevention Code,' by adding Section 10-38.2."

The Clerk read the Ordinance by title.

The President of the Council announced that this was the first reading of the Ordinance.

By Sareini supported by Abraham.

3-90-14. RESOLVED: That proposed Ordinance No. 14-1422 be laid on the table.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Dabaja, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: O'Donnell (1).

By Tafelski supported by Bazzy.

3-91-14. RESOLVED: That the City of Dearborn, as part of the Greenfield Water Main Replacement Project from Ford Road to Warren Avenue, Wayne County Review # R13-328, will abide by the Wayne County conditions as stated below; be it further

1. City of Dearborn shall maintain ownership and responsibility for the abandoned water mains within the Greenfield Road rights-of-way (ROW).
2. City of Dearborn shall fill all abandoned water mains, conduits, and structures with flowable fill material
3. City of Dearborn shall maintain detailed records of the abandoned water mains including, but not limited to, the locations, depths, sizes and type of material. A copy of these records shall be submitted to the Wayne County Permit Office.
4. City of Dearborn must notify "Miss Dig" to record the abandoned water mains as dead/inactive water mains.
5. At the discretion of Wayne County, the City of Dearborn shall remove the abandoned water mains and restore all areas to conditions satisfactory to Wayne County; therefore be it

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Dabaja, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: O'Donnell (1).

By Shooshanian supported by Tafelski.

3-92-14. RESOLVED: That all bids received for the Greenfield Water Main Replacement, Ford Road to Warren Avenue are hereby rejected except the bid of FDM Contracting Company in the total amount of \$817,451, that the aforementioned bid is hereby accepted, that the Mayor is hereby authorized to execute a formal contract upon the approval of the Department of Law; provided however, that all of the specifications and instructions in the bid have been fully complied with; be it further

RESOLVED: That this contract shall be financed from the Water Fund, Public Works, Construction Services accounts, Project Q60514, Job #2012-068; be it further

RESOLVED: That a contingency amount of \$75,000 is hereby approved to provide for any unforeseen conditions encountered during the execution of the project; be it further

RESOLVED: That the City Engineer be and is hereby authorized to execute all change orders or modifications that utilize all approved contingency; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Dabaja, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: O'Donnell (1).

By Bazzy supported by Tafelski.

3-93-14. RESOLVED: That all bids received for Water Main Replacement and Asphalt Resurfacing 2014 - Phase II (Job # 2013-069) are hereby rejected except the bid of FDM Contracting Company in the total amount of \$3,206,689, that the aforementioned bid is hereby accepted, that the Mayor is hereby authorized to execute a formal contract upon the approval of the Department of Law; provided however, that all of the specifications and instructions in the bid have been fully complied with; be it further

RESOLVED: That this contract shall be financed from the Major Street, Local Street, and Water Funds, Public Works, Construction Services accounts, Project Q72014; be it further

RESOLVED: That a contingency amount of \$100,000 is hereby approved to provide for any unforeseen conditions encountered during the execution of the project; be it further

RESOLVED: That the City Engineer be and is hereby authorized to execute all change orders or modifications that utilize all approved contingency; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Dabaja, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: O'Donnell (1).

By Bazzy supported by Tafelski.

3-94-14. RESOLVED: That all bids received for Sanitary Sewer Replacement Job No. 2014-002 are hereby rejected except the bid of Bricco Excavating Company, LLC in an amount not to exceed \$94,305, that the aforementioned bid is hereby accepted, that the Mayor is hereby authorized to execute a formal contract upon the approval of the Department of Law; provided however, that all of the specifications and instructions in the bid have been fully complied with; be it further

RESOLVED: That this contract shall be financed from the Sewer Fund, Public Works, Repair and Maintenance budget, Project N12000; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Dabaja, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: O'Donnell (1).

By Sareini supported by Abraham.

3-95-14. RESOLVED: That all bids received for Construction Improvements for Non-Motorized Trail at Camp Dearborn are hereby rejected except the bid of Brock & Associates, Inc. in an amount not to exceed \$216,340.34, that the aforementioned bid is hereby accepted, that the Mayor is hereby authorized to execute a formal contract upon the approval of the Department of Law; provided however, that all of the specifications and instructions in the bid have been fully complied with; be it further

RESOLVED: That this contract shall be financed from the Camp Dearborn Operating, Recreation, Construction Services budget, Project I20709; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Dabaja, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: O'Donnell (1).

By Bazzy supported by Shooshanian.

3-96-14. RESOLVED: That all bids received for Rehabilitation/Renovation Services for 15439 Prospect Street are hereby rejected except the bid of Mando Construction, Inc. in an amount not to exceed \$66,610, that the aforementioned bid is hereby accepted, that the Mayor is hereby authorized to execute a formal contract upon the approval of the Department of Law; provided however, that all of the specifications and instructions in the bid have been fully complied with; be it further

RESOLVED: That this contract shall be financed from the Community Development Fund, Community Development Block Grant, Grant Administration, Housing Rehab Grant account, Project C08000, Wayne County HOME Consortia Program; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Dabaja, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: O'Donnell (1).

By Bazzy supported by Tafelski.

3-97-14. RESOLVED: That all bids received for Lot Surveyor Services are hereby rejected except the bid of Enviro Matrix Land S.E.A. Corp. in an amount not to exceed \$26,000, that the aforementioned bid is hereby accepted, that the Mayor is hereby authorized to execute a formal contract upon the approval of the Department of Law; provided however, that all of the specifications and instructions in the bid have been fully complied with; be it further

RESOLVED: That this contract shall be financed from the Land Acquisition for Resale budget; be it further

RESOLVED: That this contract shall be for a term of one year with two (2) one-year renewal options contingent upon satisfactory performance; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Dabaja, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: O'Donnell (1).

By Sareini supported by Shooshanian.

3-98-14. RESOLVED: That the proposed resolution by Councilmembers Bazzy and Tafelski awarding a contract to Gorno Ford, authorized dealer for the State of Michigan, in an amount not to exceed \$27,565 for the purchase of one (1) Police Department Vehicle be and is hereby tabled.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Dabaja, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: O'Donnell (1).

By Shooshanian supported by Sareini.

3-99-14. WHEREAS: The City presently has a contract with OfficeMax (C.R. 6-331-11) for Office Supplies, and

WHEREAS: The original contract specifications allow for a renewal of two years beyond the expiration of the present contract, and

WHEREAS: OfficeMax has offered to renew the present contract prices through May 31, 2016; be it

RESOLVED: That the contract for Office Supplies is hereby renewed with OfficeMax through May 31, 2016 in the amount of \$300,000 (\$150,000 annually based on the past two years' spending); be it further

RESOLVED: That this contract shall be financed from the various departmental office supply budgets with future funding contingent upon adoption of the respective Fiscal Year budget; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Dabaja, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: O'Donnell (1).

By Sareini supported by Tafelski.

3-100-14. WHEREAS: Council Resolution 4-194-12 authorized The City of Dearborn to enter into a contract with Professional Service Industries (PSI) for third party construction testing and inspection services on the Intermodel Rail Station Project in the amount of \$52,898, and

WHEREAS: Platform Design changes requested by the Federal Rail Administration and Right of Way access issues as a result of delays in the property transfer between MDOT and Norfolk Southern Rail have resulted in Intermodel project delays, and

WHEREAS: These delays have lengthened the project schedule and resulted in additional testing and inspection costs; therefore be it

RESOLVED: That the contract amount with PSI be increased by \$51,102, bringing the new total of the contract to \$104,000; be it further

RESOLVED: That the contract expiration date be extended to June 30, 2014; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Dabaja, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: O'Donnell (1).

By Bazzy supported by Shooshanian.

3-101-14. RESOLVED: That City Council hereby authorizes a contract increase with Professional Service Industries (C.R. 4-159-13) in the amount of \$65,000, bringing the total contract to an amount not to exceed \$225,000, for Additional Expenditures for Geotechnical Testing and Construction Services; be it further

RESOLVED: That this contract increase shall be financed from the established City-wide project budgets contingent upon available budget; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Dabaja, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: O'Donnell (1).

Councilmember Bazzy left the Council Chambers at 8:10 p.m..

By Tafelski supported by Abraham.

3-102-14. WHEREAS: The City experienced heavy rains on three separate occasions during July 2013, and

WHEREAS: Pursuant to state law, residents affected by basement flooding had 45 days from the date of the flooding event to file a claim with the City and over 250 residents filed claims, and

WHEREAS: In connection with the Department of Public Works, Corporation Counsel has investigated the causes of the flooding and reviewed the claims and is recommending that approximately 150 of the claims be settled, and

WHEREAS: The settlement process has begun for 26 claims of \$3,000 or less, which is Corporation Counsel's limit for settling liability claims without Council approval, and

WHEREAS: With respect to the approximately 125 claims over \$3,000, the Department of Law respectfully requests authorization for the establishment of a settlement fund of \$500,000, along with a delegation of authority from City Council to Corporation Counsel to settle such claims; without such authority delegated to Corporation Counsel, City Council would need to review separately each claim over \$3,000; therefore be it

RESOLVED: That based on the above, the City Council authorizes a budget appropriation from fund balance in the amount of \$500,000 in the Sewer Fund, Public Works Sewerage Division, Other Operating Expense, Settlements Expense, account number 590-2006-472.68-24; be it further

RESOLVED: That the Office of the Corporation Counsel is authorized to settle claims filed as a result of the flooding within this budget appropriation; be it further

RESOLVED: That upon direction of the Office of the Corporation Counsel, the Director of Finance is hereby authorized and directed to pay multiple claims in amounts not to exceed \$500,000, from the Sewer Fund, Public Works Sewerage Division, Other Operating Expense, Settlements Expense Fund; be it further

RESOLVED: That to insure the timely implementation of this resolution, it is hereby given immediate effect.

The resolution was adopted as follows: Yeas:
Abraham, Dabaja, Sareini, Shooshanian and Tafelski (5).
Nays: None. Absent: Bazzy and O'Donnell (2).

Councilmember Bazzy entered the Council
Chambers at 8:17 p.m.

By Sareini supported by Bazzy.

3-103-14. WHEREAS: Several residential and commercial property owners in Dearborn have failed to accept their responsibility to demolish or repair substandard/unsafe properties within a reasonable timeframe and with repeated warnings from the City; and,

WHEREAS: Such properties present a dangerous condition and blighted appearance in the community; and,

WHEREAS: Funding is not currently available in a project whereby the City may, when necessary, intervene to demolish privately-owned residential and commercial structures once they have passed through the prescribed demolition and related appeals processes; now therefore be it

RESOLVED: That the City's Finance Director be directed to establish a project Number C12000 entitled "Residential and Commercial Eyesore Demolition" within the City's Capital Improvement Fund; be it further

RESOLVED: That this project will be funded from a combination of \$117,689.88 in demolition funding recovered from the proceeds of the bankruptcy sale of the Metro Inn (12800 Michigan Avenue), plus another \$132,310.12 from the General Fund Balance to establish this project at a level of \$250,000.00; be it further

RESOLVED: That this project will primarily be utilized for structural demolitions in the residential and commercial categories and may also be used to abate unsafe/blighted conditions through partial demolition/temporary repair activities to remedy problems; be it further

RESOLVED: That this project will function as a revolving fund, whereby resources used to address abatement or demolition of a particular residential or commercial structure will be assessed as a tax lien against the subject property, and when collected or reimbursed, will replenish this demolition fund for repeated use for this purpose on various qualifying properties in the future; be it further

RESOLVED: That the two immediate priorities for funding from this source are demolition of 14215 Ford Road (Commercial structure) and the abatement of the dangerous façade and related supports at 22184 Michigan Avenue (Biergarten Bar); be it further

RESOLVED: That this resolution is given immediate effect.

The resolution was adopted as follows: Yeas:
Abraham, Bazzy, Dabaja, Sareini, Shooshanian and Tafelski
(6). Nays: None. Absent: O'Donnell (1).

By Sareini supported by Bazzy.

3-104-14. RESOLVED: That City Council hereby accepts
the Supplemental Funds from the FY2012 Emergency Management
Performance Grant (EMPG) in the amount of \$18,220.30 for the
salary and benefits of the Emergency Management Coordinator
and the development and maintenance of the Emergency
Management Program; be it further

RESOLVED: That this resolution be given
immediate effect.

The resolution was adopted as follows: Yeas:
Abraham, Bazzy, Dabaja, Sareini, Shooshanian and Tafelski
(6). Nays: None. Absent: O'Donnell (1).

By Bazzy supported by Shooshanian.

3-105-14. WHEREAS: The vacant lot located at 15155 Payne Court was placed on the City's 2013 lot list for the new construction of a single-family house. The minimum bid price was \$20,900. No one bid on the property at the time, and

WHEREAS: The lot remained on the "leftover lot list" wherein the lots may be purchased on a first-come, first-served basis, and

WHEREAS: Ahmed Gelan has offered to purchase the lot for the minimum bid price of \$20,900 cash from the leftover lot list, and

WHEREAS: Ahmed Gelan has been informed and agrees to the following conditions applicable to the proposed sale:

1. Purchaser may not assign his purchase option or sell the vacant land without approval of the Dearborn City Council.
2. Closing of this transaction must take place within sixty (60) days of the effective date of the Dearborn City Council Resolution which authorizes the sale of the property; failure to close within this period shall result in the Resolution automatically being rescinded, deposit forfeited, and the sale declared null and void.
3. If Purchaser elects to sell the vacant property during the 12-month period, the Purchaser must first offer to resell the property to the City for the purchase price, less 10% and less costs associated with the transfer back to the City of Dearborn.
4. The Purchaser accept the property "AS IS" and assumes all responsibility for soil testing and soil conditions.
5. Construction of a single-family dwelling on this property must begin within a 12-month period from the date of closing. Construction shall be deemed started when:
 - a. The plans have been approved by the Building & Safety Department.

- b. Building permits have been issued.
 - c. Excavation of the basement/
foundation is started.
- 6. Purchaser must complete construction before building permits expire.
 - 7. Purchaser agrees that, in constructing a single-family dwelling, he shall comply with **all** zoning requirements, including, but not limited to, setback, lot coverage, and compatibility requirements of the Dearborn Zoning Ordinance. Purchaser further acknowledges that this is a waiver of his right to seek a variance of these requirements.
 - 8. Purchaser must comply with Land Sale Guidelines.

and

WHEREAS: The City has no further need for said land and this Council believes that said offer is a fair and reasonable price for said land and it is in the best interest of the City to accept said offer; be it therefore

RESOLVED: That this Council does hereby determine to effect the sale of the parcel described as:

Lot 44, Garling & Lawry Manor Sub., City of Dearborn, Wayne County, Michigan, as recorded in Liber 70, Page 96 of Plats, Wayne County, Michigan.

Commonly known as vacant lot at 15155 Payne Court
Tax I.D. No. 82-10-181-06-031

to Ahmed Gelan for \$20,900; be it further

RESOLVED: That the Mayor is hereby authorized to execute a deed for said land to Ahmed Gelan upon delivery to the City of the above purchase price and full compliance with the conditions outlined above, subject to adjustments, if any, as shown on the Closing Statement, prepared by Corporation Counsel and based upon Ahmed Gelan closing within sixty (60) days of the effective date of this Resolution; be it further

RESOLVED: That the sale is contingent upon the satisfaction of the terms contained in the Purchase Agreement and the conditions outlined above; be it further

RESOLVED: That the sale of the property for the construction of a new house will serve a public purpose by revitalizing and stabilizing the neighborhood and by adding the property to the tax rolls to generate revenue for the City; be it further

RESOLVED: That if purchaser wishes to sell the vacant property during this 12-month period, the City shall have the sole right to repurchase the vacant property for the sum of \$20,900, less 10%, and less costs associated with the transfer back to the City of Dearborn; be it further

RESOLVED: That the Corporation Counsel or her designee is authorized to execute documents on behalf of the City of Dearborn to complete this transaction; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Dabaja, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: O'Donnell (1).

By Shooshanian supported by Sareini.

3-106-14. WHEREAS: Issam and Amal Elseblani, who own and reside at 5088 Curtis, a single family home with no driveway and a detached garage off of Greenfield Rd., and Alaa Algaraawi and Nada Abdalzhra, who own and reside at 5074 Curtis, a single family home with a driveway and a detached garage, are asking the City of Dearborn to split and sell to them the vacant lot located between their lots so that they may combine that portion of the lot with the adjacent lots they own, and

WHEREAS: They are each requesting to purchase 17 ½ ft. of the city-owned vacant lot at 5080 Curtis to combine with their existing lots, and

WHEREAS: The City Assessor's Department valued the unbuildable lot at \$4,100, and

WHEREAS: It is recommended that the City Council approves the request, conditioned on the following:

1. Purchasers must close simultaneously.
2. Purchasers may not assign their purchase option without the approval of the Dearborn City Council.
3. Closing of this transaction must take place within ninety (90) days of the effective date of the Dearborn City Council Resolution which authorizes the sale of the property; failure to close within this period shall result in the Resolution automatically being rescinded, deposit forfeited, and the sale declared null and void.
4. The Purchasers accept the property "AS IS" and assume all responsibility for soil testing and soil conditions.
5. Lots must be combined with the Purchasers' adjacent land for tax and assessment purposes at the closing. Failure to do so shall result in the Resolution automatically being rescinded, deposit forfeited, and the sale declared null and void.

6. Lots may not be resplit or combined with other land for a re-splitting as two buildable lots. Lot may only be sold or developed in combination with Purchasers' adjacent land.
7. Use of this property for construction or expansion of any dwelling shall require the owner to comply with lot coverage and side yard setbacks of the Dearborn Zoning Ordinance. Purchasers are waiving their rights to seek any variances.
8. If Purchasers violate any of the restrictions imposed, they are obligated to sell the property back to the City for \$2,050, less 10% and less costs associated with the transfer of property back to the City.

and

WHEREAS: The City has no further need for said land and this Council believes that said offer is a fair and reasonable price for said land and it is in the best interest of the City to accept said offer; be it therefore

RESOLVED: That this Council does hereby determine to effect the sale at a price of \$2,050 to Issam and Amal Elseblani of the parcel described as:

North 17 ½ ft. of Lot 162, Schaefer Heights Sub. Sec. 13, City of Dearborn, Wayne County, Michigan, as recorded in Liber 32, Page 82 of Plats, Wayne County records.

Tax I.D.: Part of 82-09-132-03-005

and to effect the sale at a price of \$2,050 to Alaa Algaraawi and Nada Abdalzhra of the parcel described as:

South 17 ½ ft. of Lot 162, Schaefer Heights Sub. Sec. 13, City of Dearborn, Wayne County, Michigan, as recorded in Liber 32, Page 82 of Plats, Wayne County records.

Tax I.D.: Part of 82-09-132-03-005

and that the Mayor be and is hereby authorized to execute a deed for said land to Mr. and Mrs. Elseblani, and Mr. Algaraawi and Ms. Abdalzhra upon delivery to the City of the above purchase price and full compliance with the conditions outlined above, subject to adjustments, if any, as shown on

the Closing Statement, prepared by Corporation Counsel and based upon Mr. and Mrs. Elseblani, and Mr. Algaraawi and Ms. Abdalzhra closing simultaneously within ninety (90) days of the effective date of this Resolution; be it further

RESOLVED: That the sale is contingent upon the above-referenced conditions being satisfied, and upon the satisfaction of the terms contained in the Offer to Purchase Real Estate; be it further

RESOLVED: That the Corporation Counsel or her designee is authorized to execute documents on behalf of the City of Dearborn to complete this transaction; be it further

RESOLVED: That the sale of the vacant lot at 5080 Curtis as side yard for the expansion of lots is consistent with the public purpose identified when the City originally purchased the property through the Neighborhood Stabilization Program and serves a public purpose by promoting lot expansion to enhance the neighborhoods; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Dabaja, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: O'Donnell (1).

By Sareini supported by Bazzy.

3-107-14. WHEREAS: Beginning July 10, 2013 through August 7, 2013, vacant City-owned property was advertised for sale for four weeks in the Dearborn Press and Guide, the City's website, and on CDTV. Among those parcels offered were lots located at the corner of Outer Drive and Gertrude (site of the former Greater Rehoboth Church), zoned Residential A, and

WHEREAS: The City had purchased the Greater Rehoboth Church property in May 2009 for \$250,000. The church was demolished in November 2010, and

WHEREAS: The property was then split into four buildable residential parcels and then offered on the City's Lot List for new construction as follows:

Parcel 1 (Outer Drive)
Easterly 10 ft. of Lot 358, Lots 359 and 360, and westerly 8 ft. of Lot 361, Fordson Heights Sub. No. 1, City of Dearborn, Wayne County, MI, as recorded in Liber 40, Page 66 of Plats, Wayne County records.
Tax I.D. 82-09-273-14-033
Minimum bid price: \$20,600

Parcel 2 (Outer Drive)
Easterly 12 ft. of Lot 361, Lots 362 and 363, and westerly 6 ft. of Lot 364, Fordson Heights Sub. No. 1, City of Dearborn, Wayne County, MI, as recorded in Liber 40, Page 66 of Plats, Wayne County records.
Tax I.D. 82-09-273-14-032
Minimum bid price: \$18,600

Parcel 3 (Outer Drive)
Easterly 14 ft. of Lot 364, Lots 365 and 366, Fordson Heights Sub. No. 1, not including a triangular portion on the rear of lots 364-366, City of Dearborn, Wayne County, MI, as recorded in Liber 40, Page 66 of Plats, Wayne County records.
Tax I.D. 82-09-273-14-031
Minimum bid price: \$20,100

Parcel 4 (Gertrude Street)
Lot 456, Fordson Heights Sub. No. 1, including a triangular portion on the rear of lots 364-366 City of Dearborn, Wayne County, MI, as recorded in Liber 40, Page 66 of Plats, Wayne County records.
Tax I.D. 82-09-273-14-030
Minimum bid price: \$20,600

and

WHEREAS: All bids were submitted in sealed envelopes and opened in City Council Chambers on August 7, 2013. One bid was received on these properties as follows:

1. James and Sandra O'Leary \$87,500
 (total for all 4 parcels)

and

WHEREAS: James and Sandra O'Leary were the only bidders for these properties and have offered to purchase and combine the lots for the sum of \$87,500 so that they may construct a child care center, instead of 4 residential structures, and

WHEREAS: A child care facility is a special use, requiring Planning Commission approval in a Residential A zoning district. This approval was obtained at the February 10, 2014 Planning Commission meeting, and

WHEREAS: Since there were no other bidders for the property, it is recommended that the City Council approves the O'Learys' proposal to construct a child care center on the property, subject to the following conditions:

1. Purchasers may not assign their purchase option or sell the vacant land without approval of the Dearborn City Council.
2. Closing of this transaction must take place within ninety (90) days of the effective date of the Dearborn City Council Resolution which authorizes the sale of the property; failure to close within this period shall result in the Resolution automatically being rescinded, deposit forfeited, and the sale declared null and void.
3. If Purchasers elect to sell the vacant property during the 12-month period, the Purchaser must first offer to resell the property to the City for the purchase price, less 10%, and less costs associated with the transfer back to the City.
4. The Purchasers accept the property "AS IS" and assume all responsibility for soil testing and soil conditions.

5. Purchasers have obtained special use and site plan approval by the Planning Commission at its February 10, 2014 meeting. Purchasers agree to comply with all conditions set forth by the Planning Commission.
6. Property must be used for the construction of a child care center only. This requirement shall be indicated on the deed as a restriction. In the event that Purchasers utilize the property for any other purpose, Purchasers are deemed to be in default of the agreement.
7. Purchasers are required to combine the four vacant lots to form one construction site. The lot combination form must be executed at closing. The costs associated with combination of the lots will appear as a cost to Purchasers on the closing documents.
8. Construction of a child care center on this property must begin within a 12-month period from the date of closing. Construction shall be deemed started when:
 - a. The plans have been approved by the Commercial Services Department.
 - b. Building permits have been issued.
 - c. Excavation of the basement/foundation is started.
9. Purchasers must complete construction before building permits expire.
10. Purchaser agrees that, in constructing a child care center, they shall comply with **all** zoning requirements, including, but not limited to, setback, lot coverage, and compatibility requirements of the Dearborn Zoning Ordinance. Purchasers further acknowledge that this is a waiver of their right to seek a variance of these requirements.

11. If Purchasers violate any of the restrictions imposed, they are obligated to sell the land back to the City for \$87,500, less 10% and less costs associated with the transfer back to the City.

and

WHEREAS: The City has no further need for said land and this Council believes that said offer is a fair and reasonable price for said land and it is in the best interest of the City to accept said offer; therefore be it

RESOLVED: That this Council does hereby determine to effect the sale of the parcels described as:

Parcel 1 (Outer Drive)

Easterly 10 ft. of Lot 358, Lots 359 and 360, and westerly 8 ft. of Lot 361, Fordson Heights Sub. No. 1, City of Dearborn, Wayne County, MI, as recorded in Liber 40, Page 66 of Plats, Wayne County records.

Tax I.D. 82-09-273-14-033

Parcel 2 (Outer Drive)

Easterly 12 ft. of Lot 361, Lots 362 and 363, and westerly 6 ft. of Lot 364, Fordson Heights Sub. No. 1, City of Dearborn, Wayne County, MI, as recorded in Liber 40, Page 66 of Plats, Wayne County records.

Tax I.D. 82-09-273-14-032

Parcel 3 (Outer Drive)

Easterly 14 ft. of Lot 364, Lots 365 and 366, Fordson Heights Sub. No. 1, not including triangular portion on the rear of lots 364-366, City of Dearborn, Wayne County, MI, as recorded in Liber 40, Page 66 of Plats, Wayne County records.

Tax I.D. 82-09-273-14-031

Parcel 4 (Gertrude Street)

Lot 456, Fordson Heights Sub. No. 1, including a triangular portion on the rear of lots 364-366 City of Dearborn, Wayne County, MI, as recorded in Liber 40, Page 66 of Plats, Wayne County records.

Tax I.D. 82-09-273-14-030

to James and Sandra O'Leary for \$87,500; be it further

RESOLVED: That the Mayor is hereby authorized to execute a deed for said land to James and Sandra O'Leary, or in the name of a business entity formed by them, upon delivery to the City of the above purchase price and full compliance with the conditions outlined above, subject to adjustments, if any, as shown on the Closing Statement, prepared by Corporation Counsel and based upon James and Sandra O'Leary closing within ninety (90) days of the effective date of this Resolution; be it further

RESOLVED: That the sale is contingent upon the satisfaction of the terms contained in the Purchase Agreement and the conditions set forth by the Planning Commission; be it further

RESOLVED: That the sale of the property for the construction of a new child care facility will serve a public purpose by developing the vacant property, by accommodating the need for child care services in the community, and by adding the property to the tax rolls to generate revenue for the City; be it further

RESOLVED: That if purchasers wish to sell the vacant property during this 12-month period, the City shall have the sole right to repurchase the vacant property for the sum of \$87,500, less 10%, and less costs associated with the transfer back to the City of Dearborn; be it further

RESOLVED: That the Corporation Counsel or her designee is authorized to execute documents on behalf of the City of Dearborn to complete this transaction; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Dabaja, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: O'Donnell (1).

By Shooshanian supported by Tafelski.

3-108-14. WHEREAS: The City of Dearborn purchased the residential property at 1856 Mayburn under the HUD-Dollar Sale Program for \$1 on 9/11/2009 with the intention to rehabilitate the home for resale to a program eligible owner-occupant, and

WHEREAS: The cost to renovate the house was \$78,702, and

WHEREAS: The post-renovation market value of the property is \$78,000 (independent appraisal performed by IRR-Residential, as adjusted by the Department of Assessment), and

WHEREAS: First-Time Homebuyer Program Guidelines (CR# 2-108-12) stipulate that renovated properties shall be offered for sale to homebuyers at a sale price that is at or below the development cost or the current market value, whichever is less, and

WHEREAS: All pre-qualified homebuyers meeting the requirements for participation in the First-Time Homebuyer Program were invited to inspect the property and submit a letter of intent, and

WHEREAS: The selected qualified homebuyer is Ghadia Bazzi who has offered to purchase the renovated residential property at 1856 Mayburn for \$78,000, and

WHEREAS: Ghadia Bazzi may qualify for homebuyer financial assistance (affordability discount and down payment or closing cost assistance) that will be provided in the form of a zero-interest, deferred loan secured by a program mortgage and note that is due upon sale, transfer, or other default of the conditions for assistance, and

WHEREAS: The sale is conditioned on the following:

1. The selected homebuyer agrees to own and occupy the property as her primary residence.
2. The selected homebuyer will execute a program mortgage and note to secure the homebuyer financial assistance amount.
3. The selected homebuyer accepts the property "AS IS."

4. The selected homebuyer may not assign her purchase option.
5. The selected homebuyer must meet the requirements for participation in the First-Time Homebuyer Program (CR# 2-108-12).
6. Closing of this transaction must take place within one hundred twenty (120) days of the effective date of the Dearborn City Council Resolution which authorizes the sale of the property; failure to close within this period shall result in the Resolution automatically being rescinded, deposit forfeited, and the sale declared null and void.

and

WHEREAS: Council believes that this offer is reasonable and is in accordance with the spirit and intent of the First-Time Homebuyer Program; be it therefore

RESOLVED: That this Council does hereby determine to affect the sale at a price of \$78,000 to Ghadia Bazzi of the residential property described as:

Lot 139, Nelson Brothers Sub., City of Dearborn, Wayne County, Michigan, as recorded in Liber 51, Page 55 of Plats, Wayne County Records.

Commonly known as 1856 Mayburn, Dearborn, MI
Tax ID No. 82-09-172-16-001.

be it further

RESOLVED: That the sale of the rehabilitated house located at 1856 Mayburn serves a public purpose by adding the house to the tax rolls to generate revenue for the City, serves a public purpose intended by the HUD-Dollar Sale Program, and is in accordance with the spirit and intent of the First-Time Homebuyer Program; be it further

RESOLVED: That the Corporation Counsel or her designee is authorized to execute documents on behalf of the City of Dearborn for the sale of 1856 Mayburn on behalf of the City of Dearborn; be it further

RESOLVED: That the Mayor is hereby authorized to execute a Deed for said residential property to Ghadia Bazzi upon delivery to the City of the net purchase price (above purchase price less homebuyer financial assistance), executed program mortgage and note, and full compliance with the conditions outlined above, subject to adjustments, if any, as shown on the Closing Statement, reviewed by Corporation Counsel; be it further

RESOLVED: That the proceeds of this transaction shall be deposited to the Community Development Fund (283) Project No. C07700; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Dabaja, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: O'Donnell (1).

By Sareini supported by Abraham.

3-109-14. RESOLVED: That Mr. Harold Thomason be and is hereby granted permission to set up and display his telescope in front of the Police Department throughout the year to raise funds in support of the Dearborn Firefighters Burn Drive, subject to all applicable ordinances and the rules and regulations of the Police Department; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Dabaja, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: O'Donnell (1).

By Tafelski supported by Shooshanian.

3-110-14. RESOLVED: That receipt of aerobics equipment as a gift from Councilman David Bazzy to the City of Dearborn Recreation and Parks Department is hereby acknowledged and accepted; be it further

RESOLVED: That this Council hereby extends its appreciation for the aforementioned gift to the donor.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Dabaja, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: O'Donnell (1).

By Abraham supported by Tafelski.

3-111-14. RESOLVED: That City Council hereby concurs in the Mayor's re-appointment of Karl L. Fava, to the Local Officials Compensation Commission for a term ending January 19, 2021.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Dabaja, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: O'Donnell (1).

By Dabaja supported unanimously.

3-112-14. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Cheryl Cseke, and

WHEREAS: This departure at the dictation of Divine Providence, constitutes an irreparable loss to the beloved family and numerous friends and neighbors; be it

RESOLVED: That the Mayor and members of the Council of the City of Dearborn here assembled, hereby sincerely extend and offer in this sad hour of bereavement, heartfelt sympathy and condolence to the family of the deceased.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Dabaja, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: O'Donnell (1).

By Abraham supported unanimously.

3-113-14. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Roseanne Wieczorek, and

WHEREAS: This departure at the dictation of Divine Providence, constitutes an irreparable loss to the beloved family and numerous friends and neighbors; be it

RESOLVED: That the Mayor and members of the Council of the City of Dearborn here assembled, hereby sincerely extend and offer in this sad hour of bereavement, heartfelt sympathy and condolence to the family of the deceased.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Dabaja, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: O'Donnell (1).

By Dabaja supported unanimously.

3-114-14. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Chuck Alawan, and

WHEREAS: This departure at the dictation of Divine Providence, constitutes an irreparable loss to the beloved family and numerous friends and neighbors; be it

RESOLVED: That the Mayor and members of the Council of the City of Dearborn here assembled, hereby sincerely extend and offer in this sad hour of bereavement, heartfelt sympathy and condolence to the family of the deceased.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Dabaja, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: O'Donnell (1).

There being no further business, upon a motion duly made, seconded. adopted, the Council then adjourned at 8:55 P.M.

APPROVED:

President of the Council

ATTESTED:

City Clerk