

REGULAR MEETING OF THE COUNCIL
OF THE
CITY OF DEARBORN

May 19, 2020

The Council convened at 7:37 P.M., President of the Council Susan Dabaja presiding. Present at roll call were Councilmembers Abraham, Bazzy, Byrnes, Herrick O'Donnell, Sareini and President of the Council Dabaja; absent, none. A quorum being present, the Council was declared in session.

Councilmember Abraham delivered the invocation.

By O'Donnell supported by Byrnes.

5-168-20. RESOLVED: That the minutes of the previous special meeting of April 28, and regular meeting of May 5, 2020, and the same are hereby approved as recorded and published.

The resolution was unanimously adopted.

By Bazzy supported by Byrnes.

5-169-20. RESOLVED: That a proposed resolution by Bazzy and Abraham denying the request of Abdelqwee Yaffia to re-split 6626 Payne and 6620 Payne into two (2) 35 ft. lots be and is hereby taken from the table.

The resolution was unanimously adopted.

By Bazzy supported by Abraham.

5-170-20. WHEREAS: Council Resolution 1-26-19 authorized Vincent and Jo Ann Gigliotti, former owners of the house at 6626 Payne, to purchase the adjacent City-owned lot located at 6620 Payne (35' x 114') for use as side yard, and

WHEREAS: The resulting lot size for their house was 70' x 114', and

WHEREAS: Pursuant to the Council Resolution and the executed purchase agreement, the sale was conditioned upon compliance with the following:

1. The lots were required to be combined at closing and are not permitted to be re-split as two buildable lots. A lot combination form was prepared and forwarded to the Assessor's Office at that time.
2. The lot at 6620 Payne may only be sold or developed in combination with 6626 Payne.
3. Use of 6620 Payne for construction or expansion of the house requires compliance with the Zoning Ordinance. No variances are permitted,

and

WHEREAS: Abdelqwee Yaffai purchased the house and lot in May 2019 on land contract from the Gigliottis, and

WHEREAS: He claims that the sellers represented to him that he could build a new house on the vacant side yard lot. His title commitment did not pick up the restriction noted on the deed, and

WHEREAS: Mr. Yaffai is now requesting that City Council remove the restrictions from the original sale and allow him to re-split the lots so he can build a new house at 6620 Payne, and

WHEREAS: Staff has had several discussions with Mr. Yaffai. It was explained that, if the two lots on Payne are permitted to be re-split, he would be building a new house on a 35' lot, and

WHEREAS: He was advised that, the City has consistently not sold lots less than 40' for new construction, and

WHEREAS; Mr. Yaffai was also advised to contact the title insurance company to address the conditions that were overlooked; therefore be it

RESOLVED: That the request submitted by Abdelqwee Yaffia to remove the conditions from the sale of 6620 Payne as side yard is denied; be it further

RESOLVED: That this denial is consistent with the City's past practice to not sell lots less than 40' for the construction of a new home.

The resolution was adopted as follows: Yes: Abraham, Bazy, Byrnes, Herrick, and O'Donnell (5). No: Dabaja and Sareini (2). Absent: none.

Councilmember Sareini introduced Ordinance No. 20-1672, entitled, "An Ordinance to Amend the Licenses and Business Regulations Chapter (Chapter 12), Article XXVI of the Code of Ordinances of the City of Dearborn by Amending Section 12-1250, Entitled 'Sunset Provision'."

The Clerk read the Ordinance by title.

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

By O'Donnell supported by Herrick.

5-171-20. RESOLVED: That proposed Ordinance No. 20-1672 be laid on the table.

The resolution was unanimously adopted.

By Abraham supported by Herrick.

5-172-20. WHEREAS: City Council passed CR 1-38-20 which confirmed and approved the Consolidated Miscellaneous Assessment Roll for 2019 for the several services affecting private property in the approximate amount of \$218,965.86 including the 25% transfer fee allowed per CR 11-1102-02, and

WHEREAS: In accordance with City Charter, the Treasury Division billed all affected private properties and accepted payments through April 17, 2020 and certifies that the following amounts are still due the City for the several services affecting private property as follows:

Tall (Weed Cuttings)	\$55,531.87
Litter	7,999.25
Nuisance Abatements	17,177.50
Snow Removal	3,717.00
Special Pickup	2,000.00
Ordinance Special Pickup	2,165.00
Recycle Bins	1,420.00
Trees	784.40
Secure/Board-Up Building	3,070.14
Demo/Demo Related Bills	1,045.00
False Alarm	26,015.00
Fire False Alarm Bills	880.00
SAD 873 Wagner Parking Maintenance	21,450.52
General Fund Interest	7,733.14
Sidewalk Bills	2,828.34
Sewer	21,379.02
Total	<u>\$175,196.18</u>

therefore be it

RESOLVED: That this Council does hereby confirm and approve the adjusted Consolidated Miscellaneous Roll for 2019 for the several services affecting private property in the approximate amount of \$175,196.18 plus 25% in the amount of \$43,799.05 per Council resolution 11-1102-02 for transfer to the 2020 tax roll in the approximate amount of \$218,995.23; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By O'Donnell supported by Byrnes.

5-173-20. WHEREAS: Beginning February 5, 2020 through March 4, 2020, 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 was a vacant 50' lot located at 3165 Walnut, zoned Residential "A," and

WHEREAS: The minimum bid price for this property, as established by the City Assessor, was \$12,500. All bids were submitted in sealed envelopes and opened in City Council Chambers on March 5, 2020. Two bids were received on the property at that time.

Saleem Alrayashi	\$13,566
Adnan Awad	\$12,715

and

WHEREAS: Saleem Alrayashi was the highest bidder for this property, bidding \$13,566, and

WHEREAS: Saleem Alrayashi wishes to proceed with the purchase of 3165 Walnut. He plans to construct a single-family dwelling on this property within one year of the date of the closing, and

WHEREAS: Saleem Alrayashi 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, and
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, and

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%, all deposits, and less costs associated with the transfer back to the City of Dearborn, and
4. The Purchaser accepts the property "AS IS" and assumes all responsibility for soil testing and soil conditions, and
5. Construction of a single-family dwelling on this property must commence within a 12-month period from the date of closing. Construction shall be deemed "commenced" when:
 - a. The plans have been approved by the Property Maintenance & Development Services Department, and
 - b. Building permits have been issued, and
 - c. Excavation of the basement/foundation is started, and
6. Purchaser must complete construction before building permits expire, and
7. Purchaser must comply with all residential landscaping requirements in accordance with Dearborn Zoning Ordinance §5.02(A)(3) and §5.05(C). Purchaser shall not receive a full certificate of occupancy until landscaping is completed. If Purchaser fails to comply with the landscaping requirements, the City may exercise its right to repurchase the property for the purchase price, less 10%, and less costs associated with the transfer back to the City of Dearborn, and
8. The house shall not be occupied until a Certificate of Occupancy has been approved, and
9. Purchaser must comply with all requirements contained in the Dearborn Zoning Ordinance, including, but not limited to, newly amended and adopted §2.05 and §29.02, and

10. Purchaser shall not seek any variances from the Zoning Ordinance requirements, and
11. Purchaser must comply with Land Sale Guidelines, and
12. Purchaser must comply with applicable neighborhood imposed guidelines and restrictions, and
13. If Purchaser fails to comply with the terms and conditions imposed, the City may repurchase the property for the original sale price, less 10%, and less costs associated with the transfer back to the City of Dearborn, 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 228, Stevens Sub., City of Dearborn, Wayne County, MI, as recorded in Liber 42, Page 37 of Plats, Wayne County records.

Tax I.D: 82-09-352-13-007
Commonly known as vacant lot at 3165 Walnut
Lot size: 50' x 108'

to Saleem Alrayashi for \$13,566; be it further

RESOLVED: That the Mayor is hereby authorized to execute a deed for said land to Saleem Alrayashi upon delivery to the City of the above purchase price, subject to adjustments, if any, as shown on the Closing Statement, prepared by Corporation Counsel and based upon Saleem Alrayashi closing within ninety (90) days of the effective date of this resolution; be it further

RESOLVED: That the sale is contingent upon full compliance with the conditions outlined above and satisfaction of the terms contained in the Purchase Agreement; 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 the Corporation Counsel or her designee is authorized to execute documents on behalf of the City of Dearborn to complete this transaction.

The resolution was unanimously adopted.

By Sareini supported by Herrick.

5-174-20. WHEREAS: Council Resolution 11-533-19 was adopted, authorizing the sale of 7266 Emanon to Alaaldeen Nasser for \$22,000, and

WHEREAS: Among the conditions associated with the sale approval included the requirement to commence construction within one year of closing, and a prohibition against selling the vacant lot within the first year, and

WHEREAS: The City retained a reversionary interest to buy the property back for the original sale price, less 10%, and less costs associated with the transfer back to the City if these conditions were not followed, and

WHEREAS: Closing of the sale took place on January 9, 2020, and

WHEREAS: On March 5, 2020, Mr. Nasser sent an email asking about the consequences if he changed his mind and did not build on the lot. He was advised that the City Council may vote to exercise its right to repurchase the lot for the original sale price, less 10%, and

WHEREAS: On May 1, 2020, Mr. Nasser sent another email asking for the City to repurchase the property without penalty because he cannot build on it due to COVID-19, and

WHEREAS: Mr. Nasser asserted that the pandemic affects the whole country, the economy, and that he will not be able to start construction because his job and source of income were impacted, and

WHEREAS: It was offered that a recommendation be made to City Council to extend the construction deadlines to accommodate any delays caused by the current state of emergency, and

WHEREAS: Mr. Nasser advised that he wished to have the City buy the property back from him and expected a full refund, and

WHEREAS: It has been the City's policy to repurchase property for the original sale price, less 10%, and less costs associated with the transfer back to the City when a purchaser wishes to sell the vacant lot within one year of purchase, and

WHEREAS: Consistent with the conditions contained in the original sale agreement, it is recommended that the City Council authorizes the City to repurchase 7266 Emanon from Alaaldeen Nasser for \$22,0000, less 10%, and less costs associated with the transfer of the property back to the City; therefore be it

RESOLVED: That Alaaldeen Nasser's request for the City to repurchase 7266 Emanon is hereby approved; be it further

RESOLVED: That Mr. Nasser's request to waive the penalties and costs associated with the sale back to the City is hereby denied; be it further

RESOLVED: That consistent with the conditions contained in the original purchase agreement and CR 11-533-19, the City is hereby to authorized to effect the purchase of the parcel described as:

Lot 328, Robert Oakman Land Cos. Aviation Field Sub. No. 1, City of Dearborn, Wayne County, MI, as recorded in Liber 44, Page 5 of Plats, Wayne County records.

Tax I.D: 82-10-054-38-005
Commonly known as vacant lot at 7266 Emanon
Lot size: 40' x 120'

from Alaaldeen Nasser for \$19,800, less the costs associated with the transfer of the property back to the City; be it further

RESOLVED: That Corporation Counsel or her designee hereby authorized to execute documents on behalf of the City to effectuate the transaction.

The resolution was unanimously adopted.

By Abraham supported by O'Donnell.

5-175-20. WHEREAS: Council Resolution 2-52-20 authorized the sale of 13845 Barclay to Abdo Mohamed for \$25,100 for the construction of a new house, and

WHEREAS: That resolution also contained a condition that the purchaser may not assign his purchase option or sell the vacant land without City Council approval, and

WHEREAS: Mr. Mohamed had submitted a bid in the name Abdo Mohamed and executed the purchase agreement in the name Abdo Mohamed. The resolution that approved the sale, approved the sale to Abdo Mohamed, and

WHEREAS: When contacted to set up a closing date, Mr. Mohamed requested permission to assign his purchase option to show the purchaser's name as Village Property Management Group LLC, and

WHEREAS: He is also requesting that no penalty or fee be assessed for the assignment, and

WHEREAS: It was verified through the State of Michigan Dept. of Licensing and Regulatory Affairs that Abdo Mohamed is the manager and resident agent for Village Property Management Group LLC, and

WHEREAS: It is recommended that the City Council approves Abdo Mohamed's request to assign his purchase option to Village Property Management Group LLC, provided all of the original conditions of the sale are met, and the following:

1. Village Property Management Group LLC may not reassign its purchase option or sell the vacant land without approval of the Dearborn City Council, and
2. Closing of this transaction must take place within 30 days of the Council resolution approving the assignment; failure to close within this period shall result in the resolution automatically being rescinded, deposit forfeited, and the sale declared null and void, and

3. No penalty or fees shall be assessed for such assignment;

therefore be it

RESOLVED: That Abdo Mohamed's request to assign his purchase option to Village Property Management Group LLC for the purchase of 13845 Barclay is hereby granted; be it further

RESOLVED: That no penalty or fee shall be assessed for the assignment; be it further

RESOLVED: That all other conditions contained in Council Resolution 2-52-20 shall remain in full force and effect; be it further

RESOLVED: That all other conditions contained in the purchase agreement executed by Mr. Mohamed shall remain in full force and effect; 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 unanimously adopted.

By Dabaja supported unanimously.

5-176-20. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Morris Hood III, 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 unanimously adopted.

There being no further business, upon a motion duly made, seconded and adopted, the Council then adjourned at 8:27 P.M.

APPROVED:

President of the Council

ATTESTED:

City Clerk