

Arbor Hills Newsletter

June 2013

Nixon Property Development

The March Newsletter alerted the neighborhood that the Nixon property had been sold to developers. The developer has begun the process of establishing this potential project. Received message from the City:

Bleznak Real Estate, developers, have scheduled a citizen participation meeting for Tuesday, June 25, 2013, 7:00 pm at the Traverwood Branch Library, 3333 Traverwood Drive, to present their new apartment proposal for a 53-acre parcel at the southeast corner of Nixon Road and M-14. The Nixon Road Apartments project proposes 294 apartments in 5 buildings on a 15-acre portion of the site. The project would be built in 2 phases.

City staff won't be at this meeting, but will read the summary report of the meeting that the developer is required to submit with the site plan. This meeting scheduled by the developer will be a great place to start with our questions such as:

Will 294 additional households cause a decrease in the water pressure supplied to Arbor Hills? Will there be a nature area buffer between the new development and the homes along the Northwest edge of our Association? Will the developer or the City try put in a connector road from the new development to our community? What will the impact of increase traffic on Green Road and the intersection at Green and Nixon?

This project has not yet been submitted to the City for review. Once the project is submitted to the City, the developer is required to provide a complete traffic impact study, utility and drainage information and a natural features analysis. City staff from a variety of departments will use this information to evaluate whether the proposal meets city plans and codes and will make a report to the Planning Commission and City Council for their consideration.

Once the proposal is submitted to the City, citizens will be able to monitor staff reviews of the site plan proposal on the City's website www.a2gov.org/permits.

A staff planner acts as a contact person throughout the process if there are questions or concerns, and there will be several opportunities for public comment throughout the process.

Neighborhood Garage Sale

Mary Manthey has volunteered to arrange a sub wide garage sale. It's difficult to arrive at a date that works for everyone, but once it's established, notification will go out to the neighborhood.

Neighborhood Ice Cream Social

A volunteer(s) is needed to plan and organize ice cream socials in the park for July and August. If you are interested, please contact the Board.

Board Meetings

The Arbor Hills Board of Directors will meet in a regularly scheduled executive session Wednesday, June 26. The July Board meeting will be with an open session, venue and time will be announced in the July newsletter.

Board Members and Officers

Ig Justyna – President
David Finnegan – Vice President
Carla Charlebois – Treasurer
Jill Kulhanek – Secretary
Vance Allen – Director, At Large

Board Contact Information

Email address: Board@Arbor-Hills.org
Phone number: 734-926-8857
Web site: www.Arbor-Hills.org

Management Company Information

Marcus Management, Inc.
28545 Orchard Lake Road, Suite A
Farmington Hills, MI 48334
Telephone: 248-553-4700; Fax: 248-553-4570
24 hour Emergencies: 248-553-9195
Email: MarcusMgt@aol.com
Website: www.MarcusMgt.com

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Distribution of a Recent Document

A few weeks ago a document was selectively circulated in the neighborhood that called for dissolving the Association with the proposition that it could be turned over to the City. The Board of Directors, comprised of five elected resident volunteers, has concluded this needed a response. The document had many inaccurate statements and false information and exhorted residents to email the City Council and Mayor and called for a special meeting to vote to dissolve the Association. Seven people emailed the Mayor and City Council. Three of the individuals also sent the Board an email with the same content and the following was the Board reply:

- a) *Dissolution of a Michigan non-profit corporation, including condominium associations, requires the affirmative vote of 4/5 of all owners. The voting must take place with various legal notices and information. If there were to be a special meeting to consider this action, the requisite processes and information were not included in a notice being distributed in the neighborhood requesting owner support.*
- b) *The legal description of our association encompasses all units, roads, easements, and right of ways, conservatory areas, and the like. If the association were to be dissolved, it would be necessary to have legal surveys of all lots created to subdivide the community. This would be a significant cost to all owners.*
- c) *While we don't believe the City would agree to assume or purchase the parcels of land no longer bound within the newly defined boundaries of each parcel of land set aside for the 200 units, it would only make sense that the City could only do so in a revenue neutral fashion, after holding public meetings to consider such an undertaking. We doubt the City would agree to allow the dissolution of the non-profit corporation and consequently assume all costs of maintenance, repair and replacement. The creation of the Planned Unit Development / Site Planned Condominium Association specifically contemplated that all such costs are borne by the Association of owners, not the City.*

- d) *Also, it is our understanding that the City of Ann Arbor cannot assume ownership of any roadway (undedicated roadway) unless it is constructed to municipal standards. The roadways in Arbor Hills are not constructed as such and therefore cannot be dedicated to the City. The assignment of the roadway would have to be preceded by the re-paving, and most likely the widening, of all roadways to said standards. This would also mean the storm water system, natural gas, water, phone, electricity, cable utilities, and street lights & trees to be relocated all at significant cost borne by the co-owners.*

The Board response became moot when the City responded to the individuals that emailed the Major and Council and stated the Association could not be "switched" to any local government to include the City of Ann Arbor. Furthermore, the Association was platted by the developer as a private legal entity, authorized by the Michigan Condominium Act and is governed by AHCA Bylaws and amendments as contained and recorded in the Master Deed.

The circulated document claimed there was no transparency in Association funds even though each year a budget is presented at the Annual Meeting detailing the justification for the annual dues assessment. The budget provides a line item breakdown of spending and the actual year to date spending is also presented. The 2013 budget was unanimously approved by the 96 residents present or by proxy at the October 2012 annual meeting.

Arbor Hills Condominium Association is self governed and administered by the election of Directors from its residents. Elections are held every year with alternating numbers of 2 or 3 Directors elected for two year terms. This alternating sequence provides for the orderly transition and continuity of knowledge for newly elected Directors. The management company also plays a role in the transition and continuity by being knowledgeable of the Michigan Condominium Act, Association Bylaws, Federal preemptions, and other emerging Condo law therefore able to inform and advise Boards of regulatory requirements.

The Board of Directors believes that we can work together as residents to get through our collective responsibilities in the Association together.