

RESOLUTION 2018-16

Authorizing the Charter Township of Ypsilanti to Exercise its “First Right of Refusal” and to Purchase from Washtenaw County Treasurer Catherine McClary Acting in her Capacity as the Foreclosing Governmental Unit Under the Authority of the General Property Tax Act the Real Property Located at 2500 Lakeview Avenue, Ypsilanti Township, Michigan

WHEREAS, on or about **March 31, 2018** Washtenaw County Treasurer Catherine McClary, acting in her capacity as the **Foreclosing Governmental Unit** (FGU) under the Authority of the **General Property Tax Act** (GPTA) foreclosed upon certain properties in the Washtenaw County Circuit Court due to delinquent real property taxes. The “**List of Tax Foreclosed Properties**” for 2018, last revised on **May 30, 2018** (see Exhibit 1), was received by Ypsilanti Township Clerk Karen Lovejoy Roe from Washtenaw County Treasurer McClary which contained *inter alia* the following Ypsilanti Township property which set forth the amount of unpaid delinquent taxes and is described as follows:

2500 Lakeview

Parcel No: K-11-24-242-023

Minimum Bid: \$3,848.00

Legal Description:

YP# 69A-21A: Lot 21, EXC W 4 ft, also N ½ of Vacated Alley Huron Hearthsides Sub;

WHEREAS, the Court of Appeals for the State of Michigan in an unanimous decision released for publication on **April 5, 2011** entitled “**City of Bay City vs Bay County Treasurer**” held that under the GPTA that “. . . **the determination of a proper purpose for the purchase of tax-delinquent property is a legislative function, vesting such determinations as arose in this case with Plaintiff’s council. Furthermore, because MCL 211.78(m)(1) creates a mandatory legal duty on Defendant’s part to sell the property to Plaintiff granting him no discretion to decide not**

to sale such property, the statute does not empower a county treasurer . . . to make an independent determination as to a municipality's professed 'public' purpose" a copy of the Court of Appeals decision being attached hereto and incorporated by reference and labeled Exhibit 2; and

WHEREAS, the Ypsilanti Township Board of Trustees has determined and hereby finds that the exercise of its **"First Right of Refusal"** to acquire the commercial zoned property located at 2500 Lakeview, constitutes a **"Public Purpose"** as set forth in the Court of Appeals case entitled **"City of Bay City vs Bay County Treasurer"** since it is imperative that in order for the Township to continue to provide essential public services to its residents and to promote and protect the public health, safety and welfare of the Township that the Township continues in its ongoing efforts to rebuild and redevelop the Township's commercial tax base which was significantly impacted during the years 2008 - 2017; and specifically this subject property given its strategic location along the Willow Run Expressway Bypass corridor which is one of the major gateways into the Township and is near the American Center for Mobility; and

WHEREAS, the Township has been advised by the Washtenaw County Treasurer's Office that the minimum bid price for the property located at 2500 Lakeview Avenue is **\$3,848.00**;

NOW, THEREFORE THE YPSILANTI CHARTER TOWNSHIP BOARD OF TRUSTEES HEREBY RESOLVES AS FOLLOWS:

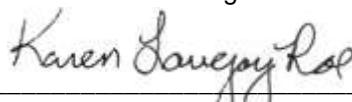
1. That the Township hereby finds and determines that the exercise of its **"First Right of Refusal"** pursuant to the General Property Tax Act as further defined in the Court of Appeals case entitled **"City of Bay City vs Bay County Treasurer"** to purchase the commercial zoned property located at 2500 Lakeview constitutes a **"Public Purpose"** since it is imperative that in order for the Township to continue to provide essential public services to its residents and to promote and protect the public health, safety and welfare of the Township that

the Township continues in its ongoing efforts to rebuild and redevelop the Township's commercial tax base.

2. That the Township hereby notifies Washtenaw County Treasurer Catherine McClary Acting in her Capacity as the Foreclosing Governmental Unit that the Township desires to purchase 2500 Lakeview under the Township's "**First Right of Refusal**" for a minimum bid which per the Washtenaw County Treasurer's Office is **\$3,848.00**;

3. That the Township authorizes the payment of **\$3,848.00** for the purpose of acquiring 2500 Lakeview pursuant to the Township's "**First Right of Refusal**" for the "**Public Purpose**" as defined herein.

I, Karen Lovejoy Roe, Clerk of the Charter Township of Ypsilanti, County of Washtenaw, State of Michigan hereby certify the above resolution is a true and exact copy of Resolution No. 2018-16 approved by the Charter Township of Ypsilanti, Board of Trustees assembled at a Regular Meeting held on June 19, 2018.



Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti