



MEMBER'S OPINIONS:

EMINENT DOMAIN

The Michigan Supreme Court's 2004 decision in *County of Wayne v. Hathcock* (Pinnacle Aeropark), along with subsequent changes in the Michigan constitution and administrative codes, reverses its locally and nationally influential 1981 *Poletown* ruling. ULI Detroit asked two of metro Detroit's prominent eminent domain attorneys to discuss the implications for economic development in urban areas like Detroit.

Alan T. Ackerman



Do you think eminent domain is a major issue in metro-Detroit?

Government will continue to use eminent domain as a tool for public uses, such as rebuilding infrastructure, cleaning rivers and drains, improving water system, building new roads, mass transit and similar public uses.

Condemnation will still be allowed when there is a public use, but will not be allowed for the benefit of private interests. With respect to public-private partnerships, government will still likely be allowed to condemn if it is a controlled partnership with a clear public use.

In the example of Pinnacle Aeropark, Wayne County lost because it could not demonstrate a clear public use because it had no final plans for the property it attempted to acquire.

Explain the benefits or uses of eminent domain in metro-Detroit.

Without eminent domain, cities like Detroit cannot survive. Eminent domain is one tool cities have to address health and safety issues through redevelopment, infrastructure improvements, brownfield concerns and quality of life issues such as parkland, recreation and educational facility acquisitions.

What will be the impact of Senate Joint Resolution E and other changes in Michigan's administrative codes?

Senate Joint Resolution E, now part of the Michigan Constitution, prevents local governments from condemning for a private development. In the short term, it will likely have effect on condemnation by eliminating improper acquisitions. But, the Constitutional limitation will not impact condemnation if there is a legitimate public use.

See **MEMBER'S OPINIONS...** page 3

ULI DETROIT INTRODUCING NEW BREAKFAST MEETING SERIES

ULI Detroit is launching a free, "members-only" Breakfast Meeting Series. These monthly gatherings, scheduled from 7:45 a.m.-9:30 a.m., will take place at different office conference rooms monthly with each host providing a continental breakfast. In order to encourage conversation and participation, space will be limited to 15 members on a first come, first serve basis. Registration is available online only at www.uli.org/register.

The series kicked off on September 27 at Norr, LLC on Griswold Street in Detroit. Kate Baigrie, NCIDQ, LEED AP of Norr, LLC was the featured speaker. She discussed "green" interiors with a focus on how the use of green materials, techniques and furniture can make existing commercial space more attractive to prospective tenants.

On Thursday, October 18, Willys Overland Lofts on West Willis Street in Detroit hosted the Breakfast Meeting Series. Claire Nelson, owner of the Bureau of Urban Living, led the discussion on the challenges and advantages unique to opening and operating an independent retail store in the heart of Midtown Detroit.

Keep an eye out for announcements on these upcoming events.