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February 5, 2024

Jacqueline Beaudry  
City Clerk  
City of Ann Arbor  
301 E. Huron Street  
Ann Arbor, MI 48104

**RE: Objection to Special Assessment District 64 and “Stone School Road Sidewalk Project”**

Dear City Council:

I write on behalf of the property owners within Special Assessment District No. 64, File Number 23-1900, created to fund the City’s proposed Stone School Road Sidewalk Project (the “Project”). All of the property owners in Special Assessment District (“SAD”) No. 64 object to: 1) the lack of need for the Project, 2) the detrimental impact of the Project, as designed, on their properties and well-being, 3) the amount of the special assessment, and 4) the legitimacy of the SAD itself. Because this written objection has been filed by the owners of property which will be required to bear over 50% of the amount of the special assessment, the assessment roll may not be confirmed except by the affirmative vote of 8 members of the Council pursuant to Ann Arbor City Code, Chapter 13, Section 1:290.

The five property owners who comprise the SAD, none of whom are City of Ann Arbor residents, own seven parcels along the easterly side of Stone School Road between Eisenhower Parkway and Packard Street. The SAD is intended to fund installation of a short stretch of sidewalk along this portion of Stone School Road. However, this project is entirely unneeded, and not a good use of City resources, because:

- There is already a sidewalk running along the westerly side of this portion of Stone School road;
- Based on the observation of the neighbors, that westerly sidewalk is infrequently used, such that there is no need for a sidewalk on the east side;
- The City has not conducted any study or assessment of pedestrian traffic or pedestrian safety along the portion of Stone School Road at issue that would support the building of a second, parallel sidewalk; and
- There would be no practical mechanism to safely maintain the sidewalk once installed.

The SAD owners also object to the detrimental impact of the Project as currently planned. The sidewalk the City intends to install will require the burdensome and costly installation of hundreds of feet of retaining wall due to differences in elevation between the existing roadway and the SAD owners' properties, or alternately the unconstitutional taking of the majority of some owners' front yards in order to grade a slope down to the proposed sidewalk. Installation of the sidewalk as contemplated will also require damaging and/or removing old growth trees, and the sidewalk will actually run over a portion of at least one of the property owner's septic fields. These issues merit, at minimum, reassessment and revision of the Project's specifications.

The SAD owners also object to the amount of the assessment, where the estimated cost of the sidewalk is **\$268.24 per foot**. This exorbitant cost is difficult to justify. Altogether, the City intends to assess approximately \$145,000.00 from just five property owners for just over five hundred feet of sidewalk. One owner, who owns two parcels with 140 feet of frontage, would be assessed over \$37,000.00. Another, property owner William Bond, who is a disabled senior, would be assessed over \$32,000.00 dollars. The excessive estimated costs of the Project all but ensures that the cost assessed to each owner will be disproportionate to the alleged value of the improvement to each property. The SAD owners also object that the Project is not a proper basis for a special assessment in the first place, where the installation of a sidewalk in this location will impart no special benefit to the affected properties but only create a general benefit to the community as a whole (to the extent any benefit is derived from the Project at all).

Finally, and critically, the SAD owners, who are all Pittsfield Township residents, object that the City does not have a legal right to include them in a SAD in the first place. A city or other municipal body may only tax and assess its *own* residents. The City cannot avoid this important limitation on its authority to act by purporting to assess these Pittsfield Township residents now and stating that it will not collect the assessment until the theoretical annexation of their properties into the City at some unknown time in the future.

For all of these reasons, the SAD owners strenuously object to the Project and to

confirmation of this special assessment roll. The owners reserve all other rights and objections, and strongly encourage the Council to reassess the need for this Project at this time, and, if it is reconsidered in the future, to reassess the design for the Project and reduce the associated costs.

Sincerely,

DEVER EBY & ISSA, PLLC

*/s/ Samuel L. Estenson*

Samuel L. Estenson

*/s/ Scott Munzel*

Scott Munzel

Parcel ID	Owner	Property Address	Signature
			<i>Susan Ed Jones</i>
L-12-03-394-001	BOWER RONNIE R & SUSAN	2853 STONE SCHOOL RD	<i>Ronni R Bower</i>
L-12-03-394-004	ALBERTS BETTY A	2907 STONE SCHOOL RD	<i>Betty A. Alberts</i>
L-12-03-394-005	ALBERTS BETTY A	2907 STONE SCHOOL RD	
L-12-03-394-006	LUCKHARDT WILLIS L TRUST	2931 STONE SCHOOL RD	<i>Willis L. Luckhardt</i>
L-12-03-394-007	BOND WILLIAM TRUST	2941 STONE SCHOOL RD	<i>William H Bond</i>
L-12-03-394-008	EISENHOWER VENTURES LLC	STONE SCHOOL RD	<i>asmach</i> On Behalf of Eisenhower Ventures LLC