

Wayne County sues owners to acquire aeropark land. Terry Kosdrosky and Jennette Smith. *Crain's Detroit Business* 17.22 (May 28, 2001): p3. (925 words)

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Wayne County is still trying to solve the land-acquisition puzzle for its Pinnacle Aeropark project near Detroit Metropolitan Airport.

The county needs more than 320 acres scattered throughout the area designated for the 1,230-acre mixed-use development, according to a map obtained from the county. The county is resorting to eminent-domain proceedings to get much of it. Plans for Pinnacle were announced in April 1999.

Landowners in Huron Township and Romulus who have not yet sold key parcels object to either the price the county is willing to pay or the right it has to condemn the land. Twenty condemnation lawsuits were filed in April by the county in Wayne County Circuit Court.

It's not yet clear how many of those suits will be settled quickly and how many landowners will fight the county.

Thirty-nine individuals, groups or government entities own the remaining 320 acres, according to letters of intent to condemn that the county mailed last fall.

One attorney representing five landowners in the area said some plan to make the county work around them. Jerome Pesick said several owners expect to challenge the county's right to condemn. He didn't want to identify his clients or specify who plans to challenge the county.

"There is no public purpose," said Pesick, a partner in the Southfield-based firm Steinhardt Pesick & Cohen P.C. "It's on shaky legal ground, in my opinion."

Condemning land in the name of economic development is more difficult than it was in the past, said a condemnation attorney not involved in the case. In recent cases, Michigan courts have required the condemning authority to prove the general public would benefit more than any private entity.

Wayne County plans to acquire the property and sell it to private developers or directly to users.

"It's far from automatic," said Boris Yakima, a partner in the Bloomfield Hills law firm Monaghan, LoPrete, McDonald, Yakima & Grenke P.C. "Courts now are looking at public-private mixtures with much more detail. They will not take a public agency's word that this is a public benefit."

Tim Johnson, the county's director of marketing and communication for jobs and economic development, said he was confident that the county will secure the missing land pieces. In the meantime, it continues to market the project and work on plans for infrastructure improvements.

Survey work has begun for sewers in a section of the project in Huron Township, and bid documents will be ready soon, Johnson said. Sewer construction should begin this summer, he said.

Technology, industrial, office and retail development are planned for Pinnacle, along with a golf course and hotel complex. It also was designated as a state SmartZone, which means municipalities can use tax-increment financing to fund property acquisitions, infrastructure improvements and marketing.

Even if the parcels the county seeks are not secured, Johnson said, the county will proceed with Pinnacle working around private property.

Some landowners who haven't settled with the county just want a higher price.

A 40-acre parcel almost at the center of the project area is owned by Kormos Family L.P. A 3-acre parcel is owned by Henry Kormos, one of four brothers who make up the limited partnership.

"They've held onto this land all these years and are really not desirous of having their land taken away from them," said Marc Whitefield, a partner at the Farmington Hills firm Finkel, Whitefield, Selik, Raymond, Ferrara & Feldman P.C. who represents the Kormoses. "But they're also realistic in knowing that the county's got an interest in acquiring their property."

Whitefield said the 40 acres contain farmland and a family home, while Henry Kormos' home is on the 3 acres. Three generations of family members have used the larger parcel.

However, Whitefield said, the Kormos family chose not to fight the county on the necessity of the Pinnacle project.

"These are agricultural people. These are not land developers who can fight that kind of fight," he said.

Instead, the family is focused on negotiating a higher price than the county has offered. The county has offered \$40,000 an acre for the 40-acre parcel and \$60,666 an acre for the 3-acre piece, Whitefield said. Those figures included a 15 percent bonus if the cases were resolved quickly.

Another landowner, Huron Township Supervisor John Mitchell, said he has not decided what to do if the county files a condemnation lawsuit for 55 acres he and his family own in the Pinnacle area. Some of the land is used as a sod farm.

Although Mitchell agrees Pinnacle will help the area in terms of job creation and a stable tax base, the fact that his family owns land there puts him in a difficult position.

"My mother's estate is located there. My home residence is there, and I operate business out of there," he said.

The value of land, in Huron Township or anywhere, varies, depending on proximity to expressways, infrastructure and wetlands and other factors. Hal Rosin, a broker at Dearborn Real Estate Co., said there is a range in price in the Romulus-Huron Township market. A few years ago, the company sold some property for \$25,000 an acre. But he said he knows of one piece of land near I-275 that sold for nearly \$100,000 an acre.

The real estate buzz about land in the Pinnacle area started a few years ago when the project was announced. Rosin said interest in the area quieted down and is now no greater than interest in other projects north of the airport.

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