

This column highlights promotions, transfers, hirings, awards won and other key personnel moves within the suburban real estate community. Send a brief biographical summary — including the town of residence and employment and a black-and-white photo, if desired — to: *Movers & Shakers, Observer & Eccentric Newspapers, 36251 Schoolcraft, Livonia 48150. Our fax number is (313) 591-7279.*

## Ivanikiw promoted

Alex Ivanikiw, a Rochester resident, has been promoted to president of the Argos Group, an architectural services firm.

Argos is a subsidiary of Barton Malow, a construction services firm based in Southfield. Ivanikiw also is a group vice president for Barton Malow, servicing automotive and manufacturing clients.

He has a bachelor of science in architecture degree from Lawrence Technological University in Southfield.

## Scherer joins firm

Diane Scherer has joined Republic Bancorp Mortgage in Plymouth as a senior loan officer. She will specialize in residential mortgage lending in Wayne and Oakland counties.

Scherer previously was affiliated with Mortgage Financial in Plymouth.

## Burke gets CRS

Pamela Burke, a sales associate with ERA Raynor Symes in Novi, has been awarded the Certified Residential Specialist designation by the Residential Sales Council of the Realtors National Marketing Institute.

Burke, a member of the Western Wayne Oakland County Association of Realtors, also holds Graduate Realtors Institute and Certified Buyers Representative designations.

## Sellers joins Axiom

Richard Sellers has joined Axiom Real Estate Management, a branch of Grubb & Ellis in Southfield, as a property manager. Initial responsibilities include management of Victor V, V&H Industrial Parks, Westin's Commerce Center and Oak Creek Office Park.

Sellers, a Certified Property Manager, sits on the board of the Institute of Real Estate Management, Chapter 5. He previously served as a property manager for RREEF Management.



## Classified Ad Index

CLASSIFICATION NUMBER SECTION

MA100 (800-864)

MA105 (800-624)

SA100 (800-224)

SA105 (800-224)

SA110 (800-224)

SA115 (800-224)

SA120 (800-224)

SA125 (800-224)

SA130 (800-224)

For complete index and classifieds, see page 2A.



# REAL ESTATE

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No room: All 1.2 million square feet of available space in five buildings at the Allied Commerce Center in Livonia are leased. Vacant warehouse/industrial space reportedly is hard to come by throughout the metro area.

## Owners don't need vacancy signs

By DOUG FUNKE  
STAFF WRITER

The vacancy rate for metro Detroit's industrial real estate market remained low, 4.7 percent, and the overall office vacancy rate dropped for the third consecutive quarter to just under 17 percent as of the end of September, according to Cushman & Wakefield of Southfield.

"There's a huge demand now for bulk distribution space," said Jay Lybik, research analyst for the full-service commercial real estate firm.

"Ryder, TDS and CCI... these companies are getting contracts from auto firms to handle parts deliveries and total logistic systems. The auto industry still is having a good sales year."

National retail chains such as Home Depot, Fretter and Office Max also are gobbling up space "primarily in western Wayne County" to warehouse product for their sales outlets, Lybik said.

"It's an extremely tight market now in Detroit," Lybik said. "Landlords have been slowly pushing up lease rates, not as heavily in the past, trying to make as much as they can in this cycle."

### Vacant warehouse and manufacturing space is now hard to come by here. The office market also continues to tighten. That's good news for building owners.

"For tenants, it means holding off expansion, finding Band-Aid solutions, maybe splitting up operations."

"One thing we're finding is tenants aren't planning far enough ahead," Lybik said. "Tenants are going to have to start looking earlier than they're used to. Where it may have been six months, now you're looking at a year. I think it's only going to be tighter for this quarter and 1996."

Southeastern Oakland County's estimated industrial/warehouse vacancy rate had the largest decline, 5.7 to 4.4 percent, Cushman & Wakefield reported. Part of that was due to General Motors leasing 386,000 square feet at 1313 Coolidge in Troy.

Western Wayne County showed the lowest estimated vacancy rate at 2.7 percent.

On the office side, the metro Detroit region excluding the city's central business district had its lowest vacancy rate since the mid '80s at just under 15 percent, Cushman & Wakefield reported.

Auburn Hills/Rochester Hills, Birmingham/Bloomfield Hills, Farmington Hills, Novi and West Bloomfield had overall office vacancy rates below 10 percent.

Solidification of the office market here is further illustrated by many quality buildings including the Presidential Town Center complex in Southfield and Renaissance Center Phase I downtown listed for sale.

"Both investors and owners are confident that the market has improved

sufficiently to assure stable cash flows and yield optimum prices," said Tim Eisenbraun, who is a research analyst with Cushman & Wakefield.

Build-to-suits also are sprouting.

Delphi Automotive has broken ground for a 260,000-square-foot headquarters, and Magna International has announced plans for an office/research complex of 400,000 square feet. Both projects are in Troy.

Asking rates for the entire region are up slightly to \$16.30 from \$15.21 per square foot annually, Cushman & Wakefield reported.

Rents are in newer buildings with more amenities (Class A) have offset a decline in older structures in less desirable locations (Class C).

Rates in downtown Detroit, on average 20 percent lower than competing submarkets, may key relocations to the central business district, Cushman & Wakefield reported.

"Without question, the gap between the asking rate and effective rents is closing," Eisenbraun said. "We are entering a landlord's market. Tenants have fewer options within the market, which makes the option to relocate less likely."

## It might be worth your while to fight City Hall

REAL ESTATE  
QUESTIONS



Q. I am a developer who was denied a permit because someone on the zoning board, in my opinion, has an axe to grind against me. I do not want to spend a lot of money in legal fees, but I am wondering if there is any recourse I might have.

A. Under 42 USC, Paragraph 1983, aggrieved parties can bring an action for violation of the equal protection clause of the Constitution. Some courts have upheld the right of a developer who is not awarded a permit because someone on the zoning board presumably dislikes him to pursue a cause of action in which a real estate developer was denied a building permit.

While there is no strong precedent in our federal district, there may be a basis by which this issue can be pursued against a municipality which may assist in getting more reasonable treatment for developers.

Q. I am on a rural township board, and it is my understanding that our zoning ordinance permits our township to regulate certain rights through our zoning powers and that one of our ordinances specifically regulates the

ability of persons to dock boats at an outlet.

We have received a number of complaints from citizens indicating that they do not think we should exercise this authority. I think we, as a township, have the right to exercise our zoning powers in this area. Any help?

A. I would suggest that the Township Rules Zoning Act permits townships to regulate riparian rights through their zoning power.

Moreover, if part of your zoning act includes a regulatory authority over the ability to dock boats, based upon a recent Michigan Supreme Court decision, a township has the authority to regulate the number of boats docked at an outlet.

You should, of course, obtain a legal opinion from the township attorney before taking any action at the township board meeting regarding this issue.

Q. I live in a co-op and have had no problems for a number of years until recently. The person who lives upstairs from me has flooded my apartment at least three times, ruining my living room wallpaper and carpeting.

I complained to the co-op, and the lawyer for the co-op indicated that she would be evicted, but then the co-op did nothing. My insurance paid a little but not as much as it should have, and I had to put a ceiling in the living room.

Going to court was not helpful. What can I do at this point?

A. Obviously, without the benefit of all the facts, I cannot advise you as to what remedies you still have available to you since you apparently have gone to court.

If the situation continues assuming that the matter has not been finally resolved in court, you should again write the co-op and demand that it take action against your neighbor who is acting, presumably, in violation of the co-op documents and restrictions.

You may also seek to retain an attorney to assist you in pursuing the co-op and/or your neighbor from causing further damage to you and to otherwise recoup the damages you have sustained to your personal belongings since presumably the co-op will have to take care of the structural components of your unit, depending upon the documents.

Robert M. Meisner is a Birmingham area attorney concentrating his practice in the areas of condominiums, real estate, corporate law and litigation. You are invited to submit topics which you would like to see discussed in this column, including questions about condominiums, by writing Robert M. Meisner, 30200 Telegraph Road, Suite 407, Birmingham Farms, Michigan 48025. This column provides general information and should not be construed as legal opinion.