

REAL ESTATE

THURSDAY, JULY 25, 1996 • PAGE 1 SECTION E

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 towns of residence and employment and a black and white photo if desired—to: *Movers and Shakers, Observer & Eccentric Newspapers, 36251 Schoolcraft, Livonia 48150. Our fax number is (313)-591-7279.*



Scott Wheeler
West Bloomfield.

Scott Wheeler, an Oxford resident, has been promoted to chief estimator preconstruction services for Perini Building Central U.S. Division in Southfield. He will work with owners and architects in the development of new building projects and associated costs.

Wheeler received a degree in construction management from Michigan State University and served as a senior estimator at Perini for 11 years.



Bruce Potter
West Bloomfield.

Bruce Potter has been promoted to regional chief estimator for Perini. He will be responsible for reviewing and directing all phases of hard bid (total cost) estimates. Potter lives in West Bloomfield.



Gary D. Gradone
West Bloomfield.

Gary D. Gradone, an asset manager with MBL Life Assurance in Farmington Hills, has been awarded the Certified Commercial Investment Member designation by the Commercial Investment Real Estate Institute. Gradone, who also holds the designation of Real Property Administrator, resides in West Bloomfield.



James V. Clarke
Bloomfield Hills.

James V. Clarke has been promoted to general manager of construction for Robertson Brothers Group, a residential development company in Bloomfield Hills. He will oversee all construction activity.

Clarke, a Michigan State University graduate, has been with Robertson Brothers for six years. He was formerly land acquisition director/project manager.



Classified Ad Index

CLASSIFICATION, NUMBER SECTION

- Auto (800-884)
- Employment (500-524)
- Help Wanted (500-524)
- Home and Business Loans (1-800-800-8000)
- Motor Vehicle Sales (700-744)
- Real Estate (800-520)
- Reprints (800-436)



WHAT'S IN A NAME?

Developers explain

When Presidential candidate Jim took off in the suburbs during the last 100 days of the 1996 campaign, he took an easy route and named 120 subdivisions where he lives.

James V. Clarke, a resident developer for 40 years now based in Farmington Hills, recalled that the Frischkorn brothers in Redford had a whole string of Frischkorn Subdivisions up to about number 20.

Bonadeo admits to naming his first development, 21 lots, the James B. Bonadeo Subdivision.

"I suppose it was apt," he said. "Now, I think the trend is to come up with something appealing, more glamorous or fancier."

"The always Blodgett names were important," said Richard Brown, longtime developer based in Farmington Hills. "I think that's why people look for attractive names for subdivisions."

"I think subdivision names have a local derivation, speak to a geographic feature and, sometimes, it's just a name a land developer likes attractive."

"The name 'Blodgett' was chosen by the developer," Brown said. "I don't know why Blodgett was named in the name with that was a local landmark."

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Court said seller couldn't hide nearby landfill

REAL ESTATE QUESTIONS

Q. Is there any case law that requires the developer-Realtor to disclose the proximity of the subdivision to a land fill?

A. In an out-of-state case, it was held that facts known to the broker, agent or seller respecting off-site conditions that are unknown to the buyer that materially affect the value or the desirability of the property listed for sale must be disclosed. If a case involved a developer/broker using the environment beyond the development to sell the houses. The brochures and advertisements made the environment of an office property relevant to each sale.

The courts seemed to say that since they elected to use the environment to market the property, they were obligated to disclose the existence of the land

fill.

It further stated that the determination of whether the duty to disclose was breached and whether the breach materially affected the value of the houses were issues that the jury must resolve.

Q. I am somewhat confused about the application of the Americans with Disabilities Act to condominiums. Is there any authority with respect to the application of this federal act to condominiums and cooperatives in the residential context?

A. It is reasonably clear that condominiums and apartments are not public accommodations. Residential portions of apartments and condominiums do not constitute public accommodations within the meaning of the Americans with Disabilities Act. Any property open to nonresidents may be subject to the act. For example, meeting rooms rented to other organizations, recreational facilities available to nonresidents for a fee, clubhouses or golf clubs with nonresident memberships or a restaurant or bar that is open to the public will fall within the dictates of the Americans with Disabilities Act.

Therefore, community associations should be careful that they do not unknowingly subject themselves to potential liability by renting to nonresidents. In essence, if facilities are only available to owners and guests of owners, it is probably not subject to the Americans with Disabilities Act, although this is a new and uncharted area of the law.

Robert M. Meisner is an Oakland County area attorney concentrating his practice in the areas of condominiums, real estate, corporate law and litigation. You are invited to submit topics that you would like to see discussed in this column, including questions about condominiums, by writing Robert M. Meisner, 3020 Telegraph Road, Suite 467, Bingham Farms MI 48025. This column provides general information and should not be construed as legal opinion.

you came up with a name like that?"

"I said I couldn't think of anything else," Cohen said. "How's that for honesty?"

"Then there's the more obvious," Bonadeo said. "Meadowlark was named for a bridge that went over a stream." Cohen said. "Meadowlark - it was nothing except a farm field that had turned into a meadow."

"We have one we developed in Livonia some years ago," Bonadeo recalled. "I was with the city engineer and we were looking around and he said, 'This goes over hill and dale.' So I said, 'Bonnydale.'"

County government officials ultimately gave the final thumbs up or thumbs down on subdivision names. "They're on the lookout for duplication, which could cause headaches for title companies, and full proper names, which prevent bookkeeping errors."

"We had one in Westland where the school district wanted to name it the William D. Ford Technical Subdivision," said Norm Dupuis, senior planning officer for Washtenaw County.

"We had to shoot it down. It comes down to where you vote it in the computer. Do we list it under W or under Ford?"

"Ford Technical Subdivision was OK," Dupuis said. "It doesn't seem important," and Michael Bernabochi, marketing professor at University of Detroit Mercy. "You're selling a house that's built or partially built, neighbors aren't there yet. Why not just call it 'Mystery'? It's almost a trademark of the Affaire and homes. We all have hopes."

"The right words mean a lot, the right conveyance means a lot," Bernabochi said. "The classic clash is the vision of what you hope will come above and beyond."