

REAL ESTATE

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MOVERS & SHAKERS

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

Martin receives CBR



Virginia Martin, a Realtor with Real Estate One in Northville, has received the professional designation of Certified Buyer Representative. Martin, a Northville resident, also has completed a fair housing seminar. She's been in real estate for 24 years.

Munfah on state board



Abe A. Munfah, a civil engineer and principal with the firm of Ayres, Lewis, Norris & May, has been appointed to the State Board of Engineers. He will serve as a liaison for licensed professionals to state government. Munfah, a Plymouth Township resident, formerly served as a township planning commissioner and trustee. He belongs to several professional associations and holds a degree from Louisiana State University.

Sparling joins Perini

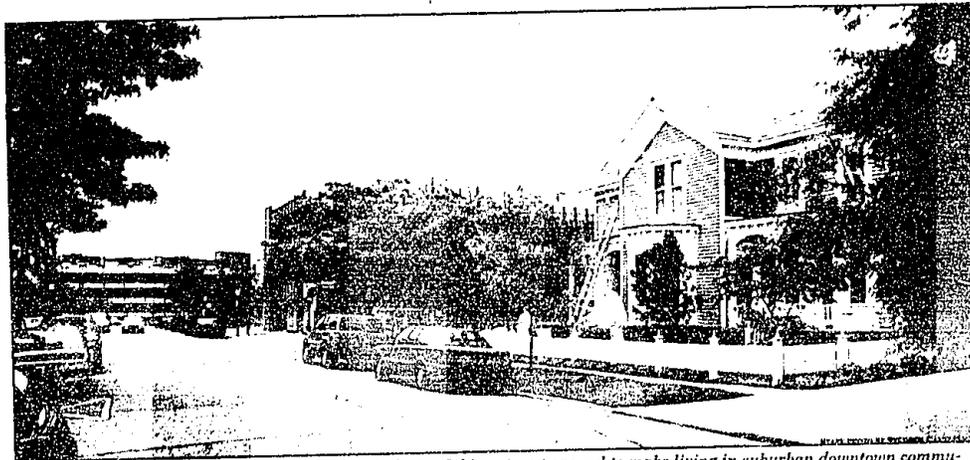


Peter Sparling, a West Bloomfield resident, has joined Perini Building-Central U.S. Division in Southfield as an estimator. He graduated from Michigan State University with a B.S. degree in building construction management and has 14 years experience in the industry.

Moore named manager

Hon Moore has been named manager of the Troy office for Coldwell Banker Schweitzer Real Estate. Moore, a Clarkston resident, is currently secretary of the North Oakland County Board of Realtors. He has 17 years experience. Moore holds the professional designation of Graduate Realtor Institute.

Downtown attractions:



Downtown lifestyle: The ease of getting around and plenty of things to get around to make living in suburban downtown communities attractive.

Downtowns thrive in suburbia

By DOUG FUNK

Living in small-town America with a well-defined downtown, even inside suburban rings of a metropolis, still draws a great amount of interest.

Communities such as Birmingham, Rochester, Plymouth, Farmington and Clarkston thrive for lots of different reasons.

You know firsthand if you've ever visited. If you haven't, there are plenty of folks who will promote the splendor.

"I think the thing about living in downtown Farmington, number one before anything else, is people perceive it's a safe place," said Judy Downey, executive director of that city's downtown development authority.

"Plus, we keep it clean, as attractive as possible," she said. "We work hard to offer a variety of businesses so a person could shop downtown without driving to a mall."

Then Downey cut right to the chase. "I lived in a community once where I went from rural to downtown living. I didn't realize how convenient it was to walk to eat, walk to the post office, library, park."

Nancy Austin, a Realtor with Coldwell Banker Preferred, has lived in the city of Plymouth and has sold in that downtown community.

"I can tell you why I moved to town: I wanted my kids to walk to school and, after school, get to a job under their own power with a bicycle or walking," she said.

"They have a lot of family activity right in the heart of downtown—concerts in the park, movies are bright there, shopping is right there. Bicycling and walking everywhere is wonderful," Austin added.

Janette Engelhardt, a Realtor with Max Brock in Birmingham, has lived in that community with a vibrant downtown for 32 years.

'People want to go back to small-town activity, to know and be known by people and a more personable lifestyle. People in a subdivision can go for months without seeing neighbors. There's no center of activity.'

Michael Bartlett
senior vice president,
Real Estate One

"Whether you're a young, two-career couple, a young family with kids or empty-nesters... there's something for everyone," she said.

Michael Bartlett, a senior vice president with Real Estate One, offers his analysis.

"People want to go back to small-town activity, to know and be known by people and a more personable lifestyle. People in a subdivision can go for months without seeing neighbors. There's no center of activity," Linda Res, a multi-million dollar annual producer with Real Estate One in Troy, says she's seen a trend back to living in suburban communities with downtowns in recent years.

"People want a sense of belonging," she said. "Before, it was wanting that country feeling."

"There's a sense of continuity in a downtown area," said Yvonne Townens, an associate broker with Quality Better Homes & Gardens in Plymouth.

"You feel this is the center where you're living. You shop, not necessarily all the time (daytime) but it's available to you. Community events

are available to you, the feeling of small-town charm," Townens said.

Even residential builders who build houses with all the modern conveniences in outlying areas near suburban downtowns have touted the downtowns when promoting their projects.

Those include Bridge Valley and Clarkston Bluffs in Independence Township, Rolling Oaks in Plymouth Township and Carroll Farms in Farmington Hills.

"Plymouth still has the mystique of a small-town atmosphere still in demand," said Mike Zeid of Encore Custom Homes.

"People are wanting to come out here to enjoy what Clarkston is all about—a quaint, rural town," said developer A. Mathew Kiriluk II.

While the lifestyle can be highly attractive, houses in downtown communities generally aren't any more or less hot than houses in other subdivisions, agents contend.

"It's like anything else—if they're in good condition and priced right, they will go overnight," Austin said.

Downtown living isn't for everyone.

The older housing stock needs more maintenance and won't have all the amenities of newer houses. Property taxes usually are higher. And it can be difficult to get around when crowds pour in for special events.

The owners of a \$160,000 house in the city of Plymouth will pay \$700 more annually in property taxes than the owners of a \$160,000 house in Plymouth Township.

Taxes on a \$160,000 house are nearly \$700 higher in Birmingham (with a downtown) than Bloomfield Hills, \$660 higher in Rochester (downtown) than Rochester Hills, and \$800 higher in Farmington (downtown) than Farmington Hills.

"There's different levels of services provided by cities not provided by townships," said Paul J. Sincok, assistant city manager in the city of Plymouth.

"You look at our community. We operate a cemetery, we operate a recreation department, we operate a parking system, we contribute pretty substantially to events in our community," he said.

"We sweep the streets and we collect everyone's leaves through bulk collection in Fall," Sincok said.

Judy Donegan, who lives in Plymouth with husband, Andrew, and daughter, Sarah, loves the downtown atmosphere.

"I guess the biggest thing is being able to walk to the bank, library, movie theater, shops and not feel like I'm in a car," she said. "I like being able to hear church bells."

Donegan concedes that while older houses are solidly built, they don't contain the amenities of modern construction like luxury master suites.

There's a limit to how much you can spend on remodeling, she said. "We don't want to be the biggest and best in a neighborhood. That's never a good real estate investment."

New rules make senior housing more available

REAL ESTATE QUINCY



ROBERT M. MEISNER

Q: Senior citizen housing has become easier to obtain based on recent governmental regulations. Do you have any insight in that regard?

A: Yes. It appears that HUD has made a policy decision to make the rules as flexible and liberal as possible for senior citizen housing. Basically, while communities can no longer be adult only based on the Fair Housing Amendments Act, there is a loophole for housing for older persons if they meet the following criteria: (1) 80 percent of the units must be occupied by at least one person over the age of 65; (2) the community publishes policies and procedures demonstrating an intent to provide housing for people 60 and over; and (3) the community provides "significant facilities and services specifically designed to meet the physical or social needs of older persons." It is this latter requirement that has proved

the most difficult but recent regulations published by HUD have liberalized and loosened these requirements. You're best advised, of course, to consult with an experienced attorney who can analyze your particular community association in regard to the recent regulations.

Q: I am a landlord of a shopping center and our anchor store has breached its contract and is moving out. The claim is that they are obligated to pay the rent. Do you have any suggestions as to what my measure of damages might be since they were an important store in the shopping center attracting business?

A: I believe that you have a good argument that your measure of damages is more than ordinary contract damages that you would be entitled to in a breach of lease situation. Arguably, the measure of damages is the present worth of the property with the anchor store, less the present worth of the property without the anchor store.

Your argument, based upon a recent opinion of the

North Carolina Court of Appeals, is that your shopping center had a loss in terms of its diminished market value. This is because the presence of the anchor store had presumably enabled it to draw customers, attract and keep other tenants, and obtain financing. Obviously, you may not be able to do this if your prime retail space is taken up by someone other than a prime anchor store.

Naturally, the contribution of each store determines the flow of business of the entire center and likewise, the store was the focal point of the entire shopping center and then you may well have a good argument for additional damages.

Robert M. Meisner is an Oakland County area, attorney concentrating his practice in areas of condominium, real estate, corporate law and litigation. You are invited to submit topics which you would like to see discussed in this column by writing Robert M. Meisner, 30200 Telegraph Road, Suite 407, Bingham Farms, MI 48025. This column provides general information and should not be construed as legal opinion.



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