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COMMUNITY NEWS

Questions and Answers on Water Street Lawsuit

Ypsilanti, MI, April 20, 2016: In response to an article published today in the Ann Arbor News, "Ypsilanti sues 'Water Street Commons' organizer over sculpture park," the City would like to clarify issues regarding occupancy of Water Street with questions and answers.

Why has the City filed a lawsuit for occupancy of the Water Street Redevelopment area?

The City is currently reviewing and evaluating a recent environmental report, which will require further work to investigate possible contamination and remediation. Until this work is complete, the City is being very cautious to protect the health and safety of its residents, which includes keeping individuals off the site. In order to protect the City and ensure there is not unlawful entry to the site, Michigan law requires an action called "summary proceedings" in the local district court to notify and inform users of the site that they will no longer have access.

What exactly is the City asking the court to order? What does the "eviction" of a sculpture park on an open field entail? The City is asking that the Court issue a writ of restitution, or order of eviction, of any and all persons occupying the Water Street Redevelopment Project without the City's permission. This is a formal notice to all residents and people who have occupied the site.

The City is allowing anyone who has a sculpture or art installation an opportunity to remove their art from the site before the site is fenced in. We ask anyone seeking access to the site to contact the City Attorney at (734) 481-1234.

Is the City seeking any monetary award? Summary proceedings can result in a money judgment against the defendants, which is usually money owed to a landlord. However, the relationship between the defendants in this case and the City is not that of a landlord/tenant, and thus there is no money being requested.

Was the sculpture park part of the adopt a park program that included the Water Street Commons? No. On or about April 14, 2013, the City granted permission to an organization called the Water Street Native Society for the purposes of planting native plant species in an area within Michigan Avenue, River Street, and Parsons Street on the site. This license expired on its own terms on April 14, 2014. Outside of this licensed area, and without authorization from the City, a sculpture park developed.

It looks like Mark Maynard received a letter asking him to no longer use the property but the City filed a lawsuit against Jeff Clark and others. Why did the City send one person a letter and sued the other? Mr. Maynard was sent a letter notifying him that the previous license from the City had expired and that the group was to immediately vacate the premises. He was sent this letter because he was listed as the contact person for the license.

The City was notified that Mr. Clark, an individual, and unnamed others have been using another part of the site without permission. This is why he is named in the summary proceeding. However, anyone unlawfully occupying or using the Water Street Redevelopment Project area is a defendant in this matter.

Why is the City taking such harsh action? The City received lab results from the borings taken as part of a Phase II site assessment. The lab results indicate a high concentration of PCBs and some areas of lead at or close to the surface level. The City is taking an overly cautious approach to restrict any access to the site are impacted. The standards that are used to test the soils are for residential occupancy. Although the site is only used to occasion occupancy it is in the City's best interest to restrict contact and use of the site.