

City Engineering Department

July 20, 1989

Honorable City Council:

Re: Community and Economic Development Department — Larned-Bates Rehabilitation Project (a/k/a One Detroit Center). Vacation of Streets and Alley in the area bounded by Woodward, Randolph, Larned, and Congress.

To develop properties in Larned-Bates Rehabilitation Project it is necessary to vacate Bates Street (variable width; between Congress and Larned), a portion (7.4 feet by 160.00 feet) of Larned Street (60 feet wide; east of Woodward), 2 portions (both 7.4 feet by 160.00 feet) of Congress Street (60 feet wide; one portion east of Woodward, one portion west of Randolph); also the north-south public alley, 20 feet wide, in the block bounded by Woodward, Bates, Larned, and Congress.

The public street(s) and alley closings were approved by the Department of Transportation; subject to the execution of an agreement and grant of easement(s) for ground-level pedestrian walkways (to maintain full-width sidewalks), and certain City-owned utilities (i.e. traffic signal equipment, hydrants, traffic control signs, and public street lights).

There is an existing 13.5 feet diameter public sewer in Bates Street. To protect the existing public sewer and reserve access rights, it is necessary to authorize the Water and Sewerage Department to execute an agreement and grant of easement (for and on behalf of the City of Detroit) to allow for construction over the Bates sewer.

Further, the City owns all public rights-of-way in the "Governor and Judges" in fee. Therefore, the Finance Director must execute quit-claim deeds to transfer vacated public rights-of-way.

Satisfactory arrangements have been made with all City departments and privately-owned utility companies.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,
CLYDE R. HOPKINS,
Director

By Council Member Cleveland:

Resolved, All of the public street and the public alley located in the Larned-Bates Rehabilitation Project (generally) in the vicinity of Woodward Avenue, Bates, Larned, and Congress Streets; said public rights-of-way described as follows:

(1) The north-south public alley, 20 feet wide, in the block bounded by Woodward Avenue, Bates, Larned, and Congress Streets lying easterly of and abutting the east line of Lots 58 to 62; also lying westerly of and abutting the west line of Lots 95 to 99 of the "Plan of Section Numbered One of the City of Detroit, in the Territory of Michigan, confirmed by the Governor and Judges", as recorded in Liber 34, Page 550 of City Records, also

(2) Bates Street (variable width) between Congress Street (60 feet wide) and Larned Street (60 feet wide).

The above public rights-of-way are contained within the bounds of a land parcel, being more particularly described as follows:

Beginning at the intersection of the northerly line of Larned Street, 60 feet wide, and the easterly line of Woodward Avenue, 190 feet wide; thence N. 30° 12' 29" W., along the easterly line of Woodward Ave., 260.25 feet to the southerly line of Congress Street, 60 feet wide; thence N. 59° 52' 01" E. along said southerly line, 298.01 feet to the intersection of said southerly line and the easterly line of Bates Street as established; thence S. 0° 16' 46" E. along said easterly line, 95.27 feet and S. 30° 12' 03" E., 177.64 feet to the intersection of said easterly line and the northerly line of Larned Street, 60 feet wide; thence S. 59° 52' 16" W. along said northerly line, 250.45 feet to the point of beginning, containing 67,150 square feet or 1.5415 acres, more or less;

Be and the same are hereby vacated as public (street and alley) rights-of-way to become part and parcel of the abutting property; subject to the following provisions:

Provided, The Water and Sewerage Department is hereby authorized and directed to draft and execute (for and on behalf of the City of Detroit) an "Agreement and Grant of Easement" to operate, maintain, and protect the City's interests in the existing (13.5 feet diameter) Bates Street public sewer. The "Agreement and Grant of Easement" shall be executed prior to and in accord with any Development Agreement to allow construction over said public sewer. The Law Department shall approve the "Agreement and Grant of Easement" as to form and execution, after which said "Agreement and Grant of Easement" shall be considered confirmed; and be it further

Resolved, All that part of the southerly 7.40 feet of the westerly 160.00 feet of that part of Congress Street (60 feet wide), lying between Woodward Avenue (190 feet wide) and Bates Street (variable width); also lying northerly of and abutting the north line of Lot 58, (part of) Lot 95, and the north-south public alley (20 feet wide, lying between said Lots) of the "Plan of Section Numbered One of the City of Detroit, in the Territory of Michigan, confirmed by the Governor and Judges", as recorded in Liber 34, Page 550 of City Records, being more particularly described as follows: Beginning at the intersection of the east line of Woodward Avenue, 190 feet wide, with the south line of Congress Street, 60 feet wide, (said point of intersection also being the northwest corner of said Lot 58) thence N. 30° 12' 29" W., along the east line of Woodward Avenue, 7.40 feet; thence N. 59° 52' 01" E., 160.00 feet; thence S. 30° 12' 29" E., 7.40 feet (to the south line of Congress Street); thence, along said south line of Congress Street, S. 59° 52' 01" W., 160 feet to the point of beginning; also

All that part of the northerly 7.40 feet of the westerly 160.00 feet of that part of Larned Street (60 feet wide), lying between Woodward Avenue (190 feet wide) and Bates Street (variable width); also lying southerly of and abutting the south line of Lot 62, (part of) Lot 99, and the north-south public alley (20 feet wide, lying between said Lots) of the "Plan of Section Numbered One of the City of Detroit, in the Territory of Michigan, confirmed by the Governor and Judges", as recorded in Liber 34, Page 550 of City Records, being more particularly described as follows: Beginning at the intersection of the east line of Woodward Avenue, 190 feet wide, with the north line

of Larned Street, 60 feet wide, (said point of intersection also being the southwest corner of said Lot 62) thence N. 59° 52' 16" E., along said north line of Larned Street, 160.00 feet; thence S. 30° 12' 29" E., 7.40 feet; thence S. 59° 52' 16" W., 160.00 feet; thence N. 30° 12' 29" W., along the east line of Woodward Avenue, 7.40 feet to the point of beginning; also

All that part of the southerly 7.40 feet of the easterly 160.00 feet of that part of Congress Street (60 feet wide), lying between Bates Street (variable width) and Randolph Street (120 feet wide), originally part of Lots 42 thru 44 inclusive, part of Lot 88, and the public alley (20 feet wide, lying between said Lots) of the "Plan of Section Numbered One of the City of Detroit, in the Territory of Michigan, confirmed by the Governor and Judges", as recorded in Liber 34, Page 550 of City Records, being more particularly described as: Beginning at the intersection of the west line of Randolph Street, 120 feet wide, with the south line of Congress Street, 60 feet wide, thence N. 30° 10' 04" W., along the west line of Randolph Street, 7.40 feet; thence S. 59° 52' 01" W., 160.00 feet; thence S. 30° 10' 04" E., 7.40 feet (to the south line of Congress Street); thence, along said south line of Congress Street, N. 59° 52' 01" E., 160.00 feet to the point of beginning;

Be and the same are hereby vacated as public street rights-of-way to become part and parcel of the abutting property; subject to the following provision:

Provided, That Department of Public Works in conjunction with the City Engineering Department is hereby authorized and directed to draft and execute (for and on behalf of the City of Detroit) an "Agreement and Grant of Easement" to maintain ground-level pedestrian walkway(s); also to operate, maintain, and protect the City's interests in certain City-owned utilities (i.e. traffic signal equipment, hydrants, traffic control signs, and public street lights). The "Agreement and Grant of Easement" shall be executed prior to and in accord with any Development Agreement to allow construction within the above described vacated public street parcels. The Law Department shall approve the "Agreement and Grant of Easement" as to form and execution, after which said "Agreement and Grant of Easement" shall be considered confirmed; and be it further

Resolved, Pursuant to the Court ruling in Center Line v Michigan Bell Telephone Co., 26 Mich. App 659 (1970), aff. 387 Mich. 260 (1972), the Community and Economic Development Department is hereby authorized to process billings from utility companies and others for the relocation of their equipment in connection with this urban renewal project; and further

Provided, That a certified copy of this resolution, and the two executed documents referenced above as "Agreement(s) and Grant of Easement(s)", shall be recorded by the Community and Economic Development Department with the Wayne County Register of Deeds; and be it further

Resolved, The Finance Director is hereby directed to execute quit claim deeds to transfer the following vacated public rights-of-way (for the fair market value and/or other considerations):

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(1) Land in the City of Detroit, Wayne County, Michigan being all of the north-south public alley, 20 feet wide, in the block bounded by Woodward Avenue, Bates, Larned, and Congress Streets lying easterly of and abutting the east line of Lots 58 to 62; also lying westerly of and abutting the west line of Lots 95 to 99 of the "Plan of Section Numbered One of the City of Detroit, in the Territory of Michigan, confirmed by the Governor and Judges", as recorded in Liber 34, Page 550 of City Records, containing 5,200 square feet or 0.1194 acres, more or less; also

(2) Land in the City of Detroit, Wayne County, Michigan being all of Bates Street (as established) between Congress Street (60 feet wide) and Larned Street (60 feet wide) in "Plan of Section Numbered One of the City of Detroit, in the Territory of Michigan, confirmed by the Governor and Judges", as recorded in Liber 34, Page 550 of City Records, being more particularly described as follows: Beginning at the intersection at the westerly line of Bates Street and the southerly line of Congress Street, 60 feet wide; thence N. 59° 52' 01" E., along said southerly line as extended easterly, 97.52 feet to the easterly line of Bates Street; thence along said easterly line S. 0° 16' 46" E., 95.27 feet and S. 30° 12' 03" E., 177.64 feet to the northerly line of Larned Street, 60 feet wide; thence S. 59° 52' 16" W. along said northerly line as extended westerly, 50.00 feet to the westerly line of Bates Street; thence N. 30° 12' 03" W., along said westerly line, 260.27 feet to the point of beginning, containing 14,977 square feet or 0.3438 acres, more or less; subject to an "Agreement and Grant of Easement" for the City of Detroit, a Michigan municipal corporation; also

(3) Land in the City of Detroit, Wayne County, Michigan being all of that part of the southerly 7.40 feet of the westerly 160.00 feet of that part of Congress Street (60 feet wide), lying between Woodward Avenue (190 feet wide), and Bates Street (variable width); also lying northerly of and abutting the north line of

Lot 58, (part of) Lot 95, and the north-south public alley (20 feet wide, lying between said Lots) of the "Plan of Section Numbered One of the City of Detroit, in the Territory of Michigan, confirmed by the Governor and Judges", as recorded in Liber 34, Page 550 of City Records, being more particularly described as follows: Beginning at the intersection of the east line of Woodward Avenue, 190 feet wide, with the south line of Congress Street, 60 feet wide (said point of intersection also being the northwest corner of said Lot 58) thence N. 30° 12' 29" W., along the east line of Woodward Avenue, 7.40 feet; thence N. 59° 52' 01" E., 160.00 feet; thence S. 30° 12' 29" E., 7.40 feet (to the south line of Congress Street); thence, along said south line of Congress Street, S. 59° 52' 01" W., 160.00 feet to the point of beginning, containing 1.184 square feet or 0.0272 acres, more or less; subject to an "Agreement and Grant of Easement" for the City of Detroit, a Michigan municipal corporation; also

(4) Land in the City of Detroit, Wayne County, Michigan being all of that part of the northerly 7.40 feet of the westerly 160.00 feet of that part of Larned Street (60 feet wide), lying between Woodward Avenue (190 feet wide) and Bates Street (variable width); also lying southerly of and abutting the south line of Lot 62, (part of) Lot 99, and the north-south public alley (20 feet wide, lying between said Lots) of the "Plan of Section Numbered One of the City of Detroit, in the Territory of Michigan, confirmed by the Governor and Judges", as recorded in Liber 34, Page 550 of City Records, being more particularly described as follows: Beginning at the intersection of the east line of Woodward Avenue, 190 feet wide, with the north line of Larned Street, 60 feet wide, (said point of intersection also being the southwest corner of said Lot 62) thence N. 59° 52' 16" E., along said north line of Larned Street, 160.00 feet; thence S. 30° 12' 29" E., 7.40 feet; thence S. 59° 52' 16" W., 160.00 feet; thence N. 30° 12' 29" W., along the east line of Woodward Avenue, 7.40 feet to the point of beginning, containing 1.184 square feet or 0.0272 acres, more or less; subject to an "Agreement and Grant of Easement" for the City of Detroit, a Michigan municipal corporation; also

(5) Land in the City of Detroit, Wayne County, Michigan being all of that part of the southerly 7.40 feet of the easterly 160.00 feet of that part of Congress Street (60 feet wide), lying between Bates Street (variable width) and Randolph Street (120 feet wide), originally part of Lots 42 thru 44, part of Lot 88, and the public alley (20 feet wide, lying between said Lots) of the "Plan of Section Numbered One of the City of Detroit, in the Territory of Michigan, confirmed by the Governor and Judges", as recorded in Liber 34, Page 550 of City Records, being more particularly described as: Beginning at the intersection of the west line of Randolph Street, 120 feet wide, with the south line of Congress Street, 60 feet wide, thence N. 30° 10' 04" W., along the west line of Randolph Street, 7.40 feet; thence S. 59° 52' 01" W., 160.00 feet; thence S. 30° 10' 04" E., 7.40 feet (to the south line of Congress Street); thence, along said south line of Congress Street, N. 59° 52' 01" E., 160.00 feet to the point of beginning, containing 1.184 square feet or 0.0272 acres, more or less; subject to an "Agreement and Grant of Easement" for the City of Detroit, a Michigan municipal corporation.

Be It Finally Resolved, that the vacation of the Public Rights-of-Way and execution of the quit claim deeds by the Finance Director, in favor of the City of Detroit Downtown Development Authority authorized under this Resolution, shall only be effective simultaneously with the purchase by the City of Detroit Downtown Development Authority from the City of Detroit of the property commonly referred to as the "Bates Block," which is bounded by Bates, Congress, Larned and Woodward; the two agreements and grants of easement referred to hereinabove shall be executed and recorded simultaneously with the above-referenced quit claim deeds.

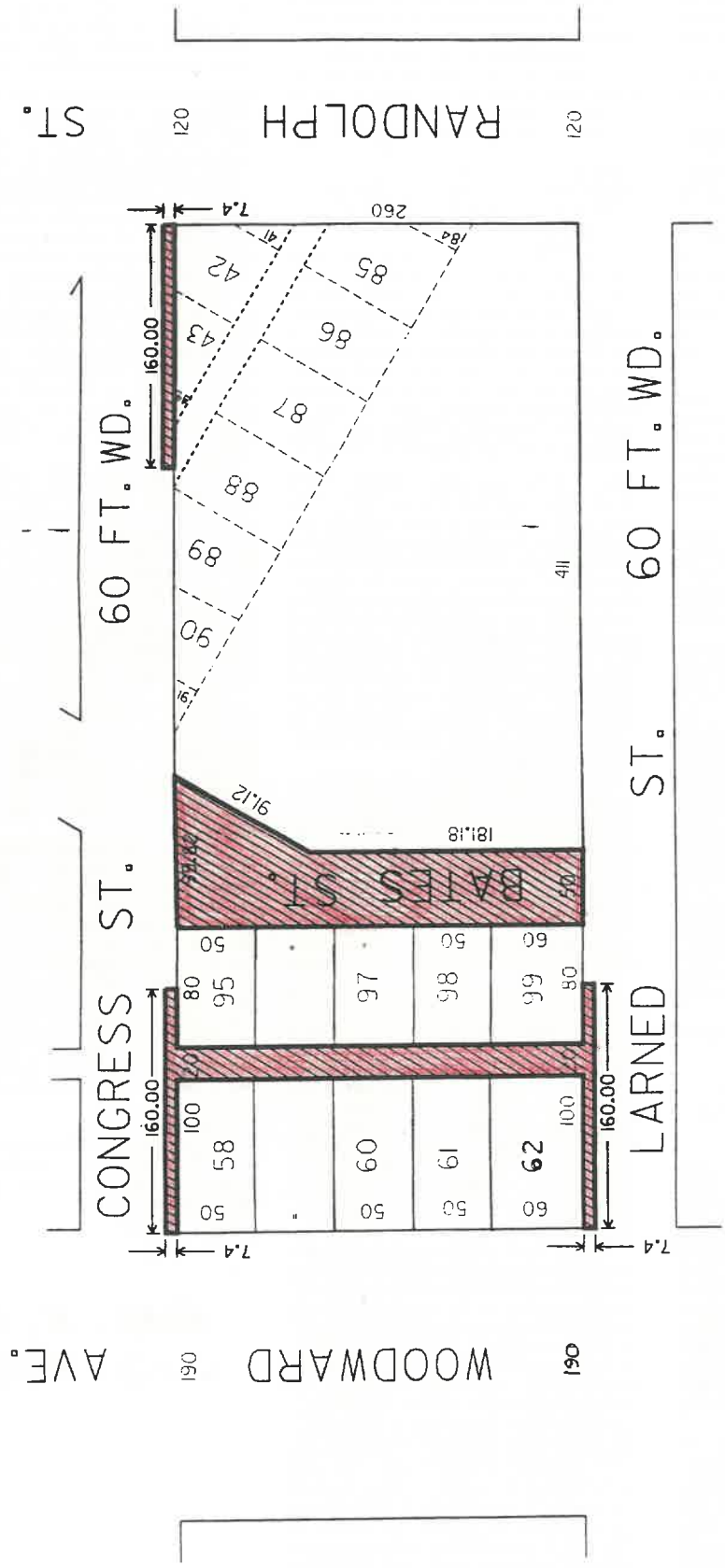
Adopted as follows:
Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 9.
Nays — None.
RECONSIDERATION (No. 11), per Motions before Adjournment.

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LIBER 24575 PGS. 124-129
INSTRUMENT NO. 90-045478 W.C.R.

THIRD REVISION

LARNED-BATES REHABILITATION PROJECT
GERALD D. HINES INTERESTS
C/O DEBORAH E. FISHER
(313) 256-7801



REQUESTED AREA FOR OUT-RIGHT VACATION



SCALE: 1"=50'