

**DEPARTMENTAL REFERENCE COMMUNICATION**

Thursday, September 21, 2006

To: *The Department or Commission Listed Below*

From: *Janice M. Winfrey, Detroit City Clerk*

The following petition is herewith referred to you for report and recommendation to the City Council.

In accordance with that body's directive, kindly return the same with your report in duplicate within four (4) weeks.

**DPW - CITY ENGINEERING DIVISION**

954 *Michigan Foundation Company, Inc., request vacation of and conversion into easement Macon Street, as a public street, from lots 48 through 53 (west) and 62 through 56 (east).*

14  
CED  
TED  
NOEL  
9-27-06

200 Coleman A. Young Municipal Center • Detroit, Michigan 48226-3400  
(313) 224-3260 • Fax (313) 224-1466

PETITION OF MICHIGAN FOUNDATION COMPANY, INC.

TO THE HONORABLE MEMBERS  
OF THE CITY COUNCIL OF THE  
CITY OF DETROIT

DETROIT  
CITY CLERK  
RECEIVED  
MAY 11 1954

Your Petitioner, Michigan Foundation Company, Inc., a Michigan corporation, of 6618 French Road, Detroit, Michigan 48213 (hereinafter referred to as "Michigan Foundation") hereby petitions the City Council for appropriate approvals to vacate Macon Street as a public street from Lots 49 through 53 to the west and Lots 62 through 56 to the east as depicted on the drawing attached as Exhibit A. *And convert to easement for utilities*

In support of this Petition, the following information is submitted:

1. The above-referenced fourteen (14) lots ("Macon Adjacent Lots") are located in the City of Detroit and are directly adjacent to Michigan Foundation's existing concrete plant located at 6618 French Road, Detroit, Michigan. The Macon Adjacent Lots are part of a larger twenty-three (23) lot assemblage of which nineteen (19) lots were purchased from the City of Detroit, two (2) lots were purchased from the County of Wayne and two (2) lots were purchased from the State of Michigan. The Macon Adjacent Lots are owned by the Petitioner and as evidence of the same, attached are copies of the Quit Claim Deed from the City of Detroit, Quit Claim Deeds from the County of Wayne and Quit Claim Deeds from the State of Michigan attached hereto as Exhibit B.
2. In addition, please see the attached drawing attached hereto as Exhibit C which provides a layout of the location of the Macon Adjacent Lots (i.e. Lots 49 through 53 to the west and Lots 62 through 56 to the east) as well as the balance of the lots in the project expansion area. We have also attached an aerial photograph of the Michigan Foundation concrete plant located at 6618 French Road, and the adjoining areas showing the general location of the Macon Adjacent Lots.
3. It is the intention of Michigan Foundation to expand the operations of

its current concrete plant by using Macon Street and the acquired lots to expand the parking and material storage areas for its adjacent operations and its fleet of concrete trucks. The vacation of Macon Street will allow for increased logistical efficiencies pertaining to loading and unloading of materials and product. The entire cost for the acquisition and the development of the expansion will be self funded by Michigan Foundation which has adequate funds to complete the improvements contemplated. The proposed facility improvements will include the demolition of any existing structures, clearing and leveling of the site, the installation of an aggregate base and fencing of the entire site. Work on the site will begin as soon as possible, weather permitting. It would be helpful if the matters requested herein are acted upon by the City as soon as possible as these contemplated improvements cannot proceed without the vacating of Macon Road.

4. The proposed development will add to the economic growth of the immediate area as well as return twenty three (23) lots to the tax rolls of the City of Detroit. The positive economic impact of the expansion project will be a benefit to all parties, but most especially to the City and the immediate neighborhood community.

5. Michigan Foundation shall pay for all construction costs and fees appropriately required for the vacating of Macon Street.

6. Michigan Foundation shall reserve unto the City any easements required for the existing public utilities and pay for any costs appropriately required for any necessary relocation of said public utilities.

Michigan Foundation, therefore, respectfully requests that this Petition be submitted to the requisite City Departments for approval and that the City adopt appropriate resolutions approving the matters requested herein.

Respectfully submitted,

MICHIGAN FOUNDATION COMPANY, INC,  
a Michigan corporation

By:

---

Its:

DATED: September \_\_\_\_, 2006

Prepared by:

BARRIS, SOTT, DENN & DRIKER, P.L.L.C.  
211 West Fort Street - Fifteenth Floor  
Detroit, MI 48226-3281

f:\documents\stefanv-oth\0315611.03

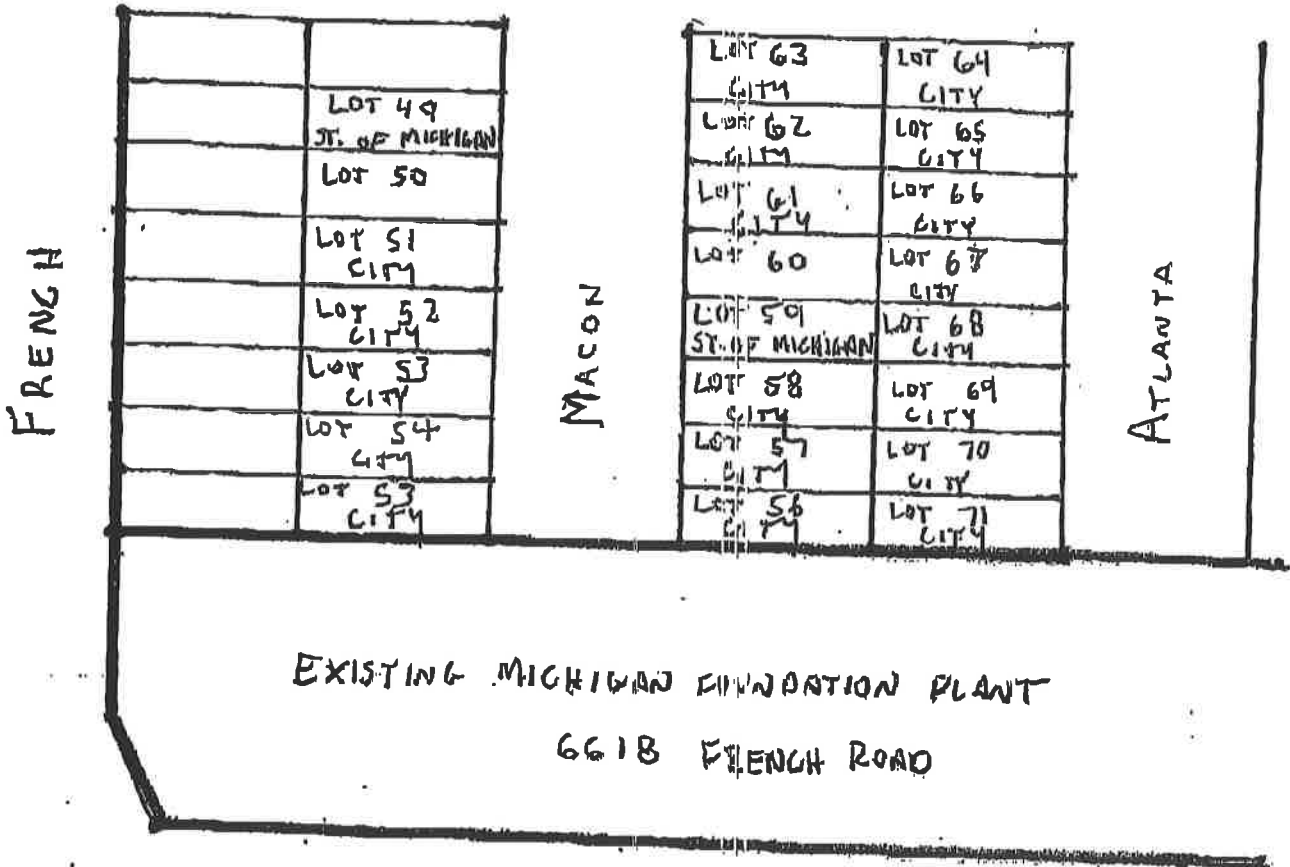


EXHIBIT A

QUIT CLAIM DEED

The City of Detroit, a Michigan public body corporate whose address is 2 Woodward, Detroit, MI 48226 quit claims to Michigan Foundation Company, Inc., a Michigan Corporation, whose address is 211 W. Fort, Detroit Michigan 48226, the premises located in the City of Detroit, Wayne County, Michigan, described as:

s/k/a 9102, 9103, 9108, 9113, 9114, 9119, 9125, 9132, 9138 and 9142 Macon also 9103, 9109, 9115, 9121, 9127, 9131, 9139 and 9145 Athana

19/003674, 003687.001, 003674, 003685, 003675, 003685, 003684, 003678, 003679, 003680, 003672, 003671, 003670, 003669, 003658, 003667, 003666, 003665 (see attachment)

(The "Property"), for the sum of Eighty Six Thousand One Hundred Dollars and No Cents (\$86,100.00) subject to and reserving to Grantor its rights under public easements and rights of way, easements of record, applicable zoning ordinances, development plans pursuant to Act 344 of 1945 as amended (if any), and restrictions of record.

The estate conveyed by this deed is a fee simple subject to a condition subsequent such that if Purchaser has not obtained a Certificate of Acceptance for the construction/expansion of Property as described by the City Council Resolution referenced below within 12 months from the date of this Deed, then title to the Property shall revert to the Grantor upon the Grantor recording a notice of default. The condition subsequent shall be deemed released upon recording of an affidavit by the authorized agent of the Grantor stating that the condition is released, or upon the Purchaser recording an affidavit with an attached copy of the Certificate of Acceptance for the Property prior to the City recording a notice of default. The condition subsequent and the Grantor's Reverter interest in the Property are specifically subject to a bona fide first mortgage lien securing purchase and/or construction financing for the Property if the mortgage is held by a state or federally chartered institution or is insured or guaranteed by an agency of the federal government. If the Property is rented for residential occupancy, the Property must be registered as a rental property pursuant to Ordinance 379-H (Detroit City Code § 26-3-42.5).

LAMONT HILL CORPORATION

WITNESSES:

Talina Winston  
Print: Talina Winston  
Gladys Alexander  
Print: Gladys Alexander

GRANTOR: CITY OF DETROIT, a Michigan public body corporate

By: [Signature]  
Print: O'Neal Edwards  
Executive Manager

STATE OF MICHIGAN )  
                                  )ss.  
COUNTY OF WAYNE )

The foregoing instrument was acknowledged before me on JUNE 29, 2005, by O'Neal Edwards, the Executive Manager of the City of Detroit, a Michigan public body corporate, on behalf of the City.

MARGARET NEAL  
NOTARY PUBLIC WAYNE CO., MI  
MY COMMISSION EXPIRES APR 26, 2007

[Signature]  
Print: Margaret Neal  
Notary Public, Wayne County, Michigan  
My commission expires: April 26, 2007

Pursuant to 48-5-12 of the Detroit City Code, I hereby certify that proper and fair consideration has been received by the City pursuant to this instrument.

[Signature]  
Finance Director DEPUTY MATTHEW A. GRADY, II  
This deed is dated as 6/27/05

Approved by City Council on 05/18/05 JCC pp \_\_\_\_\_ or  
Detroit Legal News, 05/23/05, pp. 13  
Approved by Mayor on 1/1

Approved as to form:  
[Signature]  
Corporation Counsel T.A. BECKETT

This Instrument Drafted by:  
O'Neal Edwards  
Planning and Development Department Real Estate Division  
65 Cadillac Square Ste. 1100  
Detroit, MI 48226

NO REVENUE ATTACHED

When recorded, return to:  
Michigan Foundation Company, Inc.  
211 W. Fort  
Detroit, Michigan 48226  
\* James S. Fontichiaro, Esq.  
Barris, Spink, Dunn & Drucker, P.C.  
211 W. Fort, Ste. 1500  
Detroit, MI 48226-3281

Exempt from trans.


EXHIBIT B

ATTACHMENT

Land in the City of Detroit, County of Wayne and State of Michigan being: Lots 51 thru 58 and Lots 61 thru 71, inclusive; Bessinger & Moore's Graciot Avenue Subdivision No. 2 of part of Private Claim 12 and part of Fractional Section 22 and 23, T. 1 S., R. 12 E., Graciot Township, Wayne County, Michigan. Rec'd L. 28, P. 30 Plats, W.C.R.

DESCRIPTION CORRECTED  
ENGINEER OF SURVEYS

By 

6-9-05  
PER ASSESSORS 

W/da 9102, 9103, 9108, 9113, 9114, 9119, 9125, 9132, 9138, and 9142 Macomb, also 9103, 9109, 9115, 9121, 9123, 9131, 9139 and 9145 Atlanta  
Ward 19 Item 003673, 003687.001, 003674, 003686, 003675, 003685, 003684, 003678, 003679, 003680, 003672, 003671, 003670, 003669, 003668, 003667, 003666, 003665

MP:tw

When recorded returning to:  
Lamont Title Corporation  
500 Griswold Street, Suite #2100  
Detroit, Michigan 48226

QUIT CLAIM DEED

Raymond J. Wojtowicz, Treasurer of the Charter County of Wayne, Michigan, hereinafter called the Grantor, whose address is 400 Monroe, Suite 520, Detroit, Michigan 48226, conveys and quit claims to Michigan Foundation Company, Inc., whose address is 6618 French Road, Detroit, Michigan 48213, hereinafter called the Grantee, the following described premises located in the City of Detroit, Wayne County, Michigan:

Tax Parcel I.D. #: 19-003683

Legal Description: <sup>LOT</sup> W MACON 50 BESSENGER & MOORES (FRATIOT AVE SUB NO 2 L28 P30 PLATS, WCR 19/412 30X100.

Commonly known as: 9131 Macon, Detroit, MI

For the full consideration of \$1,000.00 Dollars.

This conveyance is exempt from taxes pursuant to MCL 207.505(h)(i) and 207.526 (h)(i).

Date: May 15, 2006

In Witness Whereof the Grantor, has signed the day and year first above written.



Raymond J. Wojtowicz  
Wayne County Treasurer

STATE OF MICHIGAN     )  
                                          )ss  
COUNTY OF WAYNE     )

The foregoing instrument was acknowledged before me on this 15<sup>th</sup> day of May, 2006, by Raymond J. Wojtowicz, Wayne County Treasurer.

  
Notary Public, Wayne County Michigan  
My Commission Expires: 6/16/07

Prepared by Wayne County Treasurer  
400 Monroe Street  
Detroit, Michigan 48226

When recorded return to: Wayne County Treasurer  
400 Monroe Street, Detroit, Michigan 48226  
Send subsequent tax bills to: Michigan Foundation Company, Inc., 6616 French Road,  
Detroit, MI 48213

R. Q. O. 96R/PA SECH) NO Revenue Attached



**QUIT CLAIM DEED**

Raymond J. Wojtowicz, Treasurer of the Charter County of Wayne, Michigan, hereinafter called the Grantor whose address is 400 Monroe, Suite 520, Detroit, Michigan 48226, conveys and quit claims to Michigan Foundation Company, Inc., whose address is 6618 French Road, Detroit, Michigan 48213, hereinafter called the Grantee, the following described premises located in the City of Detroit, Wayne County, Michigan:

Tax Parcel I.D. #: 19-003677

Legal Description: E MACON <sup>LOT</sup> 60 BESSENGER & MOORE'S GRATIOT AVE SUB NO 2 L28 P30 PLATS, WCR 19/412 30X100.

Commonly known as: 9126 Macon, Detroit, MI

For the full consideration of \$750.00 Dollars.

This conveyance is exempt from taxes pursuant to MCL 207.506(h)(i) and 207.526 (h)(i).

Date: May 15, 2006

In Witness Whereof the Grantor, has signed the day and year first above written.



Raymond J. Wojtowicz  
Wayne County Treasurer

STATE OF MICHIGAN )  
                                  )ss  
COUNTY OF WAYNE )

The foregoing instrument was acknowledged before me on this 15<sup>th</sup> day of May, 2006, by Raymond J. Wojtowicz, Wayne County Treasurer.



Notary Public, Wayne County Michigan  
My Commission Expires: 6/16/07

Prepared by Wayne County Treasurer  
400 Monroe Street, Detroit, Michigan 48226

When recorded return to: Wayne County Treasurer  
400 Monroe Street, Detroit, Michigan 48226  
Send subsequent tax bills to: Michigan Foundation Company,  
Inc., 6616 French Road, Detroit, MI 48213

*RAY JOWICZ SECH NO Revenue Attached*

QUITCLAIM DEED

THE STATE OF MICHIGAN, by the MICHIGAN LAND BANK FAST TRACK AUTHORITY, Grantor, whose address is Michigan Department of Labor & Economic Growth, Michigan Land Bank Fast Track Authority, 300 North Washington Square, Lansing, Michigan, 48913, by authority of MCL 124.751 et seq., and 2003 PA 258, for the sum of Five Thousand and No/100 Dollars (\$5,000.00), paid by Michigan Foundation Company, Inc. Grantee, a Michigan Corporation, whose address is, 6618 French Road, Detroit, Michigan 48213, QUITCLAIMS to Grantee the following described Real Property (Property) in the City of Detroit, County of Wayne, State of Michigan: See Exhibit "A" for Property Description on Ward 19 Item 3682

Subject to the exceptions, reservations and encumbrances set forth below, if any. Subject to all easements and restrictions and rights of way of record.

If Grantee fails to complete the construction/expansion of all the property in Exhibit A by 5:00 p.m., eighteen months from the date of this signed quitclaim deed, Grantor may re-enter each parcel that is not developed. If Grantee or any successor grantee fails to promptly surrender possession of any parcel to Grantor, the Attorney General may bring an action to quiet title to and regain possession of the property. Grantor shall be entitled to any and all improvements on the property and shall not be liable to reimburse any party for the cost of any improvements.

The Property may be located within the vicinity of farm land or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right To Farm Act, MCL 286.471 et seq.

The terms of this conveyance apply to the administrators, successors, and assigns of the parties.

**NO REVENUE ATTACHED**

QCO 8495 E (H) S

STATE OF MICHIGAN  
Land Bank Fast Track Authority

By: Semone M. James  
Semone M. James  
Its: Executive Director

Date: 3-31-2006

STATE OF MICHIGAN )  
COUNTY OF INGHAM ) ss

The instrument was acknowledged before me this 31st day of March, 2006 by Semone M. James, Executive Director of the Michigan Land Bank Fast Track Authority, a public body corporate and politic, on behalf of the State of Michigan.



Michigan Land Bank  
Fast Track Authority

Susan Sibrel  
Signature

Susan Sibrel

Printed name exactly as it appears on notary public certificate of appointment  
Notary Public, State of Michigan, County of Clinton  
My commission expires 10-13-2012  
Acting in the County of Ingham

This Instrument Drafted By:  
Jeff Huntington, Property Analyst  
Michigan Land Bank Fast Track Authority  
(517) 335-2095

Legal Description Reviewed By:  
Susan Sibrel, Special Assistant  
Michigan Land Bank Fast Track Authority  
(517) 241-4659

After Recording, Return To:  
Michigan Land Bank Fast Track Authority  
Semone M. James, Executive Director  
300 North Washington Square  
Lansing, Michigan 48913

THIS INSTRUMENT IS EXEMPT FROM THE REAL ESTATE TRANSFER TAX ACT IMPOSED BY MCL 207.505(h) AND THE REAL ESTATE TRANSFER TAX ACT IMPOSED BY MCL 207.526(h). THIS INSTRUMENT MAY BE RECORDED WITH THE REGISTER OF DEEDS OFFICE IN THE COUNTY IN WHICH THE PROPERTY IS LOCATED WITHOUT PAYMENT OF A FEE PURSUANT TO MCL 124.757(3).

es:wb/ac/ga/2005032587A/qed

Exhibit A

**County of Wayne, State of Michigan:**

**City of Detroit**

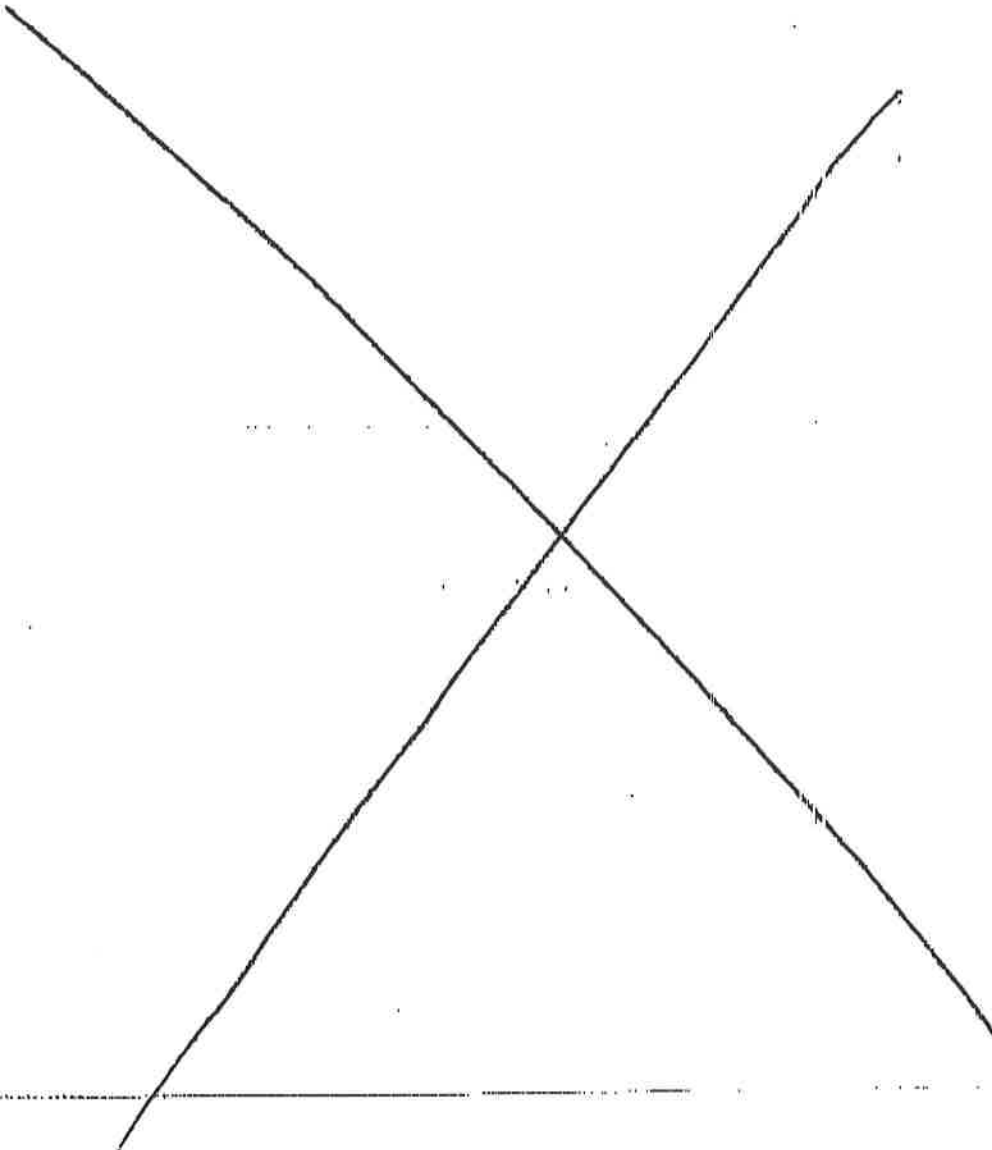
**WARD 19**

Bessenger & Moore's Gratiot ave sub #2 of pt of PC 12 & pt of frac sec 22-23, T1S R12E, Gratiot.

Wayne, MI - Liber 28, Page 30

Lot 49 W.Macon

Item 3682



**LAND BANK FAST TRACK ACT**  
**Act 258 of 2003**

AN ACT to provide for the creation of land bank fast track authorities to assist governmental entities in the assembly and clearance of title to property in a coordinated manner; to facilitate the use and development of certain property; to promote economic growth; to prescribe the powers and duties of certain authorities; to provide for the creation and appointment of boards to govern land bank fast track authorities and to prescribe their powers and duties; to authorize the acquisition, maintenance, and disposal of interests in real and personal property; to authorize the conveyance of certain properties to a land bank fast track authority; to authorize the enforcement of tax liens and the clearing or quieting of title by a land bank fast track authority; to provide for the distribution and use of revenues collected or received by a land bank fast track authority; to prescribe powers and duties of certain public entities and state and local officers and agencies; to authorize the transfer and acceptance of property in lieu of taxes and the release of tax liens; to exempt property, income, and operations of a land bank fast track authority from tax; to extend protections against certain liabilities to a land bank fast track authority; and to repeal acts and parts of acts.

*History: 2003, Act 258, Imd. Eff. Jan. 5, 2004.*

*The People of the State of Michigan enact:*

**CHAPTER I**  
**GENERAL PROVISIONS**

**124.751 Short title.**

Sec. 1. This act shall be known and may be cited as the "land bank fast track act".

*History: 2003, Act 258, Imd. Eff. Jan. 5, 2004.*

**124.752 Legislative findings.**

Sec. 2. The legislature finds that there exists in this state a continuing need to strengthen and revitalize the economy of this state and local units of government in this state and that it is in the best interests of this state and local units of government in this state to assemble or dispose of public property, including tax reverted property, in a coordinated manner to foster the development of that property and to promote economic growth in this state and local units of government in this state. It is declared to be a valid public purpose for a land bank fast track authority created under this act to acquire, assemble, dispose of, and quiet title to property under this act. It is further declared to be a valid public purpose for a land bank fast track authority created under this act to provide for the financing of the acquisition, assembly, disposition, and quieting of title to property, and for a land bank fast track authority to exercise other powers granted to a land bank fast track authority under this act. The legislature finds that a land bank fast track authority created under this act and powers conferred by this act constitute a necessary program and serve a necessary public purpose.

*History: 2003, Act 258, Imd. Eff. Jan. 5, 2004.*

**124.753 Definitions.**

Sec. 3. As used in this act:

- (a) "Authority" means a land bank fast track authority created under section 15, section 23(4), or section 23(5).
- (b) "Authority board" means the board of directors of the state authority appointed under section 16.
- (c) "Casino" means a casino regulated by this state under the Michigan gaming control and revenue act, the Initiated Law of 1996, MCL 432.201 to 432.226, or a casino at which gaming is conducted under the Indian gaming regulatory act, Public Law 100-497, 102 Stat. 2467, and all property associated or affiliated with the operation of the casino, including, but not limited to, a parking lot, hotel, motel, or retail store.
- (d) "County authority" means a county land bank fast track authority created by a county foreclosing governmental unit under section 23(4).
- (e) "Department" means the department of labor and economic growth, a principal department of state government created by section 225 of the executive organization act of 1963, 1965 PA 380, MCL 16.325, and renamed by Executive Order No. 1996-2, MCL 445.2001, and by Executive Order No. 2003-18.
- (f) "Foreclosing governmental unit" means that term as defined in section 78 of the general property tax act, 1893 PA 206, MCL 211.78.
- (g) "Fund" means the land bank fast track fund created in section 18.

Rendered Wednesday, October 05, 2005

Page 1 Michigan Compiled Laws Complete Through PA 120, and 125 of 2005

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Courtesy of [www.legislature.mi.gov](http://www.legislature.mi.gov)

interest in that property, including, but not limited to, future instalments of special assessments, liens recorded by this state, or restrictions imposed under the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106, easements or rights-of-way, private deed restrictions, security interests and mortgages, or tax liens of other taxing jurisdictions or a foreclosing governmental unit that does not consent to a release of their liens.

(6) A tax lien against property held by or under the control of an authority may be released at any time by 1 or more of the following:

(a) The governing body of a local unit of government with respect to a lien held by the local unit of government.

(b) The governing body of any other taxing jurisdiction other than this state with respect to a lien held by the taxing jurisdiction.

(c) A foreclosing governmental unit with respect to a tax lien or right to collect a tax held by the foreclosing governmental unit.

(d) The state treasurer with respect to a tax lien securing the state education tax under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906.

History: 2003, Act 258, Imd. Eff. Jan. 5, 2004.

#### **124.757 Disposition of property by authority; inventory and classification of property; title status and suitability for use; recording property transfer.**

Sec. 7. (1) Except as an authority otherwise agrees by intergovernmental agreement or otherwise, on terms and conditions, and in a manner and for an amount of consideration an authority considers proper, fair, and valuable, including for no monetary consideration, the authority may convey, sell, transfer, exchange, lease as lessor, or otherwise dispose of property or rights or interests in property in which the authority holds a legal interest to any public or private person for value determined by the authority. If the department of environmental quality determines that conditions on a property transferred to an authority under section 78m(15) of the general property tax act, 1893 PA 206, MCL 211.78m, represent an acute threat to public health, safety, and welfare, or to the environment, the authority shall not convey, sell, transfer, exchange, lease, or otherwise dispose of the property until after a determination by the department of environmental quality that the acute threat has been eliminated and that conveyance, sale, transfer, exchange, lease, or other disposal of the property by the authority will not interfere with any response activities by the department. The transfer and use of property under this section and the exercise by the authority of powers and duties under this act shall be considered a necessary public purpose and for the benefit of the public.

(2) All property held by an authority shall be inventoried and classified by the authority according to title status and suitability for use.

(3) A document, including, but not limited to, a deed, evidencing the transfer under this act of 1 or more parcels of property to an authority by this state or a political subdivision of this state may be recorded with the register of deeds office in the county in which the property is located without the payment of a fee.

History: 2003, Act 258, Imd. Eff. Jan. 5, 2004.

#### **124.758 Receipt of tax, penalty, or interest payments; return to local tax collecting unit; retention of proceeds.**

Sec. 8. (1) Money received by an authority as payment of taxes, penalties, or interest, or from the redemption or sale of property subject to a tax lien of any taxing unit shall be returned to the local tax collecting unit in which the property is located for distribution on a pro rata basis to the appropriate taxing units in an amount equal to delinquent taxes, penalties, and interest owed on the property, if any.

(2) Except as otherwise provided in this act, as required by other law, as required under the provisions of a deed, or as an authority otherwise agrees, any proceeds received by the authority may be retained by the authority for the purposes of this act.

History: 2003, Act 258, Imd. Eff. Jan. 5, 2004.

#### **124.759 Expedited quiet title and foreclosure action; procedure.**

Sec. 9. (1) An authority may initiate an expedited quiet title and foreclosure action under this section to quiet title to real property held by the authority or interests in tax reverted property held by the authority by recording with the register of deeds in the county in which the property subject to expedited quiet title and foreclosure is located a notice of pending expedited quiet title and foreclosure action in a form prescribed by the department of treasury. The notice shall include a legal description of the property, the street address of the property if available, the name, address, and telephone number of the authority, a statement that the property is subject to expedited quiet title proceedings and foreclosure under this act, and a statement that any

Revised Wednesday, October 05, 2005

Page 9 Michigan Compiled Laws Complete Through PA 120, and 126 of 2005

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Courtesy of [www.legislature.mi.gov](http://www.legislature.mi.gov)

2004 DEC 21 A 8:54

BERNARD J. YOUNGBLOOD  
REGISTER OF DEEDS  
WAYNE COUNTY, MI.

**AFFIDAVIT OF JURISDICTIONAL TRANSFER OF LAND FROM  
THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES TO THE MICHIGAN LAND BANK  
FAST TRACK AUTHORITY PURSUANT TO 2003 PA 258**

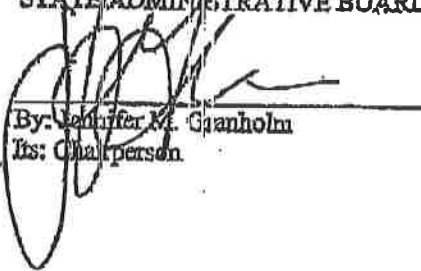
Doc. No. 506773

The State Administrative Board, as authorized by 2003 PA 258 transfers jurisdiction, possession and control of certain tax reverted state owned land, previously under the jurisdiction, possession and control of the Michigan Department of Natural Resources to the Michigan Land Bank Fast Track Authority on this 13<sup>th</sup> day of December, 2004.

The transferred land is located in Wayne County, Michigan and described in attached Exhibit A, pages 1 through 9.

The information above is true and complete to the best of my knowledge.

STATE OF MICHIGAN  
STATE ADMINISTRATIVE BOARD

  
By: Jennifer M. Granholm  
Its: Chairperson

State of Michigan)

County of Ingham)

This instrument was acknowledged before me on this 13<sup>th</sup> day of December, 2004, by Jennifer M. Granholm, Chairperson of the State Administrative Board, on behalf of the State of Michigan.

Signature: Sherry A. Hicks  
Notary Public, State of Michigan, County of DeLland  
My Commission expires: 3/27/08  
Acting in the County of Ingham

SHERRY A. HICKS  
Notary Public, State of Michigan  
County of Oakland  
My Commission Expires Mar. 27, 2008  
Acting in the County of Ingham

The information above is true and complete to the best of my knowledge.

STATE OF MICHIGAN  
STATE ADMINISTRATIVE BOARD

Sherry Bond  
By: Sherry Bond  
Its: Secretary

State of Michigan)

County of Ingham)

This instrument was acknowledged before me on this 9<sup>th</sup> day of DECEMBER, 2004 by Sherry Bond, Secretary of the State Administrative Board, on behalf of the State Administrative Board.

Signature Roxanne R. Pittman  
**ROXANNE R. PITTMAN**  
Notary Public, State of Michigan, County of Eaton  
My Commission expires: 9-15-2006  
Acting in the County of INGHAM

ROXANNE R. PITTMAN  
NOTARY PUBLIC EATON CO., MI  
MY COMMISSION EXPIRES Sep 15, 2006  
ACTING IN INGHAM COUNTY, MI

This Instrument Was Drafted and Property Legal Description Reviewed By:

Walter Lam  
Office of Land and Facilities  
Michigan Department of Natural Resources  
P.O. Box 30448  
Lansing, MI 48909-7948

After Recording, Return To:

Executive Director, Michigan Land Bank Fast Track Authority  
Michigan Department of Labor & Economic Growth  
P. O. Box 30004  
Lansing, MI 48909

This Instrument Is Exempt From Real Estate Transfer Taxes  
Pursuant To Section 5(h) of 1966 PA 134, MCL 207.505(h),  
and Section 6(h)(i) of 1993 PA 330, MCL 207.526(h)(i).

This Instrument Is Exempt From Recording Fees  
Pursuant To Section 7(3) of 2003 PA 258, MCL 124.157(3).

[Names of all signatories must be typed or legibly printed beneath their signatures]



Bessenger & Moore Gratiot Ave Sub of Sec. 22, known as PC 12, T1S R12E. - Liber 26, Page 55  
Lot 110 N.Bessemore  
Item 2246

LOT 203 S.Bessemore  
Item 2175

Lot 403 W.McClellan  
Item 7015

Lot 139; W 10 ft Lot 138 N.Bessemore  
Item 2221

Bessenger & Moore's Gratiot ave sub #2 of pt of PC 12 & pt of frac sec 22-23, T1S R12E, Gratiot,  
Wayne, MI - Liber 28, Page 30  
Lot 49 W.Macon  
Item 3682

Lot 224 S.Knodell  
Item 2609

Brandon's Sub of that part of PCs 337 & 257 bet Jefferson Ave & Mack St & W of the E line of Cadillac  
Bld - Liber 9, Page 32  
S 40 ft Lot 169 E.Pennsylvania  
Item 5508

Lot 149 E.Pennsylvania  
Item 5529

N 14 ft Lot 125; S 22 ft Lot 124 E.Pennsylvania  
Item 5557

Burchill's sub of pt of lots 11-18 & lots 21-28 inclusive of Christy's sub of pt of PC's 257, 337 & 725 & pt. of  
frac sec's 22-23 T1 - Liber 30, Page 35  
N 1/2 Lot 11; N 1/2 Lot 12 W.Hurlbut  
Item 4586

Burton & Dalby's Gratiot Ave Sub of part of Sec's 22 & 23 known as PC 12, T1S R12E. - Liber 29, Page  
96  
S 15 ft Lot 7; Lot 8 W.Grace  
Item 3780

Lot 29 E.Milner  
Item 3801

Lot 179 W.Raymond  
Item 4065

Lot 58 E.Armour  
Item 3860

Lot 135 W.Culver  
Item 4005

Christy Sub of a part of PC 10 N of Gratiot Ave. - Liber 16, Page 86  
Lots 1 & 2 N.Gratiot  
Item 1707

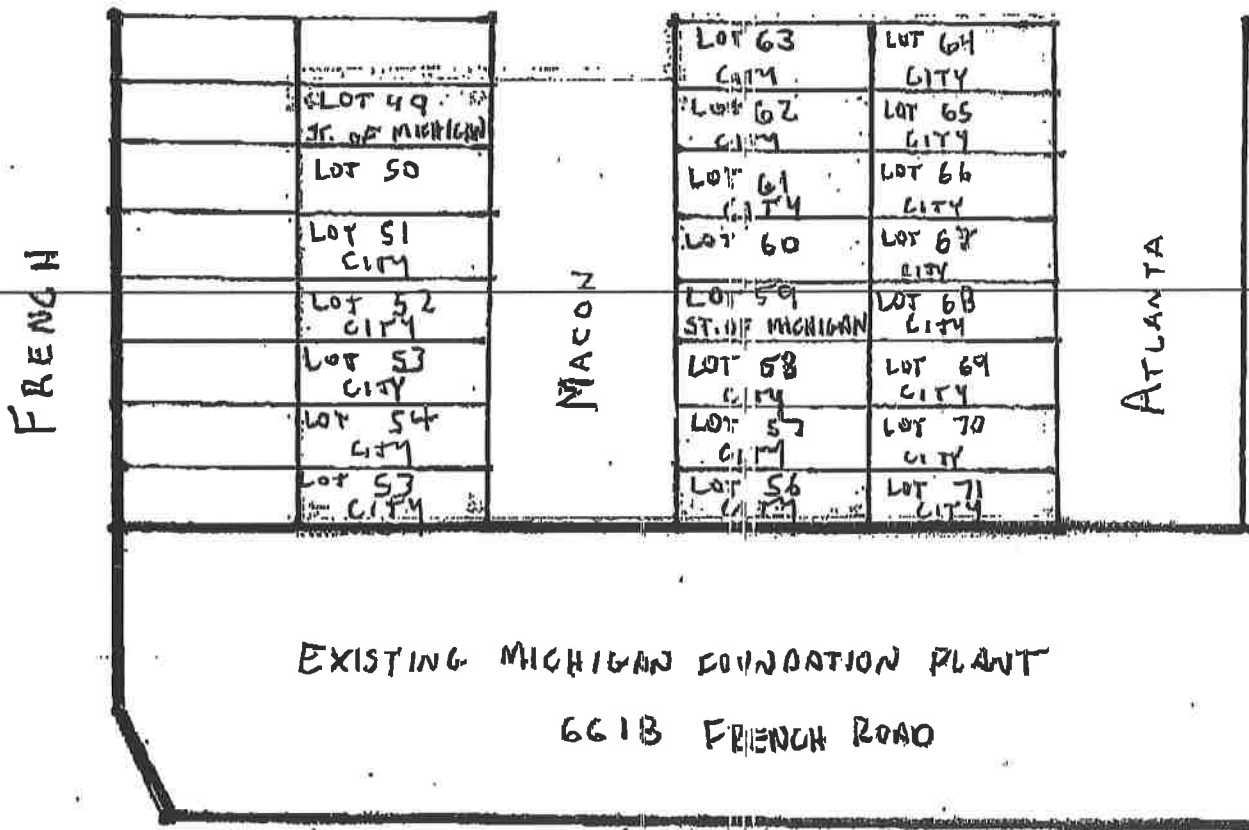


EXHIBIT C

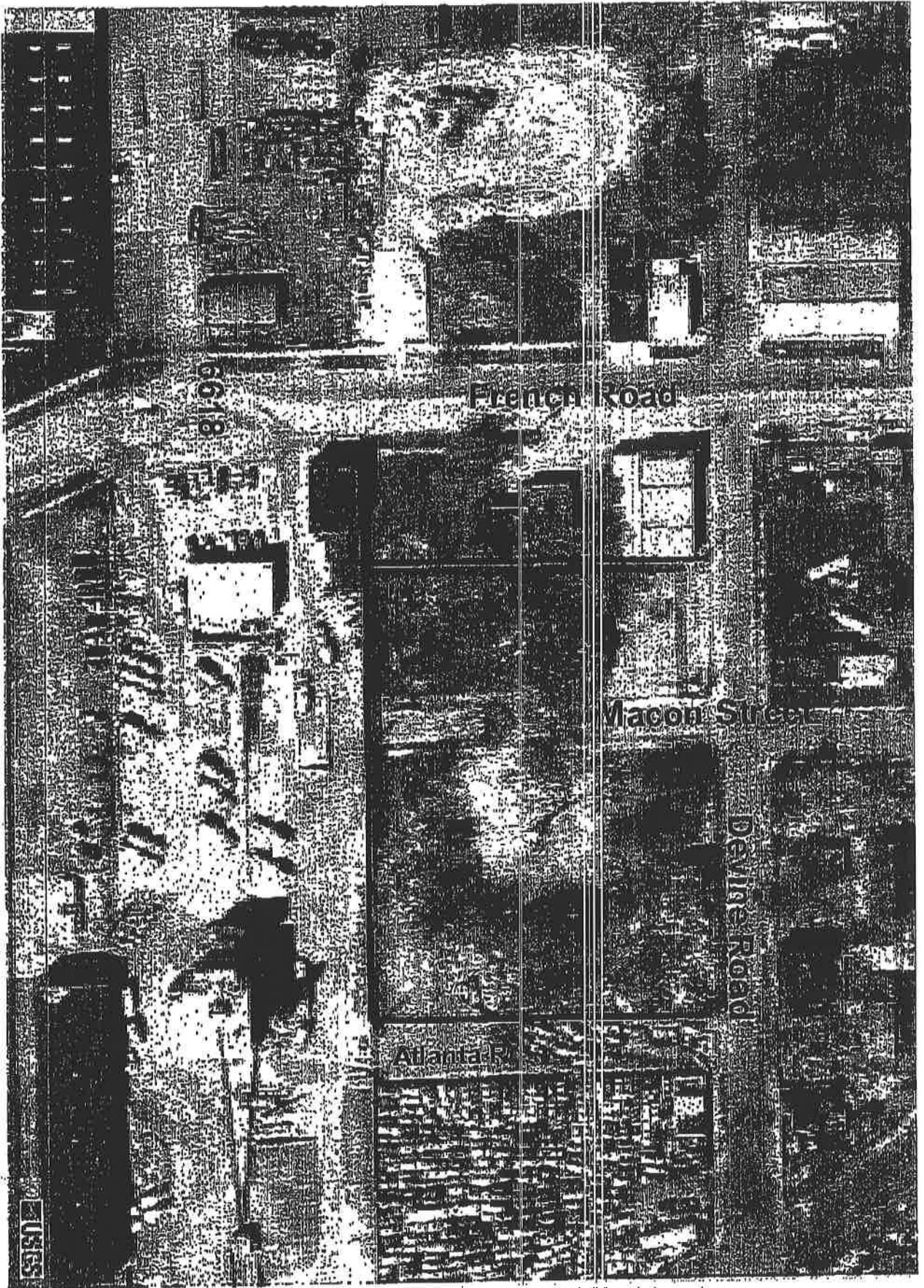


EXHIBIT C

2 Woodward, Suite 513  
Coleman A. Young Municipal Center  
Detroit, Michigan 48226  
(313) 224-3901  
(313) 224-1484 - fax

**City of Detroit  
Department of  
Public Works**

# Fax

To: NOEL PERRY From: JESSIE  
Fax: 224-3471 Pages: 19  
Phone: 224-3930 Date: 3-15-07  
Re: \_\_\_\_\_ CC: \_\_\_\_\_

- Urgent     For Review     Please Comment     Please Reply     Please Recycle

• Comments:

March 15, 2007

Honorable City Council:

RE: Petition No. 954 – Michigan Foundation Company Inc, request to close Macon Street in the area of Devine and French Road.

Petition No. 954 of “Michigan Foundation Company Inc” whose address is 211 West Fort, Detroit, Michigan - 48226 request to conversion of a portion of Macon Street, 50 feet wide South of Devine Avenue into a private easement for utilities. This request will facilitate Michigan Foundation to expand the concrete plant, parking, and material storage areas. Also the request will allow for an increase in logistical efficiencies for loading and unloading of materials and products.

The request was approved by the Solid Waste Division – DPW, and the Traffic Engineering Division – DPW. The petition was referred to the City Engineering Division – DPW for investigation (utility review) and report. This is our report.

All City departments and privately owned utility companies have reported no objections to the conversion of public rights-of-way into private easements for public utilities. Provisions protecting utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,



Jessy Jacob, Interim City Engineer  
City Engineering Division – DPW

NRP/

Cc: Cathy Square, Director – DPW  
Mayor’s Office – Kandia Milton, City Council Liaison

BY COUNCIL MEMBER \_\_\_\_\_

RESOLVED, all that part of Macon Street, 50 feet wide, South of Devine Avenue, lying Easterly of and abutting the East line of Lots 49 through 55, both inclusive, and lying Westerly of and abutting the West line of Lots 56 through 62, both inclusive, all in the "Bessenger & Moore's Gratiot Avenue Subdivision No.2" part of Private Claim 12 and part of Fractional Section 22 and 23, T.1S., R.12E., Gratiot Township (now City of Detroit), Wayne County, Michigan, as recorded in Liber 28, Page 30 of Plats, Wayne County Records;

Be and the same is hereby vacated as a public street and is hereby converted into a private easement for public utilities of the full width of the street, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of the lots abutting on said street and by their heirs, executors, administrators and assigns, forever to wit:

First, said owners hereby grant to and for the use of the public easement or right-of-way over said vacated public street herein above described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or poles or things usually placed or installed in a public street in the City of Detroit, with the right to ingress and egress at any time to and over said easement for the purpose above set forth.

Second, said utility easement or right-of-way in and over said vacated street herein above described shall be forever accessible to the maintenance and inspection forces of the utility companies, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer, conduit, water main, gas line or main, telephone or light pole or any utility facility placed or installed in the utility easement or right-of-way. The utility companies shall have the right to cross or use the driveways and yards of the adjoining properties for ingress and egress at any time to and over said utility easement with any necessary equipment to perform the above mentioned task, with the understanding that the utility companies shall use due care in such crossing or use, and that any property damaged by the utility companies, other than that specifically prohibited by this resolution, shall be restored to a satisfactory condition.

Third, said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, retaining or partition walls, shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering Division – DPW.

Fourth, that if the owners of any lots abutting on said vacated street shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners.

Fifth, that if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, then in such event said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility; and further

PROVIDED, that the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds;

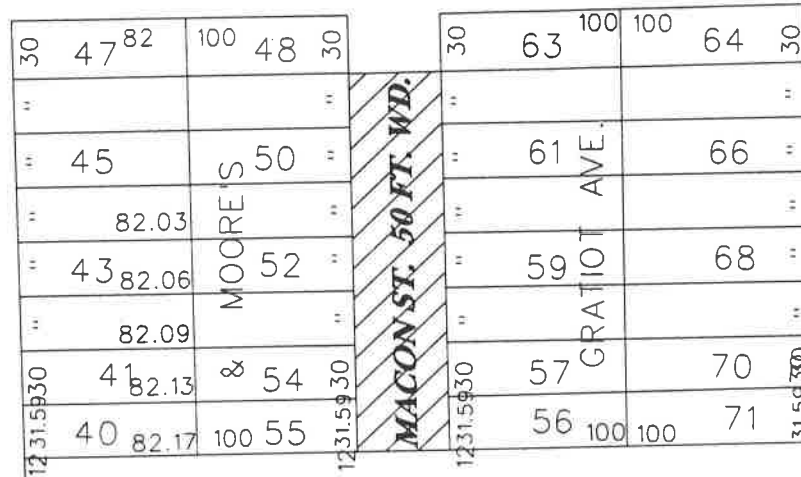
**PETITION NO. #954**  
**MICHIGAN FOUNDATION COMPANY, INC.**  
**6618 FRENCH RD.**  
**DETROIT, MI 48213**  
**c/o BARRIS, SCOTT, DENN & DRIKER, P.L.L.C.**  
**PHONE NO. 313- 965-9725**



# REVISION

**DEVINE AVE. 50 FT. WD.**

**FRENCH RD. 86 FT. WD.**



**ATLANTA 50 FT. WD.**



**-REQUESTED CONVERSION TO EASEMENT**

**(FOR OFFICE USE ONLY)**

**CARTO 57B**

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	CHECKED				
DATE	APPROVED				

**REQUESTED CONVERSION TO EASEMENT A PORTION OF MACON ST. 50 FT. WD. BTWN. FRENCH RD. AND ATLANTA.**

**CITY OF DETROIT**  
**CITY ENGINEERING DEPARTMENT**  
**SURVEY BUREAU**

**JOB NO. 01-01**

**DRWG. NO. x954.dgn**