

City of Detroit  
OFFICE OF THE CITY CLERK

Janice M. Winfrey  
City Clerk

Vivian A. Hudson  
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Thursday, April 19, 2007

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.

PLANNING AND DEVELOPMENT DEPARTMENT PUBLIC WORKS - CITY ENGINEERING DIV

1461 Michigan Foundation Company, Inc. and Stephen Land, for vacation of and conversion to easement public street (eight (8) lots) Atlanta Street adjacent lots; Atlanta and Macon, near French Road.

RECEIVED  
APR 27 2007

CITY ENGINEERING DIVISION  
500 CANNON TOWER  
DETROIT, MICHIGAN 48226-2673

TBD  
CED  
NOEL

DETROIT  
CITY CLERK

1461

JOINT PETITION OF <sup>53</sup>MICHIGAN FOUNDATION COMPANY, INC. AND <sup>PH</sup>STEVEN LAND

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

Your Petitioners, Michigan Foundation Company, Inc., a Michigan corporation, of 6618 French Road, Detroit, Michigan 48213 (hereinafter referred to as "Michigan Foundation"), and Steven Land, with an address of 10800 Devine Road, Detroit, Michigan 48213 hereby petition the City Council for appropriate approvals to vacate and convert to easement for utilities Atlanta Street as a public street from Lots 64 through 71 to the west and the Lot to the east owned by Steven Land as depicted on the drawing attached as Exhibit A.

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

1. The above-referenced eight (8) lots ("Atlanta 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 Atlanta Adjacent Lots are owned by Petitioner, Michigan Foundation and as evidence of the same, attached is a copy of the Quit Claim Deed from the City of Detroit. See Exhibit B. In addition, the Lot to the east is owned by Steven Land, and attached is a copy of his deed. See Exhibit B.

2. In addition, please see the attached drawing attached hereto as Exhibit A which provides a layout of the location of the Atlanta Adjacent Lots (i.e. Lots 64 through 71 to the west and the Lot 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 Atlanta Adjacent Lots and the Lot owned by Steven Land. See Exhibit C.

3. It is the intention of Michigan Foundation to expand the operations of its current concrete plant by using Atlanta 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 Atlanta 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.

4. The proposed development will add to the economic growth of the immediate area as well as return eight (8) 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. Petitioners shall pay for all construction costs and fees appropriately required for the vacating of Atlanta Street.

6. Michigan Foundation and Steven<sup>ph</sup> Land 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 and Steven<sup>ph</sup> Land, therefore, respectfully request 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: Rebecca King

Its: VICE PRESIDENT

Steven<sup>ph</sup> Land, an individual

Steven Land

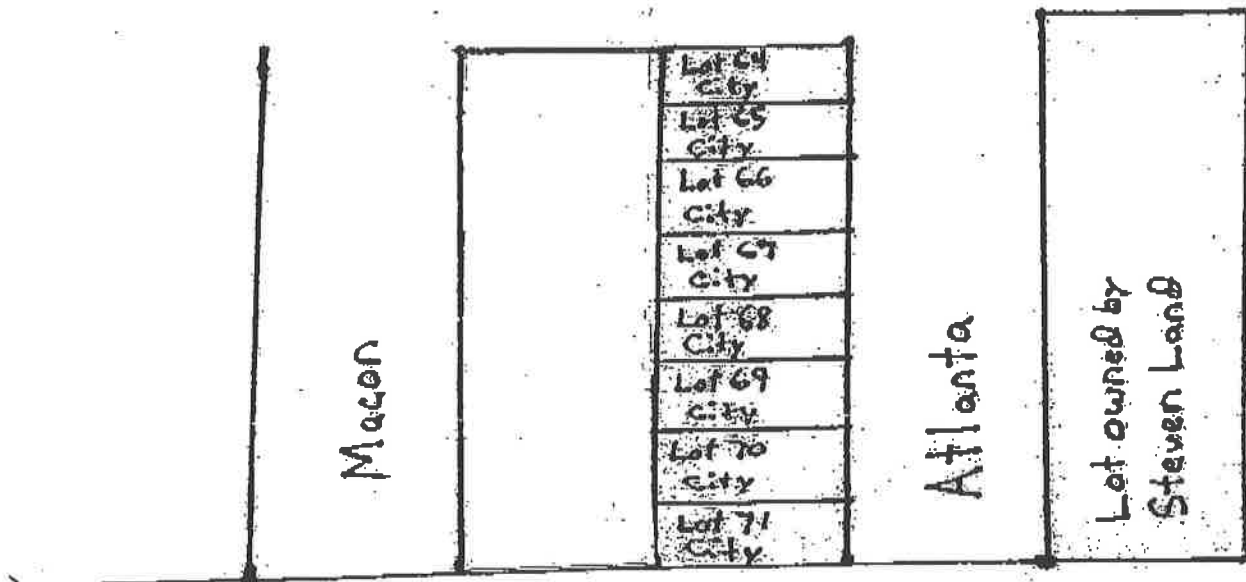
DATED: November \_\_\_\_, 2006

Prepared by:

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

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# VACATION OF ATLANTA STREET



Existing Michigan Foundation Plant  
6618 French Road

004045 JAN 10 2006

LI-44141 Pa-343  
206082249 1/10/2006 09:00AM  
Bernard J. Youngblood  
Wayne Co. Register of Deeds

QUIT CLAIM DEED

Gen.

0501299

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:

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

19/003673, 003687.001, 003674, 003686, 003675,  
003685, 003684, 003678, 003679, 003680, 003672,  
003671, 003670, 003669, 003668, 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 579-H (Detroit City Code § 26-5-42.5).

WITNESSES:

GRANTOR: CITY OF DETROIT, a Michigan public body corporate

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

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

STATE OF MICHIGAN )  
                                  )ss.  
COUNTY OF WAYNE )

The foregoing instrument was acknowledged before me on JUNE 8, 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 April 26, 2007

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

Pursuant to § 18-5-12 of the Detroit City Code, I hereby certify that proper and fair consideration has been received by the City pursuant to this instrument.

Approved by City Council on

[Signature]  
Finance Director DEPUTY MATTHEW A. GRADY, III

05/18/05, JCC pp \_\_\_\_\_ or

Detroit Legal News, 05/25/05, pp 13

Approved as to form:

Approved by Mayor on 1/1

*T. A. Beckett*

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, Scott, Denn & Draker, PLLC

Exempt from transf... EXHIBIT B:

(h)(1) . 211 W. Fort, Ste. 1500  
Detroit, MI 48226-3281

R

SC

665950 SEP 23 2005

Li-43390 Pa-610  
265450243 9/23/2005  
Bernard J. Youngblood  
Wayne Co. Register of Deeds

**QUITCLAIM DEED**

KNOW ALL MEN BY THESE PRESENTS: That HOLLIE LAND and BEULAH LAND, husband and wife, whose address is 266 Maple Dr., Clinchco, Virginia 24226, Quit Claims to STEPHEN LAND, whose address is 25124 Pattow, Roseville, Michigan 48066, the following described premises situated in the City of Detroit, County of Wayne and State of Michigan, to-wit:

Lot 72, Bessenger Moore's Gratiot Avenue Subdivision No. 2, as recorded in Liber 28, Page 30 of Plats, Wayne County Records. Also known as 10800 Devine, Detroit, Michigan.

for the full consideration of One and No/100 (\$1.00).

Dated this 14<sup>th</sup> day of September, 2005.

WITNESS:

SIGNED AND SEALED:

Bud W. Walker

Hollie Land  
HOLLIE LAND

Mitzi Sykes

Beulah Land  
BEULAH LAND

STATE OF VIRGINIA,  
COUNTY OF DICKENSON,

SEP 23 2005  
WAYNE COUNTY REGISTER OF DEEDS  
BERNARD J. YOUNGBLOOD

The foregoing instrument was acknowledged before me this

14<sup>th</sup> day of September, 2005, by Hollie Land.

Susan Mullins  
NOTARY PUBLIC  
DICKENSON COUNTY, VIRGINIA  
My commission expires 8/31/07

66.00 REPRODUCTION FEE  
12.00 COPY FEE



Li-43590

Fa-611

STATE OF VIRGINIA,

COUNTY OF DICKENSON,

The foregoing instrument was acknowledged before me this  
14th day of September, 2005, by Beulah Land.

SUSAN MULLINS  
NOTARY PUBLIC  
DICKENSON COUNTY, VIRGINIA  
My commission expires 8/31/07

When Recorded Return To:  
Stephen Land  
25124 Pattow  
Roseville, Michigan 48066

DRAFTED BY:

Buddy H. Wallen P.C.  
First Union National Bank Bldg.  
P.O. Box 705  
Clintwood, Virginia  
24228

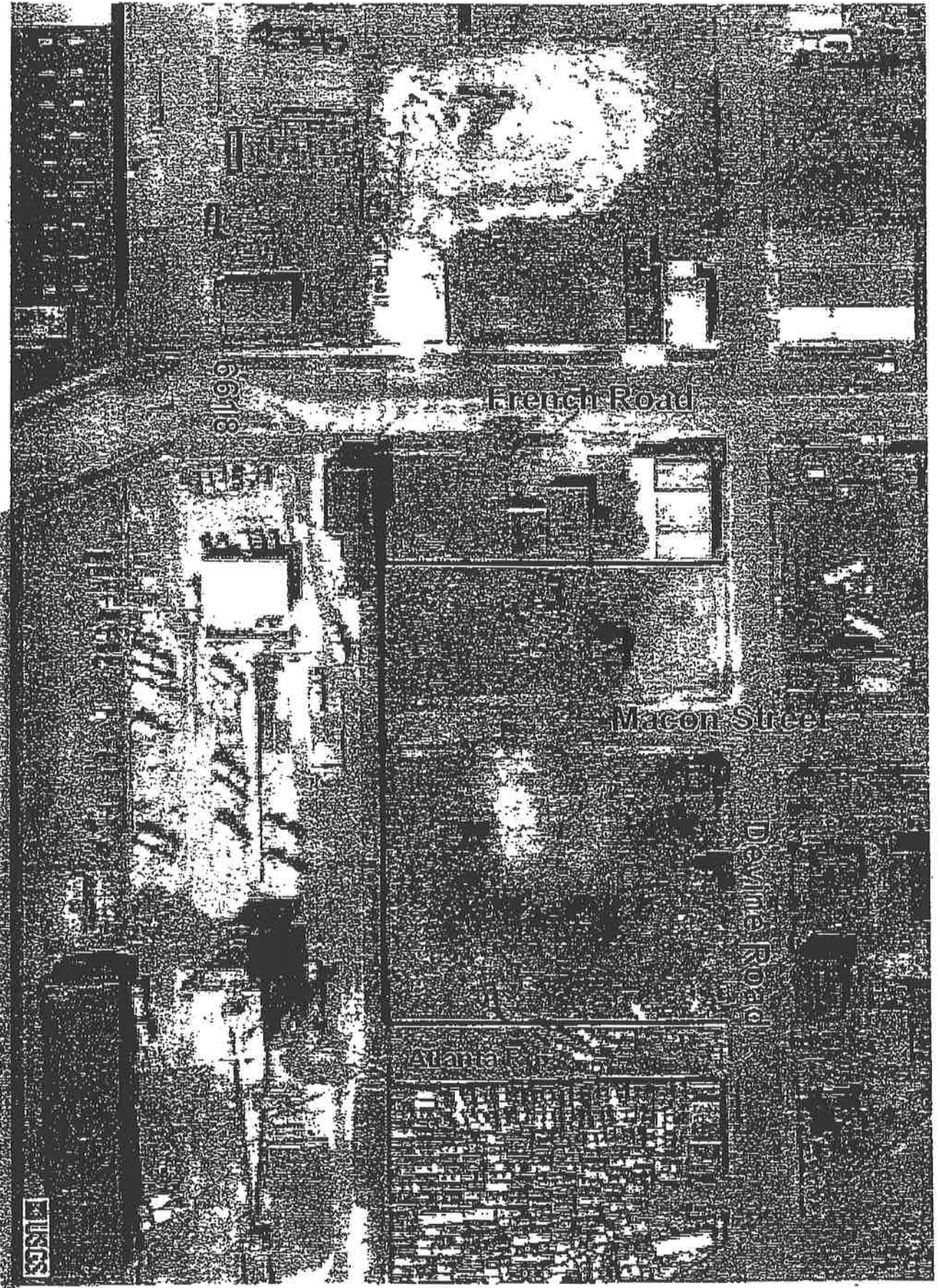


EXHIBIT C

November 6, 2008

Honorable City Council:

RE: Petition No. 1461 – Michigan Foundation Company Inc. and Stephen Land request for conversion to easement the public street Atlanta Street south of Devine Street.

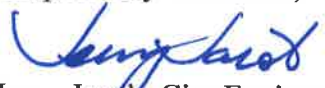
Petition No. 1461 of “Michigan Foundation Company Inc. and Stephen Land” request the conversion of Atlanta Street, 50 feet wide, South of Devine Avenue, 50 feet wide into a private easement for the public utilities. This request will facilitate the expanding operations to create parking, material storage, and increase the logistical efficiencies to loading and unloading of materials and product.

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, City Engineer  
City Engineering Division – DPW

NRP/

Cc: Alfred Jordan, Director – DPW  
Mayor’s Office – City Council Liaison

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

RESOLVED, all that part of Atlanta Street, 50 feet wide, South of Devine Avenue, 50 feet wide, lying Easterly of and abutting the East line of Lots 64 through 71, both inclusive, and lying Westerly of and abutting the West line of Lot 72 all in the "Bessenger and Moore Gratiot Avenue Subdivision Number 2" of part of P.C. 12 and part of fractional Section T.1.S.R.12E, Gratiot Township, Wayne County, Michigan as recorded in Liber 28, Page 30 of Plats, Wayne County Records;

Provided, that an easement, the full width of the existing right-of-way, is reserved for the Detroit Water and Sewerage Department for the purpose of installing, maintaining, repairing, removing, or replacing any sewers, water mains, fire hydrants and appurtenances, with the right of ingress and egress at any time to, and over said easement for the purpose above set forth; and be it further

Provided, that free and easy access to the sewers, water mains, fire hydrants and appurtenances within the easement is required for Detroit Water and Sewerage Department equipment, including the use of backhoes, bull dozers, cranes or pipe trucks, and other heavy construction equipment, as necessary for the alteration or repair of the sewer or water main facilities; and be it further

Provided, that the Detroit Water and Sewerage Department retains the right to install suitable permanent main location guide post over its water mains at reasonable intervals and at points deflection; and be it further

Provided, said easements or rights-of-way in and over said vacated street herein above described shall be forever accessible to the maintenance and inspection forces of the DWSD, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer or water main or any facility placed or installed in the DWSD easements or rights-of-way. The DWSD 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 easements with any necessary equipment to perform the above mentioned task, with the understanding that DWSD shall use due care in such crossing or use, and that any property damaged by DWSD, other than that specifically prohibited by this resolution, shall be restored to a satisfactory condition; and be it further

Provided, that said owners of the adjoining property, for themselves, their heirs and assigns, agree that no building or structure of any nature whatsoever, including fences, porches, patios, balconies, etc., shall be built upon or over said easement, or that no grade changes or storage of materials shall be made within said easement without prior written approval and agreement with the Detroit Water and Sewerage Department; and be it further

Provided, that if any time in the future, the owners of any lots abutting on said vacated street shall request the removal and/or relocation of the aforementioned utilities in said easement, such owners shall pay all costs incident to such removal and/or relocation. It is further provided that if sewers, water mains, and/or appurtenances in said easement shall break or be damaged as a result of any action on the part of the owner, or assigns, then in such event, the owner or assigns shall be liable for all costs incident to the repair of such broken or damaged sewers and water mains, and shall also be liable for all claims for damages resulting from his action; and be it further

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 easements, nor change of surface grade made, without prior approval of the City Engineering Division – DPW,

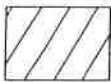
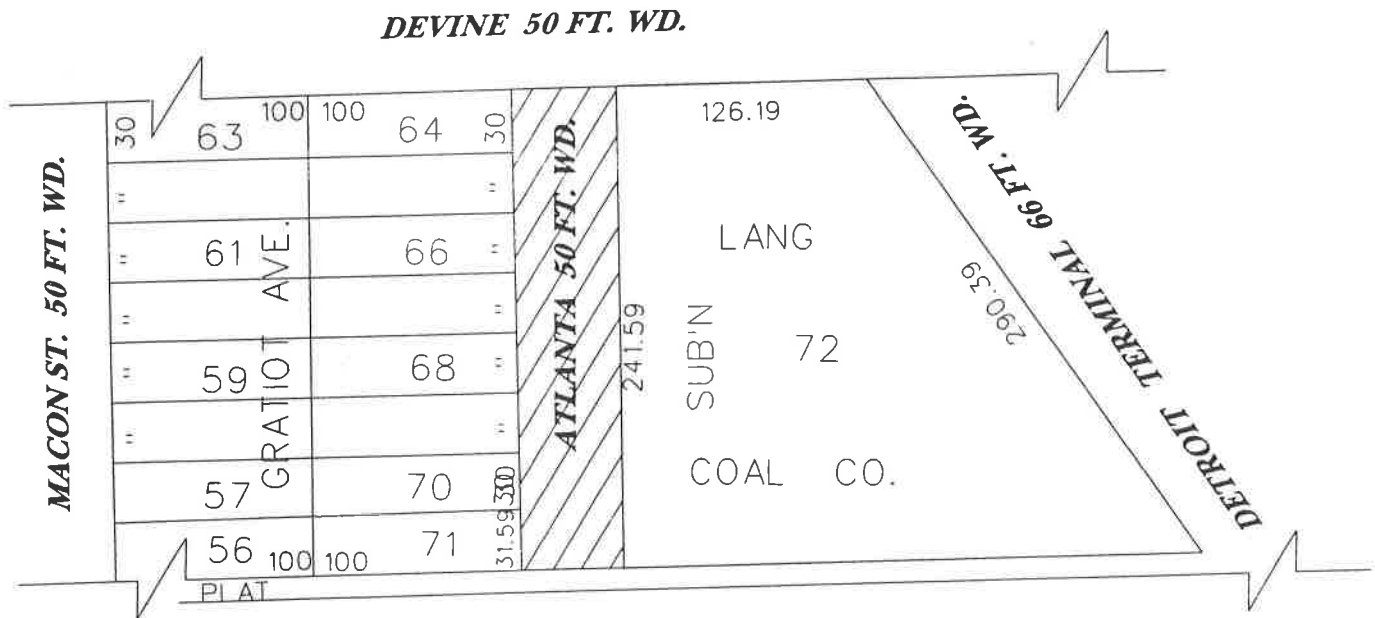
Fourth, That if the owners of any lots abutting on said vacated street shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

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 if it becomes necessary to remove the paved street return at the entrances (into Devine Ave.), such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division – DPW specifications with all costs borne by the abutting owner(s), their heir or assigns; 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. #1461**  
**BARRIS, SOTT, DENN & DRIKER, P.L.L.C.**  
**211 W. FORT ST. FIFTEENTH FLOOR**  
**DETROIT, MI 48226-2493**  
**c/o JEFFREY M. STEFAN**  
**PHONE #313-965-9793**



**-REQUESTED CONVERSION TO EASEMENT**

(FOR OFFICE USE ONLY)

**CARTO 57b**

|             |  |           |      |      |      |   |  |         |
|-------------|--|-----------|------|------|------|---|--|---------|
| B           |  |           |      |      |      | <b>REQUESTED CONVERSION TO EASEMENT</b><br><b>ATLANTA 50 FT. WD. IN THE AREA OF DEVINE,</b><br><b>MACON AND DETROIT TERMINAL 66 FT. WD.</b> | <b>CITY OF DETROIT</b><br><b>CITY ENGINEERING DEPARTMENT</b><br><b>SURVEY BUREAU</b><br><b>JOB NO. 01-01</b><br><b>DRWG. NO. x1461.dgn</b> |         |
| A           |  |           |      |      |      |   |  |         |
| DESCRIPTION |  | DRWN      | CHKD | APPD | DATE |   |  |         |
| DRAWN BY    |  | REVISIONS |      |      |      |   |  | CHECKED |
| DATE        |  | APPROVED  |      |      |      |   |  |         |
| 01/04/07    |  |           |      |      |      |   |  |         |