



1426 Woodward Avenue  
Detroit, MI 48243

The Honorable Detroit City Council  
In Care of:  
Honorable Janice M. Winfrey  
City Clerk, City of Detroit  
Office of the City Clerk  
Coleman A. Young Municipal Center  
2 Woodward Ave, Room 200  
Detroit, MI 48226

July 29, 2014

**SUBJECT: PETITION FOR THE VACATION OF CITY RIGHT-OF-WAY  
(BETHUNE STREET ALLEY)**

Dear Sirs and Madams,

M-1 RAIL is a Detroit-based, 501(c)(3) nonprofit corporation that has been established for the purpose of designing, constructing, and operating a modern streetcar system within the downtown, Midtown, and New Center areas of the city of Detroit. At the northern end of the Project, between Bethune Street and Custer Street, M-1 RAIL has proposed a Tech Center, to support streetcar operations, including vehicle maintenance activities and light-duty repairs. A proposed site plan for the Tech Center is attached to this petition.

M-1 RAIL requests the vacation of City of Detroit right-of-way to support design and construction of the Tech Center. The requested City right-of-way is comprised of one north-south alley located approximately 225 feet east of Woodward Avenue. The alley is twenty (20) feet wide and spans from Custer Street to Bethune Street. The alley is situated between Parcel 01004299 to the west and Parcels 01002121 and 01002122 to the east. A map of the requested City right-of-way is included with this petition.

M-1 RAIL has acquired all Parcels bordering the requested City right-of-way. Proof of our ownership of these Parcels is included with this petition.

It is M-1 RAIL's understanding that any municipal and/or privately-owned utilities within the alley limits must be relocated at the cost of M-1 RAIL. M-1 RAIL intends to comply fully with this requirement as part of the final design and construction of the Tech Center, which is slated to begin in August 2014. Although there is not a Design-Build Team under contract at this time, M-1 RAIL anticipates the utility relocations will

Honorable City Council; Office of City Clerk

July 29, 2014

Page 2

be completed before the end of 2014. A map of utilities located in the alley, as known to M-1 RAIL, is attached to this petition.

Because of the unique financial structure of the Project, M-1 RAIL seeks the granting of this petition no later than October 24, 2014 to comply with requirements set forth under the New Market Tax Credits legislation. It is our understanding, based on the Construction, Operations, and Maintenance Agreement (COMA) approved by City Council on June 24, 2014, that the City will expedite review periods by its departments. M-1 RAIL has provided an “administratively complete” application and will provide any available supporting documentation requested by City departments.

Please feel free to contact me if you have any questions or concerns.

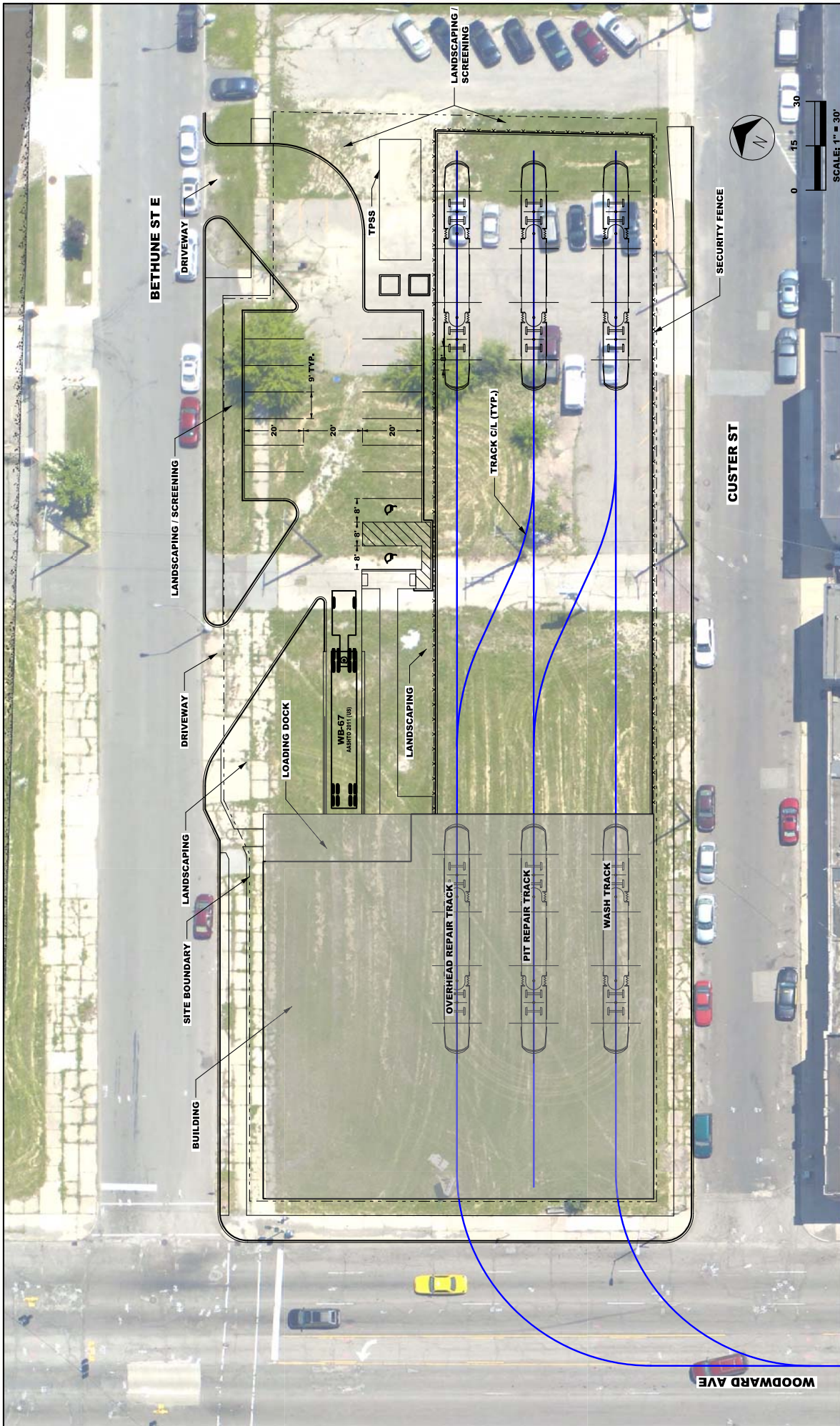
Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Childs', with a stylized flourish at the end.

Mr. Paul Childs  
Chief Operating Officer

Attachments (4); Site Plan, Right-of-Way Map, Parcel Deeds, Utility Map

CC: Mr. Richard Doherty, City of Detroit Project Representative



**DRAFT CONCEPT  
FOR REVIEW PURPOSES ONLY**

**M-1 RAIL**

**M-1 RAIL STREETCAR  
PREFERRED STREETCAR YARD - OPTION C**

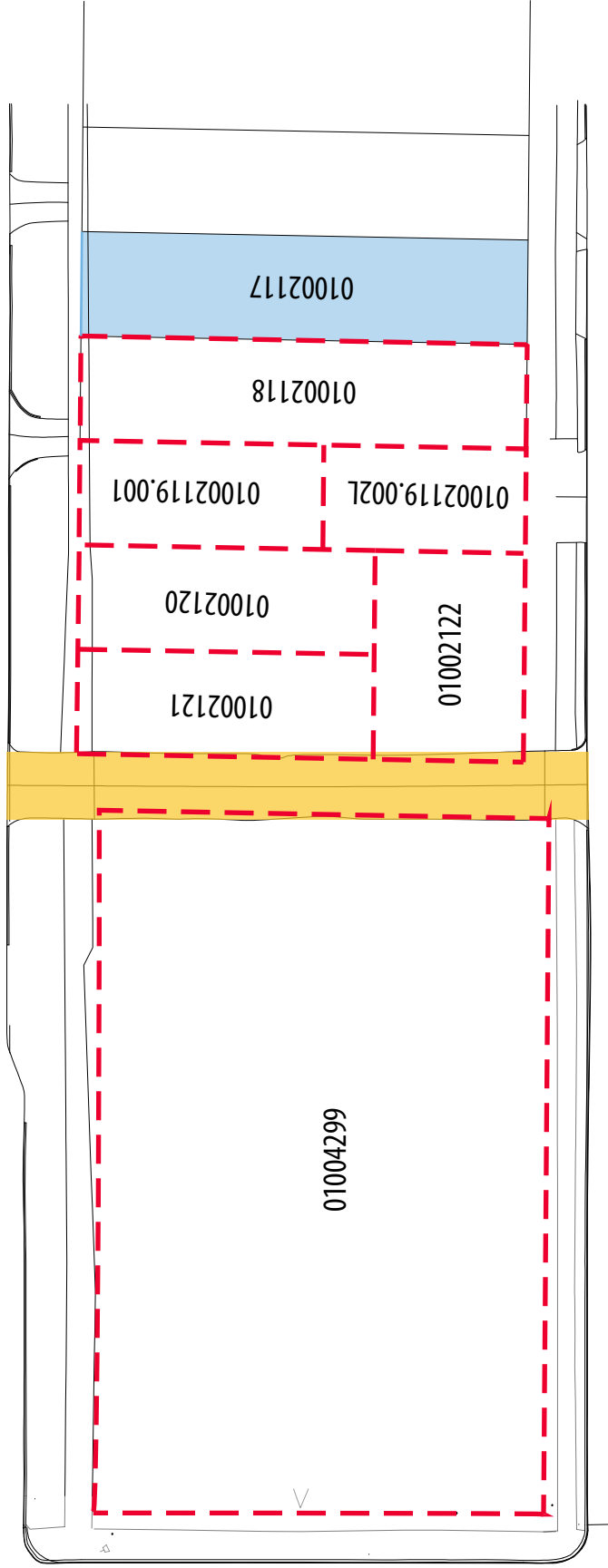
JUNE 23, 2014



Woodward Avenue (M-1)

Bethune Street

Custer Street



### LEGEND

- - - LIMITS OF PARCEL ACQUIRED BY M-1 RAIL
- PARCEL ACQUISITION IN NEGOTIATION
- CITY RIGHT-OF-WAY REQUESTED TO BE VACATED

**COVENANT DEED**

**GRANTOR:** BETHWOOD, LLC, a Michigan limited liability company, whose address is 28400 Northwestern Highway, Fourth Floor, Southfield, Michigan 48034.

**CONVEYS AND COVENANTS TO:**

**GRANTEE:** M-2 RAIL, a Michigan non-profit corporation, whose address is 1468 Woodward, Detroit, Michigan 48226.

**PROPERTY:** Premises situated in the City of Detroit, Wayne County, Michigan, to wit:

See Attached Exhibit "A"

commonly known as: 22 East Bethune; 68 Bethune (Lot 297); 60 Bethune (North 70 feet of Lot 298); 54 Bethune (South 50 feet of Lot 298); and 40 Bethune (South 35 feet of Lots 299 and 300)

Together with all privileges, rights, easements hereditaments, and appurtenances belonging to the land, all water and surface and subsurface oil, gas and mineral rights.

**CONSIDERATION:** For the sum of One and 00/100 (\$1.00) Dollar. Real Estate Transfer Tax Valuation Affidavit filed.

**SUBJECT TO:** Those encumbrances and exceptions set forth on Exhibit "B" attached hereto (hereinafter called the "Permitted Encumbrances").


Grantor does hereby bind itself and its successors to warrant and forever defend all and singular the Property unto Grantee, Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, by through or under the acts of Grantor, but not otherwise, and not against any claims arising from or in connection with any Permitted Encumbrance. Grantor does hereby covenant that Grantor has not done, committed or willingly suffered to be done or committed, any act, matter or thing whatsoever whereby the Property is or shall be charged or encumbered except for the Permitted Encumbrances.

Grantor grants to Grantee the right to make all divisions under the land division act, Act No. 288 of the Public Acts of 1967, as amended. This property may be located within the vicinity of farmland 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.

[Attached to and made part of the Covenant Deed from Bethwood, LLC to M-2 Rail]

DATED: May 23, 2014.

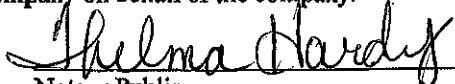
BETHWOOD, LLC,  
a Michigan limited liability company

By:   
David S. Farbman  
Its: Manager

State of Michigan )  
                          ) SS  
County of Oakland )

Acknowledged before me this 21<sup>st</sup> day of May, 2014, by David S. Farbman, Manager, of BETHWOOD, LLC, a Michigan limited liability company on behalf of the company.

THELMA HARDY  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF MACOMB  
MY COMMISSION EXPIRES Jan 31, 2021  
ACTING IN COUNTY OF Oakland

  
Notary Public  
Macomb County, State of Michigan  
Acting in Oakland County, Michigan  
My Commission Expires: Jan. 31, 2021

Drafted by:

Sheryl K. Silberstein, Esq.  
Maddin, Hauser, Roth & Heller, P.C.  
28400 Northwestern Highway, 2nd Floor  
Southfield, Michigan 48034  
(248) 354-4030

When recorded return to:

GRANTEE

Send Subsequent Tax Bills to GRANTEE

State Transfer Tax: See RETTVA  
Tax Item No: 004299, Ward 1; 002118, Ward 1;  
002119.001, Ward 1; 002119.002L, Ward 1;  
002122, Ward 1

County Transfer Tax: See RETTVA

EXHIBIT "A"

LEGAL DESCRIPTION

The land situated in the County of Wayne, City of Detroit, State of Michigan, is described as follows:

Parcel 1:

Lots 1, 2 and 3 including a vacated portion of Custer Avenue (so called) lying adjacent to said Lot 1, WM. Y. Hamlin and S.J. Brown's Subdivision of Lots No. 3 and 4 ¼ Section 57, 10,000 acre tract City of Detroit, Wayne County, Michigan, as recorded in Liber 8 of Plats, Page 72, Wayne County Records and being more particularly described as follows: Beginning at the Southeast corner of Woodward Avenue (100 feet wide) and Bethune Avenue (80 feet wide) said point being also the Northwest corner of Lot 3 of said WM. Y Hamlin and S.J. Brown's Subdivision, as recorded in Liber 8, Page 72 of Plats, Wayne County Records; proceeding thence from said point of beginning North 63 degrees 33 minutes 31 seconds East along the South line of said Bethune Avenue, said line being also the North line of said Lot 3, a measured distance of 199.15 feet (recorded 200.00 feet) to the Northeast corner of said Lot 3; thence South 26 degrees 26 minutes 47 seconds East along the West line of a public alley (20 feet wide) said line being also the East line of Lots 3, 2, and 1 of said Subdivision and the Southerly extension thereof across a vacated portion of Custer Avenue (so called), a distance of 128.94 feet to the point of intersection of said alley line with the North line of Custer Avenue (60 feet wide); thence South 63 degrees 27 minutes 24 seconds West along the North line of said Custer Avenue, said line being also the South line of a vacated portion of Custer Avenue (so called) lying adjacent to said Lot 1, a measured distance of 199.15 feet (described 200.00 feet) to the point of intersection of the North line of said Custer Avenue with the East line of said Woodward Avenue; thence North 26 degrees 26 minutes 47 seconds West along the East line of said Woodward Avenue, said line being also the West end of a vacated portion of Custer Avenue (so called) and the West line of Lots 1, 2 and 3 of said Subdivision, a distance of 129.30 feet to the point of beginning. NOTE: The assessed legal description of Parcel 1 does not include vacated Custer Avenue.

Re: 22 East Bethune

Tax Parcel No. 004299, Ward 1



*[EXHIBIT "A" continued]*

Parcel 2:

Lots 297 and 298 and the South 35.00 feet of Lots 299 and 300, including a vacated portion of Custer Avenue (so called) lying South of and adjacent to said Lots 297 through 300, inclusive, all being part of WM. Y. Hamlin and S.J. Brown's Subdivision of Lots No. 3 and 4, ¼ Section 57, 10,000 acre tract, City of Detroit, Wayne County, Michigan, as recorded in Liber 8 of Plats, Page 72, Wayne County Records and being more particularly described as follows: Beginning at the Northwest corner of Lot 298 of said WM. Y. Hamlin and S.J. Brown's Subdivision, as recorded in Liber 8 of Plats, Page 72, Wayne County Records, said point being distant North 63 degrees 33 minutes 31 seconds East, a measured distance of 279.15 feet (recorded 280.00 feet) as measured along the South line of Bethune Avenue (80 feet wide) from the Southeast corner of Woodward Avenue (100 feet wide) and said Bethune Avenue; proceeding thence from said point of beginning North 63 degrees 33 minutes 31 seconds East along the South line of said Bethune Avenue said line being also the North line of Lots 296 and 297 of said Subdivision, a measured distance of 59.66 feet (recorded 60.00 feet) to the Northeast corner of said Lot 297; thence South 26 degrees 26 minutes 47 seconds East along the East line of said Lot 297 and its Southerly extension across a vacated portion of Custer Avenue (so called), a distance of 128.69 feet to a point on the North line of Custer Avenue (60 feet wide); thence South 63 degrees 27 minutes 24 seconds West along the North line of said Custer Avenue, said line being also the South line of a vacated portion of Custer Avenue (so called) lying South of and adjacent to Lots 297 through 300, inclusive of said Subdivision, a measured distance of 119.66 feet (described 120.00 feet) to the point of intersection of said Street line with the East line of a public alley (20 feet wide); thence North 26 degrees 26 minutes 47 seconds West along the East line of said public alley said line being also the West line of said vacated portion of Custer Avenue (so called) and part of the West line of Lot 300 of said Subdivision, a distance of 43.90 feet to a point; thence North 63 degrees 33 minutes 31 seconds East along the North line of the South 35.00 feet of Lots 300 and 299 of said Subdivision, a distance of 60.00 feet to a point on the line common to Lots 299 and 298; thence North 26 degrees 26 minutes 47 seconds West along the West line of said Lot 298, a distance of 85.00 feet to the point of beginning.

Re: 68 Bethune (Lot 297); 60 Bethune (North 70 feet of Lot 298); 54 Bethune (South 50 feet of Lot 298); and 40 Bethune (South 35 feet of Lots 299 and 300)

Tax Parcel No. 002118, Ward 1 (Lot 297); 002119.001, Ward 1 (North 70 feet of Lot 298); 2119.002L, Ward 1 (South 50 feet of Lot 298); and 002122, Ward 1 (South 35 feet of Lots 299 and 300)



**EXHIBIT "B"**

**PERMITTED EXCEPTIONS**

1. City of Detroit Board of Zoning Appeals Decisions and Order recorded in Liber 19786, Page 928 and in Liber 20952, Page 17, Wayne County Records. As to Parcel 1.
2. Restrictions and any other terms, covenants and conditions disclosed by Covenant Deed recorded in Liber 35020, Page 777, Wayne County Records. As to Parcel 1.
3. Restrictions and any other terms, covenants and conditions disclosed by Covenant Deed recorded in Liber 35139, Page 791, Wayne County Records. As to Parcel 2.
4. Easements lying within that portion of the land which formerly was part of a vacated street.
5. 2014 taxes and assessments which constitute a lien, but are not yet due and payable.

### REAL ESTATE TRANSFER TAX VALUATION AFFIDAVIT

This form is issued under authority of P.A. 134 of 1966 and 330 of 1993 as amended.

This form must be filed when you choose not to enter the amount paid for real estate on the deed. It is not necessary when the amount paid is entered on the deed. This form must be completed and signed by either the seller or his/her authorized agent.

1. County of Property Wayne		2. City or Township of Property City of Detroit	
3. Seller's Name and Mailing Address Bethwood, LLC 28400 Northwestern Highway, 4 <sup>th</sup> Floor Southfield, Michigan 48034		4. Purchaser's Name and Mailing Address M-2 Rail 1468 Woodward Detroit, Michigan 48226	
5. Type and Date of Document <input type="checkbox"/> Land Contract      Date: _____ <input checked="" type="checkbox"/> Deed                      Date: <u>May 23, 2014</u>		6. Cash Payment \$550,000.00	7. Amount of County Tax \$605.00
10. If consideration is less than market value, state market value.		8. Amount of Mortgage/Land Contract	9. Amount of State Tax \$4,125.00
11. Total Consideration (Add lines 6&8) \$550,000.00		12. Total Revenue Stamps \$4,730.00	
13. Legal Description of Real Estate Transferred  See Exhibit "A" Attached			

I certify that the information above is true and complete to the best of my knowledge.

Seller's signature Bethwood, LLC a Michigan limited liability company  By: _____ David S. Farbman, Manager	If signer is other than the seller, print name and title.
---	---

#### NOTARIZATION

Subscribed and sworn to me:  <i>Thelma Hardy</i>	Notary Public State of Michigan; County of: <i>Macomb</i>	on this date <i>5-21-2014</i>	My commission expires on: <i>Jan. 31, 2021</i>
--	---	----------------------------------	---

1628193 v1/08428.0008/SKS

THELMA HARDY  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF MACOMB  
MY COMMISSION EXPIRES Jan 31, 2021  
ACTING IN COUNTY OF *Oakland*

**COVENANT DEED**

**GRANTOR:** LELLIP'S INN, INC., a Michigan corporation, whose address is 885 North Opdyke Road, Auburn Hills, Michigan 48326.

**CONVEYS AND COVENANTS TO:**

**GRANTEE:** M-2 RAIL, a Michigan non-profit corporation, whose address is 1468 Woodward, Detroit, Michigan 48226.

**PROPERTY:** Premises situated in the City of Detroit, Wayne County, Michigan, to wit:

See Attached Exhibit "A"

commonly known as: 46 East Bethune and 52 East Bethune

Together with all privileges, rights, easements, hereditaments, and appurtenances belonging to the land, all water and surface and subsurface oil, gas and mineral rights.

**CONSIDERATION:** For the sum of One and 00/100 (\$1.00) Dollar. Real Estate Transfer Tax Valuation Affidavit filed.

**SUBJECT TO:** Those encumbrances and exceptions set forth on Exhibit "B" attached hereto (hereinafter called the "Permitted Encumbrances").

Grantor does hereby bind itself and its successors to warrant and forever defend all and singular the Property unto Grantee, Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, by through or under the acts of Grantor, but not otherwise, and not against any claims arising from or in connection with any Permitted Encumbrance. Grantor does hereby covenant that Grantor has not done, committed or willingly suffered to be done or committed, any act, matter or thing whatsoever whereby the Property is or shall be charged or encumbered except for the Permitted Encumbrances.

Grantor grants to Grantee the right to make all divisions under the land division act, Act No. 288 of the Public Acts of 1967, as amended. This property may be located within the vicinity of farmland 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.

[Attached to and made part of the Covenant Deed from Lelli's Inn, Inc. to M-2 Rail]

DATED: July \_\_, 2014.

LELLI'S INN, INC., a Michigan corporation

By: Rebecca Elly  
Name: Rebecca Thibault  
Its: Vice President

State of Michigan )  
County of Oakland ) SS

Acknowledged before me this 23<sup>rd</sup> day of July, 2014, by Rebecca Thibault, Vice President of LELLI'S INN, INC., a Michigan corporation.

**ROBERT M. SOSIN**  
Notary Public, Oakland County, MI  
My Commission Expires: June 8, 2019

Robert M. Sosin  
Notary Public  
\_\_\_\_ County, State of \_\_\_\_\_  
Acting in \_\_\_\_\_ County, Michigan  
My Commission Expires: \_\_\_\_\_

Drafted by:  
  
Laura A. Weingartner, Esq.  
Dykema Gossett PLLC  
400 Renaissance Center  
Detroit, Michigan 48243  
(313) 568-5417

When recorded return to:  
  
GRANTEE

Send Subsequent Tax Bills to GRANTEE

State Transfer Tax: See RETTVA  
Tax Item Nos: 002121, Ward 01  
002120, Ward 01

County Transfer Tax: See RETTVA

EXHIBIT "A"

LEGAL DESCRIPTION

The land situated in the County of Wayne, City of Detroit, State of Michigan, is described as follows:

Parcel 8:

The North 85 feet of Lot 300, William Y. Hamlin and S.J. Brown's Subdivision, as recorded in Liber 8 of Plats, Page 72, Wayne County Records.

Commonly known as: 46 East Bethune

Tax Parcel No. 002121, Ward 01

Parcel 9:

The North 85 feet of Lot 299, William Y. Hamlin and S.J. Brown's Subdivision, as recorded in Liber 8 of Plats, Page 72, Wayne County Records.

Commonly known as: 52 East Bethune

Tax Parcel No. 002120, Ward 01

**EXHIBIT "B"**

**PERMITTED EXCEPTIONS**

1. Easements lying within that portion of the land which formerly was part of a vacated street.
2. 2014 taxes and assessments which constitute a lien, but are not yet due and payable.

DET02\507120.1  
ID\LAWS - 105486\0001

### REAL ESTATE TRANSFER TAX VALUATION AFFIDAVIT

This form is issued under authority of P.A. 134 of 1966 and 330 of 1993 as amended.

This form must be filed when you choose not to enter the amount paid for real estate on the deed. It is not necessary when the amount paid is entered on the deed. This form must be completed and signed by either the seller or his/her authorized agent.

<b>1. County of Property</b> WAYNE	<b>2. City or Township of Property</b> DETROIT				
<b>3. Seller's Name and Mailing Address</b> LELLI'S INN, INC., A MICHIGAN CORPORATION 885 N. OPDYKE ROAD AUBURN HILLS, MI 48326	<b>4. Purchaser's Name and Mailing Address</b> M-2 RAIL, A MICHIGAN NONPROFIT CORPORATION 1468 WOODWARD DETROIT, MI 48226				
<b>5. Type and Date of Document</b>  <input type="checkbox"/> Land Contract                      7/24/2014  <input checked="" type="checkbox"/> Deed    7/24/2014	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; padding: 5px;"> <b>6. Cash Payment</b>                              \$202,500.00                         </td> <td style="width:50%; padding: 5px;"> <b>7. Amount of County Tax</b>                              \$222.75                         </td> </tr> <tr> <td style="padding: 5px;"> <b>8. Amount of Mortgage/Land Contract</b>                              \$0.00                         </td> <td style="padding: 5px;"> <b>9. Amount of State Tax</b>                              \$1,518.75                         </td> </tr> </table>	<b>6. Cash Payment</b> \$202,500.00	<b>7. Amount of County Tax</b> \$222.75	<b>8. Amount of Mortgage/Land Contract</b> \$0.00	<b>9. Amount of State Tax</b> \$1,518.75
<b>6. Cash Payment</b> \$202,500.00	<b>7. Amount of County Tax</b> \$222.75				
<b>8. Amount of Mortgage/Land Contract</b> \$0.00	<b>9. Amount of State Tax</b> \$1,518.75				
<b>10. If consideration is less than market value, state market value.</b>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; padding: 5px;"> <b>11. Total Consideration (Add lines 6&amp;8)</b>                              \$202,500.00                         </td> <td style="width:50%; padding: 5px;"> <b>12. Total Revenue Stamps</b>                              \$1,741.50                         </td> </tr> </table>	<b>11. Total Consideration (Add lines 6&amp;8)</b> \$202,500.00	<b>12. Total Revenue Stamps</b> \$1,741.50		
<b>11. Total Consideration (Add lines 6&amp;8)</b> \$202,500.00	<b>12. Total Revenue Stamps</b> \$1,741.50				

**13. Legal Description of Real Estate Transferred**

SEE EXHIBIT A

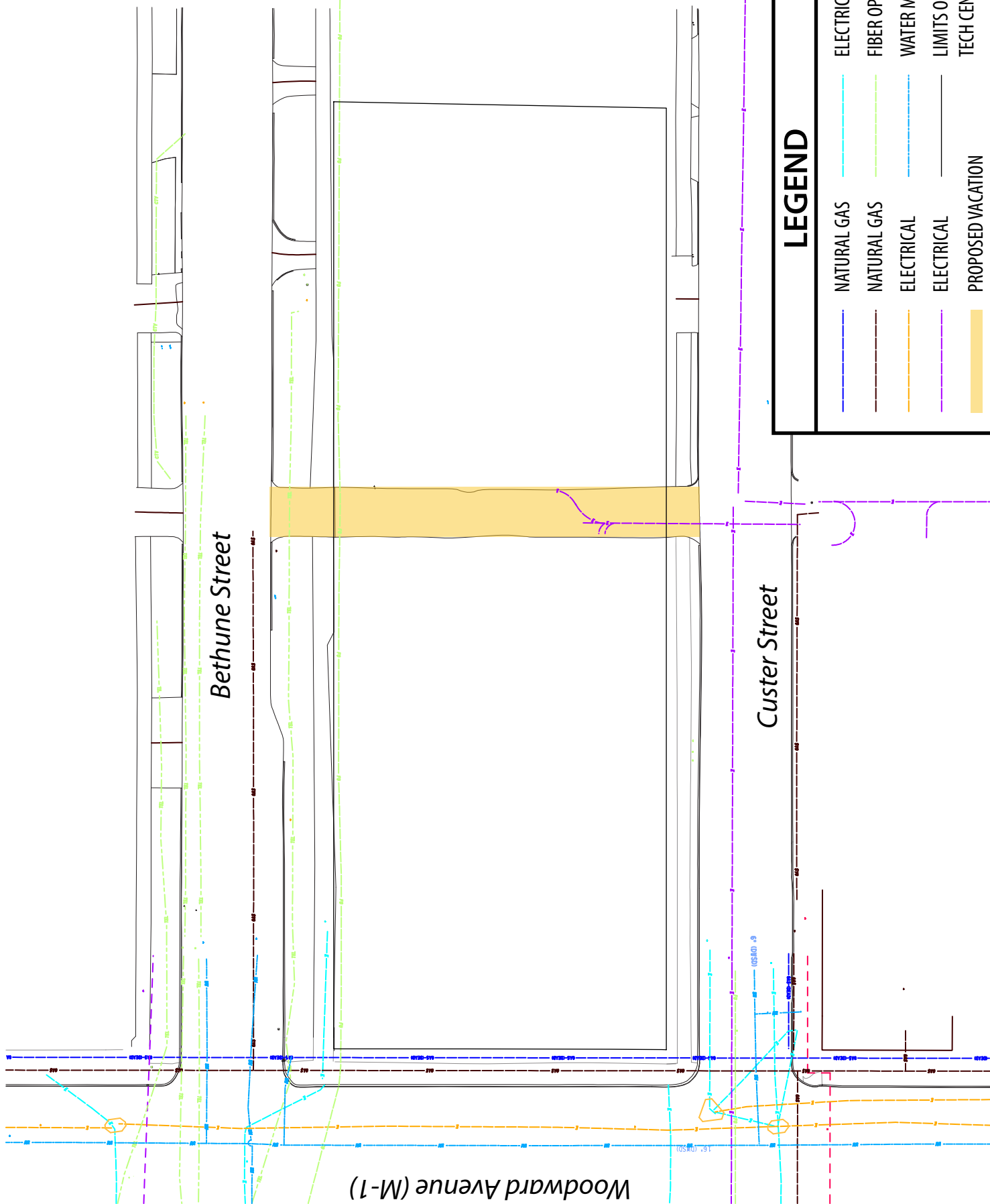
I certify that the information above is true and complete to the best of my knowledge.

Seller's Signature Rebecca Thibodeaux Vice President	If signer is other than the seller, print name and title. Rebecca Thibodeaux Vice President
---	--

Subscribed and sworn to me:	Notary Public State of Michigan; County of:	on this date 7/23/14	My commission expires on:
-----------------------------	--	-------------------------	---------------------------

**ROBERT M. SOSIN**  
 Notary Public, Oakland County, MI  
 My Commission Expires: June 8, 2019





Bethune Street

Custer Street

Woodward Avenue (M-1)

### LEGEND

	NATURAL GAS		ELECTRICAL
	NATURAL GAS		FIBER OPTIC
	ELECTRICAL		WATER MAIN
	ELECTRICAL		LIMITS OF PROPOSED
	PROPOSED VACATION		TECH CENTER SITE