

MEMORANDUM

TO: Bruce Goldman

FROM: Sean P. McNally and Brittany L. Bradshaw

DATE: September 7, 2017

RE: Ownership of the North-South Alley between 211 W. Fort and 220 W. Congress

This Memorandum is a summary of our preliminary review of the title documents in our possession relating to 220 W. Congress Street ("Congress Property") and 211 W. Fort Street ("Fort Property") collectively with the Congress Property, the "Properties") in the City of Detroit (the "City"). There are two alleys located near the Properties. One that runs east-west, from Shelby Street to the Fort Property, (the "E/W Alley") and one that runs north-south, from Fort to Congress, (the "N/S Alley"). This Memorandum provides an overview of the ownership of the N/S Alley.

May 13, 1958 – J.C.C. Pages 1048-1049 (Exhibit 1). The Department of Public Works received a request from the Detroit Bank and Trust Company (predecessor in title of the Fort Property) to vacate a portion of the E/W Alley. The vacation of the E/W Alley was approved by the City Plan Commission with the recommendation that sufficient land be deeded to the City for a new north-south alley outlet into Congress Street to eliminate a dead end condition in the remaining section of the East-west alley. A resolution was adopted that a quit claim deed from the Detroit Bank and Trust Company to the City conveying a portion of land for a new north-south alley outlet (i.e. the N/S Alley) would be accepted and recorded by the City Controller in the office of the Register of Deeds for Wayne County.

May 29, 1958 – Quit Claim Deed (Exhibit 2). On May 29, 1958, a Quit Claim Deed was recorded in Wayne County conveying the property for the new north-south alley outlet legally described in the City resolution discussed above. The City was now the owner of the N/S Alley.

July 2, 1979 – City Resolution (Exhibit 3). Terra Development Corp. (predecessor in title of the Congress Property) requested permission from the City to convert a portion of the alley west of the Congress Property (the N/S Alley) into a pedestrian mall. A resolution was adopted removing vehicular traffic from the southerly 20 feet of the N/S Alley which alley is the same alley that "was opened by acceptance of a Quit Claim Deed by the Common Council on May 13, 1958 J.C.C. Pages 1048-1049". This resolution is further evidence of the City's ownership of the N/S Alley.

In summary, the City obtained ownership of the N/S Alley in 1958 from the Detroit Bank and Trust Company in exchange for the City's vacation of a portion of the E/W Alley. A Quit Claim Deed was recorded conveying the N/S Alley on May 29, 1958. Subsequent to the recording of that deed, the title records for both the Properties only disclose one recorded document related to the N/S Alley – the 1979 City resolution noted above. The 1979 City resolution references the alley subject to the petition as being the same alley in both the 1958 J.C.C. Pages and the Quit Claim Deed to the City and states that the City "retains all rights and interest to the area therein". Title searches on both Properties did not disclose any subsequent recorded documents and as such, it appears that the City is the current owner of the N/S Alley.

EXHIBIT 1

MAY 13, 1958

J.C.C. Pgs. 1048-49

Department of Public Works

May 5, 1958.

Honorable Common Council:

Gentlemen—We are returning herewith the request of the Detroit Bank and Trust Company to vacate a portion of east-west alley east of Wayne Street between Fort and Congress Streets. The vacating of said alley was approved by the City Plan Commission with the recommendation that sufficient land be deeded to the City for a new N/S alley outlet into Congress Street to eliminate a dead-end condition in the remaining section of E/W alley. The petition was then referred to this office by your Committee of the Whole for investigation and report.

We wish to advise that our investigations are completed.

As per our directive the petitioner deposited with the City Treasurer the sum of \$2,000.00, Receipt No. C-31533, credited to the Department of Water Supply Fund Code No. 600-0000-(6232) 001, said amount being the estimated cost of abandoning an existing 8-inch water main located in the portion of alley to be vacated.

The petitioner deposited with the Permit Division of the Department of Public Works the sum of \$1,000.00, Receipt No. 88776, said amount being the estimated cost of constructing a new manhole at the westerly end of the remaining portion of east-west alley to be left open located west of Shelby Street between Fort and Congress Street.

The petitioner also deposited with the Permit Division of the Department of Public Works the sum of \$3,360.00, Receipt No. 88777, said amount being the estimated cost of installing paved alley return and paving newly deeded alley necessitated by the vacation of said portion of alley.

We are in receipt of a Quit Claim Deed from the Detroit Bank and Trust Company to the City of Detroit deeding land for alley purposes in accordance with the City Plan Commission's recommendation. Said deed was approved as to description by the City Engineer, and it is attached hereto for your Honorable Body's acceptance.

All other City departments and privately owned utility companies reported that they will be unaffected by the vacation of said alley or that they have reached satisfactory agreements with the petitioner regarding their installations therein.

We recommend the adoption of the attached resolution.

Respectfully submitted,

GLENN C. RICHARDS,
Commissioner

By Councilman Connor:

Resolved, That a portion of a public alley, 20 feet wide, lying between Congress and Fort Streets, east of Wayne Street, in the Military Reserve, Plat of the United States Grant to the City of Detroit, by the Governor and Judges under Act of Congress of May 30, 1826, recorded in Liber 5 on Page 218, City Records, City of Detroit, Wayne County, Michigan, and more particularly described as follows:

Beginning at a point on the Southerly line of a Public Alley, 20 feet wide, lying between Congress and Fort Streets, said point lying Easterly on a course N. 60d 00m E., 30.00 feet (measured along the southerly line of said Public Alley) from the intersection of the Easterly line of Wayne St., as platted, 50 feet wide, with the Southerly line of said public alley, 20 feet wide, said intersection also being the Northwesterly corner of Lot 8 of Military Reserve of above-mentioned plat; thence N. 29d 58m 50s W., 20.00 feet to a point; thence N. 60d 00 m E. along the north line of said public alley 97.38 feet to a point; thence S. 30d 00m E., 20.00 feet to a point; thence S. 60d 00m W. along the Southerly line of said public alley 97.30 feet to the point of beginning.

Be and the same is hereby vacated as a public alley to become a part and parcel of the adjoining property, and further

Resolved, That the City Controller be and he is hereby authorized and directed to issue Quit Claim deed to the land in the vacated alley to The Detroit Bank and Trust Company, a Michigan Banking Corporation, and further

Resolved, That Quit Claim Deed of The Detroit Bank and Trust Company, a Michigan Banking Corporation, to the City of Detroit, a Municipal Corporation deeding land for alley purposes, said land being "A parcel of land lying on the north side of Congress Street, East of Wayne Street, being a part of Lot 10, Military Reserve, Plat of the United States Grant to the City of Detroit, by the Governor and Judges under Act of Congress May 30, 1826, recorded in Liber 5 on page 218, City Records, City of Detroit, Wayne County, Michigan, and more particularly described as follows: Beginning at the Southwesterly corner of Lot 8 of said Military Reserve, said point also being the intersection of the easterly line of Wayne Street, 50 feet wide, with the Northerly line of Congress Street, 50 feet wide; thence N. 60d 00m E. along the Northerly line of Congress Street 127.45 feet to a point, said point being the Southwesterly corner and the point of beginning of the parcel herein described; thence N. 30d 00m W. (at right to Congress Street) 138.00 feet to a point; thence N. 60d 00m E. along the southerly line of a public alley, 20 feet wide, 20.81 feet to a point; thence S. 29d 58m 50s E., 73.00 feet to a point; thence S. 60d 00m W., 3.00 feet to a point; thence S. 29d 53m 50s W., 65.00 feet to a point on the Northerly line of Congress Street; thence S. 60d 00m W. along the Northerly line of Congress Street 17.75 feet to the point of beginning, "be and the same is hereby accepted and the City Controller be and he is hereby directed to record said deed in the Office of the Registrar of Deeds for Wayne County."

Provided, That the above-mentioned deed is approved as to form and execution by the Corporation Counsel.

Adopted as follows:
Yeas—Councilmen Carey, Connor, Lincoln, Patrick, Smith, Van Antwerp, Wise and President Beck—8.

Nays—None.

EXHIBIT 2

EC38980

QUIT CLAIM DEED

STATUTORY FORM FOR CORPORATIONS WAYNE COUNTY, MICHIGAN

L13671A912

KNOW ALL MEN BY THESE PRESENTS That THE DETROIT BANK AND TRUST COMPANY, a Michigan banking corporation,

Quit Claims to CITY OF DETROIT, a Municipal corporation,

whose Street Number and Postoffice address is 46 State Street, Detroit, Michigan,

the following described premises situated in the City of Detroit, County of Wayne, State of Michigan, to-wit: A parcel of land lying on the North side of Congress Street, East of Wayne Street, being a part of Lot 10, Military Reserve, Plat of the United States granted to the City of Detroit, by the Congress and Judges under Act of Congress of May 30, 1826, recorded in Book 5 Page 218, City Records, City of Detroit, Wayne County, Michigan, and more particularly described as follows:

Beginning at the Southwesterly corner of Lot 8 of said Military Reserve, said point also being the intersection of the Easterly line of Wayne Street (50.00 feet wide) with the Northerly line of Congress Street (60.00 feet wide); thence N. 60° 00' E. along the Northerly line of Congress Street 127.45 feet to a point, said point being the Southwesterly corner and the point of beginning of the parcel herein described; thence N. 30° 00' W. (at right angles to Congress Street) 138.00 feet to a point; thence N. 60° E along the Southerly line of a public alley (20.00 feet wide) 20.81 feet to a point; thence S. 29° 58' 50" E. 73.00 feet to a point; thence S. 60° W. 3.00 feet to a point; thence S. 29° 58' 50" E. 65.00 feet to a point on the Northerly line of Congress Street; thence S. 60° W. along the Northerly line of Congress Street 17.75 feet to the point of beginning;

for the sum of One Dollar (\$1.00) and other valuable consideration, receipt of

which is hereby acknowledged,

Dated this 4th day of April A.D. 1958.

Signed in Presence of:

Signed by:

DESCRIPTION CORRECT W. J. WALLACE Engr. of Streets

By H. H. Hewitt 5/10/58

James R. Bramwell James R. Bramwell

THE DETROIT BANK AND TRUST COMPANY, a Michigan banking corporation

By Chas. H. Hewitt Executive Vice President

G. A. Wellensick Vice President and Cashier

Gene M. Nielan

RECORDED MAY 29 1958 269 BERTARD J. YOUNGBLOOD, Register of Deeds

STATE OF MICHIGAN WAYNE COUNTY 26. MICHIGAN County of Wayne

On this 4th day of April A.D. 1958 before me, a Notary Public in and for said County, personally appeared Chas. H. Hewitt and G. A. Wellensick to me personally

they each for himself say that they are the Executive Vice President and Vice President and Cashier of The Detroit Bank and Trust Company

the corporation named in and which executed the written instrument, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and said Chas. H. Hewitt and G. A. Wellensick acknowledged said instrument to be the free act and deed of said corporation.

My Commission expires

10/9/ A.D. 1959

G. Jean Gillette Notary Public, Wayne County, Michigan

*PRINT TYPEWRITE OR STAMP

NOTICE-It more than one office acknowledges must be "each for himself" and as "they are respectively."

When recorded return to E. A. WALINSEK 1008 Cley-Couney Bldg.

Walter E. Vashak

BURTON ABSTRACT AND TITLE COMPANY HAS OPERATED CONTINUOUSLY SINCE 1866

EC38980 MAKE YOUR REAL ESTATE TRANSACTIONS SAFE USING BURTON TITLE INSURANCE

EXHIBIT 3

Environmental Protection and
Maintenance Department
April 20, 1979
Honorable City Council
Re: Petition #13 Terra Development
Corp. Convert Alley to Park, 320
W. Congress Street.

This petitioner has requested per-
mission to convert a portion of the
alley west of 320 W. Congress Street
into a pedestrian mall. Terra De-
velopment Corp., the owners of the
property east of the alley, has ob-
tained the approval of Detroit Bank &
Trust, whose main office is adjacent to
the alley's west side.

The landscape design of this mall
has been approved by the Commu-
nity, Economic and Development Dept.
All other affected City departments
have indicated that they have not ob-
jection to the proposed development,
however, the Law Department re-
commends that an agreement be exe-

cuted with the petitioner which pro-
vides in entirety to the City saving
and protecting it from any and all
claims that may arise from this use of
public right-of-way, the petitioner pay
all costs of development of proposed
mall and perform same in conform-
ance with plans approved by the
Community, Economic and Develop-
ment Department, the petitioner and
his heirs and assigns maintains all
parts of the landscaped area including
walls, gates, surfacing and furniture in
a manner acceptable to the Recrea-
tion Department, its failure to comply
with (a) through (c) within 24 months
shall be cause for revocation of the ag-
reement and the closing of the alley.

The Environmental Protection and
Maintenance Department recom-
mends the adoption of the following
resolution granting this petition.

Respectfully submitted,
LOUIS W. CLERK
City Engineer

Approved:
JAMES H. WATTS
Director

By Council Member Eberhard.

Resolved, That vehicular traffic (ex-
cept emergency vehicles) be removed
from the southerly 20 feet of the 17.73
feet wide north-south public alley
which was opened by acceptance of a
quit claim deed by the Common
Council on May 13, 1858 J.C.G. pgs.
1048-49, which alley lies north of Con-
gress Street between Shady St. and
Washington Blvd. being part of Lot 10,
Military Reserve, Plat of the United
States Grant to the City of Detroit by
the Governor and Judges under Act of
Congress May 30, 1823 recorded Liber
5 Page 218 City Records; and be it
further

Provided, the City of Detroit retains
all rights and interest to the area
therein; and

Provided, the City and all utility
companies retain their rights to estab-
lish, maintain and service any utilities
in said area; and

Provided, the petitioner execute an
agreement covering items (a) through
(c) noted in letter accompanying this
resolution; and

Provided, that the petitioner shall at
its expense record said agreement and
this resolution with the Wayne County
Register.

Adopted as follows:
Yeas - Council Members Cleveland,
Cockrel, Eberhard, Hood, Kelley,
Mahaffey, McFadden, Hogell, and
President Henderson - 9.
Nays - None.

6122387

L120560 PA 744

6122387 1

RECORDED JUL 2 1979 at 159
FOREST E. YOUNGBLOOD, Register of Deeds
WAYNE COUNTY, MICHIGAN 48228

STATE OF MICHIGAN) ss. SHORT FORM - TRUE COPY CERTIFICATE
CITY OF DETROIT)

I, JAMES H. BRADLEY, CITY CLERK of the City of Detroit, do hereby
certify that the annexed paper is a True Copy of a Resolution
adopted by the City Council on May 2, 1979
and approved by the Mayor on May 15, 1979
as appears from the Journal of said City Council, on file in my office.

IN WITNESS WHEREOF, I have here-
unto set my hand and affixed the
Corporate Seal of said City,
at Detroit, on

May 22, 1979

RETURN TO
TERRA DEVELOPMENT CORP
220 W. CONGRESS
DETROIT, MI 48228



James H. Bradley
City Clerk