

## DEPARTMENTAL REFERENCE COMMUNICATION

*Tuesday, January 08, 2019*

*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    PLANNING AND DEVELOPMENT DEPARTMENT

**640**    *Bedrock Detroit, request to outright vacate a public alley and outright vacate a DWSD easement in the block bounded by Gratiot, Farmer, Monroe, and Randolph.*



December 12, 2018

HAND DELIVER

Honorable Detroit City Council  
C/o Detroit City Clerk  
200 Coleman A. Young Municipal Center  
2 Woodward Avenue  
Detroit, Michigan 48226

RE: Giffels Webster – Request to outright vacate a public alley and outright vacate a DWSD easement.

Giffels Webster, 28 W. Adams, Suite 1200, Detroit, Michigan 48226 on behalf of Bedrock Detroit, 630 Woodward Ave., Detroit, Michigan, 48226 respectfully requests the outright vacation of the following public alley and DWSD easement:

- The public alley (variable width) bounded by Gratiot Avenue (120 feet wide), Farmer Street (71 feet wide), Monroe Avenue (120 feet wide), and Randolph Street (variable width).
- The vacation and release of the DWSD water main and sewer easement (L.42095, P.294) attached and bounded by the same city block as described above.

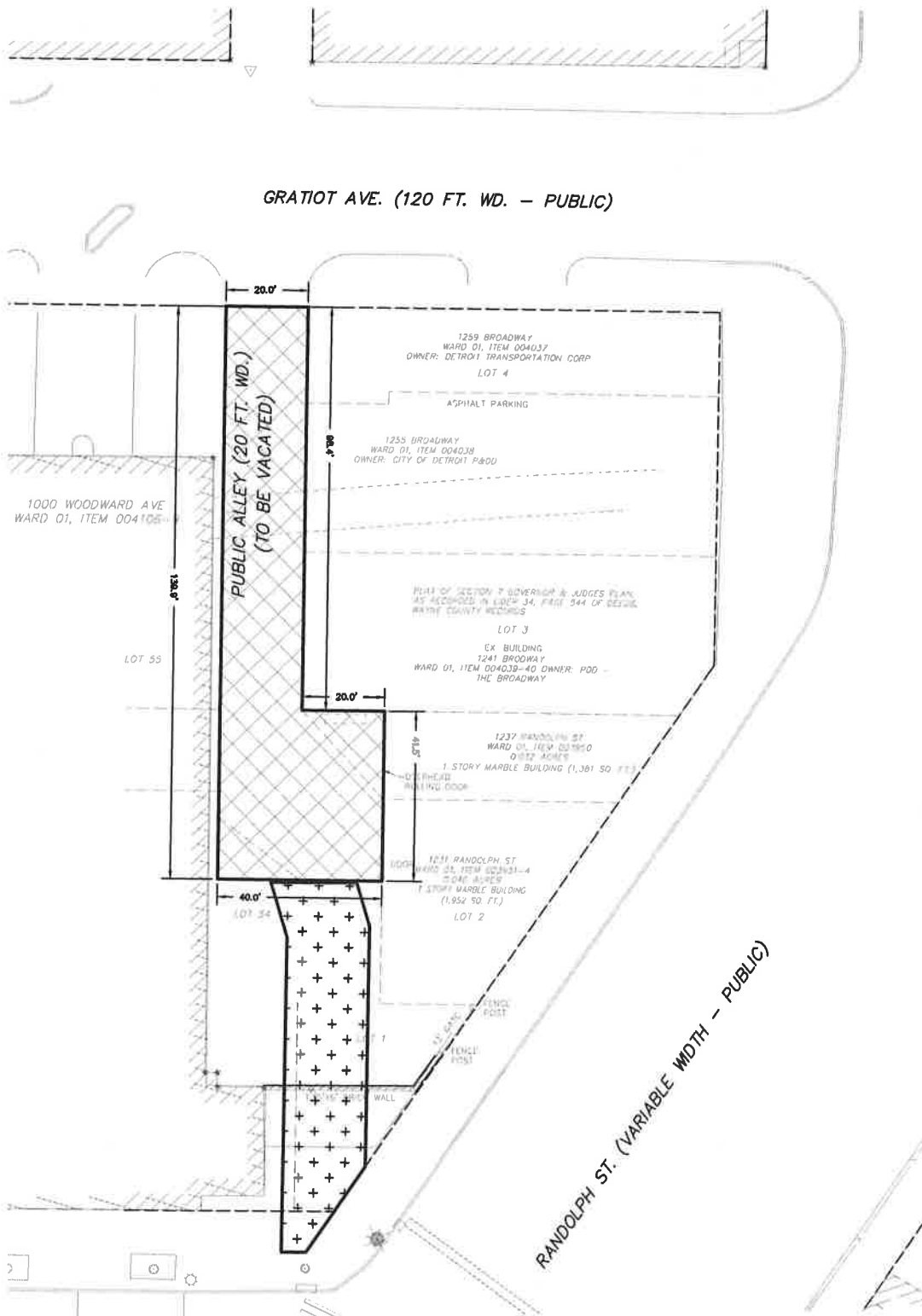
Limits of the requested vacation and easement release can be found in the attachment, enclosed herein.

Giffels Webster has been asked to facilitate the requested vacation. If you should have any questions, please do not hesitate to contact me at (P) 313.962.4442 (M) 313.980.1469 or [mmarks@giffelswebster.com](mailto:mmarks@giffelswebster.com).

Respectfully,

Michael Marks P.E.,  
Partner  
Giffels Webster

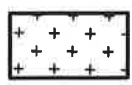
CITY CLERK 8 JAN 2019 PH1142



0 20' 40'  
SCALE: 1" = 40'



PROPOSED ALLEY OUTRIGHT VACATION



WATER AND SEWER EASEMENT OUTRIGHT VACATION - EASEMENT RELEASE

# HUDROE CUP ALLEY VACATION

12/12/2018  
19327-04D

03518076 FEB 03 2005

EASEMENT NO: 03-17

Li-42095 Pa-294  
205063991 2/03/2005  
Bernard J. Younsblood  
Wayne Co. Register of Deeds  
RDSANLUT

AGREEMENT AND GRANT OF EASEMENT,  
FOR  
WATER MAINS AND SEWERS

Easement No. 03-17

THIS AGREEMENT made and entered into this 28<sup>th</sup> day of July 2004  
by and between Kern Crowley Land Venture, LLC having offices at 20 North Michigan Ave., Chicago, IL 60602, party of  
the first part and the CITY OF DETROIT, a Michigan municipal corporation by and through its BOARD OF WATER  
COMMISSIONERS, having offices at 735 Randolph Street, Detroit, Michigan 48226, party of the second part, hereinafter  
referred to as the "BOARD."

WITNESSETH:

WHEREAS, the party of the first part is the owner of all interests in the land from which the easement(s) is/are to  
be created;

NOW, THEREFORE, the party of the first part does hereby agree and covenant with the party of the second part  
as follows:

1. The party of the first part does hereby grant, convey and confirm unto the party of the second part (an)  
easements(s) in perpetuity, for the purpose of constructing, maintaining, operating, inspecting, replacing  
and/or repairing water mains and sewers and their appurtenances therein which and easement is described  
and shown in Exhibit "A", attached hereto and made a part hereof.

EASEMENT NO: \_\_\_\_\_

FILE: \_\_\_\_\_

2. Except as provided below, the party of the first part hereby agrees that no building or structure, or any part thereof, of any nature whatsoever, shall be erected, constructed or permitted within the limits of the aforesaid easement set forth in Exhibits "A", without the prior written approval of the BOARD. The party of the second part or its agent or agents, are hereby authorized to enter upon said easements and dismantle and remove any and all parts of any building or structure as erected or constructed thereon. The party of the first part further agrees to waive all claims for damages against the party of the second part or any agent or agents thereof due to trespass or damage resulting from such dismantling, or removal, and to reimburse the party of the second part for the costs involved, provided, however, that the party of the first part shall be given the opportunity to save and/or protect materials that must be removed in order to provide free and clear access to the party of the second part. Restoration of dismantled and removed structures and obstructions shall be by and at the expense of the party of the first part.
3. The BOARD, or its agent or agents, reserves the right to install suitable permanent sewer or water main location guideposts over its facilities at reasonable intervals and at any points of deflection within said easement.
4. The party of the first party hereby grants and conveys to the BOARD all water pipes, water mains, sewers and underground equipment and appurtenances for water and sewer facilities together with all hydrants now installed or which may hereinafter be installed within the limits of the easement as described in this Agreement.
5. Nothing contained herein may be construed as rendering the party of the first part liable for acts of negligence of the party of the second part, its officers, employees or agents.
6. The parties hereto shall comply with all applicable fair employment practices, laws and ordinances, and require similar compliance by all parties contracted with pursuant to this Agreement. Failure to so comply or to require compliance may be considered a material breach of this Agreement.

THIS AGREEMENT shall inure to and be binding upon the heirs, successors or assigns of both parties.

IN WITNESS WHEREOF, the parties hereto have set their names and affixed their seals as of the day and year first above written.

Li-42095

Pa-296

WITNESSES

Terry Schreiner  
TERRY Schreiner

KERN CROWLEY LAND VENTURE, LLC  
Name As Appears on First Page

Andrew Norman  
Andrew NORMAN

By: DETROIT LAND INVESTMENT Corp.  
Sole Member and Manager of  
KERN CROWLEY LAND VENTURE, LLC

By: Robert A. Wislow  
Robert A. Wislow, President  
of DETROIT LAND INVESTMENT, Corp.

WITNESSES

Debra L. Ragland

CITY OF DETROIT, by its  
BOARD OF WATER COMMISSIONERS

Debra L. RAGLAND

Revia C. Bowie

By: Victor M. Mercado  
Victor M. Mercado, Director

Revia C. Bowie

By: \_\_\_\_\_

ATTEST:

Jackie L. Currie City Clerk  
JACKIE  
L. CURRIE  
LAW DEPARTMENT

T. A. Beckett  
Approved as to Form and Execution

T. A. Beckett...  
When recorded, return to:  
Board of Water Commissioners  
735 Randolph  
Detroit, Michigan 48226  
Attention: Property Management Section

Prepared by:  
Craig Dewey Stanley  
Property Management Section  
City of Detroit  
735 Randolph  
Detroit, Michigan 48226

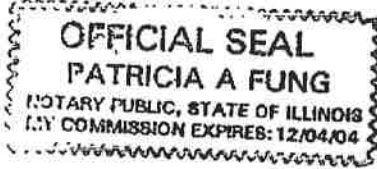
CORPORATE ACKNOWLEDGMENT

STATE OF MICHIGAN )  
                                  )SS  
COUNTY OF WAYNE )

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of March

20 04 by Robert A. Wislaw  
\_\_\_\_\_  
the President of Detroit Land Investment Corp.,  
sole member and manager of Kern Crowley Land Venture, LLC,  
\_\_\_\_\_  
Corporation on behalf of the Corporation.

Patricia A. Fung  
\_\_\_\_\_  
Notary Public  
Cook County  
My Commission Expires:



ACKNOWLEDGMENT

STATE OF MICHIGAN )  
 )SS.  
COUNTY OF WAYNE )

The foregoing Easement Agreement acknowledged before me this 10<sup>th</sup> day of September 2004  
by Victor M. Mercado the Director  
for the Board of Water Commissioners of the City of Detroit, on behalf of said City of Detroit.

Debra L. Ragland  
Notary Public

Wayne County Michigan  
My Commission Expires:

DEBRA L RAGLAND  
NOTARY PUBLIC STATE OF MICHIGAN  
WAYNE COUNTY  
ACTING IN:  
MY COMMISSION EXP. MAR. 2, 2006

RESOLUTION OF BOARD AUTHORITY

I, Marilyn Smith Secretary to the Board of Water Commissioners of the City  
of Detroit, a Michigan Municipal Corporation, DO HEREBY CERTIFY that the following is a true and correct excerpt from the  
minutes of the meeting of the Board duly called and held July 28, 2004

I FURTHER CERTIFY that Victor Mercado is the Director  
for the Board and that he is authorized to execute or guarantee and commit the Board to the conditions, obligations,  
stipulations and undertakings contained in the foregoing instrument and that all necessary corporate approvals have been  
obtained in relationship thereto.

IN WITNESS THERETO, I have set my hand this 15<sup>th</sup> day of September 2004.

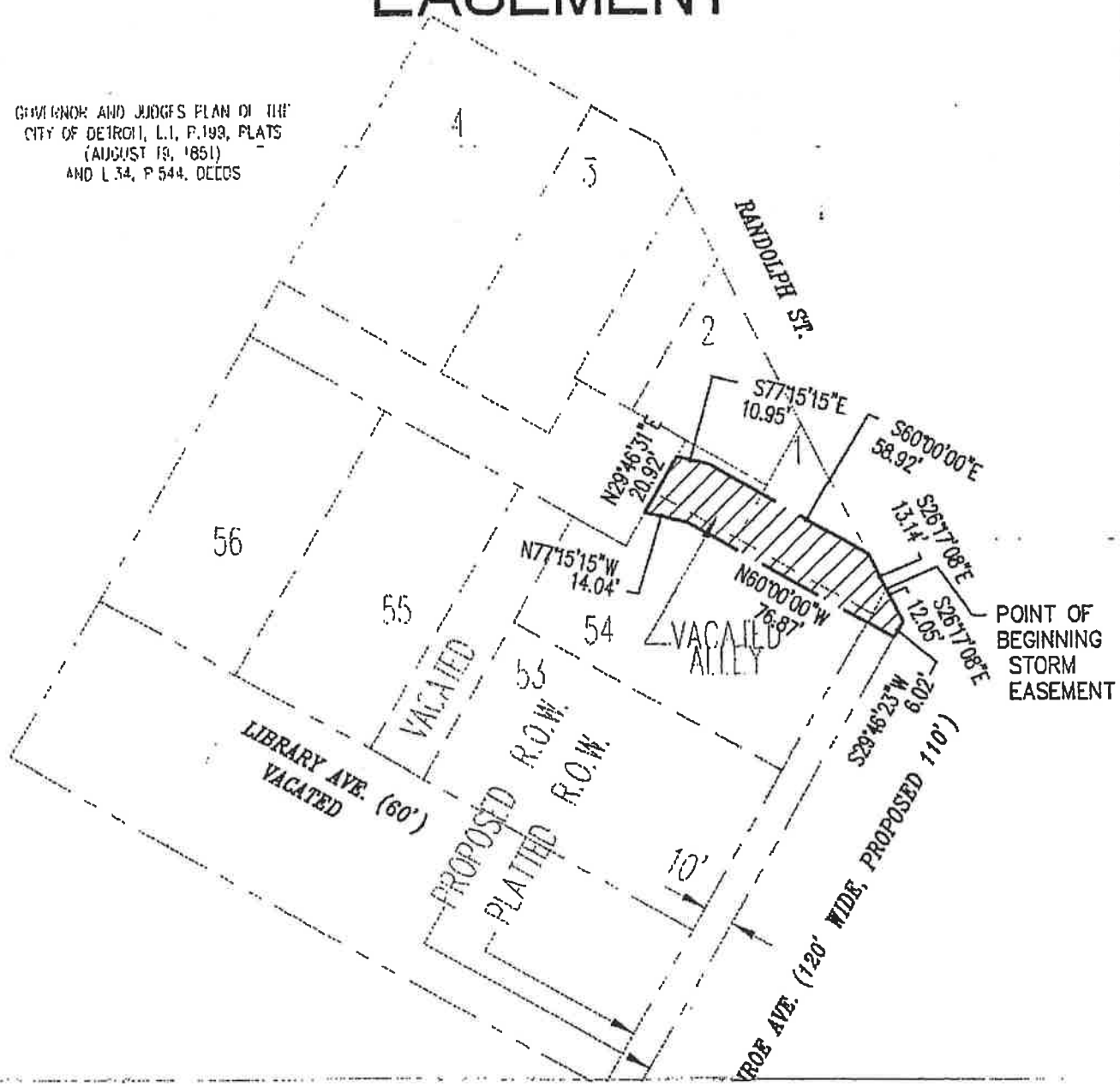
Marilyn Smith  
Board Secretary

MARILYN SMITH



# EASEMENT

GOVERNOR AND JUDGES PLAN OF THE  
CITY OF DETROIT, L.I. P. 193, PLATS  
(AUGUST 19, 1851)  
AND L. 34, P. 544, DECS



2019-01-08

**640**

**640** *Petition of Bedrock Detroit, request to outright vacate a public alley and outright vacate a DWSD easement in the block bounded by Gratiot, Farmer, Monroe, and Randolph.*

---

REFERRED TO THE FOLLOWING DEPARTMENT(S)

DPW - CITY ENGINEERING DIVISION PLANNING AND  
DEVELOPMENT DEPARTMENT