

\$12.00 DEED
Receipt #111204

RECORDED
BERNARD J. YOUNGBLOOD, REGISTER OF DEED
WAYNE COUNTY, MI

\$4.00 RENOVATIONATION

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Page-65

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2/20/2002

Bernard J. Youngblood, W.C. Rod

**Department of Public Works
City Engineering Division**
November 23, 2001

Honorable City Council:

Re: Planning Development Department, requesting the outright vacation of the alleys and to rescind seven (7) non-transferable encroachment within the block commonly known as the Monroe Block, being the area bounded on the south by Cadillac Square, the west by Monroe Avenue, the north by Farmer Street and the east by Bates Street.

The Planning Development Department (P&DD), as current trustee of the land, requires certain changes to the public rights-of-way to finalize the preparation of the Campus Martius Redevelopment Project to allow clear title to the land.

The purpose of this resolution is to respectfully request the approval of your Honorable Body of the vacation (outright) of the public alleys and to rescind six non-transferable encroachments, in the block bounded by Cadillac Square, 200 feet wide, Monroe Avenue, 120 feet wide, Farmer Street, 60 feet wide and Bates Street, 60 feet wide, in connection with the fulfillment by the City of Detroit Downtown Development Authority (DDA) of requirements contained in the Restated Tax Increment Financing Plan and Development Plan for Development in Area No. 1, as amended, (the DDA Plan). Pursuant to the Campus Martius Redevelopment Project as set forth in Section 407.2.6 of the DDA Plan, the City and the DDA have entered into a

Development Agreement with Kern Woodward Associates, L.L.C., pursuant to the terms of which the DDA and the City are obligated to permanently vacate the alleys in the Monroe Block in order that the site may be made available for eventual development of office or other commercial buildings on the Monroe Block.

In addition to the requested changes, itemized below, our investigation revealed seven non-transferable encroachments recorded in City of Detroit records in the area commonly known as the Monroe Block that must be rescinded to allow clear title to land for the Campus Martius Redevelopment Project.

In conjunction with the requested changes in rights-of-way, the City and the DDA are exercising the same governmental powers that were exercised in connection with the utility relocations that were required in connection with the Compuware Building Project. Therefore in requesting the vacations the City and the DDA are exercising a governmental func-

tion. The attached resolution does not address the concerns of potentially involved agencies and utilities. Payment of any costs for relocating utilities will be handled in accordance with the terms of the Restated Development Agreement approved by your Honorable Body.

An appropriated resolution is attached for consideration by your Honorable Body. I am recommending adoption of the attached resolution. A waiver of reconsideration is respectfully requested.

Respectfully submitted,
SUNDAY JAIYESIMI
City Engineer
City Engineering Division — DPW
By Council Member Everett:

Whereas, The City of Detroit Council (the "City Council") adopted its resolution authorizing the Director of the Planning Development Department ("P&DD") to execute that certain development agreement by and among the City of Detroit ("City"), the City of Detroit Downtown Development Authority ("DDA"), and Kern Woodward Associates, LLC, which development agreement contemplates, among other things, the transfer from the City of the property more commonly known as the Monroe Block and that property more commonly known as the Monroe Block to the DDA, for reconveyance to and development by Kern Woodward Associates, LLC, or its designated developer of the Monroe Block; and

Whereas, In connection with the fulfillment by the City of Detroit Downtown Development Authority (DDA) of requirements contained in the Restated Tax Increment Financing Plan and Development Plan for development in Area No. 1, as amended, (the DDA Plan) and pursuant to the Campus Martius Redevelopment Project as set forth in Section 407.2.6 of the DDA Plan, the City and the DDA have entered into a Development Agreement with Kern Woodward Associates, L.L.C., pursuant to the terms of which the DDA and the City are obligated to permanently vacate the alleys in the Monroe Block in order that the site

STATE OF MICHIGAN) ss.
CITY OF DETROIT)

SHORT FORM - TRUE COPY CERTIFICATE

I, Jackie L. Currie

CITY CLERK of the City of Detroit, do

hereby certify that the annexed paper is a True Copy of a Resolution

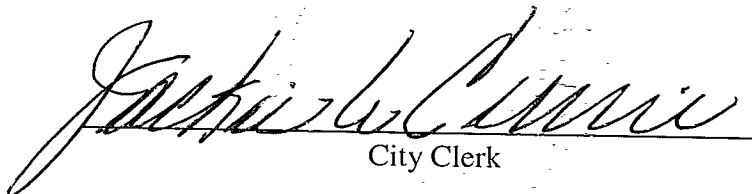
adopted by the City Council on November 30, 2001

and approved by the Mayor on December 6, 2001
Detroit Legal News, dated December 12, 2001

as appears from the ~~XXXX~~ of said City Council, on file in my office.

IN WITNESS WHEREOF, I have hereunto
Set my hand and affixed the Corporate
Seal of said City, at Detroit, on

December 21, 2001


City Clerk

RETURN TO:
DRAFTED BY:
Ms. Yvette Palmer
2 Woodward
300 Cayme
DETROIT, MI 48226

R Res 124 Rd app 5/02

may be made available for eventual development of office or other commercial buildings on the Monroe Block, and

Whereas, In conjunction with the requested changes in rights-of-way, the City and the DDA are exercising the same governmental powers that were exercised in connection with the utility relocations that were required in connection with the Compuware Building Project. Therefore in requesting the vacations the City and the DDA are exercising a governmental function. The attached resolution does not address the concerns of, potentially involved agencies and utilities. Payment of any costs for relocating utilities will be handled in accordance, with the terms of the Restated Development Agreement approved by your Honorable Body, and

Whereas, The City, the DDA, and Kern Woodward Associates, LLC., have agreed upon the description of the contiguous parcel of land to be conveyed pursuant to the Transfer Agreements, such parcel of land described as:

Land in the City of Detroit, Wayne County, Michigan, described as:

Being Lots 1 through 5, both inclusive, of the "Plat of E.C. Noble's Subdivision of Lot 78 and south half of Lot 79 in Section 6 of the Governor and Judges plan of the City Wayne County Records; and Lots 1, 2, and 3 of "Plat of Lots 45 and 46 Section 6 Governor and Judges Plan" City of Detroit, as laid out by the commissioner for dividing the Estate of the late Gen. John R. Williams, 1857, as recorded in Liber 1, Page 68, Plats, Wayne County Records; and the west 19.00 feet of Lot 42 and Lots 43, 44, 47 through 50, both inclusive, Lots 78, 79, 80, and the vacated alley adjoining, "Plat of Section 6 Governor and Judges Plan" as recorded in Liber 34, Page 545, Deeds, Wayne County Records, together with the vacated alley adjacent to such Lots;

Hereafter referred to as the "Project Site", as such description may be corrected by the City Engineering Division — DPW, pursuant to a certified survey; and

Whereas, To permit the conveyance of the Project Site for development in accordance with the Development Agreement and the Transfer Agreement, P&DD request City Council approval (I) to rescind seven (7) non-transferable encroachments appurtenant to the Monroe Block recorded in City of Detroit records between 1943 and 1971, the six grants do not have expiration dates. Unless they are removed from city records, encroachments can entangle the orderly transfer of property (II) for the vacation (outright) of certain public alley(s) hereinafter provided;

Now, Therefore, Be it Resolved, By The City of Detroit City Council that the following seven non-transferable encroachments recorded in City of Detroit records and connected with the Project Site, in the area bounded on the south by Cadillac Square, the west by Monroe Avenue, the north by Farmer Street and the east by Bates Street, be and the same are hereby rescinded;

1. Petition of Chas. E. Kanter Estate and Family Theatre Company, to replace existing stairway on the Cadillac Square side of theatre building: Nov. 30, 1943, J.C.C. PG. 3022.
2. Petitions of Frederick G. Clayton Estate, for building encroachment on Monroe Ave., SW corner of Farmer St., and to permit the Enggass Jewelry Co., to move its clock from sidewalk in front of 223 Monroe, to similar location in front of 83 Monroe Ave.: April 22, 1947, J.C.C. PGS. 1073-74.
3. Petition of Barlum Tower Corporation, for building encroachment at 51 Cadillac Square: Feb. 8, 1949, J.C.C. PG. 349.
4. Petition of the State of Michigan, to remodel main entrance, store fronts and mezzanine of the Cadillac Square Building, 17 Cadillac Sq.: Jan. 29, 1952, J.C.C. PG. 186.
5. Petition of the Cortland Company, for building encroachment at 1011 Farmer St.: April 22, 1958, J.C.C. PG. 789.
6. Petition of Sam J. Ruffino, requesting permission to continue location of newsstand on Cadillac Sq., adjacent to the Family Theatre. Your Honorable Body under action taken in J.C.C. PGS originally permitted the newsstand in question. 1004-5, dated May 8, 1962.
7. Petition of Samary Parking Company, Inc., for temporary closing of alley at rear of 737-741 Bates St. and

1001-1015 Farmer St.: Dec. 14, 1971, J.C.C. PG. 2759.

It is the intention of the City Council in adopting this resolution to vacate and rescind all encroachments previously granted in the rights-of-way lying within or adjacent to the Project Site, and be it further

Resolved, The City of Detroit City Council that the public rights-of-way be and the same are hereby vacated (outright) to become a part and parcel of the adjoining property subject to the concerns of potentially involved agencies and utilities, both public and private, which shall be observed by the owner(s) of the property consisting of or abutting on said public right-of-way, and by their heirs, executors, administrators, successors and assigns, forever, to wit:

All that part of the public alley rights-of-way in the block bounded by Cadillac Square, 200 feet wide, Monroe Avenue, 120 feet wide, Farmer Street, 60 feet wide and Bates Street, 60 feet wide, being more particularly described as follows:

The public alley lying adjacent to Lots 1 through 5, both inclusive, of the "Plat of E.C. Noble's Subdivision of Lot 78 and south half of Lot 79 in Section 6 of the Governor and Judges plan of the City of Detroit", Wayne Co., Mich., T.2 S., R. 12

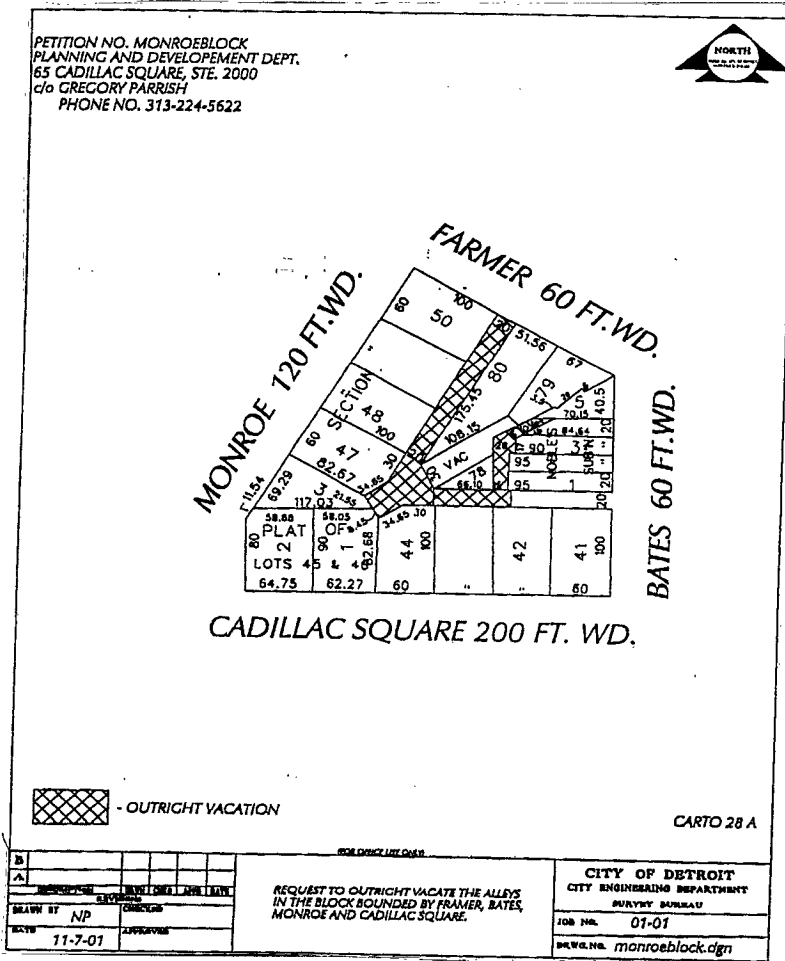
E., as recorded in Liber 5, Page 61, Plats, Wayne County Records; and lying adjacent to Lots 78 and 79 of "Plat of Section 6 Governor and Judges Plan" as recorded in Liber 34, Page 545, Deeds, Wayne County Records, together with the vacated alley adjacent to such Lots; and the public alleys lying adjacent to Lots 1, 2, 3, "Plat of Lots 45 and 46 Section 6 Governor and Judges Plan" City of Detroit, as laid out by the commissioner for dividing the Estate of the late Gen. John R. Williams, 1857, as recorded in Liber 1, Page 68, Plats, Wayne County Records; and the west 19.00 feet of Lot 42 and Lots 43, 44, 47 through 50, both inclusive, and Lot 80, and the vacated alley adjoining, "Plat of Section 6 Governor and Judges Plan" as recorded in Liber 34, Page 545, Deeds, Wayne County Records, together with the vacated alley adjacent to such Lots;

Provided, That the "Project Site", as described may be corrected by the City Engineering Division — DPW, pursuant to a certified survey; and be it further

Provided, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

Adopted as follows:

Yeas — Council Members Cleveland, K. Cockrel, Jr., S. Cockrel, Everett, Hood, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 9.
Nays — None.



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