

STATE OF MICHIGAN

IN THE WAYNE COUNTY CIRCUIT COURT

DTE ELECTRIC COMPANY, a Michigan  
corporation,

Plaintiff,

v.

Case No: 23-005633-CH

Hon. Annette J. Berry

CITY OF DETROIT, MICHIGAN;  
SHELLY EDGERTON, Director of the Michigan  
Department of Licensing and Regulatory Affairs;  
ELMEKA STEELE, Wayne County Drain  
Commissioner; ANDREW KANDREVAS, Wayne  
County Director of Public Services; MARK A.  
VAN PORT FLEET, Director of the Michigan  
Department of Transportation, KEITH CREAGH,  
Director of the Michigan Department of Natural  
Resources; CONSUMERS ENERGY COMPANY;  
MICHIGAN BELL TELEPHONE COMPANY;  
KATHLEEN E. SHAW LAWRENCE;  
MOHAMAD A. RAMOUNI; BRENDA  
HOWARD; AMIN ALMADRAHI; C3PL (MI),  
LLC; JERSSON A. CALDERON-MORALES;  
HAKIM M. AHMED; MICHAEL WARHOLAK;  
MICHAEL WARHOLAK, JR.; PAUL  
WARHOLAK; MOHAMED MUSAID; ESHAQ  
MUSAED; DETROIT LAND BANK  
AUTHORITY, L.L.C.; NORTHERN PROPERTY  
HOLDINGS, LLC; HARAJLI PROPERTIES,  
LLC; AMERICAN INTERNATIONAL FOR  
TRADE & AUCTION, INC.; and DTE GAS  
COMPANY,

Defendants.

**CONSENT JUDGMENT TO VACATE  
A 50-FOOT WIDE PORTION OF  
WESTERN STREET AND AN EIGHT-  
FOOT WIDE PORTION OF A PUBLIC  
ALLEY, SULLIVAN & RUSSELL'S  
SUBDIVISION OF THE WEST 9.44  
ACRES OF P.C. 40 NORTH OF  
MICHIGAN AVE. IN THE CITY OF  
DETROIT**

---

Robert W. O'Brien (P59127)  
*Attorneys for Plaintiffs*  
MILLER JOHNSON  
45 Ottawa Avenue SW, Suite 1100  
Grand Rapids, Michigan 49503  
(616) 831-1700  
[obrienr@millerjohnson.com](mailto:obrienr@millerjohnson.com)

James D. Noseda (P52563)  
*Attorneys for Defendant City of Detroit*  
CITY OF DETROIT LAW DEPT  
2 Woodward Ave - Ste 500  
Coleman A. Young Municipal Center  
Detroit, MI 48226  
(313) 237-3057  
[nosej@detroitmi.gov](mailto:nosej@detroitmi.gov)

---

Matthew Meyerhuber (P84721)  
*Attorney for Defendants Michigan Department of  
Licensing and Regulatory Affairs; Michigan  
Department of Transportation; and Michigan  
Department of Natural Resources*  
MICHIGAN DEPARTMENT OF ATTORNEY GENERAL  
P.O. Box 30755  
Lansing, MI 48909  
(517) 302-6483  
[meyerhuberm1@michigan.gov](mailto:meyerhuberm1@michigan.gov)

James M. Jernigan (P57035)  
*Attorney for Defendants Wayne County  
Drain Commissioner and Wayne County  
Department of Public Services*  
OFFICE OF WAYNE COUNTY CORP. COUNSEL  
400 Monroe Street, Suite 290  
Detroit, MI 48226  
(313) 202-7188  
[jjernigan@waynecounty.com](mailto:jjernigan@waynecounty.com)

Jason M. Milstone (P53769)  
*Attorney for Consumers Energy Company*  
CONSUMERS ENERGY COMPANY  
9941 Rolling Pines Drive  
Brighton, MI 48116-8438  
(517) 740-2289  
[Jason.milstone@cmsenergy.com](mailto:Jason.milstone@cmsenergy.com)

Leland Prince (P30686)  
*Attorney for DTE Gas Company*  
DTE ENERGY  
1 Energy Plaza, #688-WCB  
Detroit, MI 48226-1221  
(313) 235-7725  
[Leland.prince@dteenergy.com](mailto:Leland.prince@dteenergy.com)

---

**CONSENT JUDGMENT TO VACATE A 50-FOOT WIDE PORTION OF  
WESTERN STREET AND AN EIGHT-FOOT WIDE PORTION OF A PUBLIC ALLEY,  
SULLIVAN & RUSSELL'S SUBDIVISION OF THE WEST 9.44 ACRES OF P.C. 40  
NORTH OF MICHIGAN AVE. IN THE CITY OF DETROIT**

At a session of said Court held in the City of Detroit, Wayne  
County, State of Michigan, this 29<sup>th</sup> day of May, 2024.

PRESENT: HONORABLE ANNETTE J. BERRY  
Circuit Court Judge

Plaintiff, DTE Electric Company ("DTE"), a Michigan corporation, having filed its  
Complaint to Vacate a 50-Foot Wide Portion of Western Street and an Eight-Foot Wide Portion  
of a Public Alley, Sullivan & Russell's Subdivision of the West 9.44 Acres of P.C. 40 North of  
Michigan Ave. in the City of Detroit, and Plaintiff having represented to this Court that all parties  
required by MCL 560.224a(1) to be joined have been so joined, and it appearing that those parties  
have been given notice of the proceedings leading to this Consent Judgment and have either been

defaulted, consented to the vacation as requested in the Complaint, or stipulated to a Consent Judgment.

**NOW, THEREFORE, IT IS ORDERED and ADJUDGED:**

1. The City of Detroit Council in public session on January 27, 2022, (Petition No. x2022-35) adopted a Resolution consenting to the vacation of a 50-foot wide portion of Western Street in Sullivan & Russell's Subdivision of the West 9.44 Acres of P.C. 40 North of Michigan Ave. per Liber 14, Page 91, located in the City of Detroit, Wayne County, Michigan ("Vacated Portion of Western Street"). A copy of the Petition is attached as Exhibit A. A copy of the Plat map of Sullivan & Russell's Subdivision of the West 9.44 Acres of P.C. 40 North of Michigan Ave. is attached as Exhibit B.

2. The Vacated Portion of Western Street is more particularly described as follows:

A PARCEL OF LAND BEING PART WESTERN STREET, 50 FEET WIDE, AND CONTAINED IN THE PLAT OF SULLIVAN & RUSSELL'S SUBDIVISION AS RECORDED IN LIBER 14 OF PLATS, PAGE 91, WAYNE COUNTY RECORDS. BEING PART OF PRIVATE CLAIM 40, NORTH OF MICHIGAN AVENUE, T2S-R11E, CITY OF DETROIT, WAYNE COUNTY, MICHIGAN MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PRIVATE CLAIM 40; THENCE N13°29'00"E 29.59 FEET, ALONG THE NORTHERLY LINE OF SAID PRIVATE CLAIM TO THE SOUTHERLY RIGHT OF WAY LINE OF MCGRAW STREET; THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING TWO COURSES: N85°00'59"E 20.82 FEET AND N57°22'18"E 64.35 FEET TO THE WEST LINE OF WESTERN STREET AND THE POINT OF BEGINNING (BEING A POINT ON E LINE OF LOT 82 OF SAID PLAT THAT IS S31°36'10"E 14.57' FROM N COR OF SAID LOT 82); THENCE S31°36'10"W 105.44 FEET TO THE SE COR OF LOT 85 OF SAID PLAT AND NORTHERN LIMITED ACCESS RIGHT OF WAY LINE OF I-94; THENCE N70°51'04"E 51.21 FEET ALONG SAID RIGHT OF WAY LINE TO THE EAST LINE OF WESTERN STREET; THENCE N31°36'10"W ALONG SAID LINE 117.38 FEET TO THE SOUTH

RIGHT OF WAY LINE OF MCGRAW STREET AT A POINT ON W LINE OF LOT 74 THAT IS S31°36'10"E 2.63' FROM NW COR OF SAID LOT 74; THENCE S57°22'18"W 50.01 FEET TO THE POINT OF BEGINNING. CONTAINS 0.13 ACRE OF LAND, MORE OR LESS.

The Vacated Portion of Western Street is depicted on the drawing attached as Exhibit C.

3. The City of Detroit Council in public session on June 15, 2023, (Petition No. x2023-239) adopted a Resolution consenting to the vacation of an eight-foot wide portion of a public alley in Sullivan & Russell's Subdivision of the West 9.44 Acres of P.C. 40 North of Michigan Ave. per Liber 14, Page 91, located in the City of Detroit, Wayne County, Michigan ("Vacated Portion of the Public Alley"). A copy of the Petition is attached as Exhibit D.

4. The Vacated Portion of the Public Alley is more particularly described as follows:

A PARCEL OF LAND BEING ALL THAT PART OF A PUBLIC ALLEY, 8 FEET WIDE, AND BEING WESTERLY OF, AND ADJACENT TO THE WEST LINE OF LOTS 82-85 IN THE PLAT OF SULLIVAN & RUSSELL'S SUBDIVISION AS RECORDED IN LIBER 14 OF PLATS, PAGE 91, WAYNE COUNTY RECORDS. BEING PART OF PRIVATE CLAIM 40, NORTH OF MICHIGAN AVENUE, T2S-R11E, CITY OF DETROIT, WAYNE COUNTY, MICHIGAN MORE PARTICULARLY DESCRIBED AS:

PART OF THE PLAT OF SULLIVAN & RUSSELL'S SUBDIVISION AS RECORDED IN LIBER 14 OF PLATS, PAGE 91, WAYNE COUNTY RECORDS. BEING PART OF PRIVATE CLAIM 40, NORTH OF MICHIGAN AVENUE, SPRINGWELLS, T2S-R11E, CITY OF DETROIT, WAYNE COUNTY, MICHIGAN MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF SAID PRIVATE CLAIM 40; THENCE S31°23'50"E, ALONG THE WESTERLY LINE OF SAID PLAT, 66.73 FEET TO THE NORTHERLY LIMITED ACCESS RIGHT OF WAY LINE OF I-94 FREEWAY; THENCE ALONG SAID RIGHT OF WAY LINE N72°24'41"E 8.24 FEET TO THE WESTERLY LINE OF LOT 85; THENCE N31°23'50"W, ALONG THE WESTERLY LINE OF LOTS 85-82, 76.73 FEET TO THE WESTERLY SUBDIVISION LINE AND THE NORTHERLY LINE OF PRIVATE CLAIM 40; THENCE S13°29'00"W, ALONG SAID SUB LINE AND NORTHERLY P.C. LINE, 11.34 FEET TO THE POINT OF

BEGINNING. CONTAINS 574 SQUARE FEET OF LAND, MORE OR LESS.

The Vacated Portion of the Public Alley is depicted on the drawing attached as Exhibit C.

5. Upon entry of this Consent Judgment and recordation of the amended plat, the Vacated Portion of Western Street is hereby vacated. Title to the Vacated Portion of Western Street shall vest in Plaintiff as set forth in MCL 560.277a(3).

6. Upon entry of this Consent Judgment and recordation of the amended plat, the Vacated Portion of the Public Alley is hereby vacated. Title to the Vacated Portion of the Public Alley shall vest in Plaintiff as set forth in MCL 560.277a(2).

7. Portions of Lots 74 and 82, as described and depicted on attached Exhibit C, being used as public street, being subject to an existing street by City of Detroit resolution, is hereby confirmed and established in conformance with MCL 560.137, to be depicted as a portion of the public right-of-way for McGraw Street that burdens these portions of the plat. This right-of-way shall remain under the jurisdiction of the City of Detroit.

8. The part of Lot 85, as described and depicted on attached Exhibit C, being used as public highway according to Liber 9051, Page 540, Wayne County Records, is hereby confirmed and established in conformance with MCL 560.137, to be depicted as a portion of the public right-of-way for Highway I-94 that burdens these portions of the plat. This right-of-way shall remain under the jurisdiction of the MDOT.

9. The Vacated Portion of Western Street, the Vacated Portion of the Public Alley, and Lots 71-74 and 82-85, except for the above described part of Lots 74, 82 and 85 that are confirmed and/or established as public right of way for McGraw Street and/or Highway I-94, shall be consolidated into one lot to be identified by the first available consecutive lot number in

Sullivan & Russell's Subdivision of the West 9.44 Acres of P.C. 40 North of Michigan Ave. on an amended plat, and title to this consolidated lot is vested in the Plaintiff.

10. The parties acknowledge and agree that Plaintiff intends to install improvements within the Vacated Portion of Western Street and the Vacated Portion of the Public Alley ("Plaintiff's Improvements").

11. Only recorded easements and those interests reserved in this Consent Judgment that are located within the boundary of the amended plat are preserved, and the amended plat shall show only recorded easements, and shall be accompanied by a written statement of the surveyor that he or she, in determining the type, width, and location of any recorded easements shown has reviewed any existing title search and/or policy of title insurance and has searched, or caused to be searched, the records of the Register of Deeds for any recorded easements burdening the subject lands which were created between the date of a title search or issuance of a title policy and the most recent submittal date of the amended plat and shall provide a copy of those records to the Michigan Department of Licensing and Regulatory Affairs, Office of Land Survey and Remonumentation ("OLSR") upon submission of the amended plat.

12. Plaintiff shall record this Consent Judgment with the Office of the Register of Deeds for the County of Wayne, State of Michigan, as required by MCL 560.228. A copy of the recorded Consent Judgment shall accompany the amended plat to be filed with the OLSR. Plaintiff shall deliver to the City Attorney's Office a recorded copy of this Consent Judgment within thirty (30) days after it has been entered by the Court.

13. Plaintiff shall prepare an amended plat of Lots 71, 72, 73, 74, 82, 83, 84 and 85 and the adjacent Vacated Portion of Western Street and the Vacated Portion of the Public Alley in Sullivan & Russell's Subdivision of the West 9.44 Acres of P.C. 40 North of Michigan Ave.

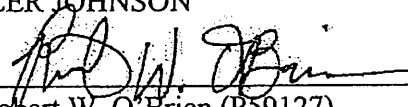
affected by this Consent Judgment within 90 days of the entry of this Consent Judgment and shall submit the amended plat for review and approval of the OLSR. The amended plat shall be consistent with this Consent Judgment, in substantial compliance with Exhibit C and shall be in a form that complies with the Michigan Land Division Act, MCL 560.101, *et. seq.*

14. Upon notice and hearing, this Consent Judgment shall be declared null and void *nunc pro tunc* should the amended plat not be prepared and filed as required by this Consent Judgment and by the requirements of the Land Division Act within 90 days from the entry of this Consent Judgment

15. This resolves the last pending claim in this matter and closes this case except as may be necessary to enforce the provisions of this Consent Judgment.

MILLER JOHNSON

Dated: May 28, 2024

By  \_\_\_\_\_  
Robert W. O'Brien (P59127)  
Attorneys for Plaintiff

CONSENTED TO:

CITY OF DETROIT

Dated: May28, 2024

By /s/ James D. Noseda (with permission) \_\_\_\_\_  
James D. Noseda (P52563)  
City of Detroit Law Department  
Attorney for Defendant  
City of Detroit

DTE GAS COMPANY

Dated: May28, 2024

By /s/ Leland Prince (with permission) \_\_\_\_\_  
Leland Prince (P30686)  
Attorney for Defendant  
DTE Gas Company

SHELLY EDGERTON, DIRECTOR OF THE  
MICHIGAN DEPARTMENT OF LICENSING  
AND REGULATORY AFFAIRS, Successor to the  
Department of Energy, Labor and Economic  
Growth, Pursuant to Executive Order No. 2011-4

Dated: May 28, 2024

By /s/ Matthew Meyerhuber (with permission)  
Matthew Meyerhuber (P84721)  
Assistant Attorney General  
Mich Dept of Attorney General  
Environment, Natural Resources, and  
Agriculture Division Attorney for State  
Defendants

KEITH GREAGH, DIRECTOR OF THE  
MICHIGAN DEPARTMENT OF NATURAL  
RESOURCES

Dated: May 28, 2024

By /s/ Matthew Meyerhuber (with permission)  
Matthew Meyerhuber (P84721)  
Assistant Attorney General  
Mich Dept of Attorney General  
Environment, Natural Resources, and  
Agriculture Division Attorney for State  
Defendants

VAN PORT FLEET, DIRECTOR OF THE  
MICHIGAN DEPARTMENT OF  
TRANSPORTATION

Dated: May 28, 2024

By /s/ Matthew Meyerhuber (with permission)  
Matthew Meyerhuber (P84721)  
Assistant Attorney General  
Mich Dept of Attorney General  
Environment, Natural Resources, and  
Agriculture Division Attorney for State  
Defendants



ELMEKA STEELE, WAYNE COUNTY DRAIN  
COMMISSIONER

Dated: May 28, 2024

By /s/ James M. Jernigan (with permission)  
James M. Jernigan  
Principal Attorney  
Office of Wayne County Corporation Counsel  
Commercial and Real Property Division  
County of Wayne

ANDREW KANDREVAS, WAYNE COUNTY  
DIRECTOR OF PUBLIC SERVICES

Dated: May 28, 2024

By /s/ James M. Jernigan (with permission)  
James M. Jernigan  
Principal Attorney  
Office of Wayne County Corporation Counsel  
Commercial and Real Property Division  
County of Wayne

ORDER

At a session of said Court, held in the City of Detroit,  
Wayne County, Michigan, on May 29, 2024.

PRESENT: HON. ANNETTE J. BERRY  
Circuit Court Judge

IT IS SO ORDERED.

The seal of the Third Judicial Circuit of Michigan is circular. It features a central figure, likely a personification of Justice, holding a scale and a sword. The text "THIRD JUDICIAL CIRCUIT" is written around the top inner edge, and "OF MICHIGAN" is written around the bottom inner edge. The words "JURISPRUDENCE" and "CIRCUMSPICE" are also visible. Overlaid on the seal is the signature "s/ Annette J. Berry" and the date "May 29, 2024". A horizontal line is drawn across the seal, with the text "Circuit Court Judge" written below it.

s/ Annette J. Berry  
May 29, 2024  
Circuit Court Judge

ATTEST: a true copy

\_\_\_\_\_

# EXHIBIT

A

TRUE COPY CERTIFICATE

Form C of D-16-CE

STATE OF MICHIGAN, }  
City of Detroit } ss.

CITY CLERK'S OFFICE, DETROIT

I, Janice M. Winfred, City Clerk of the City of Detroit, in said

State, do hereby certify that the annexed paper is a TRUE COPY OF RESOLUTION

adopted (passed) by the City Council at session of  
FEBRUARY 22 2022

and approved by Mayor  
FEBRUARY 23 2022

as appears from the Journal of said City Council in the office of the City Clerk of Detroit, aforesaid; that I have compared the same with the original, and the same is a correct transcript therefrom, and of the whole of such original.

In Witness Whereof, I have hereunto set my hand and affixed the corporate seal of said City, at Detroit; this 5<sup>th</sup> day of APRIL

~~day of~~ APRIL A.D. 2022  
Janice M. Winfred  
CITY CLERK



CITY OF DETROIT  
DEPARTMENT OF PUBLIC WORKS  
CITY ENGINEERING DIVISION

COLEMAN A. YOUNG MUNICIPAL CENTER  
2 WOODWARD AVE. SUITE 601  
DETROIT, MICHIGAN 48226  
PHONE: (313) 224-3949 • TTY: 711  
FAX: (313) 224-3471  
WWW.DETROITMI.GOV

January 27th, 2022

Honorable City Council:

Bernard J. Youngblood  
Wayne County Register of Deeds

2023119051 L: 58189 P: 98  
04/05/2023 02:48 PM RES Total Pages: 5



**RE: Petition No. x2022-35 – DTE Energy, request for the outright vacation of Western Street located between Sharon Street and Weir Street, south of McGraw Street.**

Petition No. x2022-35 – DTE Energy, request for the outright vacation of Western Street, 50 ft. wide, located between Sharon Street, 50 ft. wide, and Weir Street, 50 ft. wide, south of McGraw Street 66ft. wide.

The petition was referred to the City Engineering Division – DPW for investigation (utility review) and report. This is our report.

The request is made as part of a consolidation of property by DTE Energy.

The request was approved by the Solid Waste Division – DPW, and Traffic Engineering Division – DPW, and City Engineering - DPW.

Detroit Water and Sewerage Department (DWSD) has no objection provided certain provisions are met. The DWSD provisions are a part of the attached resolution.

All other involved City Departments, and privately owned utility companies have reported no objections. Provisions protecting utility installations are part of the attached resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

Richard Doherty, P.E., City Engineer  
City Engineering Division – DPW

/JK

Cc: Ron Brundidge, Director, DPW  
Mayor's Office – City Council Liaison

BY COUNCIL MEMBER Santiago-Romero

**RESOLVED**, Western Street, 50 ft. wide, located between Sharon Street, 50 ft. wide, and Weir Street, 50 ft. wide, south of McGraw Street 66 ft. wide; further described as land in the City of Detroit, Wayne County, Michigan being: Western Street, 50 ft. wide, lying westerly of and adjacent to lots 71 through 74 of "Sullivan & Russell's Subdivision" as recorded in Liber 14, Page 91 of Plats, Wayne County Records.

Be and the same are hereby vacated (outright) as public rights-of-way to become part and parcel of the abutting property, subject to the following provisions:

PROVIDED, that petitioner/property owner make satisfactory arrangements with any and all utility companies for cost and arrangements for the removing and/or relocating of the utility companies and city departments services, and further

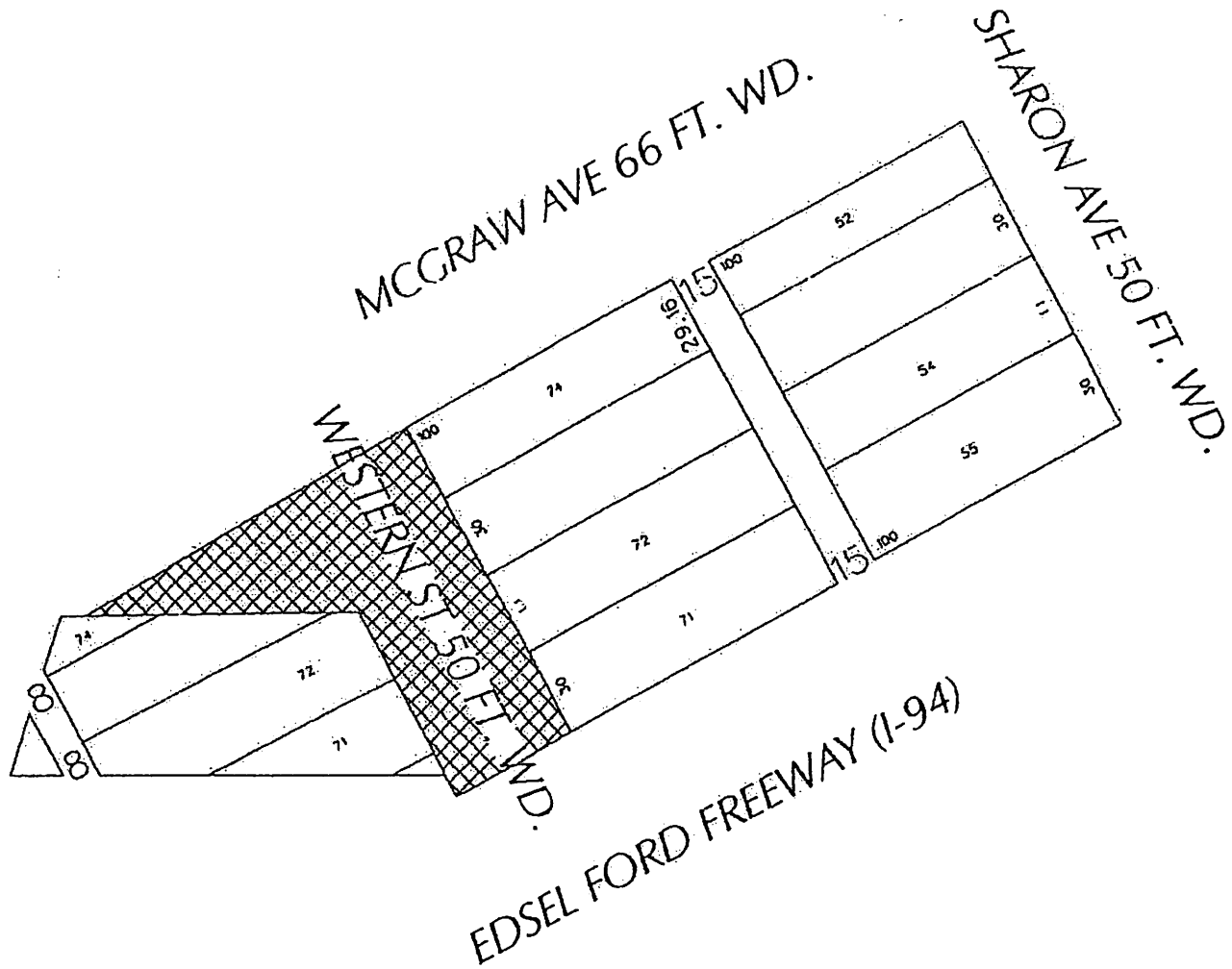
PROVIDED, that the petitioner/property owner acknowledge that DWSD relinquishes all responsibility for underground sewers, if any, and further

PROVIDED, that the petitioner/property owner bear the entire cost of any modification to the sewer, in any, including costs related to construction, demolition, permitting, inspection, and survey, and further

PROVIDED, that any construction in the public rights-of-way such as curbs and sidewalks 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 x2022-35  
 MAP-21-79



 - OUTRIGHT VACATION

(FOR OFFICE USE ONLY)

CARTO 4 B

|             |  |          |      |          |      |           |  |         |  |  |  |  |
|-------------|--|----------|------|----------|------|-----------|--|---------|--|--|--|--|
| B           |  |          |      |          |      |           |  |         |  | <b>REQUEST FOR OUTRIGHT VACATION -<br/>         PORTION OF WESTERN ST AND<br/>         MCGRAW ST TO BE OUTRIGHT<br/>         VACATED FOR MCGRAW SUBSTATION<br/>         EXPANSION AT 9125 MCGRAW AVE</b> | <b>CITY OF DETROIT</b><br>CITY ENGINEERING DIVISION<br>SURVEY BUREAU |  |
| A           |  |          |      |          |      |           |  |         |  |  | JOB NO. 01-01  |  |
| DESCRIPTION |  | DRWN     | CHKD | APPD     | DATE | REVISIONS |  | CHECKED |  |  | DRWG. NO.  |  |
| DRAWN BY    |  | KJ       |      | CHECKED  |      | APPROVED  |  | JD      |  |  |  |  |
| DATE        |  | 12-16-21 |      | APPROVED |      | JD        |  |         |  |  |  |  |

**ADOPTED AS FOLLOWS  
COUNCIL MEMBERS**

|          |                    |           | YEAS | NAYS |
|----------|--------------------|-----------|------|------|
| Scott    | BENSON             |           | √    |      |
|          |                    |           |      |      |
| Fred     | DURHAL, III        |           | √    |      |
|          |                    |           |      |      |
| Latisha  | JOHNSON            |           | √    |      |
|          |                    |           |      |      |
| Gabriela | SANTIAGO-ROMERO    |           | √    |      |
|          |                    |           |      |      |
| *James   | PRO TEM            | TATE      | √    |      |
|          |                    |           |      |      |
| Mary     | WATERS             |           | √    |      |
|          |                    |           |      |      |
| Angela   | WHITFIELD-CALLOWAY |           | √    |      |
|          |                    |           |      |      |
| Coleman  | YOUNG, II          |           | √    |      |
|          |                    |           |      |      |
| MARY     | PRESIDENT          | SHEFFIELD | √    |      |
|          |                    |           |      |      |
|          | *PRESIDENT PRO TEM |           |      |      |
|          |                    |           | 9    | 0    |
|          |                    |           |      |      |
|          |                    |           |      |      |
|          |                    |           |      |      |
|          |                    |           |      |      |



EXHIBIT

B

SULLIVAN & RUSSELL'S SUBDIVISION

7th WEST 944 FLORES or P.C. 70.

North of Michigan Ave.

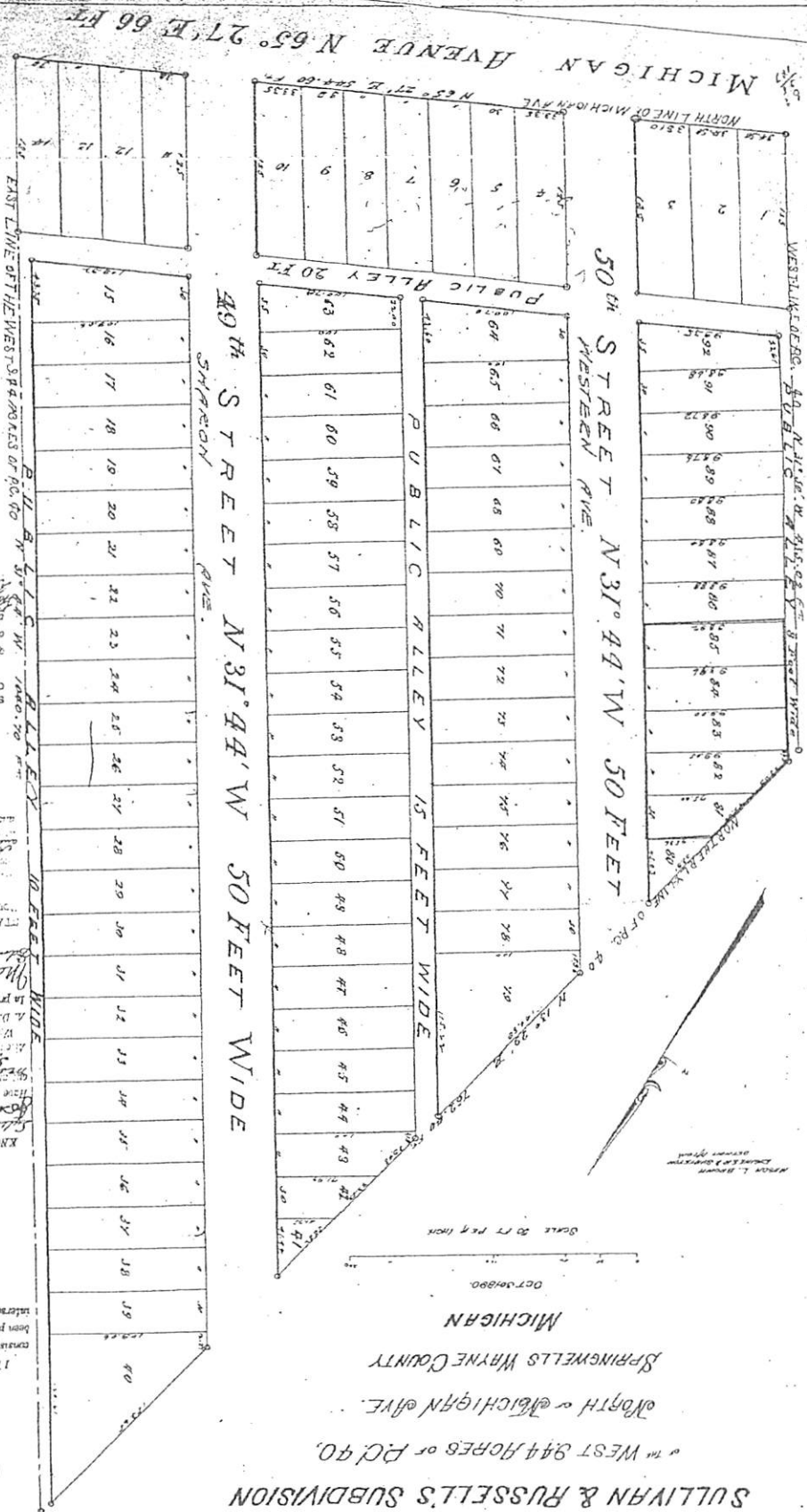
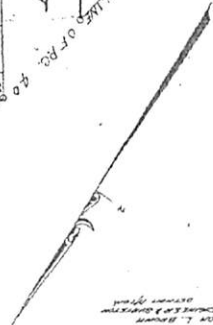
SPRINGWELLS WHYNE COUNTY

MICHIGAN

OCT 20/1890

SCALE 20 FT PER INCH

MADE BY ENGINEER



Recorded for record the 20th day of October 1890 at 11:30 a.m. in Book 21 and Record 21 of the Public Records of this County.

Witness my hand and the seal of said County at Lansing, Michigan, this 21st day of October 1890.

Wm. H. B. L. C. W. Register of Deeds  
 The whole of each copy of this plat is the property of the State of Michigan and the same shall be returned to the State of Michigan upon demand of the State of Michigan.

STATE OF MICHIGAN  
 County of Wayne  
 I, Wm. H. B. L. C. W., Register of Deeds, do hereby certify that the above plat is a true and correct copy of the original plat on file in my office.

KNOW ALL MEN BY THESE PRESENTS, that the above plat is a true and correct copy of the original plat on file in my office.

Witness my hand and the seal of said County at Lansing, Michigan, this 21st day of October 1890.

678-8-1



# EXHIBIT

C

PROPOSED AMENDED PLAT OF LOTS 71-74, 82-85 AND VACATED PORTIONS OF ALLEY AND WESTERN STREET, SULLIVAN & RUSSELL'S SUBDIVISION OF THE WEST 944 ACRES OF PRIVATE CLAIM 40 NORTH OF MICHIGAN AVENUE SPRINGWELLS (NOW CITY OF DETROIT), WAYNE COUNTY, MICHIGAN

**EXHIBIT "C"**

PLAT OF "SULLIVAN & RUSSELL'S SUBDIVISION" LIBER 14 OF PLATS, PAGE 91

BEARINGS ARE REFERENCED TO THE NORTH LINE OF PRIVATE CLAIM 40 AS BEING S18°29'00"W PER THE RECORDED PLAT OF "SULLIVAN & RUSSELL'S SUBDIVISION" LIBER 14 OF PLATS, PAGE 91 WAYNE COUNTY RECORDS.

PLAT OF "SULLIVAN & RUSSELL'S SUBDIVISION" LIBER 14 OF PLATS, PAGE 91

**PROPOSED NEW LOT NEXT AVAILABLE LOT #**  
**0.68 ACRE**  
**(29485 SQUARE FEET)**

LINE INFORMATION

- (L1) S31°36'10"E 2.63'
- (L2) S57°22'18"W 50.01'
- (L3) N31°36'10"W 14.57'

PLAT OF "SHEAHAN & NAVIN'S SUBDIVISION" LIBER 19 OF PLATS, PAGE 60

PLAT OF "WINEMAN & SHIPMAN'S SUBDIVISION" LIBER 17 OF PLATS, PAGE 82

HIGHWAY I-94 (VARIABLE WIDTH)

WESTERLY LINE PC 40

(N1) VARIABLE WIDTH PRIVATE EASEMENT FOR UNDERGROUND SEWER LIBER 9802 PAGE 19



LEGEND

- = FOUND 1/2" IRON
- o = SET 1/2" IRON

**ROWE PROFESSIONAL SERVICES COMPANY**  
 2780 Haggerty Road, Suite C-2  
 Farmington Hills, MI 48331  
 P: (248) 975-1096  
 F: (608) 874-1704  
 www.roweps.com

PREPARED FOR:  
**DTE**  
**AMENDED PLAT CONSENT JUDGEMENT EXHIBIT**

|              |              |
|--------------|--------------|
| PLAN NO.     | 2300190      |
| DATE:        | JANUARY 2024 |
| PROJECT MGR: | DF           |
| REVIEWER:    | DF           |
| SCALE:       | 1"=50'       |
| SHEET NO.:   | 1            |

EXHIBIT

D

TRUE COPY CERTIFICATE

Form C of D-16-CE

STATE OF MICHIGAN, }  
City of Detroit } ss.

CITY CLERK'S OFFICE, DETROIT

I, Janice M. Wintrey, City Clerk of the City of Detroit, in said

State, do hereby certify that the annexed paper is a TRUE COPY OF Resolution

adopted (passed) by the City Council at session of

July 11, 2023

and approved by Mayor

July 17, 2023

as appears from the Journal of said City Council in the office of the City Clerk of Detroit, aforesaid; that I have compared the same with the original, and the same is a correct transcript therefrom, and of the whole of such original.

In Witness Whereof, I have hereunto set my hand and affixed the corporate seal of said City, at

Detroit, this 10<sup>th</sup>  
day of August, A.D. 2023

Janice M. Wintrey  
CITY CLERK



CITY OF DETROIT  
DEPARTMENT OF PUBLIC WORKS  
CITY ENGINEERING DIVISION

COLEMAN A. YOUNG MUNICIPAL CENTER  
2 WOODWARD AVE. SUITE 601  
DETROIT, MICHIGAN 48226  
PHONE: (313) 224-3949 • TTY: 711  
FAX: (313) 224-3471  
WWW.DETROITMI.GOV

June 15<sup>th</sup>, 2023

Honorable City Council:

**RE: Petition No. x2023-239 DTE Electric request for the Outright vacation of part of McGraw Street and the public alley, lying between Weir Street and Western Street.**

Petition No. x2023- 239 DTE Electric request for the Outright vacation of part of McGraw Street, varied width, and the public alley, lying between Weir Street and Western Street.

The petition was referred to the City Engineering Division – DPW for investigation (utility review) and report. This is our report.

The request is made as part of plans to create a new DTE sub-station to assist in delivering power to Detroit residents.

The request was approved by the Solid Waste Division – DPW, and Traffic Engineering Division – DPW, and City Engineering - DPW.

Detroit Water and Sewerage Department (DWSD) has no objection provided certain provisions are met. The DWSD provisions are a part of the attached resolution.

All other involved City Departments, and privately owned utility companies have reported no objections. Provisions protecting utility installations are part of the attached resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

Richard Doherty, P.E., City Engineer  
City Engineering Division – DPW

Cc: Ron Brundidge, Director, DPW  
Mayor's Office – City Council Liaison

BY COUNCIL MEMBER

Santiago Romero

**RESOLVED**, that part of McGraw Street previously dedicated to public right of way by the City of Detroit City Council on May 20<sup>th</sup>, 1924 (JCC page 1151 of 1924) and the public alleys; further described as land in the City of Detroit, Wayne County, Michigan being:

1. McGraw Street, varied width, and public alley, 8' wide, being part of lots 82 & 83 and the public alley lying west of and adjacent to lots 82 through 85 of "Sullivan & Russell's Subdivision" as recorded in Liber 14, Page 91 of Plats, Wayne County Records.
2. McGraw Street, varied width, and the public alley, 15' wide, being part of lot E and part of lots 68 & 69, also part of the public alley lying westerly of and adjacent to that part of said lot E and lying easterly of and adjacent to that part of said lots 68 & 69 of "Sheahan and Navin's Subdivision" as recorded in Liber 1, Page 64 of Plats, Wayne County Records.
3. Part of the public alley, 9' wide, lying easterly of and adjacent to lot 23 of "Wineman & Shipman's Subdivision" as recorded in Liber 17, Page 82 of Plats, Wayne County Records.

All items described above are rights of way within the boundaries further described as: beginning from the southeast corner of lot 85 of "Sullivan & Russell's Subdivision", thence N 29-12'16" W, 90'; thence N 29-12'-16" W, 15.43'; thence S 59-46'-12" W, 64.35'; thence S 87-24'-53" W, 170.43'; thence S 47-45'-12" E, 146.04; thence N 74-33'-45" E, 12.46'; thence N 74-33'-45" E, 55.6'; thence N 74-48'-37" E, 107.33' to the point of beginning.

Be and the same are hereby vacated (outright) as public rights-of-way to become part and parcel of the abutting property, subject to the following provisions:

PROVIDED, that petitioner/property owner make satisfactory arrangements with any and all utility companies for cost and arrangements for the removing and/or relocating of the utility companies and city departments services, and further

PROVIDED, that the petitioner/property owner acknowledge that DWSD relinquishes all responsibility for underground sewers, if any, and further

PROVIDED, that the petitioner/property owner bear the entire cost of any modification to the sewer, in any, including costs related to construction, demolition, permitting, inspection, and survey, and further

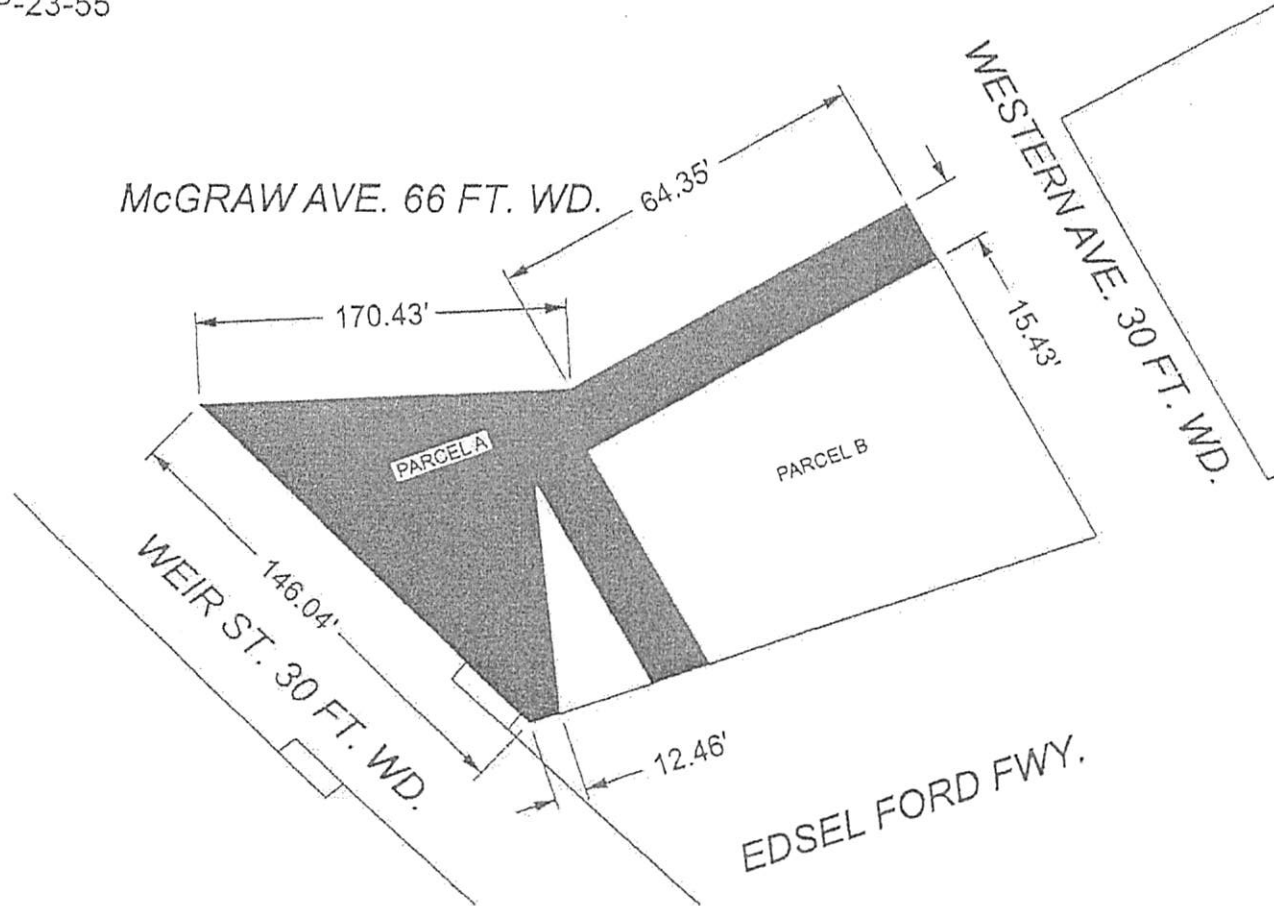
PROVIDED, that DTE make restorations to the adjacent south part of McGraw Street to realign the curb line, berm, and sidewalk within the public right of way; and further

PROVIDED, that any construction in the public rights-of-way such as curbs and sidewalks 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.



MAP-23-55



- REQUEST OUTRIGHT VACATION

(FOR OFFICE USE ONLY)

CARTO 5E

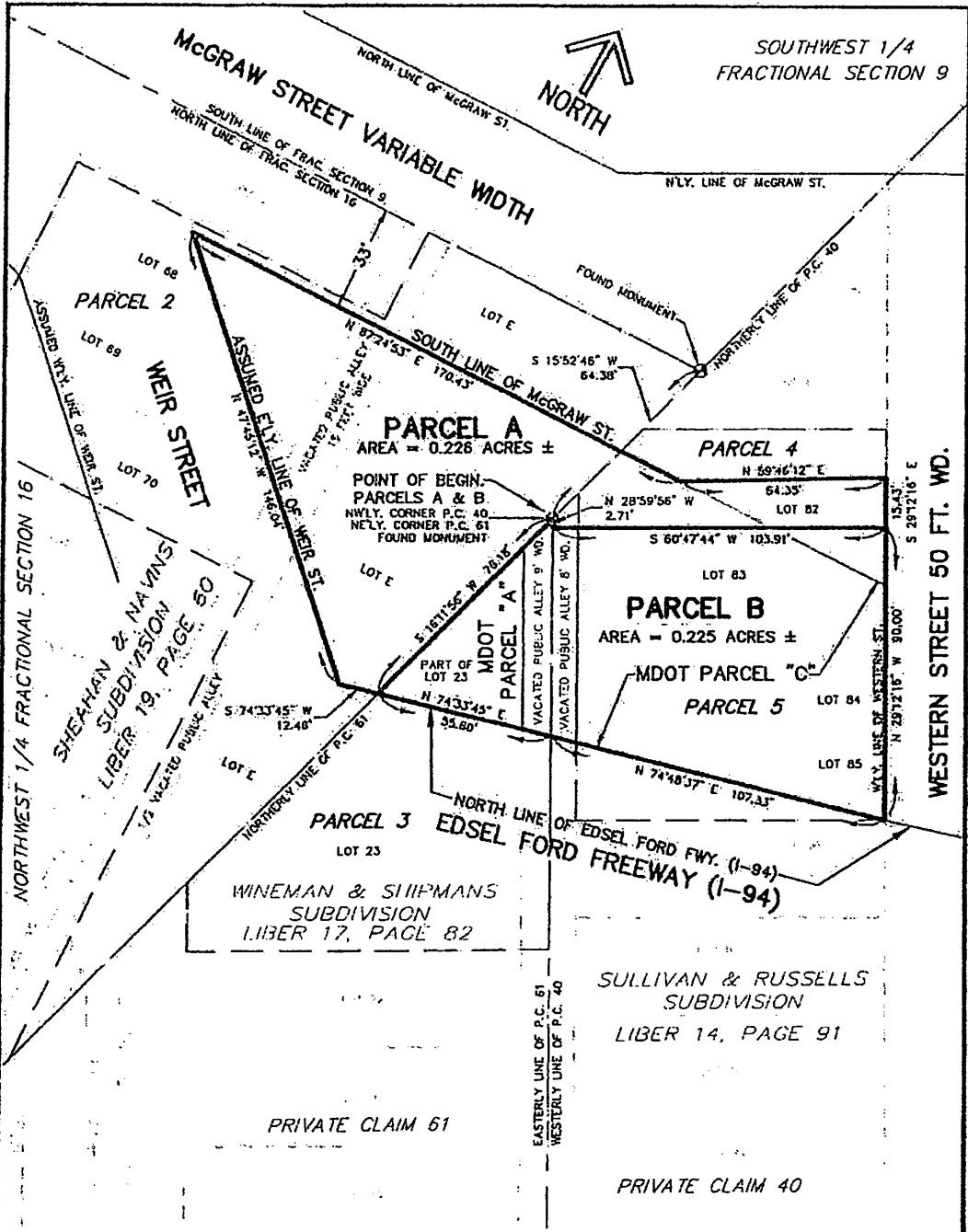
|   |             |            |          |      |      |
|---|-------------|------------|----------|------|------|
| B |             |            |          |      |      |
| A |             |            |          |      |      |
|   | DESCRIPTION | DRWN       | CHKD     | APPD | DATE |
|   | REVISIONS   |            |          |      |      |
|   | DRAWN BY    | AP         | CHECKED  | LC   |      |
|   | DATE        | 04-19-2023 | APPROVED | JD   |      |

REQUEST OUTRIGHT VACATION OF PARCEL A  
 MCGRAW AVE. FROM WESTERN AVE.  
 TO WEIR ST.

CITY OF DETROIT  
 CITY ENGINEERING DIVISION  
 SURVEY BUREAU

JOB NO. 23-55

DRWG. NO.

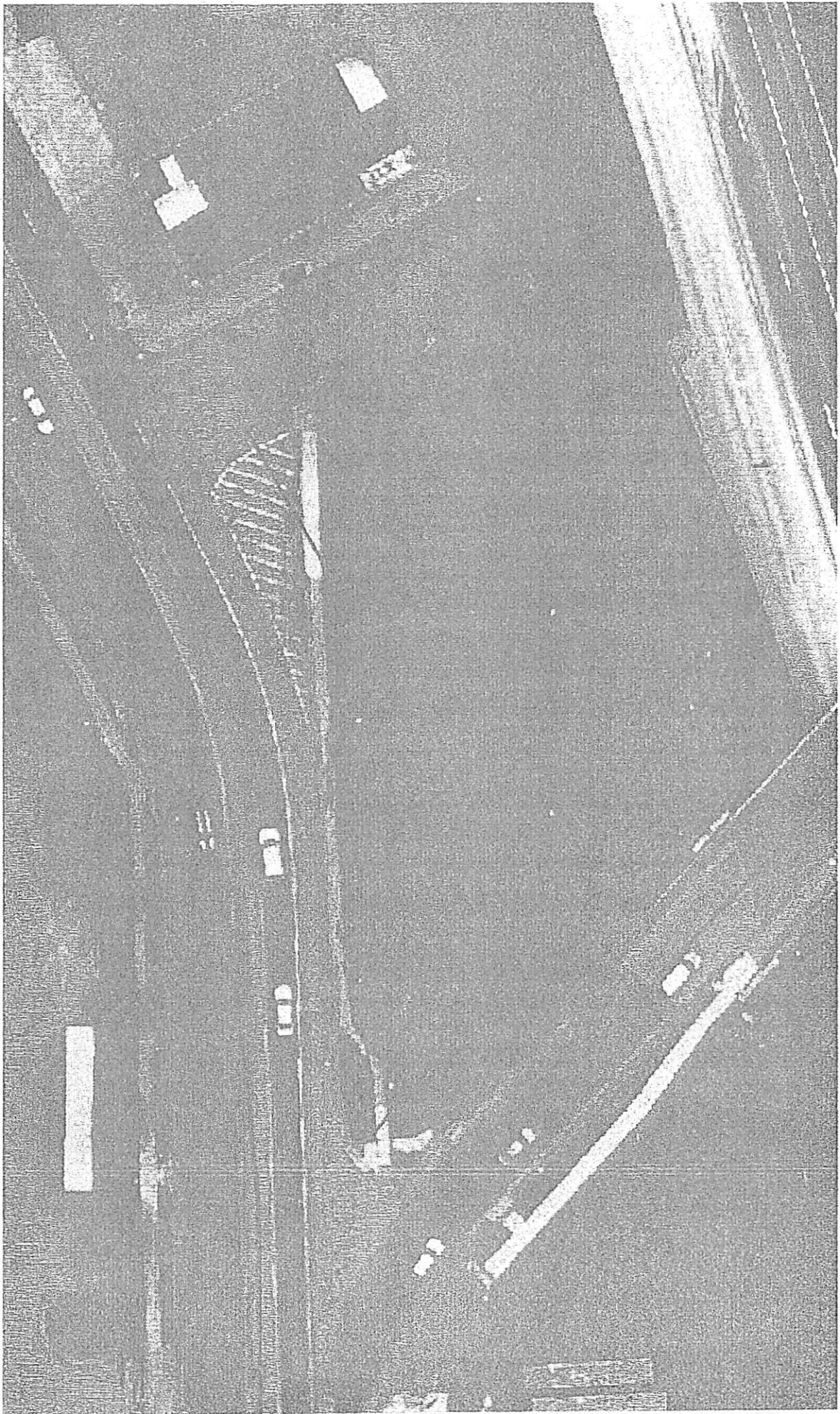


**NOTES:**  
 BEARINGS & DISTANCES ARE BASED ON "CERTIFICATE OF SURVEY" BY MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) JOB NO. 213871, DATED 03/08/2022.  
 MDOT PARCELS A & C ARE DESCRIBED ON "CERTIFICATE OF SURVEY" BY MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) JOB NO. 213871, DATED 03/08/2022.  
 PARCELS 2, 3, 4, & 5, ARE DESCRIBED IN TITLE COMMITMENT FILE NO. 965880.  
 THE PROPERTY LINES SHOWN HEREON ARE FOR REFERENCE ONLY. NO BOUNDARY SURVEY WORK HAS BEEN PERFORMED BY DTE.

**REFERENCE DRAWINGS:**  
 JSE 0133-001, REV. B; MAP OF DESCRIPTIONS OF PARCELS AFFECTED BY PROPOSED PARCEL ACQUISITION FOR McGRAW SUBSTATION EXPANSION  
 SE DET-086, REV. A; MAP AND DESCRIPTION OF WESTERN STREET & McGRAW STREET VACATION  
 SSE 0133-002, REV. C; TOPOGRAPHIC SURVEY OF SUBSTATION AND SURROUNDING PROPERTIES

| REVISION              |                         | JOB NUMBER |
|-----------------------|-------------------------|------------|
| A                     | BY C.J.Z. DATE 3/6/2023 | APP. A.C.  |
| REVISED PARCELS A & B |                         |            |

|  |  |                                     |                                   |
|--|--|-------------------------------------|-----------------------------------|
| <p><b>DTE Energy</b><br/>DTE Electric Company<br/>CENTRAL DESIGN SURVEYING SERVICES<br/>545 SERVICE BUILDING</p> | <p><b>MAP AND DESCRIPTIONS</b><br/>OF PARCELS IN PART OF THE NW 1/4 OF FRAC. SECTION 16, T. 2 S., R. 11 E., &amp; PART OF PRIVATE CLAIMS 40 &amp; 61, CITY OF DETROIT, WAYNE CO., MI</p> <p><b>McGRAW SUBSTATION EXPANSION</b></p> |                                     | <p>SHEET 1 OF 3</p>               |
|  | <p>SCALE 1 INCH = 40 FEET</p>  |                                     | <p>JOB NUMBER<br/>202302039</p>   |
| <p>DRAWN BY<br/>C. ZBOCH</p>   | <p>SURVEY ENGINEER<br/>A. CASTILLO</p>   | <p>DATE OF DRAWING<br/>3/2/2023</p> | <p>DRAWING NO.<br/>SE DET-094</p> |



**ADOPTED AS FOLLOWS  
COUNCIL MEMBERS**

|                    |                    | YEAS | NAYS |
|--------------------|--------------------|------|------|
| Scott              | BENSON             | X    |      |
|                    |                    |      |      |
| Fred               | DURHAL, III        | X    |      |
|                    |                    |      |      |
| Latisha            | JOHNSON            | X    |      |
|                    |                    |      |      |
| Gabriela           | SANTIAGO-ROMERO    | X    |      |
|                    |                    |      |      |
| *James             | TATE               | X    |      |
|                    |                    |      |      |
| Mary               | WATERS             | X    |      |
|                    |                    |      |      |
| Angela             | WHITFIELD-CALLOWAY | X    |      |
|                    |                    |      |      |
| Coleman            | YOUNG, II          | X    |      |
|                    |                    |      |      |
| MARY PRESIDENT     | SHEFFIELD          | X    |      |
|                    |                    |      |      |
| *PRESIDENT PRO TEM |                    |      |      |
|                    |                    | 9    | 0    |
|                    |                    |      |      |
|                    |                    |      |      |
|                    |                    |      |      |
|                    |                    |      |      |

STATE OF MICHIGAN

IN THE WAYNE COUNTY CIRCUIT COURT

DTE ELECTRIC COMPANY,

Plaintiff,

Case No: 23-005633-CH

v.

Hon. Annette J. Berry

DETROIT LAND BANK AUTHORITY, et al.,

PROOF OF SERVICE

Defendants.

---

Carolyn Field states that she is an employee of Miller Johnson and that on the 14th day of June, 2024, she served a copy of the *Consent Judgment to Vacate a 50-Foot Wide Portion of Western Street and an Eight-Foot Wide Portion of a Public Alley, Sullivan & Russell's Subdivision of the West 9.44 Acres of P.C. 40 North of Michigan Ave. in the City of Detroit*, as entered by the Court on May 29, 2024, on:

Matthew Meyerhuber  
*Attorney for Defendants Michigan DOT, Michigan DNR, and LARA*  
MICHIGAN DEPARTMENT OF ATTORNEY GENERAL  
P.O. Box 30755  
Lansing, MI 48909

Leland Prince  
*Attorney for DTE Gas Company*  
DTE ENERGY  
1 Energy Plaza, #688-WCB  
Detroit, MI 48226-1221

James D. Noseda  
*Attorneys for Defendant City of Detroit*  
CITY OF DETROIT LAW DEPT  
2 Woodward Ave - Ste 500  
Coleman A. Young Municipal Center  
Detroit, MI 48226

James M. Jernigan  
*Attorney for Wayne County Defendants*  
OFFICE OF WAYNE COUNTY CORP. COUNSEL  
400 Monroe Street, Suite 290  
Detroit, MI 48226

CONSUMERS ENERGY COMPANY  
One Energy Plaza, EP1-410  
Jackson, MI 49201

MICHIGAN BELL TELEPHONE COMPANY  
c/o RA: The Corporation Company  
40600 Ann Arbor Road E – Suite 201  
Plymouth, MI 48170

KATHLEEN E. SHAW LAWRENCE  
616 W. Washington Street  
Howell, MI 48843

MOHAMAD A. RAMOUNI  
9119 McGraw Street  
Detroit, MI 48210

BRENDA HOWARD  
5295 Sharon Street  
Detroit, MI 48210

AMIN ALMADRAHI  
3980 Trowbridge Street  
Hamtramck, MI 48212

C3PL (MI), LLC  
c/o RA: CSC Lawyers Incorporating Service  
3410 Belle Chase Way – Suite 600  
Lansing, MI 48911

JERSSON A. CALDERON-MORALES  
6037 Lonyo Street  
Detroit, MI 48210

HAKIM M. AHMED  
5602 Sharon Street  
Detroit, MI 48210

MICHAEL WARHOLAK  
9411 McGraw Street  
Detroit, MI 48210

MICHAEL WARHOLAK, JR.  
9411 McGraw Street  
Detroit, MI 48210

PAUL WARHOLAK  
9411 McGraw Street  
Detroit, MI 48210

MOHAMED MUSAID  
7925 Klein Street  
Detroit, MI 48211

ESHAQ MUSAED  
6547 Old Haggerty Rd  
Canton, MI 48187

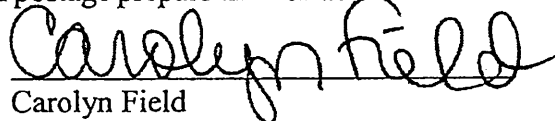
DETROIT LAND BANK AUTHORITY, L.L.C.  
c/o RA: Douglas A. Parker  
500 Griswold Street – Suite 1200  
Detroit, MI 48226

NORTHERN PROPERTY HOLDINGS, LLC  
c/o RA: Mahmoud Harajli  
13119 W. Warren Avenue  
Dearborn, MI 48126

HARAJLI PROPERTIES, LLC  
c/o RA: Ahmed Harajli  
9300 Michigan Avenue  
Detroit, MI 48210

AMERICAN INTERNATIONAL FOR TRADE & AUCTION, INC.  
c/o RA: Ahmed Elsharnoby  
12824 Ford Rd – Suite 2  
Dearborn, MI 48126

by placing same in the U.S. Government Mail with postage prepaid thereon for first-class delivery.

  
Carolyn Field