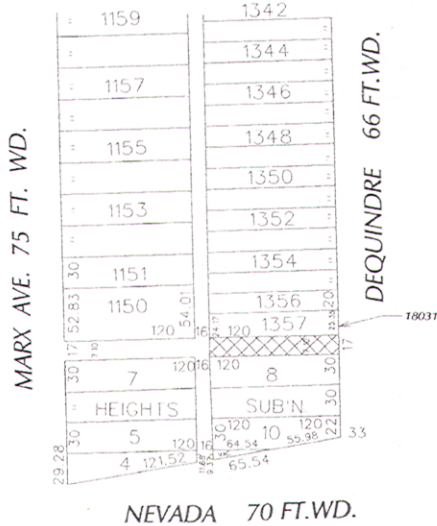


PETITION NO. 807
 CRYSTAL CURRY
 18031 DEQUINDRE
 DETROIT, MICHIGAN 48234
 CELL NO.: 313 739 0174



- CONVERT TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 36 A

B				REQUEST CONVERSION TO EASEMENT EAST PORTION OF EASTWEST ALLEY IN AREA BOUND BY NEVADA, MARX, E. GRIXDALE AND DEQUINDRE				CITY OF DETROIT CITY ENGINEERING DEPARTMENT			
A								SURVEY BUREAU			
DESCRIPTION		SEEN	CHES	APPRO	DATE	JOB NO. 01-01		DRAWG. NO. X807.dgn			
DRAWN BY KSM		CHECKED		DATE 3-29-11		APPROVED					

Adopted as follows:
 Yeas — Council Members Brown, Cockrel, Jr., Jenkins, Jones, Kenyatta, Spivey, Watson, and President Pugh — 8.
 Nays — None.

**Department of Public Works
 City Engineering Division**

January 12, 2011

Honorable City Council:
 Re: Petition No. 759 — UrbanTECH, request for the closure of the remaining public alleys in the block bounded by Calvary, Campbell, West Vernor and Newberry.

Petition No. 759 of "UrbanTECH", on behalf of Ryan's Food Center request permission to temporarily close the remaining public alleys in the block bounded by Newberry Avenue, 50 feet wide, West

Vernor Highway, 66 feet wide Campbell Avenue, 66 feet wide, and Cavalry Avenue, 50 feet wide.

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

The City Engineering Division — DPW's investigation requires for the petitioner to obtain the consents of abutting property owners for the closure of the remaining alleys in said area. There are six (6) different property owners that need to consent to the petitioner's request. The petitioner was able to obtain three (3) consents from abutting property owners. Two property owners have not replied back to the certified mailing sent on or mailed on June 16, 2011, copies of the certified mail receipts are on file with the City

Engineering Division — DPW. One property owner at 5878 West Vernor Highway **OBJECTS** to the request stating "This request is TOTALLY unacceptable. We have been established in the area in question for over thirty years, well before Ryan's Food Center. These alleys are necessary for delivery and access to our customer's parking. The closing of these routes will have a negative effect on our business. The closing makes no sense and will actually create havoc." City Engineering Division — DPW (CED) have been receiving numerous complaints over the past years between property owners in the alley in regards to previous alley closures and illegal alley closures.

Usually when CED receives objections like this from abutting property owners, CED would have the petitioner resolve the issue with the property owner in order for CED to send a resolution to this Honorable Body. In this case the petitioner's consultant, Jackson Consulting Group LLC, on the directions of his client, Ryan's Foods Center, sent a letter dated November 16, 2011 requesting that CED submit a resolution to this Honorable Body on our findings and investigation information.

All involved City departments and privately owned utility companies have reported no objections to the proposal, provided they have the right to ingress and egress at all times to their facilities.

You will find attached an appropriate resolution authorizing the City Engineering Division — DPW to issue permits to close said remaining alleys in said area on a temporary basis (for a period of five (5) years) to expire on February 1, 2017. If and only if this Honorable Body approve the attached resolution.

Respectfully submitted,

RICHARD DOHERTY

Head Engineer

City Engineering Division — DPW

By Council Member Brown:

The City Engineering Division — DPW is hereby authorized and directed to issue permits to "UrbanTECH and/or Jackson Consulting Group, LLC" — on behalf of Ryan's Food Center to close the remaining alleys, 20 feet wide, all in the block bounded by Newberry Avenue, 50 feet wide, West Vernor Highway, 66 feet wide, Campbell Avenue, 66 feet wide, and Cavalry Avenue, 50 feet wide, described at the North-South public alley, 20 feet wide, lying Easterly of and abutting the East line of Lot 958, and lying Westerly of and abutting the West line of Lot 959; Also the East-West public alley, 20 feet wide, lying Northerly of and abutting the North line of Lots 953 through 958, both inclusive, and lying Southerly of and abutting the South line of Lots 1005 through 1010, both inclusive, and the West 15 feet of Lot 1004 all in the "Plat of the Subdivision of

the Walter Crane Farm" Springwells (now City of Detroit) Wayne County, Michigan T.2 S., R.11E., Recorded January 10, 1880 as recorded in Liber 5, Page 29, Plats, Wayne County Records;

Provided, That the permit shall be issued with other consideration or after the City Clerk has recorded a certified copy of the resolution with Wayne County Register of Deeds; and be it further

Provided, That being that Ryan's Food Center (and petitioner) granted and the City of Detroit accepted an easement on April 11, 2007 for that portion of land known as the North-South public alley, 20 feet wide, for an alley outlet, that easement shall not be in force until the Temporary Closure of said alley is expired on February 1, 2017; and be it further

Provided, That the petitioner shall file with the Finance Department and/or City Engineering Division — DPW an indemnity agreement in form approved by the Law Department. The agreement shall defend, save, and protect the City of Detroit harmless from all claims, damages or expenses that may arise by reason of the issuance of permits and the faithful or unfaithful performance by the petitioner of the terms thereof. Further, the petitioner shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the temporary public street closing; and be it further

Provided, That the Detroit Water and Sewerage Department (DWSD) forces shall have free and easy access to the water main and sewer facilities at all times to permit proper operation, maintenance and if required, alteration or repair of the water main and sewer facilities. Free and easy access shall mean that no structures or storage of materials will be allowed upon the temporarily closed street to hinder the movement of maintenance equipment, and be it further

Provided, That should the water main and/or sewer facilities be broken or damaged as a result of any action on the part of the petitioner or assigns, then in such event the petitioner or assigns shall be liable for all costs incident to the repair of such broken or damaged water main and appurtenances, and waives all claims for damages, and be it further

Provided, No building or other structures of any nature whatsoever (except necessary barricades such as fences), shall be constructed on or over the public rights-of-way. The petitioner shall observe the rules and regulations of the City Engineering Division — DPW. The City of Detroit retains all rights and interests in the temporarily closed public right-of-way. The City and all utility companies retain their rights to service, inspect, maintain, repair, install, remove or replace utilities in the temporarily closed public rights-of-way. Further, the petitioner shall comply

with all specific conditions imposed to ensure 24-hour-per-day access to the City and utility companies are provided; and be it further

Provided, This resolution does not permit the storage of materials, displays of merchandise, or signs within the temporarily closed public rights-of-way. Further, the placement of materials, merchandise, or signs on any adjacent berm area is prohibited; and be it further

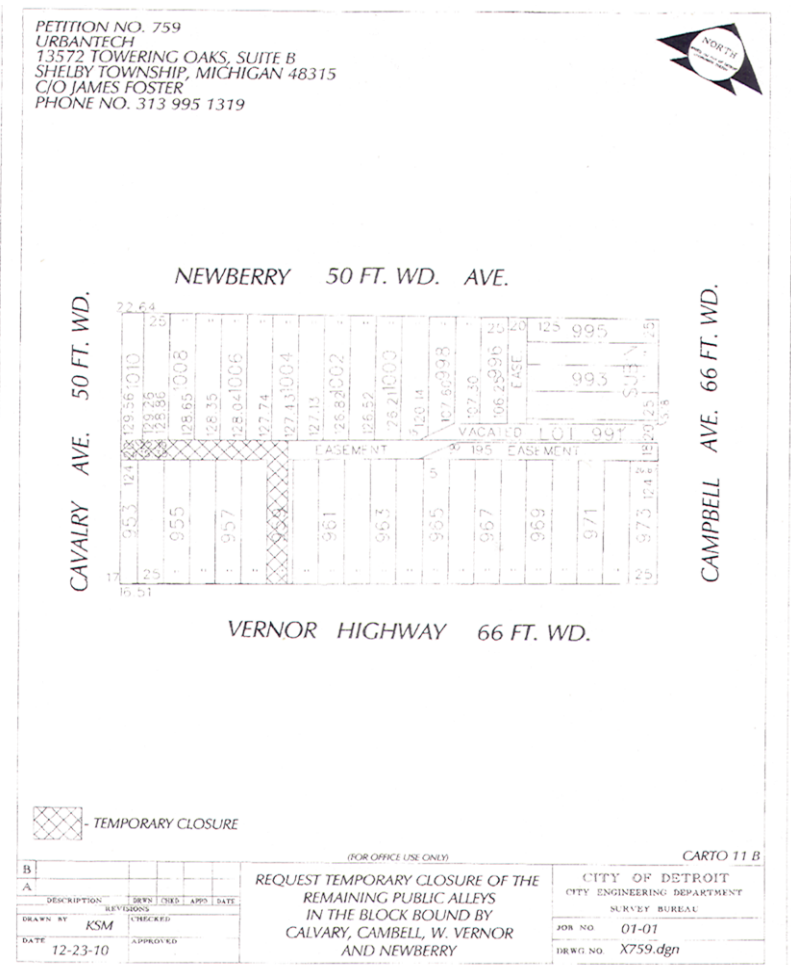
Provided, That at the expiration of the permit, all obstructions shall be removed at the petitioner's expense. The public property shall be restored to a condition satisfactory to the City Engineering Division — DPW by the petitioner at the petitioner's expense; and be it further

Provided, This resolution is revocable

at the will, whim or caprice of the Detroit City Council without cause. The petitioner waives the right to claim damages or compensation for removal of encroachments. Further, the permittee acquires no implied or other privileges hereunder not expressly stated herein. If this permit is continued for the five (5) year period, the City Council may (upon written request and if the circumstances justify accordingly) grant an extension thereto; and be it further

Provided, This permit shall not be assigned or transferred without the written approval of the Detroit City Council; and

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 Brown, Cockrel, Jr., Jenkins, Jones, Kenyatta, Spivey, Watson, and President Pugh — 8.
Nays — None.