

Liber 9, Page 20, Plats, Wayne County Records;

Be and the same are hereby vacated as public streets and are hereby converted into a public subsurface easement of said width of the streets, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of said streets and by their heirs, executors, administrators and assigns, forever to wit:

First, said owners hereby grant to and for the use of the public a subsurface easement or right-of-way over said vacated public streets herein above described for the purposes of maintaining, installing, repairing, removing, or replacing underground public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or things usually placed or installed in a public street in the City of Detroit, with the right to ingress and egress at any time to and over said easement for the purpose above set forth.

Second, said subsurface utility easement or right-of-way in and over said vacated streets herein above described shall be forever accessible to the maintenance and inspection forces of the utility companies, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer, conduit, water main, gas line or main, or any utility facility placed or installed in the subsurface utility easement or right-of-way. The utility companies shall have the right to cross or use the driveways and yards of the adjoining properties for ingress and egress at any time to and over said subsurface utility easement with any necessary equipment to perform the above-mentioned tasks, with the understanding that the utility companies shall use due care in such crossing or use, and that any property damaged by the utility companies, other than that specifically prohibited by this resolution, shall be restored to a satisfactory condition.

Third, said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, retaining or partition walls (except necessary line fence) shall be built or placed upon said subsurface easement, nor any change of surface grade made, without prior approval of the City Engineering Department.

Fourth, that if the owners of said vacated streets shall request the removal and/or relocation of any utilities in said subsurface easement, such owners, shall pay all costs incidental to such removal and/or relocation, unless

such charges are waived by the utility owners.

Fifth, that if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, then in such event said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility, and be it further

Resolved, Pursuant to the Court ruling in Center Line v Michigan Bell Telephone Co. 26 Mich. App 659 (1970), aff. 387 Mich. 260 (1972), the Community and Economic Development Department is hereby authorized to process billings from utility companies and others for the relocation of their equipment in connection with this urban renewal project. However, prior to the processing of bills, the Community and Economic Development Department shall consult with the Law Department to determine which utility removal and/or relocation costs incidental to this urban renewal project are obligatory under current Michigan court rulings; 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.

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Eberhard, Everett, Hill, Hood, Kelley, Ravitz and President Mahaffey — 9.

Nays — None.

City Engineering Department

November 21, 1991

Honorable City Council:

Re: Petition No. 1209. Community and Economic Development Department University City Rehabilitation Project No. 2. Street and Alley Vacations in the area bounded by Fourth, Third, Hancock, and Warren.

To develop properties in University City Rehabilitation Project No. 2 it is necessary to vacate public streets and alleys in the area bounded by Fourth and Third Streets, Hancock and Warren Avenues.

The public street and alley closings were approved by the Department of Transportation.

Provisions protecting underground utility installations are part of the resolution.

Satisfactory arrangements have been made with all City departments and privately-owned utility companies.

An appropriate resolution is attached

for consideration by your Honorable Body.

Respectfully submitted,
 CLYDE R. HOPKINS
 Director

By Council Member Everett:

Resolved, All that part of the north-south public alley, 16.90 feet wide, in the block bounded by Fourth and Third Streets, Hancock and Warren Avenues lying westerly of and abutting the west line of Lots 2 thru 5 of the "Plat of T. J. Cox Subdivision of the East Half of Lot 23 of the Crane Farm, excepting the southerly 40 feet, Town 2 South, Range 12 East", City of Detroit, Wayne County, Michigan as recorded in Liber 6, Page 53, Plats, Wayne County Records; also lying easterly of and abutting the east line of the westerly 95.00 feet of the northerly 132.07 feet of the southerly 172.07 feet of Lot 23 of the "Plat of Subdivision of the Crane Farm being the rear concession of Private Claim 247 known as the Jones Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 117, Plats, Wayne County Records; also

All of the east-west public alley, 20 feet wide, in the block bounded by Fourth and Third Streets, Hancock and Warren Avenues being the northerly 20.00 feet of the southerly 60.00 feet of the westerly 95.00 feet of Lot 23 of the "Plat of Subdivision of the Crane Farm being the rear concession of Private Claim 247 known as the Jones Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 117, Plats, Wayne County Records (said public alley having been deeded to the City of Detroit and accepted by City Council on August 5, 1924 — J.C.C. pgs. 1846-47); also

All of Fourth Street, 50 feet wide, lying between and abutting the south line of Hancock Avenue (70 feet wide) and the south line of Warren Avenue (146 feet wide); also lying westerly of and abutting the west line of the northerly 254.49 feet of Lot 22; also lying westerly of and abutting the west line of the southerly 172.07 feet of Lot 23; also lying easterly of and abutting the east line of the northerly 254.49 feet of Lot 21; also lying easterly of and abutting the east line of the southerly 171.34 feet of Lot 24 of the "Plat of Subdivision of the Crane Farm being the rear concession of Private Claim 247 known as the Jones Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 117, Plats, Wayne County Records; also

All that part of Hancock Avenue, 70 feet wide, being the northerly 70.00 feet of the southerly 85.51 feet of the westerly 130.90 feet of Lot 22 of the "Plat of Subdivision of the Crane Farm being the rear concession of Private Claim 247 known

as the Jones Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 117, Plats, Wayne County Records (said part of Hancock Avenue, 70 feet wide, having been opened on August 25, 1887 by Recorder's Court, File #612);

Be and the same are hereby vacated as public streets and alleys and are hereby converted into a public subsurface easement of said width of the streets and alleys, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of said streets and alleys and by their heirs, executors, administrators and assigns, forever to wit:

FIRST, said owners hereby grant to and for the use of the public a subsurface easement or right-of-way over said vacated public streets and alleys herein above described for the purposes of maintaining, installing, repairing, removing, or replacing underground public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or things usually placed or installed in a public street or alley in the City of Detroit, with the right to ingress and egress at any time to and over said easement for the purpose above set forth,

SECOND, said subsurface utility easement or right-of-way in and over said vacated streets and alleys herein above described shall be forever accessible to the maintenance and inspection forces of the utility companies, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer, conduit, water main, gas line or main, or any utility facility placed or installed in the subsurface utility easement or right-of-way. The utility companies shall have the right to cross or use the driveways and yards of the adjoining properties for ingress and egress at any time to and over said subsurface utility easement with any necessary equipment to perform the above-mentioned tasks, with the understanding that the utility companies shall use due care in such crossing or use, and that any property damaged by the utility companies, other than that specifically prohibited by this resolution, shall be restored to a satisfactory condition,

THIRD, said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, retaining or partition walls (except necessary line fence) shall be built or placed upon said subsurface easement, nor any change of surface grade made, without prior approval of the

City Engineering Department,

FOURTH, that if the owners of said vacated streets and alleys shall request the removal and/or relocation of any utilities in said subsurface easement, such owners, shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

FIFTH, that if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, then in such event said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility, and be it further

Resolved, Pursuant to the Court ruling in Center Line v Michigan Bell Telephone Co. 26 Mich. App 659 (1970), aff. 387 Mich. 260 (1972), the Community and Economic Development Department is hereby authorized to process billings from utility companies and others for the relocation of their equipment in connection with this urban renewal project. However, prior to the processing of bills, the Community and Economic Development Department shall consult with the Law Department to determine which utility removal and/or relocation costs incidental to this urban renewal project are obligatory under current Michigan court rulings; 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.

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Eberhard, Everett, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 9.

Nays — None.

**Community & Economic
Development Department**

October 30, 1991

Honorable City Council:

Re: Bid Sale of Property — Lot 148, (E) Pennsylvania, between Charlevoix and Vernor Hwy.

The City of Detroit acquired as a tax reverted parcel from the State of Michigan, Lot 148, located on the East side of Pennsylvania, between Charlevoix and Vernor Hwy., a/k/a 2534 Pennsylvania.

The property in question is a four family brick in need of rehabilitation and located in an area zoned R-2.

This property was offered for sale to the public on a bid sale basis in an as is condition. The price was set at \$2,000.00, with terms of sale on a cash

or land contract basis by our sealed bid procedure to include a 10% deposit in money order or certified check to accompany and bid offering submitted.

Further, the successful bidder would be required to sign an affidavit of non-occupancy until a Certificate of Occupancy is obtained and agree to apply and pay for a 4-1 Special Inspection from the Department of Building and Safety Engineering.

Further, the successful bidder would be required to rehabilitate the structure, currently existing on the property being conveyed, within 180 days from the date of the Land Contract and/or signing of the purchase agreement under a cash sale, in order to conform to the City of Detroit Building Code to obtain a Certificate Approval.

Further, if purchaser fails to complete the rehabilitation of the structure within the time specified herein, the City of Detroit shall have the power to terminate the estate herein conveyed and the right to re-enter and repossess the property herein conveyed.

The bid opening date was scheduled on August 6, 1991, and the highest bid offering was received from Michael Smith, a married man and Timothy Smith, a married man, joint tenants with full rights of survivorship, in the amount of \$4,900.00 on a Land contract basis and \$1,225.00 was paid as the Land Contract down payment, plus a \$13.00 deed recording fee.

We request your Honorable Body's approval to accept this Offer to Purchase from Michael Smith, a married man and Timothy Smith, a married man, joint tenants with full rights of survivorship, in the amount of \$4,900.00 on a Land contract basis, plus a \$13.00 deed recording fee.

Respectfully submitted,

DEBORAH E. FISHER

Assistant Director

By Council Member Eberhard:

Resolved, That the Community and Economic Development Department is hereby authorized to accept this bid offer from Michael Smith, a married man and Timothy Smith, a married man, joint tenants with full rights of survivorship, for the purchase of property described on the tax rolls as:

Lot 148, Brandon's Subdivision of that part of Private Claims 337 and 257 between Jefferson Ave. and Mack St. and West of the East line of Cadillac Boulevard, also the South 34 feet of that part of P. C. 257 between Jefferson Ave. and Mack St., Hamtramck Twp., Wayne County, Michigan. Rec'd L. 9, P. 32 Plats, W.C.R.

for the sum of \$4,900.00 on a Land contract basis with a down payment of \$1,225.00, the balance payable at the rate of \$179.00 per month for principal