

of-way in and over said vacated alley 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, telephone or light pole or any utility facility placed or installed in the 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 utility easement with any necessary equipment to perform the above mentioned task, 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, shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering Division — DPW.

Fourth, That if the owners of any lots abutting on said vacated alley shall request the removal and/or relocation of any existing poles or other utilities in said 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 further

Provided, That if it becomes necessary to remove the paved alley return(s) at the entrances (into Vermont), such removal and construction of new curb and sidewalk 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 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, Tinsley-Talabi, and President Hill — 8.

Nays — None.

Department of Public Works City Engineering Division

July 13, 2000

Honorable City Council:

Re: Petition No. 573 — Jack & Willie Harris, et al, requesting alley closing in the vicinity of 20577 Evergreen.

Petition No. 573 of "Jack & Willie Harris, et al," at 20577 Evergreen Road, Detroit, Michigan, 48219, request the conversion of the east-west public alley, 20 feet wide in the block bounded by Vaughan Avenue, 60 feet wide, Evergreen Road, 120 feet wide, W. Eight Mile Road, 204 feet wide and Hessel Avenue, 60 feet wide into a private easement for public utilities.

The requested conversion has been approved by the Solid Waste Division — DPW and the Traffic Engineering Division — DPW. The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report.

The petitioner plans to use the paved alley return entrances (into Vaughan and Evergreen), and requests such remain in its present status. The adjoining property owners shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

City departments and privately owned utility companies have reported no objection to the conversion of public rights-of-way into a private easement for public utilities. Provisions protecting utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineer

By Council Member Hood:

Resolved, That all that part of the east-west public alley, 20 feet wide, in the block bounded by Vaughan Avenue, 60 feet wide, Evergreen Road, 120 feet wide, W. Eight Mile Road, 204 feet wide and Hessel Avenue, 60 feet wide, lying southerly of and abutting the south line of Lots 1-4, both inclusive, and lying northerly of and abutting the north line of Lots 167 & 211, and the vacated public alley 20 feet wide, as platted in "Evergreen Woods Subdivision" of the NE 1/4 of the NE 1/4 of Sec. 3, T. 1 S., R. 10E., City of Detroit, Wayne County, Michigan, as recorded in Liber 60, Page 21 Plats, Wayne County Records;

Be and the same is hereby vacated as a public alley and is hereby converted into a private easement for public utilities of the full width of the alley, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of the lots abutting on said alley and by their heirs, executors, administrators and assigns, forever to wit:

First, Said owners hereby grant to and for the use of the public an easement or

right-of-way over said vacated public alley herein above described for the purpose of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or poles or things usually placed or installed in a public 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 utility easement or right-of-way in and over said vacated alley 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, telephone or light pole or any utility facility placed or installed in the 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 utility easement with any necessary equipment to perform the above mentioned task, 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, shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering Division — DPW,

Fourth, That if the owners of any lots abutting on said vacated alley shall request the removal and/or relocation of any existing poles or other utilities in said 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 further

Provided, That if it becomes necessary to remove the paved alley return(s) at the entrances (into Vaughan and Evergreen), such removal and construction of new curb and sidewalk 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 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, Tinsley-Talabi, and President Hill — 8.

Nays — None.

**Department of Public Works
City Engineering Division**

July 13, 2000

Honorable City Council:

Re: Petition No. 2221 — Planning and Development Department requests to rescind encroachments and for certain rights-of-way changes within the Compuware Development Site known as the Kern Block and Crowley Block, generally in the area bounded by Woodward, Gratiot, Randolph, Monroe and Campus Martius.

Background

The City Council of the City of Detroit ("Council") adopted a resolution on December 8, 1999 (J.C.C. pages 3402-06) authorizing execution of the Compuware Development Agreement and Land Transfer Agreements consistent with a Project Plan and Site Plan presented to Detroit City Council as attachments to the Development Agreement. As set forth in correspondence from the Corporation Counsel to your Honorable Body together with a proposed resolution that have been submitted to your Honorable Body contemporaneously with this correspondence, the City of Detroit (the "City"), the City of Detroit Downtown Development Authority (the "DDA") and Compuware Corporation (the "Company") will execute a Restated Development Agreement. The Planning and Development Department ("P&DD"), as current trustee of the land, requires certain changes to public rights-of-way to finalize the preparation of the Compuware Project Site for redevelopment and to allow clear title to the land for the Compuware Project.

In the Restated Development Agreement, the City has agreed to convey to the DDA, and the DDA has agreed to then convey to the Company or its designated developer (the "Developer"), the Kern Block, the Crowley Block, the to-be-vacated Farmer St. and Library St. rights-of-way, and the to-be-vacated portions of the Campus Martius, Monroe, Woodward and Gratiot Avenues rights-of-way. Each is defined herein and is described in this resolution. In accordance with the