

along said southerly line, S. 44° 44' 55" W., 108.00 feet, to the point of beginning, containing 62.895 square feet or 1.4438 acres more or less. Note: Bearings used in this description were taken from City Engineering. Survey Bureau Drawing S-455. Recorded bearings were from Quit Claim Deed. Dated April 20, 1956, Recorded April 24, 1956, E 144508, 13015-231, Wayne County Records.

Adopted as follows:

Yeas — Council Members Bates, K. Cockrel, Jr., S. Cockrel, Collins, Everett, McPhail, Scott, Tinsley-Talabi, and President Mahaffey — 9.

Nays — None.

Planning & Development Department

July 10, 2002

Honorable City Council:

Re: Establishment of Obsolete Property Rehabilitation District at 3434 Russell under Public Act 146 of 2000 (Petition No. 251).

Attached for your consideration please find a resolution and legal description which will establish Obsolete Property Rehabilitation District No. 8, pursuant to Public Act 146 of 2000 and a petition for such a District at 3434 Russell filed by Rocky DFD, L.L.C.

Your Honorable Body conducted a public hearing on the establishment of this District earlier this morning, as required by the Act. As no reasons preventing the establishment of the District were presented at the public hearing, the Department requests that you give approval to the attached resolution at today's formal session.

A Waiver of Reconsideration is requested.

Respectfully submitted,
HENRY B. HAGOOD

Director of Development Activities
By Council Member McPhail:

Whereas, Pursuant to Act No. 146 of the Public Acts of 2000 ("Act 146"), this City Council has the authority to establish "Obsolete Property Rehabilitation Districts" within the boundaries of the City of Detroit; and

Whereas, Rocky DFD, L.L.C., has petitioned (Petition No. 251) this City Council to establish an Obsolete Property Rehabilitation District in the area of 3434 Russell, Detroit, Michigan 48207, more particularly described in Exhibit A attached hereto; and

Whereas, The Act requires that prior to the establishment of an Obsolete Property Rehabilitation District, the City Council shall provide an opportunity for a hearing on the establishment of the District, at which any owner of real property within the proposed district and any other resident or taxpayer of the City of Detroit may appear and be heard on the matter; and

Whereas, A public hearing was conducted before City Council on July 10, 2002 @ 10:00 a.m., for the purpose of considering and approving the establishment of the proposed Obsolete Property Rehabilitation District described in Exhibit A attached hereto; and

Whereas, No impediments to the establishment of the proposed District were presented at the public hearing;

Now Therefore Be It

Resolved, That Obsolete Property Rehabilitation District No. 8, more particularly described in Exhibit A attached hereto, is hereby approved and established.

Exhibit 'A'

Land in the City of Detroit, County of Wayne, Michigan being part of Outlot 25 of "A Part of the Guion Farm North of the Gratiot Road as Subdivided at the request of the Corporation, October 19, 1834, A. Hathon, Surveyor", as recorded on April 20, 1836 in Liber 9, Page 83 of City Records, and being more particularly described as follows:

Commencing at the intersection of the easterly line of Russell Street, 86 feet wide, and the northerly line of Erskine, 56 feet wide, thence N.26°07'00"W., along said easterly line of Russell Street, 47.61 feet to the point of beginning; thence continuing N.26°07'00"W., along said easterly line of Russell Street, 17.39 feet; thence N.64°07'08"E., 306.92 feet to the westerly line of public alley, 15 feet wide, as platted; thence S.26°10'40"E., along said westerly line of public alley, 15 feet wide, 204.45 feet; thence S.63°54'20"W., 240.52 feet; thence S.26°05'40"E., 11.79 feet; thence S.63°54'20"W., 66.62 feet to the point of beginning containing 63,730 square feet or 1.4631 acres more or less.

Adopted as follows:

Yeas — Council Members Bates, K. Cockrel, Jr., S. Cockrel, Collins, Everett, McPhail, Scott, Tinsley-Talabi, and President Mahaffey — 9.

Nays — None.

**Department of Public Works
City Engineering Division**

July 9, 2002

Honorable City Council:

Re: Petition No. 235 — PAB Investments, Inc., et. al., requesting for conversion of alley to easement in the area of Mack, Beaconsfield and Nottingham.

Petition No. 235 of "PAB Investments Inc., et. al.", request the conversion of the East-West public alley, variable width, in the block bounded by Windsor Avenue, 60 feet wide, Mack Avenue, 120 feet wide, Beaconsfield Avenue, 60 feet wide, and Nottingham Avenue, 50 feet wide, into a private easement for public utilities.

The request was 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.

If the petitioner at any time plan to discontinue use of the paved alley entrance (into Beaconsfield and Nottingham Avenue), the petitioner shall pay all incidental removal cost.

All other city departments and private 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 this resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineer

City Engineering Division—DPW

By Council Member Everett:

Resolved, all that part of the East-West public alley, variable width, in the block bounded by Windsor Avenue, 60 feet wide, Mack Avenue, 120 feet wide, Beaconsfield Avenue, 60 feet wide, and Nottingham Avenue, 50 feet wide, lying southerly of and abutting the South line of Lot 372, also lying Northerly of and abutting the North line of Lots 1 through 5, both inclusive, in the "Nottingham Subdivision" of part of P.C.'s 126 & 127 between Mack & Harper Avenues Gratiot & Grosse Pointe Townships, Wayne County, Michigan as recording in Liber 38 Page 26, Plats, Wayne County Records; and lying Southerly of and abutting the South line of Lot 214, also lying Northerly of and abutting the North line of Lots 210 through 213, both inclusive, in the "Moore & Moesta's Subdivision of Lots 1, 2, 3, 4, and 5 of Sub'n of westerly portion of P.C.'s 126 & 127." According to the plat thereof prepared by the commissioners in partition of the estate of Catherine and Munsch Dec'd recorded in Liber 425, Page 351 of deeds of Grosse Pointe & Gratiot Twps. Wayne County, Michigan, as recorded in Liber 38 Page 29, Deeds, 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 subjected 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 purposes 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 satisfactory condition,

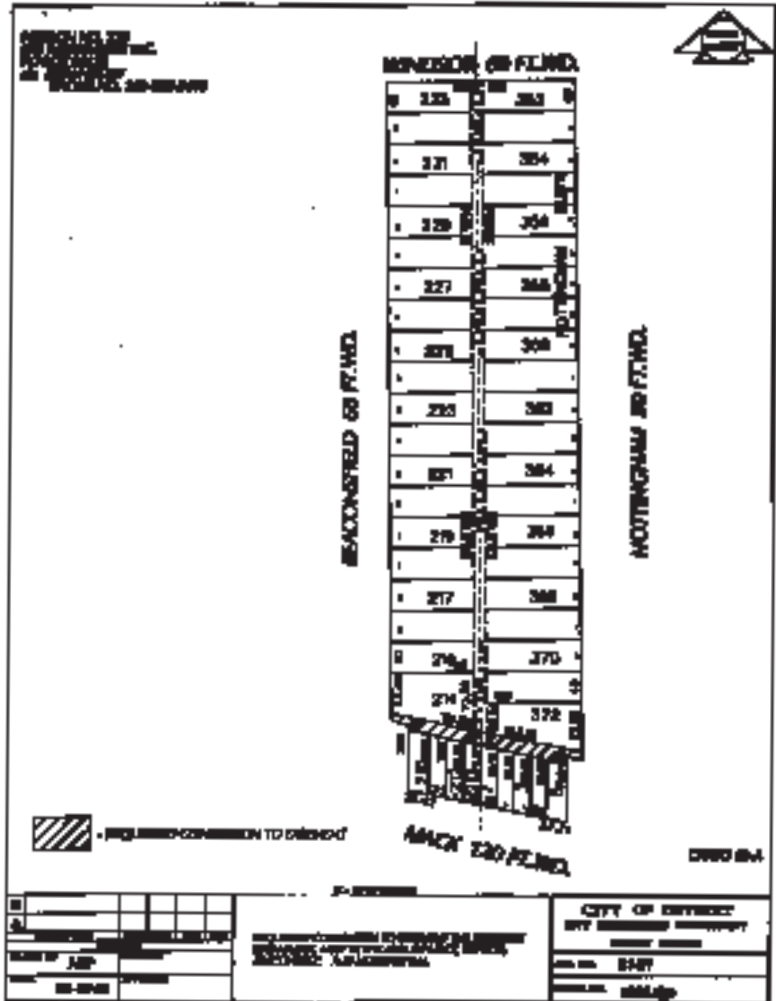
Third, Said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, retaining or partition walls, shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering 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 return at the entrance (into Beaconsfield and Nottingham Avenue(s), 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 Bates, K. Cockrel, Jr., S. Cockrel, Collins, Everett, McPhail, Scott, Tinsley-Talabi, and President Mahaffey — 9.
 Nays — None.

From the Clerk

July 10, 2002

This is to report for the record that, in accordance with the City Charter, the portion of the proceedings of June 26, 2002, on which reconsideration was waived, was presented to His Honor, the Mayor, for approval on June 27, 2002, and same was approved on July 3, 2002.

Also, That the balance of the proceedings of June 26, 2002 was presented to His Honor, the Mayor, on July 2, 2002 and same was approved on July 9, 2002.

Placed on file.

From the Clerk

July 10, 2002

Honorable City Council:

This is to inform your Honorable Body that I am in receipt of the following petitions since the last regular session and recommend their reference as follows:

Respectfully submitted,
 JACKIE L. CURRIE
 City Clerk

GENERAL ORDER

- 574—Bill Scott/William Elliott, for hearing during week of July 8, 2002, regarding Historic Fort Wayne as a tourism site.
- 579—Panacea Management (Industrial) Corp., for hearing relative to property tax relief including properties at 5780, 5907 and 5914 Federal.