

Land in the City of Detroit, County of Wayne Michigan being a part of Private Claims Number 14, also 91, and being more particularly described as follows: Beginning at the intersection of the Northerly line of Wilkins Street, 50 feet wide and the Easterly line of St. Aubin Avenue, 50 feet wide; thence Northerly along said Easterly line of St. Aubin Avenue to the intersection with the Southerly line of Pierce Street, 50 feet wide; thence Easterly along said Southerly line of Pierce St., to the intersection with the Westerly line of Chene Street, 60 feet wide; thence Southerly along said Westerly line of Chene Street to the intersection with the Northerly line of Wilkins Street; thence Westerly along said Northerly line of Wilkins St. to the intersection with the Easterly line of St. Aubin Avenue and the point of beginning containing 651,260 square feet on 14,951 acres more or less.

Adopted as follows:

Yeas — Council Members Bates, K. Cockrel, Jr., S. Cockrel, Everett, McPhail, Tinsley-Talabi, Watson, and President Mahaffey — 8.

Nays — None.

**Department of Public Works
City Engineering Division**

June 2, 2004

Honorable City Council:

Re: Petition No. 2242 — Lavdas Jewelry et. al., requesting for conversion of alley to easement in the area of Kelly Road, Moross and East Seven Mile Road.

Petition No. 2242 of "Lavdas Jewelry et. al.", request conversion of the North-South public alley, 20 feet wide, in the block bounded by Kelly Road, 155 feet wide, Moross Avenue, 120 feet wide, and East Seven Mile Road, 106 feet wide into a private easement for utilities.

The request was approved by the Planning and Development Department, 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 plans to discontinue use of the paved alley entrance (into East Seven Mile Road and Moross Avenue), the petitioner shall pay all incidental removal cost.

All other city departments and private utility companies have reported no objections to the conversion of public rights-of-way into a private easement for utilities. Provisions protecting utility installations are part of this resolution.

I am recommending adoption of the

attached resolution.

Respectfully submitted,
WILLIAM TALLEY
Head Engineer

City Engineering Division — DPW
By Council Member S. Cockrel:

Resolved, All that part of the North-South public alley, 20 feet wide, lying Westerly of and abutting the West line of Lots 108 through 120, both inclusive, and lying Easterly of and abutting the East line of Lots 107 and 121, and the public alley vacated on February 5, 1946 J.C.C. Pgs. 247-8 all in the "Dalby's East Pointe Subdivision of part of private claim 231, Gratiot Township, Wayne County, Michigan" as recorded in Liber 50 Page 77, 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:

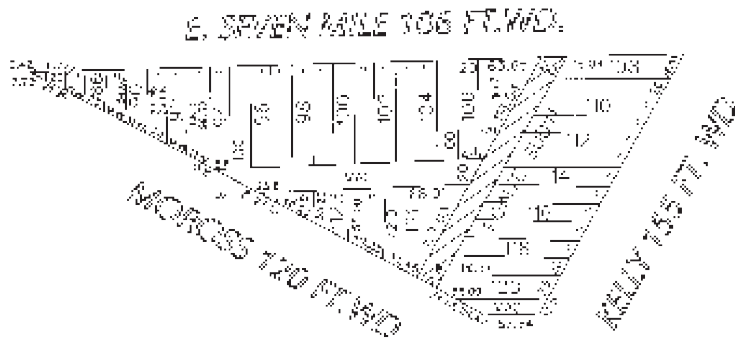
First, Said owners hereby grant to and for the use of the public an easement or right-of-way over said vacated public alley herein above described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, gas lines or mains, telephone, 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 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, 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,

PETITION NO. 3242
 LANDLORD: HAMILTON
 3677 1/2 SEVEN MILE RD.
 WARREN MI 48092
 C/O HAMILTON ASSOCIATES
 PHONE NO. 586 751 8275



REQUESTED CONVERSION TO EASEMENT

COPY 35 E

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SERVICE BUREAU FILE NO. 47-07 LICENSED 25202-001		REQUESTED CONVERSION TO EASEMENT THE NORTH-SOUTH PUBLIC ALLEY, 20 FT. WIDE, IN THE AREA OF E SEVEN MILE, MOROSS, AND KELLY
DATE 2-10-04	APPROVED BY [Signature]	

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 East Seven Mile Road and Moross Avenue), 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, Everett, McPhail, Tinsley-Talabi, Watson, and President Mahaffey — 8.

Nays — None.

**Department of Public Works
 City Engineering Division**

June 2, 2004

Honorable City Council:
 Re: Petition No. 3130 — Hamilton
 Anderson Associates, requested for