

of Four Thousand Five Hundred and 00/100 Dollars (\$4,500.00). This property is generally bounded by Kirby, St. Antoine, Frederick and Beaubien and contains approximately 9,995 square feet. Petit Bateau, LLC also wishes to execute an Assumption, Consent and Modification Agreement with Warren G. Smith and the City of Detroit for Parcels 19, 20 and 21, which provides an additional 28,873 square feet of land for the proposed development. The Offeror, in conjunction with property they already own, proposes to construct thirty-four (34) townhouse units with two (2) car attached garages. This proposal was presented to the Detroit Housing Commission and approved by that Body on September 15, 2005.

The developer possesses the qualifications and has indicated potential financial resources necessary to acquire and develop and land in accordance with the Development Plan. The disposal of this land by negotiation is an appropriate method for making the land available for redevelopment and the proposed agreement is in satisfactory form.

We, therefore, request that your Honorable Body adopt the attached resolution authorizing the advertising of and the holding of a public hearing concerning this offer on the 18th day of November, 2005 at 10:45 a.m.

Respectfully submitted,
DOUGLASS J. DIGGS

Director of Development Activities
By Council Member Watson:

Resolved, That in accordance with the foregoing communication that this offer by Petit Bateau, LLC, a Michigan Limited Liability Company, to purchase and develop Parcel 381 in the Art Center Rehabilitation Project and to execute an Assumption, Consent and Modification Agreement with Warren G. Smith and the City of Detroit for Parcels 19, 20 and 21, is in satisfactory form; and

That the disposal of this land by negotiation is an appropriate method for making the land available for redevelopment; and

That the developer possesses the qualifications and financial resources necessary to acquire and develop the land in accordance with the Development Plan; and

That the offered aggregate price of \$4,500.00 is equal to the fair market value of the land for use in connection with the Development plan, and to hold a public hearing concerning this offer on the 18th day of November, 2005 at 10:45 a.m.

Adopted as follows:

Yeas — Council Members Bates, S. Cockrel, Collins, McPhail, Tinsley-Talabi, Watson, and President Pro Tem K. Cockrel, Jr. — 7.

Nays — None.

**Department of Public Works
City Engineering Division**

October 10, 2005

Honorable City Council:

Re: Petition No. 2984 — Edward Lemming, for vacation of alley in the area of W. Vernor and Stratton.

Petition No. 2984 of "Edward Lemming", 10662 N. Territorial Rd., Plymouth, Michigan 48170, request the conversion of a portion of the north-south public alley, 20.00 feet wide, in the block bounded by Beard Avenue, 60 feet wide, Waterman Avenue, 66 feet wide, Stratton Avenue, 60 feet wide, and West Vernor Highway, 66 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:

All City departments and privately owned utility companies have reported no objections 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,
WILLIAM TALLEY
Head Engineer

City Engineering Division — DPW
By Council Member McPhail:

Resolved, All that part of the north-south public alley, 20 feet wide, in the block bounded by Beard Avenue, 60 feet wide, Waterman Avenue, 66 feet wide, Stratton Avenue, 60 feet wide, and West Vernor Highway, 66 feet wide, lying westerly of and abutting the west line of the south 25.00 feet of Lot 23 and all of Lots 24-27, inclusive, also, lying easterly of and abutting the east line of Lot 28 "Plat of S. Crawford's Subdivision of Lots 1, 2, 3 & 4 of the Subdivision of Crawford's Ford Tract", Springwells (now Detroit), Wayne County, Michigan, T. 2 S., R. 11 E., as recorded in Liber 5, Page 33 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 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, 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 at the entrance (into Stratton Ave.), 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 further

Provided, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

