

Department of Public Works
City Engineering Division

November 17, 2005

Honorable City Council:

Re: Petition No. 4204, Morgan Group LLC, requesting closure of alleys, streets, and service drives (with limited access) at 8140 Michigan Avenue between St. Lawrence and Elmer Avenue.

Petition No. 4204 of "Morgan Group LLC", at 18361 Weaver, Detroit, Michigan 48228, request the conversion of the North-South public alley, 20 feet wide, the East-West public alleys, 18 and 20 feet wide, and the Edsel Ford Service Drive (limited access), variable width, into private easements for utilities; also temporary close portions of St. Lawrence Avenue, 50 feet wide, and Elmer Avenue, 50 feet wide for a five-year period all in the block bounded by Edsel Ford Freeway, Michigan Avenue, 100 feet wide, St. Lawrence Avenue, 50 feet wide, and Elmer Avenue, 50 feet wide. The request will provide better security and the expansion of a new surface parking lot for the Morgan Group and the adjacent property owners.

The request was approved by the Traffic Engineering Division-DPW and the Planning and Development Department. This petition was referred to the City Engineering Division-DPW for investigation and report. This is our report. If the petitioner at any time plans to continue use of the paved alley entrance (into Elmer Avenue, St. Lawrence Ave.

and Edsel Ford Service Drive (limited access)), the petitioner shall pay all incidental removal cost.

All other city departments and privately owned utility companies have reported no objections to the proposal, provided they have the right to ingress and egress at all times to their facilities.

An appropriate resolution, containing the necessary conditions, is attached for your consideration by your Honorable Body.

Respectfully submitted,

WILLIAM TALLEY

Head Engineer

City Engineering Division — DPW
By Council Member Collins:

Resolved, The City Engineering Division-DPW is hereby authorized and directed to issue permits to "Morgan Group LLC" to close a portion of St. Lawrence Avenue, 50 feet wide between Michigan Avenue, 100 feet wide, and Edsel Ford Freeway; said street lying westerly of and abutting the West line of Lot 1989 and a line extended northerly from the Northwest corner of said Lot to the Southerly right-of-way line of Edsel Ford Freeway, and lying Easterly of and abutting the East line of Lot 1988, all in the "Smart Farm Subdivision No. 2 of Lots A, B, and C of Smart Farm Subdivision of Fractional Section 9 T. 2 S., R. 11 E. and part of Private Claims 41 and 36" City of Detroit, Wayne County, Michigan, as recorded in Liber 51 Page 31, Plats, Wayne County Records; on a temporary basis to expire on December 1, 2010.

Also, The City Engineering Division-DPW is hereby authorized and directed to issue permits to "Morgan Group LLC and adjacent property owners" to close a portion of Elmer Avenue, 50 feet wide between Michigan Avenue, 100 feet wide, and Edsel Ford Freeway; said street lying westerly of and abutting the West line of the South 29.40 feet of Lot 11 and lying Easterly of and abutting the East line extended northerly from the Northeast corner of Lot 58 to the Southerly right-of-way line of Edsel Ford Freeway all in the "Elsie L. Beatcher's Subdivision of Part of Out Lot 5 and 7 Private Claim 543 North of Michigan Avenue" City of Detroit, Wayne County, Michigan as recorded in Liber 30 Page 63, Plats, Wayne County Records; on a temporary basis to expire on December 1, 2010.

Provided, That the petitioner shall file with the Finance Department an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit harmless from all claims, damages or expenses that may arise by reason of the terms thereof. Further, the petitioner shall agree to pay all claims, damages or expenses that may arise out of the maintenance of the temporary public street closing; and be it further

Provided, The permit shall be issued after the City Clerk has recorded a certified copy of this resolution with the Wayne County Register of Deeds; and be it further
Provided, The property owned by the petitioner and adjoining the temporary

STATE OF MICHIGAN)
CITY OF DETROIT)

ss.

I, Janice M. Winfrey

CITY CLERK of the City of Detroit, do

hereby certify that the annexed paper is a True Copy of a Resolution

adopted by the City Council on January 11, 2006

and approved by the Mayor on January 19, 2006

Detroit Legal News, dated January 24, 2006

as appears from the ~~XXXXX~~ of said City Council, on file in my office.

MAP ATTACHED

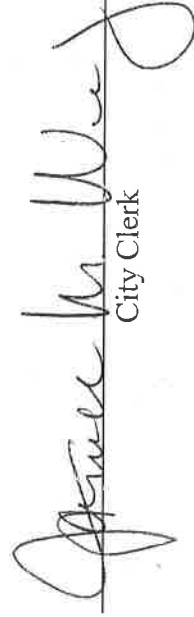
LI 45733

PA 786

Rec'd 12/14/06

December 8, 2006

IN WITNESS WHEREOF, I have hereunto
Set my hand and affixed the Corporate
Seal of said City, at Detroit, on


City Clerk

public alley closing shall be subject to the proper zoning or regulated use (Board of Zoning Appeals Grant) over the total width and length of the street; and be it further

Provided, No buildings or other structures of any nature whatsoever (except necessary line fence), shall be constructed on or over the alley. The petitioner shall observe the rules and regulations of the City Engineering Division-DPW. The City of Detroit retains all rights and interests in the temporarily closed public alley. The City and all utility companies retain their rights to service, inspect, maintain, repair, install, remove or replace utilities in the temporarily closed public alley. Further, the petitioner shall comply with all specific conditions imposed to ensure unimpeded 24-hour-per-day access to the City and utility companies; and be it further

Provided, All of the petitioner's public property fence and gate installations shall be subject to the review and approval of the City Engineering Division-DPW (if necessary, in conjunction with the Traffic Engineering Division-DPW, and the Planning and Development Department); and be it further

Provided, This resolution does not permit the storage of materials, displays of merchandise, or signs within the temporarily closed public alley. Further, the placement of materials, merchandise, or signs on any adjacent berm area is prohibited; and be it further

Provided, That at the expiration of the permit, all obstructions shall be removed at the petitioner's expense. The public property shall be restored to a condition satisfactory to the City Engineering Division-DPW by the petitioner at the petitioner's expense; and be it further

Provided, This resolution is revocable at the will, whim or caprice of the Detroit City Council without cause. The petitioner waives the right to claim damages or compensation for removal of encroachments. Further, the permittee acquires no implied or other privileges hereunder not expressly stated herein. If this permit is continued for the five (5) year period, the City Council may (upon written request and if the circumstances justify accordingly) grant an extension thereto; and be it further

Provided, This permit shall not be assigned or transferred without the written approval of the Detroit City Council; and be it further

Resolved, All that part of the North-South public alley, 20 feet wide, lying Westerly of and abutting the West line of Lots 58 and 59 in the "Elsie L. Beatcher's Subdivision of Part of Out Lots 5 and 7 Private Claim 543 North of Michigan Avenue" City of Detroit, Wayne County, Michigan as recorded in Liber 30 Page 63, Plats, Wayne County Records, and lying Easterly of and abutting the East line of Lot 1989 in the "Smart Farm Subdivision No. 2 of Lots A, B, and C of Smart Farm Subdivision of Fractional Section 9 T. 2 S., R. 11 E. and part of Private Claims 41 and 36" City of Detroit, Wayne County, Michigan, as recorded in Liber 51 Page 31, Plats, Wayne County Records;

Also, all that part of the East-West public alley, 20 feet wide, lying Northerly of and abutting the North line of Lots 44 through 51, both inclusive, in the "Smart Farm Subdivision of part of Fractional Section 9 T. 2 S., R. 11 E. and part of Private Claims 41 and 36" Springwells Township, (now City of Detroit), Wayne County, Michigan, as recorded in Liber 34 Pages 32 and 33, Plats, Wayne County Records; and lying Southerly of and abutting the South line of Lot 1989 in the "Smart Farm Subdivision No. 2 of Lots A, B, and C of Smart Farm Subdivision of Fractional Section 9 T. 2 S., R. 11 E. and part of Private Claims 41 and 36" City of Detroit, Wayne County, Michigan, as recorded in Liber 51 Page 31, Plats, Wayne County Records;

Also, all that part of the East-West public alley, 18 feet wide, lying Northerly of and abutting the North line of Lots 1 through 3, both inclusive, and lying Southerly of and abutting the South line of Lot 59 all in the "Elsie L. Beatcher's Subdivision of Part of Out Lot 5 and 7 Private Claim 543 North of Michigan Avenue" City of Detroit, Wayne County, Michigan as recorded in Liber 30 Page 63, Plats, Wayne County Records;

Also, All that part of the Edsel Ford Freeway Service Drive (with limited

access), variable width, between St. Lawrence Avenue, 50 feet wide, and Elmer Avenue, 50 feet wide lying Northerly of and abutting the North line of Lot 1989 in the "Smart Farm Subdivision No. 2 of Lots A, B, and C of Smart Farm Subdivision of Fractional Section 9 T. 2 S., R. 11 E. and part of Private Claims 41 and 36" City of Detroit, Wayne County, Michigan, as recorded in Liber 51 Page 31, Plats, Wayne County Records, and Lot 58 in the "Elsie L. Beatcher's Subdivision of Part of Out Lots 5 and 7 Private Claim 543 North of Michigan Avenue" City of Detroit, Wayne County, Michigan as recorded in Liber 30 Page 63, Plats, Wayne County Records, and lying Southerly of and abutting the South right-of-way line of Edsel Ford Freeway;

Be and the same is hereby vacated as public alleys and is hereby converted into private easements for public utilities of the full width of the alleys; which easements 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 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 an easement or right-of-way over said vacated public alleys 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 easements for the purpose above set forth.

Second, Said utility easement or right-of-way in and over said vacated 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, telephone or light pole or any utility facility placed or installed in the utility easements or rights-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 easements 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 easements, 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 alleys shall request the removal and/or relocation of any existing poles or other utilities in said easements, 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 entrances (into Elmer Avenue, St. Lawrence Avenue and Edsel Ford Service Drive (limited access)), 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

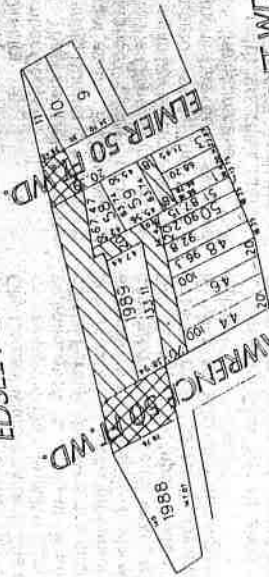
Provided, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

Adopted as follows:


Yeas — Council Members S. Cockrel, Collins, Conyers, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 9
Nays — None


PETITION NO. 4204
 MORGAN GROUP LLC
 18361 WEAVER
 DET., MI 48228
 C/O OTIS HENDERSON
 PHONE NO. 313-282-5847

EDSEL FORD FREEWAY



ST. MICHIGAN 100 FT. WD.

 - REQUESTED TEMPORARY CLOSURE

 - REQUESTED CONVERSION TO EASEMENT

CARTO 4 A

B) <input type="checkbox"/> PER OFFICE USE ONLY		CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
A) <input type="checkbox"/> REQUESTED CONVERSION TO EASEMENT AND TEMPORARY CLOSURE OF THE AREA OF ST. LAWRENCE, MICHIGAN, ELMER, AND EDSSEL FORD FREEWAY		JOB NO. 07-01 DESIG. NO. X4204.dgn	
DATE 5-2-05	DRAWN BY NP	CHECKED BY [Blank]	APPROVED BY [Blank]