

Planning & Development Department

May 5, 2005

Honorable City Council:

Re: Cancellation of Sale, (W) Mitchell between Grixdale and Nevada, a/k/a 18009 Mitchell.

On January 26, 2005, (D.L.N., February 7, 2005, Page 12), your Honorable Body authorized the sale of property located at 18009 Mitchell, submitted by Keith Travis Jr., for the sales price of \$12,000.00.

The sale is being cancelled at the purchaser's request.

Therefore, your Honorable Body is requested to authorize the Planning and Development Director to grant the purchaser's request to refund all deposits paid and cancel the sale.

Respectfully submitted,
O'NEAL EDWARDS
Executive Manager
Real Estate

By Council Member Watson:

Resolved, That the Offer to Purchase property described on the tax rolls as:

18009 Mitchell

submitted by Keith Travis Jr., be cancelled and be it further,

Resolved, That the Planning and Development Department Director or his authorized designee is hereby authorized to declare the sale cancelled and the deposit in the amount of \$1,200.00 refunded.

Adopted as follows:

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

Nays — None.

Planning & Development Department

May 5, 2005

Honorable City Council:

Re: Cancellation of Sale, Rochelle, between Gratiot and Laurel, a/k/a 13269 Rochelle.

On November 22, 2004, (D.L.N., December 12, 2004, Page 17), your Honorable Body authorized the sale of property located at 13269 Rochelle to Charlene A. Demonbreun, for the sales price of \$1,500.00.

The sale is being cancelled at the purchaser's request.

Therefore, your Honorable Body is requested to authorize the Planning and Development Director to grant the purchaser's request to refund all deposits paid and cancel the sale.

Respectfully submitted,
O'NEAL EDWARDS
Executive Manager
Real Estate

By Council Member Watson:

Resolved, That the Offer to Purchase property described on the tax rolls as:

13269 Rochelle

submitted by Charlene A. Demonbreun be cancelled and be it further,

Resolved, That the Planning and Development Department Director or his authorized designee is hereby authorized to declare the sale cancelled and the deposit in the amount of \$150.00 refunded.

Adopted as follows:

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

Nays — None.

Department of Public Works**City Engineering Division**

April 28, 2005

Honorable City Council:

Re: Petition No. 4303 — Brinker Group, requesting for alley closure in the area of Michigan, Roosevelt and Twenty — Fifth Streets.

Petition No. 4303 of "Brinker Group" at 3633 Michigan Avenue, Detroit, Michigan 48226, request conversion of the North-South and East-West public alleys, 22 and 17.85 feet wide, in the block bounded by Michigan Avenue, 50 feet wide, Risdon Avenue, 50 feet wide, Roosevelt Avenue, 50 feet wide, and Twenty-Fifth Street, 50 feet wide into a private easement for 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 plans to discontinue use of the paved alley entrances (into Roosevelt Avenue, Twenty-Fifth Street, and Risdon 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 the public rights-of-way into private easements 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 K. Cockrel, Jr.:

Resolved, All that part of the North-South public alley, 17.85 feet wide, lying Westerly of and abutting the West line of Lots 53 through 73, both inclusive, in the "B. Briscoe's Subdivision of Lots 64 and 65 of the Subdivision of the Porter Farm" City of Detroit, Wayne County, Michigan as recorded in Liber 3 Page 56, Plats, Wayne County Records; and lying Easterly of and abutting the East line of Lots 112 through 135, both inclusive, in the "Grosfield and Schulte's Subdivision

of the East Part of P.C. 78 between Michigan avenue and M.C.R.R." City of Detroit, Wayne County, Michigan as recorded in Liber 10, Page 90, Plats, Wayne County Records;

Also, all that part of the East-West public alley, 22 feet wide, lying Northerly of and abutting the North line of Lot 53 and lying Southerly of and abutting the South line of Lots 2 through 5, both inclusive, all in the "B. Briscoe's Subdivision of Lots 64 and 65 of the Subdivision of the Porter Farm" City of Detroit, Wayne County, Michigan as recorded in Liber 3 Page 56, Plats, Wayne County Records; and lying Northerly of and abutting the North line of Lot 112 and lying Southerly of and abutting the South line of Lots 108 through 111, both inclusive, all in the "Grosfield and Schulte's Subdivision of the East Part of P.C. 78 between Michigan avenue and M.C.R.R." City of Detroit, Wayne County, Michigan as recorded in Liber 10 Page 90, Plats, Wayne County Records;

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,

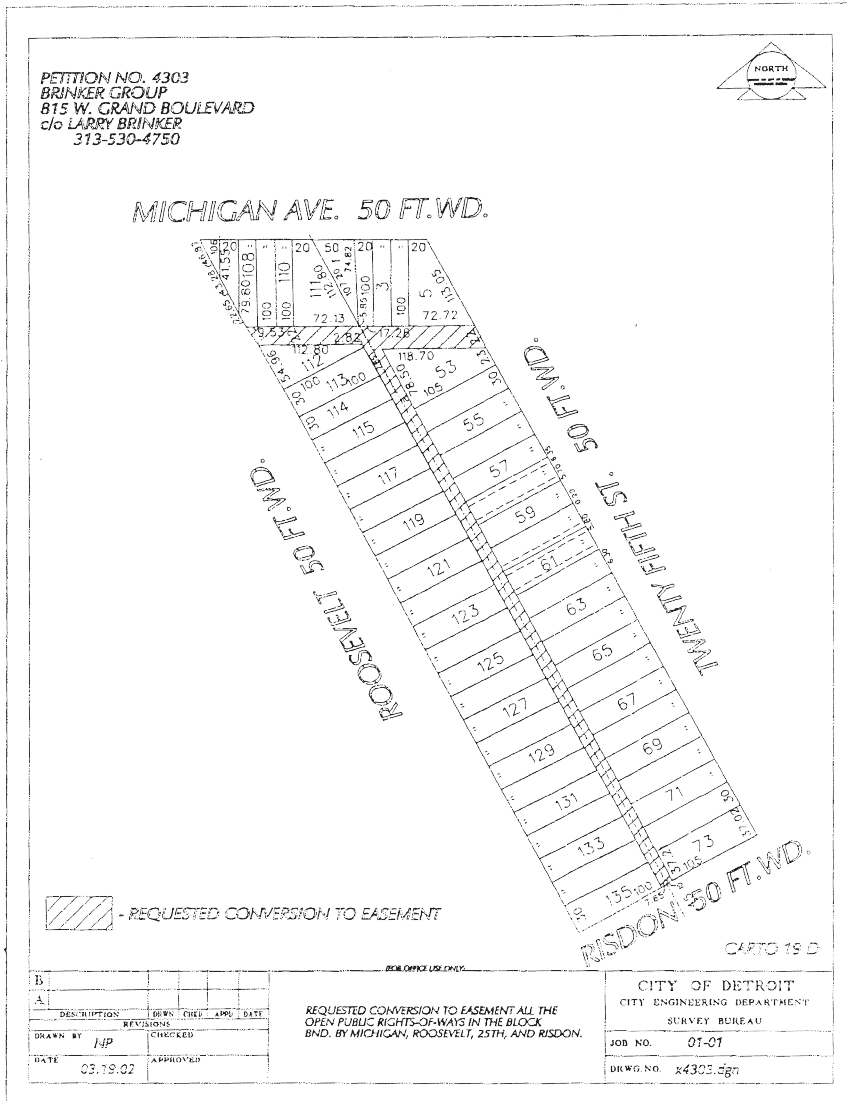
Third, Said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, retaining or partition walls, shall be built or placed upon said easements, nor change of surface grade made, without prior approval of the City Engineering 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 Roosevelt Avenue, Twenty-Fifth Street, and Risdon 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 K. Cockrel, Jr., S. Cockrel, Collins, McPhail, Tinsley-Talabi, Watson, and President Mahaffey — 7.
 Nays — None.

Council Member Alonzo Bates entered and took his seat.

Law Department

May 4, 2005

Honorable City Council:
 Re: Carmen Richardson vs. City of Detroit. Case No.: 04-411883 NO. File No.: A19000-002836 (SH).

We have reviewed the above-captioned lawsuit, the facts and particulars of which are set forth in a confidential memorandum that is being separately hand-delivered to each member of your Honorable

Body. From this review, it is our considered opinion that a settlement in the amount of Twenty Thousand Dollars and No Cents (\$20,000.00) is in the best interest of the City of Detroit.

We, therefore, request authorization to settle this matter in the amount of Twenty Thousand Dollars and No Cents (\$20,000.00) and that your Honorable Body direct the Finance Director to issue a draft in that amount payable to Alexander M. Kelin, P.C., attorneys, and Carmen Richardson, to be delivered upon receipt of properly executed Releases and Stipulation and Order of Dismissal entered in Lawsuit No. 04-411883 NO, approved by the Law Department.

Respectfully submitted,
 SUE HAMMOUD
 Assistant Corporation Counsel