

179 Plats, W.C.R., also, the North 56.90 feet of Lots 20, 21 and 22; "Lingeman's Subdivision" of part of Out Lot 7, Dequindre Farm, City of Detroit, as recorded in Liber 1, Page 240, W.C.R., also, all that part of Private Claims 8 & 17, also known as the Dequindre Farm, generally described as lying South of Erskine Street, West of and adjacent to Orleans Street, East of Riopelle Street, and North of and adjacent to Wilkins Street; also, being more particularly described as the South 37.20 feet of the East 252.26 feet of Out Lot 6 of the "Subdivision of the rear of the A. Dequindre Farm for the Administration of the Estate of Antoine Rivard" as recorded in Liber 15 Pages 348 & 349, City Records and Chancery File #3235, W.C.R., lying South of Erskine Street, 40 feet wide, and West of Orleans Street, variable width. Also, Lots 21, 22, the North 10 feet of Lot 23, the North 90 feet of Lot 27 and the vacated alley lying between said Lots; "F. J. B. Crane's Subdivision" of Out Lots No. 53, 54, 57, 58, Riopelle Farm, 1854, Rec'd L. 53, P. 346 Deeds, W.C.R.

Adopted as follows:

Yeas — Council Members S. Cockrel, Collins, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, Conyers, and President K. Cockrel, Jr. — 9.

Nays — None.

Planning & Development Department

March 2, 2007

Honorable City Council:

Re: Transfer of Jurisdiction of Surplus Property Development: 1850 Erskine.

The Director of the Department of Public Works has indicated to the Planning & Development Department (P&DD) that they have declared the above-captioned property surplus to their needs and requests that P&DD assume jurisdictional control over this parcel so that it may be marketed for development in conjunction with the current Eastern Market revitalization efforts.

We, therefore, request that your Honorable Body approve the attached resolution authorizing the Department of Public Works to transfer jurisdiction of the above-captioned property to the Planning & Development Department.

Respectfully submitted,
DOUGLASS J. DIGGS

Director

By Council Member Jones:

Resolved, That in accordance with the foregoing communication, the Department of Public Works is authorized to transfer jurisdiction of the property to the Planning & Development Department more particularly described in the attached Exhibit A as:

Land in the City of Detroit, County of Wayne and State of Michigan being all

that part of Private Claims 8 & 17, also known as the Dequindre Farm, generally described as lying South of and adjacent to Erskine Street, East of and adjacent to Orleans Street, West of and adjacent to Dequindre Street, and North of and adjacent to Wilkins Street;

and being more particularly described as all that part of Out Lot 6 of the "Subdivision of the rear of the A. Dequindre Farm for the Administration of the Estate of Antoine Rivard" as recorded in Liber 15 Pages 348 & 349, City Records and Chancery File #3235, W.C.R., lying South of Erskine Street, 40 feet wide, and East of Orleans Street, variable width.

also, the North 56.30 feet of Lot 1 of the "Subdivision of Lot 7 of that portion of Dequindre Farm North of Fort Gratiot Road or Street" as recorded in Liber 37 Pages 460 & 461 Deeds, W.C.R.;

and also, Lot 23 and the North 15 feet of Lot 24 of the "Lingeman's Subdivision of part of Out Lot 7, Dequindre Farm, City of Detroit", as recorded in Liber 1 Page 240 W.C.R.

Adopted as follows:

Yeas — Council Members S. Cockrel, Collins, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, Conyers, and President K. Cockrel, Jr. — 9.

Nays — None.

Department of Public Works City Engineering Division

March 26, 2007

Honorable City Council:

Re: Petition No. 1163 — Ryan's Foods — Raad Kathawa, request for vacation and conversion to easement of the alley located at 5858 West Vernor Hwy. and Newberry Avenue.

Petition No. 1163 of "—Ryan's Foods — Raad Kathawa" request for outright vacation and conversion to easement of the East — West public alley, 20 feet wide, (a portion Deeded on September 17, 1963 — JCC Pg. 2368) in the block bounded by Newberry Avenue, 50 feet wide, West Vernor Highway, 66 feet wide, Cavalry Avenue, 50 feet wide, and Campbell Avenue, 66 feet wide; also request to grant the City of Detroit an easement, 18 feet wide, for vehicular traffic over private land for an alley outlet.

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.

The Detroit Water and Sewerage Department reports no objections to the outright vacation, conversion to easement, and granting the City of Detroit an easement over private property. Provided that an easement of the full width of the alley is reserved.

April 11

852

2007

The Public Lighting Department (PLD) reports that PLD will need 24 hours heavy vehicle access to the existing utility easement. No structure or barricades can be built over PLD installations or on existing utility easement areas. As per PLD requirements, any structure proposed to be built shall maintain a 4-1/2 feet horizontal clearance from the PLD conduit bank and manholes and a 12-inch horizontal clearance for the overhead PLD lines and installations. The contractor should take necessary precautions not to damage PLD manholes and conduit banks, which carry high voltage lines if they plan to use heavy earth moving equipment. The contractor will be liable for any damages to any PLD underground facilities.

DTE Energy — Electric Division reports Overhead lines and equipment along the alleys. DTE Energy has no objections to the requested conversion to easement or vacation provided the width of the easement is maintained and the overhead lines are not disturbed.

All other City departments and privately owned utility companies have reported no objections to the conversion easement and outright vacation of public rights-of-way. Provisions protecting utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

JESSY JACOB

Interim City Engineer

By Council Member Collins:

Resolved, all that part of the East-West public alley, 20 feet wide, (Deeded to the City on September 17, 1963 — JCC Pgs. 2368-2369) being described as: the Southerly 18.00 feet of Lot 991 of the Subdivision of the Plot of the Walter Crane Farm as recorded in Liber 5, Page 29 of Plats, Wayne County Records, and all that part of Lots 996 to 999, both inclusive, of the Subdivision of the Plat of the Walter Crane Farm as recorded in Liber 5, Page 29, of Plats Wayne County Records more particularly described as follows; Beginning at the Southeasterly corner of Lot 996 of the above mentioned subdivision, thence Northerly along the easterly line of said Lot 996, 18.00 feet to a point; thence Westerly along a line 18.00 feet North of and parallel to the South line of Lot 996, 50.00 feet to a point in the easterly line of Lot 998, thence southwesterly along a line to a point in the Southerly line of Lot 999 said point being 15.00 feet East of the Southwest corner of Lot 999; thence Easterly along the Southerly line of Lots 996 to 999, 85.00 feet to the place of beginning;

Be and the same is hereby vacated (outright) as public rights-of-way to become part and parcel of the abutting

property, subject to the following provisions;

Resolved, all that part of the remaining portions of the East-West public alley, 2.00 feet and variable width, lying Northerly of and abutting the North line of the previously vacated public alley on September 17, 1963 — JCC Pgs. 2368-2369;

Also all that part of the East-West public alley, 20 feet wide, lying Northerly of and abutting the North line of the West 20 feet of Lot 964 and Lots 960 through 963, both inclusive, and the East 7.00 feet of Lot 959 and lying Southerly of and abutting the South line of the East 20.00 feet of Lot 999, and Lots 1000 through 1003, both inclusive, and the East 7.00 feet of Lot 1004 all in the "Plat of the Subdivision of the Walter Crane Farm" Springwells (now City of Detroit) Wayne County, Michigan, T.2S. R.11E., as recorded in Liber 5 Page 29, Plats, Wayne County Records;

Also, all that part of the remaining portion of the North-South public alley, 20 feet wide, being the Southerly 18.00 feet lying Easterly of and abutting the South 18.00 feet of Lot 996, and lying Easterly of and abutting the East line of the South 18.00 feet of Lot 991 all in the "Plat of the Subdivision of the Walter Crane Farm" Springwells (now City of Detroit) Wayne County, Michigan, T.2S. R.11E., as recorded in Liber 5 Page 29, Plats, Wayne County Records;

Be and the same is hereby vacated as a public alley 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 easements or rights-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 easements or rights-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, concrete slabs or driveways, 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 an easement, the full width of the existing right-of-way, is reserved for the Detroit Water and Sewerage Department for the purpose of installing, maintaining, repairing, removing, or replacing any sewers, water mains, fire hydrants and appurtenances, with the right of ingress and egress at any time to, and over said easement for the purpose above set forth; and further

Provided, that free and easy access to the sewers, water mains, fire hydrant and appurtenance within the easement is required for Detroit Water and Sewerage Department equipment, including the use of backbones, bulldozers, cranes or pipe trucks, and other heavy construction equipment, as necessary for the alteration or repair of the sewer or water main facilities; and further

Provided, that the Detroit Water and Sewerage Department retains the right to install suitable permanent main location guide posts over its water mains at rea-

sonable intervals and at points of deflection; and further

Provided, that said owners of the adjoining property, for themselves, their heirs and assigns, agree that no building or structure of any nature whatsoever, including fences, porches, patios, balconies, etc., shall be built upon or over said easement, or that no grade changes or storage of materials shall be made within said easement without prior written approval and agreement with the Detroit Water and Sewerage Department; and further

Provided, that if at any time in the future, the owners of any lots abutting on said vacated street shall request the removal and/or relocation of the aforementioned utilities in said easement, such owners shall pay all costs incident to such removal and/or relocation. It is further provided that if sewers, water mains, and/or appurtenances in said easement shall break or be damaged as a result of any action on the part of the owner, or assigns, then in such event, the owner or assigns shall be liable for all costs incident to the repair of such broken or damage sewers and water mains, and shall also be liable for all claims for damages resulting from his/her action; and further

Provided, that if it becomes necessary to remove the paved alley return at the entrances (into Campbell 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.

Resolved, The Planning and Development Department Director is hereby authorized to issue quit-claim deeds to transfer the following described parcel of land for the fair market value and/or other valuable consideration.

Land in the City of Detroit, Wayne County, Michigan being all that part of the East-West public alley, 20 feet wide, being described as: the Southerly 18.00 feet of Lot 991 of the Subdivision of the Plot of the Walter Crane Farm as recorded in Liber 5, Page 29 of Plats, Wayne County Records, and all that part of Lots 996 to 999, both inclusive, of the Subdivision of the Plat of the Walter Crane Farm as recorded in Liber 5, Page 29, of Plats Wayne County Records more particularly described as follows; Beginning at the Southeasterly corner of Lot 996 of the above mentioned subdivision, thence Northerly along the easterly line of said Lot 996, 18.00 feet to a point; thence

April 11

854

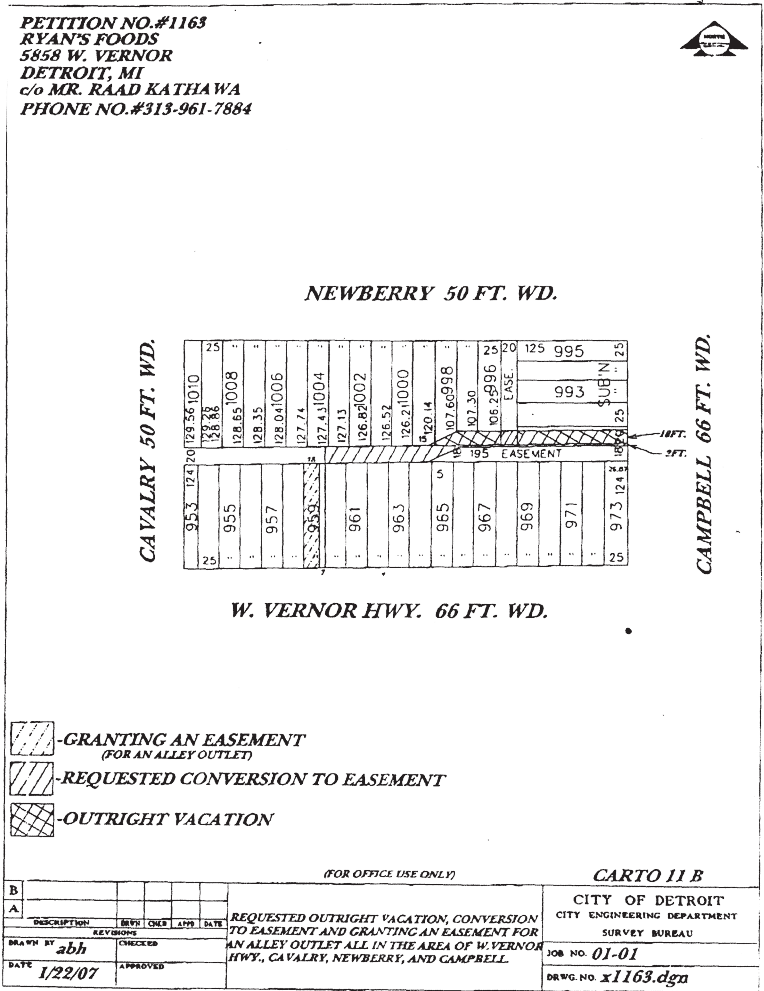
2007

Westerly along a line 18.00 feet North of and parallel to the South line of Lot 996, 50.00 feet to a point in the easterly line of Lot 998, thence Southwesterly along a line to a point in the Southerly line of Lot 999 said point being 15.00 feet East of the Southwest corner of Lot 999; thence Easterly along the Southerly line of Lots 996 to 999, 85.00 feet to the place of beginning;

Resolved, That your Honorable Body authorize the acceptance of the following described easement over property owned by the petitioner for an alley outlet for the

residents and/or property owners on Newberry Avenue, West Vernor Hwy., and Cavalry Avenue, subject to the approval of the Traffic Engineering Division-DPW and any other public and privately owned utility company, if necessary;

Land in the City of Detroit, Wayne County, Michigan, being the West 18.00 feet of Lot 959 in the "Plat of the Subdivision of the Walter Crane Farm" Springwells (now City of Detroit) Wayne County, Michigan, T.2S R.11E., as recorded in Liber 5 Page 29, Plats, Wayne County Records;



Adopted as follows:
 Yeas — Council Members S. Cockrel, Collins, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr., — 8.
 Nays — None.