

ommends that the City Council pass a resolution to establish the properties listed as qualified in the designated area.

Respectfully submitted,  
**JULIE CASTONE**  
 Assessor

**HOMESTEAD NEZ**

<b>Name</b>	Lester, Sohinnie
<b>Address</b>	16718 Stahelin
<b>Ward/Item</b>	206008425
<b>NEZ Name</b>	Rosedale N/19
<b>Transaction Date</b>	11/04/2006

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

**Planning & Development Department**  
 January 25, 2007

Honorable City Council:  
 Re: Property For Sale By Development Agreement Development: Parcel 3; Located on Kitchener; between E. Jefferson & Freud.

On January 25, 2007, a public hearing ini connection with the proposed transfer of the captioned property in the Jefferson-Chalmers Rehabilitation Project was held before your Honorable Body. All interested persons and organizations were given an opportunity to be heard.

The proposed redeveloper has submitted satisfactory evidence that they possess the necessary financial resources required to develop land in accordance with the Development Plan for the project.

We, therefore, request that your

Honorable Body authorize and confirm the sale and authorize the Planning and Development Department Director to execute an Agreement to purchase and develop Parcel 3, together with a deed to the property and such other documents as may be necessary to effect the sale, in the Jefferson-Chalmers Rehabilitation Project, with Creekside West, LLC, a Michigan Limited Liability Company, for the amount of Twenty One Thousand and 00/100 Dollars (\$21,000). This amount is the fair market value of the land.

Respectfully submitted,  
**DOUGLASS J. DIGGS**  
 Director

By Council Member Watson:

Resolved, That the Planning and Development Department's Director be and is hereby authorized to execute an Agreement to Purchase and Develop Parcel 3, together with a deed to the property and such other documents as may be necessary to effect the sale, in the Jefferson-Chalmers Rehabilitation Project more particularly described in the attached Exhibit A, with Creekside West, LLC, a Michigan Limited Liability Company, for the consideration of \$21,000 in accordance with the foregoing communication and the Development Plan for this Project;

**Exhibit A**

Land in the City of Detroit, County of Wayne and State of Michigan being Lots 54, 55, 56, 59, 60, 241,242, 243, 245, 246, 248, 249, 250, 252 and the South 25 feet of Lot 58; "St. Clair Park Subdivision" of part of Private Claims 315 & 322, South of Jefferson Avenue, City of Detroit, Wayne County, Michigan. Rec'd L. 27, P. 90 Plats, W.C.R.

Resolved, That this agreement be considered confirmed when signed and executed by the Planning and Development Department's Director and approved by the Corporation Counsel as to form.

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

**Department of Public Works**  
**City Engineering Division**

January 22, 2007

Honorable City Council:  
 Re: Petition No. 3507 — Eastside Land Inc., — Land Assembly For Neighborhood Development, request for outright vacation and conversion to easements of the alleys in the area of Lozier, Mack, Manistique, and Ashland Streets.

Petition No. 3507 of "Eastside Land Inc., — Land Assembly For Neighborhood Development" whose address is 11148 Harper Avenue, Detroit, Michigan 48213

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request for the outright vacation and conversion to easement of the East-West and the North-South public alleys, 18 feet wide, in the block bounded by Mack Avenue, 120 feet wide, Lozier Avenue, 60 feet wide, Manistique Avenue, 60 feet wide, and Ashland Avenue, 60 feet wide. This request is to facilitate the construction on phase IV of the Mack Alter Square, a 10,000 square feet retail space.

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.

Eastside Land Inc. — Land Assembly For Neighborhood Development (the Petitioner) have made several attempts over the past year and a half to secure 100% of abutting property owners consent to the North-South public alley closure in the block bounded by Mack Avenue, Lozier Avenue, Manistique Avenue, and Ashland Avenue. The last attempt by the petitioner was another mass mailing. The letters were returned to sender as undeliverable, vacant land, and/or there was no response back from the property owner. The original letters are on file with City Engineering Division — DPW.

I, Noel Perry, Supervisor of Maps and Records, for the City Engineering Division — DPW went on a site visit to investigate and take pictures of the conditions of the North-South public alley in the block bounded by Mack Avenue, Lozier Avenue, Manistique Avenue, and Ashland Avenue on December 15, 2006 and found that the North-South public alley was overgrown with weeds, trees, and debris. The homes that are occupied on Manistique Avenue and Ashland Avenue do not have garages that need access from the alley. From my observation the alley is not being utilized for any reason.

The Detroit Water and Sewerage Department (DWSD) reports no objections to the conversion to easement and the outright vacation of the alleys provided that the existing sewers are relocated. All the work necessary to relocate the sewers is to be done at the Petitioner's expense according to plans approved by DWSD. The construction is to be done under DWSD's permit and inspection and the Petitioner is to provide a suitable easement for the sewers.

The Public Lighting Department (PLD) reports a cost of \$191,000.00 for the relocation of the underground and overhead primary feeders in the alleys proposed to be vacated. PLD also have a street lighting circuit running in the area requested for vacation. PLD will remove fixtures at no cost to the petitioner after notification from the City Engineering Department and/or City Clerk's Office. PLD require 24-hour access for heavy vehicles for main-

tenance of our installations in the area requested for easement.

Comcast Cablevision reports a cost of \$457.79 for the removing and/or rerouting such services.

AT&T Communications reports there would be a charge to the customer to Relocate AT&T facilities.

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.

This resolution is attached for your Honorable Body's consideration.

Respectfully submitted,

NADIM HAIDAR

Acting Head Engineer

City Engineering Division — DPW

By Council Member Collins:

Resolved, All that part of the East-West public alley, 18 feet wide, lying Northerly of and abutting the North line of Lots 11 through 20, both inclusive, and lying Southerly of and abutting the South line of Lots 218 and 408 all in the "Edwin Lodge Subdivision" of part of P.C. 120 North of Mack Avenue Township of Gratiot and Grosse Pointe (now City of Detroit), Wayne County, Michigan as recorded in Liber 35 Page 10, Plats, Wayne County Records;

Also, all that part of the North-South public alley, 18 feet wide, lying Easterly of and abutting the East line of Lots 405 through 408, both inclusive, and lying Westerly of and abutting the West line of Lots 218 through 220, both inclusive, all in the "Edwin Lodge Subdivision" of part of P.C. 120 North of Mack Avenue Township of Gratiot and Grosse Pointe (now City of Detroit), Wayne County, Michigan as recorded in Liber 35 Page 10, Plats, Wayne County Records;

Be and the same are hereby vacated (outright) as public rights-of-way to become part and parcel of the abutting property, subject to the following provision;

Provided, That the Petitioner (Petition No. 3507) shall design and construct proposed sewers as required by the Detroit Water and Sewerage Department (DWSD); and be it further

Provided, That the plans for the proposed sewers shall be prepared by a registered Engineer; and be it further

Provided, That DWSD be and is hereby authorized to review the drawings for the proposed sewers and to issue permits for the construction of the sewers; and be it further

Provided, That the entire work is to be performed in accordance with plans and specifications approved by DWSD and constructed under the inspection and approval of DWSD; and be it further

Provided, That the entire cost of the proposed sewers, including construction,

including inspection, survey and engineering shall be borne by the Petitioner; and be it further

Provided, That the Petitioner shall deposit with DWSD in advance of engineering, inspection and survey, such amounts as the Department deems necessary to cover the cost of these services; and be it further

Provided, That the Petitioner shall grant the City of Detroit a satisfactory easement for sewers, as required, before start of construction; and be it further

Provided, That the Board of Water Commissioners shall accept and execute the easement grant on behalf of the City; and be it further

Provided, That the petitioner shall provide DWSD with as-built drawings of the sewers; and be it further

Provided, That the Petitioner shall provide a one (1) year warranty for the sewers; and be it further

Provided, That upon satisfactory completion, the sewers shall become City property and become part of the City System; and be it further

Provided, That all cost for removing and/or relocating for The Public Lighting Department, Comcast Cablevision, and AT&T/SBC Telecommunication within the project area are part of the project expenses and/or Eastside Land Inc. — Land Assembly For Neighborhood Development expenses;

Resolved, All of that part of the North-South public alley, 18.00 feet wide in the block bounded by Mack Avenue, 120 feet wide, Lozier Avenue, 60 feet wide, Manistique Avenue, 60 feet wide, and Ashland Avenue, 60 feet wide, lying Easterly of and abutting the East line of Lots 221 through 245, both inclusive, and lying Westerly of and abutting the West line of Lots 380 through 404, both inclusive, all in the "Edwin Lodge Subdivision" of part of P.C. 120 North of Mack Avenue Township of Gratiot and Grosse Pointe (now City of Detroit), Wayne County, Michigan as recorded in Liber 35 Page 10, 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 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 the 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; and further

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; and further

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; and further

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; and further

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 entrances (into Lozier 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.

