

By Council Member Watson:

Resolved, All that part of Macon Street, 50 feet wide, South of Devine Avenue, lying Easterly of and abutting the East line of Lots 49 through 55, both inclusive, and lying Westerly of and abutting the West line of Lots 56 and 62, both inclusive, all in the "Bessenger & Moore's Gratiot Avenue Subdivision No. 2" part of Private Claim 12 and part of Fractional Section 22 and 23, T.1S., R.12E., Gratiot Township (now City of Detroit), Wayne County, Michigan, as recorded in Liber 28, Page 30 of Plats, Wayne County Records;

Be and the same is hereby vacated as a public street and is hereby converted into a private easement for public utilities of the full width of the street, 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 street 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 street 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 street 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 street 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 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 street 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 the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

April 4

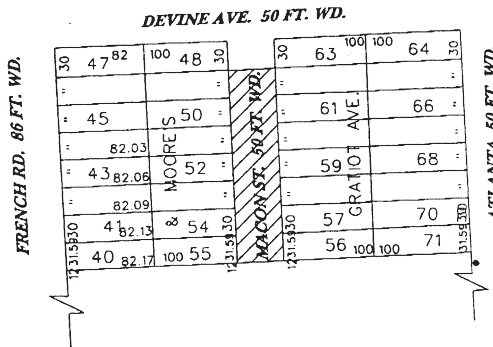
769

2007

PETITION NO. #954
MICHIGAN FOUNDATION COMPANY, INC.
6618 FRENCH RD.
DETROIT, MI 48213
c/o BARRIS, SCOTT, DENN & DRIKER, P.L.L.C.
PHONE NO. 313-965-9725



REVISION



REQUESTED CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 578

B						REQUESTED CONVERSION TO EASEMENT A PORTION OF MACCON ST. 50 FT. WD. BTWN. FRENCH RD. AND ATLANTA.	CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
A								JOB NO. 01-01
DESCRIPTION	DATE	FORM	APPL. DATE	REVISIONS				DRWG. NO. x954.dgn
DRAWN BY AHB	CHECKED							
DATE 9/18/06	APPROVED							

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

Planning & Development Department
 March 19, 2007

Honorable City Council:
 Re: Property Sale By Development Agreement Parcel 449; bounded by Exeter, Havana, Fernhill & E. Seven Mile — Exhibit 1.

We are in receipt of an offer from Penrose Village II LDHALP, a Limited Partnership, to purchase the above-captioned property for the amount of \$52,500 and to develop such property. This scattered site vacant property contains approximately 131,152.5 square feet and

is zoned R-2 (Two-Family District).
 The Offeror proposes construct forty-nine (49) one and two-story single-family houses. The houses will contain three (3) or four (4) bedrooms, two (2) bathrooms and attached or detached garages. This use is permitted as a matter of right in an R-2 zone.
 We, therefore, request that your Honorable Body adopt the sale and authorize the Planning and Development's Department Director, or is authorized designee, to execute an agreement to purchase and develop this property with Penrose Village II LDHALP, a Michigan Limited Partnership, together with a deed to the property, and such other documents as may be necessary to effect the sale.
 Respectfully submitted,
DOUGLASS J. DIGGS
 Director