

the Property with such parties as determined by the Director of the Planning and Development Department, or his authorized designee, together with a deed to the Property and such other documents as may be necessary to effectuate the sale of the Property on an interim basis to Millennium Development Holdings, LLC, an Indiana Limited Liability Company (or such other entity determined by Detroit Edison Public School Academy), consistent with the terms set forth in the prior resolution as amended by this resolution and provided that all conditions precedent to such sale have been satisfied.

2) All other terms of the prior resolution shall remain in effect.

EXHIBIT A

Land in the City of Detroit, County of Wayne and State of Michigan being Lots 18, 19, 28, 29, 30 and 31; "F. J. B. Crane's Subdivision" of Out Lot No. 17, Witherell Farm, 1854. Rec'd L. 53, P. 345 Deeds, W.C.R., also, Lots 94, 95, 96, 97, 99, 100, 103, 104, 105, 106, 107 and 108; Plat of Subdivision of Out Lot No. 34, St. Aubin Farm. Rec'd L. 1, P. 173 Plats, W.C.R., also, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17; "A. Pulte's Subdivision" of Out Lot 35 and the North part of Out Lot 34, St. Aubin Farm, Detroit, Wayne Co., Mich. Rec'd L. 2, P. 25 Plats, W.C.R. Except that part of the above said Lots taken to open the E-W Public Alley, 15 feet wide, in the block bounded by Erskine St., Pierce St., Dequindre St. and St. Aubin Ave. on June 11, 1874.

Adopted as follows:

Yeas — Council Members Brown, Cockrel, Jr., Jones, Spivey, Tate, Watson, and President Pugh — 7.

Nays — Council Member Jenkin — 1.

*WAIVER OF RECONSIDERATION (No. 10) per motions before adjournment.

Department of Public Works City Engineering Division

November 5, 2010

Honorable City Council:

Re: Petition No. 474 — Detroit Edison Public School Academy, request to vacate alleys and streets between Hale and Wilkins; and between St. Aubin and Dequindre.

Petition No. 474 of "Detroit Edison Public School Academy", request the outright vacation and conversion to easement of certain public rights-of-way in the block bounded by Hale Street, 50 feet wide, and Erskine Street, 40 feet wide, Dequindre Avenue, 70 feet wide, and St. Aubin Avenue, 50 feet wide. This request is necessary for the construction of the New Detroit Edison High School.

The request was approved by the Planning and Development Department, the Solid Waste Division — DPW, and the Traffic Engineering Division — DPW. The petition was referred to the City

Engineering Division — DPW for investigation (utility clearance) and report. This is our report.

The Detroit Water and Sewerage Department (DWSD) reports sewers and water mains located in the streets and alleys requested to be outright vacated and converted into easement. DWSD has no objections to the requested outright vacations and conversion to easement, provided that the attached provisions are to be strictly followed. The water mains and sewers are to be relocated by the petitioner at no cost to DWSD or the city.

The Public Lighting Department (PLD) reports no objections to the conversion to easement and outright vacation of the public rights-of-way, provided that the removal and relocation of PLD's facilities will be done at project cost.

DTE Energy Electric Division reports an estimated cost of \$44,000.00 for the removal and rerouting of services in said area.

DTE Energy — MichCon Gas Company reports no objections to the conversion to easement and outright vacation of the public rights-of-way, provided that the petitioner and/or the property owner contact Michcon Public Improvement Department for the drawings and estimated cost of removing and/or rerouting such mains and services.

AT&T reports that prior to the commencing construction the petitioner, property owner and/or Construction Company must call MISS DIG "811" and if more accurate locations and elevation information for planning purposes, please contact the AT&T design engineer for feasible test holes.

The Petitioner and/or property owner is responsible to pay all costs such as, but not limited to the cost of removal and rerouting of utilities associated to vacate the said streets and alleys as it relates to this development and no cost to the City.

All other city departments and private utility companies reported no objections to the changes of the public rights-of-way. Provisions protecting utility installations are part of this resolution (if necessary).

I am recommending adoption of the attached resolution.

Respectfully submitted,

MANILAL PATEL

Interim City Engineer

City Engineering Division — DPW
By Council Member Brown:

Resolved, All that part of the North-South public alley, 20 feet wide, being the first alley west of St. Aubin Avenue, 50 feet wide, between Hale Street, 50 feet wide, and Scott Street, 50 feet wide, lying Westerly of and abutting the West line of Lots 23 through 30, both inclusive, and lying Easterly of and abutting the East line of Lots 22 and 31 all in the "A. Pulte's Subdivision of Outlot 35 and North part of

Outlot 34 St. Aubin Farm" as recorded in Liber 2, Page 25, Plats, Wayne County Records:

Also, All that part of the North-South public alley, 20 feet wide, (deeded to the City on April 13, 1965 (J.C.C. Pg. 798) being the second alley west of St. Aubin Avenue, 50 feet wide, between Hale Street, 50 feet wide, and Scott Street, 50 feet wide, being the Easterly 20 feet of the Northerly 91.00 feet of Lot 15 all in the "F.J.B. Crane's Subdivision of Outlot No. 17 Witherell Farm" as recorded in Liber 53, Page 345, Deeds, Wayne County Records;

Also, All that part of the North-South public alley, 23 feet wide, (deeded to the City) being the second alley west of St. Aubin Avenue, 50 feet wide, between Hale Street, 50 feet wide, and Scott Street, 50 feet wide, being the Easterly 23.00 feet of the Southerly 109.00 feet of Lot 5 all in the "Subdivision of Lots 18, 19, 20, 21, 22 and the South part of 23 Witherell Farm North of Gratiot Avenue" as recorded in Liber 1, Page 23, Plats, Wayne County Records;

Also, All that part of the East-West public alley, 20 feet wide, in the block bounded by Hale Street, 50 feet wide, Scott Street, 50 feet wide, St. Aubin Avenue, 50 feet wide, and Dequindre Avenue, 70 feet wide, lying Northerly of and abutting the North line of Lots 18 through 22, both inclusive, and lying Southerly of and abutting the South line of Lots 31 through 35, both inclusive, all in the "A. Pulte's Subdivision of Outlot 35 and North part of Outlot 34 St. Aubin Farm" as recorded in Liber 2, Page 25, Plats, Wayne County Records; and lying Northerly of and abutting the North line of Lots 14 through 17, both inclusive, in the "F.J.B. Crane's Subdivision of Outlot No. 17 Witherell Farm" as recorded in Liber 53, Page 345, Deeds, Wayne County Records; and lying Southerly of and abutting the South line of Lots 6 through 8, both inclusive, in the "Subdivision of Lots 18, 19, 20, 21, 22 and the South part of 23 Witherell Farm North of Gratiot Avenue" as recorded in Liber 1, Page 23, Plats, Wayne County Records:

Also, All that part of Scott Street, 50 feet wide, between St. Aubin Avenue, 50 feet wide, and Dequindre Avenue, 70 feet wide, lying Southerly of and abutting the South line of Lots 18 through 23, both inclusive, and lying Northerly of and abutting the North line of Lots 12 through 17, both inclusive, all in the "A. Pulte's Subdivision of Outlot 35 and North part of Outlot 34 St. Aubin Farm" as recorded in Liber 2, Page 25, Plats, Wayne County Records:

And lying Southerly of and abutting the South line of Lots 16 and 17, and lying Northerly of and abutting the North line of Lots 18 and 19 all to the previously vacated Scott Street, 50 feet wide, all in the

"F.J.B. Crane's Subdivision of Outlot No. 17 Witherell Farm" as recorded in Liber 53, Page 345, Deeds, Wayne County Records;

Be and the same is hereby vacated as public streets and alleys and is hereby converted into private easements for public utilities of the full width of the streets and 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 streets and alleys and by their heirs, executors, administrators and assigns, forever to wit:

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 easements for the purpose above set forth; and be it further

Provided, That free and easy access to the sewers, water mains, fire hydrants and appurtenances within the easement is required for Detroit Water and Sewerage Department equipment, including the use of backhoes, bull dozers, cranes or pipe trucks, and other heavy construction equipment, as necessary for the alteration or repair of the sewer or water main facilities; and be it further

Provided, That the Detroit Water and Sewerage Department retains the right to install suitable permanent main location guide post over its water mains at reasonable intervals and at points deflection; and be it 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 porches, patios, balconies, etc., shall be built upon or over said easements, or that no grade changes or storage of materials shall be made within said easements without prior written approval and agreement with the Detroit Water and Sewerage Department; and be it further

Provided, That if any time in the future, the owners of any lots abutting on said vacated streets and alleys shall request the removal and/or relocation of the aforementioned utilities in said easements, 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 easements 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 damaged sewers and water mains, and shall also be liable for all claims for damages resulting from his action; and be it further

First, Said owners hereby grant to and for the use of the public easements or rights-of-way over said vacated public streets and 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 streets and 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 streets and 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 alley returns at the entrances (into Hale 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 further

Resolved, All that part of the North-South public alley, 20 feet wide, being the first alley to the west of St. Aubin Avenue, 50 feet wide, between Scott Street, 50 feet wide, and Pierce Street, 40 feet wide, lying Westerly of and abutting the West line of Lots 6 through 12, both inclusive, and lying Easterly of and abutting the East line of Lots 5 and 13 all in the "A. Pulte's Subdivision of Outlot 35 and North part of Outlot 34 St. Aubin Farm" as recorded in Liber 2, Page 25, Plats, Wayne County Records:

Also, All that part of the North-South public alley, 20 feet wide, (Deeded to the City of Detroit on November 1, 1927) being the East 20.00 feet of the North 92.72 feet of Lot 27 and the East 20 feet of the South 92.72 feet of Lot 20 all in the "F.J.B. Crane's Subdivision of Outlot No. 17 Witherell Farm" as recorded in Liber 53, Page 345, Deeds, Wayne County Records;

Also, All that part of the East-West public alley, 15 feet wide, in the block bounded by Scott Street, 50 feet wide, Pierce Street, 40 feet wide, St. Aubin Avenue, 50 feet wide, and Dequindre Avenue, 70 feet wide, lying Northerly of and abutting the North line of Lots 1 through 5, both inclusive, and lying Southerly of and abutting the South line of Lots 13 through 17, both inclusive, all in the "A. Pulte's Subdivision of Outlot 35 and North part of Outlot 34 St. Aubin Farm" as recorded in Liber 2, Page 25, Plats, Wayne County Records; and lying Northerly of and abutting the North line of Lot 28 and 29, lying Southerly of and abutting the South line of Lots 18 and 19 all in the "F.J.B. Crane's Subdivision of Outlot No. 17 Witherell Farm" as recorded in Liber 53, Page 345, Deeds, Wayne County Records;

Also, All that part of Pierce Street, 40 feet wide, between St. Aubin Avenue, 50 feet wide and Dequindre Avenue, 70 feet wide, lying Northerly of and abutting the North line of Lots 104 through 109, both inclusive, in the "Plat of Subdivision of Outlot 34 St. Aubin Farm" as recorded in Liber 1, Page 173, Plats, Wayne County Records; and lying Southerly of and abutting the South line of Lots 1 through 6, both inclusive, in the "A. Pulte's Subdivision of Outlot 35 and North part of Outlot 34 St. Aubin Farm" as recorded in Liber 2, Page 25, Plats, Wayne County Records; And lying Northerly of and abutting the North line of Lots 30 and 31, and lying Southerly of and abutting the South line of Lots 28 and 29 all to the previously vacated Pierce Street, 40 feet wide, all in the "F.J.B. Crane's Subdivision of Outlot

No. 17 Witherell Farm" as recorded in Liber 53, Page 345, Deeds, Wayne County Records;

Also, All that part of the North-South public alley, 20 feet wide, being the first alley to the west of St. Aubin Avenue, 50 feet wide, between Pierce Street, 40 feet wide, and Erskine Street, 40 feet wide, lying Westerly of and abutting the West line of Lots 99 through 104, both inclusive, and lying Easterly of and abutting the East line of Lots 98 and 105, all in the "Plat of Subdivision of Outlot 34 St. Aubin Farm" as recorded in Liber 1, Page 173, Plats, Wayne County Records;

Also, All that part of the North-South public alley, 20 feet wide, (Deeded to the City of Detroit on November 1, 1927) being the East 20.00 feet of the North 92.00 feet of Lot 32 in the "Plat of the Subdivision of Lot 16, North of Gratiot Road, Witherell Farm" as recorded in Liber 44, Page 470, Deeds, Wayne County Records;

Also, All that part of the North-South public alley, 20 feet wide, (Deeded to the City of Detroit on November 1, 1927) being the East 20.00 feet of the South 84.50 feet of Lot 32 in the "F.J.B. Crane's Subdivision of Outlot No. 17 Witherell Farm" as recorded in Liber 53, Page 345, Deeds, Wayne County Records;

Also, All that part of the East-West public alley, 15 feet wide, in the block bounded by Pierce Street, 40 feet wide, Erskine Street, 40 feet wide, St. Aubin Avenue, 50 feet wide, and Dequindre Avenue, 70 feet wide, lying Northerly of and abutting the North line of Lots 94 through 98, both inclusive, and lying Southerly of and abutting the South line of Lots 105 through 109, both inclusive, all in the "Plat of Subdivision of Outlot 34 St. Aubin Farm" as recorded in Liber 1, Page 173, Plats, Wayne County Records; and lying Northerly of and abutting the North line of Lots 31 and 30 in the "Plat of the Subdivision of Lot 16, North of Gratiot Road, Witherell Farm" as recorded in Liber 44, Page 470, Deeds, Wayne County Records; and lying Southerly of and abutting the South line of Lots 30 and 31 in the "F.J.B. Crane's Subdivision of Outlot No. 17 Witherell Farm" as recorded in Liber 53, Page 345, Deeds, Wayne County Records;

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;

Provided, That the petitioner and/or the property owner is responsible for any and all cost associated with the removing and/or relocation of any utilities within requested alley vacation, 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 the Easterly 20 feet of the Northerly 91.00 feet of Lot 15 all in the "F.J.B. Crane's Subdivision of Outlot No. 17 Witherell Farm" as recorded in Liber 53, Page 345, Deeds, Wayne County Records;

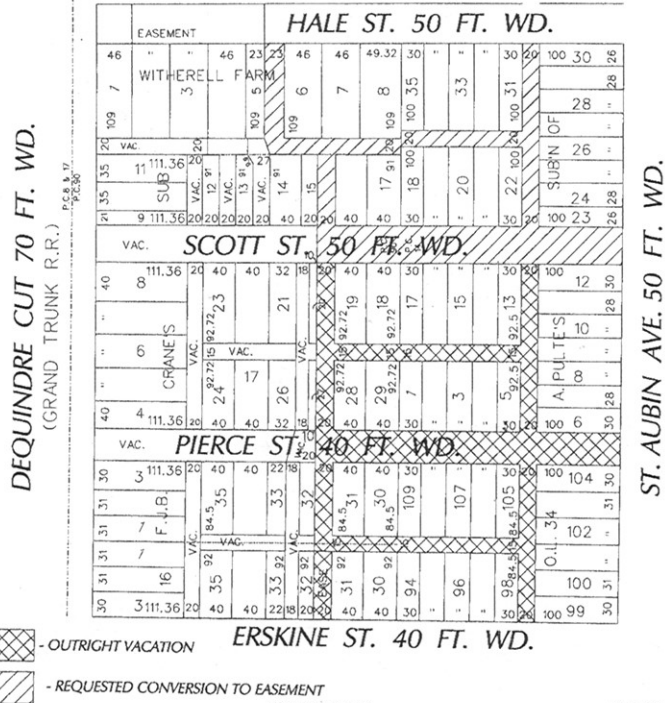
Land in the City of Detroit, Wayne County, Michigan being the Easterly 23.00 feet of the Southerly 109.00 feet of Lot 5 all in the "Subdivision of Lots 18, 19, 20, 21, 22 and the South part of 23 Witherell Farm North of Gratiot Avenue" as recorded in Liber 1, Page 23, Plats, Wayne County Records;

Land in the City of Detroit, Wayne County, Michigan being the East 20.00 feet of the North 92.72 feet of Lot 27 and the East 20 feet of the South 92.72 feet of Lot 20 all in the "F.J.B. Crane's Subdivision of Outlot No. 17 Witherell Farm" as recorded in Liber 53, Page 345, Deeds, Wayne County Records;

Land in the City of Detroit, Wayne County, Michigan being the East 20.00 feet of the North 92.00 feet of Lot 32 in the "Plat of the Subdivision of Lot 16, North of Gratiot Road, Witherell Farm" as recorded in Liber 44, Page 470, Deeds, Wayne County Records;

Land in the City of Detroit, Wayne County, Michigan being the East 20.00 feet of the South 84.50 feet of Lot 32 in the "F.J.B. Crane's Subdivision of Outlot No. 17 Witherell Farm" as recorded in Liber 53, Page 345, Deeds, Wayne County Records;

PETITION NO. 474
 DETROIT EDISON PUBLIC SCHOOLS ACADEMY
 1903 WILKINS
 DETROIT MICH. 48211
 REPRESENTED BY:
 S. SHELBY BRADLEY, B.V.S. LLC
 243 W. CONGRESS, SUITE 350
 DETROIT, MI. 48226
 PHONE NO 313 961 7884



- OUTRIGHT VACATION
 - REQUESTED CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)				CARTO 39 B																		
REQUEST TO OUTRIGHT VACATE AND CONVERT TO EASEMENT STREETS AND ALLEYS IN AREA BOUND BY HALE, ST. AUBIN, WILKINS AND THE DEQUINDRE CUT				CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU																		
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DRAWN BY	CHECKED																					
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JOB NO.	01-01																					
DRWG. NO.	X474.dgn																					
DATE 7/2/10		APPROVED																				

Adopted as follows:
 Yeas — Council Members Brown, Cockrel, Jr., Jenkins, Jones, Spivey, Tate, Watson, and President Pugh — 8.
 Nays — None.
 *WAIVER OF RECONSIDERATION (No. 11) per motions before adjournment.

RESOLUTION
 By COUNCIL MEMBER JONES:
 RESOLVED, In keeping with the requirements of the Open Meetings Act, MCL. 15.268(h), a closed session of the Detroit City Council is hereby called for NOVEMBER 16, 2010, AT 2:00 P.M., for the purpose of consulting with the attorneys in the Law Department and the City Council Research and Analysis Division, to discuss the Law Department's privileged and confidential communication dated November 16, 2010, regarding,

"Whether the Board of Zoning Appeals (BZA) fee schedule which became effective July 1, 2010, is valid and was properly approved."
 Adopted as follows:
 Yeas — Council Members Brown, Cockrel, Jr., Jenkins, Jones, Spivey, Tate, Watson, and President Pugh — 8.
 Nays — None.

RESOLUTION
 By COUNCIL MEMBER JONES:
 RESOLVED, In keeping with the requirements of the Open Meetings Act, MCL. 15.268(e), a closed session of the Detroit City Council is hereby called for NOVEMBER 22, 2010, AT 11:30 A.M., for the purpose of consulting with the attorneys in the Law Department and City Council Research and Analysis Division, to discuss the pending litigation regard-