

Resolved, All that part of the underground public utility easement retained in the resolutions of City Council adopted on November 27, 1991 — J.C.C. pages 2644-47; being a northerly part of vacated Brooklyn Avenue, 60 feet wide, lying south of W. Forest Avenue; described as follows: All of the remaining part of said Brooklyn Avenue lying westerly of and abutting the west line of Lot 27, also lying westerly of and abutting the west line of the east-west public alley, 15 feet wide (in the block bounded by Brooklyn Avenue, Sixth Street, Lysander and Forest Avenues); also lying easterly of and abutting the east line of Lot 39; also lying easterly of and abutting the east line of the east-west public alley, 15 feet wide (in the block bounded by Lincoln, Brooklyn, Lysander, and Forest Avenues) of the "Plat of Snow's Subdivision of Lots 50 and 58 of Wesson's section of Labrosse and Baker Farms, and Lots 30 and 31 of the subdivision of the Baker Farm, north of the Chicago Road, Town 2 South, Range 12 East," as recorded in Liber 9 of Plats, Page 20, Wayne County Records;

Be and the same is hereby vacated (outright) as an underground public utility easement to become part and parcel of the abutting property, subject to the following provisions:

Provided, That before any construction shall be permitted within the vacated (outright) underground public utility easement, mentioned above, "Phoenix Group Consultants, Inc." the developer of "Mildred Smith Manor II Housing" site shall apply to the Buildings and Safety Engineering Department for a building permit. Simultaneously, the developer shall submit said building plans to the Water and Sewerage Department (DWSD) for review and approval. All costs for plan review associated with the relocation of water main(s), a new sewer manhole in W. Forest Avenue, and/or other construction that may be required by DWSD (designed to prevent damages and maintain public sewer and water main services to property owners inside and outside the "Mildred Smith Manor II Housing" development site) including but not limited to inspection, survey, engineering, and permits shall be paid by "Phoenix Group" and/or their contractors; and further:

Provided, That the plans for the water main(s) relocation, and a new sewer manhole in W. Forest Avenue shall be prepared by a registered Engineer; and further:

Provided, That the entire work is to be performed in accordance with plans and specifications approved by the Detroit Water and Sewerage Department; and construction subject to the inspection and approval of the Detroit Water and Sewerage Department; and further:

Provided, That the entire cost of the water main, and sewer manhole construction in W. Forest Avenue, including permits, inspection, survey and engineering shall be paid by the petitioner, "Phoenix Group"; and further:

Provided, That the petitioner, "Phoenix Group", shall deposit with the Detroit Water and Sewerage Department, in advance of engineering, permits, inspection and survey, such amounts as that Department deems necessary to cover the cost of these services. "Phoenix Group" shall apply to the City Engineering Division — DPW for construction permits to work within W. Forest Avenue (70 feet wide); and further:

Provided, That the owners of "Mildred Smith Manor II Housing" and/or "Phoenix Group Consultants, Inc." shall grant the Water and Sewerage Department through the Board of Water Commissioners (for and on behalf of the City of Detroit) a satisfactory easement for public water main(s) across privately owned property. After said easement is reviewed and accepted by the Board of Water Commissioners (for and on behalf of the City of Detroit), then that grant of water main(s) easement shall be conveyed by a properly executed document, containing legal descriptions suitable for recording. Additionally, the Water and Sewerage Department shall record said executed

document in the Wayne County Register of Deeds; and further:

Provided, That upon satisfactory completion of the relocated water main(s) [and a sewer manhole in W. Forest Avenue], the water main(s) [and sewer manhole in W. Forest Avenue] shall be City of Detroit property and become part of the city system(s); further:

Provided, That the owner(s) of "Mildred Smith Manor II Housing" and/or "Phoenix Group Consultants, Inc." shall grant Ameritech/Michigan Bell Telephone Company [A/MBT Co.] a "utility easement" across privately-owned property. After said "utility easement" is reviewed and accepted by A/MBT Co., then that grant of "easement" shall be conveyed by a properly executed document, containing a legal description suitable for recording. DPW, City Engineering Division — Survey Bureau recommends that A/MBT Co. record (and/or cause to be recorded) said executed document in the Wayne County Register of Deeds; and further:

Provided, 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, Everett, Hood, Mahaffey, Scott, Tinsley-Williams, and President Hill — 8.

Nays — None.

#320

Oct. 7, 1998
J.C.C. pgs.

Department of Public Works
City Engineering Division

September 17, 1998

Honorable City Council:

Re: Petition No. 0320, Phoenix Group Consultants, Inc. Mildred Smith Manor II Housing Utility Easement to Vacate northerly part of Brooklyn, south of W. Forest.

Petition No. 0320 of "Phoenix Group Consultants, Inc." requests the outright vacation of the underground utility easement retained in a northerly part of Brooklyn Avenue, 60 feet wide, lying south of W. Forest Avenue. City Council granted Petition No. 1208 on November 27, 1991 — J.C.C. pages 2644-47. The underground utility easement is a building restriction. The restriction(s) must be removed and/or adjusted in order to develop the "Mildred Smith Manor II Housing" site.

The petition was referred to City Engineering Division — DPW for investigation (utility clearances) and report. This is our report:

"Phoenix Group" reached agreement with privately owned utility companies, regarding alteration and/or removal of their services at the proposed Mildred Smith Manor II Housing site. Ameritech/Michigan Bell Telephone Company reported costs (and/or other valuable compensation) paid by "Phoenix Group".

Water and Sewerage Department [DWSD] must review and approve engineering design plans of the "Phoenix Group" proposed reroute of a 6-inches diameter water main, and one new manhole for a public sewer. "Phoenix Group" must pay all expenses to reroute an existing water main and construct new connections to the DWSD network. "Phoenix Group" must provide DWSD suitable easements for the public water main(s) system before the start of construction. The new rerouted water main(s) must be engineered and constructed by "Phoenix Group" at no cost to the city. "Phoenix Group" plans to complete all DWSD required work by private contract. Provisions protecting the interests of DWSD are within the attached resolution.

All other involved city departments and privately owned utility companies reported no objections to the outright vacation. Provisions protecting certain utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineer

City Engineering Division — DPW

By Council Member Mahaffey:

Whereas, City Council previously converted a northerly part of Brooklyn Avenue, lying south of W. Forest Avenue (resolution adopted on November 27, 1991 — J.C.C. pages 2644-47) into an easement for underground utilities; and

Whereas, The underground utility easement is a building restriction. The restriction(s) must be removed and/or adjusted in order to develop the "Mildred Smith Manor II Housing" site. Petition No. 0320 of "Phoenix Group Consultants, Inc." requests the outright vacation of said underground utility easement; and

Whereas, By way of facsimile City Engineering Division — DPW received a letter (not notarized) from Ameritech/Michigan Bell Telephone Company [A/MBT] that indicates "Phoenix Group" agreed to comply with terms and conditions required by A/MBT. The following letter (dated July 14, 1998) is a part of Petition No. 0320.

Ameritech.

July 14, 1998.

Mr. Melvin Washington, President
Phoenix Groups Consultants, Inc.
4150 Grand River
Detroit, Mich. 48206.

In response to your correspondence of 7/1/98, Ameritech is in agreement with the terms as outlined in your letter.

Ameritech will maintain the existing easement through the property, however we have no objections to the construction of your project, provided the agreements as outlined are adhered to.

To reiterate, these agreements: (1) Owner/Contractor will expose and encase existing Ameritech conduit where it appends under the proposed structure (2) Owner/Contractor will provide three (3) additional 4" schedule 30 type conduits. These conduits will be placed from the north property line to the existing Ameritech manhole at the south end of the property. (3) Ameritech will be held harmless of liability during any maintenance or accessing of current structures in easement.

If you have any questions or concerns, please feel free to contact me at my office.

Sincerely,

N. Jonathan Williams

Ameritech, OSP Engineer

4000 Allen Rd.

Allen Park, Mich. 48101; and

Whereas, By way of facsimile City Engineering Division — DPW received a letter (not notarized) from John M. McLaughlin, P.E. of Williamston, Michigan that indicates "Phoenix Group" agreed to comply with terms and conditions required by the Detroit Water and Sewerage Department. The following letter (dated April 3, 1998) is a part of Petition No. 0320:

McLaughlin P.E.

April 3, 1998

John M. McLaughlin

4442 Congdon Dr.

Williamston, MI 48895

Mr. Daljit Singh, P.E.

Engineer of Water Systems

City of Detroit, Water Sewer Dept.

735 Randolph Street

Detroit, MI 48226-2830

Dear Mr. Singh:

Ref: Request to Vacate the Brooklyn Street Easement South of Forest To Facility the development of Mildred Smith II housing project.

The developer Phoenix Group Consultant is agreeable to provide the following items as required by the Detroit Water and Sewerage Department (DWSD).

- Construct a new access manhole on the existing 15" x 20" sewer in Forest at Brooklyn.

- Relocate the existing 6" water main in the Brooklyn easement to maintain a looped water main system.

- Provide the DWSD with a 20 feet wide easement for the relocated water main prior to construction.

- Provide plans showing the relocated water main and new manhole to the DWSD for review and approval prior to construction.

- The construction of the relocated water main and new manhole is to be done under DWSD's permit and inspection.

- The developer is responsible for all costs associated with the relocation of the water main and construction of the new access manhole, including cost incurred by DWSD in reviewing and processing the necessary drawings and easements and in inspecting the construction.

Attached are two plan sheets from the site development plans. SD-1A showing the location and the description of the easement for the relocated water main and SD-4 the Utility Plan showing the construction of the relocated water main and the new access manhole.

Please supply your standard easement document for execution by the developer. I trust that these plans meet your requirements and will look to you to process an amendment to Petition No. 1208 to vacate the utility easement.

Sincerely,

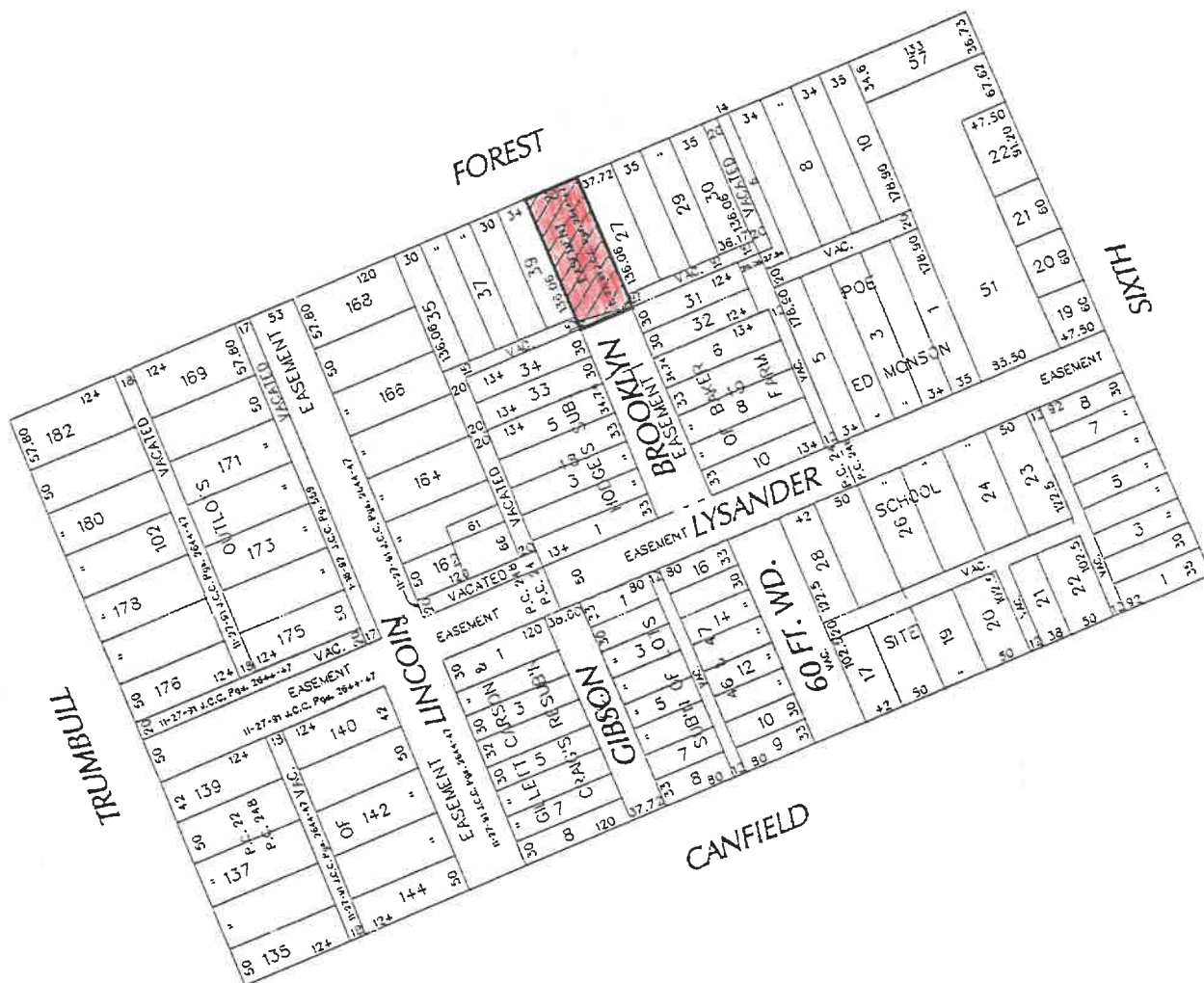
[Signature]

John M. McLaughlin, P.E.

Site Engineer; therefore be it

30

ION NO. 320
 ENIX GROUP
 O GRAND RIVER
 O MELVIN WASHINGTON
 PHONE NO. : 313-831-2855
 FAX NO. : 313-831-2937



REQUESTING OUTRIGHT VACATION OF THE UTILITY EASEMENT

30-D

(FOR OFFICE USE ONLY)

| | | | | |
|-------------|----------|------|------|------|
| A | | | | |
| DESCRIPTION | DRWN | CHKD | APPD | DATE |
| REVISIONS | | | | |
| DRAWN BY | CHECKED | | | |
| DATE | APPROVED | | | |
| N.PERRY | 4.21.98 | | | |

OUTRIGHT VACATION OF THE NORTHERLY
 PART OF THE UTILITY EASEMENT IN BROOKLYN
 SOUTH OF FOREST.

31

| | |
|-----------------------------|----------|
| CITY OF DETROIT | |
| CITY ENGINEERING DEPARTMENT | |
| SURVEY BUREAU | |
| JOB NO. | 01-01 |
| DRWG. NO. | X320.DGN |