

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Thursday, March 20, 2008

To: The Department or Commission Listed Below

From: Janice M. Winfrey, Detroit City Clerk

The following petition is herewith referred to you for report and recommendation to the City Council.

In accordance with that body's directive, kindly return the same with your report in duplicate within four (4) weeks.

DPW - CITY ENGINEERING DIVISION PLANNING AND DEVELOPMENT DEPARTMENT
CITY PLANNING COMMISSION

2351 *Nailah, LLC, request hearing relative to conversion of alley to easement between E. Ferry and E. Kirby, bordering I-75 and St. Antoine in order to develop and re-establish the Art Center neighborhood to its previous historic splendor.*

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NOEL

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0 MAR 09 8:33

CITY CLERK

2351

NAILAH, LLC
421 E. Ferry Street
Detroit, MI 48202
313-874-3545 phone
313-874-3554 fax

March 19, 2008

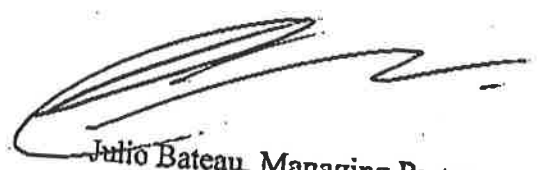
The Honorable City Council
ATTN: Office of The City Clerk
Coleman A. Young Municipal Center
Detroit, MI 48226

Dear Honorable Council Members:

Nallah LLC has been successful in the restoration of several historic structures along East Ferry. I have also constructed new buildings with the same fundamental historic nature in the same area. The development of this site will be a continuation of my dedication to the restoration of once-blighted undeveloped areas. My goal is to help re-establish this Art Center neighborhood to its previous historic splendor.

Nailah, LLC has partnered with the University Cultural Center Association to develop a 36 unit "green built" affordable housing project, Nailah Commons Townhomes, in the E. Ferry Historic District in Detroit. We are writing to request a hearing before the City Council for the purpose of requesting to vacate an alley in our neighborhood along I-75 between E. Ferry and Kirby streets, which is within this affordable housing project area. We anticipate construction to begin this summer 2008. Julio Bateau is the contact person for this effort and he can be contacted at 421 E. Ferry Street, Detroit, MI 48202 and via phone 313-874-3545.

Sincerely,



Julio Bateau, Managing Partner
Nailah, LLC

CC: Area photo
Site Plan

CITY OF DETROIT
FINANCE DEPARTMENT
ASSESSMENTS DIVISION
REAL PROPERTY CORRECTION FORM

DATE: 3/19/2008

PARCEL NUMBERS: 3/1544, 1545, 1546, 1547, 1548, 1549

SECTION: Resi DIST # 4 MAP NO. _____

S SIDE FERRY ADDRESS: various

BETWEEN Chrysler pwy AND St. Antoine

JOB DESCRIPTION: PER CUSTOMER REQUEST PLEASE COMBINE/DIVIDE THE FOLLOWING:

see Exhibit A

* combination pending alley closure/vacation

PLEASE NOTE: REVISION IS EFFECTIVE FOR THE 2009 TAX YEAR. ALL TAXES MUST BE PAID PRIOR TO THE PROCESSING OF THIS COMBINATION OR DIVISION REQUEST.

PLEASE PRINT THE FOLLOWING: (SEND THE COMBINED TAX BILL TO THIS ADDRESS)


NAME: Nailah Cousins

ADDRESS: 421 E. Ferry

CITY: Detroit STATE: MI ZIP CODE: 48202

PHONE NO. 313-874-3545

REPRESENTING Julio Bateau

SIGNATURE 

RECEIVED BY: MS Jackson 2243057

EXHIBIT
A

BM
100

SET 1/2 BM TAG AND NAIL IN EAST FACE OF UTILITY POLE ±30' WEST OF CHRYSLER SERVICE DR. AND ±45' SOUTH OF FERRY ELEVATION = 153.94

BM
101

ARROW ON HYDRANT AT N.W. CORNER OF KIRBY AND CHRYSLER SERVICE DR. ±25' WEST OF CHRYSLER SERVICE DR. AND ±50' NORTH OF KIRBY ELEVATION = 154.79

BM
102

SET 1/2 BM TAG AND NAIL IN EAST FACE OF UTILITY POLE ±10' SOUTH OF ALLEY AND ±260' WEST OF CHRYSLER SERVICE DR. BEHIND HOUSE #646/ 644 FERRY. ELEVATION = 154.20

LEGAL DESCRIPTION

PARCEL 1: The East 42.16 Feet of Lot 4 and Lots 5 through 8, Inclusive of Block G of "FERRY AND MORAN'S SUBDIVISION OF BLOCKS G,H,I, AND J, AND THE NORTH 1/2 OF BLOCK F, CHARLES MORAN FARM, CITY OF DETROIT, WAYNE COUNTY, MICHIGAN" as recorded in Liber 12 of Plats, Page 36, Wayne County Records.

PARCEL 2: The East 31 Feet of Lot 15, Lots 14 and 13, Inclusive and the West 31 Feet of Lot 12 of Block G of "FERRY AND MORAN'S SUBDIVISION OF BLOCKS G,H,I, AND J, AND THE NORTH 1/2 OF BLOCK F, CHARLES MORAN FARM, CITY OF DETROIT, WAYNE COUNTY, MICHIGAN" as recorded in Liber 12 of Plats, Page 36, Wayne County Records.

PARCEL 3: Lots 9 and 10, inclusive of Block G of "FERRY AND MORAN'S SUBDIVISION OF BLOCKS G,H,I, AND J, AND THE NORTH 1/2 OF BLOCK F, CHARLES MORAN FARM, CITY OF DETROIT, WAYNE COUNTY, MICHIGAN" as recorded in Liber 12 of Plats, Page 36, Wayne County Records.

SITE FACILITIES

UTILITY COMPANY	SENT	RECEIVED	PLAN No.	PLAN DATE	UTILITY INFORMATION, AS SHOWN, INDICATES APPROXIMATE LOCATIONS AND TYPES OF FACILITIES ONLY, AS DISCLOSED TO THIS FIRM BY THE VARIOUS UTILITY COMPANY'S RECORDS. NO GUARANTEE IS GIVEN OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. PRIOR TO CONSTRUCTION, ALL LOCATION AND DEPTHS OF EXISTING OVERHEAD AND UNDERGROUND UTILITIES (IN CONFLICT WITH THE CONSTRUCTION OF PROPOSED IMPROVEMENTS) SHALL BE VERIFIED IN THE FIELD. DURING CONSTRUCTION, CONTRACTOR SHALL USE EXTREME CAUTION WHEN OPERATING NEAR OVERHEAD AND/OR BURIED UTILITIES. CALL MISS DIG. 1-800-482-7171
CONSUMERS ENERGY (GAS)	04/03	04/10	---	---	
DEPARTMENT OF PUBLIC WORKS	WATER	04/03	ON FILE	20-L 1/19/01	
	SEWER	04/03	ON FILE	S-30-A 6/19/00	
DETROIT EDISON	04/03	04/11	---	---	
AT&T	04/03	04/23	---	---	
PUBLIC LIGHTING DEPARTMENT	04/03	N/A	---	---	
COMCAST CABLE COMMUNICATIONS	04/03	N/A	---	---	
2007	N/A = HAVE NOT RECEIVED UTILITIES TO DATE				

**PRELIMINARY
SITE PLAN**

NAILAH, LLC

JOB NUMBER
07-032
SHEET NUMBER
1 OF 1

PETITION FOR CONVERSION OF ALLEY TO EASEMENT
 Detroit, MI

Date _____ 20____

TO THE HONORABLE CITY COUNCIL:

Gentlemen: We, the undersigned owners of the property abutting the alley:

BETWEEN E. Ferry & E. Kirby border, D-75 & ST. ANTOINE.
 Location of Alley

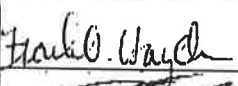
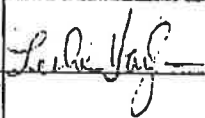


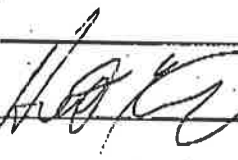
do respectfully petition your Honorable Body to vacate said alley and convert same into a public easement.

Further, the undersigned representing not less than two-thirds (66-2/3%) ownership of property abutting said alley hereby agree that all existing utilities in said alley are to remain in their present location, and that if at any time in the future a request is made to remove or relocate any existing poles or other utilities in the easement, the property owners making such request and upon whose property the pole or other utilities are located will pay all costs incurred in such removal or relocation unless such charges are waived by the utility owners.

We do further agree that no buildings or structures of any nature whatsoever (except necessary line fences) shall be built upon the easement or any part thereof, so that said easement shall be forever accessible for maintenance of utilities.

SPONSORING PETITIONER

(Name) (Address) (Phone No.)

Lot No.	Signature of Deed Holder	Signature of Wife or Other Co-Owner	Address	Date
			612 E. Ferry	20 MAR 2008
			626 E. Ferry	3-20-08
			636 E. Ferry	3-20-08
			644 E. Ferry	
			617 E. Kirby	3-20-08

(Over)

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Friday, September 19, 2008

To: The Department or Commission Listed Below
From: Janice M. Winfrey, Detroit City Clerk

The following petition is herewith referred to you for report and recommendation to the City Council.

In accordance with that body's directive, kindly return the same with your report in duplicate within four (4) weeks.

DPW - CITY ENGINEERING DIVISION WATER & SEWERAGE DEPARTMENT

2965 *Nailah LLC, request for easements in area north of Kirby and south of Ferry between I-75 Service Drive and St. Antoine.*

30 A 361

NOEL

RECEIVED
SEP 25 2008

26.073

Nailah LLC
421 E. Ferry
Detroit, MI 48202

2965
DETROIT
CITY CLERK

2008 SEP 11 A 11:23

September 11, 2008

Detroit City Council
Coleman A. Young Municipal Center
2 Woodward Avenue
Detroit, MI 48226

RE: Request That Detroit Water and Sewer Department Accept the attached easements in the area of North of Kirby and South of Ferry between I 75 Service Drive and St. Antoine.

Dear Honorable Council Members:

Nailah Commons is a residential development encompassing eight 3-story brownstone condominiums, with approximately 38 units, each up to 1,200 square feet. It is located in Midtown Detroit's East Ferry Historic District, with cross streets of Ferry Street, Kirby Avenue and the Chrysler Service Drive. The condominiums will incorporate a classic townhouse style, featuring modern amenities combined with historic architectural elements. A private garage for each unit will be located in the interior of the site with access from a central alley that will be constructed as part of this development.

Fitted with geothermal heating and cooling, along with ENERGY STAR® rated appliances, Nailah Commons is an energy-efficient, green development that not only protects the environment, but also the resident's wallet by maintaining low energy costs. Qualified ENERGY STAR® appliances incorporate advanced technologies that use 10-50% less energy and water than standard models.

Nailah LLC respectfully request that your honorable City Council authorize the Detroit Water Department to accept easements for this Demonstration project of what affordable and sustainable housing should be.

Respectfully submitted,



Julio Bateau
Managing partner

Encl.

Cc: Hon. City Council
Water and Sewer Department

EXHIBIT B: DESCRIPTION OF PARCEL 1 WITH EASEMENT:

THE EAST 42.16 FEET OF LOT 4 AND ALL OF LOTS 5 THROUGH 8, INCLUSIVE OF BLOCK G OF "FERRY AND MORAN'S SUBDIVISION OF BLOCKS G, H, I, AND J, AND THE NORTH 1/2 OF BLOCK F, CHARLES MORAN FARM, CITY OF DETROIT, WAYNE COUNTY, MICHIGAN" AS RECORDED IN LIBER 12 OF PLATS, PAGE 36, WAYNE COUNTY RECORDS.

SUBJECT TO AND TOGETHER WITH A 20 FEET WIDE EASEMENT FOR WATERMAIN DESCRIBED AS:

COMMENCING AT THE INTERSECTION OF WESTERLY LINE OF W.P. CHRYSLER SERVICE DRIVE (VARIABLE WIDTH) AND THE NORTHERLY LINE OF A PUBLIC ALLEY (20 FEET WIDE) ALSO BEING THE SOUTHERLY LINE OF SAID LOT 8 ALSO BEING THE SOUTHEASTERLY CORNER OF SAID LOT 8. THENCE S64°00'00"W ALONG THE NORTHERLY LINE OF SAID PUBLIC ALLEY ALSO BEING THE SOUTHERLY LINE OF SAID LOT 8 A DISTANCE OF 24.56 FEET, TO THE POINT OF BEGINNING:

THENCE S64°00'00"W ALONG THE SOUTHERLY LINE OF SAID LOT 8; ALSO BEING THE NORTHERLY LINE OF SAID PUBLIC ALLEY A DISTANCE OF 20.00 FEET;

THENCE N26°00'00"W 70.34 FEET;

THENCE S64°00'00"W 152.66 FEET;

THENCE S26°00'00"E 70.34 FEET TO THE NORTHERLY LINE OF SAID PUBLIC ALLEY ALSO BEING THE SOUTHERLY LINE OF SAID LOT 4;

THENCE S64°00'00"W ALONG THE SOUTHERLY LINE OF SAID LOT 4, ALSO BEING THE NORTHERLY LINE OF SAID PUBLIC ALLEY A DISTANCE OF 20.00 FEET;

THENCE N26°00'00"W 90.34 FEET;

THENCE N64°00'00"E 192.66 FEET;

THENCE S26°00'00"E 90.34 FEET TO THE SOUTHERLY LINE OF SAID LOT 8, AND THE NORTHERLY LINE OF SAID PUBLIC ALLEY ALSO BEING THE POINT OF BEGINNING.

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1274 Library, Suite 400
Detroit, MI 48226
(313) 961-4560
(313) 961-1698 fax

23917 Cass Street
Farmington, MI 48335
(248) 478-3423
(248) 478-5656 fax

12504 Stephons
Warren, MI 48089
(586) 755-5770
(586) 755-5774 fax

EXHIBIT B: DESCRIPTION OF PARCEL 2 WITH EASEMENT:

THE EAST 31 FEET OF LOT 15 AND ALL OF LOTS 14 AND 13, INCLUSIVE AND THE WEST 31 FEET OF LOT 12 OF BLOCK G OF "FERRY AND MORAN'S SUBDIVISION OF BLOCKS G, H, I, AND J, AND THE NORTH 1/2 OF BLOCK F, CHARLES MORAN FARM, CITY OF DETROIT, WAYNE COUNTY, MICHIGAN" AS RECORDED IN LIBER 12 OF PLATS, PAGE 36, WAYNE COUNTY RECORDS.

SUBJECT TO AND TOGETHER WITH A 20 FEET WIDE EASEMENT FOR WATERMAIN DESCRIBED AS:

COMMENCING AT THE INTERSECTION OF THE WESTERLY LINE OF W.P. CHRYSLER SERVICE DRIVE (VARIABLE WIDTH) AND THE SOUTHERLY LINE OF A PUBLIC ALLEY (20 FEET WIDE) ALSO BEING NORTHERLY LINE OF SAID LOT 12 ALSO BEING THE NORTHEASTERLY CORNER OF LOT 12 THENCE S64°00'00"W ALONG THE SOUTHERLY LINE OF SAID PUBLIC ALLEY ALSO BEING THE NORTHERLY LINE OF SAID LOT 12 A DISTANCE OF 165.87 FEET TO THE POINT OF BEGINNING.

THENCE S26°00'00"E 57.00 FEET;

THENCE S18°50'30"W 31.32 FEET;

THENCE S64°00'00"W 125.92 FEET;

THENCE N26°00'00"W 79.21 FEET TO THE NORTHERLY LINE OF SAID LOT 15 ALSO BEING THE SOUTHERLY LINE OF SAID PUBLIC ALLEY;

THENCE N64°00'00"E ALONG THE NORTHERLY LINE OF SAID LOT 15 ALSO BEING THE SOUTHERLY LINE OF SAID PUBLIC ALLEY A DISTANCE OF 20.00 FEET;

THENCE S26°00'00"E 59.21 FEET;

THENCE N64°00'00"E 97.60 FEET;

THENCE N18°50'30"E 14.75 FEET;

THENCE N26°00'00"W 48.75 FEET TO THE NORTHERLY LINE OF SAID LOT 12 ALSO BEING THE SOUTHERLY LINE OF SAID PUBLIC ALLEY;

THENCE N64°00'00"E 20.00 FEET ALONG THE NORTHERLY LINE OF SAID LOT 12 ALSO BEING THE SOUTHERLY LINE OF SAID PUBLIC ALLEY TO THE POINT OF BEGINNING.

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1274 Library, Suite 400
Detroit, MI 48226
(313) 961-4560
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23917 Cass Street
Farmington, MI 48335
(248) 478-3423
(248) 478-5656 fax

12504 Stephens
Warren, MI 48089
(586) 755-5770
(586) 755-5774 fax

EXHIBIT B: DESCRIPTION OF PARCEL 3 WITH EASEMENT:

LOTS 9 AND 10, INCLUSIVE OF BLOCK G OF "FERRY AND MORAN'S SUBDIVISION OF BLOCKS G, H, I, AND J, AND THE NORTH 1/2 OF BLOCK F, CHARLES MORAN FARM, CITY OF DETROIT, WAYNE COUNTY, MICHIGAN" AS RECORDED IN LIBER 12 OF PLATS, PAGE 36, WAYNE COUNTY RECORDS.

SUBJECT TO AND TOGETHER WITH A 20 FEET WIDE EASEMENT FOR WATERMAIN DESCRIBED AS:

COMMENCING AT THE INTERSECTION OF THE WESTERLY LINE OF W.P. CHRYSLER SERVICE DRIVE (VARIABLE WIDTH) AND THE SOUTHERLY LINE OF A PUBLIC ALLEY (20 FEET WIDE) ALSO BEING THE NORTHERLY LINE OF SAID LOT 9 AND THE NORTHERLY LINE OF SAID LOT 10 ALSO BEING THE NORTHEASTERLY CORNER OF SAID LOT 9 THENCE S64°00'00"W ALONG THE SOUTHERLY LINE OF SAID PUBLIC ALLEY A DISTANCE OF 54.49 FEET TO THE POINT OF BEGINNING.

THENCE S26°00'00"E 64.21 FEET;

THENCE N64°00'00"E 51.80 FEET;

THENCE S26°00'00"E 20.00 FEET;

THENCE S64°00'00"W 71.80 FEET;

THENCE N26°00'00"W 84.21 FEET TO THE NORTHERLY LINE OF SAID LOT 10 ALSO BEING THE SOUTHERLY LINE OF SAID PUBLIC ALLEY;

THENCE N64°00'00"E ALONG THE NORTHERLY LINE OF SAID LOT 10 ALSO BEING THE SOUTHERLY LINE OF SAID PUBLIC ALLEY A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

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1274 Library, Suite 400
Detroit, MI 48226
(313) 961-4560
(313) 961-1698 fax

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Farmington, MI 48335
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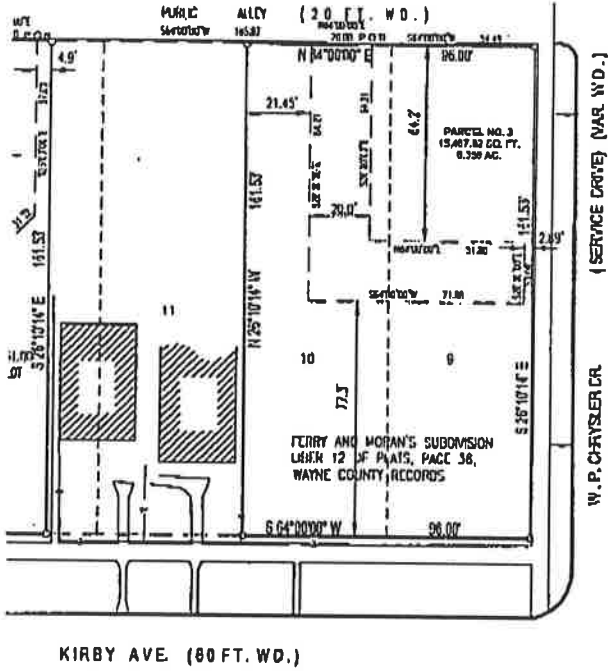
12504 Stephens
Warren, MI 48089
(586) 755-5770
(586) 755-5774 fax

METCO SERVICES, INC.

12504 JETER RD., WARREN, MI 48090
 TEL - (588) 730-5770 • FAX (588) 730-5774
 www.metcoservices.com



EASEMENT EXHIBIT



CLIENT: NALIAN, LLC

ADDRESS: _____

CITY, STATE & ZIP: _____

CITY/TOWN: DETROIT COUNTY: WAYNE

DATE: 07/10/08 DRAWN BY: WR

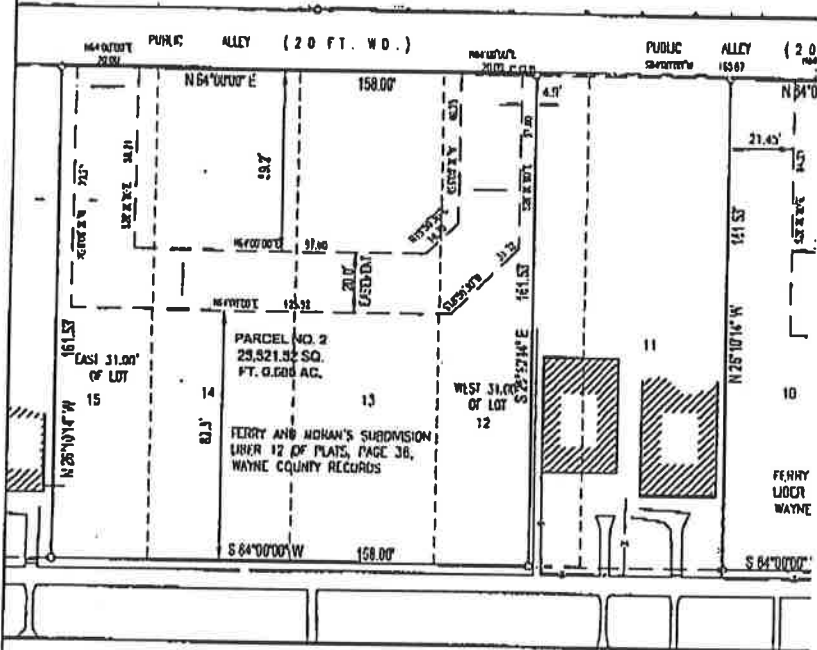
LEGAL DESCRIPTION: SEE PAGES 3 OF 6

METCO SERVICES, INC.

2204 STEPHENS, WARREN, MI 48090
 TEL. (313) 755-6770 • FAX (313) 755-5774
 www.metcoconcrete.com



EASEMENT EXHIBIT



KIRBY AVE. (80 FT. WD.)

CLIENT: NALLAH, LLC
 ADDRESS: _____
 CITY, STATE & ZIP: _____
 CITY/COUNTY: DETROIT COUNTY: WAYNE
 DATE: 7/10/08 DRAWN BY: JK

LEGAL DESCRIPTION: SEE PAGE 2 OF 6



April 30, 2013

Honorable City Council:

RE: Petition No. 2351 – Nailah. LLC request hearing relative to conversion of alley to easement between E. Ferry and E. Kirby, bordering I-75 and St. Antoine.

Petition No. 2351 of “Nailah, LLC” request for the conversion of a portion of the east – west public alley, 20 feet wide, in the block bounded by East Ferry Street, 80 feet wide, East Kirby Street, 80 feet wide, St. Antoine Avenue, 80 feet wide, and the Walter P. Chrysler Highway (I-75) into a private easement with conditions (maintaining a vehicular and pedestrian easements in the requested area). This request will facilitate the restoration development of several historic structures in the re-establishment of the Art Center neighborhood.

The request was approved by the Solid Waste Division – DPW, and Traffic Engineering Division – DPW (with conditions). The petition was referred to the City Engineering Division – DPW for investigation (utility review) and report. This is our report.

The petitioner/property owner (Nailah LLC c/o Julio Bateau) and abutting property owners must maintain a clear and unobstructed pathway in the requested alley. This vehicular and pedestrian easement will be maintain until the abutting property owners present or future re-submit/petition City Council to remove the vehicular and pedestrian easement.

Nailah LLC has committed to the City of Detroit in writing that the company will re-pave said requested alley to city standards, specification, and obtain the necessary right-of-way permits.

All City Departments and privately owned utility companies have reported no objections to the conversion of the public rights-of-way into a private easement for public utilities. Provisions protecting utility installations are part of the attached resolution.



I am recommending adoption of the attached resolution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard Doherty", written over a horizontal line.

Richard Doherty, City Engineer
City Engineering Division – DPW

NRP/

Cc: Ron Brundidge, Director, DPW
Mayor's Office – City Council Liaison

BY COUNCIL MEMBER _____

RESOLVED, All that part of the East – West public alley, 20 feet wide, in the block bounded by East Ferry Street, 80 feet wide, East Kirby Street, 80 feet wide, St. Antoine Avenue, 80 feet wide, and the Walter P. Chrysler Highway (I-75) lying Southerly of and abutting the South line of Lots 2 through 8, both inclusive, and lying Northerly of and abutting the North line of Lots 9 through 15, both inclusive, block G, all in the “Ferry and Moran’s Subdivision of Blocks G,H,I,J and the North half of Block F, Charles Moran Farm” as recorded in Liber 12, Page 36, Plats, Wayne County Records;

Be and the same is hereby vacated as a public alley and is hereby converted into a private easement for public utilities with conditions (maintaining a vehicular and pedestrian easements in the requested area) of the full width of the alley, which easement 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 alley and by their heirs, executors, administrators and assigns, forever to wit:

Provided, that said described vacated alley must maintain a clear and unobstructed pathway in the alley for vehicular and pedestrian traffic at all times; and further

Provided, that at any time the property owners or petitioner abutting said alley plan to repave the alley to it must be done to city standards, specification, and obtain the necessary right-of-way permits; 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 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 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 be it further

Provided, that if any time in the future, the owners of any lots abutting on said vacated alley 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 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 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 a 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,

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,

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 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,

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

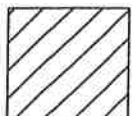
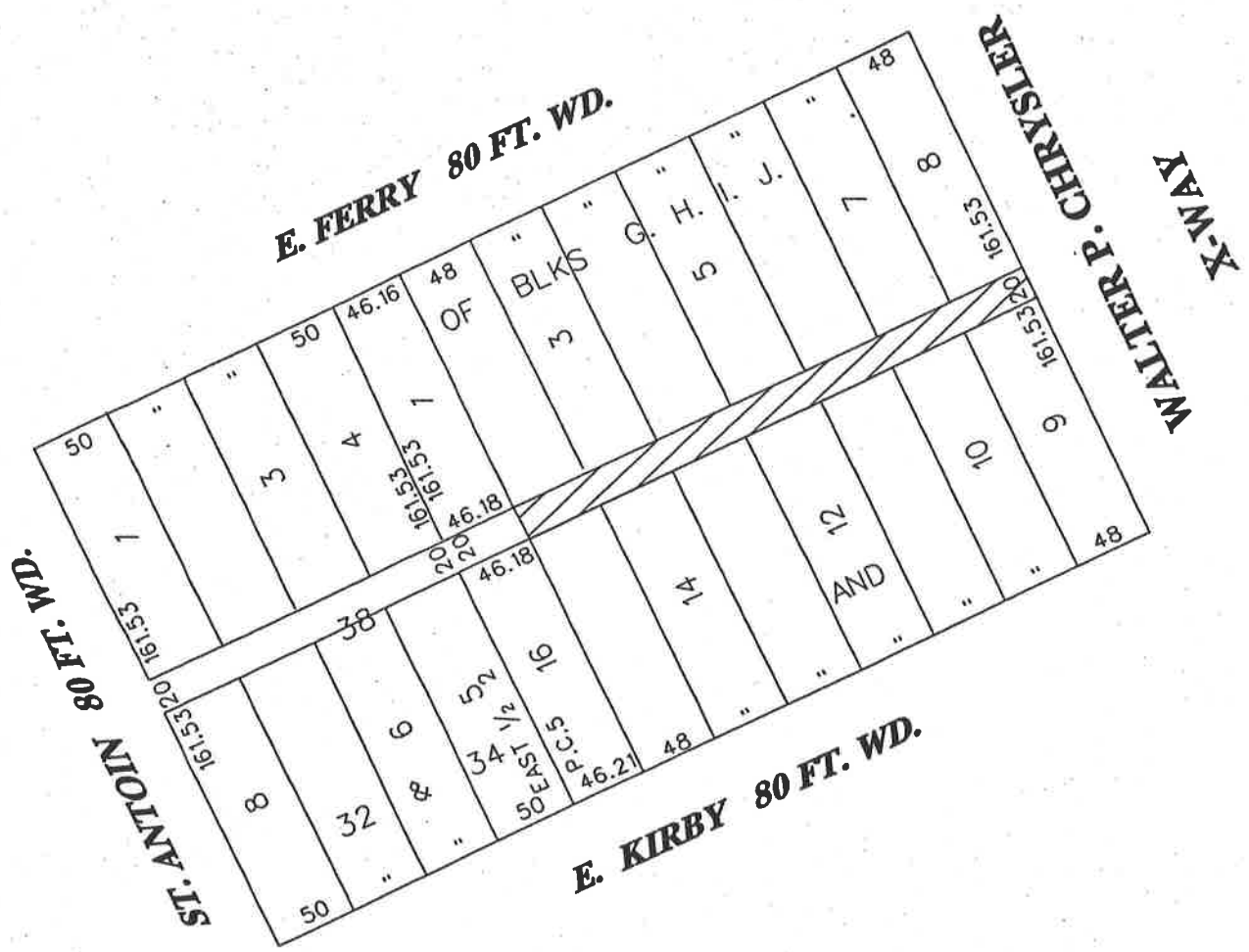
PROVIDED, That it is prohibit to remove the paved alley return at the entrances (into Walter P. Chrysler Service Drive (I-75), such removal requires the written permission of City Engineering Division - DPW; and further

PROVIDED, that the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

PETITION NO. 2351
NAILAH, LLC
421 E. FERRY
DETROIT, MI 48202
c/o JULIO BATEAU
PHONE NO. 313-874-3545



NOTE: THIS ALLEY WILL REMAIN OPEN FOR VEHICULAR AND PEDESTRIAN TRAFFIC AT ALL TIMES.



-REQUESTED VEHICULAR AND PEDESTRIAN EASEMENT

(FOR OFFICE USE ONLY)

CARTO 30 A

B					
A					
DESCRIPTION	DRWN	CHKD	APPD	DATE	
REVISIONS					
DRAWN BY	CHECKED				
DATE	APPROVED				
08.26.08	NP				

REQUESTED VEHICULAR AND PEDESTRIAN EASEMENT A PORTION OF THE E/W PUBLIC ALLEY IN THE AREA OF ST. ANTOIN, KIRBY, FERRY, AND CHRYSLER FWY.

CITY OF DETROIT
CITY ENGINEERING DEPARTMENT
SURVEY BUREAU
JOB NO. 01-01
DRWG. NO. x2351.dgn