

**City of Detroit**  
OFFICE OF THE CITY CLERK

Janice M. Winfrey  
City Clerk

Vivian A. Hudson  
Deputy City Clerk

**DEPARTMENTAL REFERENCE COMMUNICATION**

Friday, August 08, 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.

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

2853    *City Homes Development, LLC, request for easement modification relative to Neighborhood Development Corporation Project No. 1, in area generally north and adjacent to Edlie Circle.*

RECEIVED  
AUG 11 2008

54 B  
498

CEM

2853

City Homes Development, LLC  
41050 Vincenti Court  
Novi, MI 48375  
(248) 615-1313

July 16, 2008

Detroit City Council  
C/O City Clerk  
2 Woodward Avenue  
Suite 202  
Detroit, MI 48226

07:01 80 77  
-00570 1.110-

Re: *Neighborhood Development Corporation Project No. 1  
Petition for Easement Modification*

Dear Honorable Council Members:

Detroit City Council adopted a Project Plan ("*Plan*") for the Neighborhood Development Corporation Project No. 1 on March 20, 1998 (c/k/a "*Jefferson Village*"). The project area for that Plan is generally bounded by East Jefferson Avenue on the north, re-aligned St. Jean on the east, Freud on the south and Marquette on the west ("*Project Area*"). The Plan provides for various street and alley modifications and the creation of various easements. This letter is to serve as the formal petition for the modification of a certain easement within the Project Area.

More specifically the modification requested is as follows:

The release and vacating of a portion of a certain easement for pedestrian ingress and egress ("*Pedestrian Easement*"), which portion is located within the Project Area and generally north and adjacent to Edlie Circle. The Pedestrian Easement is subject to the recorded documents ("*Recorded Documents*") as follows:

1. Detroit City Council Resolution ("*City Resolution No. 1*") adopted by the City Council on April 25, 2001, approved by the Mayor on May 3, 2001, and recorded June 19, 2001, Liber 34098, Page 520, Wayne County Records ("*WCR*").
2. Easement Agreement for Sewer, Ingress and Egress ("*Easement Agreement*") dated August 7, 2002, and recorded August 21, 2002, Liber 36936, Page 24-28 (inclusive), WCR.

Attached hereto are the following exhibits:

Exhibit "A" - Legal description of the Pedestrian Easement.

Detroit City Council  
March 27, 2007  
Page 2

Exhibit "B" – Copy of the Recorded Documents.

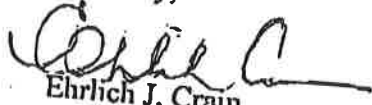
Exhibit "C" – Legal description of that portion of the Pedestrian Easement located within the Project Area to be released/vacated.

Exhibit "D" – Engineer prepared drawing of Pedestrian Easement and of area to be vacated.

Exhibit "E" – Support letter from Board of Directors of Jefferson Village Homeowners Association.

Thank you for your consideration.

Sincerely,

  
Ehrlich J. Crain,  
Vice President

cc: Marcell Todd – City Planning Commission

EXHIBIT "A"

**Pedestrian Easement - Legal Description**

**City Resolution No. 1 and Easement Agreement. Pedestrian Connector (Public Walkway)**  
**Easement:** Land in the City of Detroit, County of Wayne, State of Michigan, being described as:  
A strip of land, 20.00 feet wide, being an easterly part of Fairview Avenue (66 feet wide)  
between E. Jefferson and Edlie Avenues lying westerly of and abutting the west line of the north  
19.98 feet of Lot 57, and Lots 45 through 56 as platted in O'Flynn's Subdivision of Lots 1, 2 and  
3 and the adjoining 25 foot strip lying southerly thereof of the Subdivision of Private Claim 688  
lying South of Jefferson Avenue, Grosse Pointe (Township), City of Detroit, Wayne County,  
Michigan as recorded in Liber 10, Page 58 of Plats, Wayne County Records.

EAS. APR 25, 2001

**EXHIBIT "B"**

**Pedestrian Easement Recorded Documents**

1. City Resolution No. 1 – see attached
2. Easement Agreement – see attached











Page 88 (Wayne County Records) and being more particularly described as:

Being in the northwesterly corner of Lot 77 of said "ENGL" AND SCHWARTZ'S SUBDIVISION, also being a part of the 44.71 feet wide Public Alley, thence N.83°25'32"E along the northerly line of said Lot 77, 18 feet to a non-singular point of curvature in the right hand curve along said curve, to the right, having a radius of 100.00 feet, an arc length of 23.29 feet, a chord bearing of S.02°47'04"W, and a chord distance of 18.59 feet; thence S.43°05'20"W 23.29 feet to the westerly line of said Lot 77, also being a part of the westerly line of said 16 feet wide Public Alley, thence N.25°12'22"W along the west line of said Lot 77, and westerly line of said 16 feet wide Public Alley, 4.00 feet to the Point of Beginning.

- PART OF LOT 78

- Land in the City of Detroit, County of Wayne, State of Michigan, being a portion of Part of Lot 78 of "ENGL" AND SCHWARTZ'S SUBDIVISION, of part of Districts 1 & 2 of the St. Jean Parish, RC, 25 Village of Fairview, Wayne County, Michigan as recorded in Liber 23 of Plans, Page 44 (Wayne County Records) and being more particularly described as:

- Beginning at the northwesterly corner of Lot 78 of said "ENGL" AND SCHWARTZ'S SUBDIVISION, also being a point on the westerly line of a 16 feet wide Public Alley, thence N.40°25'32"E along the northerly line of said Lot, 18.07 feet to the northeast corner of said Lot, also being a point on the westerly line of said alley, thence S.83°25'32"E along the westerly line of said Lot 78, and westerly line of said Public Alley, 20.72 feet to a non-singular point of curvature in the right hand curve along said curve, to the right, having a radius of 100.00 feet, an arc length of 42.73 feet, a chord bearing of N.40°11'00"W, and a chord distance of 23.63 feet to the southerly line of said Lot 78, thence S.43°05'20"W 21.28 feet to the westerly line of said Lot 78, also being a point on the westerly line of said 16 feet wide Public Alley, thence N.25°12'22"W along the west line of said Lot 78, and westerly line of said 16 feet wide Public Alley, 20.00 feet to the Point of Beginning.

- PART OF LOT 79

- Land in the City of Detroit, County of Wayne, State of Michigan, being a portion of Part of Lot 79 of "ENGL" AND SCHWARTZ'S SUBDIVISION, of part of Districts 1 & 2 of the St. Jean Parish, RC, 25 Village of Fairview, Wayne County, Michigan as recorded in Liber 23 of Plans, Page 44 (Wayne County Records) and being more particularly described as:

- Beginning at the northwesterly corner of Lot 79 of said "ENGL" AND SCHWARTZ'S SUBDIVISION, also being a point on the westerly line of a 16 feet wide Public Alley, thence N.43°25'32"E along the northerly line of said Lot 79, 18.00 feet to a point of curvature in the left hand curve along said curve, to the left, having a radius of 44.71 feet, an arc length of 38.18 feet, a chord bearing of N.40°25'32"E, and a chord distance of 26.16 feet to the northerly line of said Lot 79, thence S.43°25'32"E 11.80 feet to the westerly line of said Lot 79, also being a point on the westerly line of said 16 feet wide Public Alley, thence S.83°25'32"E along the westerly line of said Lot 79, and westerly line of said Public Alley, 20.00 feet to the southerly corner of said Lot 79, thence S.83°25'32"E along the southerly line of said Lot 79, a distance of 77.07 feet to the Point of Beginning.

- PART OF LOT 80

- Land in the City of Detroit, County of Wayne, State of Michigan, being a portion of Part of Lot 80 of "ENGL" AND SCHWARTZ'S SUBDIVISION, of part of Districts 1 & 2 of the St. Jean Parish, RC, 25 Village of Fairview, Wayne County, Michigan as recorded in Liber 23 of Plans, Page 44 (Wayne County Records) and being more particularly described as:

- Beginning at the northwesterly corner of Lot 80 of said "ENGL" AND SCHWARTZ'S SUBDIVISION, also being a point on the westerly line of said Public Alley, (16 feet wide), thence S.25°20'42"E along westerly line of said Lot, and westerly line of said Public Alley, 30.00 feet to the northwesterly corner of said Lot; thence S.83°25'32"W along the southerly line of said Lot 80, a distance of 17.80 feet to a non-singular point of curvature in the right hand curve along said curve, to the left,

having a radius of "44.71" feet, an arc length of 38.18 feet, a chord bearing of N.40°25'32"E, and a chord distance of 26.17 feet to the Point of Beginning.

- The above described properties are hereby conveyed to the City of Detroit, Michigan, subject to the following provisions:

- Provided, That the Law Department must certify that the proposed use of the property is in accordance with the applicable zoning, use, and transfer in pertinent to convey said land to the City for street and other public purposes, and further:

- Provided, That all items with respect to property of which the City of Detroit is a part shall be paid and proof thereof furnished to the Law Department, and further:

- Provided, That proof of compliance with Detroit Ordinance No. 22-84, Detroit Code Sections 22-11 through 22-16 also known as the Environmental Review Guidelines, is furnished to the Law Department, and further:

- Provided, That the fee for a permit is properly assessed and acceptable to the Law Department, and further:

- Provided, That the City Clerk shall file the appropriate records with the Wayne County Register of Deeds, and be further:

- Attached is a brief description of a surface pollution treatment (Public Works) project development proposed as follows:

Public Works (Public Works) consisting of Land in the City of Detroit, County of Wayne, State of Michigan, being described as: A strip of land, 20.00 feet wide, being an easterly part of Fairview Avenue (20 feet wide) between E. Jefferson and E. Edie Avenue, being a portion of the westerly line of the 16.00 feet of Lot 67, and Lot 43 through 55 as shown in City of Detroit's Subdivision of Lots 1, 2 and 3 and the adjoining 25 feet wide strip being southerly corner of the Subdivision of Private Lots being South of Johnson Avenue, Grand Public (Fairview), City of Detroit, Wayne County, Michigan as recorded in Liber 10, Page 24 of Plans, Wayne County Records.

- Adopted as follows:

1. - Those - Donald Marshall K. Odom, Jr., R. Cochrane, Daniel Hood, Malvin Gort, Thelma Thabit and Frederick Hill - II.

- City - Mayor

(attached as part of Exhibit 'B')

Ⓚ

02140075 AUG 21 2002

LI-36938 Pa-24  
202534402 8/21/2002  
Bernard J. Youssablood  
Washt Co. Register of Deeds

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11/2/06 11:11 AM

EASEMENT AGREEMENT FOR SEWER, INGRESS AND EGRESS

THIS EASEMENT AGREEMENT FOR SEWER, INGRESS AND EGRESS ("Agreement") is made as of this 21 day of August, 2002, by and between the CITY OF DETROIT, a Michigan public body corporate, acting by and through the Planning and Development Department, whose address is 83 Cadillac Square, Suite 2800, Detroit, Michigan 48226 ("Grantee"), and G/W JEFFERSON-ST. JEAN LLC, a Michigan limited liability company, whose address is 600 River Place, Unit 5105, Detroit, Michigan 48207 ("Grantor").

PRELIMINARY STATEMENT

On the date hereof, Grantee has conveyed to Grantor certain land ("Land") under a Purchase and Development Agreement dated August 1, 2001, as amended ("Purchase Agreement"), the terms of which are incorporated herein by reference.

Subject to the terms and conditions of this Agreement and the Purchase Agreement, Grantor desires to grant to Grantee, for the benefit of the public, a perpetual non-exclusive easement for sewer, ingress and egress onto, under, over and across that portion of the Land more particularly described in Exhibit "A" attached hereto and made a part hereof ("Easement Area").

NOW, THEREFORE, in consideration of the conveyance of the Land to Grantor, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto hereby agree as follows:

1. Grantor hereby grants to Grantee, for the benefit of the public at large, a perpetual non-exclusive easement onto, over and across the Easement Area for the purposes of pedestrian ingress and egress.
2. Grantor hereby grants to Grantee, for the benefit of the public at large, a perpetual non-exclusive easement under the Easement Area for the purpose of installing, maintaining, inspecting, repairing, removing and replacing a public sewer.
3. If Grantee shall disturb the surface of the Easement Area for the purpose of installing, maintaining, inspecting, repairing, removing or replacing the public sewer, Grantee shall restore the surface of the Easement Area to the condition that existed prior to Grantee's activities.
4. The sewer easement shall be forever accessible to the maintenance and inspection forces of the Detroit Water and Sewer Department, or those specifically authorized by them, for the purpose of inspecting, maintaining, repairing, removing or replacing any Detroit Water and Sewer Department public sewer facility placed or installed in the utility easement or right-of-way. The Detroit Water and Sewer Department shall have the right to cross or use the driveways and parking areas of the adjoining properties for ingress and egress at any time to and over the sewer easement with any necessary equipment to perform the above-mentioned task with the understanding that the Detroit Water and Sewer Department shall use due care in such crossing or use and that any property damaged by the Detroit Water and Sewer Department shall be restored to a satisfactory condition.

Eas SPP SJ

LI-36926

PR-25

6. Grantor shall maintain liability insurance covering the Easement Area and shall maintain, repair and snow plow the Easement Area as necessary.

8. This Agreement and all of the easements, covenants, terms and conditions hereof shall constitute covenants running with the Land and shall constitute both a benefit and burden to the Easement Area. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, personal representatives, successors and assigns.

7. This Agreement and all of the easements, covenants, terms and conditions may only be terminated by the Grantee, in its sole and exclusive discretion, by written instrument recorded with the Wayne County, Michigan Register of Deeds.

8. This Agreement may not be amended except pursuant to written instrument executed by the then owners of the Easement Area and the Grantee and which is recorded with the Wayne County, Michigan Register of Deeds.

[SIGNATURE PAGES FOLLOW]

3179844-1

LI-34926

Pn-26

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

IN THE PRESENCE OF:

GRANTEE

CITY OF DETROIT,  
a Michigan public body corporate,  
acting by and through the Planning  
and Development Department.

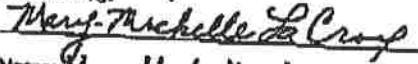
By:   
Print: Henry B. Hagood  
Its: Director of Development Activities

STATE OF MICHIGAN

COUNTY OF WAYNE

ss.

The foregoing instrument was acknowledged before me this 2<sup>nd</sup> day of August, 2002, by Henry B. Hagood, Director of Development Services of the City of Detroit, Planning and Development Department, a Michigan body corporate, on behalf of the City.

  
Name: Mary Michelle LaCroix  
Notary Public  
Wayne County, Michigan  
My Commission Expires: 03-19-06

Approved as to form and execution:

Approved by City Council on March 7, 2001,  
June 28, 2002 and July 17, 2002, respectively;  
JCC pp \_\_\_\_\_ of Detroit Legal News.

  
Chief Clerk, Corporation Council

Approved by Mayor on March 20, 2001,  
July 3, 2002 and July 24, 2002, respectively.

Li-26936

Pa-27

GRANTOR:

G/W JEFFERSON-ST. JEAN, LLC,  
a Michigan limited liability company

By: [Signature]  
R. Richard Walker, Member

STATE OF MICHIGAN )  
COUNTY OF WAYNE ) ss.

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of August, 2002, by R. Richard Walker, a Member of G/W Jefferson-St. Jean LLC, a Michigan limited liability company, on behalf of the limited liability company.

Carol Susan Thompson  
Notary Public, Macomb County, Michigan  
Acting in Wayne County, Michigan  
My Commission Expires November 20, 2005

[Signature]  
Printed Name: \_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

DRAFTED BY AND WHEN RECORDED RETURN TO:  
Joseph E. Turner, Esq.  
Clark Hill PLC  
500 Woodward Ave., Suite 3500  
Detroit, Michigan 48226-3435

3178844v1  
12885078908

**EXHIBIT "C"**

**Release/Vacation of a Portion of Pedestrian Easement – Legal Description**

**Release and/or Vacation of a Portion of an Easement for Pedestrian Connector (Public Walkway):** Land in the City of Detroit, County of Wayne, State of Michigan, being described as: A strip of land, 20.00 feet wide, being an easterly part of vacated Fairview Avenue (66 feet wide) between E. Jefferson and Edlie Avenues lying westerly of and abutting the west line of the north 19.98 feet of Lot 57, and Lots 54 through 56 as platted in O'Flynn's Subdivision of Lots 1, 2 and 3 and the adjoining 25 foot strip lying southerly thereof of the Subdivision of Private Claim 688 lying South of Jefferson Avenue, Grosse Pointe (Township), City of Detroit, Wayne County, Michigan as recorded in Liber 10, Page 58 of Plats, Wayne County Records.

BOARD OF DIRECTORS  
OF  
JEFFERSON VILLAGE I  
DETROIT, MI 48214

January 30, 2007

Honorable City Council  
1340 Coleman A. Young Municipal Center  
Detroit, MI 48226

RE: Support for the Vacation of a certain easement for pedestrian ingress and egress (generally) north and adjacent to Edlie Circle ("Pedestrian Easement") in Jefferson Village

Dear Honorable Council-Members:

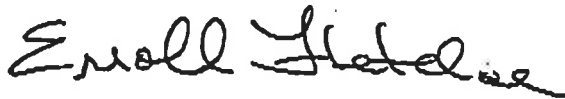
The Board of Directors of Jefferson Village I, a dynamic residential community in Detroit, MI located between St. Jean and St. Clair, and Jefferson Avenue and the Detroit River, are in support of vacating the referenced Pedestrian Easement.

The Pedestrian Easement is located between the homes of two Jefferson Village I Homeowners and is in the vicinity of the mailboxes that service the entire Jefferson Village community. It would not be in the best interest of Jefferson Village I to develop the present Pedestrian Easement because it would result in additional pedestrian traffic that will lead to additional security problems for our area.

Therefore, we support the petition by the City Homes of the Economic Development Corporation to vacate the referenced Pedestrian Easement.

Thank you.

Sincerely Yours,



Erroll Fletcher  
President  
Jefferson Village I



# FAX TRANSMITTAL

## Office of the City Clerk

Coleman A Young Municipal Center

Two Woodward Avenue, Suite 200

Detroit, Michigan 48226

Telephone: (313) 224-2070 Fax: (313) 224-2075

Friday, August 08, 2008

No. of Pages 21

FROM: *Ms. Jessie Robertson, Junior Assistant City Council Committee Clerk*

SUBJECT: *Petition #2853, City Homes Development, LLC, request for easement modification relative to Neighborhood Development Corporation Project No. 1, in area generally north and adjacent to Edlie Circle.*

### FAX TO THE FOLLOWING DEPARTMENT(S):

Mr. Douglass Diggs, Director	Planning and Development Department	(313) 224-1629
— Ms. Cathy Square, Director	DPW - City Engineering Division	(313) 224-1464
Mr. Marcell Todd, Director	City Planning Commission	(313) 224-4336

Attachment

**City of Detroit**  
OFFICE OF THE CITY CLERK

Janice M. Winfrey  
City Clerk

Vivian A. Hudson  
Deputy City Clerk

**DEPARTMENTAL REFERENCE COMMUNICATION**

*Friday, August 08, 2008*

*To: The Department or Commission Listed Below*

*From: Janice M. Winfrey, Detroit City Clerk*

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

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

**2853**    *City Homes Development, LLC, request for easement modification relative to Neighborhood Development Corporation Project No. 1, in area generally north and adjacent to Edlie Circle.*

**RECEIVED**  
AUG 11 2008

*CEN*

2853

**City Homes Development, LLC  
41050 Vincenti Court  
Novi, MI 48375  
(248) 615-1313**

July 16, 2008

07:01 80 TC 4

Detroit City Council  
C/O City Clerk  
2 Woodward Avenue  
Suite 202  
Detroit, MI 48226

-CITY CLERK

**Re: *Neighborhood Development Corporation Project No. 1  
Petition for Easement Modification***

Dear Honorable Council Members:

Detroit City Council adopted a Project Plan ("*Plan*") for the Neighborhood Development Corporation Project No. 1 on March 20, 1998 (c/k/a "*Jefferson Village*"). The project area for that Plan is generally bounded by East Jefferson Avenue on the north, re-aligned St. Jean on the east, Freud on the south and Marquette on the west ("*Project Area*"). The Plan provides for various street and alley modifications and the creation of various easements. This letter is to serve as the formal petition for the modification of a certain easement within the Project Area.

More specifically the modification requested is as follows:

The release and vacating of a portion of a certain easement for pedestrian ingress and egress ("*Pedestrian Easement*"), which portion is located within the Project Area and generally north and adjacent to Edlie Circle. The Pedestrian Easement is subject to the recorded documents ("*Recorded Documents*") as follows:

1. Detroit City Council Resolution ("*City Resolution No. 1*") adopted by the City Council on April 25, 2001, approved by the Mayor on May 3, 2001, and recorded June 19, 2001, Liber 34098, Page 520, Wayne County Records ("*WCR*").

2. Easement Agreement for Sewer, Ingress and Egress ("*Easement Agreement*") dated August 7, 2002, and recorded August 21, 2002, Liber 36936, Page 24-28 (inclusive), WCR.

Attached hereto are the following exhibits:

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Detroit City Council  
March 27, 2007  
Page 2

Exhibit "B" – Copy of the Recorded Documents.

Exhibit "C" – Legal description of that portion of the Pedestrian Easement located within the Project Area to be released/vacated.

Exhibit "D" – Engineer prepared drawing of Pedestrian Easement and of area to be vacated.

Exhibit "E" – Support letter from Board of Directors of Jefferson Village Homeowners Association.

Thank you for you consideration.

Sincerely,



Ehrlich J. Crain,  
Vice President

cc: Marcell Todd – City Planning Commission

**EXHIBIT "A"**

**Pedestrian Easement – Legal Description**

**City Resolution No. 1 and Easement Agreement. Pedestrian Connector (Public Walkway)**  
**Easement:** Land in the City of Detroit, County of Wayne, State of Michigan, being described as: A strip of land, 20.00 feet wide, being an easterly part of Fairview Avenue (66 feet wide) between E. Jefferson and Edlie Avenues lying westerly of and abutting the west line of the north 19.98 feet of Lot 57, and Lots 45 through 56 as platted in O'Flynn's Subdivision of Lots 1, 2 and 3 and the adjoining 25 foot strip lying southerly thereof of the Subdivision of Private Claim 688 lying South of Jefferson Avenue, Grosse Pointe (Township), City of Detroit, Wayne County, Michigan as recorded in Liber 10, Page 58 of Plats, Wayne County Records.

**EXHIBIT "B"**

**Pedestrian Easement Recorded Documents**

1. City Resolution No. 1 – see attached
2. Easement Agreement – see attached

City Resolution NO. 1  
 (Attached as Part of Exhibit 'B')

1002077248 JUN 19 2001

Libert-34098 Page-516  
 801287473 6/19/2001  
 Bernard L. Thurgood, Wayne Co. Register of Deeds

<p>Department of Public Works                  City Engineering Division                  March 30, 2001                  Honorable City Council                  Res. Petition No. 3007, Neighborhood                  Development Corporation Project                  No. 1, CityForm Project - Street                  and Alley Vacations, Sewerage and                  Sanitation, Gas, Water and                  Electric Utility, and the area bounded by                  Howard, St. Jean, (Intersect) New Road                  and E. Johnson.</p> <p>City Council adopted a Project Plan for                  the Neighborhood Development Corpora-                  tion Project No. 1 on March 23, 2001. The                  Plan provides for public street and alley                  vacations. This part of Petition No.                  3007 for the Neighborhood Development                  Corporation Project No. 1 requests public                  street and alley vacations, sewerage                  and gas connections in the area bounded by                  Howard, St. Jean, (Intersect) New Road                  and E. Johnson Avenue. The attached                  resolution contains the public right-of-way                  adjustments required to conform with                  the "Phase One Plan".</p> <p>The petition was referred to City                  Engineering Division - DFW for investi-                  gation and report. This is our report.</p> <p>The Engineering Division - DFW                  approved the public street closing(s).</p> <p>The Project Plan calls for underground                  burial of public utility services. Associated                  Company, Detroit Edison Company and                  Comcast Corporation reviewed the                  Project Plan. Necessary provisions pro-                  tecting service utility facilities are part                  of the resolution.</p>	<p>The Water and Sewerage Department                  (WSD) conducted their approval of the                  Project Plan on the stipulations listed in                  the attached resolution for Petition No.                  3007. To maintain public sewer service,                  WSD must retain a 22.00 foot wide                  sewer easement in Fairview. Two existing                  sewerage(s) crossing private property                  used to manage stormwater public                  street drainage into St. Jean and                  Johnson must be vacated and aban-                  doned.</p> <p>All other involved city departments and                  privately owned utility companies report-                  ed no objections to the public vacations.                  Petitioners proposing certain utility insti-                  tutions are part of the resolution.</p> <p>The resolution does not vacate the ad-                  jacent public streets. A separate report                  will be submitted to City Council.</p> <p>I am recommending adoption of the                  attached resolution.</p> <p>Respectfully submitted,                  BUNGWY JAYZEBAN                  City Engineer</p> <p>City Engineering Division - DFW                  By Council Member E. Givens</p> <p>Whereas, City Council adopted a                  Project Plan for the Neighborhood                  Development Corporation Project No. 1                  on March 23, 2001. The Plan provides for                  public street and alley vacations. This                  part of Petition No. 3007 for the                  Neighborhood Development Corporation                  Project No. 1 requests public street and                  alley vacations, sewerage and gas con-                  nections in the area bounded by Howard, St.                  Jean, (Intersect) New Road and E.                  Johnson Avenue. The resolution below</p>	<p>contains the public right-of-way adjust-                  ments required to conform with the                  "Phase One Plan" and</p> <p>Whereas, The Water and Sewerage                  Department (WSD) conducted their                  approval of the Project Plan on the fol-                  lowing stipulations for Petition No. 3007:</p> <ul style="list-style-type: none"> <li>The Petitioners must acquire all lots                      subject to the requested vacations                      except for those parcels deemed to be                      exempt from the project; and</li> <li>The Petitioners, as part of the public                      right-of-way adjustments, shall also                      retain and maintain existing water                      and sewer located systems and                      equipment as required by the Detroit                      Water and Sewerage Department prior to                      the construction of the proposed project; and</li> <li>The Detroit Water and Sewerage                      Department is hereby authorized to                      review the design for the location,                      relocation or construction of water mains                      and to issue a permit for the construction;                      and</li> <li>The plans for the location, reloca-                      tion or construction of water mains and                      sewers shall be prepared by a registered                      Engineer and</li> <li>The entire work is to be performed in                      accordance with plans and specifications                      approved by the Detroit Water and                      Sewerage Department, and constructed                      subject to the inspection and approval of                      the Detroit Water and Sewerage Depart-                      ment; and</li> <li>The entire cost of the water main and                      sewer relocation, relocation and construc-                      tion, including inspection, survey and</li> </ul>
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STATE OF MICHIGAN) ca. SHORT FORM - TRUE COPY CERTIFICATE  
 CITY OF DETROIT)

I, Jackie L. Currie CITY CLERK of the City of Detroit, do  
 hereby certify that the annexed paper is a True Copy of a Resolution  
 adopted by the City Council on April 25, 2001  
 and approved by the Mayor on May 3, 2001  
 as appears from the Journal of said City Council, on file in my office.

14.00 RECOMMENDATION  
 Receipt 167222  
 BERNARD L. THURGOOD, REGISTER OF DEED  
 WAYNE COUNTY, MI

RETURN TO:  
 DRAFTED BY:  
 YVETTE PALMER  
 2 Woodward  
 200-CAYM C  
 DETROIT, MI 48226

IN WITNESS WHEREOF, I have hereunto  
 Set my hand and affixed the Corporate  
 Seal of said City, at Detroit, on

June 7, 2001  
  
 City Clerk

RLW 21425 PPD SDX









Page 88 (Wayne County Records) and being more particularly described as:

Being at the northeast corner of Lot 77 of said "ENGEL AND SCHWARTZ SUBDIVISION", also being a point on the easterly line of a 15 foot wide Public Alley, thence N.63°35'32"E along the northerly line of said Lot 61, 58 feet to a non-tangent point of curvature to the left, thence along said curve, to the right, having a radius of 100.00 feet, an arc length of 21.28 feet, a chord bearing of S.23°47'54"W, and a chord distance of 33.28 feet to the westerly line of said Lot 77, also being a point on the easterly line of said 15 foot wide Public Alley, thence N.28°01'22"W along the west line of said Lot 77, and easterly line of said 15 foot wide Public Alley, 4.50 feet to the Point of Beginning.

**PART OF LOT 78**

Land in the City of Detroit, County of Wayne, State of Michigan, being described as Part of Lot 78 of "ENGEL AND SCHWARTZ SUBDIVISION" of part of District 1 & 2 of the St. Jean Farm, P.C. 28 Village of Fairview, Wayne County, Michigan as recorded in Liber 23 of Plans, Page 88 (Wayne County Records) and being more particularly described as:

Beginning at the northwesterly corner of Lot 76 of said "ENGEL AND SCHWARTZ SUBDIVISION", also being a point on the easterly line of a 15 foot wide Public Alley, thence N.40°31'38"E along the northerly line of said Lot 76, 107 feet to the northeast corner of said Lot, also being a point on the westerly line of Engel Ave. (30 feet wide), thence S.23°25'04"E along the easterly line of said Lot 76, and westerly line of said Engel Ave., 20.72 feet to the southeast point of curvature to the right, thence along said curve, to the left, having a radius of 125.00 feet, an arc length of 42.73 feet, a chord bearing of S.40°01'32"W, and a chord distance of 32.62 feet to the easterly line of said Lot 76, thence S.23°25'04"W 81.28 feet to the westerly line of said Lot 78, also being a point on the easterly line of said 15 foot wide Public Alley, thence N.28°01'22"W along the west line of said Lot 78, and easterly line of said 15 foot wide Public Alley, 20.23 feet to the Point of Beginning.

**PART OF LOT 79**

Land in the City of Detroit, County of Wayne, State of Michigan, being described as Part of Lot 79 of "ENGEL AND SCHWARTZ SUBDIVISION" of part of District 1 & 2 of the St. Jean Farm, P.C. 28 Village of Fairview, Wayne County, Michigan as recorded in Liber 23 of Plans, Page 88 (Wayne County Records) and being more particularly described as:

Beginning at the northwesterly corner of Lot 76 of said "ENGEL AND SCHWARTZ SUBDIVISION", also being a point on the easterly line of a 15 foot wide Public Alley, thence N.40°31'38"E along the northerly line of said Lot 76, 107 feet to the northeast corner of said Lot, also being a point on the westerly line of Engel Ave. (30 feet wide), thence S.23°25'04"E along the easterly line of said Lot 76, and westerly line of said Engel Ave., 20.72 feet to the southeast point of curvature to the right, thence along said curve, to the left, having a radius of 125.00 feet, an arc length of 42.73 feet, a chord bearing of S.40°01'32"W, and a chord distance of 32.62 feet to the easterly line of said Lot 76, thence N.43°25'28"E 11.80 feet to the easterly line of said Lot 79, also being a point on the westerly line of Engel Ave. (30 feet wide), thence S.23°25'04"E along the easterly line of said Lot 79, and westerly line of said Engel Ave., 34.00 feet to the southeast corner of said Lot, thence S.23°25'04"W along the easterly line of said Lot 79, a distance of 72.07 feet to the Point of Beginning.

**PART OF LOT 80**

Land in the City of Detroit, County of Wayne, State of Michigan, being described as Part of Lot 80 of "ENGEL AND SCHWARTZ SUBDIVISION" of part of District 1 & 2 of the St. Jean Farm, P.C. 28 Village of Fairview, Wayne County, Michigan as recorded in Liber 23 of Plans, Page 88 (Wayne County Records) and being more particularly described as:

Beginning at the northwesterly corner of Lot 80 of said "ENGEL AND SCHWARTZ SUBDIVISION", also being a point on the westerly line of Engel Ave. (30 feet wide), thence S.23°25'04"E along easterly line of said Lot, and easterly line of said Engel Ave. 33.00 feet to the southeast corner of said Lot, thence S.23°25'04"W along the easterly line of said Lot 80, a distance of 11.80 feet to a non-tangent point of curvature to the left, thence along said curve, to the left,

having a radius of 44.77 feet, an arc length of 33.00 feet, a chord bearing of N.04°25'25"W, and a chord distance of 32.97 feet to the Point of Beginning.

The above described properties are hereby designated for street and other public purposes, subject to the following provisions:

Provided, That the Law Department must certify that grants possess the appropriate rights, title, and interest in properties to convey said land to the city for street and other public purposes; and further

Provided, That all claims with respect to property of which the Corporation Area is a part shall be paid and proof thereof furnished to the Law Department; and further

Provided, That proof of compliance with Detroit Ordinance No. 23-84, Detroit Code Sections 242-11 through 242-18, also known as the Environmental Review Guidelines, is furnished to the Law Department; and further

Provided, That the fee stated herein is a properly computed deed excise payable to the Law Department; 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; and be it further

Resolved, Attached is a final description of a surface jurisdiction easement (public roadway) across development parcels as follows:

Professional Contractor (Public Work) easement Land in the City of Detroit, County of Wayne, State of Michigan, being described as: A strip of land, 20.00 feet wide, being an easterly part of Fairview Avenue (30 feet wide) between E. Jefferson and E. St. Antoine, being easterly of and abutting the westerly line of the north 10.00 feet of Lot 67, and Lots 43 through 55 as platted in City's Subdivision of Lots 1, 2 and 3 and the adjoining 25 feet strip into the southerly corner of the Subdivision of Private Gable lots lying South of Jefferson Avenue, Grand Public (Township), City of Detroit, Wayne County, Michigan as recorded in Liber 10, Page 54 of Plans, Wayne County Records.

Adopted as follows:

W. S. Cochrane, Mayor, E. Cochrane, Jr., E. Cochrane, Ernest, Hood, Maloney, Scott, Threlby-Tobitt, and President Hill

Attest:

Ray - Clerk

Nov. 2. 2006 3:26PM svt

Easement Agreement No. 5113 P. 2

(attached as part of Exhibit 'B')

Ⓚ

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LI-36936 Pa-24  
202534402 8/21/2002  
Bernard J. Youssiblood  
Washtenaw Co. Register of Deeds

#10

FILED IN THE OFFICE OF THE REGISTER OF DEEDS

EASEMENT AGREEMENT FOR SEWER, INGRESS AND EGRESS

THIS EASEMENT AGREEMENT FOR SEWER, INGRESS AND EGRESS ("Agreement") is made as of this 21 day of August, 2002, by and between the CITY OF DETROIT, a Michigan public body corporate, acting by and through the Planning and Development Department, whose address is 63 Cadillac Square, Suite 2300, Detroit, Michigan 48226 ("Grantee"), and G/W JEFFERSON-ST. JEAN LLC, a Michigan limited liability company, whose address is 600 River Place, Unit 5105, Detroit, Michigan 48207 ("Grantor").

PRELIMINARY STATEMENT

On the date hereof, Grantee has conveyed to Grantor certain land ("Land") under a Purchase and Development Agreement dated August 1, 2001, as amended ("Purchase Agreement"), the terms of which are incorporated herein by reference.

Subject to the terms and conditions of this Agreement and the Purchase Agreement, Grantor desires to grant to Grantee, for the benefit of the public, a perpetual non-exclusive easement for sewer, ingress and egress onto, under, over and across that portion of the Land more particularly described in Exhibit "A" attached hereto and made a part hereof ("Easement Area").

NOW, THEREFORE, in consideration of the conveyance of the Land to Grantor, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto hereby agree as follows:

1. Grantor hereby grants to Grantee, for the benefit of the public at large, a perpetual non-exclusive easement onto, over and across the Easement Area for the purposes of pedestrian ingress and egress.
2. Grantor hereby grants to Grantee, for the benefit of the public at large, a perpetual non-exclusive easement under the Easement Area for the purpose of installing, maintaining, inspecting, repairing, removing and replacing a public sewer.
3. If Grantee shall disturb the surface of the Easement Area for the purpose of installing, maintaining, inspecting, repairing, removing or replacing the public sewer, Grantee shall restore the surface of the Easement Area to the condition that existed prior to Grantee's activities.
4. The sewer easement shall be forever accessible to the maintenance and inspection forces of the Detroit Water and Sewer Department, or those specifically authorized by them, for the purpose of inspecting, maintaining, repairing, removing or replacing any Detroit Water and Sewer Department public sewer facility placed or installed in the utility easement or right-of-way. The Detroit Water and Sewer Department shall have the right to cross or use the driveways and parking areas of the adjoining properties for ingress and egress at any time to and over the sewer easement with any necessary equipment to perform the above-mentioned task with the understanding that the Detroit Water and Sewer Department shall use due care in such crossing or use and that any property damaged by the Detroit Water and Sewer Department shall be restored to a satisfactory condition.

Easement Spgs SJ

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5. Grantor shall maintain liability insurance covering the Easement Area and shall maintain, repair and snow plow the Easement Area as necessary.

6. This Agreement and all of the easements, covenants, terms and conditions hereof shall constitute covenants running with the Land and shall constitute both a benefit and burden to the Easement Area. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, personal representatives, successors and assigns.

7. This Agreement and all of the easements, covenants, terms and conditions may only be terminated by the Grantee, in its sole and exclusive discretion, by written instrument recorded with the Wayne County, Michigan Register of Deeds.

8. This Agreement may not be amended except pursuant to written instrument executed by the then owners of the Easement Area and the Grantee and which is recorded with the Wayne County, Michigan Register of Deeds.

[SIGNATURE PAGES FOLLOW]

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LI-36926


Px-26

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

IN THE PRESENCE OF:

GRANTEE

CITY OF DETROIT,  
a Michigan public body corporate,  
acting by and through the Planning  
and Development Department.

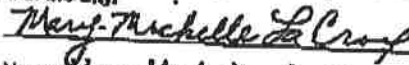
By:   
Print: Henry B. Hagood  
Its: Director of Development Activities

STATE OF MICHIGAN

COUNTY OF WAYNE

ss.

The foregoing instrument was acknowledged before me this 7th day of August, 2002, by Henry B. Hagood, Director of Development Services of the City of Detroit, Planning and Development Department, a Michigan body corporate, on behalf of the City.

  
Name: Mary-Michelle LaCroix  
Notary Public  
Wayne County, Michigan  
My Commission Expires: 03-19-06

Approved as to form and execution:

  
Chief Clerk, Corporation Council

Approved by City Council on March 7, 2001,  
June 26, 2002 and July 17, 2002, respectively;  
JCC pp \_\_\_\_\_ of Detroit Legal News.

Approved by Mayor on March 20, 2001,  
July 3, 2002 and July 24, 2002, respectively.

Li-26936

Pa-27

GRANTOR:

GMI JEFFERSON-ST. JEAN, LLC,  
a Michigan limited liability company

By: [Signature]  
R. Richard Walker, Member

STATE OF MICHIGAN

COUNTY OF WAYNE

)  
) ss.

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of August, 2002, by R. Richard Walker, a Member of GMI Jefferson-St. Jean LLC, a Michigan limited liability company, on behalf of the limited liability company.

Carol Susan Thompson  
Notary Public, Macomb County, Michigan  
Acting in Wayne County, Michigan  
My Commission Expires November 20, 2005

[Signature]  
Printed Name: \_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

DRAFTED BY AND WHEN RECORDED RETURN TO:  
Joseph E. Turner, Esq.  
Clark Hill PLC  
500 Woodward Ave., Suite 3500  
Detroit, Michigan 48228-3435

**EXHIBIT "C"**

**Release/Vacation of a Portion of Pedestrian Easement – Legal Description**

**Release and/or Vacation of a Portion of an Easement for Pedestrian Connector (Public Walkway):** Land in the City of Detroit, County of Wayne, State of Michigan, being described as: A strip of land, 20.00 feet wide, being an easterly part of vacated Fairview Avenue (66 feet wide) between E. Jefferson and Edlie Avenues lying westerly of and abutting the west line of the north 19.98 feet of Lot 57, and Lots 54 through 56 as platted in O'Flynn's Subdivision of Lots 1, 2 and 3 and the adjoining 25 foot strip lying southerly thereof of the Subdivision of Private Claim 688 lying South of Jefferson Avenue, Grosse Pointe (Township), City of Detroit, Wayne County, Michigan as recorded in Liber 10, Page 58 of Plats, Wayne County Records.



BOARD OF DIRECTORS  
OF  
JEFFERSON VILLAGE I  
DETROIT, MI 48214

January 30, 2007

Honorable City Council  
1340 Coleman A. Young Municipal Center  
Detroit, MI 48226

RE: Support for the Vacation of a certain easement for pedestrian ingress and egress (generally) north and adjacent to Edlie Circle ("Pedestrian Easement") in Jefferson Village

Dear Honorable Council-Members:

The Board of Directors of Jefferson Village I, a dynamic residential community in Detroit, MI located between St. Jean and St. Clair, and Jefferson Avenue and the Detroit River, are in support of vacating the referenced Pedestrian Easement.

The Pedestrian Easement is located between the homes of two Jefferson Village I Homeowners and is in the vicinity of the mailboxes that service the entire Jefferson Village community. It would not be in the best interest of Jefferson Village I to develop the present Pedestrian Easement because it would result in additional pedestrian traffic that will lead to additional security problems for our area.

Therefore, we support the petition by the City Homes of the Economic Development Corporation to vacate the referenced Pedestrian Easement.

Thank you.

Sincerely Yours,



Erroll Fletcher  
President  
Jefferson Village I

# FAX TRANSMITTAL

## Office of the City Clerk

Coleman A Young Municipal Center  
Two Woodward Avenue, Suite 200  
Detroit, Michigan 48226  
Telephone: (313) 224-2070 Fax: (313) 224-2075

Friday, August 08, 2008

No. of Pages 21

FROM: *Ms. Jessie Robertson, Junior Assistant City Council Committee Clerk*

SUBJECT: *Petition #2853, City Homes Development, LLC, request for easement modification relative to Neighborhood Development Corporation Project No. 1, in area generally north and adjacent to Edlie Circle.*

### FAX TO THE FOLLOWING DEPARTMENT(S):

Mr. Douglass Diggs, Director	Planning and Development Department	(313) 224-1629
Ms. Cathy Square, Director	DPW - City Engineering Division	(313) 224-1464
Mr. Marcell Todd, Director	City Planning Commission	(313) 224-4336

Attachment