

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

RECEIVED
JAN 08 2010

DEPARTMENTAL REFERENCE COMMUNICATION

Thursday, December 17, 2009

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.

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

3941 *Detroit Gateway Park Outlet Mall, LLC, requesting vacation of street and alley right-of-ways within the project boundaries (Kenneth, Ralston, Winchester, Colton, Alameda, etc.) and temporary and permanent easements be reserviced across some of the right-of-ways proposed for vacation.*

NOTE: **The Detroit City Council is on recess from:**
NOVEMBER 23, 2009 through JANUARY 5, 2010

The City Clerk requests that Departments directly handle requests which fall within those dates.

PLEASE EXPEDITE!!!

27A

Mr. Bernard S. Schrott
Detroit Gateway Park Outlet Mall, LLC
2254 Cameo Lake Drive
Bloomfield Hills, Michigan 48302

3947

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CITY CLERK

December 9, 2009

Honorable Detroit City Council Members
Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 1340
Detroit, Michigan 48226

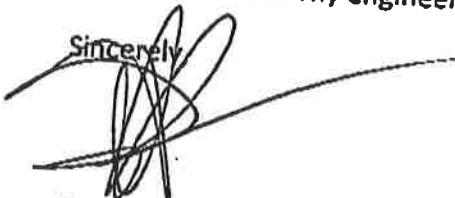
Dear Council Members:

In order to facilitate the development of the Shoppes at Detroit's Gateway Park Project at Eight Mile Road and Woodward Avenue, we are requesting that the City Council consider the vacation of street and alley right-of-ways within the project boundaries. In 2004, the majority of the street and alley right-of-ways within the development were vacated. With this submittal, we are requesting that the rest of the streets and alleys be vacated. We are also requesting that temporary and permanent easements be reserved across some of the right-of-ways proposed for vacation. Permanent easements will be provided where the existing sewers will remain in service following the development of the site. Temporary easements will be provided in areas where the sewers need to remain in service until new sewer lines are constructed to reroute flow.

Enclosed you will find a map of the project area indicating the right-of-ways that are proposed for vacation, as well as those that were vacated previously. The map also shows the location of the proposed temporary and permanent easements. We have also enclosed draft language for the City Council resolution describing the streets and alleys to be vacated.

If you should have any questions regarding this submittal, please contact me at (248)535-2775 or my engineer, Stephen Pangori at (586)726-1234.

Sincerely



Bernard S. Schrott

Enclosures

All that part of Kenneth Avenue, 50 feet wide, between West Eight Mile Road, 204 feet wide, and the southerly boundary of the East-West public alley, 18 feet wide, lying Westerly of and abutting the West line of Lot 143 and lying Easterly of and abutting the East line of Lot 144, all in the "German's Montrose-Park Subdivision" of all of Lots 1 and 2 of Subdivision of part of Sections 2 and 3, Greenfield Township (now City of Detroit), Wayne County, Michigan as recorded in Liber 29 of Plats, Page 83, Wayne County Records; and

All that part of Alameda Avenue, 50 feet wide, between Woodward Avenue, 204 feet wide, and the East line of the North-South public alley, 18 feet wide, lying Northerly of and abutting the North line of Lot 57 and lying Southerly of and abutting the South line of Lot 58, all in the "German's Montrose-Park Subdivision" of all of Lots 1 and 2 of Subdivision of part of Sections 2 and 3, Greenfield Township (now City of Detroit), Wayne County, Michigan as recorded in Liber 29 of Plats, Page 83, Wayne County Records; and

All that part of Colton Avenue, 50 feet wide, between Woodward Avenue, 204 feet wide, and the East line of the North-South public alley, 18 feet wide, lying Southerly of and abutting the South line of Lot 6 and lying Northerly of and abutting the North line of Lot 7, all in the "State Fair Subdivision No. 2" of Lots 3 and 4, of Subdivision of that part of Section 3 lying Northeast of the Saginaw Turnpike, and the North part of the West half of the Northwest quarter of Section 2, Town 1 South, Range 11 East, Greenfield Township (now City of Detroit) Wayne County, Michigan as recorded in Liber 28 of Plats, Page 20, Wayne County Records; and

All that part of the East-West public alley, 18 feet wide, in the block bounded by West Eight Mile Road, 204 feet wide, Kenneth Avenue, 50 feet wide, Alameda Avenue, 50 feet wide, and Ralston Avenue, 30 feet wide, lying Northerly of and abutting the North line of Lots 84 through 113, both inclusive, and lying Southerly of and abutting the South line of Lots 114 through 143, both inclusive, all in the "State Fair Subdivision No. 2" of Lots 3 and 4, of Subdivision of that part of Section 3 lying Northeast of the Saginaw Turnpike, and the North part of the West half of the Northwest quarter of Section 2, Town 1 South, Range 11 East, Greenfield Township (now City of Detroit) Wayne County, Michigan as recorded in Liber 28 of Plats, Page 20, Wayne County Records; and

All that part of the East-West public alley, 18 feet wide, in the block bounded by Woodward Avenue, 204 feet wide, West Eight Mile Road, 204 feet wide, Kenneth Avenue, 50 feet wide, and Alameda Avenue, 50 feet wide, lying Northerly of and abutting the North line of Lots 63 through 83, both inclusive, and lying Southerly of and abutting the South line of Lots 144 through 168, both inclusive, all in the "German's Montrose-Park Subdivision" of all of Lots 1 and 2 of Subdivision of part of Sections 2 and 3, Greenfield Township (now City of Detroit), Wayne County, Michigan as recorded in Liber 29 of Plats, Page 83, Wayne County Records; and

All that part of the North-South public alley, 18 feet wide, in the block bounded by Woodward Avenue, 204 feet wide, West Eight Mile Road, 204 feet wide, Kenneth Avenue, 50 feet wide and, Alameda Avenue, 50 feet wide, lying Easterly of and abutting the East line of Lots 58 through 62, both inclusive, and the East line of Lots 169 through 177, both inclusive, and lying Westerly of and abutting the West line of Lot 63, Lot 167 and Lot 168, all in the "German's Montrose-Park Subdivision" of all of Lots 1 and 2 of Subdivision of part of Sections 2 and 3, Greenfield Township (now City of Detroit), Wayne County, Michigan as recorded in Liber 29 of Plats, Page 83, Wayne County Records; and

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All that part of the North-South public alley, 18 feet wide, in the block bounded by Woodward Avenue, 204 feet wide, Alameda Avenue, 50 feet wide, Colton Avenue, 50 feet wide, and Ralston Avenue, 30 feet wide, lying Easterly of and abutting Lots 52 through 57, both inclusive, and lying Westerly of and abutting the West line of Lot 51, all in the "German's Montrose-Park Subdivision" of all of Lots 1 and 2 of Subdivision of part of Sections 2 and 3, Greenfield Township (now City of Detroit), Wayne County, Michigan as recorded in Liber 29 of Plats, Page 83, Wayne County Records; and lying Easterly of and abutting the East line of Lots 1 through 6, both inclusive, and lying Westerly of and abutting the West line of Lot 177, all in the "State Fair Subdivision No. 2" of Lots 3 and 4, of Subdivision of that part of Section 3 lying Northeast of the Saginaw Turnpike, and the North part of the West half of the Northwest quarter of Section 2, Town 1 South, Range 11 East, Greenfield Township (now City of Detroit) Wayne County, Michigan as recorded in Liber 28 of Plats, Page 20, Wayne County Records; and

All that part of the North-South public alley, 18 feet wide, in the block bounded by Woodward Avenue, 204 feet wide, Colton Avenue, 50 feet wide, Winchester Avenue, 50 feet wide, and Ralston Avenue, 30 feet wide, lying Easterly of and abutting Lots 7 through 18, both inclusive, and lying Westerly of and abutting the West line of Lots 97 and 98, all in the "State Fair Subdivision No. 2" of Lots 3 and 4, of Subdivision of that part of Section 3 lying Northeast of the Saginaw Turnpike, and the North part of the West half of the Northwest quarter of Section 2, ~~Town 1 South, Range 11 East, Greenfield Township (now City of Detroit) Wayne County,~~ Michigan as recorded in Liber 28 of Plats, Page 20, Wayne County Records; Be and the same is hereby vacated as public right-of-ways to become part and parcel of the abutting property, subject to the following provisions;

Provided, That the petitioner (Petition No.) shall design and construct proposed lateral Sewer and to make the connections to the existing public sewers as required by the Detroit Water and Sewerage Department (DWSD) prior to construction of the proposed; and further

Provided, That the plans for the lateral sewers shall be prepared by a registered engineer, and further

Provided, That DWSD be and is hereby authorized to review the drawings for the proposed lateral sewers and to issue permits for the construction of the lateral sewer; and further

Provided, That the entire work is to be performed in accordance with plans and specifications approved by DWSD and constructed under the inspection and approval of DWSD; and further

Provided, That the entire cost of the proposed lateral sewer construction, including inspection, survey and engineering shall be borne by the petitioner; and further

Provided, That the petitioner shall deposit with DWSD, in advance of engineering, inspection and survey, such amounts as the department deems necessary to cover the cost of these services; and further

Provided, That the petitioner shall grant to the City a satisfactory easement for the lateral sewers; and further

Provided, That the Board of Water Commissioners shall accept and execute the easement grant on behalf of the City; and further

Provided, That upon satisfactory completion, the lateral sewers shall become City property and become part of the City system; and

Provided, That the petitioner reserved a 25 feet exclusive easement, centered in Alameda Avenue, 50 feet wide, for a existing 36-inch sewer; and

Provided, That the petitioner reserve a temporary 18 feet easement within all that part of the North-South public alley, 18 feet wide, in the block bounded by Woodward Avenue, 204 feet wide, West Eight Mile Road, 204 feet wide, Kenneth Avenue, 50 feet wide and, Alameda Avenue, 50 feet wide, lying Easterly of and abutting the East line of that part of Lot 171 lying North of the South line extended of the East-West public alley, and Lots 172 through 177, both inclusive, and lying Westerly of and abutting the West line of Lots 167 and 168, all in the "German's Montrose-Park Subdivision" of all of Lots 1 and 2 of Subdivision of part of Sections 2 and 3, Greenfield Township (now City of Detroit), Wayne County, Michigan as recorded in Liber 29 of Plats, Page 83, Wayne County Records; and

Provided, That the petitioner reserve a temporary 18 feet easement within all that part of the East-West alley, 18 feet wide, in the block bounded by Woodward Avenue, 204 feet wide, ~~West Eight Mile Road, 204 feet wide, Kenneth Avenue, 50 feet wide and, Alameda Avenue, 50~~ feet wide, lying Northerly of and abutting the North line of Lot 63 except the east 30 feet, and Lots 67 through 83, both inclusive, and lying Southerly of and abutting the South line of Lots 144 through 160, both inclusive, and Lots 165 through 167, both inclusive, all in the "German's Montrose-Park Subdivision" of all of Lots 1 and 2 of Subdivision of part of Sections 2 and 3, Greenfield Township (now City of Detroit), Wayne County, Michigan as recorded in Liber 29 of Plats, Page 83, Wayne County Records; and

Provided, That the petitioner reserve a temporary 18 feet easement within Kenneth Avenue, 50 feet wide, lying Easterly of and abutting the East-West alley, 18 feet wide, in the block bounded by Woodward Avenue, 204 feet wide, West Eight Mile Road, 204 feet wide, Kenneth Avenue, 50 feet wide and, Alameda Avenue, 50 feet wide, and lying Westerly of and abutting the East-West alley, 18 feet wide, in the block bounded by West Eight Mile Road, 204 feet wide, Kenneth Avenue, 50 feet wide, Alameda Avenue, 50 feet wide, and Ralston Avenue, 30 feet wide, all in the "German's Montrose-Park Subdivision" of all of Lots 1 and 2 of Subdivision of part of Sections 2 and 3, Greenfield Township (now City of Detroit), Wayne County, Michigan as recorded in Liber 29 of Plats, Page 83, Wayne County Records; and

Provided, That the petitioner reserve a temporary 18 feet easement within all that part of the East-West alley, 18 feet wide, in the block bounded by West Eight Mile Road, 204 feet wide, Kenneth Avenue, 50 feet wide, Alameda Avenue, 50 feet wide, and Ralston Avenue, 30 feet wide, lying Northerly of and abutting the North line of Lots 84 through 113, both inclusive, and lying Southerly of and abutting the South line of Lots 114 through 143, both inclusive, all in the "German's Montrose-Park Subdivision" of all of Lots 1 and 2 of Subdivision of part of Sections 2 and 3, Greenfield Township (now City of Detroit), Wayne County, Michigan as recorded in Liber 29 of Plats, Page 83, Wayne County Records; and

Provided, That the petitioner reserve a permanent 18 feet easement within all that part of the East-West alley, 18 feet wide, in the block bounded by Woodward Avenue, 204 feet wide, West Eight Mile Road, 204 feet wide, Kenneth Avenue, 50 feet wide and, Alameda Avenue, 50 feet wide, lying Northerly of and abutting the North line of the East 30 feet of Lot 63, and Lots 64 through 66, both inclusive, and lying Southerly of and abutting the South line of Lots 161

through 164, both inclusive, all in the "German's Montrose-Park Subdivision" of all of Lots 1 and 2 of Subdivision of part of Sections 2 and 3, Greenfield Township (now City of Detroit), Wayne County, Michigan as recorded in Liber 29 of Plats, Page 83, Wayne County Records; and

Provided, That the petitioner reserve a permanent 18 feet easement within all that part of the North-South alley, 18 feet wide, in the block bounded by Woodward Avenue, 204 feet wide, Colton Avenue, 50 feet wide, Winchester Avenue, 50 feet wide, and Ralston Avenue, 30 feet wide, lying Easterly of and abutting the East line of Lots 16 through 18, both inclusive, and lying Westerly of and abutting the West line of the South 58.58 feet of Lot 97, all in the "State Fair Subdivision No. 2" of Lots 3 and 4, of Subdivision of that part of Section 3 lying Northeast of the Saginaw Turnpike, and the North part of the West half of the Northwest quarter of Section 2, Town 1 South, Range 11 East, Greenfield Township (now City of Detroit) Wayne County, Michigan as recorded in Liber 28 of Plats, Page 20, Wayne County Records;

Provided, That satisfactory arrangements are made with AT&T, Inc., DTE Energy Company and Michigan Consolidated Gas Company for the cost of removing and/or rerouting service to customers, and that following the removal and/or rerouting of utilities all temporary easements as described above will be vacated upon the petitioner providing new easements for the utilities, as required; and be it further

Resolved, All of the public streets and alleys herein described in this resolution are subject to the following provisions:

Provided, The vacation of the public streets and alleys herein described in this resolution shall become effective at the time the petitioner, its heirs or assigns, possesses the appropriate rights, title, and interest in the adjoining properties; and further

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

April 23, 2012

Honorable City Council:

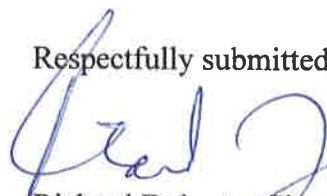
RE: Petition No. 3941 – Detroit Gateway Park Outlet Mall, LLC requesting vacation of street and alley rights-of-way within the project boundaries Kenneth, Ralston, Winchester, Colton, Alameda, etc.

Petition No. 3941 of “Detroit Gateway Park Outlet Mall LLC), request the outright vacation of certain rights-of-way within the block bounded by West Eight Mile, 204 feet wide, Winchester Avenue, 50 feet wide, Woodward Avenue, 204 feet wide, and Ralston Avenue, 32 feet wide. This request is necessary to facilitate the development of the Shops at the Detroit’s Gateway Park Site.

However, the resolution has an incorrect legal description of the vehicular easement driveway (**all corrections in bold print and underlined**).

An appropriate resolution, correcting the legal description language, is attached for consideration by your Honorable Body.

Respectfully submitted,



Richard Doherty, City Engineer
City Engineering Division – DPW

NRP/

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

RESOVLED, all that part of the East – West public alley, 18 feet wide, in the block bounded by Eight Mile Road, Alameda Avenue, Kenneth Avenue and Ralston Avenue lying Southerly of and abutting the South line of Lots 114 through 143, both inclusive, and lying Northerly of and abutting the North line of Lots 84 through 113, both inclusive, all in the “German’s Montrose-Park Subdivision” of all of Lots 1 & 2 of Subdivision of part of Sections 2 & 3 Greenfield Township (now City of Detroit) Wayne County, Michigan, description – Beginning at the intersection of Easterly line of Woodward Avenue and the Southerly line of Eight Mile Road. Thence East along said Southerly line of Eight Mile Road 1846.70 feet Thence South 0°12’ West, 451.55 feet thence North 89°45’ West, 1640.16 feet to said Easterly line of Woodward Avenue thence North 24°40’ West along said Easterly line of Woodward Avenue 489.24 feet to the Point of Beginning, as recorded in Liber 29 Page 83, Plats, Wayne County Records;

Also, All that part of the East – West public alley, 18 feet wide, in the block bounded by Eight Mile Road, Alameda Avenue, Kenneth Avenue, and Woodward Avenue, lying Southerly of and abutting the South line of Lots 144 through 160, both inclusive, and Lots 165 through 167, both inclusive, and lying Northerly of and abutting the North line of Lots 67 through 83, both inclusive, and the West 69.55 feet of Lot 63 all in the “German’s Montrose-Park Subdivision” of all of Lots 1 & 2 of Subdivision of part of Sections 2 & 3 Greenfield Township (now City of Detroit) Wayne County, Michigan, description – Beginning at the intersection of Easterly line of Woodward Avenue and the Southerly line of Eight Mile Road. Thence East along said Southerly line of Eight Mile Road 1846.70 feet Thence South 0°12’ West, 451.55 feet thence North 89°45’ West, 1640.16 feet to said Easterly line of Woodward Avenue thence North 24°40’ West along said Easterly line of Woodward Avenue 489.24 feet to the Point of Beginning, as recorded in Liber 29 Page 83, Plats, Wayne County Records;

Also, All that part of the North – South public alley, 18 feet wide, in the block bounded by Woodward Avenue, Ralston Avenue, Eight Mile Road and Alameda Avenue, lying Westerly of and abutting the West line of Lots 167, 168, and 63, and lying Easterly of and abutting the East line of Lots 58 through 62, both inclusive, and Lots 169 through 179, both inclusive, all in the “German’s Montrose-Park Subdivision” of all of Lots 1 & 2 of Subdivision of part of Sections 2 & 3 Greenfield Township (now City of Detroit) Wayne County, Michigan, description – Beginning at the intersection of Easterly line of Woodward Avenue and the Southerly line of Eight Mile Road. Thence East along said Southerly line of Eight Mile Road 1846.70 feet Thence South 0°12’ West, 451.55 feet thence North 89°45’ West, 1640.16 feet to said Easterly line of Woodward Avenue thence North 24°40’ West along said Easterly line of Woodward Avenue 489.24 feet to the Point of Beginning, as recorded in Liber 29 Page 83, Plats, Wayne County Records;

Also, all that part of the North – South public alley, 18 feet wide, in the block bounded by Woodward Avenue, Ralston Avenue, Alameda Avenue and Colton Avenue lying Westerly of and abutting the West line Lot 51 and lying Easterly of and abutting the East line of Lots 52 through 57, both inclusive, all in the “German’s Montrose-Park Subdivision” of all of Lots 1 & 2 of Subdivision of part of Sections 2 & 3 Greenfield Township (now City of Detroit) Wayne County, Michigan, description – Beginning at the intersection of Easterly line of Woodward Avenue and the Southerly line of Eight Mile Road. Thence East along said Southerly line of Eight Mile Road 1846.70 feet Thence South 0°12’ West, 451.55 feet thence North 89°45’ West, 1640.16 feet to said Easterly line of Woodward Avenue thence North 24°40’ West along said Easterly line of Woodward Avenue 489.24 feet to the Point of Beginning, as recorded in Liber 29 Page 83, Plats, Wayne County Records; And lying Westerly of and abutting the West line of Lot 177 and lying Easterly of and abutting the East line of Lots 1 through 6, both inclusive, all in the “State Fair Subdivision No. 2” of Lots 3 & 4 of Subdivision of that part of Section 3 lying Northeast of the Saginaw Turnpike, and the North part of the West ½ of the Northwest ¼ Section 2, T.!S., R.11E. Greenfield Township (now City of Detroit) Wayne County, Michigan as recorded in Liber 28, Page 20, Plats, Wayne County Records;

Also, all that part of the North – South public alley, 18 feet wide, in the block bounded by Woodward Avenue, Ralston Avenue, Colton Avenue and Winchester Avenue lying Westerly of and abutting the West line of Lots 97 and 98, and lying Easterly of and abutting the East line of Lots 7 through 18, both inclusive, all in the “State Fair Subdivision No. 2” of Lots 3 & 4 of Subdivision of that part of Section 3 lying Northeast of the Saginaw Turnpike, and the North part of the West ½ of the Northwest ¼ Section 2, T.!S., R.11E. Greenfield Township (now City of Detroit) Wayne County, Michigan as recorded in Liber 28, Page 20, Plats, Wayne County Records;

Also, all that part of Kenneth Avenue, 50 feet wide, between Eight Mile Road and Alameda Avenue lying Westerly of and abutting the West line of Lot 143 and lying Easterly of and abutting the East line of Lot 144 all in the “German’s Montrose-Park Subdivision” of all of Lots 1 & 2 of Subdivision of part of Sections 2 & 3 Greenfield Township (now City of Detroit) Wayne County, Michigan, description – Beginning at the intersection of Easterly line of Woodward Avenue and the Southerly line of Eight Mile Road. Thence East along said Southerly line of Eight Mile Road 1846.70 feet Thence South 0°12’ West, 451.55 feet thence North 89°45’ West, 1640.16 feet to said Easterly line of Woodward Avenue thence North 24°40’ West along said Easterly line of Woodward Avenue 489.24 feet to the Point of Beginning, as recorded in Liber 29 Page 83, Plats, Wayne County Records;

Also, all that part of Alameda Avenue, 50 feet wide, between Woodward Avenue and Ralston lying Southerly of and abutting the South line of Lot 58 and lying Northerly of and abutting the North line of Lot 57 all in the "German's Montrose-Park Subdivision" of all of Lots 1 & 2 of Subdivision of part of Sections 2 & 3 Greenfield Township (now City of Detroit) Wayne County, Michigan, description – Beginning at the intersection of Easterly line of Woodward Avenue and the Southerly line of Eight Mile Road. Thence East along said Southerly line of Eight Mile Road 1846.70 feet Thence South 0°12' West, 451.55 feet thence North 89°45' West, 1640.16 feet to said Easterly line of Woodward Avenue thence North 24°40' West along said Easterly line of Woodward Avenue 489.24 feet to the Point of Beginning, as recorded in Liber 29 Page 83, Plats, Wayne County Records;

Also, all that part of Colton Avenue, 50 feet wide, between Woodward Avenue and Ralston Avenue lying Southerly of and abutting the South line of Lot 6 and lying Northerly of and abutting the North line of Lot 7 all in the "State Fair Subdivision No. 2" of Lots 3 & 4 of Subdivision of that part of Section 3 lying Northeast of the Saginaw Turnpike, and the North part of the West ½ of the Northwest ¼ Section 2, T.1S., R.11E. Greenfield Township (now City of Detroit) Wayne County, Michigan as recorded in Liber 28, Page 20, Plats, 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 water mains and sewers are abandoned in accordance with plans approved by DWSD and under DWSD's permit and inspection; and further

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 area of outright vacation, and further

RESOLVED, All that part of the North – South public alley, 10.00 feet wide, between West Eight Mile Road, and The first East - West vacated alley south of vacated Winchester Avenue lying Easterly of and abutting the East line of Lots, 114,113, and 1 all in the "German's Montrose-Park Subdivision" of all of Lots 1 & 2 of Subdivision of part of Sections 2 & 3 Greenfield Township (now City of Detroit) Wayne County, Michigan, description – Beginning at the intersection of Easterly line of Woodward Avenue and the Southerly line of Eight Mile Road. Thence East along said Southerly line of Eight Mile Road 1846.70 feet Thence South 0°12' West, 451.55 feet thence North 89°45' West, 1640.16 feet to said Easterly line of Woodward Avenue thence North 24°40' West along said Easterly line of Woodward Avenue 489.24 feet to the Point of Beginning, as recorded in Liber 29 Page 83, Plats, Wayne County Records; And lying Easterly of and abutting the East line of Lots 137, 136, 61 and 60 all in the "State Fair Subdivision No. 2" of Lots 3 & 4 of Subdivision of that part of Section 3 lying Northeast of the Saginaw Turnpike, and the North part of the West ½ of the Northwest ¼ Section 2, T.1S., R.11E. Greenfield Township (now City of Detroit) Wayne County, Michigan as recorded in Liber 28, Page 20, 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 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 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 street herein above described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or poles or things usually placed or installed in a public 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

WHEREAS, The Detroit Gateway Park Outlet Mall LLC (petitioner) and/or property owner has submitted an drawing detailing an vehicular easement driveway to be used for the property owner along West Eight Mile Road to access the rear of property to the remaining portion of the open public alley. This vehicular easement driveway is to remain in place until the said property owner either sales the property to the Detroit Gateway Park Outlet Mall LLC or request to have this remaining portion of alley closed; and

RESOLVED, That your Honorable Body authorized the acceptance of the following described easement over property owned by The Detroit Gateway Park Outlet Mall LLC, subject to the approval of the Traffic Engineering Division – DPW and/or City Engineering Division – DPW and any other public or privately owned utility company, if necessary;

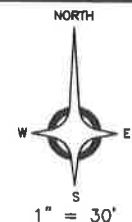
A permanent ingress and egress easement, part of Lots 159, 160 and a vacated alley of German's Montrose-Park Subdivision", all of Lots 1 and 2 of Subdivision of Part of Section 2 and 3, Town 1 South, Range 11 East, City of Detroit, Wayne County Michigan, as recorded in Liber 29 of Plats, Page 83, Wayne County Records, being described as:

Commencing at the Northeast corner of Section 3, thence due South 33.00 feet to the North line of "German's Montrose-Park Subdivision" and the South line of Eight Mile Road; thence due West 81.71 feet along the South line of Eight Mile Road to the Point of Beginning; thence Southerly along a non-tangent curve concave to the East having a central angle of 25°57'22", a radius of 35.00 feet, an arc distance of 15.86 feet and whose chord bears South 22°26'36" West 15.72 feet; thence South 9°27'54" West 54.37 feet; thence Southerly along a tangent curve concave to the East having a Central angle of 9°9'52", a radius of 200.00 feet, an arc distance of 31.99 feet and whose chord bears South 4°52'58" West 31.96 feet; thence South 0°18'02" West 51.48 feet to the South line of a vacated alley; thence North 89°45'41" West 44.07 feet along the South line of a vacated alley; thence due North 18.00 feet to the North line of a vacated alley and the corner common to Lots 160 and 161; Thence South 89°45'41" East 14.16 feet along the South line of Lot 160; thence North 0°18'02" East 33.51 feet; thence Northerly along a tangent curve concave to the East having a central angle of 9°9'52", a radius of 230.00 feet, an arc distance of 36.79 feet and whose chord bears North 4°52'58" East 36.75 feet; thence North 9°27'54" East 42.31 feet; thence Northerly along a tangent curve concave to the West having a central angle of 15°52'25", a radius of 50.00 feet, an arc distance of 13.85 feet and whose chord bears North 1°31'42" East 13.81; thence Northerly along a non-tangent curve concave to the West having a central angle of 18°22'54", a radius of 25.00 feet, an arc distance of 8.02 feet and whose chord bears North 15°35'58" West 7.99 feet to the South line of Eight Mile Road; thence due East 39.36 feet along the South line of Eight Mile Road to the Point of Beginning. Containing 4,881 square feet or 0.11 Acres, more or less

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

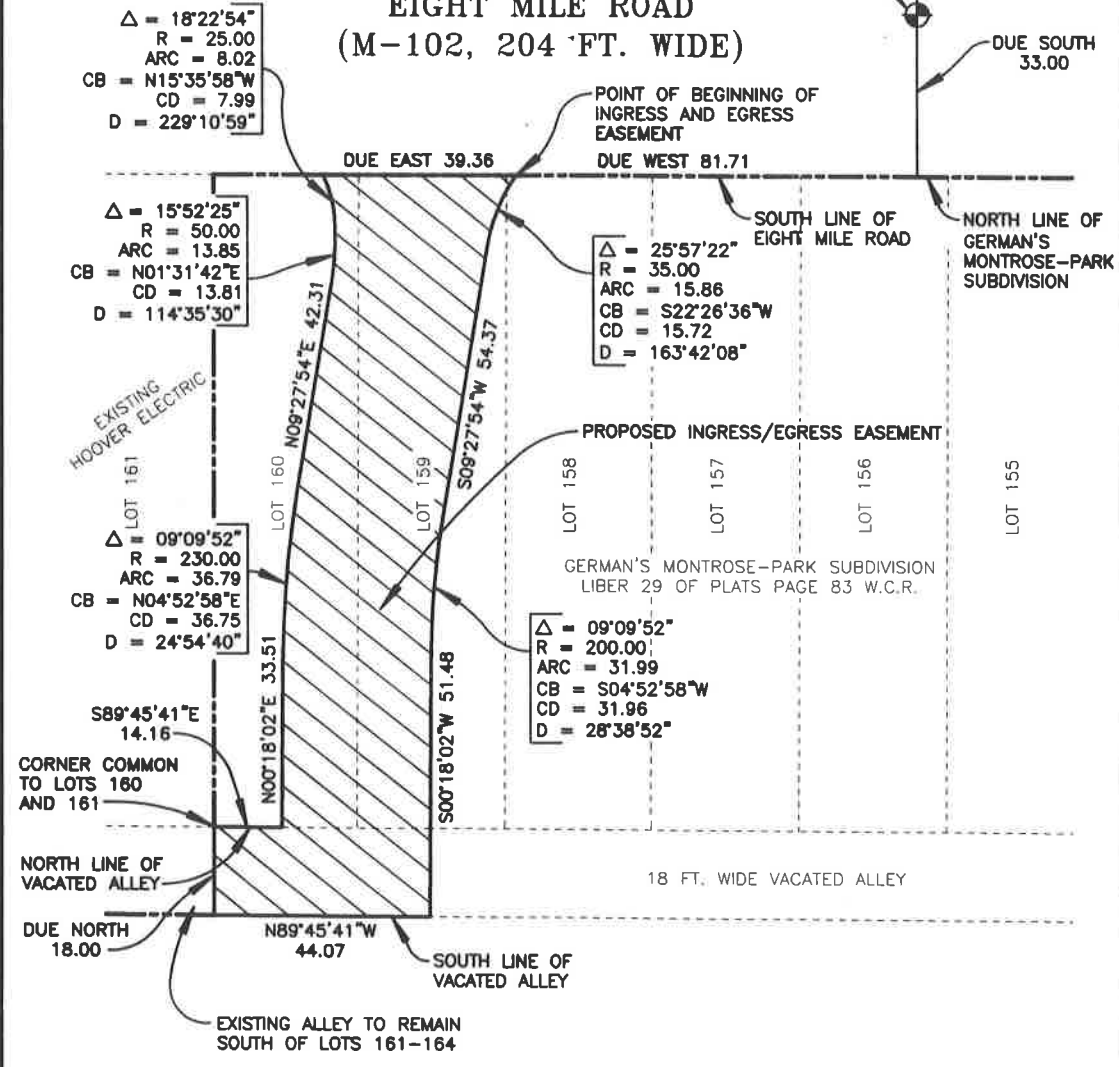
ANDERSON, ECKSTEIN AND WESTRICK, INC.
 81301 SCHOENHERR ROAD
 SHELBY TWP., MI, 48315
 PHONE: (588) 726-1234
 FAX: (588) 726-8780
 aewinc@aewinc.com
 www.aewinc.com

EASEMENT EXHIBIT "A"



NORTHEAST CORNER
 SECTION 3, T.1S., R.11E.,
 CITY OF DETROIT,
 WAYNE COUNTY, MI

EIGHT MILE ROAD (M-102, 204 FT. WIDE)



G:\1122\0096-0019\DWG\SURVEY\WEST-INGRESS-EGRESS-BMI.DWG LAYOUT: Model 4/4/2012 11:52 AM

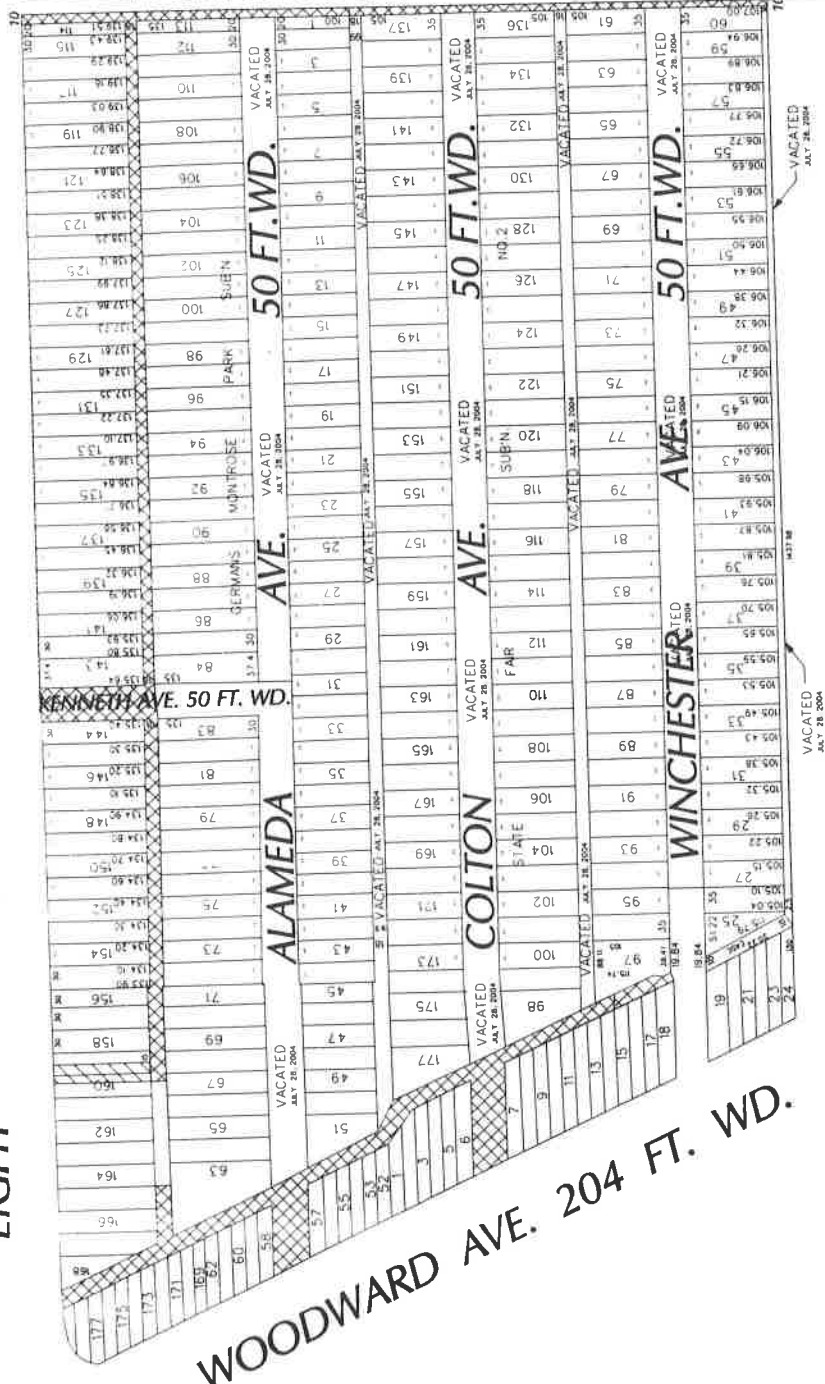
GRANTEE (TO): <u>CITY OF DETROIT</u>		PARCEL I.D. NO.: _____	
ADDRESS: <u>65 CADILLAC SQUARE</u>		GRANTOR (FROM): <u>DETROIT GATEWAY PARK OUTLET MALL, LLC</u>	
CITY, ST., & ZIP: <u>DETROIT, MI 48226</u>		ADDRESS: <u>ONE TOWN SQUARE, SUITE 1800</u>	
SEC: 2 CITY OF DETROIT COUNTY: WAYNE		CITY, ST., & ZIP: <u>SOUTHFIELD, MI 48076</u>	
DRAWN BY: JJG CHECKED BY: SVP SCALE: 1"=30'		AEW NO.: 0096-0019 BOOK NO.: 2840	
SHEET 1 OF 2 DRAWING NAME: WEST-INGRESS-EGRESS-BMI.DWG		EASEMENT NO.: _____ PLOT DATE: 02/27/12	
REVISED 04/04/12			

PETITION NO. 3941
 DETROIT GATEWAY PARK OUTLET MALL, LLC
 2254 CAMEO LAKE DRIVE
 BLOOMFIELD HILLS, MICHIGAN 48302
 C/O BERNARD S. SCHOTT
 PHONE NO. 248 535 2775



EIGHT MILE ROAD 204 FT. WD.

RALSTON AVE. 30 FT. WD.



- DEDICATED VEHICULAR EASEMENT
- OUTRIGHT VACATION

(FOR OFFICE USE ONLY)

CARTO 27 A & B

B					
A					
	DESCRIPTION	DRWN	CHKD	APPD	DATE
REVISIONS					
	DRAWN BY	CHECKED			
	DATE	APPROVED			
	1-21-10				

**REQUEST FOR VACATION
 OF STREETS AND ALLEYS
 IN AREA BOUND BY
 8 MILE RD., RALSTON, WOODWARD**

**CITY OF DETROIT
 CITY ENGINEERING DEPARTMENT
 SURVEY BUREAU**

JOB NO. 01-01

DRWG. NO. X3941.dgn