

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Vivian A. Hudson
Deputy City Clerk

DEPARTMENTAL REFERENCE COMMUNICATION

Monday, February 27, 2012

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

2221 *Lormax Stern, requesting release of easements conflicting with the construction of a Meijer's store in the area of Grand River, Burgess, Verne and West McNichols.*

carbo 113c

February 21, 2012

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

And

Mr. Brian Ellison
Business Advocate
Buildings, Safety Engineering and Environmental Dept.
Coleman A. Young Municipal Center
2 Woodward - Room 407
Detroit, Michigan 48226

2012 FEB 23 P 4: 11
DETROIT
CITY CLERK

Re: Petition for vacation of easements.

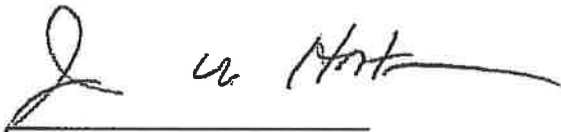
Ladies and Gentlemen:

We are under contract with Meijer, Inc. to redevelop the captioned property for a Meijer store. In December, 2011, the property was rezoned by the City Council for a Planned Development for a Meijer store and related facilities. Our closing is imminent, subject to vacation of the following easements which conflict with proposed buildings and other improvements in the Meijer PD Site Plan:

1. Easements reserved in the streets and alleys vacation resolution enacted by the City and recorded in Liber 18596, Page 8 of Wayne County Records on April 11, 1973.
2. Easement No 74-10 recorded in Liber 19183, Page 876 of Wayne County Records on August 27, 1975.
3. Easements reserved in the streets and alleys vacation resolution enacted by the City and recorded in Liber 21402, Page 572 of Wayne County Records on May 28, 1982.

Very truly yours,

LORMAX STERN – DETROIT DEVELOPMENT COMPANY, LLC



Jason M Horton
Member and Authorized Agent

1847883

By Councilman Eberhardt:
Resolved, That all that part of
Bentley Avenue, 30 feet wide, north
of Verna Avenue, abutting the westerly
line of lot 25, and 200 feet alley at
the rear of lot 25 of the Grand River
Suburban Subdivision of part of the
north 1/2 of Section 18, T. 1 S., R.
10 E., Macfarland Township and Village
Wayne County, Michigan, as recorded
in Liber 25, Page 16, Flats, Wayne
County records also.

All of the remaining 18 feet wide
alleys in the block bounded by Chapin,
Westbrook, Verna and Grand River
Avenues situated in the above men-
tioned subdivision and as indicated
to the City of Detroit on January 19,
1927, and location being described
as: "a portion of the N.W. 1/4 of Sec-
tion 18, T. 1 S., R. 10 E., described as
follows: beginning at the south-
west corner of lot 20 of Grand
River Suburban Subdivision of part
of the N. 1/2 of Section 18, T. 1 S.,
R. 10 E., as recorded in Liber 25,
Page 16, of Flats, of Wayne County
records; thence along the westerly
line of said Grand River Suburban
Subdivision S. 00 deg. 00 min. 00 sec.
W. 678.86 feet to a point on the
northerly line of the 20 foot public
alley lying first northerly of Verna
Avenue, thence along said alley line
and said line extended S. 49 deg. 00
min. 15 sec. W. 314.45 feet to a point
thence along a line due North 0.00
feet to a point; thence along a line
N. 00 deg. 08 min. 35 sec. E. 904.45
feet to a point; thence along a line
being 10 feet westerly of and parallel
with the westerly line of said Sub-
division N. 00 deg. 08 min. 35 sec. E.
922.89 feet to a point; thence along
a line S. 89 deg. 40 min. 03 sec. E.
11.87 feet to the place of beginning".

Be and the same are hereby vac-
ated as a street and alleys to become
a part and parcel of the abutting
property, subject to the following:

An easement for subsurface public
utilities is hereby retained in the
north-south alley 20 feet wide, first
westerly of Westbrook Avenue and
north of Verna Avenue, lying westerly
of and abutting the westerly
line of lots 40 to 20 and the southerly
ten feet of lot 20 of the Grand River
Suburban Subdivision as recorded in
Liber 25, Page 16, Flats, Wayne County
records, which easement shall be sub-
ject to the following covenants and
agreements, uses, restrictions and
regulations, which shall be observed
by the owners of the lots abutting
on said alley and by their heirs, ex-
ecutors, administrators and assigns,
forever to wit:

FIRST, said owners hereby grant to
and for the use of the public a sub-
surface easement or right of way
under said vacated public alley here-
inafter described for the purpose of
maintaining, installing, repairing, re-
moving, or replacing public utilities
such as water mains, sewers, gas lines
or mains, telephone, electric light con-
duits or things usually placed or in-
stalled under a public alley in the
City of Detroit with the right to in-
gress and egress at any time to and
over said easement for the purpose
above set forth.

SECOND, 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 (except
retaining or partition walls which are
necessary) shall be built or placed
upon said easement, nor be it further
any change of surface grade made,
without prior approval by the De-
partment of Public Works.

THIRD, that if at any time in the
future the owners of any lots abut-
ting on said vacated alley shall re-
quest the removal and/or relocation
of any existing utilities in said easement,
such owners, upon whose prop-
erty the utilities are located shall
pay all costs incidental to such re-
moval and/or relocation, unless such
charges are waived by the utility
owners.

PROVIDED FURTHER, that if any
utility located or to be located in said
property shall break or be damaged
as a result of any action on the part
of the petitioner or assigns (by way
of illustration but not limitation),
such as storage of excessive weights
of materials or construction not in
accordance with Section 2, men-
tioned above, then in such event the
petitioner or assigns shall be liable
for all costs incidental to the repair
of such broken or damaged utility,
and be it further

RESOLVED, That Detroit Metro
Water Department be and is hereby au-
thorized to review the drawings for
the lateral sewer, to prepare the
necessary specifications and to issue
a permit to the Petitioner (No. 2018)
to cover the relocation by private
contract of an existing lateral sewer
in the north-south and east-west
alley south of Grand River Avenue
and west of Westbrook Avenue, and
be it further

RESOLVED, That the entire work
is to be performed in accordance
with plans and specifications ap-
proved by Detroit Metro Water De-
partment and constructed under the
supervision of the Inspection Section
of Detroit Metro Water Department,
and be it further

RESOLVED, That the Petitioner
grant to the City a satisfactory sewer
right of way covering the relocated
lateral sewer, and be it further

RESOLVED, That the entire cost
of the lateral sewer construction in-
cluding inspection, survey, and engi-
neering shall be borne by the Peti-
tioner, and be it further

RESOLVED, That the Petitioner
shall deposit with the Detroit Metro
City of Detroit, in advance of en-
gineering, inspection and survey
such amounts as that department
deems necessary to cover the cost of
these services, and be it further

RESOLVED, That the petitioner
furnish the Detroit Metro Water De-
partment a synthesis (MVAAS) re-
production of the sewer drawings
which were prepared for him by a
registered professional engineer, and
be it further

RESOLVED, That upon satisfac-
tory completion of the sewer con-
struction the sewer shall be City
property and become part of the City
sewer system.

WITNESSED by Councilmen Brown, Eber-
hardt, Henderson, Hood, Levin, Rogell,
Van Antwerp and President Kavlin

— A. —
Nays — None.

L-18596 PA 8

1847883

SEP 11 1973
DELRAND J. YOUNGBLOOD, Registrar of Deeds
WAYNE COUNTY, MICHIGAN 48228

G 27618

Easement No. 71-10
Filed B of E

L19183-876

AGREEMENT AND GRANT OF EASEMENT
FOR
WATER MAINS AND SEWERS

THIS AGREEMENT made and entered into this 21st day of October 1974, by and between the Board of Education of the School District of the City of Detroit, (5057 Woodward Avenue, Detroit, Michigan 48202), a Michigan public corporation and State agency, party of the first part; and the CITY OF DETROIT, a Michigan municipal corporation by and through its BOARD OF WATER COMMISSIONERS (735 Randolph Street, Detroit, Michigan), party of the second part; hereinafter sometimes referred to as the "BOARD".

W I T N E S S E T H:

WHEREAS, the party of the first part is the owner of all interests in the land from which the easement is to be created;

NOW, THEREFORE, the party of the first part for the consideration of the sum One Dollar (\$1.00), paid in hand by the party of the second part, the receipt thereof is hereby confessed and acknowledged, does hereby agree and covenant with the party of the second part as follows:

1. The party of the first part does hereby grant, convey and confirm unto the party of the second part an easement, twenty (20) feet wide, for the purpose of constructing, maintaining, operating, inspecting, replacing and/or repairing water mains and sewers and their appurtenances therein which said easement is described and shown in Exhibits "A", "B", and "C" attached hereto and made a part hereof. Said easement is located adjacent to the Radford Senior High School, 21431 Grand River Avenue, Detroit, Michigan 48219, being in the area generally bounded by Grand River Avenue, Chapel Avenue, Verno Avenue, and Westbrook Avenue.
2. The party of the first part hereby agrees that no building or structure, or any part thereof, of any nature whatsoever, shall be erected, constructed or permitted within the limits of the aforesaid easement set forth in Exhibits "A", "B", and "C" without the prior written approval of the BOARD, or its agent or agents, and that the easements shall be kept free at all times from any and all obstructions or obstacles, such as wells, fences, hedges, etc., which would impede free and easy access by the party of the second part and its necessary equipment to the said water mains, sewers and appurtenances; and that it will not alter the acceptable grades as noted on Exhibit "C" without the prior written approval of the BOARD, or its agent or agents, and if any building or structure is erected within the limits of said easement without the prior written approval of the BOARD, the party of the second part, or its agent or agents, are hereby

G 27618

RECORDED AUG 27 1975 AL 10 96
FOREST E. YOUNGBLOOD, Register of Deeds
WAYNE COUNTY, MICHIGAN 48226

L119183 pas 577

authorized to enter upon the said easement and dismantle and remove any and all parts of any building or structure, etc., as erected or constructed thereon; and further agrees to waive all claims for damages against the party of the second part or any agent or agents thereof due to trespass or damage resulting from such dismantling, or removal, and to reimburse the party of the second part for the costs involved. Restoration of dismantled and removed structures and obstructions shall be by the party of the first part.

3. The BOARD, or its agent or agents, reserves the right to install suitable permanent sewer or water main location guideposts over its facilities at reasonable intervals and at any points of deflection within said easement.
4. The party of the first part hereby grants and conveys to the BOARD all water pipes, water mains, sewers and underground equipment and appurtenances for sewer and water facilities together with all hydrants now installed or which may hereinafter be installed within the limits of the easement as described in this agreement.
5. The party of the first part agrees to indemnify and save harmless the City of Detroit, its officers, employees and agents from liability upon any and all claims for damages on account of this agreement, and shall assume the defense and bear all costs and expenses of all suits which may be brought against the City of Detroit, its officers, employees or agents by reason of this agreement; PROVIDED, however, that nothing contained herein may be construed as rendering the party of the first part liable for acts of negligence of the party of the second part, its officers, employees or agents, as well as all costs and expenses of all suits which may be brought against the City of Detroit for such acts of negligence.
6. The parties hereto shall comply with all applicable fair employment practices, laws and ordinances, and require similar compliance by all parties contracted with pursuant to this agreement. Failure to so comply or to require compliance may be considered a material breach of this agreement.

THIS AGREEMENT shall inure to and be binding upon the heirs, successors or assigns of both parties.

IN WITNESS WHEREOF, the parties hereto have set their names and affixed their seals as of the day and year first above written.

L19183 Pa. 878

WITNESSES:

CITY OF DETROIT, by its
BOARD OF WATER COMMISSIONERS

Harriet E. Abramsen
Harriet E. Abramsen

By:

Carrie J. Thompson
Carrie J. Thompson, President

Nancy Branson
Nancy Branson

By:

Ernest Cutroni
Ernest Cutroni, General Manager

Michael W. Korwin
ATTEST: Michael W. Korwin 7-29-75
Deputy City Clerk
BOARD OF EDUCATION
OF THE SCHOOL DISTRICT
OF THE CITY OF DETROIT

WITNESSES:

Eva L. Richey
Eva L. Richey

By:

Cornelius L. Gollightly
Cornelius L. Gollightly, President

Dorothy M. Rounselle
Dorothy M. Rounselle

By:

Sylvia B. Morosan
Sylvia B. Morosan, Assistant Secretary

Prepared By:

R. R. Sogga
1010 City-County Building
Detroit, Michigan 48226

Approved as to Form
By: John L. Perenicis
John L. Perenicis - Attorney

CITY OF DETROIT
Leon H. Michison
Leon H. Michison, Director
Purchasing Div., Finance Dept.

JAN 27 1975

APPROVED AS TO FORM AND EXECUTION
UPON EXECUTION BY CERNICHO DIRECTOR
John L. Perenicis
CERNICHO DIRECTOR

Pls. return: Board of Water Commissioners
506 Water Board Building
Detroit, MI 48226 (H. Abramsen)

Department of Public Works
March 10, 1982
Honorable City Council
Re: Petition No. 4348 of Detroit Board of Education, Vacation and Conversion to easement of the streets and alleys in the area bounded by Grand River, Burgess, Verne and West McMillan.

The above petition requests the vacation and conversion of the streets and alleys in the above described area. The requested vacation and conversion easement for public utilities was approved by Community and Economic Development Department. The petition was then referred to the Investigation and Report. Our report, accompanied by the original petition is as follows:

The petitioner has issued the following purchase orders which have been credited to the departments and accounts named, for the purposes indicated:

Water and Sewerage Department - Purchase Order No. 20088 \$1,800.00 for estimated cost of abandoning 30 water service connections in Burgess and Chapel Avenues, Public Lighting Department - Purchase Order No. 2335 \$165,432.00 the estimated cost to remove and relocate Public Lighting facilities in the area.

The petitioner has requested that the paved gutters at the entrance to the streets and alleys to be vacated be removed by the Board's contractor. The DPW has no objection provided the work is done under City permit and in accordance with the vacating resolution for the Public Lighting Department for the maintenance of overhead lines located in the public right-of-way to be vacated. Proper provisions are incorporated into the vacating resolution protecting the City's interest in sewers located to be located in the east-west public alley to be vacated.

All other involved city departments and privately-owned utility companies reported that they have no objection to the proposed vacation or that they have reached satisfactory agreements with the petitioner regarding their installations therein.

Respectfully submitted,
LOUIS W. HILL
City Engineer

Approved: JAMES W. WATTS
Director

By Council Member Ravitz
Resolved, That all that part of Chapel Avenue, 10 feet wide, lying between and abutting the north line of Verne Avenue and the south line of West McMillan Road as platted in the Cherry Subdivision of part of the north 18 acres of the east 50 acres of the Section 14, T14 S, R10 E, Redford Village, Wayne County, Michigan, as recorded in Liber 24, Page 79, Plats, Wayne County records.

And the same is hereby vacated as a public street and is hereby converted into a public easement for subsurface utilities of the full width of the street, 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 street and by their heirs, executors, administrators and assigns, forever to wit:

First, said owner hereby grants to and for the use of the public an easement right-of-way over subsurface utilities said vacated public street hereinabove described for the purpose of maintaining, installing, replacing, removing, or repairing public utilities such as water mains, sewers, gas lines or cables, telephone, electric light, conductor lines usually placed or installed in a public street in the City of Detroit as any time to and over said easement for the purpose above set forth.

Second, said owner for their heirs and assigns further grants to the building or structure of any nature whatsoever including but not limited to concrete slabs or driveways, retaining or foundation walls, retaining structures, fences, gates or other structures, or any other structure, or any other utility, upon whose property the poles or other utilities are located shall pay all costs incidental to their removal and/or relocation, unless such charges are waived by the utility owners.

Provided further, that if any utility poles or other utilities are located on property to be located in said property, shall be broken or damaged as a result of any action on the part of the petitioner or assigns the way of illustration but not limitation, such as storage of excessive weights of materials or construction not in accordance with Section 2, mentioned above, then in such event the petitioner or assigns shall be liable for all costs incidental to the repair of such broken or damaged sewer, and shall also be liable for all claims for damages from his action.

Accepted as follows:
Yuan - Council Members Cleveland, Collins, Eberhard, Hoard, Kelly, Labandy, Peoples, Ravitz, and President Henderson - 8
Nays - None.

Department of Public Works
City Engineering Division
March 11, 1982
Honorable City Council
Re: Petition No. 4348, McDonald Ford-East 1808 Mack Lincoln Mercury Conversion to Easement of the East-West Alleys in the Block bounded by Blaine, Burgess, Mack and Rosewood Avenues.

The above petition requests the conversion of the above described public alleys, 18 and 24 feet wide, into easements for public utilities. The requested conversion into easements for public utilities was approved by the Community and Economic Development Department. The petition was then referred to the Investigation and Report. Our report, accompanied by the original petition is as follows:

Resolved, That all that part of the east-west public alley, 18 feet wide, in the block bounded by Burgess, Chapel, Verne and West McMillan abutting the rear line of Lots 1 to 120, the entire width of alley having been platted in Lot 1 A, Miller's Subdivision in Redford Village in the N.W. 1/4 of Section 16 in T16 S, R10 E, Wayne County, Michigan, as recorded in Liber 24, Page 34, Plats, Wayne County records.

Resolved, That all that part of the east-west public alley, 18 feet wide in the block bounded by Burgess, Chapel, Verne and West McMillan abutting the rear line of Lots 1 and 2 of Lot 1 C, Miller's Subdivision as recorded in Liber 24, Page 34, Plats, Wayne County records.

And the same is hereby vacated as a public alley to become a part of the abutting property, subject to the following provisions:

Provided, That by reason of the vacation of the above property, the City of Detroit does not waive any rights to the sewer located or to be located therein, and, at all times, shall have the right to enter upon the premises, if found necessary to repair said sewer, after service or install same, and further:

Provided, That no building shall be constructed over said sewer without the prior approval of such building construction by the Sewer Services Section of the Water and Sewerage Department and the Department of Building and Safety Engineering; and further:

Provided, In the event that the sewer located or to be located in said property shall break, causing damage to any construction, property or materials above, the petitioners and their assigns, by acceptance of the permit for construction over said sewer, waive all claims for damages, and further:

Provided, That if the sewer located or to be located in said property shall break or be damaged, as a result of any action on the part of the petitioner, or assigns (by way of illustration but not limitation, such as storage of excessive weights of materials, or any construction not in accordance with Provision 2, mentioned above, then in such event, the petitioner or assigns shall be liable for all costs incidental to the repair of such broken or damaged sewer, and shall also be liable for all claims for damages from his action.

Accepted as follows:
Yuan - Council Members Cleveland, Collins, Eberhard, Hoard, Kelly, Labandy, Peoples, Ravitz, and President Henderson - 8
Nays - None.

The petitioner has made the following deposit with the City Treasurer, which has been credited to the department and account named, for the purposes indicated:

Department of Public Works - Inter-Sectional Fund \$157.00
For the original cost of paving Grayton and the west one-half of Harward Avenues at the intersection of the alleys to be vacated.

The petitioner has requested that the paved returns at the entrance to the alleys to be vacated remain in their present status as the petitioner plans to utilize same, and has agreed by letter furnished with the original petition to pay all costs incidental to the removal of same whenever the discontinuance of use makes such removal necessary.

All other involved city departments and privately-owned utility companies reported that they have no objections to the conversions of public right-of-way into easements provided that proper provisions are incorporated into the vacating resolution protecting their installation located therein.

The adoption of the attached resolution is recommended.
Respectfully submitted,
LOUIS W. HILL
City Engineer

Approved: JAMES W. WATTS
Director
By Council Member Ravitz
Resolved, That all that part of the east-west public alley, 18 feet wide, in the block bounded by Blaine, Grayton, Mack and Rosewood Avenues, abutting the southern line of the westerly 24.69 feet of Lot 5 and the easterly line of Lot 2, 3 and 4 and the easterly 20.81 feet of Lot 1, and the westerly 22.74 feet of Lot 6 all inclusive of Volkening, Overfield and Smith's Subdivision of the southern portion of Lot 4, P.O. 883, Township of Grosse Pointe, Wayne County, Michigan as recorded in Liber 24, Page 34, Plats, Wayne County records also:

All that part of the east-west public alley, 20 feet wide, in the block bounded by Grayton, Harward, Mack and Rosewood Avenues lying northerly of and abutting the northerly line of Lot 100 to 120 as platted in Arthur J. Souley's West Farm Subdivision of Lot 6, 1/2, the southerly 1/2 of Lot 18 and the part of Lot 7 lying north of Mack Avenue of the subdivision of the G.W. 1/2 of P.O. 884; also parts lying between Mack Avenue and Warren Avenue of Lots 4 and 5 of the subdivision of P.O. 883, also part of the east 37.14 feet of said Lot 4 lying north of Warren Avenue all in the City of Detroit, Wayne County, Michigan, as recorded in Liber 20, Page 24, Plats, Wayne County records.

And the same are hereby vacated as public alleys and are hereby converted into public easements of the full width of the alleys, which easements shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of the lots abutting on said alleys and by their heirs, executors, administrators and assigns, forever to wit:

STATE OF MICHIGAN } SS. G664887
CITY OF DETROIT } SHORT FORM - TRUE COPY CERTIFICATE

I, JAMES H. BRADLEY, 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 14, 1982 and approved by the Mayor on April 27, 1982 as appears from the Journal of said City Council, on file in my office.

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

May 28, 1982

James H. Bradley
City Clerk
JAMES H. BRADLEY

6664887
MAY 28 1982
CORSEY E. VONHORN, CLERK
WAYNE COUNTY, MICHIGAN 48224

1214021A572

G664887



April 16, 2012

Honorable City Council:

RE: Petition No. 2221 - Lormax Stern, requesting release of easements conflicting with the construction of a Meijer's store in the area of Grand River, Burgess, Vern and West McNichols.

Petition No. 2221 "Lormax Stern", whose address is 6755 Daly Road, West Bloomfield, Michigan 48322, request the outright vacation of Chapel Avenue, 50 feet wide, (previously converted into an subsurface easement on April 14, 1982 - J.C.C. Pages 905-06) and the remaining portion of the north - south public alley, 18.00 feet wide, (previously converted into an easement on August 28, 1973 - J.C.C. Pages 2206-07) all in the block bounded by West McNichols Road, 120 feet wide, Vern Avenue, 50 feet wide, Burgess Avenue, 50 feet wide, and Westbrook Avenue, 50 feet wide. This outright vacation is needed in order to make the site a build able parcel of land to develop and/or construct the Meijer's Store.

The request was approved by the Planning and Development Department, the Solid Waste Division - DPW, and the Traffic Engineering Division - DPW. The petition was referred to the City Engineering Division - DPW for investigation (utility clearance) and report. This is our report.

Detroit Water and Sewerage Department (DWSD) report a sewer and a water main within Chapel Avenue and sewer within the request north - south alley. However, DWSD has no objection if the petitioner agrees to relocate the sewers and water mains in accordance with the attached provisions for sewer relocation at no cost to DWSD.

DTE Energy Gas Division, report existing 16-inch gas main located within the requested outright vacation portion of Chapel Avenue, DTE will terminate all further interest within said area when DTE has completed its relocation plan provided that a replacement easement is granted to DTE in the area where the 16-inch gas line is to be located.

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



I am recommending adoption of the attached resolution.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Richard Doherty".

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 north – south public alley, 20 feet wide, (previously converted into an easement on August 28, 1973 – J.C.C. Pages 2206-07) first Westerly of Westbrook Avenue and North of Vern Avenue, lying Westerly of and abutting the West line of Lots 40 to 50, both inclusive, and the Southerly ten feet of Lot 39 of the Grand River Suburban Subdivision as recorded in Liber 35, Page 16, Plats, Wayne County records;

Also, all that part of Chapel Avenue, 50 feet wide, lying between and abutting the north line of Vern Avenue and the south line of West McNichols Road as platted in the Cherry Subdivision of part of the north 15 acres of the east 30 acres of the Section 15, T.1S., R.10E., Redford Village, Wayne County, Michigan, as recorded in Liber 41, Page 79, 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 petitioner make satisfactory arrangements with any and all utility companies for cost of removing and/or relocating such services; and further

PROVIDED, that the Petitioner (Petition No. 2221) shall design and construct proposed sewers and water mains and to make the connections to the existing public sewers and water mains as required by the Detroit Water and Sewerage Department (DWSD) prior to construction of the proposed sewers and water mains, and further

PROVIDED, that the plans for the sewer and water mains shall be prepared by a registered engineer, and further

PROVIDED, that DWSD be and is hereby authorized to review the drawings for the proposed sewers and water mains and to issue permits for the construction of the sewers, 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 sewer and water mains 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 costs of these services; and further

PROVIDED, that the petitioner shall grant to the City a satisfactory easement for the sewers and water mains, 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 the petitioner shall provide DWSD with as-built drawings on the proposed sewers and water mains, and further

PROVIDED, that the petitioner shall provide a one (1) year warranty for the proposed sewers and water main, and further

PROVIDED, that upon satisfactory completion, the sewer and water mains shall become City property and become part of the City System, and any existing sewers and water mains that were abandon shall belong to the petitioner and will no longer be the responsibility of the City, and further

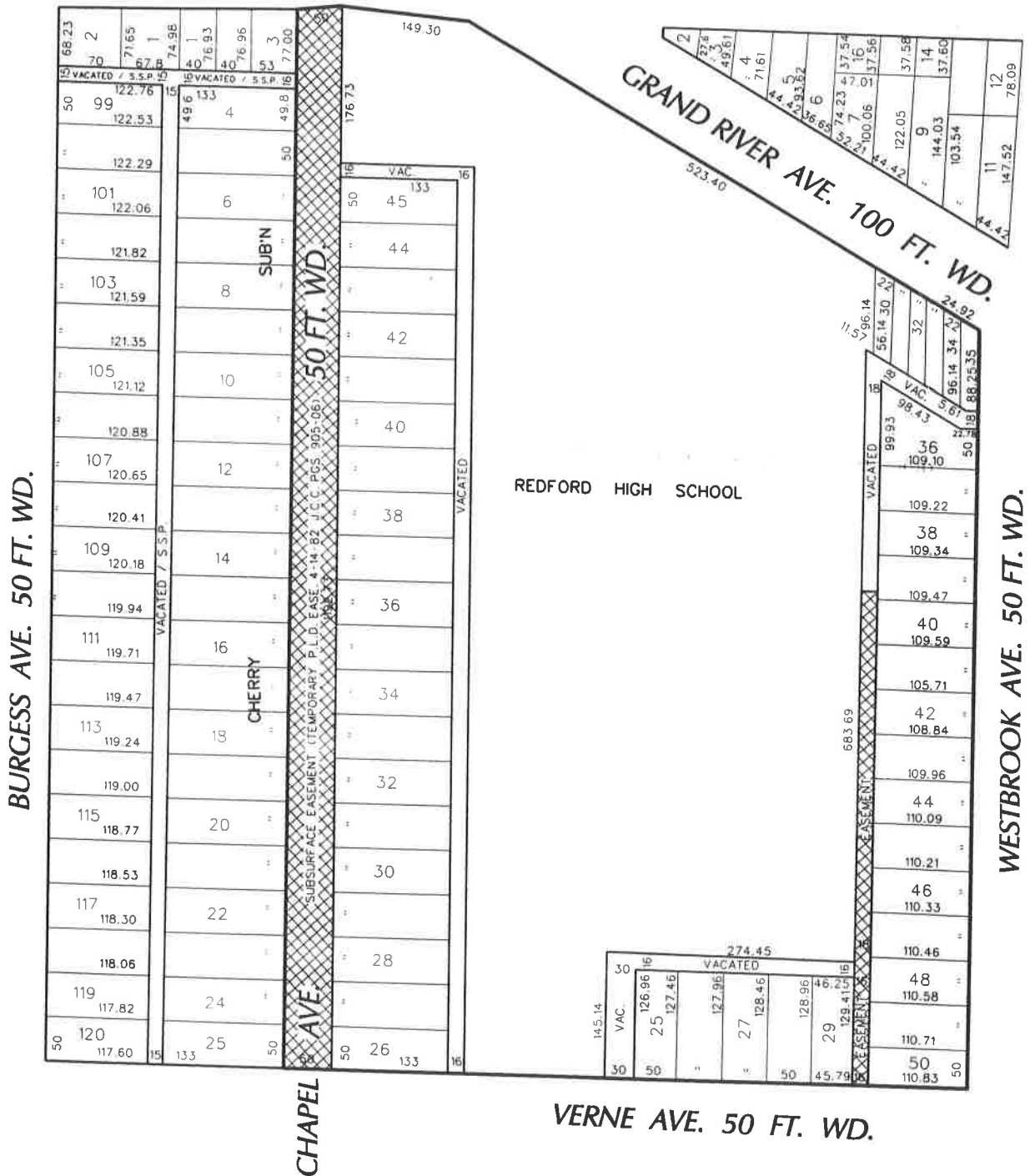
PROVIDED, that a replacement easement is granted to DTE in the area where the 16-inch gas line is to be relocated within from the petitioner and/or property owner, and further

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. 2221
 LORMAX STERN
 6755 DALY ROAD
 WEST BLOOMFIELD MICHIGAN 48322
 PHONE NO.: 248 737 4041
 FAX NO.: 248 737 5198
 C/O JASON M. HORTON



McNICHOLS ROAD 120 FT. WD.



- AREA TO OUTRIGHT VACATE

(FOR OFFICE USE ONLY)

CARTO 113 C

DESCRIPTION	DRWN	CHKD	APPD	DATE
REVISIONS				
DESIGNED BY	KSM			
CHECKED				
DATE	2-29-12			
APPROVED				

**REQUEST TO OUTRIGHT VACATE
 CERTAIN PUBLIC RIGHT OF WAYS
 IN AREA SOUTH OF McNICHOLS
 NORTH OF VERNE AND BETWEEN
 BURGESS AND WESTBROOK**

CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	X2221.dgn