

TERMINATION AND RELEASE OF EASEMENT

This Termination and Release of Easement (“Termination”) is made and executed this _____ day of _____, 2023, by the **CITY OF DETROIT**, through its Detroit Water and Sewerage Department, a Michigan municipal corporation (“the City”), whose address is 735 Randolph Street, Detroit, Michigan 48226.

R E C I T A L S

- A. The City currently has easement interests over lands located in the City of Detroit, County of Wayne, State of Michigan, pursuant to that certain Vacation and Conversion to Easement resolution, a copy of which is attached hereto as Exhibit A (“the Easement”).
- B. The water and sewer utilities that are the subject of the Easement solely serve the parcel in which the easement is located and the City wishes to release the Easement and convert the utilities from public assets to private ownership.

NOW, THEREFORE,

- 1. The undersigned does by the recording hereof terminate, waive and vacate the Easement identified above and attached hereto as Exhibit A.
- 2. The undersigned hereby confirms that the land previously encumbered by the Easement shall, upon the recording of this instrument, be held, conveyed, hypothecated, encumbered, leased, rented, occupied and improved, or in any other manner utilized, free from the benefits and provisions of the Easement.

CITY OF DETROIT, a Michigan municipal corporation

By: _____
Gary Brown, DWSD Director

[NOTARY ON FOLLOWING PAGE]

STATE OF MICHIGAN)
) SS
COUNTY OF WAYNE)

The foregoing instrument was acknowledged before me this _____ day of _____, 2023, by Gary Brown, Director of the Detroit Water and Sewerage Department, a department of the City of Detroit, a Michigan municipal corporation.

Notary Public, acting in Wayne County, Michigan

My commission expires _____

Approved as to form:

Jacob S. Bahri
Associate General Counsel
735 Randolph Street
Detroit, MI 48226
(313) 267-8000

DRAFTED BY AND WHEN RECORDED
RETURN TO:

Jacob S. Bahri
Detroit Water and Sewerage Department
735 Randolph Street
Detroit, MI 48226

STATE OF MICHIGAN)
) SS
COUNTY OF WAYNE)

The foregoing instrument was acknowledged before me this _____ day of _____, 2023, by Jacob Bahri, Associate General Counsel of the Detroit Water and Sewerage Department, a department of the City of Detroit, a Michigan municipal corporation.

Notary Public, acting in Wayne County, Michigan

My commission expires _____

EXHIBIT A

EASEMENT

6176701

By Council Member Eberhard:

RESOLVED, That all that part of Mark Twain Avenue, 60 feet wide, lying between and abutting the northerly line extended easterly of vacated Foley Avenue, 60 feet wide, and the southerly line of the C&O Railroad Right of Way, the westerly 33 feet of said Mark Twain having been platted in "Frischkorn's Grand River Farms" of the west 1/2 of the west 1/2 of the southeast 1/4 of Section 30, T.1S., R.11E., Greenfield Township, Wayne County, Michigan, as recorded in Liber 39, Page 64, Plats, Wayne County records; the easterly 27 feet of said Mark Twain having been platted in "Detloff Home Sites" being a subdivision of part of the east 1/2 of the west 1/2 of the southeast 1/4 of Section 30, T.1S., R.11E., Greenfield Township, Wayne County, Michigan, as recorded in Liber 57, Page 29, Plats, Wayne County records:

Be and the same is hereby vacated as a public street and is hereby converted into a public easement 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 owners hereby grant to and for the use of the public an easement or right of way over said vacated public street hereinabove 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 street 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 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 necessary line fence) shall be built or placed upon said easement, nor any change of surface grade made, without prior approval by the Environmental Protection and Maintenance Department.

THIRD, that if at any time in the future the owners of any lots abutting on said vacated street shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners, upon whose property the poles or other utilities are located shall pay all costs incidental to such removal 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, 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 utility, and be it further

RESOLVED, That the petitioner shall maintain the fire hydrants presently located at the northwest corner of vacated Foley Avenue and Mark Twain and on the west side of Mark Twain approximately 200 feet north of vacated Foley, also

RESOLVED, That the Fire Department shall have the right of ingress and egress to said hydrants at all times. No fence, materials or supplies shall be placed within 15 feet of said hydrant, also

RESOLVED, That if gates are placed across said vacated portion of Mark Twain they be equipped with break away locks to allow Fire Department entry at all times, and

RESOLVED, That the City Clerk is hereby directed to send a copy of this resolution to the Detroit Edison Company, the Michigan Bell Telephone Company, and the Michigan Consolidated Gas Company.

Adopted as follows:

Yeas — Council Members Browne, Cleveland, Eberhard, Henderson, Hood, Kelley, Rogell, and President Levin
— 8.
Nays — None.

LI19679PA 76

6176701

RECORDED MAR 16 1977 AT 10:00 AM
FOREST E. YOUNGBLOOD, Recorder of Deeds
WAYNE COUNTY, MICHIGAN 48226

STATE OF MICHIGAN)
CITY OF DETROIT) ss.

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 March 2, 1977 and approved by the Mayor on March 15, 1977 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

March 16, 1977

James H. Bradley
City Clerk



LEGAL DESCRIPTIONS

LEGAL DESCRIPTION – PARCEL A
(PER PEA GROUP)

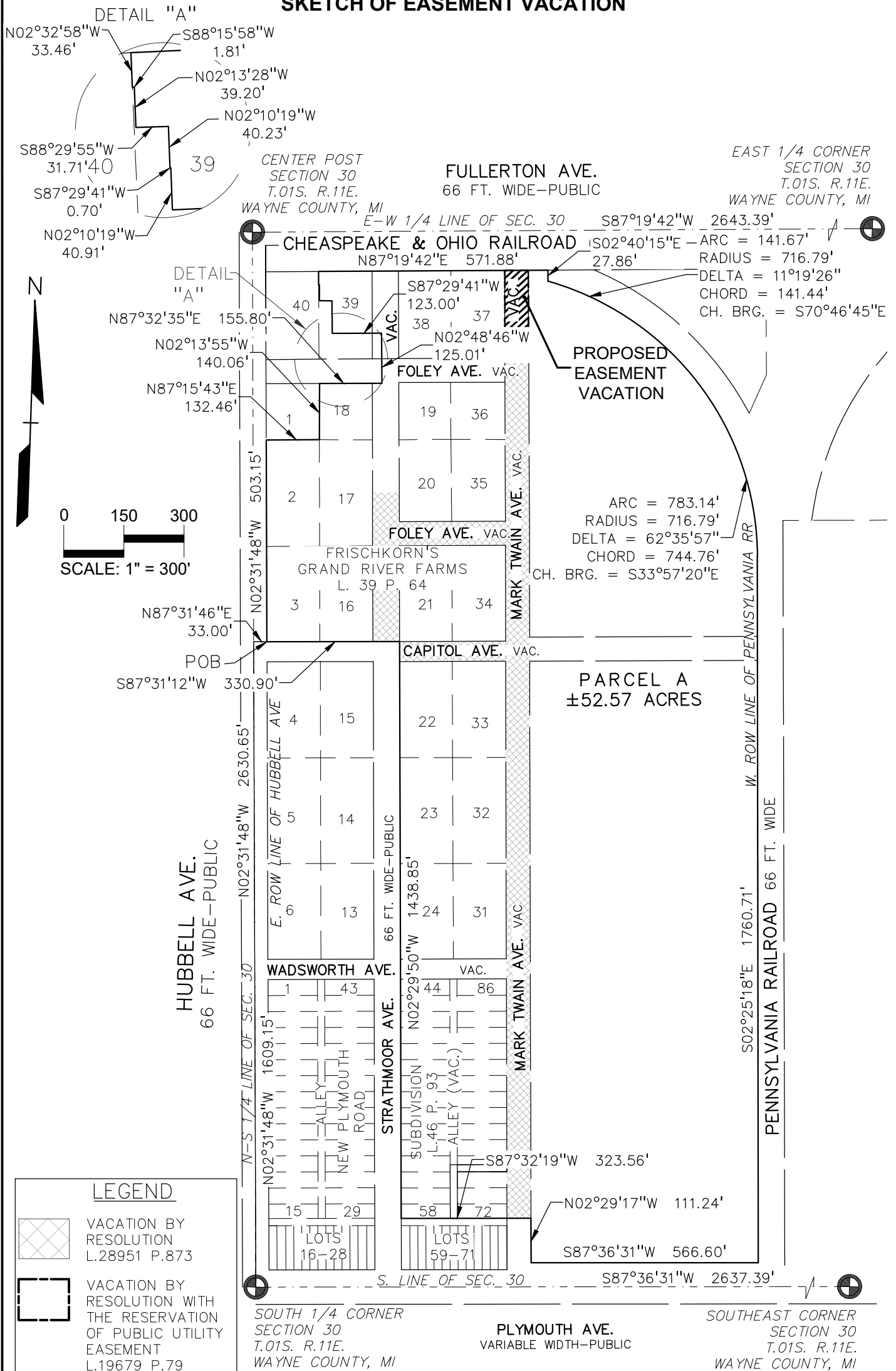
LAND SITUATED IN THE WEST 1/2 OF THE SOUTHEAST FRACTIONAL QUARTER OF SECTION 30, TOWN 1 SOUTH, RANGE 11 EAST, GREENFIELD TOWNSHIP, WAYNE COUNTY, MICHIGAN, BEING ALL OF LOTS 44–58, LOTS 72–86, AND 18' ALLEY BETWEEN LOTS 44–58 AND LOTS 72–86 OF NEW PLYMOUTH ROAD SUBDIVISION, ACCORDING TO LIBER 46, PAGE 93 OF PLATS, WAYNE COUNTY, MICHIGAN, ALSO BEING ALL OF LOTS 2–3, 16–24, LOTS 31–38, AND PART OF 39 OF FRISCHKORN'S GRAND RIVER FARMS, ACCORDING TO LIBER 39, PAGE 64 OF PLATS, WAYNE COUNTY MICHIGAN, AND BEING PARTS OF VACATED MARK TWAIN AVENUE (60' WIDE), WADSWORTH AVENUE (50' WIDE), CAPITOL AVENUE (60' WIDE), STRATHMOOR AVENUE (66' WIDE) AND FOLEY AVENUE (60' WIDE), AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION; THENCE ALONG THE NORTH–SOUTH 1/4 LINE OF SAID SECTION, ALSO BEING THE CENTERLINE OF HUBBELL AVENUE (66' WIDE) N02°31'48"W 1609.15 FEET; THENCE N87°31'46"E 33.00 FEET TO THE SOUTHWEST CORNER OF LOT 3 OF FRISKCHKORN'S GRAND RIVER FARMS SUBDIVISION, AS RECORDED IN LIBER 39, PAGE 64 OF PLATS, WAYNE COUNTY, MICHIGAN, ALSO BEING THE INTERSECTION OF THE NORTH LINE OF CAPITOL AVENUE AND THE EAST RIGHT–OF–WAY LINE OF HUBBELL AVENUE, TO THE **POINT OF BEGINNING**; THENCE N02°31'48"W 503.15 FEET ALONG SAID EAST LINE TO THE NORTHWEST CORNER OF LOT 2 OF SAID SUBDIVISION; THENCE ALONG THE NORTH LINE OF SAID LOT N87°15'43"E 132.46 FEET TO THE WEST LINE OF LOT 18 OF SAID SUBDIVISION; THENCE ALONG SAID LINE N02°13'55"W 140.06 FEET TO THE SOUTH RIGHT–OF–WAY LINE OF VACATED FOLEY AVENUE (60' WIDE); THENCE ALONG SAID LINE N87°32'35"E 155.80 FEET; THENCE N02°48'46"W 125.01 FEET; THENCE ACROSS LOT 39 OF SAID SUBDIVISION AND ALONG AN EXISTING BUILDING WALL THE FOLLOWING SIX (6) COURSES, S87°29'41"W 123.00 FEET, N02°10'19"W 40.91 FEET, S87°29'41"W 0.70 FEET, N02°10'19"W 40.23 FEET, S88°29'55"W 31.71 FEET, N02°13'28"W 39.20 FEET; THENCE S88°15'58"W 1.81 FEET TO THE WEST LINE OF LOT 39 OF SAID SUBDIVISION; THENCE ALONG SAID LINE N02°32'58"W 33.46 FEET TO THE SOUTH RIGHT–OF–WAY LINE CHESAPEAKE AND OHIO RAILROAD (66' WIDE); THENCE ALONG SAID LINE N87°19'42"E 571.88 FEET; THENCE ALONG THE WEST RIGHT–OF–WAY LINE OF THE PENNSYLVANIA RAILROAD (66' WIDE) THE FOLLOWING FOUR (4) COURSES, S02°40'15"E 27.86 FEET, 141.67 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 716.79 FEET, A CENTRAL ANGLE OF 11°19'26", AND CHORD BEARING S70°46'45"E 141.44, 783.14 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 716.79 FEET, A CENTRAL ANGLE OF 62°35'57", AND CHORD BEARING S33°57'20"E 744.76 FEET, S02°25'18"E, 1760.71 FEET TO THE NORTH RIGHT–OF–WAY LINE OF PLYMOUTH AVENUE (VARIABLE WIDE); THENCE ALONG SAID LINE S87°36'31"W 566.60 FEET TO THE EAST RIGHT–OF–WAY LINE OF MARK TWAIN AVENUE (60' WIDE); THENCE ALONG SAID LINE N02°29'17"W 111.24 FEET; THENCE ALONG THE SOUTH LINE OF LOTS 58 AND 72 AND THE EASTERLY EXTENSION OF SAID LOTS OF PLYMOUTH ROAD SUBDIVISION, AS RECORDED IN LIBER 46, PAGE 93 OF PLATS, WAYNE COUNTY, MICHIGAN, S87°32'19"W 323.56 FEET TO THE WEST RIGHT–OF–WAY LINE OF STRATHMOOR AVENUE (66' WIDE); THENCE ALONG SAID LINE N02°29'50"W 1438.85 FEET TO THE SOUTHWEST CORNER OF LOT 21 OF SAID FRISKCHKORN'S SUBDIVISION, ALSO BEING THE NORTH RIGHT–OF–WAY LINE OF CAPITOL AVENUE (50' WIDE); THENCE ALONG SAID LINE S87°31'12"W 330.90 FEET TO THE **POINT OF BEGINNING**; CONTAINING 52.57 ACRES OF LAND, MORE OR LESS.

THE DETROIT WATER AND SEWER EASEMENT TO BE VACATED LYING WITHIN THE VACATED MARK TWAIN AVENUE RIGHT–OF–WAY OF THE ABOVE DESCRIBED PARCEL, AND BEING MORE PARTICULARLY DESCRIBED AS:

ALL OF MARK TWAIN AVENUE (60 FEET WIDE, NOW VACATED), AS PLATTED IN FRISCHKORN'S GRAND RIVER FARM SUBDIVISION, AS RECORDED IN LIBER 39 OF WAYNE COUNTY PLATS, PAGE 64, LYING EAST OF AND ADJOINING THE EASTERLY LINE OF LOT 37, NORTH OF AND ADJOINING THE NORTHERLY LINE OF VACATED FOLEY AVENUE (60 FEET WIDE), AND LYING SOUTH OF AND ADJOINING THE SOUTHERLY LINE OF CHESAPEAKE & OHIO RAILROAD, ALL OF THE ABOVE MENTIONED SUBDIVISION.

SKETCH OF EASEMENT VACATION



LEGEND



VACATION BY
RESOLUTION
L.28951 P.873



VACATION BY
RESOLUTION WITH
THE RESERVATION
OF PUBLIC UTILITY
EASEMENT
L.19679 P.79



PROPOSED
VACATION OF
DWSD EASEMENT IN
L.19679 P.79

**NORTH POINT
DEVELOPMENT**
4825 NW 41ST STREET, STE #500
RIVERSIDE, MO 64150

SHEET 2 OF 3
AUGUST 18TH, 2023
2021-0543

PEA
GROUP

t: 844.813.2949
www.peagroup.com

SKETCH OF EASEMENT VACATION

CENTER POST
SECTION 30
T.01.S R.11E.
WAYNE COUNTY, MI

FULLERTON AVE.
66 FT. WIDE—PUBLIC

E-W 1/4 LINE



N-S 1/4 LINE

HUBBELL AVE. 66 FT. WIDE—PUBLIC

CHEASPEAKE & OHIO RAILROAD 66 FT. WIDE

S. ROW LINE OF CHESAPEAKE & OHIO RR

40

39

VAC.

38

37

60'

VAC.

PROPOSED VACATION OF
DETROIT WATER AND SEWER
DEPARTMENT EASEMENT

N. ROW LINE OF FOLEY AVE.

FOLEY AVE. VAC.

1

18

STRATHMOOR AVE. VAC.

19

36

MARK TWAIN AVE. VAC.

FRISCHKORN'S
GRAND RIVER FARMS
L. 39 P. 64

2

17

20

35

LEGEND



VACATION BY
RESOLUTION
L.28951 P.873



VACATION BY
RESOLUTION WITH
THE RESERVATION
OF PUBLIC UTILITY
EASEMENT
L.19679 P.79



PROPOSED
VACATION OF
DWSD EASEMENT IN
L.19679 P.79

N

0 50 100

SCALE: 1" = 100'

**NORTH POINT
DEVELOPMENT**
4825 NW 41ST STREET, STE #500
RIVERSIDE, MO 64150

SHEET 3 OF 3
AUGUST 18TH, 2023
2021-0543

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