

TRUE COPY CERTIFICATE

Form C of D-16-CE

STATE OF MICHIGAN, }
City of Detroit } ss.

CITY CLERK'S OFFICE, DETROIT

I, Janice M. Winfrey, City Clerk of the City of Detroit, in said

State, do hereby certify that the annexed paper is a TRUE COPY OF Resolution

adopted (passed) by the City Council at session of

May 24, 20 22

and approved by Mayor

May 31, 20 22

as appears from the Journal of said City Council in the office of the City Clerk of Detroit, aforesaid; that I have compared the same with the original, and the same is a correct transcript therefrom, and of the whole of such original.

In Witness Whereof, I have hereunto set my hand and affixed the corporate seal of said City, at

Detroit, this 24th

day of April A.D. 20 23

Janice M. Winfrey
CITY CLERK



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVE. SUITE 601
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June 24th, 2022

Honorable City Council:

RE: Petition No. 2022-205 – The Department of Public Works, on behalf of the Detroit City Airport, request to vacate to utility easement part of East McNichols Road bounded between French Road and Conner Street.

Petition No. 2022-205 – The Department of Public Works, on behalf of the Detroit City Airport, request to vacate to utility easement part of East McNichols Road, various width, bounded between French Road, 86 ft. wide, and Conner Street, various width.

The petition was referred to the City Engineering Division – DPW for investigation (utility review) and report. This is our report.

The request is made as part of an expansion and improvement of the Detroit City Airport.

The request was approved by the Solid Waste Division – DPW, and Traffic Engineering Division – DPW, and City Engineering - DPW.

Detroit Water and Sewerage Department (DWSD) has no objection provided certain provisions are met. The DWSD provisions are a part of the attached resolution.

All other involved City Departments, and privately owned utility companies have reported no objections. Provisions protecting utility installations are part of the attached resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

Richard Doherty, P.E., City Engineer
City Engineering Division – DPW

/JK

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

11/15/2022 10:15:00 AM

BY COUNCIL MEMBER _____

RESOLVED, That part of McNichols Road, 93 ft. wide, lying northerly of and adjacent to lots 30 through 40 and lots 86 through 101 and the westerly 18.09 ft. of lot 29, that part lying northerly of and adjacent to vacated Carlbert Avenue, vacated by City Council resolution on September 1st, 1964, all within "Storm & Fowler's Garden Court Subdivision" as recorded in Liber 36, Page 82 of Plats, Wayne County Records; that part of McNichols Road, 120 ft. wide, lying northerly of and adjacent to part of Fractional Section 15 T 1 S R 12 E, lying southerly of McNichols Road and westerly of Conner Avenue; also described as being that part of McNichols Road extending 328.18 ft. west from the southwest corner of the intersection of McNichols Road and Conner Avenue; said southwest corner of the intersection of McNichols Road and Conner Avenue having been established with the dedication of the southerly 27 ft. of McNichols Road and the westerly 25.44 ft. of Conner Avenue, being deeded to the City of Detroit on October 23rd, 1928. That part of McNichols Road, various widths, lying southerly of and adjacent to that part of Fractional Section 10 T 1 S R 12 E lying northerly of McNichols Road and west of Conner Avenue; also described as being that part of McNichols Road extending 1400 ft. west of the northwest corner of the intersection of McNichols Road and Conner Avenue; said northwest corner of the intersection of McNichols Road and Conner Avenue having been established with the dedication of the northerly 27 ft. of McNichols Road, being deeded to the City of Detroit on August 31st, 1926, and the westerly 42 ft. of Conner Avenue, being deeded to the City of Detroit on November 5th, 1929. That part of French Road, acquired for street and traffic purposes per Recorder's Court on June 3rd, 1959; described as being part of lots 29 & 30 of "Storm & Fowler's Garden Court Subdivision" as record in Liber 36, Page 82 of Plats, Wayne County Records, further described as a triangular piece of land commencing from the a point being the northeast corner of the westerly 18.09 ft. of lot 29, with the northerly line being 30 ft. along the northerly line of lot 30 and the westerly 18.09 f.t of lot 29 and the westerly line being 40 ft. along the westerly line of the westerly 18.09 ft. of lot 29; vacation area is further described as:

That part of Fractional Section 10 T 1 S R 12 E and of Fractional Section 15 T 1 S R 12 E, described as followed: Commencing from a point at the intersection of the Northeast corner of the Northwest $\frac{1}{4}$ Section 15 T 1 S R 12 E of Wayne County, MI, and the southeast corner of the Southeast $\frac{1}{4}$ of Section 10 T 1 S R 12 E of Wayne County MI, thence commencing South 87 degrees 44 minutes 46 seconds West 60.95 feet to the point of beginning; thence heading south 13 degrees 49 minutes 29 seconds East 62.60 feet to the southwest corner of the intersection of Conner Avenue and McNichols Road; thence heading west along the south line of McNichols Road, South 88 degrees 22 minutes 02 seconds west 299.25 feet; thence north 02 degrees 28 minutes 25 seconds west 26.74 feet; thence south 87 degrees 36 minutes 45 seconds west 1038.82 feet; thence south 09 degrees 09 minutes 03 seconds west 34.22 feet to the east line of French Road; thence north 36 degrees 27 minutes 41 seconds west 157.08 feet to the north line of McNichols Road; thence heading east along the north line of McNichols Road north 87 degrees 38 minutes 54 seconds east 1407.89 feet to the west line of Conner Avenue; thence south 13 degrees 22 minutes 50 seconds 66.24 feet to the point of beginning.

Be and the same is hereby vacated as public right-of-way and converted into a private easement for public utilities of the full width of the right-of-way, 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 right-of-way 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 right of way 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 right-of-way in the City of Detroit, with the right to ingress and egress at any time and over said easement for the purpose above set forth.

Second, said utility easement or right-of-way in and over said vacated right of way 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, other than that specifically prohibited by this resolution, shall restore the easement surface 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 (except necessary line fences or gates), shall be built or placed upon said easement, 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 right of way 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

PROVIDED, that property owners maintain for DTE Energy, full access to their facilities at all times (i.e. gated access with DTE locks at all ends of the easement) and that free and easy access to the DTE facilities is reserved for DTE 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 DTE facilities, and further

PROVIDED, that an easement, the full width of the existing right-of-way, is reserved for the Detroit Water and Sewage 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 the 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 guidepost 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 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 right of way 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 the 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

PROVIDED, that if it becomes necessary to remove the paved right of way returns at the entrances such removal and construction of the new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division – DPW specification with all costs borne by the abutting owner(s), their heirs or assigns; 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.



 - CONVERSION TO EASEMENT
 AREA = 128000 ± SQ.FT

CARTO 59 C

**CONVERSION TO EASEMENT
 PUBLIC STREET McNICHOLS RD.
 FROM FRENCH RD. TO CONNER AVE.**

CITY OF DETROIT CITY ENGINEERING DIVISION SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	

SA	JD
01-21-2022	

**ADOPTED AS FOLLOWS
COUNCIL MEMBERS**

			YEAS	NAYS
Scott	BENSON		✓	
Fred	DURHAL, III		✓	
Latisha	JOHNSON		✓	
Gabriela	SANTIAGO-ROMERO		✓	
*James	PRO TEM	TATE	✓	
Mary	WATERS		✓	
Angela	WHITFIELD-CALLOWAY		✓	
Coleman	YOUNG, II		✓	
MARY	PRESIDENT	SHEFFIELD	✓	
*PRESIDENT PRO TEM				
			9	0