

Department of Public Works
October 22, 1982

Honorable City Council
Re. Petition No. 3206 Grand Trunk
Railroad. Closure of Eight Grand
Crossings.

On September 28, 1981 at a Committee of the Whole meeting, your Honorable Body directed that the closing of the following grade crossings be implemented. On November 4, 1981 J.C.C. p. 2653, the City accepted a deposit of \$5,000.00 from the Railroad, which sum was used for preliminary engineering work involved in closing these streets across the railroad tracks between Dequindre and St. Aubin Streets: Hale Street, St. Joseph Street, Illinois Street, Alexandrine Avenue, Superior Street, Willis Avenue, Garfield Avenue, Hancock Avenue.

The City Engineer's Office has prepared the necessary design plans for the barricading of the streets and construction of connecting roadways and turnarounds. The Railroad has deposited an additional sum of \$30,000.00 to cover the estimated costs of performing this construction work by Department of Public Works forces.

All involved City Departments and public utility companies have indicated that they have no objections to the closings of these streets and grade crossings provided utility easements are retained within the full width of the street rights of way being vacated. The Railroad has concurred with this request. In addition, the Railroad has agreed to pay all costs of removal of the railroad signals and traffic gates.

The attached resolution is submitted for your Honorable Body's consideration. This resolution vacates portions of the streets across the railroad tracks with utility easements retained and sets aside those City owned parcels required for connecting roadways and turnarounds.

The adoption of this resolution is recommended.

Respectfully submitted,
LOUIS W. KLEI
City Engineer

Approved:
JAMES W. WATTS
Director

By Council Member Collins:

Whereas, the Grand Trunk Railroad has petitioned (No. 3206) for the closing of certain streets across their 60 feet wide right of way and tracks, which right of way lies between Orleans Street and St. Aubin Avenue, adjacent to Dequindre Street or its extension, and

Whereas, all City Departments and Public Utility Companies have indicated that they have no obligations to said closings provided public easements for utilities are retained in said street rights of way and provided certain connecting turnarounds and connector roadways are installed on land provided by the City, and

Whereas, the Grand Trunk Railroad has agreed to the retention of the necessary utility easements and to pay all costs involved in barricading said streets, removing crossing protection devices, and constructing neces-

sary roadways and turnaround, now be it

RESOLVED, That the following streets are vacated from the west line of the Grand Trunk Railroad right of way (60 feet wide) easterly to the east line of said railroad, said railroad right of way being the easterly 40 feet of the Subdivision of the Rear of the A. Dequindre Farm (P.C.'s 8 & 17) recorded Liber 15 Page 348 City Records and the westerly 20 feet of the Subdivision of P.C. 90 by Heirs of James Witherell recorded Liber 34 Page 2 Deeds W.C.R.

Hale Street 50 feet wide
St. Joseph Street 50 feet wide
Illinois Street 50 feet wide
Alexandrine Avenue 50 feet wide
Superior Street 50 feet wide
Willis Avenue 50 feet wide
Garfield Avenue 50 feet wide
Hancock Avenue 60 feet wide

Be and the same are hereby vacated as public streets to become part of the Grand Trunk Railroad right of way and same are hereby converted into public easements for public utilities the full width of the street rights of way, which easements shall be subjected to the following covenants and agreements uses reservations and regulations which shall be observed by the railroad and by its heirs, executors, administrators and assigns, forever to wit:

FIRST, said railroad hereby grant to and for the use of public utilities an easement or right of way over said vacated public streets 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 street in the City of Detroit, with the right to ingress and egress at any time to and over said easements for the purpose above set forth.

SECOND, said railroad for its heirs and assigns further agree that no buildings or structures of any nature whatsoever shall be built or placed upon said easement, nor any change of surface grade made, without prior approval by the Department of Public Works.

THIRD, that if at any time in the future the railroad shall request the removal and/or relocation of any existing poles or other utilities in said easements, 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.

PROVIDED FURTHER, That all construction work done by a utility on or in said easements shall be done in a manner and to the specifications and requirements of the Railroad or its heirs and assigns, and be it further

RESOLVED, That the following City owned parcels of land are hereby set aside as public rights of way for connecting roadways or turnarounds:

Easterly 23 feet of Lot 5, Subdivision of Lots 18, 19, 20, 21, 22 & South Part of 23, Witherell Farm North of Gratiot recorded Liber 1 Page 23 Plats W.C.R. (Connection to alley and turnaround, South side Hale Street)

Easterly 10 feet of Lot 37 and Westerly 18 feet of Lot 38, all in the above Subdivision of Lots 18 to 22 and part of 23 Witherell Farm. (Connection to alley and turnaround South side St. Joseph Street)

Lot 9 (28 feet wide), Jerome and Dally's Subdivision of Lots 96 to 102 and 105 to 119 inclusive of Subdivision of Lots 18 to 22 and South part of 23 Witherell Farm recorded Liber 12 Page 63 Plats W.C.R. (Connection to East-West alley North of Superior Avenue)

Lot 5 (28 feet wide) Freud's Subdivision of Lots 123 to 131 inclusive South side Willis Avenue of the Subdivision of O.L. 18, 19, 20, 21 and 22 of the Witherell Farm recorded Liber 10 Page 97 Plats W.C.R. (Connection to alley and turnaround, South side of Willis Avenue)

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 9.

Nays — None.

L121550PA274

G709484

RECORDED DEC 21 1982 AT 10:46 A
O'CLOCK M
FOREST E. YOUNGBLOOD, Register of Deeds
WAYNE COUNTY, MICHIGAN 48226

STATE OF MICHIGAN } SS.
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 November 3, 1982 and approved by the Mayor on November 12, 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

December 21, 1982



James H. Bradley
City Clerk
JAMES H. BRADLEY