

September 21

Adopted as follows:  
Yeas — Council Members Browne, Cleveland, Eberhard, Henderson, Hood, Kelley, Mahaffey, Rogell, and President Levin — 9.  
Nays — None.

**Environmental Protection & Maintenance Dept.**  
September 12, 1977

Honorable City Council:  
Re: Petition No. 5558 - Mrs. Louise Armstrong Request to Construct Garage Encroaching into Easement

Your Committee of the Whole referred the above petition to this office for investigation and report. The Environmental Protection and Maintenance Department has made a field investigation of the petitioner's request. Our findings are as follows:

The petitioner's lot is 113 feet deep, which dimension includes a 6 foot easement at the rear. The petitioner wishes to construct a garage which will encroach 3 feet into the easement. There is no garage immediately to the rear of this property.

We find that the above request for permission to encroach into the easement complies with the policy adopted by your Honorable Body on February 23, 1965, J.C.C. Pages 348 and 349. An appropriate resolution is attached for consideration and adoption by your Honorable Body.

Respectfully submitted,  
**JAMES W. WATTS**  
Director

By Council Member Henderson:

Resolved, That the Environmental Protection and Maintenance Department is hereby authorized and directed to issue a permit to Mrs. Louise Armstrong, Petition No. 5558, to construct a garage which will encroach 3 feet into the 6 foot wide public utility easement at the rear of lot 217 of B. E. Taylor's Rainbow Subdivision of part of the Northwest ¼ of Section 13, T.1S., R.10E., Redford Township, Wayne County, Michigan, as recorded in Liber 41, Page 75, Plats, Wayne County Records, located on the east side of Fenmore, south of Grove, commonly known as 16750 Fenmore;

PROVIDED, That said permit shall be issued only after a certified copy of this resolution has been duly recorded by and at the petitioner's expense in the Office of the Register of Deeds for Wayne County; and further

PROVIDED, That no right in the public easement shall be considered waived by this permission which is granted expressly on the condition that the garage, driveway, building and all

obstruction in connection therewith shall be removed at the expense of the grantee at any time when so directed by the City Council; and further

PROVIDED, If at any time in the future it becomes necessary to repair or replace the sewers or other utilities or to be located in said easement by the acceptance of this permission, the owners for themselves, their heirs and assigns, waive claims for any damages to the encroaching installations and agree to pay the cost incurred in their removal, if their removal becomes necessary, and to restore the property affected to a condition satisfactory to the Environmental Protection and Maintenance Department at the owner's expense; and further

PROVIDED, That this resolution is revocable at the will, whim, or caprice of the City Council, and the grantees by the acceptance of this permission waive any right to claim damages or compensation for any driveways or structures constructed and maintained hereunder, or for removal of the same, and they acquire no implied nor any other privileges not expressly stated herein.

**Environmental Protection & Maintenance Department**

September 15, 1977

Honorable City Council:  
Re: Petition No. 5501 Virginia Park NDP, Michigan A-4-2, Street and Alley Vacations

Returned herewith is Petition No. 5501 of the Community and Economic Development Department requesting the vacation of certain streets and alleys in the above area, to be redeveloped as a part of the Virginia Park Neighborhood Development Project.

The action in the attached resolution is in the six parcels proposed to be developed under the authority of the Michigan State Housing Development Authority.

In the matter of the widening of Rosa Parks Boulevard, the necessary property has been acquired, and the pavement relocation has been completed. The Environmental Protection and Maintenance Department will prepare and submit a resolution for the dedication as soon as all other right-of-way matters in the Virginia Park Development have been clarified.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,  
**JAMES W. WATTS**  
Director

By Council Member Hood:

WHEREAS, That in order to develop the area known as the Virginia Park Neighborhood Development Project it

is necessary to vacate certain streets and alleys, and dedicate new portions of alleys' therefore be it

RESOLVED, That the following streets:

The westerly 26 feet of Rosa Parks Boulevard (66 feet wide) (12th Street) in the following described locations; in the block between the north line of Taylor and the south line of Clairmount Avenues and lying easterly of and abutting the easterly line of lots 464 through 475 inclusive of the Joy Farm Subdivision  $\frac{1}{4}$  Section 34 and Northerly part of  $\frac{1}{4}$  Section 47, 10000 A. T., Greenfield, Wayne County, Michigan. Rec'd L. 32, Pages 39 and 40 Plats, W.C.R.;

Also in the block between the north line of Hazelwood Avenue and the south line of Taylor Avenue and lying easterly of and abutting the easterly line of lots 373 through 385 inclusive, all in the above described subdivision;

Also, in the block between the north line of Gladstone Avenue and the south line of Hazelwood Avenue and lying easterly of and abutting the easterly line of lots 282 through 294 inclusive of the above described subdivision;

Also, in the block between the north line of Blaine Avenue and the south line of Gladstone Avenue and lying easterly and abutting lots 1 through 7 inclusive of the above described Joy Farm Subdivision and lying easterly of and abutting the easterly line of lots 303 through 308 inclusive of Austin's Subdivision of part of  $\frac{1}{4}$  Section 47, 10,000 A. T., Greenfield, Wayne County, Michigan, Recorded L. 30, P. 45 Plats, W.C.R.;

Also in the block bounded between the north line of Seward Avenue and the south line of Virginia Park Avenue and lying east of and abutting the easterly line of lots 146 through 159 inclusive of McGregors Subdivision of Lots 3-4-5-12 and part of Lots 2-6 and 11,  $\frac{1}{4}$  Section 54, 10000 A. T., City of Detroit, Wayne County, Michigan Rec'd. L. 30, P. 39 Plats, W.C.R.;

Also in the block between the northerly line of Delaware Avenue and the southerly line of Seward Avenue and lying easterly of and abutting the easterly line of lots 84 through 89 and the southerly two (2) feet of lot 90 all of the above described McGregor's Subdivision,

Be and the same are hereby vacated as public streets to become a part and parcel of the abutting property; and be it further

RESOLVED, That the following streets and alleys:

The easterly 20 feet of the westerly 46 feet of Rosa Parks Boulevard (66 feet wide) (12th Street) in those blocks between Hazelwood and Taylor Avenues, Gladstone and Hazelwood Avenues,

Blaine and Gladstone Avenues, Seward and Virginia Park Avenues as described in the above action; also that portion of said Rosa Parks Boulevard in the block between the north line of Taylor Avenue and the south line of Clairmount Avenue which lies east of a line 26 feet east of and parallel with the westerly line of said street and lies west of a line which will be the new westerly line of Rosa Parks Boulevard and which is described as beginning at a point on the extension easterly of the southerly line of Clairmount Avenue N.  $63^{\circ}26'00''$  E., 27.26 feet from the north-easterly corner of Lot 473 of the above described Joy Farm Subdivision, thence S.  $32$  deg.  $01$  min.  $03$  sec. E., along said proposed westerly line of Rosa Parks Boulevard, 120.01 feet to a point of curve; thence along proposed Rosa Parks Boulevard property line 139.55 feet along the arc of a curve concave to the southwesterly, which has a radius of 1440.0 feet, a delta of  $5$  deg.  $33$  min  $09$  sec. and a long chord which bears S.  $29$  deg.  $14$  min.  $28$  sec. E., 139.50 feet to a point of tangency on the extended north line of Taylor Avenue; which point lies N.  $63$  deg.  $26$  min.  $10$  sec. E., 46.0 feet along the extension of the north line of Taylor Avenue from the southeast corner of Lot 464 of said Joy Farm Subdivision; also all that part of the easterly 20 feet of the westerly 46 feet of Rosa Parks Boulevard between Delaware and Seward abutting the easterly line of lots 84 to 89 and the southerly two (2) feet of lot 90 all of the above described McGregor Subdivision; also

All that part of the westerly 46 feet of Rosa Parks Boulevard (66 feet wide) (12th Street) between Delaware and Seward abutting the easterly line of lots 91 to 97 and the northerly 18 feet of lot 90, all of the above described McGregor Subdivision;

The eighteen feet wide north-south public alley lying first west of Rosa Parks Boulevard (12th Street) between Taylor and Clairmount Avenues and abutting the westerly line of Lots 464 through 475 inclusive, and lying east of lots 463 and 476 all in the Joy Farm Subdivision  $\frac{1}{4}$  Section 34 and northerly part of  $\frac{1}{4}$  Section 47, 10000 A. T., Greenfield, Wayne County, Michigan, Rec'd L. 32, Pages 39 and 40, Plats, W.C.R.; also that part of the 18 feet wide, east-west public alley connecting to the above north-south alley and lying north and abutting the easterly 10 feet of lot 463 and south of the easterly 10 feet of lot 476, all in the above subdivision; also

That portion of the north-south eighteen feet wide public alley first west of Rosa Parks Boulevard (12th Street) between Virginia Park and Seward Avenues abutting the easterly line of the

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northerly 33 feet of lot 145 and abutting the westerly line of the northerly 2 feet of lot 150, all of Lot 151 and the southerly 11 feet of lot 152, all of McGregors Subdivision of Lots 3 - 4 - 5 - 12 and part of lots 2-6 and 11, ¼ Section 54, 10000 A. T., City of Detroit, Wayne County, Michigan. Rec'd L. 30, P. 39, Plats, W.C.R.; also

That portion of the north - south eighteen feet wide public alley first west of Rosa Parks Boulevard (12th Street) between Delaware and Seward Avenues abutting the easterly line southerly 43 feet of lot 98 and abutting the westerly line of the southerly 12 feet of lot 93, all of lot 92 and the northerly 11 feet of lot 91, all in the above McGregor's Subdivision.

Be and the same are hereby vacated as public streets and alleys and are hereby converted into public easements of the full width of the streets and 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 streets and alleys and by their heirs, executors, administrators and assigns, forever to wit:

**FIRST**, said owners hereby grant to and for the use of the public easements or right or ways over said vacated public streets and alleys 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 or alley 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 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 easements, 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 streets and alleys shall request the removal and/or relocation of any existing poles or other utilities in said easements, 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 following land is hereby dedicated for alley purposes:

The westerly 25 feet of lot 463 lying between Taylor Avenue and the east-west 18 feet public alley at the rear of said lot, in the Joy Farm Subdivision ¼ Section 34 and northerly part of ¼ Section 47, TTAT, Greenfield Township. Recorded L. 32, Pages 39 and 40, Plats, Wayne County records,

The westerly 7 feet of lots 373 through 378 inclusive and the westerly 7 feet of the southerly 19 feet of lot 379 all in the above described Joy Farm Subdivision,

The westerly 7 feet of lots 286 through 294 inclusive all in the above described Joy Farm Subdivision,

The westerly 7 feet of the southerly 9 feet of lot 1 of the above described Joy Farm Subdivision, also the westerly 7 feet of lots 303 through 308, inclusive, in Austin's Subdivision of part of ¼ Section 47, 10,000 A. T., Greenfield, Wayne County, Michigan. Recorded L. 30, P. 45, Plats, W.C.R.

The westerly 7 feet of lots 153 through 195, both inclusive, also the westerly 7 feet of the northerly 9 feet of lot 152, all in McGregor's Subdivision of Lots 3-4-5-12 and part of lots 2-6 and 11, ¼ Section 54, 10000 A. T., City of Detroit, Wayne County, Michigan. Recorded L. 30, P. 39 Plats, W.C.R., and be it further

Resolved, That the Community and Economic Development Department is hereby authorized and directed to honor billings from the Detroit Edison Company, the Michigan Consolidated Gas Company, and the Michigan Bell Telephone Company for the removal and relocation of their facilities as previously agreed to among the parties; and be it further

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

Adopted as follows:

Yeas — Council Members Browne, Cleveland, Eberhard, Henderson, Hood, Kelley, Mahaffey, Rogell, and President Levin — 9.

Nays — None.