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Lot 2 of the Map of the Cabacler Farm recorded in Liber 44, Page 74-76 Deeds. W.C.R. for the construction of a new railroad grade separation on Rosa Parks Boulevard north of Lafayette Street, the Director of the Environmental Protection and Maintenance Department is hereby authorized and directed to execute said easement agreement between The City of Detroit and the Woodbridge Investment Company.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 8.
Nays — None.

**Environmental Protection and
Maintenance Department**

June 9, 1978

Honorable City Council:

Re: Petition 887, Kirlin Qualmann
Company, Easement Encroach-
ment.

The petitioner has been negotiating with the Community Economic Development Dept. for the purchase of Parcels 26B, C & D of Elmwood Park No. 2 Urban Renewal Development. These parcels lie west of Mt. Elliott between Jefferson Avenue and Larned Street and are bisected by the easement for public utilities which was created when Leib Street was vacated.

The petitioner proposes to construct a warehouse which will span the easement. The existing utilities in the easement are an 11-0" diameter sewer, a 3 inch water main and a 2 inch gas service line. The water main and gas line will have to be removed from the building area, however, as the sewer cannot be relocated, the building will have to be constructed in a manner which will not endanger the sewer. The costs of relocating the gas and water line and constructing a new water meter pit must be done at the petitioner's expense.

Although the Kirlin Qualmann Company has not acquired the land, it needs assurance that, if purchased, it will be allowed to construct a warehouse over the easement. The Water & Sewerage Department has indicated to the petitioner by letter that his building plans would be acceptable as regards the treatment of construction adjacent to the sewer. They also indicated that an agreement relative to the encroachment would be necessary after the public utility easement was converted to a sewer only easement.

It is recommended that the

attached resolution of intent be adopted by your Honorable Body. When the petitioner has met the requirements therein, resolutions changing the status of the easement and allowing the encroachment will be submitted for your approval.

Respectfully submitted,
JAMES W. WATTS
Director

Approved:

JOHN P. KANTERS, Director
Water & Sewerage Dept.

By Council Member Eberhard:

Resolved, that the Kirlin Qualmann Company will be permitted to encroach into the easement and construct over the sewer which lies to the public utility easement in vacated Leib Street between Jefferson Avenue and Larned Street after said company has:

- a. Acquired ownership of the land.
- b. Deposited funds required to relocate 3 inch water mains and construct meter box.
- c. Make satisfactory arrangements with Michigan Consolidated Gas Co. relative to relocation of service line, if required.
- d. Obtain approval of the building plans by the Water & Sewerage Department.

And be it further resolved, that nothing in this resolution is to be construed as waiving the requirements for submitting plans to and obtaining building permits from the Department of Building and Safety.

Approved as to form:

JOHN HATHAWAY
Acting Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 8.
Nays — None.

**Environmental Protection and
Maintenance Department
City Engineering Division**

May 4, 1978

Honorable City Council:

Re: Petition No. 5695 — Recreation
Dept. Vacation of Reynolds Ave.
and alley west of same.

On December 17, 1975 (J.C.C. pgs. 2505-2506) your Honorable Body authorized the Recreation Department to acquire property for the development of the Evans Recreation Center and Playground in the area bounded by Gaylord, Victoria, Joseph Campau and Mitchell Avenues, this development requires the vacation of Reynolds Avenue south of Gaylord and the conversion to an underground utility easement of a portion of the

north-south alley which lies west of said street.

The Community and Economic Development Department and Streets and Traffic Division of the Department of Transportation have approved this vacation provided a new street outlet is constructed extending easterly to Mitchell Avenue along the south side of the Playground. The attached resolution establishes this right of way.

The Water and Sewerage Department must relocate the existing sewer in Reynolds. An easement centered on the new sewer lines will be needed for their facility and is provided herein.

All other City Departments have reported that they are not involved, or that they have reached satisfactory arrangements with the Recreation Department.

The Detroit Edison Company has equipment in the street and alley and requested payment of \$10,762.43 for removal of same. An agreement has been negotiated with Detroit Edison which provides for payment of their costs and which safeguards the City's right to recover the cost through legal procedures, provided they are instituted within one year of completion of the relocation work. This agreement has been approved as to form and execution by the Law Department.

It is requested that your Honorable Body approve and confirm this Agreement. Recreation Department funds covering the stated amount are available to Account No. 56-8758-2520.

The Michigan Bell Telephone has reported that they are affected by the proposed vacations. They have submitted an estimate of \$4,368.00 as their cost of relocation.

In addition, the Michigan Consolidated Gas Company indicates that they estimate the cost of adjustments to their affected facilities to be \$2,740.00.

The Corporation Counsel contends that these costs for relocation of utility equipment from the vacated right of ways are not chargeable against the City when it is constructed a public facility. The attached resolution directs these utilities to relocate their equipment as needed.

The adoption of the attached resolution is recommended.

Respectfully submitted,
 LOUIS W. KLEI
 City Engineer

Approved:
 LEON ATCHISON
 Director, Recreation Dept.
 JAMES W. WATTS
 Director

By Council Member Eberhard:
 Resolved, that all that part of Reynolds Avenue, 40 feet wide, between the southerly line of Gaylord Avenue and a line 350 feet southerly thereof and lying westerly of Lots 26 through 36 and the northerly 20 feet of Lot 37 and lying easterly of Lots 189 through 199 and the northerly 20 feet of Lot 200, all in Liberty Subdivision of part of the westerly 20 acres of Quarter Sec. 1, Ten Thousand Acre Tract recorded L. 29, P. 68 Plats, W.C.R., be and the same is hereby vacated as a public street to become part and parcel of the abutting property; and be it further

Resolved, that all that part of the north-south public alley, 14 feet wide, lying west of Reynolds Avenue and south of Gaylord Avenue and which lies westerly of Lots 189 through 194 inclusive, and easterly of Lots 133 through 138 inclusive, all in said above described Liberty Subdivisions, is hereby vacated to become an easement for underground public utilities subject to the following restrictions:

FIRST, said easement or right-of-way hereinabove described are for the purposes of maintaining, installing, repairing, removing, or replacing underground utilities such as water mains, sewers, telephone conduits with the right to ingress and egress at any time to and over said easements for the purpose above set forth,

SECOND, 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 grantees,

THIRD, that if at any time in the future the owners of any lots abutting on said easement shall request the removal and/or relocation of any utilities in said easement, such owners, upon whose property the 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 or 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

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to the repair of such broken or damaged utility; and further

Resolved, that a 40 feet wide right-of-way for street purposes is hereby set aside for the use of public and to provide a new outlet from Reynolds Avenue to Mitchell Avenue over the following parcel of land:

All of Lot 38 and the southerly 10 feet of Lot 37 of the Liberty Subdivision of part of westerly 20 acres $\frac{1}{4}$ Section 1 TTAT recorded L. 29, P. 68 Plats, W.C.R., and all of Lot 38 and the southerly 10 feet of Lot 37 of Liberty Subdivision of Lots A, B, C and part of Lot D of Sunnyside Sections of East 60 acres of West 80 acres of $\frac{1}{4}$ Sec. 1, TTAT, Hamtramck Twp. record L. 29, P. 67 Plats, W.C.R.; and be it further

Resolved, that an easement for sewer purposes is hereby reserved within the following described parcels:

A 10 feet wide parcel lying south of and adjacent to the southerly line of Gaylord Avenue and extending from a line 5 feet west of the easterly line of vacated Reynolds Avenue, westerly 61.7 feet; also a 20 feet wide parcel lying 10 feet each side of a line described as commencing at a point on the southerly line of Gaylord Avenue which point lies 76.7 feet westerly of the intersection of the easterly line of vacated Reynolds Ave., thence southerly 163.3 feet along a line parallel to Reynolds Ave. to a point, thence southeast at an angle 45 to the last named course 87.2 feet to a point; thence southerly 125 feet along a line parallel to and 15 feet westerly of the easterly line of vacated Reynolds Ave. to the southerly line of the portion of Reynolds Avenue which has been herein vacated, and be it

Further provided that no building shall be constructed over said sewer without prior approval of such building construction by the Detroit Water and Sewerage Department, and be it further

RESOLVED, That the Detroit Water and Sewerage Department be, and it is hereby authorized to review the drawings for the lateral sewer location, to prepare the necessary specifications, and to issue a permit to the petitioner to cover the construction of the relocation of a portion of the existing lateral sewer in the alley; and

RESOLVED, That the sewer relocation plans shall be prepared by a registered engineer; and be it further

RESOLVED, That the entire work is to be performed in accordance with plans and specifications approved by the Detroit Water and Sewerage Department and constructed subject to the inspection and approval of the De-

troit Water and Sewerage Department; and be it further

RESOLVED, That the entire cost of the lateral sewer construction including inspection, survey and engineering shall be borne by the petitioner; and be it further

RESOLVED, That the petitioner shall deposit with the Detroit Water and Sewerage Department, in advance of engineering, inspection and survey, such amounts as that Department deems necessary to cover the costs of these services; and be it further

RESOLVED, That upon satisfactory completion of the sewer construction, the relocated sewer shall be City property and become part of the City sewer system; and further

Resolved, That the following described land is hereby set aside for the use of the public for alley purposes to connect the existing north-south alley east of Jos. Campau Ave. with same:

All that part of Lot 132 in the above described Liberty Sub'n as recorded in L. 29, P. 68 Plats, W.C.R., which lies southerly of a line described as beginning at the north-east corner of Lot 132, thence westerly along the northerly line of said lot 30 feet to a point; thence south-westerly 28.3 feet more or less, to point; thence westerly along a line 10 feet south of and parallel to the northerly line of said lot 25.5 feet to a point on the westerly line of Lot 132.

Resolved, That the Agreement noted in the communication attached herewith between the City of Detroit, by and through its Director of the Recreation Dept., and the Detroit Edison Company be and the same is hereby approved and confirmed; and be it further

RESOLVED, That the Finance Director is hereby authorized and directed to honor a voucher covering the costs of the Detroit Edison Company's removal and relocation of its facilities covered by said Agreement; and be it finally

RESOLVED, That the City Clerk is hereby directed and authorized to send a certified copy of this resolution and said executed agreement to the Detroit Edison Company.

Approved as to form:

JOHN HATHAWAY

Acting Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Kelley, Mahaffey, McFadden, Rogell, and President Henderson — 8.

Nays — None.