

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Rogell, Van Antwerp, Wiersbicki, and President Ravitz — 8.

Nays — None.

Department of Public Works

February 17, 1972

Honorable Common Council:

Re: Petition Nos. 9726 and 11, Department of Parks and Recreation, Mayor's Committee for Human Resources Development, Vacate streets and alleys in the blocks bounded by Townsend, Van Dyke, Kercheval, and Vernor Highway.

Gentlemen — The above petitions request the vacation and conversion to easement of certain streets and alleys in the above described area known as the Butzel Family Facility.

The requested vacations were recommended by the City Plan Commission. The petitions were then referred to us for investigation and report. Our report, accompanied by the original petitions, is as follows:

Your Honorable Body may make provisions for the relocation of the Michigan Consolidated Gas Company's main in the portion of Seyburn Avenue to be vacated.

The Corporation Counsel contends that any costs incurred in the relocation of equipment from streets and alleys to be vacated are not chargeable against the City. The case involving the liability of the City is now pending.

All other involved City departments and privately-owned utilities have reported they have no objection or that they have made satisfactory arrangements with the petitioners regarding their installations therein.

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

Respectfully submitted,

CLARENCE C. RUSSELL

Commissioner

By Councilman Hood:

RESOLVED, That all that part of the westerly 28 feet of Seyburn Avenue, 70 feet wide, between Kercheval Avenue Highway abutting the easterly line of lots 106 to 112, the southerly 27.05 feet of lot 105, and the northerly 22.95 feet of lot 113, all inclusive of Wesson's Subdivision of that part of Private Claim 38 lying between Jefferson and Waterloo as recorded in Liber 16, Page 91, Plats, Wayne County records,

Be and the same is hereby vacated as a public street to become a part and parcel of the abutting property, subject to the following:

1. An underground easement is hereby reserved for the Michigan Consolidated Gas Company in the portion of the right-of-way herein described,

2. The right to ingress and egress to and over said easement for the purpose of installing, repairing, removing, maintaining, their facilities, and be it further

RESOLVED, That all that part of the westerly 28 feet of Seyburn Avenue, 70 feet wide, between Kercheval Avenue and Vernor Highway abutting the easterly line of lots 95 to 104, and the northerly line of lot 105; and the northerly 2.95 feet of lot 105; and abutting the easterly line of lots 114 to 120 and inclusive of Wesson's Subdivision as recorded in Liber 16, Page 91, Plats, Wayne County records; also

All that part of the north-south public alley, 20 feet wide, in the block bounded by Baldwin, Seyburn, Kercheval, and Vernor Highway, abutting the westerly line of lots 115 to 120 and the southerly 27.0 feet of lots 264 to 269 and the easterly line of 27.0 feet of lot 270 all inclusive of the above mentioned subdivision;

Be and the same are hereby vacated a street and alley to become a part and parcel of the abutting property; and be it further

RESOLVED, Because the above described property is to be used for Municipal services, that upon proper application, the Department of Public Works shall issue to the Michigan Consolidated Gas Company permits to relocate their pipes and mains from the vacated street and alley to public streets most conveniently located in reference to the vacated street and alley and consistent with the public health, safety, convenience, and general welfare; and be it further

RESOLVED, That the Michigan Consolidated Gas Company is hereby directed to remove their pipes and mains from the vacated street and alley without expense to the City within thirty days of receipt of a copy of this resolution; and be it further

RESOLVED, That all that part of the easterly 42 feet of Seyburn Avenue, 70 feet wide, between Kercheval Avenue and Vernor Highway lying westerly of and abutting the westerly line of lots 76 to 81, lots 82 to 88, lots 89 to 94, abutting vacated Durand Avenue (formerly Maple), 50 feet wide, and abutting vacated Walnut Avenue, 50 feet wide, all inclusive of "Wesson's Subdivision" as recorded in Liber 16, Page 91, Plats, Wayne County records; also

All that part of the north-south public alley, 20 feet wide, in the block bounded by Baldwin, Seyburn, Kercheval, and Vernor Highway, abutting the westerly line of lots 95 to 113 and the northerly 3 feet of lot 114, and abutting the easterly line of lots 271 to 289 and the northerly 3 feet of lot 270 all inclusive of the

above mentioned subdivision; also

All that part of Baldwin Avenue, 66 feet wide, between Kercheval and Vernor Highway, lying westerly of and abutting the westerly line of lots 264 to 289 all inclusive of the above mentioned subdivision; also abutting the easterly line of lots 122 to 143, lot 99, and the east-west public alley, 15 feet wide, between lots 99 and 143 inclusive of the "Linden Park Subdivision" of that part of Private Claim 16, lying between Kercheval and Waterloo, as recorded in Liber 16, Page 5, Plats, Wayne County records; also

All that part of the east-west public alley, 15 feet wide, first northerly of Kercheval Avenue, between Townsend and Baldwin Avenues, lying southerly of and abutting the southerly line of lot 143, and lying northerly of and abutting the northerly line of lots 97 to 99 and the easterly 3.94 feet of lot 96, all inclusive of the above mentioned 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 rights-of-way 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 public streets and alleys 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 Department of Public Works.

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 all that part of the easement created for the Detroit Metro Water Department for sewer maintenance on September 18, 1962, J.C.C. Page 2161 (Petition No. 204), 19 and 10 feet wide, abutting portions of lots 77 to 79 of "Wesson's Subdivision," Liber 16, Page 91, Plats, Wayne County Records; and abutting a portion of lots 23 and 24 of "Courtney and Venables Subdivision," Liber 15, Page 7, Plats, Wayne County records; and being a part of "Shipherd's Subdivision," Liber 14, Page 61, Plats, Wayne County records, more particularly described as: Beginning at a point, said point being in the easterly line of said lot 77 and 66.16 feet northerly of the northerly line of Kercheval Avenue, 80 feet wide; thence northerly along the said easterly line of lots 77 to 79, 50.34 feet; thence easterly along the southerly line extended of lots 23 and 24, 50.36 feet; thence southwesterly to a point in the southerly line of the 10 foot wide vacated alley abutting the southerly line of said lots 23 and 24, said point being 2.64 feet westerly of the northwesterly corner of lot 2 of Shipherd's Subdivision; thence westerly along said southerly alley line 21.36 feet; thence southerly along a line 19 feet easterly of and parallel to the easterly line of lots 77 to 79, 21.36 feet; thence southwesterly to the point of beginning.

Be and the same is hereby vacated as an easement for sewers for the Detroit Metro Water Department, and be it further

RESOLVED, That all that part of vacated Shipherd Avenue, 33 feet wide, and a portion of lot 2 of "Shipherd's Subdivision" of lots 64, 67, 68, 71, 72, 75 and 76 of the subdivision of the Van Dyke Farm, Private Claims 100 and 679, as recorded in Liber 14, Page 61, Plats, Wayne County records; more particularly described as: Beginning at a point said point being in the northerly line of lot 2 and being 2.36 feet easterly of the northwesterly corner of said lot 2; thence westerly along the northerly line extended of lot 2, 28.28 feet; thence southwesterly to a point in a line 24 feet westerly of and parallel to the westerly line of lot

2, said point being 21.36 feet southerly of the northerly line of lot 2 extended westerly; thence southerly along said line which is 24 feet westerly of and parallel to the westerly line of lot 2, 28.28 feet; thence northwesterly to the point of beginning, all inclusive of the above mentioned subdivision; also

All of the easterly 20 feet of the westerly 55 feet of lots 264 to 270; the northerly 3.0 feet of the easterly 70.0 feet of lot 270; and the southerly 17 feet of the easterly 90.0 feet of lot 271, all inclusive of Wesson's Subdivision of that part of Private Claim 38 lying between Jefferson and Waterloo as recorded in Liber 16, Page 91, Plats, Wayne County records;

Be and the same are hereby set aside as easements for the Detroit Metro Water Department for the purposes of maintaining, installing, repairing, removing, or replacing sewers with the right to ingress and egress at any time to and over said easements for the purpose above set forth.

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 Detroit Metro Water Department.

If at any time in the future the owners of any lots abutting on said easements shall request the removal and/or relocation of the sewers in said easements, such owners, upon whose property the sewers 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 the sewer located or to be located in said property shall break or be damaged as a result of any action on the part of property 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 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 City Clerk be and is hereby directed to forward to the Michigan Consolidated Gas Company a certified copy of this resolution.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Rogell, Van Antwerp, Wierzbicki, and President Ravitz—8.

Nays—None.

Department of Public Works

March 3, 1972

Honorable Common Council:

Gentlemen—Returning, herewith, petition of George M. McMillan (4250) requesting permission to rescind 7-28-59 resolution permitting garage encroachment at 9329 Terry.

J.C.C. of 7-28-59, page 1517, Petition 4233 was granted to construct a garage encroaching three feet into a nine foot easement.

We have verified that the garage was not constructed into the easement.

We, therefore, recommend that the original resolution and petition be rescinded.

Respectfully submitted,
CLARENCE C. RUSSELL,
Commissioner

By Councilman Levin:

Resolved, That the resolution referred to in the foregoing communication be and the same is hereby amended for the purpose of rescinding therefrom the permission granted to George M. McMillan for a garage encroachment into an easement at 9329 Terry.

Adopted as follows:

Yeas — Councilmen Browne, Eberhard, Hood, Levin, Rogell, Van Antwerp, Wierzbicki, and President Ravitz—8.

Nays—None.

Department of Public Works

February 29, 1972

Honorable Common Council:

Re: Petition No. 3136, Grady Callaway, Jr., et al, Alley bounded by Sorrento, Steel, Pembroke, and Chippewa Avenues, Conversion to Easement.

Gentlemen—The above petition requests the conversion of the east - west public alley, 20 feet wide, in the above described block into an easement for public utilities.

The requested conversion into easement for public utilities was recommended by the City Plan Commission. The petition was then referred to us for investigation and report. Our report, accompanied by the original petition, is as follows:

All City departments and privately-owned utility companies reported that they will be unaffected by the conversion to an easement of said alley or that they have reached satisfactory agreements with the petitioner regarding their installation therein.

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

Respectfully submitted,
CLARENCE C. RUSSELL,
Commissioner

By Councilman Rogell:

Resolved, That all that part of the east - west public alley, 20 feet wide, in the block bounded by Sorrento, Steel, Pembroke, and Chippewa Avenues lying southerly of and abutting lots 3487 and 3586, and the 18 foot wide public easement between