

Community & Economic Development Department

April 18, 1977

Honorable City Council:

Re: Sale of Property, West side of Lillibridge bet. Freud and Edlie, Lot 41

The City of Detroit acquired from HUD, lot 41, on the west side of Lillibridge between Freud and Edlie. The property in question is a vacant lot measuring 35' x 102.29' and is zoned R-2.

We have received an Offer to Purchase from John Knight, owner of the adjoining property, to purchase said lot. The Offer to Purchase is in the amount of \$250.00 cash.

Your Honorable Body's approval to accept this Offer to Purchase is hereby requested.

Respectfully submitted,  
RONALD J. HEWITT  
Director

By Council Member Cleveland:

RESOLVED, That the Community & Economic Development Department be and is hereby authorized to accept the Offer to Purchase submitted by John Knight, for the purchase of property described on the tax rolls as:

Lot 41, "Kean's Freud Avenue Subd'n" of part of part of private claim 688, City of Detroit, Wayne County, Mich., Rec'd L. 58, P. 62, Plats, W.C.R.

in accord with the attached communication, and be it further

RESOLVED, That in accordance with said Offer the Finance Director be authorized to issue a Quit Claim Deed for the described property upon payment of \$250.00 cash, the City of Detroit to furnish Title Insurance, and be it further

RESOLVED, That said deed include the following clause:

This conveyance is given subject to the following restrictive covenant which shall be construed as a covenant running with the land and shall be binding upon the Grantee named herein and the successors and assigns thereof.

No structure shall be erected, placed or permitted to remain on the land herein conveyed except and only as such is made and used as part and parcel of lot 42, the abutting property of which the Grantee herein is the title holder.

and be it further  
RESOLVED, That the Corporation Counsel be and is hereby authorized to prepare said deed.

Adopted as follows:

Yeas — Council Members Browne, Cleveland, Eberhard, Mahaffey, Rogell, and President Levin — 6.

Nays — None.

Environmental Protection and Maintenance Department

March 24, 1977

Honorable City Council:

Re: Petitions No. 224 and 225 —

Street and Alley Vacations in the Jefferson-Chalmers, NDP.

The Community and Economic Development Department has petitioned as follows:

- 1) That Emerson from Freud to Essex be vacated and converted to an easement for subsurface utilities; and
- 2) That Continental from Freud to Essex be vacated; and
- 3) That Emerson from Avondale to Essex be vacated; and
- 4) That the north-south alley in the block bounded by Continental, Emerson, Avondale, and Essex be vacated; and
- 5) That the north-south alley in the block bounded by Emerson, Dickerson, Avondale, and Essex be vacated; and
- 6) That the north-south alley in the block bounded by Continental, Emerson, Freud, and Essex be vacated; and
- 7) That the north-south alley in the block bounded by Kitchener, Continental, Essex, and Freud be vacated; and
- 8) That the north-south alley in the block bounded by Emerson, Dickerson, Essex, and Freud be vacated;

The Detroit Edison Company, the Michigan Bell Telephone Company, and the Michigan Consolidated Gas Company have submitted estimates to relocate their facilities. The Community and Economic Development Department will issue Purchase Orders to cover the following costs:

- Detroit Edison Company, \$15,463.25
- Michigan Bell Telephone Co., \$4,018.00
- Michigan Consolidated Gas Co., \$29,726.00.

All other involved City departments reported that they have no objection, or that they have reached satisfactory agreements with the petitioner regarding their installations.

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

Respectfully submitted,  
JAMES W. WATTS,  
Director

By Council Member Rogell:

RESOLVED, That all that part of Continental Avenue, 50 feet wide, between Freud and Essex; also

All that part of Emerson Avenue, 50 feet wide, between Avondale and Essex; also

All that part of the north-south public alley, 18 feet wide, in the block bounded by Continental, Emerson, Avondale, and Essex; also

All that part of the north-south public alley, 18 feet wide, in the block bounded by Emerson, Dickerson, Avondale, and Essex; also

All that part of the north-south public alley, 18 feet wide, in the block bounded by Kitchener, Continental, Essex, and Freud; also

All that part of thy north-south

public alley, 18 feet wide, in the block bounded by Continental, Emerson, Essex, and Freud; also

All that part of the north-south public alley, 18 feet wide, in the block bounded by Emerson, Dickerson, Essex, and Freud.

All of the above appear in the "St. Clair Park Subdivision" of part of Private Claims 315 and 322, south of Jefferson Avenue, City of Detroit, Wayne County, Michigan, as recorded in Liber 27, Page 90, Plats, Wayne County records; also

All that part of Private Claims 315 and 322 dedicated to the City of Detroit for street and alley purposes on March 16, 1920, said strip of land lies between the "St. Clair Park Subdivision" as recorded in Liber 27, Page 90, Plats, Wayne County records; and the Private Plat of "Grayhaven" being a subdivision of Private Claims 315 and 322.

Be and the same are hereby vacated as public streets and alleys to become a part and parcel of the abutting property; subject to the following:

PROVIDED, Easements are hereby retained for the Detroit Water and Sewerage Department in:

1) The southerly 666 feet of Continental Avenue as above described between Essex and Freud Avenues; and

2) The above described north-south alley in the block bounded by Emerson, Dickerson, Essex, and Freud, and further

PROVIDED, That by reason of the vacation of the above property, the City of Detroit does not waive any rights to the sewers located or to be located therein, and, at all times, shall have the right to enter upon the premises, if found necessary to repair said sewers, alter, service or install same, and further

PROVIDED, That no building shall be constructed over said sewers without the prior approval of such building construction by the Sewer Services Section of the Detroit Water and Sewerage Department and the Department of Buildings and Safety Engineering; and further

PROVIDED, In the event that the sewer located or to be located in said property shall break, causing damage to any construction, property or materials above, the petitioners and their assigns, by acceptance of the permit for construction over said sewer, waive all claims for damages; and further

PROVIDED, 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 the petitioner, or assigns (by way of illustration but not limitation, such as storage of excessive weights of materials, or any construction not in accordance with Provision 2, mentioned above), then in such event, the petitioner or assigns shall be lia-

ble for all costs incidental to the repair of such broken or damaged sewer; and shall also be liable for all claims for damages resulting from his action, and be it further

RESOLVED, That all that part of Emerson Avenue, 50 feet wide, between Essex and Freud Avenues as platted in the "St. Clair Park Subdivision" as recorded in Liber 27, Page 90, Plats, Wayne County records,

Be and the same is hereby vacated as a public street and is hereby converted into a public easement for subsurface utilities of the full width of the street, 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 street and by their heirs, executors, administrators and assigns, forever to wit:

FIRST, said owners hereby grant to and for the use of the public a subsurface easement or right of way over said vacated public street 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 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 easement 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 easement, 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 street shall request the removal and/or relocation of any existing 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 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 upon proper application, the Environmental Protec-

tion and Maintenance Department shall issue to the Detroit Edison Company, the Michigan Consolidated Gas Company, and the Michigan Bell Telephone Company, permits to relocate their pipes, poles and lines from the vacated streets and alleys to public streets most conveniently located in reference to the vacated streets and alleys and consistent with the public health, safety, convenience, and general welfare, and be it further

RESOLVED, That the Detroit Edison Company, the Michigan Bell Telephone Company, and the Michigan Consolidated Gas Company are hereby directed to remove all their pipes, poles and lines from the vacated areas within thirty days of receipt of a copy of this resolution; and be it further

RESOLVED, That the Community and Economic Development Department is hereby authorized and directed to pay the following estimated charges for private utility removal or relocation:

Detroit Edison Company, \$15,463.25  
Michigan Bell Telephone Co., \$4,018.00

Michigan Consolidated Gas Co., \$29,726.00,  
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, Mahaffey, Rogell, and President Levin — 6.

Nays — None.

**Environmental Protection and Maintenance Department**

April 11, 1977

Honorable City Council:

Re: Petition No. 4720 — Detroit Bank and Trust. Conversion to Easement of the north-south alley west of Mack, between Lannoo and Hillcrest.

The above petition requests the conversion of the above described 20 foot wide alley into an easement for public utilities. The requested conversion into easement for public utilities was approved by the Community and Economic Development Department. The petition was then referred to us for investigation and report. Our report, accompanied by the original petition, is as follows:

The petitioner has made the following deposits with the City Treasurer, which have been credited to the departments and accounts named, for the purpose indicated:

Public Lighting Department  
Receipt No. C 30323 \$200

For the estimated cost to remove one light from the alley to be vacated.

EPMD — Intersection Fund  
Receipt No. C 30322 \$405

For the original cost of paving Lannoo and Hillcrest at the intersection of the alley to be vacated.

The petitioner has also requested that the paved returns at the entrance to the alley to be vacated remain in their present status as the petitioner plans to utilize same, and had agreed by letter filed with the original petition to pay all costs incidental to the removal of same whenever the discontinuance of use makes such removal necessary.

All other involved City departments and privately-owned utility companies reported that they have no objections to the conversions of public right of way into an easement provided that proper provisions are incorporated into the vacating resolution protecting their installations located therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,  
JAMES W. WATTS,  
Director

By Council Member Rogell:

RESOLVED, That all that part of the north-south public alley, 20 feet wide, west of Mack Avenue, between Lannoo and Hillcrest Avenues abutting the rear line of lots 124 to 136 and abutting the easterly line of lots 123 and 137 all inclusive of the "Mack-Seven Mile Subdivision", being part of lots 22, 23, 24, and 25 of the Subdivision of the Estate of Magliore Moross, P.C. 123, and part of lots 1, 2, 3, and 4 of the subdivision of the easterly part of P.C. 404, according to the plat thereof in file No. 6386 in the Circuit Court for the County of Wayne, City of Detroit and Grosse Pointe Township, Wayne County, Michigan, as recorded in Liber 55, Page 97, Plats, Wayne County records,

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

SECOND, said owners for their