

FIRST, said owners hereby grant to and for the use of the Detroit Edison Company and Michigan Bell Telephone Company easements or right of ways over said vacated public alleys hereinabove described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as 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 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 Detroit Edison Company and the Michigan Bell Telephone Company.

THIRD, that if at any time in the future the owners of any lots abutting on said vacated 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 further

Adopted as follows:

Yeas — Council Members Cleveland, Eberhard, Henderson, Rogell, and President Levin — 5.

Nays — None.

Environmental Protection and Maintenance Department

June 27, 1977

Honorable City Council'

Re: Petition No. 2496, Community & Economic Development Department, Elmwood Park III

The Community and Economic Development Department has petitioned that the streets and alleys in Parcels 15 and 15A of the Elmwood Park Project III be vacated.

This includes:

Elmwood Avenue between Lafayette and the north line of Parcel 15 which is northerly of Macomb; and

Macomb Street from Elmwood to a point approximately 177 feet west of

Elmwood; and

A portion of the north-south and east-west alleys in the two parcels.

The Detroit Edison Company replied that they need temporary easements for an overhead cable in this area. They have reached agreement with the petitioner regarding their facilities.

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

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

Respectfully submitted,

JAMES W. WATTS

Director

By Council Member Cleveland:

RESOLVED, That all that part of Elmwood Avenue, 60 feet wide, between Lafayette and Monroe described as: Beginning at the point of intersection of the northerly line of Lafayette, 120 feet wide, and the westerly line of Elmwood Avenue, 60 feet wide, thence N 59 deg 53 min 35 sec E, 60.20 feet; thence N 26 deg 07 min 16 sec W, 293.08 feet; thence westerly along a line at right angles to the last course, 52.80 feet; thence S 59 deg 50 min 46 sec W, 7.26 feet, thence S 26 deg 07 min 16 sec E, along the westerly line of Elmwood Avenue, 60 feet wide, 296.76 feet to the point of beginning; also

All that part of Elmwood Avenue, 60 feet wide, between Monroe Avenue, 50 feet wide, and Clinton Street, 80 feet wide, described as: Beginning at the point of intersection of the northerly line of Monroe, 50 feet wide, and the westerly line of Elmwood, 60 feet wide, thence N 59 deg 50 min 46 sec E, 7.25 feet; thence N 26 deg 07 min 16 sec W, 53.45 feet; thence easterly along a line at right angles to the last course, 52.80 feet; thence N 26 deg 07 min 16 sec W, along the easterly line of Elmwood Avenue, 60 feet wide, 376.55 feet; thence westerly along a line at right angles to the last course, 52.80 feet; thence S 59 deg 50 min 46 sec W, 7.25 feet; thence S 26 deg 07 min 16 sec E, along the westerly line of Elmwood, 60 feet wide, 430.00 feet to the point of beginning; also

All that part of the north-south and east-west public alleys, 20 feet wide, west of Elmwood Avenue, between Lafayette and Monroe Avenues included in the following boundaries:

Beginning at the point of intersection of the northerly line of Lafayette Avenue, 120 feet wide, and the westerly line of Elmwood Avenue, 60 feet wide, thence S. 59°53'35" W along the northerly line of Lafayette Avenue 169.26 feet to a point; thence N 26° 08'00" W, 296.61 feet to a point on the southerly line of Monroe Street, 60 feet wide; thence N. 59°54'46" E., along the said southerly line of Monroe Street 176.61 feet to a point on

the easterly line of the B. Chapoton Farm, P.C. 11 and 453; thence S. 26°07'16" E., along said easterly line of the B. Chapoton Farm 296.76 feet to a point on the northerly line of Lafayette Avenue; thence S. 59°53'35" W., along said line of Lafayette Avenue 7.27 feet to the point of beginning; also

All that part of the north-south and east-west public alleys, 15, 16 and 20 feet wide, west of Elmwood Avenue between Monroe and Clinton included in the following boundaries:

Beginning at the point of intersection of the northerly line of Monroe Street, 50 feet wide, and the westerly line of Elmwood Avenue, 60 feet wide; thence S. 59°50'46" W, along said northerly line of Monroe Street, 169.36 feet to a point; thence N. 26°08'00" W, 430.00 feet to a point; thence N. 59°50'46" E., 176.71 feet to a point on the easterly line of the B. Chapoton Farm, P.C. 11 and 453; thence S. 26°07'16" E., along said easterly line of the B. Chapoton Farm 430.00 feet to a point on the northerly line of Monroe Street; thence S. 59°50'46" W, along said northerly line of Monroe Street 7.25 feet to the point of beginning,

All of the above appear in the following:

"Wm. B. Wesson's Section of the B. Chapoton Farm" as recorded on June 29, 1861 in Liber 1, Page 112, Plats, Wayne County records; also

"Plat of Drigg's Subdivision of lots 103 to 113 inclusive of Wm. B. Wesson's Section of B. Chapoton Farm" as recorded on June 1, 1880 in Liber 5, Page 37, Plats, Wayne County records; also

"Plat of the George Hunt Farm" south of Gratiot Road as recorded on June 8, 1846 in Liber 27, Pages 251, 252, and 253, Deeds, Wayne County records,

Be and the same are hereby vacated as public streets and alleys subject to the following easement provisions:

First, said owners hereby grant to and for the use of the public an easement or right of way for subsurface utilities in the easterly 20 feet of that portion of Elmwood Avenue, 60 feet wide, between Lafayette and Monroe as described above 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 the following described parcel of land is hereby set aside and dedicated for an easement for the City of Detroit Water and Sewerage Department:

A strip of land 20 feet wide lying northerly of and abutting the northerly line of and abutting the northerly line of Lafayette, 120 feet wide, westerly of the east line of Elmwood Avenue, 60 feet wide, more properly described as: Beginning at the point of intersection of the northerly line of Lafayette, 120 feet wide, and the westerly line of Elmwood, 60 feet wide; thence S 59 deg 53 min 35 sec W, along the northerly line of Lafayette, 120 feet wide, 109.06 feet; thence N 26 deg 08 min 00 sec W, 20.05 feet; thence N. 59 deg 53 min 35 sec 1, 149.17 feet; thence S 26 deg 07 min 16 sec E, 20.05 feet; thence S 59 deg 53 min 35 sec W, along the northerly line of Lafayette, 120 feet wide, 40.11 feet to the point of beginning; and be it further

RESOLVED, That the above described easement for the Water and Sewerage Department is subject to the same easement provisions as stated above in this resolution; and further

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

Adopted as follows:

Yeas — Council Members Cleveland, Eberhard, Henderson, Rogell, and President Levin — 5.

Nays — None.