

Environmental Protection
& Maintenance Department

May 11, 1977

Honorable City Council:

Re: Petition No. 2804 John J. Nykiel
Vacation and Conversion to Easement of portions of Copland and Peterson and the alley abutting west of West Jefferson.

The above petition requests the vacation and conversion of the above described portion of streets and alleys into an easement for public utilities. The requested vacation and 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 deposit with the City Treasurer, which has been credited to the department and account named, for the purpose indicated:

Department of Transportation Receipt No. C 25373 \$25.00 For the estimated cost to remove street signs from the streets to be vacated.

The petitioner has also requested that the paved returns at the entrance to the streets to be vacated remain in their present status as the petitioner plans to utilize same, and has 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.

The petitioner wishes to encroach into the portion of Copland to be converted to a public utility easement with the footings for and the cover over a carport. There are no objections provided the building plans are approved by the Water and Sewerage Department and the Environmental Protection and Maintenance Department.

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

The adoption of the attached resolution is recommended.

Respectfully submitted,
JAMES W. WATTS
Director

By Council Member Hood:

Resolved, That all that part of the southerly 20 feet of Copland Avenue, 50 feet wide, lying between and abutting the westerly line of Jefferson Avenue, 66 feet wide, and the easterly line of the 18 foot wide public alley first west of Jefferson Avenue and abutting the northerly line of lot 33 of "Tait and Harbaugh's Addition to the Village of Delray" of part of Private Claim 11 in rear of Private Claim 45, Springwells, Wayne County, Mich-

igan as recorded in Liber 11, Page 81, 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; and be it further

Resolved, That all that part of the northerly 30 feet of Copland Avenue, 50 feet wide, between Jefferson Avenue and the 18 foot wide public alley first west of Jefferson Avenue, abutting the southerly line of lot 34 of "Tait and Harbaugh's Addition to the Village of Delray as recorded in Liber 11, Page 81, Plats, Wayne County records; also

All that part of Copland Avenue, 50 feet wide, not previously vacated, between the east and west lines extended of the 18 foot wide public alley first west of Jefferson inclusive of the above mentioned subdivision; also

All that part of the north-south public alley, 18 feet wide, north and south of Copland Avenue and first west of Jefferson abutting the rear line of Lots 29 to 33 and Lots 34 to 36 all inclusive of the above mentioned subdivision; also

All that part of Peterson Street, 40 feet wide, not previously vacated, West of Jefferson Ave. lying Southerly of and abutting the Southerly line of lot 2 and having been entirely platted in Henry W. D. Peterson's Subdivision of the northeast part of 14.75 Acres in Private Claim 45, Springwells, Wayne County, Michigan, as recorded in Liber 10, Page 66, Plats, Wayne County records; also

All that part of the north-south public alley, 15 feet wide, south of Peterson Street and first west of Jefferson, not previously vacated, abutting the rear line of lots 1 to 8 of Peterson's Subdivision of part of Private Claim 11, Springwells, Wayne County, Michigan, as recorded in Liber 14, Page 39, Plats, Wayne County records;

Be and the same are hereby vacated as public streets and alley 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 of way over said vacated public streets and alleys thereinabove 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 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 streets and alleys shall request the removal and/or relocation of any existing poles or other utilities in said easement, 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 Environmental Protection and Maintenance Department is hereby authorized and directed to issue a permit to Mr. J. Nykiel, owner of Joey's Stable Restaurant, to encroach into the northerly 30 feet of Copland Avenue, 50 feet wide, converted into a public easement in the above portion of this resolution, with footings for a carport cover support to be approximately 13 feet south of the north line of Copland Avenue and for the cover over the carport all being in "Tait and Harbaugh's Addition to the Village of Delray" as recorded in Liber 11, Page 81, Plats, Wayne County records, between Jefferson and the alley first west of Jefferson,

Provided, said encroachment permit shall be issued only after building plans are approved by the Water and Sewerage Department and the Environmental Protection and Maintenance Department; and further

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 carport, 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 located 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 costs 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; and be it further

Adopted as follows:

Yeas — Council Members Cleveland, Eberhard, Henderson, Hood, Kelley, Mahaffey, Rogell, and President Levin — 8.

Nays — None.

Environmental Protection and Maintenance Department

May 17, 1977

Honorable City Council:

Re: Community & Economic Development Dept. (3917) — Removal of Traffic on Brush Street. Medical Center U.R. Projects 1 and 2. Also Easement for Pedestrian Tunnel. Detroit Medical Center Corporation.

The Development Plan for Medical Center Rehabilitation Projects One and Two provided for the conversion of Brush Street from a street to a public walkway and utility easement. The hospitals within the project are now at the stage in their development which requires that through traffic be removed from Brush Street between Mack Avenue and Canfield. This involves making traffic two-way on present one-way John R. between Canfield and Mack Avenue, the changing of traffic lights at John R. and Canfield and John R. and Mack Avenue to four-way lights as well as a change to the existing light at Alexandrine and John R. In addition there would need to be some temporary barricading at Brush and Mack for moving traffic east or west to continue northbound.

All affected Departments have indicated that they have no objections provided access to the area is maintained by the hospitals in a