

Mahaffey, McFadden, and President Henderson — 8.
Nays — None.

Department of Public Works

December 5, 1980

Honorable City Council:

Re: Petition No. 3686. Stroh Brewery Company. Conversion to Easement of portions of Montcalm, St. Antoine, the Chrysler Freeway Service Drive, and an alley east of Beaubien north of Montcalm.

The above petition requests the conversion of the above described portions of streets and alley into easements 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 deposited the following amounts for the purposes indicated:

DPW—Intersection Fund \$136.00.

For the original cost of paving Beaubien Street at the intersection with Montcalm and the alley north of Montcalm to be vacated.

The petitioner has requested the paved returns at the entrance to the streets and alley to be vacated remain in their present status as the petitioner plans to utilize same, and has agreed to pay all costs incidental to the removal of same whenever the discontinuance of use makes such removal necessary.

The petitioner wishes to leave the existing street lights in place in the streets to be vacated and has agreed to enter into an annual maintenance agreement with the Public Lighting Department; also, the Fire Department has directed that the existing fire hydrants remain in service and that the petitioner be responsible for their maintenance. The petitioner has agreed to this.

All other involved City departments and privately-owned utility companies reported that they have no objections to the conversion of public right-of-ways into easements 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,
LOUIS W. KLEI
 City Engineer

Approved:
JAMES W. WATTS
 Director

By Council Member Cockrel:

Resolved, That all that part of St. Antoine Street, 50 feet wide, lying north of Elizabeth Street, being Land in Private Claim 2, City of Detroit, Wayne County, Michigan described as: bounded on the west by a straight line between the southeasterly corner of Block 1 Van Dykes Subdivision on the A. Beaubien Farm Rec'd L.1 P.222 Plats W.C.R. and the northeasterly corner of Lot 4 of the Re-Subdivision of Block 2, Van Dyke's Section of A. Beaubien Farm Rec'd L.4, P.18 Plats, W.C.R.; bounded on the north by a straight line between the northeasterly corner of said Lot 4 of said Re-Subdivision of Block 2 (L.4, P.18) and the northwesterly corner of Lot 65 of Part of Crane & Wesson's Section of the Antoine Beaubien Farm North of Elizabeth Street, Detroit, Michigan Rec'd L.1, P.9 Plats W.C.R.; bounded on the east by a straight line between said northwesterly corner of Lot 65 and the southwesterly corner of Lot 49 of said Part of Crane & Wesson's Section (L.1, P.9); and bounded on the south by a straight line between southwesterly corner of said Lot 49 and the southeasterly corner of said Block 1 of said Van Dykes Sub. (L.1, P.222), also

All that part of Montcalm Street, 50 feet wide, lying easterly of Beaubien Street, being Land in Private Claim 2 City of Detroit, Wayne County, Michigan, described as: Montcalm Ave. (50 feet wide) bounded on the east by a straight line between the southeasterly corner of Lot 6 of Subdivision of Blocks 3 and 2 Van Dyke Sec. of Antoine Beaubien Farm Rec'd L. 1 P.207 Plats W.C.R. and the northeasterly corner of Lot 13 of Re-Subdivision of Block 2, Van Dyke's Section of A. Beaubien Farm Rec'd L.4 P.18 Plats W.C.R.; bounded on the north by the southerly line of Lots 6 through 8 inclusive of said Re-Sub of Block 2 (L.4 P.18) and the southerly line of Lots 34 through 40 inclusive of Theo. J. and Dennis J. Campau Subdivision of Out Lot 175, Lambert Beaubien Farm, Joseph Campau Estate, containing 4 01/100 acres Rec'd L.2, P.3 Plats W.C.R.; bounded on the west by a straight line between the southwesterly corner of Lot 40 and the northwesterly corner of Lot 27 of said Theo. J. & Dennis J. Campau Subdivision (L.2 P.3) and bounded on the south by the northerly line of Lots 27 through 33 of said Theo. J. & Dennis J. Campau Subdivision (L.2 P.3) and the northerly line of Lots 11 through 13 inclusive of said Re-Subdivision of Block 2 (L.4 P.18); also

All that part of the east-west alley lying in the block bounded by Beaubien, Montcalm, and the Fisher-Chrysler Freeway Interchange, being Land in Private Claim 2, City of Detroit, Wayne County, Michigan described as: an alley 20 feet wide northerly of Montcalm Ave. (50 feet wide) and easterly of and adjacent to Beaubien Street (40 feet wide), bounded on the west by a straight line between the northwesterly corner of Lot 40 and the southwesterly corner of Lot 41 of Theo. J. & Dennis J. Campau Subdivision of Out Lot 175, Lambert Beaubien Farm, Joseph Campau Estate containing 4 01/100 acres Rec'd L.2, P.3 Plats W.C.R.; bounded on the north by the southerly line of Lots 41 through Lot 46 of said Theo. J. & Dennis J. Campau Sub. (L.2, P.3); bounded on the east by the Fisher-Chrysler Freeway Interchange; and bounded on the south by the northerly line of Lots 34 through 40 inclusive of said Theo. J. & Dennis J. Campau Sub. (L.2, P.3); also

All that part of land used for an alley turnaround east of Beaubien and north of Montcalm, being that part of Lots 45, 46, the East 20 feet of Lot 44 of Theodore J. and Dennis J. Campau Subdivision of Out Lot 175, Lambert Beaubien Farm, Joseph Campau Estate, City of Detroit, Wayne County, Michigan, as recorded in Liber 2, page 3 of Plats, Wayne County Records, which lies Southerly of a line described as: Commencing at the Northwesterly corner of Lot 37, said Theodore J. and Dennis J. Campau Subdivision; thence North 64 deg. 07 min. 36 sec. West along the Northerly line of said Lot 37 a distance of 13 feet; thence North 26 deg. 07 min. 38 sec. West, 48.76 feet to the point of beginning; thence North 84 deg. 59 min. 08 sec. East, 26.51 feet; thence North 88 deg. 00 min. 50 sec. East, 47.67 feet; thence South 86 deg. 30 min. 05 sec. East, 12.53 feet; thence South 84 deg. 12 min. 18 sec. East, 8.77 feet; thence South 83 deg. 27 min. 54 sec. East, 17.08 feet to the point of ending; also

All that part of the Fisher-Chrysler Freeway Interchange Service Drive north of Elizabeth being that part of Lots 1, 2, and 3 of Block 2, Re-Subdivision of Block 2, Van Dyke's Section of A. Beaubien Farm, City of Detroit, Wayne County, Michigan, as recorded in Liber 4 of Plats, page 18, Wayne County Records, and that part of Montcalm Street lying Northerly of said Lots 1, 2, and 3 and Southerly of Lot 5, Block 3, Subdivision of Blocks 3 and 2, Van Dyke Section of Antoine Beaubien Farm, City of Detroit, Wayne County, Michigan, as recorded

in Liber 1, page 207 of Plats, Wayne County Records, and also that part of St. Antoine Street lying Easterly of said Lots 1, 2, and 3 and Westerly of Lot 66, Crane and Wesson's Section, A. Beaubien Farm, City of Detroit, Wayne County, Michigan, as recorded in Liber 1, page 9 of Plats, Wayne County Records described as:

Beginning at the Southeasterly corner of said Lot 3; thence North 69 deg. 44 min. 50 sec. West, 1.93 feet; thence North 65 deg. 04 min. 32 sec. West, 38.50 feet; thence North 75 deg. 39 min. 12 sec. West, 40.55 feet; thence North 79 deg. 49 min. 15 sec. West, 50.70 feet; thence South 81 deg. 50 min. 10 sec. West, 9.00 feet; thence South 64 deg. 07 min. 36 sec. West, 11.02 feet; thence North 26 deg. 07 min. 38 sec. West, 60.03 feet; thence South 84 deg. 01 min. 59 sec. East, 29.84 feet; thence South 86 deg. 53 min. 48 sec. East, 13.12 feet; thence South 81 deg. 23 min. 33 sec. East, 21.06 feet; thence South 76 deg. 29 min. 24 sec. East, 134.53 feet; thence North 73 deg. 30 min. 10 sec. East, 9.31 feet; thence South 26 deg. 07 min. 52 sec. East, 29.12 feet; thence South 64 deg. 07 min. 36 sec. West, 50.00 feet to the place of beginning;

Be and the same are hereby vacated as public streets and alley and are hereby converted into a public easement of the full width of the streets and 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 streets and 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 easements or rights of way over said vacated public streets and 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 or 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 the

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 alley 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 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 petitioner shall enter into an annual maintenance agreement with the Public Lighting Department for the continued use of the existing street lights; and further

Resolved, That the existing fire hydrants in the area shall remain in service and shall become the responsibility of the petitioner for future maintenance, and be it further

Resolved, That the Finance Department is hereby authorized and directed to issue a Quit Claim Deed to the above described streets and alleys, and that the Law Department is directed to prepare said deed.

Adopted as follows:

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

Nays — None.

Department of Public Works

November 14, 1980

Honorable City Council:

Re: Petition No. 4483, Quaker Chemical Corporation, Request to use the berm for off-street parking at 14301 Birwood.

In compliance with policy adopted by your Honorable Body on August 24, 1972 (J.C.C. Pages 2195-97) concerning use of berm areas for off-street parking of motor vehicles, the Department of Public Works has consulted with the Community and Economic Development Department and the Department of Transportation regarding the above petition.

All Departments have approved the use of the berm area for off-street parking.

We are, therefore, submitting the following resolution authorizing the use of the berm area and recommend approval of same.

Respectfully submitted,
LOUIS W. KLEI
City Engineer

Approved:

JAMES W. WATTS
Director

By Council Member Eberhard:

RESOLVED, That the Department of Public Works be and it is hereby authorized and directed to issue permits to the Quaker Chemical Corporation to use the berm area in front of 14301 Birwood for off-street parking, perpendicular to the curb, for customers vehicles;

PROVIDED, That the necessary permits be obtained from the Department of Public Works, and,

PROVIDED, That permittee at the time of obtaining said permits files with the Finance Department an indemnity agreement in form approved by the Law Department, saving and protecting the City of Detroit harmless from any and all claims, damages or expenses that may arise by reason of the issuance of said permits and the faithful performance by the permittee of the terms thereof, and in addition to pay all claims, damages or expenses that may arise out of the maintenance of said permission; and

PROVIDED, That such use of said public property shall be made under the rules and regulations of the City Engineering Division, D.P.W., and the Department of Transportation in accordance with plans approved by those Departments and the Community and Economic Development Department and

PROVIDED, That said permission may be rescinded at any time it is deemed necessary by the Department of Transportation, and further, that the issuance of the permits shall not in any way waive the rights of the City to utilize the area for street widening or other purposes as may become necessary in the future; and

PROVIDED That the area be paved in asphalt or concrete and,

PROVIDED, That all construction costs be borne by permittee; and

PROVIDED, That the parking spaces shall not in any way waive the requirements of the Zoning Ordinance regarding off-street parking; and

PROVIDED, That this resolution is revocable at the will, whim or caprice of the City Council and permittee hereby expressly waives any right to claim damages or compensation for removal of encroachment; and further that permittee acquires no implied or