

Department of Public Works
February 17, 1981

Honorable City Council:

Re: Harper Widening East of French Road. Urban Project M 2000(045).

As part of the project approved by your Honorable Body on October 13, 1976, (JCC p. 2028), to widen Harper Avenue between French Road and the Detroit Terminal Railroad, the Fruehauf Corporation deeded to the City of Detroit the necessary land to widen Harper on the north side.

In our report to your Honorable Body on January 24, 1979 (JCC pp. 213-14) it was indicated that when the paving of the relocated roadway was completed, the portions of surplus right of way on the south side of Harper could be vacated and deeded to the Fruehauf Corporation for use in the beautification of their corporate headquarters.

The work has been accomplished; therefore, an appropriate resolution converting the surplus portion of Harper to a public utility easement is attached for consideration by your Honorable Body.

Respectfully submitted,
LOUIS W. KLEI,
City Engineer

Approved:

JAMES W. WATTS,
Director

By Council Member Rogell:

RESOLVED, That all that part of Harper Avenue between Montclair and the Detroit Terminal Railroad right of way described as:

A parcel of land in the City of Detroit, County of Wayne, Michigan being the southerly part of Harper Avenue, 86 feet wide, between Montclair Avenue, 60 feet wide, and Lemay Avenue, 60 feet wide, and being more particularly described as follows: Beginning at the intersection of the easterly line of Montclair Avenue, and the southerly line of Harper Avenue, widened by Circuit Court on June 19, 1925, and referred to the City of Detroit, Common Council on June 30, 1925, said point also being 37.23 feet northerly of the southwesterly corner of Lot 255, of "St. Clair Heights Eugene H. Sloman's Subdivision of that part of P.C. 387, lying north of Mack Avenue," as recorded in Liber 18, Page 50 Plats, Wayne County Records; thence from the point of beginning N. 26d 45m 20s W., along the easterly line of Montclair Avenue; extended northerly. 17.00 feet; thence N. 07d 46m 29s E., 12.28 feet; thence N. 56d 05m 20s E., 21.00 feet to a point of curve; thence 131.17 feet along the arc of a curve concave to the south, which has a radius of 890.00 feet; a delta of 8d

26m 40s, and a long chord of 131.05 feet which bears N. 60d 18m 40s E., to the point of tangency; thence N. 64d 32m 0s E., 81.89 feet to the extended westerly line of Lemay Avenue, 60 feet wide; thence S. 26d 43m 10s E., along the said westerly line of Lemay Avenue, 40.01 feet to a point, said point being 91.48 feet northerly of the southeasterly corner of Lot 439, of the subdivision of "Warren Park No. 1 of part of Lots 23-24 and all of Lot 25 of the Subdivision of P.C. 724 lying north of Shoemaker Avenue," as recorded in Liber 37, Page 51 of Plats, Wayne County Records; thence S. 64d 32m 0s W., along the southerly line of Harper Avenue, 86 feet wide, 240.58 feet to the place of beginning,

Also the southerly part of Harper Avenue, between Lemay Avenue, 60 feet wide, and the Detroit Terminal Railroad right of way, 66 feet wide, and being more particularly described as follows: Beginning at the intersection of the easterly line of Lemay Avenue, and the southerly line of Harper Avenue, 86 feet wide, said point being 91.59 feet northerly of the southwesterly corner of Lot 438, of the subdivision of "Warren Park No. 1 of part of Lots 23-24 and all of Lot 25 of the Subdivision of P.C. 724 lying north of Shoemaker Avenue," as recorded in Liber 37, Page 51 of Plats, Wayne County Records; thence N. 26d 43m 10s W., along the easterly line of Lemay Avenue, 39.73 feet; thence 120.05 feet along the arc of a curve concave to the south, which has a radius of 790.00 feet; a delta of 8d 42m 24s, and a long chord of 119.93 feet which bears N. 70d 24m 12s E., to the point of tangency; thence N. 74d 45m 24s E., 79.48 feet to the point of curve; thence 110.69 feet along the arc of a curve concave to the north, which has a radius of 876.00 feet, a delta of 7d 14m 24s, and a long chord 110.62 feet which bears N. 71d 08m 12s E., to a point of tangency; thence N. 67d 29m 59s E., 12.18 feet to the intersection of the southerly line of Harper Avenue, 86 feet wide, and the westerly line of the Detroit Terminal Railroad, 66 feet wide, said point also being on the easterly line of Lot 23, "Subdivision of P.C. 724, the DeLorme Farm," as recorded in No. 611 of Chancery File, November, 1855; thence S. 64d 32m 0s W., along the said southerly line of Harper Avenue, 318.70 feet to the place of beginning,

Be and the same is hereby vacated as a public street and is hereby converted into a public easement of the full width of the above described portion of said street, which easement shall be subject to the following co-

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venants 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 an 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 poles 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 Department of Public Works.

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 poles or other utilities in said easement, such owners, upon whose property the poles or other utilities are located 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 owner 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 owner 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 Finance Department is hereby authorized and directed to issue a Quit Claim deed to the Fruehauf Corporation for the above described land, and the Law Department is hereby directed to prepare said deed.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Eberhard, Hood, McFadden, Rogell, and President Pro Tem Mahafey — 7.

Nays — None.

Detroit Water and Sewerage Department

February 17, 1981

Honorable City Council:

Re: Petition No. 4618 of University Limited Dividend Housing Association Requesting Permission to Design and Construct City Sewers and Water Mains by Private Contractor.

Returned herewith is Petition No. 4618 of University Limited Dividend Housing Association, requesting permission to design and construct city sewers by private contract located in the University City Redevelopment Project No. 2, between the John C. Lodge Expressway Service Drive, Trumbull Avenue, Warren Avenue and Forest Avenue.

Although the petition did not address itself to water, water mains are similarly involved and should be included in this petition as an expediency.

The sewers and water mains are needed to serve the petitioner's proposed Freedom Place Apartment development.

All costs for the proposed sewers and water mains are to be borne by the Petitioner.

It is therefore recommended that the petition be granted in accordance with the attached resolution.

Respectfully submitted,

CHARLES BECKHAM

Director

By Council Member Cockrell:

Resolved, That the Detroit Water and Sewerage Department be and is hereby authorized to review the drawings for the lateral sewers and water mains and to issue permits to the Petitioner (No. 4618) for the construction of the lateral sewer and water mains to serve the Freedom Place Apartment site in the area of the John C. Lodge Service Drive, Trumbull Avenue, Warren Avenue and Forest Avenue; Be It Further

Resolved, That the plans for the lateral sewer and water mains shall be prepared by a Registered Engineer; Be It Further

Resolved, That the entire work is to be performed in accordance with plans and specifications approved by the Detroit Water and Sewerage Department and constructed subject to the inspection and approval of the Detroit Water and Sewerage Department; Be It Further

Resolved, That the entire cost of the lateral sewer and water main construction including inspection, survey and engineering shall be borne by the Petitioner; Be It Further

Resolved, That the entire cost of the