

alley hereinabove described shall be forever accessible to the maintenance and inspection forces of the utility companies, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer conduit, water main, gas line or main, telephone or light pole or any utility facility placed or installed in the utility easement or right-of-way. The utility companies shall have the right to cross or use the driveways and yards of the adjoining properties for ingress and egress at any time to and over said utility easements with any necessary equipment to perform the above-mentioned tasks, with the understanding that the utility companies shall use due care in such crossing or use, and that any property damaged by the utility companies, other than that specifically prohibited by this resolution, shall be restored to a satisfactory condition.

THIRD, 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 of the Department of Public Works,

FOURTH, that if 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 that poles or other utilities are located pay all cost 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.

Adopted as follows:

Yeas — Council Members Collins, Hood, Kelley, Peoples, Ravitz and President Henderson — 6.

Nays — None.

**City Engineering Department**

May 20, 1983

Honorable City Council:

Re: Central Industrial Park Project Va-

cation of Clay - St. Aubin Avenue Intersection.

The development plan for the Central Industrial Park Project provided for the closing of a portion of the Clay Avenue St. Aubin Avenue intersection upon completion of a widened connecting roadway connecting the two streets northwest of the consolidated Railroad Corporation (Conrail) and the Grand Trunk Railroad tracks. Both of the railroads have indicated their approval of the plan to close the crossings and vacate the appropriate portion of Streets.

The construction of the widened connection has been completed and the portions of streets crossing the railroads has been closed to all but construction traffic. The Railroads and the Community and Economic Development Department have therefore requested that the public right of way be vacated, with easements for public utilities retained therein. In addition, the railroads have requested that the City issue quit claim deeds for the portion of street contiguous with their respective rights of way. It is recommended that the City do this to clarify the property lines across the intersection.

An appropriate resolution is submitted herewith for your Honorable Body's consideration and approval.

Respectfully submitted,  
**LOUIS W. KLEI**  
 City Engineer

Approved:  
**JAMES W. WATTS**  
 Department of Public Works

Approved:  
**EMMETT S. MOTEN, JR.**  
 Director  
 Community & Economic  
 Development Department

By Council Member Peoples:  
 Resolved, That all that portion of the Clay Avenue, St. Aubin Avenue Intersection described herewith as Parcel "A",  
**PARCEL "A"**

A portion of the Clay Avenue, St. Aubin intersection bounded in part by Lots 9, 10, 30 thru 33 and Lot 126 of Livingstone's Subdivision of Part of Quarter Sections No. 58 and 59 of Ten Thousand Acres Tract recorded Liber 1 page 312 Plats W.C.R., Lot 1 of Steiner's Subdivision of North Part of Lots 3 and 4 of the Subdivision of the west half of Section 59 T.T.A.T. recorded Liber 7 page 40 Plats W.C.R., and Lot 6 of the Subdivision of the west half of Section 59 T.T.A.T., recorded Liber 46 Page 450-451 Deeds, W.C.R., which is more particularly described as follows:  
 Beginning at a point on the easterly

line of St. Aubin Avenue, 63 feet wide, which line is also the City Line between Detroit and the City of Hamtramck, said point being the south-westerly corner of Lot 1 of the above noted Steiner's Subdivision; thence N. 25° 41' 23" W., 250.37 feet long said City Line; thence S. 27° 24' 37" W., along a line parallel and 9.5 feet, more or less, westerly of the centerline of the westerly Conrail Corporation westerly track, 329.06 feet to a point on the southerly line of Clay Avenue, 66 feet wide; thence N. 62° 46' 20" E., along said southerly line 198.67 feet to the westerly line of St. Aubin Avenue; thence S. 27° 11' 18" E., along said westerly line 138.21 feet to the northerly corner of Lot 9 of above noted Livingstone's Subdivision; thence N. 11° 35' 49" E., 100.59 feet to the point of beginning and containing 31,352 square feet of land or 0.7198 acres, more or less.

Be and the same is hereby vacated as public streets to become part of the Grand Trunk Railroad right of way and Conrail right of way and same are hereby converted into public easements for public utilities the full width of the street rights of way, which easements shall be subject to the following covenants and agreements uses reservations and regulations which shall be observed by the railroads and by their heirs, executors, administrators and assigns, forever to wit:

FIRST, said railroads hereby grant to and for the use of public utilities an easement or right of way over said vacated public streets herein above 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 easements for the purpose above set forth,

SECOND, said railroads for their heirs and assigns further agree that no buildings or structures of any nature whatsoever 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 railroads shall request the removal and/or relocation of any of any existing poles or other utilities in said easements, shall pay all respective 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 even the petitioner or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility.

PROVIDED FURTHER, That all construction work done by a utility on or in said easements shall be done in a manner and to the specifications and requirements of the appropriate Railroads or its heirs and assigns; and be it further

RESOLVED; That the Law Department is hereby authorized and directed to prepare a quit claim deed covering the following portion of Parcel "A" to Conrail and a quit claim deed to Grand Trunk Railroad for the remainder of said Parcel "A",

Conrail Reversionary Interests  
Clay Avenue — St. Aubin Avenue  
Intersection

The westerly 31 feet of Parcel "A" described as follows: Beginning at a point on the easterly line of St. Aubin Avenue, which line is the City Line between Detroit and Hamtramck which is N. 25° 41' 23" W., 250.37 feet along said line from the south-westerly corner of Lot 1 of Steiner's Subdivision; thence S. 27° 24' 37" W., 329.06 feet along the westerly line of Parcel "A"; thence N. 62° 46' 20" E., 53.56 feet along the southerly line of Clay Avenue; thence N. 27° 24' 37" E., 262.11 feet along a line 31.0 feet easterly of and parallel with said westerly line, (which line is also approximately 8.5 easterly of the centerline of the easterly track of Conrail Corporation); thence N. 25° 41' 23" W., along said City Line 38.77 feet to the point of beginning and containing 9,163 square feet of land or 0.2104 acres more or less.

Grand Trunk Revisionary Interests  
Clay-St. Aubin Intersection

All that the land in Parcel "A" as described above except the westerly 31 feet there of conveyed to the Consolidated Rail Corporation. The portion reverting to the Grand Trunk Railroad contains 22,189 square feet of land or 0.5094 acres, more or less

RESOLVED, That the Finance Director is hereby authorized to execute said deeds and the City Clerk is hereby directed to deliver them to the respective Railroad.

Adopted as follows:  
Yeas — Council Members Collins, Hood, Kelley, Peoples, Ravitz and President Henderson — 6.  
Nays — None.