

City Engineering Department
November 7, 1985

Honorable City Council:

Re: Petition No. 4426 University of Detroit — Florence Mall Outright vacation of Florence between Livernois and Dexter; Conversion to easement of Petoskey south of Florence.

The above petition requests the outright vacation of Florence Avenue, 100 feet wide, between Livernois and Dexter Avenues. Also requested is the conversion of a portion of Petoskey Avenue, 50 feet wide, south of Florence Avenue into a subsurface easement for public utilities. The streets will be used to construct a proposed landscaped "Florence Mall".

The requested conversion to subsurface easement for public utilities and vacation was approved by the Community and Economic Development Department. The petition was referred to us for investigation and report. Our report accompanied by the original petition is as follows:

The Detroit Edison Company and Michigan Consolidated Gas Company have agreed by filed acceptance letters to accept public easements in Florence Avenue. The Detroit Water and Sewerage Department and the Public Lighting Department have agreed in concept to accept public easements in Florence and Petoskey Avenues. Provisions are incorporated into the vacating resolution protecting their installations therein.

All other involved City departments and privately-owned utility companies reported they will be unaffected by the vacation and conversion to subsurface easement of said streets or they have reached satisfactory agreements with the petitioner regarding their installations therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,
CLYDE R. HOPKINS
Director

By Council Member Eberhard:

Resolved, That all that part of Florence Avenue, 100 feet wide, lying between and abutting the westerly line extended northerly of Dexter Avenue, 50 feet wide, and the easterly line extended northerly of Livernois Avenue, 120 feet wide, the northerly 50 feet of said Florence Avenue, 100 feet wide, was opened on July 31, 1923, all of which and the remaining southerly 50 feet was platted in the Marshall Park Subdivision of the north 30 acres of the southwest quarter of the northwest quarter of Section 15, Town 1 South, Range 11 East, Greenfield Township, City of Detroit, Wayne County,

Michigan as recorded in Liber 33, Page 54, 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, subject to the following easement provisions:

Provided, That said owners hereby grant to and for the use of public utilities a 20 feet wide subsurface easement, the centerline of which is described as the centerline of an existing concrete encased Detroit Edison duct, said centerline more particularly described as follows: Beginning at a point on the east line of Livernois Avenue, 120 feet wide, said point being 19.5 feet north of the south line of (vacated) Florence Avenue, 100 feet wide; thence easterly and parallel to said south line of Florence Avenue 1,094.00 feet, more or less, to a point of ending on the northerly extension of the west line of Dexter Avenue, 50 feet wide; and further

Provided, That said owners hereby grant to and for the use of the Detroit Edison Company 18.5 feet wide (above and below ground) easements the centerlines described as follows:

1) Beginning at a point on the east line of Livernois Avenue, 120 feet wide, said point being 0.25 feet north of the south line of (vacated) Florence Avenue, 100 feet wide; thence easterly and parallel to said south line of Florence Avenue 55.00 feet to a point of ending; also

2) Beginning at a point on the northerly extension of the west line of Dexter Avenue, 50 feet wide, said point being 9.25 feet north of the south line of (vacated) Florence Avenue, 100 feet wide; thence westerly and parallel to said south line of Florence Avenue 55.00 feet to a point ending; and further

Provided, That said owners hereby grant to and for the use of the Michigan Consolidated Gas Company a 24 feet wide subsurface easement, the centerline of which is described as follows: Beginning at a point on the east line of Livernois Avenue, 120 feet wide, said point being 10.00 feet south of the north line of (vacated) Florence Avenue, 100 feet wide; thence easterly and parallel to said north line of Florence Avenue 53.00 feet, more or less, to a point; thence southeasterly 3.6 feet, more or less, to a point 12.00 feet south of the north line of said Florence Avenue and 56.00 feet, more or less, east of the east line of said Livernois Avenue; thence easterly and parallel to said north line of Florence Avenue 280.00 feet, more or less, to a point, said point being 80.00 feet east of the northerly extension of the east line of Petoskey Avenue, 50 feet wide; thence

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south and parallel to said east line of Petoskey Avenue 34.00 feet, more or less, to a point 46.00 feet south of the north line of said Florence Avenue; thence southeasterly 22.60 feet, more or less, to a point, said point being 96.00 feet east of the northerly extension of the east line of Petoskey and 62.00 feet south of said north line of Florence Avenue; thence easterly and parallel to said north line of Florence Avenue 158.00 feet, more or less, to a point, said point being 254.00 feet east of the northerly extension of the east line of Petoskey Avenue, 50 feet wide; thence northeasterly 71.40 feet, more or less, to a point, said point being 561.00 feet east of the east line of said Livernois Avenue and 12.00 feet south of the north line of said Florence Avenue; thence north 12.00 feet, more or less, to a point of ending on the north line of said Florence Avenue, said point being 561.00 feet east of the east line of said Livernois Avenue; and further

Provided, that said owners hereby grant to and for the use of the Detroit Water and Sewerage Department a 20 feet wide easement (over that portion of Florence Avenue, 100 feet wide, and Petoskey Avenue, 50 feet wide), the centerline of which is described as follows: Beginning at a point on the east line of Livernois Avenue, 120 feet wide, said point being 25.50 feet north of the south line of (vacated) Florence Avenue, 100 feet wide; thence easterly and parallel to said south line of Florence Avenue 211.00 feet, more or less, to a point, said point being 5.00 feet east of the northerly extension of the west line of Petoskey Avenue, 50 feet wide; thence southerly and parallel to said west line of Petoskey Avenue 52.50 feet, more or less, to a point, said point being 27.00 feet south of the south line of said Florence Avenue; thence easterly and parallel to said south line of Florence Avenue 660.00 feet, more or less, to a point, said point being 223.00 feet west of the west line of Dexter Avenue, 50 feet wide; thence northerly and parallel to said west line of Dexter Avenue 52.50 feet, more or less, to point "A", said point being 25.50 feet north of the south line of said Florence Avenue; thence westerly and parallel to said south line of Florence Avenue 35.00 feet, more or less, to a point of ending;

also a 20 feet wide easement (over that portion of Florence Avenue, 100 feet wide), the centerline of which is described as follows: Beginning at a point 223.00 feet west of the west line of Dexter Avenue, 50 feet wide, said point being 25.50 feet north of the south line of said Florence Avenue

(herein above referred to as point "A"); thence from point "A" easterly and parallel to said south line of said Florence Avenue 8.00 feet, more or less, to a point, said point being 215.00 feet west of the northerly extension of the west line of Dexter Avenue, 50 feet wide; thence southeasterly 24.00 feet, more or less, to a point 14.00 feet north of the south line of said Florence Avenue; thence easterly and parallel to said south line 195.00 feet, more or less, to a point of ending on the northerly extension of the west line of said Dexter Avenue,

all of the above described public utility 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 Florence Avenue 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 Florence Avenue hereinabove described for the purposes of maintaining, installing, repairing, removing or replacing public utilities such as water mains, sewers, gas lines or mains, telephones, 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 purposes 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 or surface grade made, without prior construction plan approval by the City Engineering Department, all other involved City departments and all affected privately-owned utilities,

Third, that if the owners of any lot abutting on said Florence Avenue shall request the removal and/or relocation of any existing utilities in said easements, 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,

Fourth, that if any utility 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 all that part of Petoskey Avenue, 50 feet wide, abutting the front line of Lots 47 to 61 and Lots 86 to 100 as platted in the "Marshall Park Subdivision" of the north 30 acres of the southwest quarter of the northwest quarter of Section 15, Town 1 South, Range 11 East, Greenfield Township, City of Detroit, Wayne County, Michigan, as recorded in Liber 33, Page 54, Plats, Wayne County Records,

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 street, 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 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 sole purposes of maintaining, repairing, removing, or replacing below ground public utilities such as water mains, sewers, gas lines or mains, telephone or electric light conduits or things now placed or installed beneath such street with the right to ingress and egress at any time to and over said easement for the purposes 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 of the City Engineering Department,

Third, that if at any time in the future the owners of any lot 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,

Fourth, that if any utility 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

Provided, That the entire construction cost of new drainage, sidewalks, curbs and existing street return removal shall be borne by the petitioner or assigns in accordance with City permits, specifications and inspection; and further

Provided, That a certified copy of this resolution shall be recorded with the office of the Register of Deeds for Wayne County by and at petitioner's expense.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahafey, Peoples, Ravitz, and President Henderson — 9.

Nays — None.

*RECONSIDERATION (No. 5), per Motions before Adjournment.

City Engineering Department

November 6, 1985

Honorable City Council:

Re: Petition No. 3494, Hermes Automotive Manufacturing Corp., request to erect overhead crane-way across Twenty-Third Street south of Risdon.

Returning herewith, print and Petition No. 3494 of Hermes Automotive Manufacturing Corp. requesting permission to erect an overhead crane-way across Twenty-Third Street, 60 feet wide, south of Risdon Avenue.

The City Engineering Department has reviewed the plans submitted by the petitioner and has no objection to the encroachment.

All other involved City departments and privately owned utility companies have reported they have no objections to the proposed encroachment or they have reached satisfactory agreement with the petitioner regarding their installations.

An appropriate resolution granting the petition, is attached for consideration by your Honorable Body.

Respectfully submitted,

CLYDE R. HOPKINS

Director

By Council Member Eberhard:

Resolved, That the City Engineering Department be and it is hereby authorized and directed to issue permits to Hermes Automotive Manufacturing Corp. to encroach overhead across Twenty-Third Street, 60 feet wide, south of Risdon Avenue, abutting part of the front lien of property described as:

Lots 1, 2, 5, 6 and the north 10 feet of Lots 3 and 4 as platted in Mrs. Mary H. Gillett's Subdivision of part of Outlot 59, Porter Farm, South of Chicago Road, T.1S., R.12E., City of Detroit, Wayne