

City Engineering Department

August 16, 1988

Honorable City Council:

Re: Petition No. 1682. Pezanni and Reid Equipment Company Conversion to easement of Vinewood between W. Fort and the Fisher Freeway; also part of the east-west public alley in the block bounded by Vinewood, W. Grand Blvd., W. Fort and the Fisher Freeway.

Petition No. 1682 of Pezanni and Reid Equipment Company requests the conversion of Vinewood Avenue, 60 feet wide, between West Fort Street and the Fisher Freeway; also the conversion of portion of the east-west public alley, 20 feet wide, in the block bounded by Vinewood Avenue, West Grand Boulevard, West Fort Street, and the Fisher Freeway into easements for public utilities.

The requested conversions into public utility easements were approved by the Community and Economic Development Department. The petition was referred to in the City Engineering Department for investigation and report. This is our report:

The City owns the public alley in fee. Therefore, the Finance Director must execute a quit-claim deed to transfer converted public alley right-of-way to Pezzani and Reid Equipment Company.

The petitioner plans to use the paved street return entrances and request such remain in their present status. The petitioner shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

City departments and privately-owned utility companies have reported no objection to the conversion of public rights-of-way into utility easements. Provisions protecting utility installations are part of the resolution.

The adoption of the attached resolution is recommended.

Respectfully submitted,

CLYDE R. HOPKINS

Director

By Council Member Kelley:

Resolved, All that part of Vinewood Avenue, 60 feet wide, lying between and abutting the southerly line of the Fisher Freeway and the northerly line of West Fort Street (100 feet wide) having been platted in the Plat of Hubbard's Subdivision of Private Claim 77, known as the Knagg's Farm, between Fort Street and the Michigan Central Railroad, in the Township of Springwells, City of Detroit, Wayne County, Michigan as recorded in Liber 64, Page 1, Deeds, Wayne County Records; also

All that part of the east-west public alley, 20 feet wide, in the block bounded by Vinewood Avenue, West Grand Boulevard, West Fort Street, and the Fisher

Freeway being a part of Lot B of "Plats of Partition of Private Claim 78, Estate of Alexis Campau" as recorded on February 26, 1867 in Liber 124, Page 37, Deeds, Wayne County Records; as deeded to the City of Detroit on June 23, 1896 (J.C.C. page 552); said portion of east-west public alley being more particularly described as follows: All that part of Private Claim 78, commencing at the northeast corner of Vinewood Avenue (60 feet wide) and West Fort Street (100 feet wide); thence N. 27° 43' W., 170.60 feet to a point on the east line of said Vinewood Avenue (said point also being the point of beginning); thence N. 62° 17' E., 150.00 feet; thence N. 27° 43' W., 20.00 feet; thence S. 62° 17' W., 150.00 feet; thence S. 27° 43' E., 20.00 feet to the point of beginning;

Be and the same are hereby vacated as a public street and alley and are hereby converted into a public easement of the full width of the street 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 street 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 an easement or right-of-way over said vacated public street and alley 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 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 utility easement or right-of-way in and over said vacated street and alley herein above 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 easement with any necessary equipment to perform the above-mentioned tasks, with the understanding that the utility companies shall use due care in

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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 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 change of surface grade made, without prior approval of the City Engineering Department.

FOURTH, that if the owners of any lots abutting on said vacated street and alley shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners, shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners.

FIFTH, that if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, then in such event said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility, and

PROVIDED, That if it becomes necessary to remove the paved street returns at the entrances, such removal and construction of new curb and sidewalk shall be done under City permit and inspection according to City Engineering Department specifications with all costs borne by the petitioner, their heirs or assigns; and

PROVIDED FURTHER, That a certified copy of this resolution shall be recorded with the Wayne County Register of Deeds. The Petitioner shall pay all incidental recording costs; and be it further

RESOLVED, The Finance Director is hereby directed to execute a quit-claim deed to transfer the following converted public right-of-way to Pezzani and Reid Equipment Company:

"All that part of the east-west public alley, 20 feet wide, in the block bounded by Vinewood Avenue, West Grand Boulevard, West Fort Street, and the Fisher Freeway being a part of Lot B of "Plats of Partition of Private Claim 78, Estate of Alexis Campau" as recorded on February 26, 1867 in Liber 124, Page 37, Deeds, Wayne County Records; said portion of east-west public alley being more particularly described as follows: All that part of Private Claim 78, commencing at the northeast corner of Vine-

wood Avenue (60 feet wide) and West Fort Street (100 feet wide); thence N. 27° 43' W., 170.60 feet to a point on the east line of said Vinewood Avenue (said point also being the point of beginning); thence N. 62° 17' E., 150.00 feet; thence N. 27° 43' W., 20.00 feet; thence S. 62° 17' W., 150.00 feet; thence S. 27° 43' E., 20.00 feet to the point of beginning;

Adopted as follows:

Yeas — Council Members Collins, Eberhard, Kelley, Mahaffey, Peoples, Ravitz, and President Pro Tem. Hood — 7.

Nays — None.

Community & Economic Development Department

August 8, 1988

Honorable City Council:

Re: Petition #1825 — Request of Warren/Conner Development Coalition for a zoning change from R2 to B-4 and P1 for parcels located north of existing B-4 zoned lots on the north side of Mack Ave. and between Manistique Ave. and Alter Rd., and south of existing B-4 zoned lots on the south side of Mack Ave. between the alley east of Philip Ave. and Alter Rd. — recommend approval.

In its report to your Honorable Body, the City Planning Commission reported the support of the Community and Economic Development Department for the street and alley closings and easements related to the proposed development. A letter of support for the closings and easements is on file in the Clerk's Office.

This correspondence is to serve as notice of C&EDD support for the rezoning associated with the closings and easements for the Mack-Alter Square Shopping Center. CEDD concurs with the City Planning Commission in its favorable recommendation regarding the adoption of Ordinance to amend Chapter 68 by amending District Map Nos. 32 and 34 or Ordinance 390-G to show B4 (General Business) and P1 (Open Parking) classifications where an R2 (Two Family Residential) classification is currently shown.

Respectfully submitted,

THOMACINA BROWN

Deputy Director

Received and placed on file.

Council President Henderson entered and took her seat.

Community & Economic Development Department

August 23, 1988

Honorable City Council:

Re: Jefferson-Chalmers Neighborhood Development Plan Resolution for Scheduling Public Hearings to Adopt a Modified Development Plan