

By Council Member Ravitz:

Resolved, That with reference to dangerous structure located at 1040 Dragoon, the Department of Public Works is hereby authorized to take emergency measures to have the building or portions thereof removed and assess the costs against the property in accordance with the foregoing communication.

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Eberhard, Everett, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 9.

Nays — None.

City Engineering Department

October 27, 1993

Honorable City Council:

Re: Petition No. 3074. Virginia Park Estates Subdivision Street and Alley Vacations and Dedications in the area bounded by Rosa Parks, Poe, Pallister, and Virginia Park.

Petition No. 3074 is part of a land development plan to "re-plat" parts of two existing subdivisions ("Becks Subdivision" as recorded in Liber 4, Page 59, Plats, Wayne County Records; and "Irving Place Subdivision" as recorded in Liber 11, Page 5, Plats, Wayne County Records). The proposed residential development is to be known as "Virginia Park Estates Subdivision".

The 17.38 acres site is (generally) bounded by Rosa Parks Boulevard, Poe, Pallister, and Virginia Park Avenues. The new "subdivision" will be developed by a Michigan joint venture partnership between "Virginia Park-Henry Ford Hospital Non-Profit Housing Corporation" and "NBD Community Development Corporation".

To develop properties in the Virginia Park Community it is necessary to vacate parts of utility easements and public streets within the project boundary; also it is necessary to set-aside city owned land to establish the right-of-way of Rosa Parks Boulevard.

The public street closings were approved by the Department of Public Works — Traffic Engineering Division. Also, in a letter (dated June 4, 1993) the Community and Economic Development has approved the "pre-preliminary plat" (Detroit Code Section 51).

Further, the Virginia Park Citizens District Council has obtained the written consent of the five other property owners, including Lexington Village L.D.H.A., that will be affected by the proposed public street closings.

The petition was forwarded by the Community and Economic Development Department to the City Engineering Department for investigation (utility clearances) and report. This is our report:

The petitioners have agreed to provide all required easements for city departments and privately-owned utility companies. The necessary easements have been delineated on the "final preliminary plat" of the subdivision. (NOTE: the written clearance of the Detroit Edison Company was received by "fax transmittal" to the City Engineering Department on October 22, 1993.)

Necessary provisions protecting underground utility installations are incorporated into the resolution.

Satisfactory arrangements have been made with all City departments and privately-owned utility companies.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,
CLYDE R. HOPKINS
Director

By Council Member Ravitz:

RESOLVED, All that part of (converted) Delaware Avenue, 60 feet wide, lying easterly of and abutting the east line of Rosa Parks Boulevard (proposed 120 feet wide); also lying southerly of and abutting the south line of the easterly 15.84 feet of Lot 14, Lots 12 and 13 (all in Block 13) of "Irving Place Subdivision of Quarter Section 55, Ten Thousand Acre Tract in Town 1 South, Range 11 East", City of Detroit, Wayne County, Michigan as recorded in Liber 11, Page 5, Plats, Wayne County Records; also lying northerly of and abutting the north line of the easterly 16.65 feet of Lot 27, Lots 23 and 26 (all in Block 14) of "Irving Place Subdivision of Quarter Section 55, Ten Thousand Acre Tract in Town 1 South, Range 11 East", City of Detroit, Wayne County, Michigan as recorded in Liber 11, Page 5, Plats, Wayne County Records; (said part of Delaware Avenue having been previously vacated and converted into a utility easement by City Council on February 13, 1980 — J.C.C. pages 381-83); also

All that part of (converted) Delaware Avenue, 60 feet wide, lying between Woodrow Wilson and Poe Avenues; also lying southerly of and abutting the south line of westerly 10.00 feet of Lot 7, Lots 8 and 9 (all in Block 12) of "Irving Place Subdivision of Quarter Section 55, Ten Thousand Acre Tract in Town 1 South, Range 11 East", City of Detroit, Wayne County, Michigan as recorded in Liber 11, Page 5, Plats, Wayne County Records; also lying northerly of and abutting the north line of the westerly 10.00 feet of Lot 14, Lots 15 and 18 (all in Block 11) of "Irving Place Subdivision of Quarter Section 55, Ten Thousand Acre Tract in Town 1 South, Range 11 East", City of Detroit, Wayne County, Michigan as recorded in Liber 11, Page 5, Plats, Wayne County Records; (said part of

Delaware Avenue having previously vacated and converted into a utility easement by City Council on February 13, 1980 — J.C.C. pages 381-83);

Be and the same are hereby vacated (outright) as parts of a utility easement to become part and parcel of the abutting property; and be it further

RESOLVED, All that part of Woodrow Wilson Avenue, 60 feet wide, lying southerly of and abutting the south line of Delaware Avenue (60 feet wide); also lying northerly of and abutting the extended centerline of the two vacated east-west public alleys (both 20 feet wide; in the two blocks bounded by proposed Rosa Parks Boulevard, Poe, Pallister, and Delaware Avenues; said public alleys having been previously vacated by City Council on February 13, 1980 — J.C.C. pages 381-83); being the westerly 1.45 feet of the northerly 109.00 feet thereof, lying easterly of and abutting the east line of Lot 2, Block 14, "Irving Place Subdivision of Quarter Section 55, Ten Thousand Acre Tract in Town 1 South, Range 11 East", City of Detroit, Wayne County, Michigan as recorded in Liber 11, Page 5, Plats, Wayne County Records; also

All that part of Woodrow Wilson Avenue, 60 feet wide, lying southerly of and abutting the south line of Delaware Avenue (60 feet wide); also lying northerly of and abutting the extended centerline of the two vacated east-west public alleys (both 20 feet wide; in the two blocks bounded by proposed Rosa Parks Boulevard, Poe, Pallister, and Delaware Avenues; said public alleys having been previously vacated by City Council on February 13, 1980 — J.C.C. pages 381-83); being the easterly 28.55 feet of the northerly 109.00 feet thereof, lying westerly of and abutting the west line of Lot 27, Block 11, "Irving Place Subdivision of Quarter Section 55, Ten Thousand Acre Tract in Town 1 South, Range 11 East", City of Detroit, Wayne County, Michigan as recorded in Liber 11, Page 5, Plats, Wayne County Records; also

All that part of Woodrow Wilson Avenue, 66 feet wide, lying northerly of and abutting the north line of Seward Avenue (80 feet wide); having been platted as the westerly 15.40 feet of Lot 8, the easterly 14.86 feet of Lot 9, the westerly 15.14 feet of Lot 9, and the westerly 0.60 feet of Lot 10 (all in Block 14) of "Beck's Subdivision of part of Quarter Section Numbers 55 and 56, Ten Thousand Acre Tract", City of Detroit, Wayne County, Michigan as recorded in Liber 4, Page 59, Plats, Wayne County Records; (said parts of Woodrow Wilson having been acquired for public streets purposes in Rec. Ct. File No. 899; February 21, 1905 — J.C.C. page 125);

Be and the same are hereby vacated (outright) as parts of public (street) rights-of-way to become part and parcel of the abutting property; and be it further

RESOLVED, All of the remaining "L (or boot)-shaped" part of Woodrow Wilson Avenue, 60 feet wide, lying southerly of and abutting the south line of Delaware Avenue (60 feet wide); also lying northerly of and abutting the extended centerline of the two vacated east-west public alleys (both 20 feet wide; in the two blocks bounded by proposed Rosa Parks Boulevard, Poe, Pallister, and Delaware Avenues; said public alleys having been previously vacated by City Council on February 13, 1980 — J.C.C. pages 381-83); except the westerly 1.45 feet of the northerly 109.00 feet thereof, lying easterly of and abutting the east line of Lot 2, Block 14, "Irving Place Subdivision of Quarter Section 55, Ten Thousand Acre Tract in Town 1 South, Range 11 East", City of Detroit, Wayne County, Michigan as recorded in Liber 11, Page 5, Plats, Wayne County Records; also except the easterly 28.55 feet of the northerly 109.00 feet thereof, lying westerly of and abutting the west line of Lot 27, Block 11, "Irving Place Subdivision of Quarter Section 55, Ten Thousand Acre Tract in Town 1 South, Range 11 East", City of Detroit, Wayne County, Michigan as recorded in Liber 11, Page 5, Plats, Wayne County Records; (said remaining "L-shaped" part of Woodrow Wilson being about 4,230 square feet more or less); also

All that part of Woodrow Wilson Avenue, 60 feet wide, lying between and abutting the Southerly line of Delaware Avenue (60 feet wide) and the southerly line of Seward Avenue (80 feet wide); also lying westerly of and abutting the west line of the easterly 34.85 feet of Lot 13, Block 15, of "Beck's Subdivision of part of Quarter Section Numbers 55 and 56, Ten Thousand Acre Tract", City of Detroit, Wayne County, Michigan as recorded in Liber 4, Page 59, Plats, Wayne County Records; also lying westerly of and abutting the west line of the vacated east-west public alley (16 feet wide; in the block bounded by Woodrow Wilson, Poe, Delaware, and Seward; having been previously vacated by City Council on February 13, 1980 — J.C.C. pages 381-83); also lying westerly of and abutting the west line of Lot 14, Block 12, of "Irving Place Subdivision of Quarter Section 55, Ten Thousand Acre Tract in Town 1 South, Range 11 East", City of Detroit, Wayne County, Michigan as recorded in Liber 11, Page 5, Plats, Wayne County Records; also lying westerly of and abutting the west line of vacated Delaware Avenue (60 feet wide; between Woodrow Wilson and Poe; having been previously vacated by City

Council on February 13, 1980 — J.C.C. pages 381-83); also lying easterly of and abutting the east line of vacated Delaware Avenue (60 feet wide; between Woodrow Wilson and Rosa Parks; having been previously vacated by City Council on February 13, 1980 — J.C.C. pages 381-83); also lying easterly of and abutting the east line of Lot 1, Block 13, of "Irving Place Subdivision of Quarter Section 55, Ten Thousand Acre Tract in Town 1 South, Range 11 East", City of Detroit, Wayne County, Michigan as recorded in Liber 11, Page 5, Plats, Wayne County Records; also lying easterly of and abutting the east line of the vacated east-west public alley (10 feet wide; in the block bounded by proposed Rosa Parks, Woodrow Wilson, Delaware, and Seward; having been previously vacated by City Council on February 13, 1980 — J.C.C. pages 381-83); also lying easterly of and abutting the east line of the vacated westerly 23.15 feet of Woodrow Wilson Avenue (now 60 feet wide; said vacated part also lying easterly of and abutting the east line of Lot 24, Block 16, of "Beck's Subdivision of part of Quarter Section Numbers 55 and 56, Ten Thousand Acre Tract", City of Detroit, Wayne County, Michigan as recorded in Liber 4, Page 59, Plats, Wayne County Records; having been previously vacated by City Council on January 8, 1918 — J.C.C. page 1740); also

All that part of Woodrow Wilson Avenue, 66 feet wide, lying northerly of and abutting the north line of Seward Avenue (80 feet wide); having been platted as the easterly 20.00 feet of the westerly 35.14 feet of Lot 9, Block 14, of "Beck's Subdivision of part of Quarter Section Numbers 55 and 56, Ten Thousand Acre Tract", City of Detroit, Wayne County, Michigan as recorded in Liber 4, Page 59, Plats, Wayne County Records; (said part of Woodrow Wilson having been acquired for public street purposes in Rec. Ct. File No. 899; February 21, 1905 — J.C.C. page 125); also

All that part of Seward Avenue, 80 feet wide, lying between the proposed easterly line of Rosa Parks Boulevard (120 feet wide) and the westerly line of Poe Avenue (78.50 and 80 feet wide); also lying southerly of and abutting the south line of the easterly 6.75 feet of Lot 11, and Lots 1 thru 10 (all in Block 17) of "Beck's Subdivision of part of Quarter Section Numbers 55 and 56, Ten Thousand Acre Tract", City of Detroit, Wayne County, Michigan as recorded in Liber 4, Page 59, Plats, Wayne County Records; also lying southerly of and abutting the south line of vacated Woodrow Wilson (66 feet wide; having been previously vacated by City Council on Decem-

ber 15, 1914 — J.C.C. pages 1998-99); also lying southerly of and abutting the south line of the westerly 13.25 feet of Lot 6, and Lots 7 thru 12 (all in Block 14) as platted in "Beck's Subdivision of part of Quarter Section Numbers 55 and 56, Ten Thousand Acre Tract", City of Detroit, Wayne County, Michigan as recorded in Liber 4, Page 59, Plats, Wayne County Records; also lying northerly of and abutting the north line of the easterly 34.85 feet of Lot 13, and the westerly 13.85 feet of Lot 19, and Lots 14 thru 18 (all in Block 15) as platted in "Beck's Subdivision of part of Quarter Section Numbers 55 and 56, Ten Thousand Acre Tract", City of Detroit, Wayne County, Michigan as recorded in Liber 4, Page 59, Plats, Wayne County Records; also lying northerly of and abutting the north line of Woodrow Wilson Avenue (now 60 feet wide; having been established in part by the acquisition of land for public street purposes in Rec. Ct. File No. 899, accepted by City Council on February 21, 1905 — J.C.C. page 125; also having been established in part by the previous City Council vacation on January 8, 1918 — J.C.C. page 1740 of the westerly 23.15 feet thereof abutting the easterly line of Lot 24, Block 16, of "Beck's Subdivision of part of Quarter Section Numbers 55 and 56, Ten Thousand Acre Tract", City of Detroit, Wayne County, Michigan as recorded in Liber 4, Page 59, Plats, Wayne County Records); also lying northerly of and abutting the north line of said vacated westerly part (23.15 feet wide) of Woodrow Wilson Avenue (having been previously vacated by City Council on January 8, 1918 — J.C.C. page 1740); also lying northerly of and abutting the north line of the easterly 6.75 feet of Lot 14, and Lots 15 thru 24 (all in Block 16) of "Beck's Subdivision of part of Quarter Section Numbers 55 and 56, Ten Thousand Acre Tract", City of Detroit, Wayne County, Michigan as recorded in Liber 4, Page 59, Plats, Wayne County Records; also

All of the northerly half of Seward Avenue, 80 feet wide, lying westerly of and abutting the westerly line of Poe Avenue (78.50 and 80 feet wide); also lying southerly of and abutting the south line of the easterly 36.75 feet of Lot 6, and Lots 1 thru 5 (all in Block 14) of "Beck's Subdivision of part of Quarter Section Numbers 55 and 56, Ten Thousand Acre Tract", City of Detroit, Wayne County, Michigan as recorded in Liber 4, Page 59, Plats, Wayne County Records; being more particularly described as follows:

Beginning at the southeast corner of said Lot 1, Block 14, of "Beck's Subdivision", City of Detroit, Wayne County, Michigan as recorded in Liber 4, Page 59, Plats, Wayne County Records;

thence S.26°19'00"E. (along the westerly line of Poe Avenue, 80 feet wide), 40.00 feet; thence S.63°57'00"W. (along the centerline of said Seward Avenue, 80 feet wide), 288.45 feet; thence N.26°19'00"W. (to a point on the south line of said easterly part of Lot 6, Block 14, of "Beck's Subdivision", City of Detroit, Wayne County, Michigan as recorded in Liber 4, Page 59, Plats, Wayne County Records;) 40.00 feet; thence N.63°57'00"E. (along the northerly line of said Seward Avenue, 80 feet wide), 288.75 feet to the point of beginning, containing 11,544 square feet or 0.2650 acres more or less;

Be and the same are hereby vacated as public streets and are hereby converted into a public underground easement of the full width of the streets, 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 by their heirs, executors, administrators and assigns, forever to wit:

FIRST, said owners hereby grant to and for the use of the public easement or right-of-way over said vacated public streets herein above described for the purposes of maintaining, installing, repairing, removing, or replacing underground public easements such as water mains, sewers, gas lines or mains, telephone cable, electric light conduits or things usually placed or installed underground 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 utility easement or right-of-way in and over said vacated streets 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 cable or any utility facility placed or installed underground 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 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 underground easements, 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 streets shall request the removal and/or relocation of any existing poles or other utilities in said easements, 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 be it further

RESOLVED, Pursuant to the Court ruling in *Center Line v Michigan Bell Telephone Co.* 26 Mich. App 659 (1970), aff. 387 Mich. 260 (1972), the Community and Economic Development is hereby authorized to process billings from utility companies and others for the relocation of their equipment in connection with this urban renewal project. However, prior to the processing of bills, the Community and Economic Development Department shall consult with the Law Department to determine which utility removal and/or relocation costs incidental to this urban renewal project are obligatory under current Michigan court rulings; and further

PROVIDED, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds; and be it further

RESOLVED, The following described city-owned properties are hereby dedicated for public street purposes:

Land in the City of Detroit, Wayne County, Michigan being the westerly part of Lot 28 measuring 20.00 feet on the southerly line and 21.54 feet on the northerly line; also the westerly part of Lot 27 measuring 21.81 feet on the southerly line and 23.35 feet on the northerly line; also Lots 29 thru 32 (all in Block 14) as platted in "Irving Place Subdivision of Quarter Section 55, Ten Thousand Acre Tract in Town 1 South, Range 11 East", as recorded in Liber 11, Page 5, Plats, Wayne County Records; also being the reversionary interest in the vacated easterly 7.00 feet of Twelfth Street (now Rosa Parks) between Pallis-

ter and Delaware Avenues lying westerly of and abutting the west line of said Lots 31 and 32, Block 14, "Irving Place Subdivision", as recorded in Liber 11, Page 5, Plats, Wayne County Records (having been previously vacated by City Council on October 27, 1914 — J.C.C. page 1738); also

Being the westerly part of Lot 14 measuring 24.16 feet on the southerly line and 26.00 feet on the northerly line; also Lots 15 and 16 (all in Block 13) as platted in "Irving Place Subdivision of Quarter Section 55, Ten Thousand Acre Tract in Town 1 South, Range 11 East", as recorded in Liber 11, Page 5, Plats, Wayne County Records; also being the reversionary interest in the vacated easterly 7.00 feet of Twelfth Street (now Rosa Parks) between Delaware and Seward Avenues lying westerly of and abutting the west line of said Lot 16, Block 13, "Irving Place Subdivision", as recorded in Liber 11, Page 5, Plats, Wayne County Records (having been previously vacated by City Council on October 27, 1914 — J.C.C. page 1738); also

Being the westerly part of Lot 14 measuring 41.20 feet on the southerly line and 43.25 feet on the northerly line; also Lot 13 (all in Block 16) as platted in "Beck's Subdivision of part of Quarter Section Numbers 55 and 56, Ten Thousand Acre Tract", as recorded in Liber 4, Page 59, Plats, Wayne County Records; also being the reversionary interest in the vacated easterly 6.80 feet of Twelfth Street (now Rosa Parks) between Delaware and Seward Avenues lying westerly of and abutting the west line of said Lot 13, Block 16, "Beck's Subdivision", as recorded in Liber 4, Page 59, Plats, Wayne County Records (having been previously vacated by City Council on May 22, 1917 — J.C.C. page 722); also

Being the westerly part of Lot 11 measuring 43.25 feet on the southerly line and 44.27 feet on the northerly line; also Lot 12 (all in Block 17) as platted in "Beck's Subdivision of part of Quarter Section Numbers 55 and 56, Ten Thousand Acre Tract", as recorded in Liber 4, Page 59, Plats, Wayne County Records.

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Eberhard, Everett, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 9.

Nays — None.

City Engineering Department

November 10, 1993

Honorable City Council:

Re: Petition No. 3691, Pinnacle Limited Dividend Housing Association, Forest Park Rehabilitation Project — Parcel 2 Easement to Vacation

southerly 4.00 feet of converted Brady between Rivard and Russell. Petition No. 3691 of "Pinnacle Estates" requests the outright vacation of the southerly 4.00 feet of the Brady Street utility easement (50 feet wide; having been previously converted into an easement for underground utilities by City Council on March 31, 1993 — J.C.C. pages 549-52) between Rivard and Russell Streets.

The petition was referred to the City Engineering Department for investigation (utility clearances) and report. This is our report:

Generally, the Water and Sewerage Department (DWSD) will require standard minimum horizontal and vertical clearances from any existing water mains. However, the petitioner has made a field measurement to locate the existing thirty-inches diameter water main, and tie the main dimensionally into the proposed new buildings. DWSD has reviewed and approved the requested utility easement reduction from 50.00 feet to 46.00 feet wide.

All other involved city departments and privately-owned utility companies have reported no objections to the utility easement reduction.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,
CLYDE R. HOPKINS,
Director

By Council Member Ravitz:

Whereas, "Pinnacle Limited Dividend Housing Association (a/k/a 'Pinnacle Estates')" has developed plans to build into the southerly 4.00 feet of the Brady Street utility easement (50 feet wide; having been previously converted into an easement for underground utilities by City Council on March 31, 1993 — J.C.C. pages 549-52) between Rivard and Russell Streets; and

Whereas, "Pinnacle Estates" has made a field measurement to locate the existing thirty-inches diameter water main, and tie said water main dimensionally into the proposed new buildings. Also, the Water and Sewerage Department (DWSD) has reviewed and approved the requested utility easement reduction from 50.00 feet to 46.00 feet wide; and

Whereas, All other involved city departments and privately-owned utility companies have reported no objections to the requested utility easement reduction; therefore be it

Resolved, All that part of the southerly 4.00 feet of the Brady utility easement (50 feet wide; having been previously converted into an easement for underground utilities by City Council on March