

18.00 feet to the Easterly line of said Gratiot Avenue and the point of beginning. Containing 0.036 acres of land more or less and subject to easements and rights of record.

Be It Further Resolved, That this resolution in no way alters the class of occupancy, and that any construction of principal buildings, or additions thereto, will require prior approval of the Board of Zoning Appeals, and further

Resolved, That the City Clerk is authorized to certify this resolution for the purpose of recording by petitioner in the Office of the Wayne County Register of Deeds.

Petition for Division of Platted Lots into not more than Four (4) Parts.

August 22, 1995

The undersigned parties having the necessary interest in real property presently described on Assessment Rolls in Ward 15, Item 339-41 as Lot #2, 3, and 4.

Name of Subdivision: Louis Beaufait Farm, Recorded in Liber 27, Pages 350-352 of Plats, Wayne County Records.

Location: Gratiot Ave./Bellevue Ave./Canfield Ave./Concord Ave.

Hereby request that in accordance with Ordinance Number 421-G for the regulation and control of the subdivision of land in the City of Detroit, you place the following legal descriptions of said premises upon the Assessment and Tax Rolls.

Part 1 — Proposed Lots: Parcel 1\*; Lots as previously described: Lot 2, Lot 3, Part of Lot 4\*\*.

Part 2 — Proposed Lots: Parcel 2\*; Lots as previously described: Part of Lot 4\*\*.

Part 3 — Parcel 3\*; Lots as previously described: Part of Lot 4\*\*.

\*as described on enclosed Certificate of Survey and Proposed Split.

\*\*as described on enclosed survey of existing lot configuration.

Signatures below for: Part 1-3 — Domenic Ferrante and Dora Ferrante.

Names and Address below of head petitioners: Domenic Ferrante and Dora Ferrante, Ferrante Manufacturing, 6626 Gratiot Ave., Detroit, MI 48226, (313) 571-1111.

Name and Address below if notice is requested to be mailed to Attorney or Agent: Stuart Sherman, Esq., Seyburn, Kahn, Ginn, et al., 2000 Town Center, #1500, Southfield, MI 48075-1195, (810) 353-7620.

Approved:

DON McMILLAN  
Supervising Assistant  
Corporation Counsel

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Everett, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 8.

Nays — None.

**Department of Public Works  
City Engineering Division**

October 18, 1995

Honorable City Council:

Re: Petition No. 1351, Fitzgerald Finishing Company Street to Vacation and Easement Brimson, east of Filer.

Petition No. 1351 "Fitzgerald Finishing Company" requests the (outright) vacation of the northern 35.00 feet of Brimson Avenue, 70 feet wide, east of Filer Avenue; also the conversion of the southern 35.00 feet of Brimson Avenue, 70 feet wide, east of Filer Avenue into a private easement for public utilities.

The requests were approved by the Planning and Development Department, and Traffic Engineering Division — DPW. The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report:

The Ameritech/Michigan Bell Telephone Company, Detroit Edison Company, and the Public Lighting Department have overhead facilities in the street right-of-way. Satisfactory arrangements (to relocate poles and overhead wires from the northern half to the southern half of Brimson Avenue) are complete.

The petitioner has paid the following city reimbursement costs:

**Public Lighting Department — Accounting: \$8,000 —** Receipt No. A-546841; The estimated cost of relocating two wood utility poles with one public street lighting unit from the northeast corner of Filer and Brimson was \$8,000.00.

All other city departments and privately owned utility companies have reported no objections to the requested (outright) vacation. Provisions to protect utilities (in the southern half of Brimson Avenue) are part of the vacating resolution.

The abutting business owners plan to use the paved public street return into Filer Avenue; and requests such remain in its present status. The abutting business owners will pay all expenses to remove the paved public street return whenever discontinuance of use makes removal necessary; subject to city specifications, permits and inspection.

I am recommending adoption of the attached resolution.

Respectfully submitted,  
SUNDAY JAIYESIMI

City Engineer

By Council Member Hood:

Resolved, All that part of the northern 35.00 feet of Brimson Avenue, 70 feet wide, east of Filer Avenue lying southerly of and abutting the south line of Lot 14 of "Mast's Subdivision of Block 28 and part of Block 27 of the original town plat of Norris (North Detroit), Hamtramck Township, Wayne County, Michigan," City

of Detroit, Wayne County, Michigan as recorded in Liber 34, Page 83, Plats, Wayne County Records;

Be and the same is hereby (outright) vacated as part of a public street to become part and parcel of the abutting property; subject to the following provision:

Provided, That if it becomes necessary to remove the paved street return at the entrance (into Filer Avenue), such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division — DPW specifications with all costs borne by the abutting owners, their heirs or assigns; and be it further

Resolved, All that part of the southern 35.00 feet of Brimson Avenue, 70 feet wide, east of Filer Avenue lying northerly of and abutting the north line of Lot 15 of "Mast's Subdivision of Block 28 and part of Block 27 of the original town plat of Norris (North Detroit), Hamtramck Township, Wayne County, Michigan," City of Detroit, Wayne County, Michigan as recorded in Liber 34, Page 83, Plats, Wayne County Records;

Be and the same is hereby vacated as a public street and is hereby converted into a private easement for public utilities of the full width (of the above described southern 35.00 feet) 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 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 easement for the purpose above set forth,

Second, said utility easement or right-of-way in and over said vacated street 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 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; said fence and gate installations shall be subject to the review and approval of the Fire Marshal and Buildings and Safety Engineering Department, if necessary) shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering Division — DPW,

Fourth, that if 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, 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 further

Provided, That if it becomes necessary to remove the paved street return at the entrance (into Filer Avenue), such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division — DPW specifications with all costs borne by the abutting owners, their heirs or assigns; 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.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Everett, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 8.

Nays — None.

#### Water & Sewerage Department

October 16, 1995

Honorable City Council:

Re: Petition No. 1563 — Architects International, Inc. Commercial Sewer Easement Closure — 14221 Mellon.