

**Department of Public Works
City Engineering Division**

July 31, 1995

Honorable City Council:

Re: Petition No. 752. Blue Cross-Blue Shield of Michigan (together with DuMouchelles. Alleys to Easement and Vacation; also Utility Easement to Vacation in the block bounded by Brush, Beaubien, E. Jefferson and E. Larned.

Petition No. 752 of "Blue Cross-Blue Shield" requests the (outright) vacation of the utility easement [20 and 22.70 feet wide; having been previously vacated and converted into a private easement for public utilities by City Council on October 12, 1977 — J.C.C. pages 2203-04]; also the (outright) vacation of part of the north-south public alley, 20 feet wide; also the (outright) vacation of part of the east-west public alley, 20 feet wide; also the conversion of two remaining parts of the "L"-shaped public alley, 20 feet wide, into a private easement for public utilities [all] in the block bounded by Brush Street, Beaubien and E. Jefferson Avenues, and E. Larned Street. Blue Cross-Blue Shield has plans to build a parking garage.

The requested vacations 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 city is owner in fee of the north-south public alley, 20 feet wide, in the block. The public alley was acquired by deed on October 12, 1977 (J.C.C. pages 2203-4). Therefore, the Finance Director must execute a quit-claim deed to transfer a part of vacated public right-of-way to Blue Cross and Blue Shield of Michigan.

Satisfactory arrangements have been made with the Water and Sewerage Department, and the Detroit Edison Company regarding the relocation and/or alteration of their facilities.

All other city departments and privately owned utility companies have reported no objections to the requested (outright) vacation. Provisions protecting utility installations are a part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineer

City Engineering Division-DPW

By Council Member Cockrel:

Resolved, All that part of the private easement for public utilities, 20 and 22.70 feet wide, in the block bounded by Brush Street, Beaubien and E. Jefferson Avenues, and E. Larned Street; being described as follows: "All that part of the east-west public alley, 20 feet wide, in

said block, abutting the rear line of the westerly 22.70 feet of the easterly 31.70 feet of Lot 69, all inclusive, of the 'Plat of a part of the Beaubien Farm in the City of Detroit as surveyed into Town Lots for the Proprietors by John Mullett, Surveyor (as recorded on January 13, 1835);' City of Detroit, Wayne County, Michigan as recorded in Liber 6, Pages 475 to 478, City Records; also all that part of the north-south public alley, 20 feet wide, in said block, having been opened on August 5, 1924 (J.C.C. pages 1846-47) and having been platted as the westerly 20.00 feet of the easterly 29.00 feet of Lot 69, all inclusive, of the 'Plat of a part of the Beaubien Farm in the City of Detroit as surveyed into Town Lots for the Proprietors by John Mullett, Surveyor (as recorded on January 13, 1835);' City of Detroit, Wayne County, Michigan as recorded in Liber 6, Pages 475 to 478, City Records; [said parts of public alleys having been vacated and converted into a private easement for public utilities by City Council on October 12, 1977 — J.C.C. pages 2203-04]";

Be and the same is hereby (outright) vacated as a private easement for public utilities to become part and parcel of the abutting property; and be it further

Resolved, All that part of the north-south public alley, 20 feet wide, in the block bounded by Brush Street, Beaubien and E. Jefferson Avenues, and E. Larned Street; being described as follows: "The easterly 5.00 feet of the westerly 21.50 feet of the northerly 46.00 feet of Lot 69 of the 'Plat of a part of the Beaubien Farm in the City of Detroit as surveyed into Town Lots for the Proprietors by John Mullett, Surveyor (as recorded on January 13, 1835);' City of Detroit, Wayne County, Michigan as recorded in Liber 6, Pages 475 to 478, City Records [said part of lot having been deeded to the City of Detroit for public alley purposes on October 12, 1977 — J.C.C. pages 2203-04]"; also

All that part of the north-south public alley, 20 feet wide, in the block bounded by Brush Street, Beaubien and E. Jefferson Avenues, and E. Larned Street; being described as follows: "The easterly 20.00 feet of the westerly 21.50 feet of the southerly 34.00 feet of Lot 69 of the 'Plat of a part of the Beaubien Farm in the City of Detroit as surveyed into Town Lots for the Proprietors by John Mullett, Surveyor (as recorded on January 13, 1835);' City of Detroit, Wayne County, Michigan as recorded in Liber 6, Pages 475 to 478, City Records [said part of lot having been deeded to the City of Detroit for public alley purposes on October 12, 1977 — J.C.C. pages 2203-04]"; also

All that part of the east-west public alley, 20 feet wide, in the block bounded by Brush Street, Beaubien and E. Jefferson Avenues, and E. Larned Street

lying southerly of and abutting the south line of the westerly 21.30 feet of Lot 69, and Lot 70; also lying northerly of and abutting the north line of the westerly 35.09 feet of Lot 56, and Lot 55 of the "Plat of a part of the Beaubien Farm in the City of Detroit as surveyed into Town Lots for the Proprietors by John Mullett, Surveyor (as recorded on January 13, 1835)," City of Detroit, Wayne County, Michigan as recorded in Liber 6, Pages 475 to 478, City Records; also lying southerly of and abutting the south line of the easterly 23.81 feet of Lot 1, Block 3, of the "Plat of part of the Brush Farm as subdivided into Lots by John Mullett (Surveyors, on August 5, 1835 in Liber 7, Pages 224 and 225, City Records;)" City of Detroit, Wayne County, Michigan as recorded in Liber 28, Pages 164 and 165, Deeds, Wayne County Records; also lying northerly of and abutting the north line of Lot 4 of the "Plat of Subdivision of Lots 8, 9 and 10, Block 3, Brush Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 78, Plats, Wayne County Records;

Be and the same are hereby (outright) vacated as parts of public alleys to become part and parcel of the abutting property; subject to the following provision(s):

Provided, That before any construction shall be permitted within the vacated (outright) public alleys, mentioned above, the petitioner shall apply to the Buildings and Safety Engineering Department for a building permit. Simultaneously, the petitioner shall submit said building plans to the Water and Sewerage Department (DWSD) for review and approval. The building plans shall include the following engineering details as required by DWSD:

"Blue Cross and Blue Shield of Michigan and/or their contractors shall construct a manhole over both existing 15-inches by 20-inches sewers just west of the portion of the alley to be outright vacated and shall also abandon the existing 15-inches by 20-inches sewers east of the proposed manholes, the construction of the manholes and abandonment of the sewers is to be done under DWSD permit and inspection in accordance with plans approved by the DWSD. All costs related to the manhole construction and sewer abandonment shall be borne by the petitioner at no cost to DWSD. — by Mohammad Gill, Head Engineer of Water Systems;" and be it further

Resolved, All that part of the east-west public alley, 20 feet wide, in the block bounded by Brush Street, Beaubien and E. Jefferson Avenues, and E. Larned Street lying southerly of and abutting the south line of the westerly 6.19 feet of Lot 1, the easterly 22.00 feet of Lot 3, and Lot 2, Block 3, of the "Plat of part of the Brush Farm as subdivided into Lots by John

Mullett (Surveyors, on August 5, 1835 in Liber 7, Pages 224 and 225, City Records;)" City of Detroit, Wayne County, Michigan as recorded in Liber 28, Pages 164 and 165, Deeds, Wayne County Records; also lying northerly of and abutting the north line of Lots 1, 2 and 3 of the "Plat of Subdivision of Lots 8, 9 and 10, Block 3, Brush Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 78, Plats, Wayne County Records; also

All that part of the north-south public alley, 20 feet wide, in the block bounded by Brush Street, Beaubien and E. Jefferson Avenues, and E. Larned Street; being described as follows: "The westerly 15.00 feet of the easterly 20.00 feet of the westerly 21.50 feet of the northerly 46.00 feet of Lot 69 of the "Plat of a part of the Beaubien Farm in the City of Detroit as surveyed into Town Lots for the Proprietors by John Mullett, Surveyor (as recorded on January 13, 1835)," City of Detroit, Wayne County, Michigan as recorded in Liber 6, Pages 475 to 478, City Records [said part of lot having been deeded to the City of Detroit for public alley purposes on October 12, 1977 — J.C.C. pages 2203-04]";

Be and the same are hereby vacated as public alleys and are hereby converted into private easements for public utilities of the full width of the alleys, 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 alleys 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 alleys 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 alley in the City of Detroit, with the right to ingress or 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 alleys 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 inspection, 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 or 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 alleys 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 alley returns at their entrance (into Brush and/or E. Larned Streets), 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 owner(s), 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; and be it further

Resolved, The Finance Director is hereby authorized and directed to issue a quit-claim deed to transfer the following vacated public (alley) right-of-way to "Blue Cross and Blue Shield of Michigan, 600 E. Lafayette, Detroit, MI 48226" for the fair market value and/or other valuable considerations:

"Land in the City of Detroit, Wayne County, Michigan being the easterly 20.00 feet of the westerly 21.50 feet of Lot 69 of the 'Plat of a part of the Beaubien Farm in the City of Detroit as surveyed into Town

Lots for the Proprietors by John Mullett, Surveyor (as recorded on January 13, 1835); as recorded in Liber 6, Pages 475 to 478, City Records [said part of lot having been deeded to the City of Detroit for public alley purposes on October 12, 1977 — J.C.C. pages 2203-04]; containing 1,600 square feet or 0.0367 acre more or less; subject to a private easement for public utilities over the westerly 15.00 feet of the easterly 20.00 feet of the westerly 21.50 feet of the northerly 46.00 feet of said Lot 69;"

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 9.

Nays — None.

Department of Public Works City Engineering Division

July 24, 1995

Honorable City Council:

Re: Petition No. 848. Toltest, Inc. (together with Clark Refining & Marketing, Inc.). Requesting permission to install and maintain 4 permanent monitoring wells encroaching within public alley right-of-way in the vicinity of a Clark Store No. 554 Located at 15880 Livernois.

Petition No. 848 of "Toltest, Inc. (together with Clark Refining & Marketing, Inc.)" requests permission to install and maintain four permanent monitoring wells within the north-south public alley, 15 feet wide, in the block bounded by Livernois, Petoskey, Midland and Puritan Avenues in the vicinity of a Clark Store No. 554 (addresses: 15880 Livernois). The purpose of the bored wells is to monitor the existence or extent of soil contamination from leaking underground fuel storage tanks (a/k/a "L.U.S.T").

The encroachment petition was referred to the City Engineering Division-DPW for investigation and report. This is our report:

Soil borings and monitoring well installations are equivalent to an "open cut" in a public street or alley. Necessary permits will have to be obtained for any street or alley opening, backfill, surface restoration, barricade, or occupancy of city rights-of-way to install monitoring wells.

It is the responsibility of "Toltest (Environmental Consultants), Inc." to give reasonable and proper notice to the other abutting property owners (addresses: 15895-97, 15889-91, 15883, 15877, 15871, 15865, 15859 and 15853 Petoskey Avenue) before commencing any (permitted) open cut or boring operations within public rights-of-way.

The enforcement of fire safety regulations and building codes is the responsibility of the Fire Marshal and Buildings and Safety Engineering Department.