

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 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 further

Provided, That if it becomes necessary to remove the paved alley return at the entrance (into Dresden 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 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.

Adopted as follows:

Yeas — Council Members Cockrel,

Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 8.
Nays — None.

**Department of Public Works
City Engineering Division**

November 25, 1997

Honorable City Council:

Re: Petition No. 1977. Stroh Companies, Inc. (together with) Wolverine Packing Company and R. Hirt Jr. Company. Streets and Alleys to Vacation in the area bounded by the Chrysler Freeway, Rivard, Winder and Wilkins.

Petition No. 1977 of "Stroh Companies, Inc." requests the outright vacation of remaining public streets and alleys in the area bounded by the Chrysler Freeway Service Drive, Rivard, Winder and Wilkins Streets; in the vicinity of "Wolverine" and "Hirt" parcels. City Council approved a plan to develop city land within Wholesale Distribution Center Rehabilitation Project No. 3 for "Wolverine Packing Company [a Michigan Corporation] together with "R. Hirt Jr. Company", on October 15, 1997. The development agreement requires a 28 feet wide railroad easement (reserved for the use of a railroad company) across the vacated public streets and alleys.

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

Traffic Engineering Division — DPW approved the public street closings.

Detroit Edison Company (DE Co.) needs to maintain services within Alfred Street. The resolution contains provisions to protect the facilities and utility services of DE Co.

There are two existing water mains within Adelaide Street. *First*, DWSD requires the "cut and cap" of an existing 10 inches diameter water main within Adelaide Street. *Second*, DWSD requires a private DWSD easement to maintain an existing 48 inches diameter transmission water main within Adelaide Street. "Wolverine" and/or "Hirt (if necessary)" must pay all expenses to "cut and cap" of the *first* water main. "Wolverine" and/or "Hirt (if necessary)" must provide DWSD an easement for the *second* transmission water main. Plans and construction must be reviewed and approved by DWSD; subject to DWSD specifications, permits and inspection.

All other involved city departments and privately owned utility companies reported no objections to the outright vacation. Provisions protecting certain utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,
SUNDAY JAIYESIMI
City Engineer

By Council Member Cockrel:

Whereas, City Council approved a plan to develop city land within Wholesale Distribution Center Rehabilitation Project No. 3 for "Wolverine Packing Company [a Michigan Corporation] together with "R. Hirt Jr. Company", on October 15, 1997; and

Whereas, Petition No. 1977 of "Stroh Companies, Inc." requests the outright vacation of remaining public streets and alleys in the area bounded by the Chrysler Freeway Service Drive, Rivard, Winder and Wilkins Streets; in the vicinity of "Wolverine" and "Hirt" parcels; therefore be it

Resolved, All of the remaining part of Brewster Street, 50 feet wide, between the Chrysler Freeway Service Drive and Rivard Street lying southerly of and abutting the south line of Lots 9 thru 21 of "Albert Crane's Section of the Rivard Farm being a Subdivision of Out Lot 184," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 125, Plats, Wayne County Records; also lying southerly of and abutting the south line of the eastern 27.25 feet of Lot 255; also lying northerly of and abutting the north line of the eastern 27.25 feet of Lot 232 of the "Plat of the Crane and Wesson Section of the Louis Moran Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 58, Plats, Wayne County Records; also lying northerly of and abutting the north line of Lots 1 thru 8, and Lot 25; also lying northerly of and abutting the north line of the north-south public alley (20 feet wide; in the block bounded by the Chrysler Freeway Service Drive, Rivard, Alfred and Brewster Streets); also lying northerly of and abutting the north line of Lot 24 of "Hensien's Resubdivision of the Rivard Farm lying between Whitney and Brewster Streets," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 220, Plats, Wayne County Records; also

All of the remaining part of Division Street, 50 feet wide, between the Chrysler Freeway Service Drive and Rivard Street lying southerly of and abutting the south line of Lots 27 thru 39; also lying northerly of and abutting the north line of Lots 40 thru 52 of the "Subdivision of Out Lot 183, Rivard Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 37, Plats, Wayne County Records; also lying northerly of and abutting the north line of the eastern 27.25 feet of Lot 184; also lying southerly of and abutting the south line of the eastern 27.25 feet of Lot 207 of the "Plat of the Crane and Wesson Section of the Louis Moran Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 58, Plats, Wayne County Records; also

All of the remaining part of the east-

west public alley, 20 feet wide, in the block bounded by the Chrysler Freeway Service Drive, Rivard, Brewster and Wilkins Streets southerly of and abutting the south line of Lots 22 thru 34; also lying northerly of and abutting the north line of Lots 9 thru 21 of "Albert Crane's Section of the Rivard Farm being a Subdivision of Out Lot 184," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 125, Plats, Wayne County Records; also lying northerly of and abutting the north line of the eastern 27.25 feet of Lot 255; also lying southerly of and abutting the south line of the eastern 27.25 feet of Lot 256 of the "Plat of the Crane and Wesson Section of the Louis Moran Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 58, Plats, Wayne County Records; also

All of the remaining part of the east-west public alley, 20 feet wide, in the block bounded by the Chrysler Freeway Service Drive, Rivard, Alfred and Brewster Streets lying southerly of and abutting the south line of Lots 1 thru 8, and Lot 25; also lying northerly of and abutting the north line of Lots 9 thru 17 of "Hensien's Resubdivision of the Rivard Farm lying between Whitney and Brewster Streets," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 220, Plats, Wayne County Records; also lying northerly of and abutting the north line of the eastern 27.25 feet of Lot 231; also lying southerly of and abutting the south line of the eastern 27.25 feet of Lot 232 of the "Plat of the Crane and Wesson Section of the Louis Moran Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 58, Plats, Wayne County Records; also

All of the north-south public alley, 20 feet wide, in the block bounded by the Chrysler Freeway Service Drive, Rivard, Alfred and Brewster Streets lying westerly of and abutting the west line of Lots 18 thru 24; also lying easterly of and abutting the east line of Lot 17; also lying easterly of and abutting the east line of the east-west public alley (20 feet wide; in the block bounded by the Chrysler Freeway Service Drive, Rivard, Alfred and Brewster Streets); also lying easterly of and abutting the east line of Lot 25 of "Hensien's Resubdivision of the Rivard Farm lying between Whitney and Brewster Streets," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 220, Plats, Wayne County Records; also

All of the remaining part of the east-west public alley, 20 feet wide, in the block bounded by the Chrysler Freeway Service Drive, Rivard, Division and Alfred Streets southerly of and abutting the south line of Lots 14 thru 26; also lying northerly of and abutting the north line of Lots 27 thru 39 of the "Subdivision of Out Lot 183, Rivard Farm," City of Detroit, Wayne County,

Michigan as recorded in Liber 1, Page 37, Plats, Wayne County Records; also lying northerly of and abutting the north line of the eastern 27.25 feet of Lot 207; also lying southerly of and abutting the south line of the eastern 27.25 feet of Lot 208 of the "Plat of the Crane and Wesson Section of the Louis Moran Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 58, Plats, Wayne County Records; also

All of the remaining part of the east-west public alley, 20 feet wide, in the block bounded by the Chrysler Freeway Service Drive, Rivard, Adelaide and Division Streets southerly of and abutting the south line of Lots 40 thru 52; also lying northerly of and abutting the north line of Lots 53 thru 65 of the "Subdivision of Out Lot 183, Rivard Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 37, Plats, Wayne County Records; also lying northerly of and abutting the north line of the eastern 27.25 feet of Lot 183; also lying southerly of and abutting the south line of the eastern 27.25 feet of Lot 184 of the "Plat of the Crane and Wesson Section of the Louis Moran Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 58, Plats, Wayne County Records; also

Be and the same are hereby vacated (outright) as public (street and alley) rights-of-way to become part and parcel of the abutting property; subject to the following provision:

Provided, The abutting owners, "Wolverine" and/or "Hirt (if necessary)", hereby grant to and for the use of a railroad company a 28 feet wide railroad easement across the above described public streets and (east-west) alleys, the centerline of said easement, being described as follows: 61.00 feet westerly of and parallel to the west line of Rivard Street (50 feet wide); and be it further

Resolved, All of the remaining part of Alfred Street, 50 feet wide, between the Chrysler Freeway Service Drive and Rivard Street lying southerly of and abutting the south line of Lots 9 thru 17; also lying southerly of and abutting the south line of the north-south public alley (20 feet wide; in the block bounded by the Chrysler Freeway Service Drive, Rivard, Alfred and Brewster Streets); also lying southerly of and abutting the south line of Lot 18 of "Hensien's Resubdivision of the Rivard Farm lying between Whitney and Brewster Streets," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 220, Plats, Wayne County Records; also lying southerly of and abutting the south line of the eastern 27.25 feet of Lot 231; also lying northerly of and abutting the north line of the eastern 27.25 feet of Lot 208 of the "Plat of the Crane and Wesson Section of the Louis Moran

Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 58, Plats, Wayne County Records; also lying northerly of and abutting the north line of Lots 14 thru 26 of the "Subdivision of Out Lot 183, Rivard Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 37, Plats, Wayne County Records;

Be and the same is hereby vacated (outright) as part of public (street) right-of-way to become part and parcel of the abutting property, subject to the following provisions, easements and building and use restrictions:

Provided, The abutting owners, "Wolverine" and/or "Hirt (if necessary)", hereby grant to and for the use of a railroad company a 28 feet wide railroad easement across the above described part of Alfred Street, the centerline of said easement, being described as follows: 61.00 feet westerly of and parallel to the west line of Rivard Street (50 feet wide); and further

Provided, That a private utility easement for the Detroit Edison Company is hereby reserved within the above described part of Alfred Street, 50 feet wide, 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 Detroit Edison Company 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 electric light conduits and/or electric power conduits, poles and/or lines, handholes, manholes or things usually placed or installed by Detroit Edison Company 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 Detroit Edison Company, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any electric line and/or conduit, handholes, manholes or any Detroit Edison Company utility facility placed or installed in the utility easement or right-of-way. The Detroit Edison Company 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 Detroit Edison Company 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 by written permission of the Detroit Edison company; also necessary security installations, such as, by way of illustration, but not limitation: line fence, gates, and guard house structures shall be subject to the review and approval of the Detroit Edison Company] 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 electric light conduits and/or electric power conduits, poles and/or lines, handholes, manholes or other Detroit Edison Company facilities in said easement, such owners, shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by Detroit Edison Company, 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 Detroit Edison Company utilities; and further

Provided, That before any construction shall be permitted within the vacated (outright) part of Alfred Street, described above, "Wolverine" and/or "Hirt (if necessary)", the abutting owner(s), shall apply to the Buildings and Safety Engineering Department for a building permit; and be it further

Resolved, All of the remaining part of Adelaide Street, 50 feet wide, between the Chrysler Freeway Service Drive and Rivard Street lying southerly of and abutting the south line of Lots 53 thru 65; also lying southerly of and abutting the south line of the eastern 27.25 feet of Lot 183; also lying northerly of and abutting the north line of the eastern 27.25 feet of Lot 160 of the "Plat of the Crane and Wesson Section of the Louis Moran Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 58, Plats,

Wayne County Records; also lying northerly of and abutting the north line of Lot 82, and Lots 66 thru 73 of the "Subdivision of Out Lot 183, Rivard Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 37, Plats, Wayne County Records;

Be and the same is hereby vacated (outright) as part of public (street) right-of-way to become part and parcel of the abutting property, subject to the following provisions, easements and building and use restrictions:

Provided, The abutting owners, "Wolverine" and/or "Hirt (if necessary)", hereby grant to and for the use of a railroad company a 28 feet wide railroad easement across the northern 13.00 feet of the above described part of Adelaide Street, the centerline of said easement, being described as follows: 61.00 feet westerly of and parallel to the west line of Rivard Street (50 feet wide); and further

Provided, That before any construction shall be permitted within the vacated (outright) part of Adelaide Street, described above, "Wolverine" and/or "Hirt (if necessary)", the abutting owner(s), shall apply to the Buildings and Safety Engineering Department for a building permit. Simultaneously, the owner(s) shall submit said building plans to the Water and Sewerage Department (DWSD) for review and approval. There are two existing water mains within said Adelaide Street. *First*, DWSD requires the "cut and cap" of an existing 10 inches diameter water main within said Adelaide Street. *Second*, DWSD requires a private DWSD easement to maintain an existing 48 inches diameter transmission water main within said Adelaide Street. All costs for plan review associated with the "cut and cap" of the *first* water main [and/or other construction that may be required by DWSD, designed to prevent damages and maintain the *second* transmission water main], including but not limited to inspection and permits, shall be paid by "Wolverine" and/or "Hirt (if necessary)" and/or their contractors; and further

Provided, That "Wolverine" and/or "Hirt (if necessary)", the abutting owners, shall grant the Water and Sewerage Department through the Board of Water Commissioners (for and on behalf of the City of Detroit) a satisfactory easement for the existing 48 inches diameter transmission water main across property owned by "Wolverine" and/or "Hirt (if necessary)", and Adelaide Street. After said easement has been reviewed and accepted by the Board of Water Commissioners (for and on behalf of the City of Detroit), then said grant of water main easement shall be conveyed by a properly executed document, containing a legal description suitable for recording. Additionally, the Water and Sewerage Department shall record

said executed document in the Wayne County Register of Deeds; 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 Cockrel, Everett, Hill, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 8.

Nays — None.

**Department of Public Works
City Engineering Division**

November 25, 1997

Honorable City Council:

RE: Petition No. 2444, Jack Larue Alley to Easement easterly part of the east-west public alley in the block bounded by Artesian, Stahelin, Whitlock and W. Warren

Petition No. 2444 of "Jack Larue" requests the conversion of an easterly part of the east-west public alley, 18 feet wide, in the block bounded by Artesian, Stahelin, Whitlock and W. Warren Avenues into a private easement for public utilities.

The alley closing was approved by Solid Waste Division - DPW, 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 petitioner(s) plans to use the paved alley return entrance (into Stahelin Avenue) and requests such remain in its present status. The petitioner(s) shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

City departments and privately owned utility companies reported no objections to the conversion of public rights-of-way into a private easement for public utilities. Provisions protecting utility installations are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,
SUNDAY JAIYESIMI,
City Engineer

By Council Member Cockrel:

Resolved, All that part of an easterly portion of the east-west public alley, 18 feet wide, in the block bounded by Artesian, Stahelin, Whitlock and W. Warren Avenues lying southerly of and abutting the south line of Lots 684 thru 686; also lying northerly of and abutting the north line of the eastern 9.00 feet of the north-south public alley (18 feet wide; in the block bounded by Artesian, Stahelin, Whitlock and W. Warren Avenues); also lying northerly of and abutting the north line of Lot 683 of the "Frischkorn's Warren Avenue Park, being a Subdivision of part of the Northeast Quarter of Section 11, Town 2 South,

Range 10 East, Dearborn Township," City of Detroit, Wayne County, Michigan as recorded in Liber 39, Page 89, Plats, Wayne County Records;

Be and the same is hereby vacated as a public alley and is hereby converted into a private easement for public utilities of the full width of the 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 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 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 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 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 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 alley shall request the removal and/or relocation of