

Approved:

J. EDWARD HANNAN  
Budget Director

ROGER SHORT  
Deputy Finance Director

By Council Member Scott:

Resolved, That the Police Department be and it is hereby authorized to accept the grant awarded to the City of Detroit in the amount of \$100,000 through the U.S. Department of Justice as outlined in the foregoing communication; and be it further.

Resolved, That the Finance Director be and is hereby authorized to establish appropriations entitled Weed and Seed, transfer funds and honor payrolls and vouchers when presented as necessary for the operation of the program as outlined in the foregoing communication. There is no local match required.

Adopted as follows:

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

Nays — None.

#### Department of Public Works

August 14, 1997

Honorable City Council:

Re: Traffic Control Devices Installed and Discontinued

We are submitting a list of traffic control devices dated July, 1997, to your Honorable Body for approval.

The list which is on file in the office of the City Clerk shows both traffic control devices which have been installed and those which have been discontinued in recent weeks.

Respectfully submitted,

CLYDE D. DOWELL

Director

By Council Member Cleveland:

Resolved, That the traffic regulations, listed in communication from the Department of Public Works dated July 1997, and the discontinuance of restrictions as listed therein, be and the same are hereby approved and confirmed and further.

Resolved, That any regulations or restriction in conflict with the foregoing be and the same is hereby rescinded.

Provided, that the traffic regulations adopted pursuant to the ordinance provisions of Section 38-1-4 and 38-1-5 of Chapter 38, Article 1, of the Code of Detroit and properly indicated by signs, signals, markings or other devices as authorized by the ordinance provisions of Section 2-7-33 of Chapter 2, Article 7, of the code of Detroit, and further,

Provided, the traffic regulations listed in the communication above referred to shall be kept on file by the City Clerk in her office for reference and for inspection.

Adopted as follows:

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

Nays — None.

#### Department of Public Works City Engineering Division

August 28, 1997

Honorable City Council:

Re: Petition No. 2366 Planning and Development Department together with Detroit Economic Development Corporation (EDC)

Hospice of Southeastern Michigan Project Streets and Alleys to Vacation in the area bounded by Brush, Beaubien, Erskine and Mack

Petition No. 2366 of "Planning and Development Department" (together with the Detroit Economic Development Corporation) requests the vacation of several public streets and alleys within part of Brush Park (bounded by Brush, Beaubien, Erskine, and Mack) known as the "Hospice Site". City Council adopted a resolution from the Mayor's Office on October 4, 1995 (J.C.C. pages 2489-90) that designated the development area.

Two letters indicating agreement between "MetroMatrix" and "Hospice of Michigan" (both parties being owners of lots within the 'Hospice' development site) are part of Petition No. 2366. A letter indicating agreement between "Kenneth and Mary Gause" and "Hospice of Michigan" (both parties being owners of lots within the 'Hospice' development site) is part of Petition No. 2366. Also, a letter indicating agreement between "Barbara Womack and Willetta F. Cuthrell" and "Hospice of Michigan" (both parties being owners of lots within the 'Hospice' development site) is part of Petition No. 2366.

The Law Department wrote a legal opinion (May 13, 1997; for Planning and Development Department), related to the acquisition of 3502 to 3506 Brush Street (a/k/a Parcel 32; Brush Park Rehabilitation Project and other municipal purposes); subject to Wayne County Circuit Court Civil Action File No. 97-714535.

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 closing of public streets and alleys within the "Hospice site".

Ameritech/Michigan Bell Telephone Company, Comcast Cablevision, Detroit Edison Company, Michigan Consolidated Gas Company, Water and Sewerage Department, and Public Lighting Department] reported facilities within the "Hospice" site. EDC made arrangements to pay the utilities. Also, "Hospice of



Southeast Michigan" must submit building plans to Water and Sewerage Department (DWSD) for review and approval of DWSD facility adjustments.

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.

Whenever it becomes necessary to remove and/or adjust the paved street and alley return(s) at their entrance(s) (into Brush, Beaubien and Erskine Streets and/or Mack Avenue), such removal and construction of new curb and sidewalk must be done under City Engineering Division - DPW specifications, permits and inspection with all costs borne by "Hospice of Southeast Michigan".

Whenever it becomes necessary to remove and/or alter the street and alley return(s) at their entrance(s) (into Beaubien and/or Eliot Streets), such removal and construction of new curb and sidewalk shall be done under City Engineering Division - DPW specifications, permits and inspection with all costs borne by "Hospice of Southeastern Michigan". [NOTES: A "Hospice" and "MetroMatrix" agreement is recited in the resolution. The City Engineering Division - DPW (CED) is unable to determine the nature or extent of a "development agreement" between "Planning and Development Department and/or Economic Development Corporation" and "Hospice". The processing of this public rights-of-way vacation request does not imply CED knowledge and/or agreement with obligations or statements made by other city and/or non-city agencies to "Hospice" and/or "MetroMatrix". CED remains bound by the rules and regulations of Detroit Code, governing the use or occupancy of streets, alleys, and other public places.]

I am recommending adoption of the attached resolution.

Respectfully submitted,  
SUNDAY JAIYESIMI,  
City Engineer  
City Engineering Division - DPW

By Council Member Cleveland:

Whereas, City Council adopted a resolution from the Mayor's Office on October 4, 1995 (J.C.C. pages 2489-90) that designated a development area within Brush Park (bounded by Brush, Beaubien, Erskine, and Mack) known as the "Hospice Site"; and

Whereas, Two letters indicating agreement between "MetroMatrix" and "Hospice of Michigan" (both parties being owners of lots within the 'Hospice' development site) are part of Petition No. 2366, as follows:

[Letterhead] MetroMatrix human services 120 Parsons, Detroit, MI 48201  
May 8, 1996

Mr. John Kerr, Vice-President  
Hospice of Michigan  
Crossroads Bldg.  
16250 Northland Dr., Suite #212  
Southfield, MI 48075

Dear John,

After many, many months of discussion and reviewing different ideas, it seems that we have come to a point of agreement. We carefully reviewed your letter dated April 10, 1996, and in response have made suggested alterations to your specific list of agreements. According to Jack McCall, these alterations are acceptable, and so the agreement would read as follows:

1. Matrix will agree to vacate Eliot St., from north-west corner of lot 50 to south-west corner of lot 55 to Brush (as per plan B, rather than the east edge of lots 50 and 55, as per Hospice's draft plan);

2. Matrix will agree to vacate east-west alley between Benton St. and Eliot St., beginning south of Peter Claver parking lot (lot 50) and running west to Brush;

3. Matrix will grant to Hospice the right of ownership of that part of the alley to be vacated (as in #2 above) which lies immediately south of lot 50 and the portion of the north-south alley adjacent to it;

4. Hospice will remove sidewalk, curb, etc. between lot 50 and Eliot and repave same, together with lot 50, with the City repaving that portion of Eliot St. remaining as street;

5. Hospice will assist Matrix in obtaining use of lots 58, 59 and 60 on Beaubien between Eliot and Mack (now held by the City) as possible green space or play area for Day Care/Head Start;

6. Matrix would propose renaming the unvacated portion of Eliot St. "Peter Claver Court".

If Hospice concurs with these proposals, please sign and date this letter in the designated space below and return it to me.

Sincerely,

[Signature] Marilyn F. Lundy  
[President of MetroMatrix]

Signature: Carolyn J. Cassin

Date: 5/15/96

[President & CEO of Hospice]

cc: Barbara Gattorn,

Matrix Board Chair

David Suttner, Matrix Legal Counsel

James Long, Peter Claver Director;

also

[Letterhead] MetroMatrix human services 120 Parsons, Detroit, MI 48201

July 2, 1997

Mr. James Foster

Engineering, City of Detroit

Cadillac Tower Bldg., 10th Floor

Detroit, MI 48226



Dear Mr. Foster,

Pursuant to our agreement for street and alley vacation around the Hospice/Peter Claver project in Brush Park district, stated in our May 8, 1997 letter to John Kerr-we are hereby reversing our request as follows so that #1 would read:

#1 Matrix will agree to vacate Eliot St. from north-east corner of lot 50 to south-east corner of lot 55 to Brush.

Sincerely,

[Signature] Marilyn F. Lundy; and

Whereas, A letter (signed on June 14, 1996 for the parcel known as 3402 to 3412 Brush Street) indicating agreement between "Kenneth and Mary Gause" and "Hospice of Michigan" (both parties being owners of lots within the 'Hospice' development site) is part of Petition No. 2366, as follows:

[Letterhead] Hospice of Michigan

April 22, 1996

Rev. Mary Gause, 3402 Brush Street

Mr. Kenneth Gause, 3410 and 3412 Brush Street, Detroit, MI 48201

Dear Rev. M. Gause and Mr. K. Gause;

Hospice of Michigan is gradually progressing towards completing the final details to secure ownership of the property adjacent to yours upon which we plan to build a hospice residence. We have hopes of breaking ground and beginning construction in July 1996 if the City can hold to the current timetable.

In order to carry our project forward, we will need to close or alter several streets and alleys within the site. Changes-such as these need the concurrence of adjacent property owners.

In that regard, we would like your agreement, as the owners of property known as 3402' Brush Street, 3410 Brush Street, and 3412 Brush Street, with the following change:

1. Vacate the east-west alley which lies along the north boundary of your property at 3402, 3410, and 3412 Brush Street and runs east from Brush. As a result of this action, you will obtain ownership of 1/2 of the portion of this alley which lies immediately adjacent to your property.

For your information, we understand that the City plans to convert its trash/garbage collection methods to the Courville System (curbside pickup system) sometime this summer. This would make it unnecessary for the City to use the alleys in this area for picking up garbage and trash.

If you concur with the changes we propose above, please sign and date this letter in the place designated below and return it to me. Please feel free to call me or Jack McCall (810) 559-9209 if you have any questions about this matter.

Sincerely,

[Signature] John T. Kerr, Vice President

Signature: Mary Gause

Signature: Kenneth Gause, undated date: 6/14/96

Central Administrative Offices:

Crossroads Building, Suite 212/16250 Northland Drive, Southfield, Michigan 48075 Phone (810) 559-9209 Fax (810) 559-7507; and

Whereas, A letter (signed on May 1 & 3, 1996 for the parcel known as 430 and 420 Mack Avenue) indicating agreement between "Barbara Womack and Willetta F. Cuthrell" and "Hospice of Michigan" (both parties being owners of lots within the 'Hospice' development site) is part of Petition No. 2366, as follows:

[Letterhead] Hospice of Michigan

April 22, 1996

Dr. Barbara Womack

430 Mack Ave.

Detroit, MI 48201

Dear Dr. Womack;

We are gradually progressing towards completing the final details to secure ownership of the property adjacent to the your several lots upon which we plan to build a hospice residence. We have hopes of breaking ground and beginning construction in July 1996 if the City can hold to the current timetable.

As a part of that process with the City of Detroit, we will need to close or alter several streets and alleys within the site. Several of these changes need the concurrence of adjacent property owners. With your concurrence as the owner of the property known as 430 Mack Avenue, and your mother's, Willetta Cuthrell's, concurrence as the owner of the property known as 420 Mack Avenue, Hospice of Michigan plans to make the following change:

1. Vacate the east-west alley which runs east from Brush behind your properties, 420 and 430 Mack Avenue. As a result of this action, you will obtain ownership of 1/2 of the portion of this alley which lies immediately behind your properties. (The north-south alley which runs from Mack to Eliot immediately east of your properties will remain.)

For your information, we have asked the City to eliminate the "mini-street" which runs east from Brush and which lies within the City's right of way along the south edge of Mack Avenue immediately in front of your property, 420 and 430 Mack Avenue, and the lot which we have optioned at the corner of Mack and Brush, 400 Mack Avenue. This will have the effect of eliminating the "island" in front of your lots and ours, making access to these properties from Mack Avenue easier and less confusing.

If you concur with the changes we propose in #1 above, please sign and date this letter in the place designated below and return it to me. Please feel free to call



me or Jack McCall (810) 559-9209 if you have any questions about this matter.

Sincerely,

[Signature] John T. Kerr, Vice President

Signature: Barbara Womack, date:

5/1/96

Signature: Willetta Cuthrell, date:

5/3/96

Central Administrative Offices:

Crossroads Building, Suite 212/16250  
Northland Drive, Southfield, Michigan  
48075

Phone (810) 559-9209 Fax (810) 559-7507; and

Whereas, In the matter of Wayne County Circuit Court Civil Action File No. 97-714535 (May 13, 1997), relative to the acquisition of Parcel 32 (known as 3502 to 3506 Brush Street) for the Brush Park Rehabilitation Project and other municipal purposes, the Law Department wrote the following opinion (for Planning and Development Department): "The time for defendants to file Section 6 challenge expired 6/11/97. None was filed. Title passed 5/13/97 under 1980 PA 87, as amended." - by Thomas B. Serowik (P29790) Assistant Corporation Counsel, CITY OF DETROIT LAW DEPARTMENT, 1650 First National Building, Detroit, MI 48226; Telephone: (313) 237-3065; therefore be it

RESOLVED, All that part of Eliot Street, 50 feet wide, between Brush and Beaubien Street lying southerly of and abutting the south line of Lots 53 thru 55 of "Miller and Wilcox's Subdivision of Out Lot 182 and 184 of the Subdivision of the Lambert Beaubien Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 219, Plats, Wayne County Records; also lying northerly of and abutting the north line of Lots 50 thru 52 of "Miller and Wilcox's Subdivision of Out Lot 180, 182, and 184 of the Subdivision of the Lambert Beaubien Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 86, Plats, Wayne County Records; also lying southerly of and abutting the south line of Lot 1, "Block L"; also lying northerly of and abutting the north line of Lot 2, "Block K, Brush Subdivision of part of Park Lots 17, 18, 19, 20, and 21 and part of the Brush Farm adjoining," City of Detroit, Wayne County, Michigan as recorded in Liber 8, Page 12, Plats, Wayne County Records; also

Be and the same is hereby vacated as (a part of) public street and is hereby converted into a public underground easement of the full width 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 described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as watermains, sewers, gas lines or mains, telephone cable, electric light conduits or things usually placed or installed underground 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 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 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;

PROVIDED, That if it becomes necessary to remove and/or alter the street and



alley return(s) at their entrance(s) (into Beaubien and/or Eliot 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 "Hospice of Southeastern Michigan" their administrators or assigns. [NOTES: A "Hospice" and "MetroMatrix" agreement is recited above in this resolution. The City Engineering Division - DPW (CED) is unable to determine the nature or extent of a "development agreement" between "Planning and Development Department and/or Economic Development Corporation" and "Hospice". The processing of this public rights-of-way vacation request does not imply CED knowledge and/or agreement with obligations or statements made by other city and/or non-city agencies to "Hospice" and/or "MetroMatrix". CED remains bound by the rules and regulations of Detroit Code, governing the use or occupancy of streets, alleys, and other public places.]; and be it further

RESOLVED, All of Benton Street, 50 feet wide, between Brush and Beaubien Street lying southerly of and abutting the south line of Lot 43; also lying southerly of and abutting the south line of the north-south public alley (17 feet wide; in the block bounded by Brush, Beaubien, Benton and Eliot Streets); also lying southerly of and abutting the south line of Lots 40 thru 42; also lying northerly of and abutting the north line of Lot 36; also lying northerly of and abutting the north line of the north-south public alley (17 feet wide; in the block bounded by Brush, Beaubien, Erskine and Benton Streets); also lying northerly of and abutting the north line of Lots 37 thru 39 of "Miller and Wilcox's Subdivision of Out Lot 180, 182, and 184 of the Subdivision of the Lambert Beaubien Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 86, Plats, Wayne County Records; also lying southerly of and abutting the south line of Lot 1, Block K; also lying northerly of and abutting the north line of Lot 2, Block J, "Brush Subdivision of part of Park Lots 17, 18, 19, 20, and 21 and part of the Brush Farm adjoining," City of Detroit, Wayne County, Michigan as recorded in Liber 8, Page 12, Plats, Wayne County Records; also

All of the east-west public alley, 20 feet wide, in the block bounded by Brush, Beaubien, Benton and Eliot Streets lying southerly of and abutting the south line of Lots 50 thru 52; also lying northerly of and abutting the north line of Lots 40 thru 42 of "Miller and Wilcox's Subdivision of Out Lot 180, 182, and 184 of the Subdivision of the Lambert Beaubien Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 86, Plats, Wayne County Records; also lying

southerly of and abutting the south line of Lot 2, Block K; also lying northerly of and abutting the north line of Lot 1, Block K, "Brush Subdivision of part of Park Lots 17, 18, 19, 20, and 21 and part of the Brush Farm adjoining," City of Detroit, Wayne County, Michigan as recorded in Liber 8, Page 12, Plats, Wayne County Records; also

All of the remaining north-south public alley, 17 feet wide, in the block bounded by Brush, Beaubien, Benton and Eliot Streets lying westerly of and abutting the west line of Lots 43 thru 46; also lying easterly of and abutting the east line of the east-west public (20 feet wide; in the block bounded by Brush, Beaubien, Benton and Eliot Streets); also lying easterly of and abutting the east line of Lot 42 of "Miller and Wilcox's Subdivision of Out Lot 180, 182, and 184 of the Subdivision of the Lambert Beaubien Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 86, Plats, Wayne County Records; also

All that part of the north-south public alley, 17 feet wide, in the block bounded by Brush, Beaubien, Erskine and Benton Streets lying westerly of and abutting the west line of the north 10.00 feet of Lot 34, Lots 35 and 36; also lying easterly of and abutting the east line of Lot 37 of "Miller and Wilcox's Subdivision of Out Lot 180, 182, and 184 of the Subdivision of the Lambert Beaubien Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 86, Plats, Wayne County Records;

Be and the same are hereby (outright) vacated as a public street and 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 street and 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:

(1) "Hospice of Southeast Michigan" and/or their contractors shall cut and cap the existing 8-inches diameter water main in Benton Street, between Brush and Beaubien Streets; also

(2) "Hospice of Southeast Michigan" and/or their contractors shall construct a manhole over the existing 15-inches by 20-inches sewer just north of the portion of the public alley to be outright vacated (within a northern part of the north-south converted public alley, 17 feet wide, in the block bounded by Brush, Beaubien, Benton and Eliot Streets; said northern



part of public alley having been previously vacated by City Council on July 17, 1985 - J.C.C. pages 1617-18); also

(3) "Hospice of Southeast Michigan" and/or their contractors shall construct a manhole over the intersection of two existing 15-inches by 20-inches sewers just south of the portion of the public alley to be outright vacated (within a southern part of the north-south public alley, 17 feet wide, in the block bounded by Brush, Beaubien, Erskine and Benton Streets; said southern part of public alley to be converted into a private easement for public utilities below in this resolution); also

The construction of two new 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, sewer abandonment, and cut-cap of an abandoned water main shall be borne by "Hospice of Southeast Michigan" at no cost to DWSD. — by Daljit Singh, Engineer of Water Systems; and further

PROVIDED, That if it becomes necessary to remove the paved street and alley return(s) at their entrance(s) (into Brush, Beaubien and Erskine Streets and/or Mack 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 administrators, heirs or assigns; and be it further

RESOLVED, All that part of the south 36.00 feet of Mack Avenue, "variable width, between Brush and Beaubien Streets lying northerly of and abutting the north line of Lots 63 thru 65 of "Miller and Wilcox's Subdivision of Out Lot 182 and 184 of the Subdivision of the Lambert Beaubien Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 219, Plats, Wayne County Records; also lying northerly of and abutting the north line of Lot 2, Block L, of "Brush Subdivision of part of Park Lots 17,18,19,20, and 21 and part of the Brush Farm adjoining," City of Detroit, Wayne County, Michigan as recorded in Liber 8, Page 12, Plats, Wayne County Records; also

All of the east-west public alley, 20 feet wide, in the block bounded by Brush, Beaubien and Eliot Streets, and Mack Avenue lying southerly of and abutting the south line of Lots 63 thru 65; also lying northerly of and abutting the north line of Lots 53 thru 55 of "Miller and Wilcox's Subdivision of Out Lot 182 and 184 of the Subdivision of the Lambert Beaubien Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 219, Plats, Wayne County Records; also lying southerly of and abutting the south

line of Lot 2, Block L; also lying northerly of and abutting the north line of Lot 1, Block L, of "Brush Subdivision of part of Park Lots 17,18,19,20, and 21 and part of the Brush Farm adjoining," City of Detroit, Wayne County, Michigan as recorded in Liber 8, Page 12, Plats, Wayne County Records; also

All of the east-west public alley, 20 feet wide, in the block bounded by Brush, Beaubien, Erskine and Benton Streets lying southerly of and abutting the south line of Lots 37 thru 39; also lying northerly of and abutting the north line of Lots 29 thru 31 of "Miller and Wilcox's Subdivision of Out Lot 180, 182, and 184 of the Subdivision of the Lambert Beaubien Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 86, Plats, Wayne County Records; also lying southerly of and abutting the south line of Lot 2, Block J of "Brush Subdivision of part of Park Lots 17,18,19, 20, and 21 and part of the Brush Farm adjoining," City of Detroit, Wayne County, Michigan as recorded in Liber 8, Page 12, Plats, Wayne County Records; also lying northerly of and abutting the north line of Lot 1, Block J of "Brush Subdivision of part of Park Lots 15,16 and 17 and part of the Brush Farm adjoining," City of Detroit, Wayne County, Michigan as recorded in Liber 3, Page 24, Plats, Wayne County Records; also

All that part of the north-south public alley, 17 feet wide, in the block bounded by Brush, Beaubien, Erskine and Benton Streets lying westerly of and abutting the west line of the south 30.00 feet of Lot 34, Lots 32 and 33; also lying easterly of and abutting the east line of the east-west public alley (20 feet wide; in the block bounded by Brush, Beaubien, Erskine and Benton Streets); also lying easterly of and abutting the east line of Lot 31 of "Miller and Wilcox's Subdivision of Out Lot 180, 182, and 184 of the Subdivision of the Lambert Beaubien Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 86, Plats, Wayne County Records;

Be and the same are hereby vacated as (a part of) public street and alleys and are hereby converted into a private easement for public utilities of the full width of the street and 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 street and 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 an easement or right-of-way over said vacated public street and 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 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 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 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 and 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 street and alley return(s) at their entrance(s) (into Brush, Beaubien and Erskine Streets and/or

Mack 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 administrators, 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, Hill, Hood, Ravitz, Scott, Tinsley-Williams, and President Mahaffey — 8.

Nays — None.

**Department of Public Works  
City Engineering Division**

August 28, 1997

Honorable City Council:

Re: Petition No. 2962. Williams Chapel Church Alley to Easement south part of north-south public alley west of Elmwood, between Benson and Heidelberg.

Petition No. 2962 of "Williams Chapel Church" requests the conversion of a southern part of the north-south public alley, 20 feet wide, west of Elmwood Avenue between Benson and Heidelberg Streets into a private easement for public utilities.

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

The requested alley closing was approved by Planning and Development Department, Solid Waste Division-DPW, and Traffic Engineering Division-DPW.

The petitioner plans to use the paved alley return entrance (into Benson Street) and requests such remain in its present status. The petitioner 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 of a southern part of the north-south public alley, 20 feet wide, west of Elmwood Avenue between Benson and Heidelberg Streets lying westerly of and abutting the west line of the south 6.72 feet of Lot 4, and Lots 5 thru 7; also lying easterly of and abutting the east line of Lot 8 of "Ward's Subdivision of part of the B. Chapoton