

Department of Public Works  
City Engineering Division

September 10, 1997

Honorable City Council:

Re: Petition No. 2563, Core City Neighborhoods, Alberta W. King Village Housing Development, Street and Alley Vacations in the area bounded by 14th, Rosa Parks, M. L. King, and Magnolia

Petition No. 2563 of "Core City Neighborhoods [CCN]" requests the vacation of public streets and alleys in the area bounded by Fourteenth Avenue, Rosa Parks and Martin Luther King Jr. Boulevards, and Magnolia Street. The Alberta W. King Village project is funded by the Michigan State Housing Development Authority.

A letter indicating agreement between "Grayce A. Simon (a/k/a Mrs. John Simon, homeowner at 3540 Fourteenth Avenue)" and "Core City Neighborhoods" (both parties being owners of lots within the 'Alberta W. King Village' development site) is part of Petition No. 2563.

The Planning and Development Department (P&DD) agreed to transfer property from P&DD inventory to DPW to establish the north line of Martin Luther King, Jr. Boulevard between Fourteenth Avenue and Rosa Parks Boulevard. One interdepartmental memorandum (dated May 21, 1997) from the Planning and Development Department [P&DD] to the City Engineering Division — DPW [CED] is part of Petition No. 2563.

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 'Alberta W. King Village' site.

Ameritech/Michigan Bell Telephone Company, Comcast Cablevision, Detroit Edison Company, Michigan Consolidated Gas Company, Water and Sewerage Department, and Public Lighting Department (PLD) reported facilities within the 'Alberta W. King Village' site. CCN made arrangements to pay the utilities. [NOTES: Two letters indicating agreement between PLD and CCN are part of Petition No. 2563. "CCN" must submit building plans to PLD for review and approval of public lighting facility adjustments.] Also, "CCN" 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 vacation and/or conversion of public rights-of-way into a private easement for public utilities; provided services to 3540 Fourteenth Avenue remain intact.

Provisions protecting utility installations (and the rights and interests of Mrs. John Simon, homeowner at 3540 Fourteenth Avenue) are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,  
SUNDAY JAIYESIMI,  
City Engineer

By Council Member Everett:

Whereas, One letter indicating agreement between "Mrs. Grayce A. Simon" and "Core City Neighborhoods" (both parties being owners of property within the 'Alberta W. King Village Residential Project' development site) is part of Petition No. 2563, as follows:

[Letterhead] Core City Neighborhoods  
3301 23rd Street, Detroit, Michigan 48208  
Barbara E. Talley,  
Executive Director

March 19, 1997

Mrs. John Simon  
3540 14th Street  
Detroit, MI 48208

Dear Mrs. Simon:

The purpose of this letter is to document our understanding that you will not object to the closing the streets and alleys in the rear of your property located at 3540 14th Street and Core City Neighborhoods agrees to the following:

1. Close the present alley garage entrance located at the 3540 14th street and construct a garage door entrance and driveway with access from 14th street according to the City of Detroit's building codes. At Core expense.

2. Install an electrical garage door opener and dusk-to-dawn security lights on the garage and the south side of the house where the driveway is located. Install a gate across the driveway at the front southerly corner of the house. At Core expense.

3. Provide snow removal service at the 3540 14th street as long as Mrs. Simon occupies the property at 3540 14th street. At Core expense.

4. Install new fencing around the 3540 14th street property. Mrs. Simon will approve the fencing design from the designs recommended by Progressive Associates, our architect for the Alberta W. King Village residential development. At Core expense. When "Watson" house to south is removed, a sturdy fence will be built to enclose Simon house immediately

5. Relocate flowers from the south side of the yard to (At Core expense) another area in the yard. Mrs. Simon will, select the area for the flower relocation. Driveway will be constructed later in the construction process at a mutually agreed upon time.

We appreciate your cooperation and please contact me or Pat Alexander at



(313) 894-8431 if you have questions or need additional information.

Sincerely,  
BARBARA E. TALLEY  
Executive Director, CCN; and

Accepted:

GRAYCE A. SIMON  
DATE: April 1, 1997

Whereas, Two letters indicating agreement between "Public Lighting Department" (a department within the City of Detroit, a Michigan municipal corporation) and "Core City Neighborhoods" (being one of the owners of property within the 'Alberta W. King Village Residential Project' development site) are part of Petition No. 2366, as follows:

[Letterhead] Core City Neighborhoods  
3301 23rd Street, Detroit, Michigan 48208  
June 10, 1997

Mark Petty, Director  
City of Detroit  
Public Lighting Department  
9449 Grinnell  
Detroit, MI 48213

RE: Alberta W. King Village Residential  
Development, Utility Clearance  
Petition No. 2563

Dear Mr. Petty:

This letter is to express Core City Neighborhoods (CCN) intent to enter into an agreement with Public Lighting Department for the removal and relocation of utilities within the referenced development area. The Alberta W. King Village multifamily project site is generally bounded by Magnolia Street (north), Rosa Parks Blvd. (east), Martin Luther King Blvd. (south) and 14th Street (west).

A house located at 3540 14th Street is the only occupied structure within the aforementioned boundaries that CCN does not own. This structure will remain on the project site and construction will occur around it.

The Alberta W. King Village project will be funded by the Michigan State Housing Development Authority. We expect to close on the financing no later than October 10, 1997. Construction is expected to begin on or before November 10, 1997. As discussed in our telephone conversation with you on Tuesday, June 3, 1997, in lieu of depositing the \$75,000.00 prior to the relocation and rerouting of utilities, we agree to deposit the required funds after the closing. Please provide a clearance letter to the City's Survey Bureau from PLD for Petition No. 2563.

We appreciate your expeditious attention to this matter. If you have questions or require further information, contact Pat Alexander or me at (313) 894-8431. Thank you for your assistance.

Sincerely,  
JOYCE RHYAN  
Executive Director

Agreed:

MARK PETTY,  
Director

Public Lighting Department  
City of Detroit  
[Letterhead] CITY OF DETROIT  
PUBLIC LIGHTING DEPARTMENT  
9449 Grinnell

Detroit, Michigan 48213-1176  
Phone 313-267-7256  
Fax 313-267-6057

July 9, 1997

Alfredo Morris  
City Engineering Division  
900 Cadillac Tower

Detroit, Michigan 48226-2873  
Re: Alberta W. King Village Residential  
Development (Petition No. 2563 esti-  
mated cost: \$75,000.00.)

Dear Mr. Morris:

The Public Lighting Department has agreed with Core City Neighborhoods to postpone the normal advance deposit required to pay for the removal and relocation of our underground and overhead utilities for the above referenced area.

Arrangements are being made with the developer for the reimbursement of all Public Lighting Department expenses after their funding is received. Please note that, because of liability concerns, the Public Lighting Department cannot remove any lighting from streets and alleys unless they are legally and physically closed.

If you have any questions regarding this project please contact Mr. Satish Sadwal at (313) 267-7232 of our staff.

Very Truly Yours,

PUBLIC LIGHTING DEPARTMENT  
MARK PETTY,  
Director [PLD]; and

Whereas, One interdepartmental memorandum (dated May 21, 1997) from the Planning and Development Department [P&DD] to the City Engineering Division — DPW [CED], that transfers property from P&DD inventory to DPW [via CED] for public street purposes is part of Petition No. 2366, as follows:

[Letterhead] CITY OF DETROIT  
PLANNING & DEVELOPMENT  
DEPARTMENT

2300 Cadillac Tower  
Detroit, Michigan 48226  
Phone 313-224-6380  
Fax 313-224-1629

TO: Alfredo Morris, Engineering  
Division, DPW

FROM: Joseph J. Vassallo, Deputy  
Director, P&DD [Signed with initials]

RE: Petition 2563

DATE: 21 May 1997

The Planning and Development Department currently holds title to properties on the north side of Martin Luther King Jr. Boulevard between Fourteenth Avenue and Rosa Parks Boulevard, as cited in DPW Drawing LD95-34, dated 20 October 1995 and revised 12 August 1996, by J. Knoll.

In accordance with Petition 2563, the properties indicated on this map are to be



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dedicated as a Right-of-Way for the widening of Martin Luther King Jr. Blvd. Said properties comply with the requirements of Detroit Ordinance No. 29-94, Detroit Code Sections 2-2-11 through 2-1-15, also known as the 'Environmental Review Guidelines'.

If you have any questions, please contact Project Manager Michael Boettcher at 224-4521; therefore be it

Resolved, All of Brainard Street, 50 feet wide, between Vermont Avenue and Rosa Parks Boulevard lying southerly of and abutting the south line of Lot 145; also lying southerly of and abutting the south line of the north-south public alley (15 feet wide; in the block bounded by Vermont Avenue, Rosa Parks Boulevard, Brainard and Magnolia Streets); also lying southerly of and abutting the south line of Lots 146 thru 148; also lying northerly of and abutting the north line of Lots 176 thru 178; also lying northerly of and abutting the north line of the north-south public alley (15 feet wide; in the block bounded by Vermont Avenue, Rosa Parks and Martin Luther King Jr. Boulevards, and Brainard Street) of "Albert Crane's Section of the Thompson Farm being part of Private Claim 227, Late Springwells, Now Detroit," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 11, Plats, Wayne County Records; also lying southerly of and abutting the south line of Lots 204 thru 206; also lying northerly of and abutting the north line of Lots 207 thru 209 of "Woodruff's Subdivision of Lot 3, Lafferty Farm, Private Claim 228, and South of Grand River Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 2, Page 32, Plats, Wayne County Records;

Be and the same is hereby vacated (outright) as a public street 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) part of public street, mentioned above, CCN 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:

"Core City Neighborhoods", the abutting owners, and/or their contractors shall cut and cap the existing 8-inches diameter water main in Brainard Street between Vermont Avenue and Rosa Parks Boulevard;

All costs related to the cut-cap of abandoned water main(s), including plan review, inspection and permits, shall be borne by "Core City Neighborhoods" at no cost to DWSD. The City Engineering Division — DPW shall be unable to sign

building plans to build over said DWSD facilities, unless plans are first reviewed and approved by DWSD; and further

Provided, That before any construction shall be permitted within the vacated (outright) part of public street, mentioned above, CCN shall submit building plans to the Public Lighting Department (PLD) for review and approval. The building plans shall include engineering details to remove and relocate utility poles, wires, lamps, conduits, duct banks, communications and any other public lighting facilities as required by PLD. All costs related to the removal and relocation of said public lighting facilities, including plan review, inspection and permits shall be borne by "Core City Neighborhoods" at no cost to PLD. The City Engineering Division — DPW shall be unable to sign building plans to build over said public lighting facilities, unless plans are first reviewed and approved by PLD; and be it further

Resolved, All of the north-south public alley, 15 feet wide, in the block bounded by Vermont Avenue, Rosa Parks Boulevard, Brainard and Magnolia Streets lying westerly of and abutting the west line of Lot 138; also lying westerly of and abutting the west line of the east-west public alley (20 and 30 feet wide; in the block bounded by Vermont Avenue, Rosa Parks Boulevard, Brainard and Magnolia Streets); also lying westerly of and abutting the west line of Lot 146; also lying easterly of and abutting the east line of Lots 139 thru 145 of "Albert Crane's Section of the Thompson Farm being part of Private Claim 227, Late Springwells, Now Detroit," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 11, Plats, Wayne County Records; also

All of the east-west public alley, 20 and 30 feet wide, in the block bounded by Vermont Avenue, Rosa Parks Boulevard, Brainard and Magnolia Streets lying southerly of and abutting the south line of Lots 136 thru 138; also lying northerly of and abutting the north line of Lots 146 thru 148 of "Albert Crane's Section of the Thompson Farm being part of Private Claim 227, Late Springwells, Now Detroit," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 11, Plats, Wayne County Records; also lying southerly of and abutting the south line of Lots 201 thru 203; also lying northerly of and abutting the north line of Lots 204 thru 206 of "Woodruff's Subdivision of Lot 3, Lafferty Farm, Private Claim 228, and South of Grand River Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 2, Page 32, Plats, Wayne County Records; also

All of the north-south public alley, 15 feet wide, in the block bounded by Vermont Avenue, Rosa Parks and Martin Luther King Jr. Boulevards, and Brainard



Street lying westerly of and abutting the west line of Lot 178; also lying westerly of and abutting the west line of the east-west public alley (20 feet wide; in the block bounded by Vermont Avenue, Rosa Parks and Martin Luther King Jr. Boulevards, and Brainard Street); also lying westerly of and abutting the west line of the northern 30.00 feet of Lot 187; also lying easterly of and abutting the east line of the northern 9.00 feet of Lot 184, and Lots 179 thru 183 of "Albert Crane's Section of the Thompson Farm being part of Private Claim 227, Late Springwells, Now Detroit," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 11, Plats, Wayne County Records; also

All of the east-west public alley, 20 feet wide, in the block bounded by Vermont Avenue, Rosa Parks and Martin Luther King Jr. Boulevards, and Brainard Street lying southerly of and abutting the south line of Lots 176 thru 178; also lying northerly of and abutting the north line of Lots 187 thru 189 of "Albert Crane's Section of the Thompson Farm being part of Private Claim 227, Late Springwells, Now Detroit," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 11, Plats, Wayne County Records; also lying southerly of and abutting the south line of Lots 207 thru 209; also lying northerly of and abutting the north line of Lots 232 thru 234 of "Woodruff's Subdivision of Lot 3, Lafferty Farm, Private Claim 228, and South of Grand River Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 2, Page 32, Plats, Wayne County Records; also

All of the north-south public alley, 20 feet wide, in the block bounded by Wabash and Vermont Avenues, Brainard and Magnolia Streets lying westerly of and abutting the west line of Lots 186 thru 193; also lying easterly of and abutting the east line of Lot 185; also lying easterly of and abutting the east line of the east-west public alley (20 feet wide; in the block bounded by Wabash and Vermont Avenues, Brainard and Magnolia Streets); also lying easterly of and abutting the east line of Lot 194 of "Woodruff's Subdivision of Lot 3, Lafferty Farm, Private Claim 228, and South of Grand River Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 2, Page 32, Plats, Wayne County Records; also

All of the east-west public alley, 20 feet wide, in the block bounded by Wabash and Vermont Avenues, Brainard and Magnolia Streets lying southerly of and abutting the south line of Lots 179 thru 185; also lying northerly of and abutting the north line of Lots 194 thru 200 of "Woodruff's Subdivision of Lot 3, Lafferty Farm, Private Claim 228, and South of Grand River Avenue," City of Detroit,

Wayne County, Michigan as recorded in Liber 2, Page 32, Plats, Wayne County Records; also

All of the north-south public alley, 20 feet wide, in the block bounded by Wabash and Vermont Avenues, Martin Luther King Jr. Boulevard, and Brainard Street lying westerly of and abutting the west line of the northern 19.00 feet of Lot 222, and Lots 217 thru 221; also lying easterly of and abutting the east line of Lot 216; also lying easterly of and abutting the east line of the vacated east-west public alley (20 feet wide, in the block bounded by Wabash and Vermont Avenues, Martin Luther King Jr. Boulevard, and Brainard Street; said public alley having been previously vacated by City Council on June 29, 1915 — J.C.C. page 1144); also lying easterly of and abutting the east line of the northern 40.00 feet of Lot 4 of "Woodruff's Subdivision of Lot 3, Lafferty Farm, Private Claim 228, and South of Grand River Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 2, Page 32, Plats, Wayne County Records;

Be and the same are hereby vacated (outright) as 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, CCN shall submit building plans to the Public Lighting Department (PLD) for review and approval. The building plans shall include engineering details to remove and relocate utility poles, wires, lamps, conduits, duct banks, communications and any other public lighting facilities as required by PLD.

All costs related to the removal and relocation of said public lighting facilities, including plan review, inspection and permits shall be borne by "Core City Neighborhoods" at no cost to PLD. The City Engineering Division — DPW shall be unable to sign building plans to build over said public lighting facilities, unless plans are first reviewed and approved by PLD; and be it further

Resolved, All that part of the north-south public alley, 20 feet wide, in the block bounded by Fourteenth and Wabash Avenues, Martin Luther King Jr. Boulevard, and Magnolia Street lying westerly of and abutting the west line of Lots 212 thru 219; also lying easterly of and abutting the east line of Lots 230 thru 237 of "Subdivision of Part of the Godfroy Farm, Private Claim 726, lying between Michigan Avenue and Grand River Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 293, Plats, Wayne County Records;

Be and the same is hereby vacated as a public alley to become part and parcel



of the abutting property; subject to the following provisions:

Provided, That before any construction shall be permitted within the vacated (out-right) part of public alley, mentioned above, Core City Neighborhoods ("CCN"), the developer of Alberta W. King Village Residential Project, shall apply to the Buildings and Safety Engineering Department for a building permit. Simultaneously, "CCN" shall submit said building plans to the Water and Sewerage Department (DWSD) for review and approval. All costs for plan review associated with the relocation of sewers and/or other construction that may be required by DWSD (designed to prevent damages and maintain public sewer services to the homeowner at 3540 Fourteenth Avenue), including but not limited to inspection, survey, engineering, and permits shall be paid by "CCN". The City Engineering Division — DPW shall be unable to sign building plans to build over sewer(s) that must remain public, unless plans are first reviewed and approved by DWSD; and further

Provided, That the petitioner, "CCN", 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 public sewers across property owned by "CCN". 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 sewer 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, A temporary aerial easement allowing for the continuance of overhead utility wire(s) services to one existing residential dwelling (Lot 220 of "Subdivision of Part of the Godfrey Farm, Private Claim 726, lying between Michigan Avenue and Grand River Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 293, Plats, Wayne County Records; commonly known as: 3540 Fourteenth Avenue) shall remain over the full width of the above described vacated public alley (20 feet wide; in the block bounded by Fourteenth and Wabash Avenues, Martin Luther King Jr. Boulevard, and Magnolia Street). Core City Neighborhoods ("CCN"), the developer of Alberta W. King Village Residential Project, shall be liable for any utility service disruptions to 3540 Fourteenth caused by (or alleged to have been caused by) "CCN" construction activities; and further

Provided, Core City Neighborhoods ("CCN"), the developer of Alberta W. King

Village Residential Project, shall draft and execute an agreement with the homeowner at said 3540 Fourteenth Avenue, to maintain the existing public utility service connections (such as, overhead wires on utility poles), and/or modify such utility service connections for underground burial, in such a manner as to prevent disruption of utility services, such as telephone, cable television, electric lighting and electric power to the homeowner at said 3540 Fourteenth Avenue; and further

Provided, Said executed agreement shall specifically include "exhibits" such as, a set of "Utility Plans" (approved by Buildings and Safety Engineering Department, if necessary) detailing how public utility services will be connected and maintained by "CCN" to the homeowner at said 3540 Fourteenth Avenue.

The "utility plans" shall be prepared and sealed by a professional engineer or architect registered in the State of Michigan; and further

Provided, That "CCN" shall record a certified copy of this resolution and the "executed agreement" with the Wayne County Register of Deeds, within 30 days from the date of City Council adoption of this resolution; and be it further

Resolved, All that part of Vermont Avenue, 50 feet wide, between Martin Luther King Jr. Boulevard and Magnolia Street lying westerly of and abutting the west line of Lot 179; also lying westerly of and abutting the west line of the east-west public alley (20 feet wide; in the block bounded by Wabash and Vermont Avenues, Brainard and Magnolia Streets); also lying westerly of and abutting the west line of Lot 200; also lying westerly of and abutting the west line of Brainard Street (50 feet wide); also lying westerly of and abutting the west line of Lot 210; also lying westerly of and abutting the west line of the vacated east-west public alley (20 feet wide, in the block bounded by Wabash and Vermont Avenues, Martin Luther King Jr. Boulevard, and Brainard Street; said public alley having been previously vacated by City Council on June 29, 1915 — J.C.C. page 1144); also lying westerly of and abutting the west line of the northern 40.00 feet of Lot 10; also lying easterly of and abutting the east line of the northern 40.00 feet of Lot 232; also lying easterly of and abutting the east line of the east-west public alley (20 feet wide; in the block bounded by Vermont Avenue, Rosa Parks and Martin Luther King Jr. Boulevards, and Brainard Street); also lying easterly of and abutting the east line of Lot 209; also lying easterly of and abutting the east line of Brainard Street (50 feet wide); also lying easterly of and abutting the east line of Lot 206; also lying easterly of and abutting the east line of the east-west public alley (20 and 30 feet wide; in the block bounded by Vermont



Avenue, Rosa Parks Boulevard, Brainard and Magnolia Streets); also lying easterly of and abutting the east line of Lot 201 of "Woodruff's Subdivision of Lot 3, Lafferty Farm, Private Claim 228, and South of Grand River Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 2, Page 32, Plats, Wayne County Records; also

All of Brainard Street, 50 feet wide, between Wabash and Vermont Avenues lying southerly of and abutting the south line of Lot 193; also lying southerly of and abutting the south line of the north-south public alley (20 feet wide; in the block bounded by Wabash and Vermont Avenues, Brainard and Magnolia Streets); also lying southerly of and abutting the south line of Lots 194 thru 200; also lying northerly of and abutting the north line of Lots 210 thru 216; also lying northerly of and abutting the north line of the north-south public alley (20 feet wide; in the block bounded by Wabash and Vermont Avenues, Martin Luther King Jr. Boulevard, and Brainard Street); also lying northerly of and abutting the north line of Lot 217 of "Woodruff's Subdivision of Lot 3, Lafferty Farm, Private Claim 228, and South of Grand River Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 2, Page 32, Plats, Wayne County Records; also

All that part of Wabash Avenue, 65 feet wide, between Martin Luther King Jr. Boulevard and Magnolia Street lying westerly of and abutting the west line of the northern 10.00 feet of Lot 222, and Lots 217 thru 221; also lying westerly of and abutting the west line of Brainard Street (50 feet wide); also lying westerly of and abutting the west line of Lots 186 thru 193 of "Woodruff's Subdivision of Lot 3, Lafferty Farm, Private Claim 228, and South of Grand River Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 2, Page 32, Plats, Wayne County Records; also lying easterly of and abutting the east line of the northern 10.00 feet of Lot 226, and Lots 227 thru 237 of "Subdivision of Part of the Godfroy Farm, Private Claim 726, lying between Michigan Avenue and Grand River Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 293, Plats, Wayne County Records; also.

All that part of the north-south public alley, 20 feet wide, in the block bounded by Fourteenth and Wabash Avenues, Martin Luther King Jr. Boulevard, and Magnolia Street lying westerly of and abutting the west line of the northern 10.00 feet of Lot 223, and Lots 220 thru 222; also lying easterly of and abutting the east line of the northern 10.00 feet of Lot 226, and Lots 227 thru 229 of "Subdivision of Part of the Godfroy Farm, Private Claim 726, lying between

Michigan Avenue and Grand River Avenue," City of Detroit Wayne County, Michigan as recorded in Liber 1, Page 293, Plats, Wayne County Records;

Be and the same are hereby vacated as public streets and alley and are hereby converted into a private easement for public utilities of the full width of the streets and 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 streets and 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 streets and 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 street or alley in the City of Detroit, with the right to ingress and egress at any time to and over said easement for purpose above set forth,

Second, said utility easement or right-of-way in and over said vacated streets and 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 streets and 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 street and alley return(s) at their entrance(s) (into Rosa Parks Boulevard, Martin Luther King Jr. Boulevard, and/or Magnolia Street), such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division — DPW specifications (in conjunction with Recreation Department, if necessary) with all costs borne by "Core City Neighborhoods", the abutting owner, their administrators or assigns; and be it further

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

**Dedications to Establish the North  
line of Martin Luther King, Jr.  
Boulevard between Fourteenth  
Avenue and Rosa Parks Boulevard**

Land in the City of Detroit, Wayne County, Michigan being all of Lots 224 and 225, and the South 32.00 feet of Lot 223, and the South 32.00 feet of Lot 226 of the "Subdivision of Part of the Godfroy Farm, Private Claim 726, lying between Michigan Avenue and Grand River Avenue," as recorded in Liber 1, Page 293, Plats, Wayne County Records; also all of Lots 223 and 224, and the South 12.00 feet of Lot 222, and the South 74.00 feet of Lots 232 thru 234, and the South 74.00 feet of Lots 4 thru 10 [a/k/a the 'Board of Education' Lot] of "Woodruff's Subdivision of Lot 3, Lafferty Farm, Private Claim 228, and South of Grand River Avenue," as recorded in Liber 2, Page 32, Plats, Wayne County Records; also all of Lots 185 and 186, and the South 22.00 feet of Lot 184, and the South 74.00 feet of Lots 187 thru 189 of "Albert Crane's Section of the Thompson Farm being part of Private Claim 227, Late Springwells, Now Detroit," as recorded in Liber 1, Page 11, Plats, Wayne County Records; 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, Hood, Ravitz, Scott, Tinsley-Williams, and President Pro Tem. Hill — 7.  
Nays — None.

**Department of Public Works  
City Engineering Division**

September 12, 1997

Honorable City Council:

Re: Petition No. 3087 Cornice and Slate, L.L.C. Requesting permission to maintain six existing underground footings encroaching into the south side of E. Lafayette at 733 St. Antoine.

Petition No. 3087 of "Cornice and Slate, L.L.C." requests permission to maintain parts of six existing underground footings (each) encroaching about 2.50 feet (or less) into E. Lafayette Avenue, 120 feet wide, associated with the expansion of "Flood's Bar and Grille", commonly known as 733 St. Antoine.

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

All public right-of-way work, including maintenance, must be subject to city permits, inspection, and specifications. "Cornice and Slate (and/or their assigns, Turner Construction Company)" must obtain permits from City Engineering Division - DPW for any public right-of-way work together with building permits. [NOTES: A second story cornice projection (extending about 1.50 feet more or less) is an architectural embellishment, and a permissible (overhead) public street projection. The installation is an attachment to the building and covered under BOCA Basic building code. However, CED advises Buildings & Safety Engineering Department to examine building plans so as to prevent drain from overhead decorations onto the public street below.]

The Ameritech/Michigan Bell Telephone Company [A/MBT] reported facilities near the existing footings. "Cornice and Slate" has made arrangements to pay A/MBT. Michigan Consolidated Gas Company [MCG] reported an inactive four-inches diameter gas main near the existing footings. MCG reports no objections to the existing encroachments; but reminds "Turner Construction" that "Miss Dig" must be used to prevent damages to MCG services in the public street. Should liabilities occur as a result of the placement or maintenance of six existing underground footings extending into public street right-of-way "Cornice and Slate" shall pay all claims, damages and expenses; also the petitioner, "Cornice and Slate", waives all claims for damages to the encroaching installations.