

City; to amend the provisions of this chapter governing the operation of vessels on the waters of the City to be commensurate with state law; to add Division 6 to Article II entitled 'Registration'; to recodify and amend the registration requirements for vessels operating on waters of the City to be commensurate with state law; to add Division 7 to Article II entitled 'Races, Water Events; Rules; Application, Contents'; and to provide for City authorization of races and other events on the waters of the City to be commensurate with state law.

All interested persons are invited to be present to be heard as to their views.

Adopted as follows:

Yeas — Council Members Cleveland, Cockrel, Hill, Ravitz, Scott, and President Mahaffey — 6.

Nays — None.

City Planning Commission

November 12, 1997

Honorable City Council:

Re: Request of the Planning & Development Department (petition #3007) to vacate sections of Garfield Avenue, Orleans Street, and Riopelle Street within the Forest Park Rehabilitation Project Area (Recommend Approval)

The Planning and Development Department (P&DD) is requesting the outright vacation of Garfield Avenue, Orleans Street, and Riopelle Street within an area bounded by the following streets: the southern edge of Forest Avenue to the north, the western edge of Dequindre Avenue to the east, the northern edge of Canfield Avenue to the south, and the eastern edge of private claim line 13 to the west (please see Attachment A for a map of the proposed vacations). P&DD is requesting that the streets be vacated in

order to allow the land surrounding the streets to be redeveloped.

The subject street sections are located within an area of urban renewal land known as Parcel 6 of the Forest Park Rehabilitation Project Development Area. Currently, Parcel 6 is a contiguous vacant piece of land containing about 6 acres. The subject street sections that are within Parcel 6 have already been temporarily closed and removed, but not formally outright vacated.

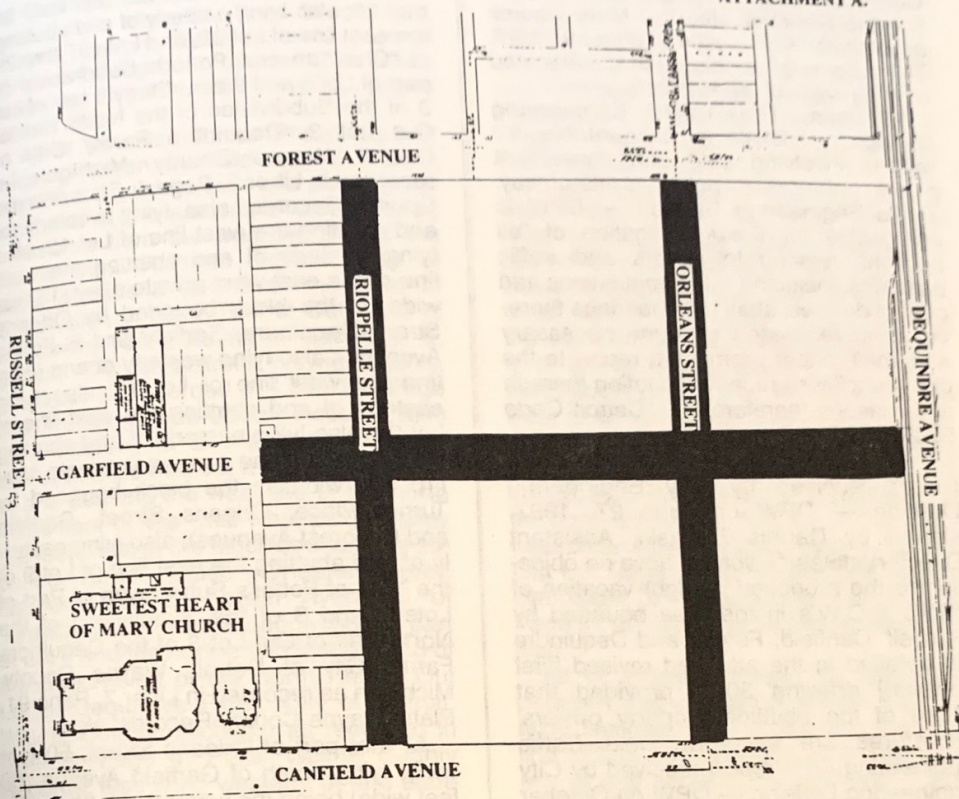
P&DD recently sold the southern three acres of Parcel 6 to a developer who is proposing to construct a one-story office building to house a branch of the State of Michigan Family Independence Agency. By allowing the subject street sections to be formally vacated outright, the developer for the project will be able to begin construction of the project.

The area surrounding the subject streets includes vacant/industrial land to the north across Forest Avenue, vacant/residential land to the east across Dequindre Avenue, a park/Pepsi bottling plant to the south across Canfield Avenue, and Sweetest Heart of Mary/Edison substation/playground to the west of the site.

Since the proposed street closings would not disrupt vehicular or pedestrian circulation, and since the street vacations would allow Parcel 6 to be redeveloped, the City Planning Commission staff recommends approval of the "outright vacation" of the subject sections of Riopelle Street, Orleans Street, and Garfield Avenue.

Respectfully submitted,
MARSHA S. BRUHN,
Director
CHRISTOPHER J. GULOCK,
Staff

ATTACHMENT A.



THE PROPOSED STREET VACATIONS ARE HIGHLIGHTED IN BLACK

Department Of Public Works

November 7, 1997

Honorable City Council:

Re: Planning and Development Department Forest Park Rehabilitation Project Street and Alley Vacations in the area bounded by P.C. 13, Dequindre, Canfield, and Forest

Petition No. 3007 of "Planning and Development Department" requests the vacation of public streets and alleys in the area (generally) bounded by Private Claim 13, Dequindre, E. Canfield, and E. Forest Avenues.

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 "Forest Park Rehabilitation Project" site.

Detroit Edison Company (DE Co.), Michigan Consolidated Gas Company (MCG Co.), Water and Sewerage Department (DWSD), and Public Lighting Department reported facilities within the "Forest Park Rehabilitation Project" site. "Garfield Substation" at 1435 Garfield will require an easement within Garfield Avenue, 60 feet wide, for the DE Co. MCG Co. and "Forest Park Properties, L.L.C." agreed to payment arrangements for gas

main facility adjustments. Also, "Forest Park Properties, L.L.C." 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 Sweetest Heart of Mary Church remain intact. Provisions protecting utility installations (and the rights and interests of Sweetest Heart of Mary Church) are part of the resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,
SUNDAY JAIYESIMI,
City Engineer

By Council Member Ravitz:

Whereas, "Garfield Substation" at 1435 Garfield requires an easement within Garfield Avenue, 60 feet wide, for the Detroit Edison Company; and

Whereas, Michigan Consolidated Gas Company and "Forest Park Properties, L.L.C." agreed to payment arrangements for gas main facility adjustments; and

Whereas, Regarding Petition No. 3007, Planning and Development Department (in a letter to City Engineering Division — DPW; dated October 2, 1997) states: "Please delete the vacation of the north-south (public) alley (15 feet wide) between

Garfield and East Canfield Streets abutting the Sweetest Heart of Mary Church as indicated in Revision 2, dated 9/18/97. This alley may remain open as indicated on the revision."; and

Whereas, The Traffic Engineering Division — DPW is accountable for reports involving safe and convenient public travel over public rights-of-way. Traffic Engineering Division — DPW is chargeable for the investigation of "all petitions relating to streets and traffic problems, including rules, regulations and control devices, shall hold hearings thereon when requested or found necessary and shall render promptly a report to the city council with recommendation thereon and reasons therefore." — Detroit Code 55-2-8; and

Whereas, Traffic Engineering (in a report received by City Engineering Division — DPW on June 27, 1997; signed by Dennis Zawaski, Assistant Director) states: "Involved; have no objection to the proposed outright vacation of public R.O.W.'s in the area bounded by Russell, Canfield, Forest, and Dequindre as detailed in the attached revised [first revision] drawing 3007, provided that 100% of the abutting property owners' signatures are secured. "Next Traffic Engineering (in a report received by City Engineering Division — DPW on October 2, 1997; signed by Dennis Zawaski, Assistant Director) states: "Involved; have no objection to the proposed changes in property as detailed in the revised drawing no. 3007 dated September 18, 1997." The owner of the abutting lots on the north-south public alley [15 feet wide, first west of Riopelle Street between Garfield and E. Forest Avenues] shown on the referenced [revision 2] drawing is the Planning and Development Department and/or its interests. City Engineering Division — DPW prepared the vacating resolution being primarily on the basis of the quoted Traffic Engineering replies. Traffic Engineering Division — DPW shall assume full responsibility for their evaluation of a petition that creates one dead-end public alley; therefore be it

Resolved, All that part of Orleans Street, 50 feet wide, lying south of E. Forest Avenue (70 feet wide) being the westerly 50.00 feet of the easterly 322.88 feet, as measured from the westerly line of the Grand Trunk Railroad Right of Way, of parts of Lots 5 and 6 of the "Plat of Subdivision of North Half of Out Lot 3 of Dequindre Farm, Estate of Catherine E. Bellair," City of Detroit, Wayne County, Michigan as recorded in Liber 21, Page 239, Deeds, Wayne County Records; said part of Orleans having been opened as a public street on May 22, 1900 — J.C.C. pages 381-2; also

All that part of Orleans Street, 50 feet wide, lying north of Garfield Avenue (60 feet wide); also lying westerly of and abut-

ting the west line of Lot 23, and Lots 24 thru 26; also lying easterly of and abutting the east line of Lot 22, and Lots 27 thru 29 of "Christian and Potter's Subdivision of part of Lot 4 and the northerly 5 feet of Lot 3 of the Subdivision of the North Half of Out Lot 3, Dequindre Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 8, Page 4, Plats, Wayne County Records; also lying westerly of and abutting the west line of Lot 19; also lying westerly of and abutting the west line of the east-west private alley (10 feet wide, in the block bounded by Orleans Street, Dequindre, Garfield and E. Forest Avenues); also lying westerly of and abutting the west line of Lot 10; also lying easterly of and abutting the east line of Lot 20; also lying easterly of and abutting the east line of the east-west private alley (10 feet wide; in the block bounded by Turner Place, Orleans Street, Garfield and E. Forest Avenues); also lying easterly of and abutting the east line of Lot 9 of the "Plat of Potter's Subdivision of Part of Lots 2 and 3 of the Subdivision of the North Half of Out Lot 3 of the Dequindre Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 91, Plats, Wayne County Records; also

All that part of Orleans Street, 50 feet wide, lying south of Garfield Avenue (60 feet wide) being the westerly 50.00 feet of the easterly 322.88 feet, as measured from the westerly line of the Grand Trunk Railroad Right of Way, of Lots 1 and 2 of the "Plat of Subdivision of North Half of Out Lot 3 of Dequindre Farm, Estate of Catherine E. Bellair," City of Detroit, Wayne County, Michigan as recorded in Liber 21, Page 239, Deeds, Wayne County Records; said part of Orleans having been opened as a public street on May 22, 1900 — J.C.C. pages 381-2; also

All that part of Orleans Street, 50 feet wide, lying north of E. Canfield Avenue (60 feet wide) lying westerly of and abutting the west line of Lots 5 thru 10; also lying westerly of and abutting the west line of the east-west public alley (18 feet wide; in the block bounded by Orleans Street, Dequindre, E. Canfield and Garfield Avenues); also lying westerly of and abutting the west line of Lot 1 of "Gaukler's 'Royal Phoenix' Subdivision of part of Out Lot 3, Dequindre Farm North of Canfield Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 22, Page 63, Plats, Wayne County Records; also lying easterly of and abutting the east line of Lots 15 thru 20; also lying easterly of and abutting the east line of the east-west public alley (18 feet wide; a/k/a "St. Agnes Court" in the block bounded by Riopelle and Orleans Streets, E. Canfield and Garfield Avenues); also lying easterly of and abutting the east line of Lot 1 of "Gaukler's Insurance Agency Subdivision of part of Out Lot Three North

of Canfield Avenue, Dequindre Farm" as recorded in Liber 22, Page 51 of Plats, Wayne County Records; said part of Orleans having been opened as a public street on May 22, 1900 — J.C.C. pages 381-2; also

All of so-called Turner Place, 15 feet wide, between Garfield and E. Forest Avenue lying westerly of and abutting the west line of the easterly 572.88 feet, as measured from the westerly line of the Grand Trunk Railroad Right of Way, of parts of Lots 5 and 6 of the "Plat of Subdivision of North Half of Out Lot 3 of Dequindre Farm, Estate of Catherine E. Bellair," City of Detroit, Wayne County, Michigan as recorded in Liber 21, Page 239, Deeds, Wayne County Records; also lying westerly of and abutting the west line of Lots 30 thru 32; also lying westerly of and abutting the west line of the north 10.00 feet of the east-west private alley (22 feet wide; in the block bounded by so-called Turner Place, Orleans Street, Garfield and E. Forest Avenues) of "Christian and Potter's Subdivision of part of Lot 4 and the northerly 5 feet of Lot 3 of the Subdivision of the North Half of Out Lot 3, Dequindre Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 8, Page 4, Plats, Wayne County Records; also lying westerly of and abutting the west line of the south 12.00 feet of the east-west private alley (22 feet wide; in the block bounded by so-called Turner Place, Orleans Street, Garfield and E. Forest Avenues); also lying westerly of and abutting the west line of Lot 1 of the "Plat of Potter's Subdivision of Part of Lots 2 and 3 of the Subdivision of the North Half of Out Lot 3 of the Dequindre Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 91, Plats, Wayne County Records; also lying easterly of and abutting the east line of Lots 114 thru 125 of the "Plat of Freud and Shulte Subdivision of the Riopelle Farm between Fremont and Farnsworth Streets," City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 17 of Plats, Wayne County Records; also

All of so-called St. Ignace Court (15, 27 and 32 feet wide), south of Garfield Avenue (60 feet wide) lying westerly of and abutting the west line of the easterly 572.88 feet, as measured from the westerly line of the Grand Trunk Railroad Right of Way, of parts of Lots 1 and 2 of the "Plat of Subdivision of North Half of Out Lot 3 of Dequindre Farm, Estate of Catherine E. Bellair," City of Detroit, Wayne County, Michigan as recorded in Liber 21, Page 239, Deeds, Wayne County Records; also lying westerly of and abutting the west line of Lots 9 thru 14 of "Gaukler's Insurance Agency Subdivision of part of Out Lot Three North of Canfield Avenue, Dequindre Farm" as recorded in Liber 22, Page 51 of Plats, Wayne County

Records; also lying easterly of and abutting the east line of Lots 126 thru 133 of the "Plat of Freud and Shulte Subdivision of the Riopelle Farm between Fremont and Farnsworth Streets," City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 17 of Plat, Wayne County Records; also

All of so-called St. Agnes Court, 18 feet wide, west of Orleans Street (50 feet wide) lying southerly of and abutting the south line of the westerly 17.00 feet of so-called St. Ignace Court (15, 27 and 32 feet wide); also lying southerly of and abutting the south line of Lot 9; also lying southerly of and abutting the south line of the north-south public alley (18 feet wide; first west of Orleans Street, and north of so-called St. Agnes Court); also lying southerly of and abutting the south line of Lot 20; also lying northerly of and abutting the north line of Lots 1 thru 8 of "Gaukler's Insurance Agency Subdivision of part of Out Lot Three North of Canfield Avenue, Dequindre Farm" as recorded in Liber 22, Page 51 of Plats, Wayne County Records; also

All of Riopelle Street, 50 feet wide, between Garfield and E. Forest Avenues lying westerly of and abutting the west line of Lots 114 thru 125; also lying easterly of and abutting the east line of Lots 14 thru 25 of the "Plat of Freud and Shulte Subdivision of the Riopelle Farm between Fremont and Farnsworth Streets," City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 17 of Plats, Wayne County Records; also

All that part of Riopelle Street, 50 feet wide, south of Garfield Avenue (60 feet wide) lying westerly of and abutting the west line of Lots 128 thru 133; also lying easterly of and abutting the east line of Lots 6 thru 13 of the "Plat of Freud and Shulte Subdivision of the Riopelle Farm between Fremont and Farnsworth Streets," City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 17 of Plats, Wayne County Records; also

All of the north-south public alley, 18 feet wide, in the block bounded by Orleans Street, Dequindre, E. Canfield and Garfield Avenues lying westerly of and abutting the west line of the easterly 152.88 feet, as measured from the westerly line of the Grand Trunk Railroad Right of Way, of part of Out Lot 3 of the "Subdivision of the Rear of A. Dequindre Farm for the Administration of the Estate of Antoine Rivard," City of Detroit, Wayne County, Michigan as recorded on March 25, 1844 in Liber 15, Pages 348 and 349 (Chy. File No. 3235), City Records; also lying easterly of and abutting the east line of Lots 5 thru 10 of "Gaukler's 'Royal Phoenix' Subdivision of part of Out Lot 3, Dequindre Farm North of Canfield Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 22, Page

63, Plats, Wayne County Records; also

All of the east-west public alley, 18 feet wide, in the block bounded by Orleans Street, Dequindre, E. Canfield and Garfield Avenues lying southerly of and abutting the south line of the north-south public alley (18 feet wide; in said block); also lying southerly of and abutting the south line of Lot 5; also lying northerly of and abutting the north line of Lots 1 thru 4 of "Gaukler's 'Royal Phoenix' Subdivision of part of Out Lot 3, Dequindre Farm North of Canfield Avenue," City of Detroit, Wayne County, Michigan as recorded in Liber 22, Page 63, Plats, Wayne County Records; also

All of the north-south public alley, 18 feet wide, first west of Orleans Street, and north of so-called St. Agnes Court lying westerly of and abutting the west line of Lots 15 thru 20; also lying easterly of and abutting the east line of Lots 9 thru 14 of "Gaukler's Insurance Agency Subdivision of part of Out Lot Three North of Canfield Avenue, Dequindre Farm" as recorded in Liber 22, Page 51 of Plats, Wayne County Records; also

All of the east-west public alley, 15 feet wide, east of Riopelle Street and north of E. Canfield Avenue lying southerly of and abutting the south line of the westerly 15.00 feet of so-called St. Ignace Court (15, 27 and 32 feet wide); also lying southerly of and abutting the south line of Lot 133; also lying northerly of and abutting the north line of Lots 134 thru 138 of the "Plat of Freud and Shulte Subdivision of the Riopelle Farm between Fremont and Farnsworth Streets," City of Detroit Wayne County, Michigan as recorded in Liber 7, Page 17 of Plats, Wayne County Records;

Be and the same are hereby vacated (outright) as public streets and alleys to become part and parcel of the abutting property; subject to the following provision(s): [NOTES: Generally, the DWSD provisions shall apply to "Forest Park Properties, L.L.C." within the boundaries of a city land sale parcel. However, the DWSD provisions can include "areas of influence" outside of said land parcel boundary as determined by DWSD. Nothing in this resolution shall imply a conflict with the terms and conditions of the development agreement between Planning and Development Department and "Forest Park Properties, L.L.C."]

Provided, That before any construction shall be permitted within the vacated (outright) public streets and/or alleys, "Forest Park Properties, L.L.C." shall apply to the Buildings and Safety Engineering Department for a building permit. Simultaneously, "Forest Park Properties, L.L.C." 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:

The abutting owners, and/or their contractors shall cut and cap the existing 6-inches diameter water main in Riopelle Street between E. Forest and E. Canfield Avenues; and

The abutting owners, and/or their contractors shall cut and cap the existing 6-inches diameter water main in Orleans Street between E. Forest and Garfield Avenues; and

The abutting owners, and/or their contractors shall cut and cap all existing public sewers and water mains within vacated public alleys in the area bounded by Riopelle Street, E. Forest, Dequindre and E. Canfield Avenues;

All costs related to the cut-cap of abandoned water main(s) and/or sewer(s), including plan review, inspection and permits, shall be borne by the abutting owners at no cost to DWSD. The City Engineering Division — DPW shall be unable to sign building plans to build over or nearby said DWSD facilities, unless plans are first reviewed and approved by DWSD; and be it further

Resolved, All that part of Garfield Avenue, 60 feet wide, between Russell Street and Dequindre Avenue (78 feet wide) lying southerly of and abutting the south line of the west 12.00 feet of Lot 16, and Lots 10 thru 15; also lying southerly of and abutting the south line of Orleans Street (50 feet wide); also lying southerly of and abutting the south line of Lots 1 thru 9 of the "Plat of Potter's Subdivision of Part of Lots 2 and 3 of the Subdivision of the North Half of Out Lot 3 of the Dequindre Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 91, Plats, Wayne County Records; also lying southerly of and abutting the south line of so-called Turner Place (15 feet wide); also lying southerly of and abutting the south line of Lot 125; also lying southerly of and abutting the south line of Riopelle Street (50 feet wide); also lying southerly of and abutting the south line of Lot 14; also lying northerly of and abutting the north line of Lot 13; also lying northerly of and abutting the north line of Riopelle Street (50 feet wide); also lying northerly of and abutting the north line of Lot 126; also lying northerly of and abutting the north line of so-called St. Ignace Court (15, 27 and 32 feet wide) of the "Plat of Freud and Shulte Subdivision of the Riopelle Farm between Fremont and Farnsworth Streets," City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 17 of Plats, Wayne County Records; also lying northerly of and abutting the north line of the south 24.30 feet of the westerly 494.88 feet of the easterly 572.88 feet, as measured from the westerly line of the Grand Trunk Railroad Right of Way, of part of Lot 2 of the "Plat of Subdivision of North Half of Out Lot 3 of

Dequindre Farm, Estate of Catherine E. Bellair," City of Detroit, Wayne County, Michigan as recorded in Liber 21, Page 239, Deeds, Wayne County Records; also

All that part of Riopelle Street, 50 feet wide, north of E. Canfield Avenue (60 feet wide) lying westerly of and abutting the west line of Lot 134; also lying westerly of and abutting the west line of the east-west public alley (15 feet wide; west of Riopelle Street, and north of E. Canfield Avenue); also lying easterly of and abutting the east line of the east-west public alley (15 feet wide; east of Riopelle Street, and north of E. Canfield Avenue); also lying easterly of and abutting the east line of Lot 5 of the "Plat of Freud and Shulte Subdivision of the Riopelle Farm between Fremont and Farnsworth Streets," City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 17 of Plats, Wayne County Records; also

All that part of the east-west public alley, 15 feet wide, east of Riopelle Street, and north of E. Canfield Avenue lying southerly of and abutting the south line of Lot 6; also lying northerly of and abutting the north line of the east 9.35 feet of Lot 1, and Lots 2 thru 5 of the "Plat of Freud and Shulte Subdivision of the Riopelle Farm between Fremont and Farnsworth Streets," City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 17 of Plats, Wayne County Records; also

All of the north-south public alley, 15 feet wide, first west of Riopelle Street between Garfield and E. Forest Avenues lying westerly of and abutting the west line of Lots 14 thru 25 of the "Plat of Freud and Shulte Subdivision of the Riopelle Farm between Fremont and Farnsworth Streets," City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 17 of Plats, Wayne County Records; also lying easterly of and abutting the east line of Lot 1; also lying easterly of and abutting the east line of the north 10.10 feet of the east-west public alley (20 feet wide; in the block bounded by Russell and Riopelle Streets, Garfield and E. Forest Avenues) of "Hiram Walker Subdivision of Lot No. 14, Guoin Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 4, Page 74, Plats, Wayne County Records; also lying easterly of and abutting the east line of the south 10.00 feet of the east-west public alley (20 feet wide; in the block bounded by Russell and Riopelle Streets, Garfield and E. Forest Avenues); also lying easterly of and abutting the east line of Lot 23 of the "Plat of E. Robinson's Subdivision of Out Lots 15 and 16, Guoin Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 8, Page 32, Plats, Wayne County Records;

Be and the same are hereby vacated as public streets and alleys and are hereby converted into a private easement for

public utilities of the full width of the streets 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 streets 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 streets 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 streets 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 streets 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, Notwithstanding the fact that "Section 3" prohibits the building of any structures within four parts of vacated rights-of-way, described above, within this resolution; "Forest Park Properties, L.L.C." shall apply to the Buildings and Safety Engineering Department for a building permit. Simultaneously, "Forest Park Properties, L.L.C." 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:

The abutting owners, and/or their contractors shall cut and cap the existing 15-inches by 20 inches public sewer in Garfield Avenue between Dequindre Avenue (78 feet wide and the north-south public alley (15 feet wide; first west of Riopelle Street); [NOTES: DWSD plans to abandon the public sewer in said part of Garfield Avenue and the vacated north-south public alley. Generally, the DWSD provisions shall apply to "Forest Park Properties, L.L.C." within the boundaries of a city land sale parcel. However, the DWSD provisions can include "areas of influence" outside of said land parcel boundary as determined by DWSD. Nothing in this resolution shall imply a conflict with the terms and conditions of the development agreement between Planning and Development Department and "Forest Park Properties, L.L.C."];

All costs related to the cut-cap of abandoned water main(s) and/or sewer(s), including plan review, inspection and permits, shall be borne by the abutting owners at no cost to DWSD. The City Engineering Division — DPW shall be unable to sign building plans to build over

or nearby said DWSD facilities, unless plans are first reviewed and approved by DWSD; 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, Ravitz, Scott, and President Mahaffey — 6.

Nays — None.

City Planning Commission

November 12, 1997

Honorable City Council:

Re: Shopper's World (#3209), request to convert Anvil Ave. between Lappin and Pfent Avenues into a private easement (Recommend Approval).

The petition, Shopper's World, is requesting the vacation and conversion to easement of Anvil Ave. between Lappin and Pfent Avenues (see attached map). Shopper's World is requesting this vacation to allow the construction of a State of Michigan Family Independence Agency office.

City Planning Commission staff has conducted a site visit to review the requested closing of the above mentioned street. It appears that Anvil does not carry a significant amount of traffic and that its closing will not negatively impact the surrounding neighborhood. The street does not appear to be necessary for emergency access. Anvil currently terminates at Lappin and the portion proposed to be vacated is abutted on the east and west by parking lots.

The closing of Anvil Ave. will allow the construction of a new office building and will not significantly disrupt vehicular or pedestrian circulation. Therefore, the City Planning Commission staff recommends that the petition be approved.

Respectfully submitted,

MARSHA S. BRUHN

Director

GREGORY MOOTS

Staff