

Department of Public Works  
City Engineering Division

July 29, 1997

Honorable City Council:

Re: Petition No. 3038 St. John Hospital and Medical Center Street to Easement part of Linville between Moross and Kingsville.

Petition No. 3038 of "St. John Hospital and Medical Center" requests the conversion of a part of Linville Avenue, 60 feet wide, between Moross Road and Kingsville Avenue into a private easement for public utilities.

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

The Traffic Engineering Division — DPW is responsible for the safe and efficient use of public streets. Traffic Engineering Division — DPW is responsible 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 therefor." — Detroit Code 55-2-8.

Traffic Engineering (in a report received by City Engineering Division — DPW on June 13, 1997; signed by Dennis Zawaski, Assistant Director) states: "Involved; have no objection to the proposed conversion to easement to the portion of Linville between Moross and Kingsville as detailed in the attached drawing No. 3038 provided that 100% of the abutting property owners' signatures are secured." The owner of the abutting lots of that part of Linville shown on the referenced drawing is St. John's Hospital and/or its interests. City Engineering Division — DPW prepared the attached vacating resolution primarily on the basis of the quoted Traffic Engineering reply. Traffic Engineering Division — DPW shall assume full responsibility for their evaluation of a petition that creates one dead-end public street (Linville Avenue), one cul-de-sac public street (McCormick Avenue), and one, dead-end public alley.

City Engineering is unable to analyze "traffic influence" criterion [as it relates to Petition No. 3038 of St. John's Hospital] under the sole purview of Traffic Engineering according to Detroit Code 55-2-8, summarized as follows:

(1) A traffic count of said Linville Avenue between Moross and Kingsville as requested by the City Planning Commission in a letter dated June 24, 1997 to the Department of Public Works; and

(2) The protest of Virginia Bonomo, et al (Petition No. 3103), a resident homeowner of 21824 Kingsville at Linville; Lot 236 of said "Roland Estate Subdivision, City of

Detroit, Wayne County, Michigan as recorded in Liber 56, Page 16, Plats, Wayne County Records; and

(3) The acknowledgment of the City of Harper Woods, Wayne County, Michigan; a border municipality at Linville, north of Kingsville; and

(4) The acknowledgment of the City of Grosse Pointe Woods, Wayne County, Michigan; a border municipality at Linville, north of Kingsville; and

(5) Permits from the Wayne County Office of Public Services for adjustments to the street return entrance into Moross Road; under the jurisdiction of Wayne County.

City Engineering Division — DPW completed a utility review for Petition No. 3038 of "St. John's Hospital and Medical Center" in accord with Detroit Code 50-7-1 thru 4. [NOTES: The attached resolution is submitted to City Council for approval without a surety bond. The purpose of the bond is to guarantee construction of the proposed McCormick Avenue turnaround at no expense to the City of Detroit. The bond amount is usually set after a construction cost analysis is completed by the Street Design Bureau, City Engineering Division — DPW. Provisions to protect the city's interest in the remaining public street intersection of Linville and McCormick Avenues (and the remaining public part of Linville, south of Kingsville) are cited in the resolution.

St. John Hospital must grant an easement to the Public Lighting Department for one public street light(s) system across Linville Avenue (to remain at the proposed McCormick Avenue turnaround; shown on a drawing by Harley Ellington Design).

All other city departments and privately owned utility companies reported no objections to the proposed conversion 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

City Engineering Division — DPW  
By Council Member Scott:

Whereas, The Traffic Engineering Division — DPW is responsible for the safe and efficient use of public streets. Traffic Engineering Division — DPW is responsible 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 therefor." — Detroit Code 55-2-8; and

Whereas, Traffic Engineering (in a



report received by City Engineering Division — DPW on June 13, 1997; signed by Dennis Zawaski, Assistant Director) states: "Involved; have no objection to the proposed conversion to easement to the portion of Linville between Moross and Kingsville as detailed in the attached drawing No. 3038 provided that 100% of the abutting property owners' signatures are secured." The owner of the abutting lots of that part of Linville shown on the referenced drawing is St. John's Hospital and/or its interests. City Engineering Division — DPW prepared the vacating resolution below primarily on the basis of the quoted Traffic Engineering reply. Traffic Engineering Division — DPW shall assume full responsibility for their evaluation of a petition that creates one dead-end public street (Linville Avenue), one cul-desac public street (McCormick Avenue), and one dead-end public alley; and

Whereas, City Engineering is unable to analyze "traffic influence" criterion [as it relates to Petition No. 3038 of St. John's Hospital] under the sole purview of Traffic Engineering according to Detroit Code 55-2-8, summarized as follows:

(1) A traffic count of said Linville Avenue between Moross and Kingsville as requested by the City Planning Commission in a letter dated June 24, 1997 to the Department of Public Works; also

(2) The protest of Virginia Bonomo, et al (Petition No. 3103), a resident homeowner of 21824 Kingsville at Linville; Lot 236 of said "Roland Estate Subdivision", City of Detroit, Wayne County, Michigan as recorded in Liber 56, Page 16, Plats, Wayne County Records; also

(3) The acknowledgment of the City of Harper Woods, Wayne County, Michigan; a border municipality at Linville, north of Kingsville; also

(4) The acknowledgment of the City of Grosse Pointe Woods, Wayne County, Michigan; a border municipality at Linville, north of Kingsville; also

(5) Permits from the Wayne County Office of Public Services for adjustments to the street return entrance into Moross Road; under the jurisdiction of Wayne County; also

Whereas, City Engineering Division — DPW completed a utility review for Petition No. 3038 of "St. John's Hospital and Medical Center" in accord with Detroit Code 50-7-1 thru 4. **NOTES:** This resolution is submitted to City Council for approval without a surety bond. The purpose of the bond is to guarantee construction of the proposed McCormick Avenue turnaround at no expense to the City of Detroit. The bond amount is usually set after a construction cost analysis is completed by the Street Design Bureau, City Engineering Division — DPW.

Provisions to protect the city's interest in the remaining public street intersection of Linville and McCormick Avenues (and the remaining public part of Linville, south of Kingsville) are cited below in this resolution.; therefore be it

**RESOLVED,** All that part of Linville Avenue, 60 feet wide, between Moross Road and Kingsville Avenue lying westerly of and abutting the west line of Lot 168; also lying westerly of and abutting the west line of the east-west public alley (20 feet wide; north of Moross Road and east of Linville Avenue); also lying westerly of and abutting the west line of Lot 174; also lying westerly of and abutting the west line of McCormick Avenue (60 feet wide; east of Linville Avenue); also lying westerly of and abutting the west line of Lot 234 as platted in "Roland Estate Subdivision of Lots 27-28-29 and that part of Widow's Dower lying northerly of said lots of Partition Plat of Magloire Moross Estate of part of Private Claim 123, City of Detroit and Grosse Pointe Township," City of Detroit, Wayne County, Michigan as recorded in Liber 56, Page 16, Plats, Wayne County Records; (a part of said "Roland Estate Subdivision having been vacated on September 20, 1943 by Wayne County Circuit Court File No. 231, 708 and 231, 709); also lying easterly of and abutting the east line of Lot 167; also lying easterly of and abutting the west line of the east-west public alley (20 feet wide; north of Moross Road and west of Linville Avenue); also lying easterly of and abutting the east line of Lot 175; also lying easterly of and abutting the east line of McCormick Avenue (60 feet wide; west of Linville Avenue); also lying easterly of and abutting the west line of Lot 233 of "Roland Estate Subdivision of Lots 27-28-29 and that part of Widow's Dower lying northerly of said lots of Partition Plat of Magloire Moross Estate of part of Private Claim 123, City of Detroit and Grosse Pointe Township," City of Detroit, Wayne County, Michigan as recorded in Liber 56, Page 16, Plats, Wayne County Records; except that part of said Linville Avenue being more particularly described as follows: Beginning at the southeastern corner of Lot 233 of "Roland Estate Subdivision," City of Detroit, Wayne County, Michigan as recorded in Liber 56, Page 16, Plats, Wayne County Records (said lot corner also being a point of intersection with a curve); thence 136.14 feet along the arc of a curve to the right having a radius of 35.50 feet, a delta angle of 127°09'06", and a long chord bearing S.33°06'03"W., 60.00 feet (to a point of intersection with a non-tangent line, said line being the southerly line of McCormick Avenue, 60 feet wide; said point also being the northeastern corner of Lot 175 of "Roland Estate Subdivision," City of



Detroit, Wayne County, Michigan as recorded in Liber 56, Page 16, Plats, Wayne County Records); thence N.33°06'03"E., 60.00 feet, to the point of beginning, containing about 2,728 square feet or 0.0626 acre more or less; also

All that part of the east-west public alley, 20 feet wide, in the block bounded by Rolandale and Linville Avenues, Moross Road, and McCormick Avenue lying southerly of and abutting the south line of Lot 175; also lying northerly of and abutting the north line of Lots 166 and 167 of "Roland Estate Subdivision of Lots 27-28-29 and that part of Widow's Dower lying northerly of said lots of Partition Plat of Magloire Moross Estate of part of Private Claim 123, City of Detroit and Grosse Pointe Township," City of Detroit, Wayne County, Michigan as recorded in Liber 56, Page 16, Plats, Wayne County Records;

Be and the same are hereby vacated as (a part of) public street and alley and are hereby converted into a private easement for public utilities of the full width of the street 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 street 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 street 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 the purpose above set forth,

**SECOND**, said utility easement or right-of-way in and over said vacated street 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 and restricted plant materials; 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; also plant materials shall be subject to the review and approval of the Recreation 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 alley shall request the removal and/or relocation of any hydrants, catch basins, drains, 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 any permits to construct and/or alter the public street return into Moross Road, 204 feet wide, including new curb and public sidewalk, shall be obtained from the Wayne County Office of Public Services; and further

**PROVIDED**, That until "St. John Hospital and Medical Center" submits to the City of Detroit a surety bond (in an amount sufficient to guarantee private contract construction and/or alteration of a safe and convenient public street turnaround at the intersection of McCormick and Linville Avenues; City Engineering Division — DPW shall be unable to "sign-off" on any building plans, containing proposed "St. John Hospital and Medical Center" construction. The bond amount shall be set after the review and approval of design engineering plans by the Street Design Bureau, City Engineering Division — DPW (in conjunction with Public Lighting Department, Water and Sewerage Department, Recreation Department, and Traffic Engineering Division DPW; also Risk Management Division — Finance Department, if necessary). The surety bond shall be approved



by the Law Department as to form and execution; also the Finance Department — Debt Management Division. "St. John Hospital and Medical Center" shall be unable to obtain any release from bonds (obligations to the City of Detroit held in perpetuity) until their proposed city rights-of-way construction and/or alteration work is completed (under city permits and inspection) according to City Engineering Division — DPW specifications with all costs borne by "St. John Hospital and Medical Center", their heirs, administrators or assigns; and further

PROVIDED, That any permits to landscape, maintain fences, construct and/or change the surface grade within the remaining public part of Linville Avenue (60 feet wide; south of Kingsville Avenue) shall be subject to the review and approval of the Department of Public Works. The Department of Public Works shall consult with the Law Department prior to issuing any permits for what may be deemed by others to be encroachments within the remaining public part of Linville Avenue (60 feet wide; south of Kingsville Avenue). Since, drawings by Harley Ellington Design for "St. John Hospital and Medical Center" show plans for alterations within the remaining public part of Linville Avenue (60 feet wide, south of Kingsville Avenue), the City of Detroit (acting through its Department of Public Works) holds in reserve the right to require from "St. John Hospital" additional bonds, insurance, hold harmless agreement(s), indemnification(s), permit(s), inspection and/or any other cost expense necessary to secure proper protection for the city; whether such city department or any such rights or property are specifically enumerated in this resolution or not; and further

PROVIDED, That "St. John Hospital and Medical Center," a Michigan non-profit corporation, whose address is 22101 Moross Road, Detroit, Michigan 48236-2172 shall grant the Public Lighting Department (for and on behalf of the City of Detroit) a satisfactory easement for one public street light(s) system across said Linville Avenue (to remain at the proposed McCormick Avenue turnaround; shown on a drawing by Harley Ellington Design, 26913 Northwestern Hwy., Suite 200, Southfield, MI 48034; phone: 810-262-1500; fax: 810-262-1515; Project Number: 70201; sheet title: "Proposed Site Plan"; dated March 18, 1997 and issued for: 'city review petition for vacation with easements'; sheet number: SP-01;). After said easement has been reviewed and accepted by the Public Lighting Department (for and on behalf of the City of Detroit), then said grant of public street light(s) easement shall be conveyed by a properly executed document, containing a legal description suitable for recording.

Additionally, the Public Lighting Department shall record (or cause to be recorded) said executed document in the Wayne County Register of Deeds; and further

PROVIDED, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

Adopted as follows:

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

Nays — None.

**City Planning Commission**

July 30, 1997

Honorable City Council:

Re: 5-Year Community Recreation Plan, and 1997 Applications for Michigan Department of Natural Resources Grants (RECOMMENDED APPROVAL)

Submitted herewith is the report and recommendation of the City Planning Commission staff relative to the request of the Recreation Department that City Council approve the department's 5-Year Community Recreation Plan, and the 1997 Applications for Michigan Department of Natural Resources (MDNR) grants to fund improvements to two Recreation Department facilities. The aforementioned 5-Year Community Recreation Plan covers the period 1997 through 2001.

The Recreation Department has requested the Council to approve the 5-Year Recreation Plan before August 1, the deadline set by the MDNR to submit a Five-year Community Recreation Plan, in order to be eligible to submit applications for funding for capital projects. The Recreation Department would like to submit applications for Michigan Department of Natural Resources Grants for two of its capital projects, namely:

Riverside Park: A total of \$1.2 million in capital funds is needed to renovate the park's seawalls. This year, Recreation Department would submit a grant application for \$500,000 to MDNR with the rest of the project funding coming from the city's General Obligation Bond funds.

Lake Tacoma — located on Belle Isle: An estimated sum of \$500,000 is needed for the restoration of the 11-acre Lake Tacoma. The Recreation Department would apply for a \$375,000 MDNR grant and the remaining \$125,000 would come from the City's General Obligation Bond funds.

The above projects are incorporated into the Recreation Department's five-year Community Recreation Plan. The grant applications must be submitted to MDNR by September 1, in order to be considered for funding.