

Adopted as follows:  
 Yeas — Council Members Cleveland, K. Cockrel, Jr., S. Cockrel, Hood, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 8.  
 Nays — None.

**Planning & Development Department**  
 February 1, 1999

Honorable City Council:  
 The Planning and Development Department recommends acceptance of an offer to purchase City-owned property in accordance with the following resolutions:

Respectfully submitted,  
**PAUL A. BERNARD**  
 Director

By Council Member Scott:  
 Re: Sale of Property — vacant lot — (N) Fort, between Ferdinand and Lansing, a/k/a 4718 W. Fort.

Whereas, The Planning and Development Department has received and recommends acceptance of an Offer to Purchase in the amount of \$7,608.00 cash, plus a deed recording fee in the amount of \$11.00 cash, from Kenneth L. Allen, a single man, for the purchase of property described on the tax rolls as:

Lot 2; Plat of Sanderson and Johnston's Subdivision of Lot 19 of Private Claim 30, Springwells Twp., Wayne County, Michigan. T. 2 S., R. 11 E. Rec'd L. 3, P. 94 Plats, W.C.R. which is a vacant lot measuring 50' x 202.88A' and zoned B-4. Purchaser proposes to use the lot for parking for adjacent auto repair garage. This use is permitted as a matter of right.

Now, Therefore, Be It Resolved, that, in accordance with the Offer to Purchase, the Planning and Development Department Director be authorized to issue a Quit Claim Deed for the described property to purchaser upon payment of the purchase price.

Recommended:  
**PAUL A. BERNARD**  
 Deputy Director

Adopted as follows:  
 Yeas — Council Members Cleveland, K. Cockrel, Jr., S. Cockrel, Hood, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 8.  
 Nays — None.

**Department of Public Works**

Honorable City Council:  
 Re: Petition No. 3205, WMUZ Radio request to vacate northerly portion of Radio Place.

Petition No. 3205 of WMUZ Radio, Inc. an affiliate of Crawford Broadcasting Company, requests the vacation of a portion of Radio Place, 18 & 36 feet wide in the area of Patton, Braille, and Capitol, for the purpose of adding to the existing parking lot (and expand radio station building). The petition was referred to the City

Engineering Division-DPW for investigation and report. This is our report. The City Engineering Division (CED) presented two options to WMUZ:

1. Close an entire public alley.
2. Create a new turnaround.

The "Harvard Building Co. Subdivision," recorded in Liber 69, Page 64 Plats, Wayne County Records, approved by Common Council of Detroit November 4, 1942, established a turnaround at the end of each public alley and street. The petition requests to remove one public turnaround. Initially the public right of way in question was platted as an alley. Ordinance 288-E (approved by City Council on December 2, 1948) named this north/south alley lying northerly of Capitol Ave. between Braille Ave. and Patton Ave. "Radio Place", as if it were a new street. (NOTE: This may be interpreted by some as giving the right of way more status than that of other public alleys).

The Traffic Engineering Division-DPW responded to the change in right of way with the following provisions:

1. 100% of the abutting property owners' signatures are secured.
2. A turnaround is created at the end of the portion of the alley proposed to be vacated.

A 1967 vacation establishes precedent, (entire public alley including turnaround closed) the north/south public alley 18 & 27 feet wide north of Capitol between Patton and Fielding vacated and converted to easement March 28, 1967 J.C.C. Page 636.

After meetings with the petitioner it was determined later after the petitioner made exhausting efforts to communicate with property owners in the area effected that to secure all the abutting property and to not create the turnaround would be the direction taken, resulting in a change in the original request.

Now, the petitioner (WMUZ Radio, Inc.) respectfully requests the vacation outright of the northerly portion of Radio Place and the vacation and conversion to easement for public utilities of the remaining portion. All property abutting right of way has been secured by WMUZ Radio, Inc.

All involved City departments and privately-owned utility companies reported they have no objections to the proposed vacation and conversion to easement and they have reached satisfactory agreements with the petitioner regarding their installations therein. Provisions protecting utility installations in the remaining private easement for public utilities are part of the resolution.

The adoption of the attached resolution is recommended.

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



By Council Member Scott:

Resolved, All that part of the north-south, public alley (or street), 18 & 36 feet wide, north of Capitol Avenue, 60 feet wide, lying easterly of and abutting the east line of lot 9; also lying westerly of and abutting the west line of lots 12 and 13 of "Harvard Building Co. Subdivision" of Part of the S. 1/2 of N.W. 1/4 of S.E. 1/4 of Sec. 27, T. 1 S. R. 10 E., City of Detroit, Wayne Co., Michigan, as recorded in Liber 69, Page 64 Plats, Wayne County Records;

Be and the same is hereby vacated as a public alley (or street) to become a part and parcel of the abutting property; and be it further

Resolved, All that remaining part of the north-south public alley (or street), 18 feet wide, north of Capitol Avenue, 60 feet wide, lying easterly of and abutting the east line of lot 10; also lying westerly of and abutting the west line of lot 11, of "Harvard Building Co. Subdivision" of part of the S. 1/2 of N.W. 1/4 of S.E. 1/4 of Sec. 27, T. 1 S. R. 10 E., City of Detroit Wayne Co., Michigan; as recorded in Liber 69, Page 64 Plats, Wayne County Records; also lying easterly of and abutting the east line of lots, 53-56, both inclusive, and lying westerly of and abutting the west line of lots 71-74, both inclusive, of "J.C. Lashley's Parkside Subd'n" of S. 1/2 of N.W. 1/4 of S.E. 1/4 of Sec. 27, T. 1 S. R. 10 E., City of Detroit, Wayne Co., Michigan, as recorded in Liber 63, Page 21 Plats, Wayne County Records;

Be and the same hereby vacated as a public alley (or street) and is hereby converted into a public easement for private utilities, 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 easement and by their heirs executors, administrators and assign, forever to wit:

First, said owners hereby grant to and for the use of the public an easement of right of way over said vacated public alley (or street) herein above described for the purpose of maintaining, installing, repairing removing, or replacing public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or poles or things usually placed or installed in a public alley (or street) in the City of Detroit with the right to ingress and egress at any time to and over said easement for the purpose above set forth,

Second, said utility easement or right of way in and over said vacated alley (or 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 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 to ingress and egress at any time to and over said utility easement for the above mentioned tasks, with the understanding that the utility companies shall use due care in such crossing or use, and that 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 what so ever including, but not limited to, concrete slabs or driveways, retaining or partition walls (except necessary line fence) shall be built or placed upon said easement nor any change of surface grade made, without prior approval of the City Engineering-Division-DPW,

Fourth, that if the owners of any lots abutting on said vacated alley (or street) shall request the removal and/or relocation of any existing poles or other utilities in said easement such owners, shall pay all cost 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

Provided, That if it becomes necessary to remove the paved return at the entrance (into Capitol) 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 petitioner, their heirs or assigns; and

Provided Further, That a certified copy of this resolution shall be recorded with the Wayne County Register of Deeds.

Adopted as follows:

Yeas — Council Members Cleveland, K. Cockrel, Jr., S. Cockrel, Hood, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 8.

Nays — None.

**Water and Sewerage Department**  
February 23, 1999

Honorable City Council:

Re: Agreement and Grant of Easement for Water Mains and Sewers, Creative Land Design, Inc. — #98-32. Creative Land Design, Inc., has execut-