

Adopted as follows:

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

Nays — None.

**Department of Public Works
City Engineering Division**

August 2, 2001

Honorable City Council:

Re: Petition No. 3658 — Planning and Development Department, requesting street and alley vacations in the Jefferson-Chalmers Development area Home Depot and Heritage Commons Housing Development.

Petition No. 3658 of the "Planning and Development Department" on behalf of "Curis Enterprises" (the Developer) at 11850 East McNichols, Detroit, Michigan 48205, requests the vacation of certain public rights-of-way in the area bounded by Drexel, Lakewood, Freud, and East Jefferson Avenues; listed as follows:

1. Conversion of the remaining part of Coplin Avenue, 60 feet wide, between E. Jefferson and Freud Avenues into a private easement for public utilities; also

2. Conversion of the remaining part of Piper Avenue, 80 feet wide, between E. Jefferson and Freud Avenues (except that part previously vacated May 1, 1996, J.C.C. Pages. 923-927) into a private easement for public utilities; also

3. Conversion of a southern portion of Newport Avenue, 50 feet wide, between E. Jefferson and Freud Avenues into a private easement for public utilities; also

4. Conversion of the north-south public alley, 18 feet wide, in the block bounded by Newport, Lakewood, Freud, and East Jefferson Avenues into a private easement for public utilities; also

5. Outright vacation of the north-south public alley, 18 feet wide, in the block bounded by Coplin, Piper, Freud, and East Jefferson Avenues; also

6. Outright vacation of Eastlawn Avenue, 60 feet wide, between E. Jefferson and Freud Avenues [excepting therefrom certain portions retained as a private easement for utilities]; also

7. Outright vacation of a northern portion of Newport Avenue, 50 feet wide, between the south line of the east-west public alley, 18 feet wide, first south of E. Jefferson and Freud Avenue [excepting therefrom certain portions retained as a private easement for utilities]; also

8. Outright vacation of the east-west public alley, 18 feet wide, in the block bounded by Newport, Eastlawn, Freud, and East Jefferson Avenues; also

9. Outright vacation of the easterly portion of the east-west public alley, 18 feet wide, in the block bounded by Piper, Eastlawn, Freud, and East Jefferson Avenues; also

10. Encroachment into the north-south public alley, 18 feet wide, (converted to easement) in the block bounded by Newport, Lakewood, Freud, and East Jefferson Avenues with the installation of a screen wall; also

11. Encroachment into the center of Piper Avenue, 80 feet wide, at its intersection with E. Jefferson, with Landscaped Island and Town House Identification signage.

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

The requested public street and alley vacations were approved by the Solid Waste Division — DPW, the Traffic Engineering Division — DPW, the Fire Department and the Detroit Water and Sewerage Department (DWSD) provided access for fire fighting purposes is maintained and subject to certain provisions and requirements for water mains and/or sewers.

Whenever discontinuance of use makes removal of all or part(s) of the Coplin, Piper, Eastlawn, Newport Avenues and the public alley returns into Freud, E. Jefferson or Newport necessary, "the Developer" shall pay all incidental removal or alteration costs. "The Developer" shall apply to the City Engineering Division — DPW for construction permits to work within all remaining public rights-of-way.

All other involved city departments and privately owned utility companies reported no objections to the encroachment(s), outright vacation(s) and private easement(s) or that satisfactory arrangements have been made.

Provisions protecting Michigan Consolidated Gas Company, Detroit Edison, Comcast Cablevision, Ameritech, the Public Lighting Department and DWSD utility installations (if necessary) 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 Everett:

Resolved, All of the Public Alley(s) in the block bounded by Eastlawn, Newport, Freud, and East Jefferson Avenues; described as follows: The east-west public alley, 18 feet wide, lying southerly of and abutting the south line of Lots 1-7, both inclusive, and the north-south public alley, 18 feet wide, lying westerly of and abutting the west line of Lots 132-163, both inclusive, all in Block F of "Jefferson Park Subdivision of the Jefferson Park Realty Company in the City of Detroit", City of Detroit, Wayne County, Michigan, as recorded in Liber 26, Page 93 Plats, Wayne County Records; also

All of the north-south public alley and the easterly portion of the east-west public alley in the block bounded by Piper, Eastlawn, Freud, and East Jefferson Avenues; described as follows: The east-west public alley, 18 feet wide, lying southerly of and abutting the south line of Lots 5-7, both inclusive, and the easterly 24.7 feet of Lot 4 and the north-south public alley, 18 feet wide, lying westerly of and abutting the west line of Lots 8-38, both inclusive, all in Block E of "Jefferson Park Subdivision of the Jefferson Park Realty Company in the City of Detroit", City of Detroit, Wayne County, Michigan, as recorded in Liber 26, Page 93 Plats, Wayne County Records; also

All that part of the north-south public alley, 18 feet wide, in the block bounded by Piper, Coplin, Freud, and East Jefferson Avenues; described as follows: The north-south public alley, 18 feet wide, lying westerly of and abutting the west line of Lots 18-39, both inclusive, (except that part taken for the widening of Freud) Block D of "Jefferson Park Subdivision of the Jefferson Park Realty Company in the City of Detroit", City of Detroit, Wayne County, Michigan, as recorded in Liber 26, Page 93 Plats, Wayne County Records;

Be and the same are hereby vacated (outright) as public alleys to become part and parcel of the abutting property; and be it further

Resolved, All that part of Newport Avenue, 50 feet wide, between Freud and E. Jefferson Avenues; being described as follows: Lying easterly of and abutting the east line of Lots 139-163, both inclusive, Block F; and lying westerly of and abutting the west line of Lots 4-28, both inclusive, Block G of "Jefferson Park Subdivision of the Jefferson Park Realty Company in the City of Detroit", City of Detroit, Wayne County, Michigan, as recorded in Liber 26, Page 93, Plats, Wayne County Records; also

All of Eastlawn Avenue, 60 feet wide, between Freud and E. Jefferson Avenues; described as follows: Lying easterly of and abutting the east line of Lots 131-162, both inclusive, Lot 7 and the east-west public alley, 18 feet wide, Block E; and lying westerly of and abutting the west line of Lots 8-39, both inclusive, Lot 1 and the east-west public alley, 18 feet wide, Block F of "Jefferson Park Subdivision of the Jefferson Park Realty Company in the City of Detroit", City of Detroit, Wayne County, Michigan, as recorded in Liber 26, Page 93, Plats, Wayne County Records;

Be and the same are hereby vacated (outright) as parts of public street(s) to become part and parcel of the abutting, subject to certain provisions and requirements for water mains and/or public sewers;

Provided, That the Detroit Water and Sewerage Department (DWSD) will retain an easement in Newport Avenue for the "Newport Sewer". Also, DWSD does not waive any of its rights to the "Newport Sewer", and at all times DWSD, its agents or employees shall have the right to enter upon the easement and the Home Depot parcel to maintain, repair, alter, service or inspect the "Newport Sewer"; and further

Provided, If DWSD determines that it is necessary to construct additional access manholes on the "Newport Sewer" because of the proposed construction over the sewer then "the Developer" will be responsible for the construction of the additional manholes at his sole costs and expense. The manhole construction, if necessary, is to be done under DWSD's permit and inspection and in accordance with plans approved by DWSD; and further

Provided, The construction of the Home Depot is to be done in accordance with plans approved by DWSD and any construction over the "Newport Sewer" is subject to the inspection and approval by DWSD. The cost of such inspection shall be borne by the developer; and further

Provided, That any construction subject to DWSD inspection shall not commence until after five-(5) day written notice to DWSD. In addition, a forty-eight (48) hour notice shall also be provided in accordance with P.A. 53, 1974, as amended, utilizing the MISS DIG one call system, and further

Provided, That any alterations to the City's water mains and sewers required for the remainder of the Riverbend Plaza Development are to be done under DWSD's permit and inspection, and in accordance with plans approved by DWSD. These alterations are to be done at "the Developer's" expense at no cost to DWSD. "The Developer" shall deposit with DWSD, in advance of engineering, inspection and survey, such amounts as DWSD deems necessary to cover the costs of these services, and further

Provided, That plans for the alterations to the City water mains and sewers are to be prepared by a Registered Engineer in accordance with DWSD standards, and further

Provided, That "the Developer" shall grant to the City satisfactory easements, if necessary, for City water mains and sewers before the start of construction, and be it further

Resolved, All that part of Coplin Avenue, 60 feet wide, between Freud and E. Jefferson Avenues lying easterly of and abutting the east line of Lots 134-155, both inclusive (except that part taken for the widening of Freud), Block C and lying westerly of and abutting the west line of Lots 18-39, both inclusive (except that part taken for the widening of Freud),

Block D of "Jefferson Park Subdivision of the Jefferson Park Realty Company in the City of Detroit", City of Detroit, Wayne County, Michigan, as recorded in Liber 26, Page 93, Plats, Wayne County Records; also

All, That part of Piper Avenue, 80 feet wide, lying easterly of and abutting the east line of Lots 132-160, both inclusive, (except that part taken for the widening of Freud), Block D and lying westerly of and abutting the west line of Lots 10-38, both inclusive, Block E of "Jefferson Park Subdivision of the Jefferson Park Realty Company in the City of Detroit", City of Detroit, Wayne County, Michigan, as recorded in Liber 26, Page 93, Plats, Wayne County Records; [exception of that part of Piper Avenue vacated (outright) and that part reserved as a water main easement; adopted by City Council May 1, 1996, J.C.C. Pgs. 923-927]; also

All that part of Newport Avenue, 50 feet wide, north of Freud Avenue, lying easterly of and abutting the east line of Lots 132-138, both inclusive, Block F, and lying westerly of and abutting the west line of Lots 29-35, both inclusive, Block G of "Jefferson Park Subdivision of the Jefferson Park Realty Company in the City of Detroit", City of Detroit, Wayne County, Michigan, as recorded in Liber 26, Page 93, Plats, Wayne County Records; also

All that part of the north-south public alley, 18 feet wide, in the block bounded by Newport, Lakewood, Freud, and E. Jefferson Avenues lying easterly of and abutting the easterly line of Lots 4-35, both inclusive, Block G of "Jefferson Park Subdivision of the Jefferson Park Realty Company in the City of Detroit", City of Detroit, Wayne County, Michigan, as recorded in Liber 26, Page 93, Plats, Wayne County Records, and lying westerly of and abutting the west line of Lots 3-27, both inclusive, of "Lakewood Boulevard Addition of part of Lot 8 Subn of the Estate of George Martin P.C. 219 and part of the westerly 30 feet of P.C. 321, lying south of Jefferson Avenue" City of Detroit, Wayne County, Michigan, as recorded in Liber 30, Page 6, Plats, Wayne County Records, also

All that part of the east-west public alley, 18 feet wide, in the block bounded by Newport, Lakewood, Freud, and E. Jefferson Avenues lying southerly of and abutting the south line of Lots 1-3, both inclusive, Block G of "Jefferson Park Subdivision of the Jefferson Park Realty Company in the City of Detroit", City of Detroit, Wayne County, Michigan, as recorded in Liber 26, Page 93, Plats, Wayne County Records, and lying southerly of and abutting the south line of Lots 1 and 2 of "Lakewood Boulevard Addition of part of Lot 8 Subn of the Estate of George Martin P.C. 219 and part

of the westerly 30 feet of P.C. 321, lying south of Jefferson Avenue" City of Detroit, Wayne County, Michigan, as recorded in Liber 30, Page 6, Plats, Wayne County Records;

Be and the same is hereby vacated as public streets and alleys and is hereby converted into a private easement for public utilities of the described width of the streets and the full width of the 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 task, 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 ("the Developer") for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, retaining or partition walls, (except parking lot pavement [subject to city approval of building permit plans] and necessary line fence; said fence and gate installations shall be subject to the review and approval of the Planning and Development Department, Buildings and Safety Engineering Department, Water and Sewerage Department, and Fire Marshal) 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 ("the Developer") 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 ("the Developer") 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 ("the Developer") 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 ("the Developer") 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 returns at the entrances, 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 developer. Also, "the Developer" shall apply to the City Engineering Division — DPW for construction permits to work within the remaining public parts of street and alley rights-of-way; and further

Provided, That before any construction shall be permitted within the vacated parts of public streets and alleys, mentioned above, "the Developer" shall apply to the Buildings and Safety Engineering Department for a building permit. Simultaneously, "the Developer" shall submit said building plans to the Water and Sewerage Department (DWSD) for review and approval; also

Whereas, Petition No. 3658 of the "Planning and Development Department" on behalf of "Curis Enterprises" (the Developer) at 11850 East McNichols, Detroit, Michigan 48205, requests permission to install and maintain a privately owned "Masonry Screen Wall" within the north-south converted easement, 18 feet wide, in the block bounded by Newport, Lakewood, Freud, and E. Jefferson Avenues, said "Masonry Screen Wall" will run down the center of the converted easement from the south line of the east-west, 18 feet wide, converted easement to approximately the north line of Lot 29 extended easterly. Also, "the Developer" intends to install and maintain a "Landscape Entry Sign & Wall" within the Piper Avenue, right-of-way at the intersection of E. Jefferson Avenue; therefore be it

Resolved, The City Engineering Division — DPW is hereby authorized and

directed to issue permits to "Curis Enterprises" (the Developer) at 11850 East McNichols, Detroit, Michigan 48205, to install and maintain encroachments adjacent to land described (in part) as follows:

The "Masonry Screen Wall" within the north-south converted easement, 18 feet wide, in the block bounded by Newport, Lakewood, Freud, and E. Jefferson Avenues, said "Masonry Screen Wall", approximately five (5) feet in height, nine (9) inches thick, with foundations approximately two (2) feet below grade x twelve (12) inches in width, down the center of the converted easement from the south line of the east-west, 18 feet wide, converted easement, 9 feet easterly of Lot 4, to approximately the north line of Lot 29 extended 9 feet easterly of Block G, "Jefferson Park Subdivision of the Jefferson Park Realty Company in the City of Detroit", City of Detroit, Wayne County, Michigan, as recorded in Liber 26, Page 93, Plats, Wayne County Records; and

The "Landscape Entry Sign & Wall" within the Piper Avenue, 80 feet wide, at the intersection of E. Jefferson Avenue, 120 feet wide, approximately 75.00 feet x 10 feet with approximately 17 feet 4 inches x 2 feet 8 inches of this space to be occupied by Identification Signage approximately 7 feet at its maximum height, with foundations a minimum of 3 feet 6 inches below the grade of street pavement, lying approximately 40 feet (to center) westerly of and parallel to the easterly right-of-way line of Piper Avenue, 80 feet wide, which line is also the westerly line of Lot 1 of Block E, "Jefferson Park Subdivision of the Jefferson Park Realty Company in the City of Detroit", City of Detroit, Wayne County, Michigan, as recorded in Liber 26, Page 93, Plats, Wayne County Records;

Provided, Whenever it becomes necessary to open-cut a public street, bore, jack, occupy or barricade city rights-of-way for construction, such work shall be according to detailed permit application drawings (to be submitted by "the Developer", subject to city department review and stamp approvals) prior to any public right-of-way construction; and further

Provided, Said installations and maintenance shall be according to the specifications of the Public Lighting Department (PLD), if necessary, including the minimum vertical clearance of one foot, and a minimum horizontal clearance of three feet between PLD facilities and the proposed encroachments. Also, said encroachments shall be according to the specifications of the Detroit Water and Sewerage Department (DWSD), if necessary, including the minimum vertical clearance of one foot, and a minimum

horizontal clearance of three and one-half feet between DWSD sewers, drains, water mains, fire hydrants, catch basins, sewer and water manholes or shut-off (and any other DWSD facilities) and the proposed encroachments; and further

Provided, All costs for the construction, maintenance, permits and use of said encroachment shall be borne by "the Developer". Should damages to utilities occur "the Developer" shall be liable for all incidental repair costs and waives claims for any damages to the encroaching installations; and further

Provided, If it becomes necessary to repair or replace the utilities located or to be located in Piper Avenue (80 feet wide) and said converted easement (18 feet wide), by the acceptance of this permission the owners for themselves, their heirs or assigns, waive claims for any damages to the encroaching installations and agree to pay the costs incurred in their removal and/or alteration, if their removal and/or alteration becomes necessary, and to restore the property affected to a condition satisfactory to the City Engineering Division — DPW at "the Developers", expense; and further

Provided, "Curis Enterprises" (the Developer) at 11850 East McNichols, Detroit, Michigan 48205, shall file with the Finance Department an indemnity agreement approved by the Law Department, saving and protecting the City of Detroit from any and all claims, damages, or expenses that may arise by reason of the issuance of said permits and the faithful or unfaithful performance by the permittee of the terms thereof, and in addition to pay all claims, damages or expenses that may

arise out of the maintenance of said encroachments; and further

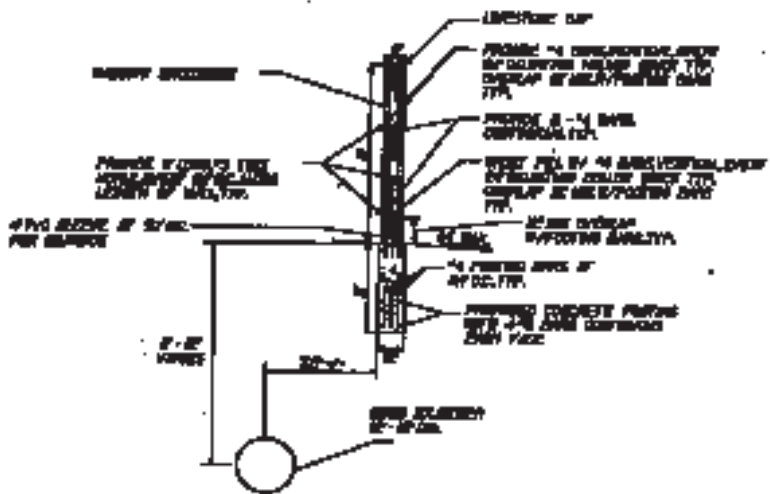
Provided, That no other rights in the public street, private easement, or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachment shall be removed at the expense of the permittee at any time when so directed by the City Council, and the public property affected shall be restored to a condition satisfactory to the City Engineering Division — DPW at the permittee's ("the Developer's") expense; and further

Provided, This resolution is revocable at the will, whim, or caprice of the City Council, and the permittee ("the Developer"), hereby waives any right to claim damages or compensation for removal of encroachment(s), and further, that the permittee ("the Developer"), acquires no implied or other privileges hereunder not expressly stated herein; and further

Provided, The placement and maintenance of encroachments in public rights-of-way shall be construed as acceptance by "The Developer". Notwithstanding the fact that the filing of the indemnity agreement and the securing of the necessary permit(s) referred to above in this resolution are stipulation of this encroachment (permission) grant; and further

Provided, That the encroachment permit shall not be assigned or transferred without the written approval of the City Council; and further

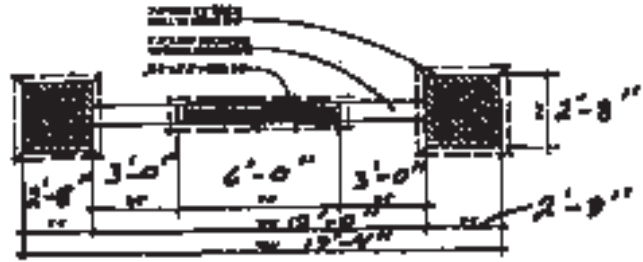
Resolved, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.



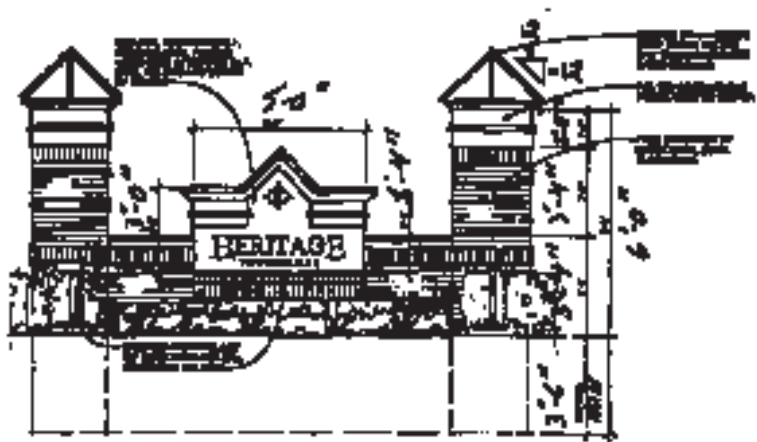
INSTALL REINFORCING BARS
 WITH 1/2" OF WALL CLEARANCE

WALL THICKNESS SHALL BE 12"
 AS TO BE SHOWN

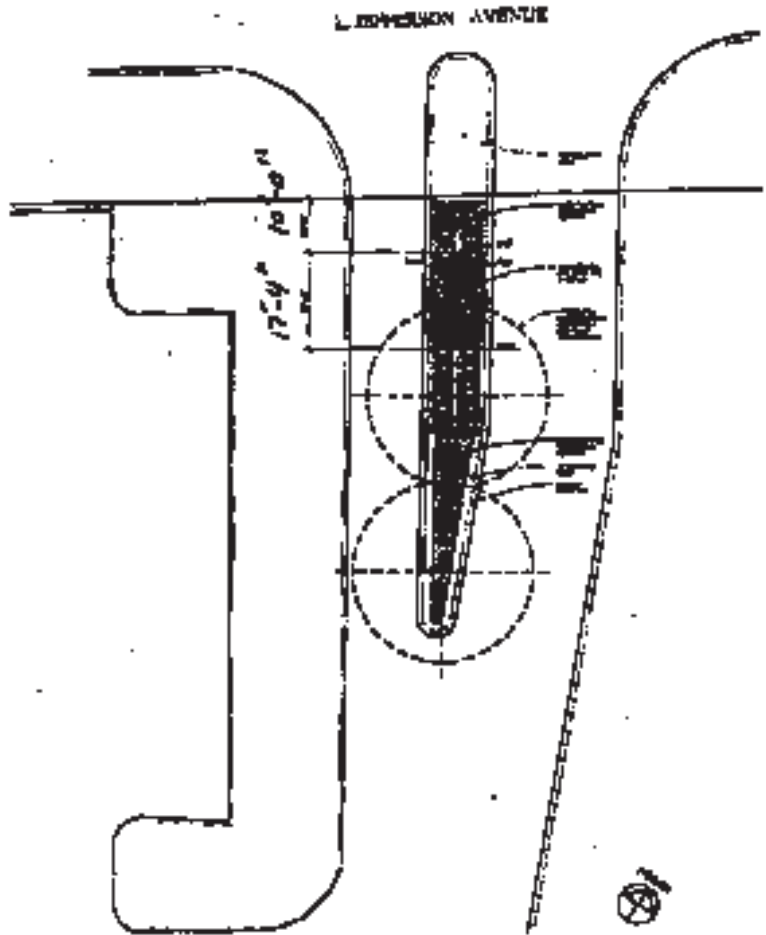
**WALL SECTION TO BE PLACED IN ALLEY BETWEEN
 CONCRETE AND LANEWAYS**



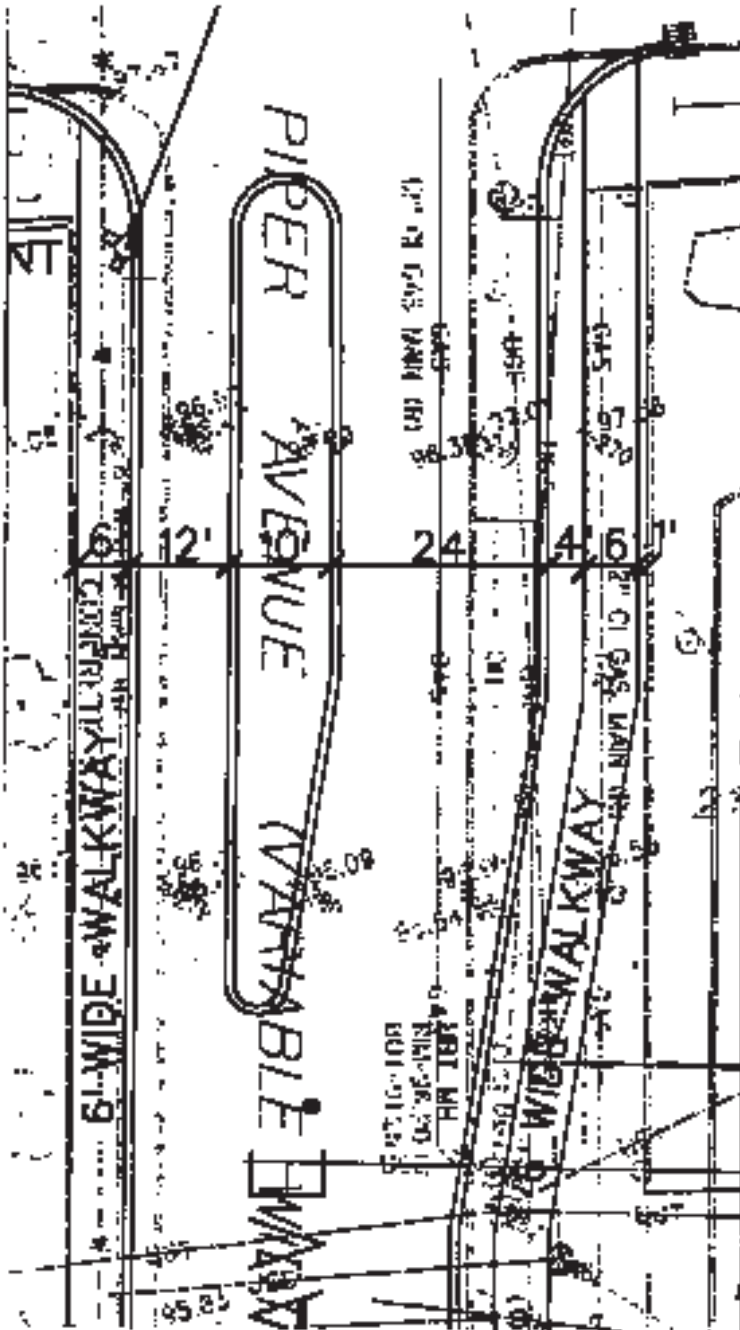
WALL and STORAGE
PLAN DETAIL
SCALE 3/4" = 1'-0"



WALL and STORAGE
ELEVATION DETAIL
SCALE 1/2" = 1'-0"



ENTRY BOULEVARD ECH &
LANDSCAPE RETAIL PLAN
SCALE: 1/8" = 1'-0"



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