



Adopted as follows:  
 Yeas — Council Members Bates, K. Cockrel, Jr., S. Cockrel, Collins, Everett, McPhail, Scott, Tinsley-Talabi, and President Mahaffey — 9.  
 Nays — None.

**Department of Public Works  
 City Engineering Division**  
 May 21, 2002

Honorable City Council:  
 Re: Petition No. 1810 — Churchill Transportation/Sullivan and Leavitt, P.C., requesting conversion to easement a portion of Roosevelt Avenue in the area of Risdon, West Grand Blvd. And New York Central Railroad, and acceptance of easement on private property.  
 Petition No. 1810 “Churchill Transportation/Sullivan and Leavitt, P.C.”, requesting conversion of a portion of

Roosevelt Avenue, 50 feet wide, south of Risdon Avenue, 50 feet wide, and north of New York Central Railroad, 100 feet wide into a private easement for utilities. Also, requesting that the Honorable City Council accept an easement over the petitioner’s land for the construction of a turn-around for vehicular traffic as requested by the Traffic Engineering Division — DPW.

The request was approved by the Solid Waste Division — DPW, and the Traffic Engineering Division — DPW with conditions. The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report:

All other city departments and private utility companies have reported no objection to the conversion of public rights-of-way into private easement for utilities.

Provisions protecting utility installations are part of this resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

SUNDAY JAIYESIMI

City Engineer

City Engineering Division — DPW

By Council Member Collins:

Resolved, All that part of the Roosevelt Avenue, 50 feet wide, south of Risdon Avenue, 50 feet wide, lying Easterly of and abutting the East line of lots 65 through 54, both inclusive, also lying Westerly of and abutting the West line of lot 142 through 154 and the vacated alley, 18 feet wide in the "Grosfield and Schulte's Subdivision" of the East part of P.C. 78 between Michigan Avenue and M.C. R.R. as recorded July 29, 1887 in Liber 10 Page 90, Plats, Wayne County Records;

Be and the same is hereby vacated as a public street and is hereby converted into a private easement for public utilities of the full width of the street, 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 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 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 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 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 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, 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 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 the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds; and be it further

Resolved, That your Honorable Body authorize the acceptance of the following described easement, (attached herewith as Exhibit "B") over property owned by the petitioner, subject to the approval of the Traffic Engineering Division — DPW and any other public or privately owned utility company, if necessary;

Land in the City of Detroit, Wayne County, Michigan, commencing at the Northerly corner of lot 66, Grosfield and Schulte's Subdivision of the East part of P.C. 78 between Michigan Avenue and M.C. R.R. as recorded July 29, 1887 in Liber 10 Page 90, Plats, Wayne County Records; thence proceeding along the Northeasterly line of said lot 66 S.28°E., 5.00 feet to the point of beginning of the easement herein described; thence continuing along said Northeasterly line S.28°E., 20.00 feet; thence S.62°W., 40.00 feet; thence N.28°W., 20.00 feet; thence N.62°E., 40.00 feet to the point of beginning.

