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resolution with the Wayne County Register of Deeds.

Adopted as follows:

Yeas — Council Members S. Cockrel, Collins, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 8.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 143) per motions before adjournment.

**Department of Public Works
City Engineering Division**

November 9, 2009

Honorable City Council:

Re: Petition No. 3426 — METCO Services/Velmeir Companies request the vacation of public rights-of-way; the conversion to easement of public rights-of-way and the dedication of land for public street purposes, all in the area bounded by Cochrane, Grand River, Martin Luther King Jr. Blvd. and Magnolia for the construction of a new CVS Pharmacy Store No. 75157.

Petition No. 3426 of METCO Services Inc., at 1274 Library, Ste. 400, Detroit, Mi. 48226 on behalf of the Velmeir Companies (the "Petitioner"), 5757 W. Maple Rd., Ste. 800, W. Bloomfield, Mi. 48322 request the outright vacation of the north-south and east-west public alleys, 20 feet wide, in the block bounded by Cochrane Avenue, 65 feet wide, West Grand River Avenue, 100 feet wide, Martin Luther King Jr. Boulevard (formerly Myrtle St.) 124 feet wide, and Brainard Street, 50 feet wide; request the conversion of said Brainard Street, between said Cochrane Avenue, and West Grand River Avenue; all of the public alleys 20 feet wide, in the block bounded by said Cochrane, W. Grand River, Brainard and Magnolia into private easements for public utilities; and the dedication of 80.00 feet of land, widening Martin Luther King Jr. Boulevard (formerly Myrtle) to the north, from 50.00 feet wide to 130.00 feet wide, between Cochrane Avenue, 65 feet wide and Trumbull Avenue, 100 feet wide, in order to facilitate construction.

Your Honorable City Council has previously approved and recommended the rezoning of land from R2 to B4 and the sell of City owned land so that the vacant parcels can accommodate the new 13,225 square foot CVS Drive Thru Pharmacy Store.

The City Planning Commission, the Planning and Development Department, the City Engineering Division — DPW/ Street Design Bureau, the Traffic Engineering Division of DPW and the Environmental Affairs Department have approved the request. The petition was referred to the City Engineering Division — DPW for investigation (utility review) and report. This is our report.

The Detroit Water and Sewerage Department (DWSD) reported no objections to the changes in public rights-of-way provided, that the "Petitioner" owns all adjacent properties and provided that an easement is reserved for the DWSD facilities that are to remain or the "Petitioner" agrees to relocate the sewers and the water mains at no cost to DWSD.

The Public Lighting Department (PLD) reported having overhead and underground fed streetlights and an alley light in the requested area. The removal of PLD facilities will have an estimated cost of \$4000.00. The PLD has no objection to the out-right vacations provided, that the petitioner also reserves an easement for PLD facilities. The "Petitioner" has agreed to remove said facilities at no cost to the PLD.

AT&T reports no objection to the proposed changes in public rights-of-way.

DTE Energy — MichCon Gas Company, reports no objection provided that an easement is reserved within Brainard St., between Cochran and W. Grand River to accommodate the existing 6" — CI-10# 1956 gas main, 9 ft. north of the south line of said Brainard St.

DTE Energy — Electric request that the "Petitioner" contact the customer growth section to determine the nature and costs of removing and/or rerouting services (if necessary).

All other city departments and privately owned utility companies have reported no involvement to the requested right-of-way changes or that satisfactory arrangements have been made. Provisions protecting utility installations (if necessary) are part of the resolution.

The Planning and Development Department (P&DD) request that the Honorable City Council accept the deeds and or cause that land further described in this resolution be transferred from the Planning and Development Department to the Department of Public Works inventory for street opening purposes; provided said property complies with the requirements of Detroit codes and ordinance No. 29-94, Detroit Code Sections 2-1-11 through 2-1-15 also known as the "Environmental Review Guidelines", and that the fee owner submit a properly executed deed; proof of lien-free ownership; proof of paid Wayne County taxes and proof of paid Detroit property taxes. It should be known that Martin Luther King Jr. Boulevard (formerly Myrtle) to the north, from 50.00 feet wide to 130.00 feet wide, between Cochrane Avenue, 65 feet wide and Trumbull Avenue, 100 feet wide has been constructed by the City of Detroit to City Engineering Division — DPW specifications and that this opening is to formally set aside land for public street purposes. The legal description included in this resolution was created using "as-built" drawings on file in the City

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Engineering Division — DPW/Street Design Bureau.

All city departments and privately owned utility companies have no objections to the requested dedications of new public street and alley rights-of-way.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,

JESSY JACOB, P.E.

City Engineer

City Engineering Division — DPW
By Council Member Tinsley-Talabi:

Resolved, The following described City of Detroit owned property is hereby dedicated for public street opening purposes:

Martin Luther King Boulevard Right of Way Description Based on the Reconstruction Drawings from West Boulevard to Lincoln Avenue as detailed in Contract #17176A of August, 1984. Sheet 5 of 71

Resolved, That all that part of the existing reconstruction of Martin Luther King Blvd., 130 feet wide, between the West line of Trumbull Avenue, 100 feet wide, and the East line of Cochran Avenue 65 feet wide, be formally dedicated as a public right of way and include the following;

Lots 21, 22 and the South 80 feet of Lots 23 through 29 inclusive, in the "Subdivision of the North Part of Out Lot 96, Woodbridge Farm" as recorded in Liber 1 Page 310, Plats, Wayne County Records, together with that portion of the North-South vacated public alley, 20 feet wide adjoining said Lots 21, 22 and the South 80 feet of Lot 23, and the East 5.9 feet of the North-South vacated alley adjoining the South 80 feet of said Lot 29; and also, Lots 457, 458 and the South 18 feet of Lot 459, in the "Plat of Private Claim 27, Jones Farm" as recorded in Liber 2, Page 5, Plats, Wayne County Records, together with the West 14 feet of the North-South vacated alley adjoining said lots 457, 458 and the South 18 feet of Lot 459;

and also including all that portion of (old) Myrtle Street, 50 feet wide, which was formerly dedicated in the "Plat of McKeown's Subdivision of the South part of Out Lot 96, Woodbridge Farm" as recorded in Liber 3 Page 50, Plats, Wayne County Records, and also the portion dedicated in the "Crane and Wesson's Section of the Jones Farm, so-called, being a subdivision of Lots 5 and 6 of Louis Lignon of the Lignon farm, so-called lying North of Chicago Road and known as Private Claim 27 confirmed to Jacques Peltier" also known as "Plat of Private Claim 27, Jones Farm", as recorded in Liber 2 Page 5, Plats Wayne County Records.

Whereas, The design and construction of the new public street has been constructed as required by The City Engineering Division — DPW (CED)/ Street Design Bureau and the Traffic

Engineering Division of DPW; and

Whereas, The entire work has been performed in accordance with plans and specifications approved by CED and constructed under the inspection and approval of CED; and

Whereas, Proof of compliance with Detroit Ordinance No. 29-94, Detroit Code Sections 2-1-11 through 2-1-15 also known as the Environmental Review Guidelines, has been furnished to the Law Department; and

Whereas, The fee owner shall submit a properly executed deed acceptable to the Law Department transferring the jurisdiction of described land to the Department of Public Works; also

Resolved, That part of Brainard Street, 50 feet wide, between the West line of Trumbull Avenue, 100 feet wide, and the East line of Cochran Avenue 65 feet wide, lying in the City of Detroit, Wayne County, Michigan, described as:

Lying Southerly of and abutting the Southwesterly line of Lot 7 and lying Southerly of and abutting the South line of Lots 8, 9, 10 of "Subdivision of the North Part of Out Lot 96, Woodbridge Farm" as recorded in Liber 1 Page 310, Plats, Wayne County Records; also, lying Southerly of and abutting the South line of Lot 504 of "Crane and Wesson's Section of the Jones Farm, so-called, being a subdivision of Lots 5 and 6 of Louis Lignon of the Lignon farm, so-called lying North of Chicago Road and known as Private Claim 27 confirmed to Jacques Peltier" also known as "Plat of Private Claim 27, Jones Farm", as recorded in Liber 2 Page 5, Plats Wayne County Records; and lying Northerly of and abutting the North line of Lots 11, 12, 13, 14, 15, 16, and 17 of the "Subdivision of the North Part of Out Lot 96, Woodbridge Farm" as recorded in Liber 1 Page 310, Plats, Wayne County Records; also, lying Northerly of and abutting the North line Lot 464 of "Crane and Wesson's Section of the Jones Farm, so-called, being a subdivision of Lots 5 and 6 of Louis Lignon of the Lignon farm, so-called lying North of Chicago Road and known as Private Claim 27 confirmed to Jacques Peltier" also known as "Plat of Private Claim 27, Jones Farm", as recorded in Liber 2 Page 5, Plats Wayne County Records; Also

All that part of the public alleys in the block bounded by Cochran Avenue, 65 feet wide, West Grand River Avenue, 100 feet wide, Magnolia Avenue, 50 feet wide, and Brainard Street, 50 feet wide; described as being the Public Alley 20 feet wide, lying Southwesterly of and abutting the Southwesterly line of Lots 2, 3, 4, 5, 6, 7, and 8 and lying Northwesterly of and abutting the Northwest line of Lots 9 and 10; also that part of the public alley 5.90 feet wide, lying Westerly of and abutting the West line of Lots 2 and 10 all in



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"Subdivision of the North Part of Out Lot 96, Woodbridge Farm" as recorded in Liber 1 Page 310, Plats, Wayne County Records; and that part of the north-south public alley, 14.00 feet wide, lying Easterly of and abutting the East line of Lots 501, 502, 503 and 504 of "Crane and Wesson's Section of the Jones Farm, so-called, being a subdivision of Lots 5 and 6 of Louis Lignon of the Lignon farm, so-called lying North of Chicago Road and known as Private Claim 27 confirmed to Jacques Peltier" also known as "Plat of Private Claim 27, Jones Farm", as recorded in Liber 2 Page 5, Plats Wayne County Records; and lying Easterly of and abutting the East line of Lots 1, 2, 3, 4, 5 of "McGraws Subdivision" as recorded in Liber 2 Page 33, Plats Wayne County Records;

Be and the same is hereby vacated as public streets and alleys and is hereby converted into private easements for public utilities of the full width of the streets and alleys, which easements 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 easements or rights-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 easements for the purpose above set forth,

Second, Said utility easements or rights-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 easements or rights-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 easements 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 easements, 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 easements, 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 if it becomes necessary to remove the paved return at the entrance(s) (into Cochran, Magnolia and W. Grand River), such removal and construction of new curb and sidewalk shall be done under City or MDOT permit and inspection according to City Engineering Division — DPW or MDOT specifications with all costs borne by the abutting owner(s), their heir or assigns; and be it further

Resolved, All that part of the north-south public alley 14.00 feet wide, lying Easterly of and abutting East line of the North 13.00 feet of Lot 459 and lying Easterly of and abutting the East line of Lots 460, 461, 462, 463 and 464 of "Plat of Private Claim 27, Jones Farm", as recorded in Liber 2 Page 5, Plats Wayne County Records; and that part of the north-south public alley 5.90 feet wide lying Westerly of and abutting the West line of Lots 11 and 29 of said "Crane and Wesson's Section of the Jones Farm, so-called, being a subdivision of Lots 5 and 6 of Louis Lignon of the Lignon farm, so-called lying North of Chicago Road and known as Private Claim 27 confirmed to Jacques Peltier" also known as "Plat of Private Claim 27, Jones Farm", as recorded in Liber 2 Page 5, Plats Wayne County Records; and lying Northerly of and abutting the North line of Lots 11, 12, 13, 14, 15, 16, and 17 of the "Subdivision of the North Part of Out Lot 96, Woodbridge Farm" as recorded in Liber 1 Page 310, Plats, Wayne County Records; also all that part of the east-west public alley, 20 feet wide, lying Southerly of and abutting the South line of Lots 11, 12, 13, 14, 15, 16, 17 and 18; lying Westerly of and abut-



