

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 Brown, Cockrel, Jr., Kenyatta, Spivey, Tate, and President Pugh — 6.

Nays — Council Member Watson — 1.

**Department of Public Works
City Engineering Division**

May 10, 2011

Honorable City Council:

Re: Petition No. 843 — City of Detroit Department of Public Works, for dedication of rights-of-way near Cobo Convention/Exhibition Center.

Petition No. 843 of "City of Detroit Department of Public Works", request City Council to accept the dedication of certain lands for Civic Center Drive, Washington Boulevard, and Shelby Avenue rights-of-way; also request the conversion to easement a portion of Civic Center Drive (Deeded to the City of Detroit on September 19, 1972, J.C.C. Pages 2320-21) all in the area of Third Avenue, 60 feet wide, Atwater Avenue, 50 feet wide and West Jefferson Avenue, 210 feet wide.

The dedication/widen and conversion to easement is necessary because the rights-of-way pavement currently exist and is considered to be City of Detroit land versus right-of-way. This land is not part of the Department of Public Work's inventory, so it does not receive the proper yearly funding from the Federal and State governments. The Department of Public Works can not fully maintain or enforce rules and regulations within the said dedicated area with out this land being dedicated as public right-of-way by this Honorable Body. The approval of this report/resolution will ensure that the proper department (Department of Public Works) has the jurisdiction over said lands/rights-of-way for future funding, maintenance, and enforcement.

The City Engineering Division — DPW/Street Design Bureau and the Traffic Engineering Division of DPW approved the request. 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 privately owned utility companies have no objections to the requested dedication/widening and conversion to easement of the public rights-of-way.

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

Respectfully submitted,

RICHARD DOHERTY

Head Engineer

City Engineering Division—DPW

By Council Member Brown:

Resolved, That your Honorable Body authorized the acceptance of the following described properties owned by the City of Detroit, subject to the approval of the Traffic Engineering Division — DPW, City Engineering Division — DPW and any other public or privately owned utility company, if necessary, for Public Streets and widening purposes:

Civic Center Drive (from Third Avenue to north of Atwater Street)

Land in the City of Detroit, County of Wayne, State of Michigan, being part of Lot A, of "Plat of the Jones Property known as the Beard and Greely Claims", Section 3, Governor and Judges Plan of the City of Detroit, as recorded in Liber 1, Page 290 of Plats, Wayne County Records; also part of the "Desnoyers Claim" and the "J. S. Roby Claim" to part of Section 3 of the Governor and Judges Plan of the City of Detroit, as recorded in Liber 1, Page 290 of Plats, Wayne County Records; also part of Lots 89 and 92 of the plan of Section 3 of Governor and Judges Plan, as recorded in Liber 34, Page 548 of Deeds, Wayne County Records; also part of Lots 3 through 6, South of Woodbridge, and part of Lot 7 South of Woodbridge, Plat of "The Military Reserve" as recorded in Liber 5, Page 218 of City Records, Wayne County Records; also part of Lots 7, 8 and 9, of "Plan of the Military Tract in the City of Detroit as laid out into Lots under the Direction of Major Whiting", as recorded in Liber 5, Page 311 of City Records, Wayne County Records; also part of Lots 1 through 6, Part of Lot A, of "Schoolcraft's Subdivision of Lots 1 and 2, City Plat", as recorded in Liber 12, Page 622 of City Records, Wayne County Records; also part of Lots 1 and 2 of Block B, Part of Lots 1 through 4 of Block C, and part of Lots 1 through 4 of Block F of "Map of the Front of the Cass Farm as subdivided into Lots for the Proprietors", as recorded in Liber 9, Page 409 of City Records, Wayne County Records; also all streets and alleys adjacent to all of the above, within the bounds of the following more particularly described Civic Center Drive;

Commencing at the intersection of West Line of First Street (60 feet wide) with the North line of said Congress Street (60 feet wide), said point also being the Southeast corner of Lot 12 of Block 13 of "Map of the Western Addition to the City of Detroit as surveyed into Lots by John Mullett, Surveyor, as recorded in Liber 7, Page 164 of City Records, Wayne County Records; Thence S59°51'24"W, 120.91 feet along the North Line of said Congress Street; Thence S30°09'42"E, 60 feet to a point on the South line of said Congress Street; Thence N59°51'24"E, 754.29 feet along said South line to a point on the West line of Washington

Boulevard (variable width); Thence S30°09'06"E, 808.54 feet along said West line to a point on the South line of Civic Center Drive (variable width); Thence the following Four courses along the South and West line of said Civic Center Drive: (1) N59°50'26"E, 339.46 feet, and (2) along a Tangent curve to the right, 88.25 feet, said curve having a radius of 56.17 feet, a central angle of 90°00'19", and a long chord bearing S75°09'34"E, 79.44 feet, and (3) S30°09'34"E, 56.58 feet, and (4) S59°50'28"W, 7.72 feet to the Point of Beginning; Thence the following two courses along the West and South line of a portion of previously dedicated Civic Center Drive (formerly Shelby Street): (1) S30°13'34"E, 195.59 feet, and (2) N65°59'49"E, 42.94 feet to a point on the East line of Civic Center Drive; thence the following Ten Courses along the East and South line of Civic Center Drive: (1) along a non-tangent curve to the right, 61.26 feet, said curve having a radius of 151.65 feet, a central angle of 23°08'38", and a long chord bearing S4°53'34"E, 60.84 feet, and (2) S6°40'45"W, 55.35 feet, and (3) a long a tangent curve to the left, 92.94 feet, said curve having a radius of 114.00 feet, a central angle of 46°42'42" and along chord bearing S16°40'36"E, 90.39 feet, and (4) along a non-tangent curve to the right, 144.29 feet, said curve having a radius of 650.00 feet, a central angle of 12°43'08", and a long chord bearing S62°22'06"W, 143.99 feet, and (5) S68°43'39"W, 175.83 feet, and (6) S72°54'00"W, 138.07 feet and (7) S24°57'37"E, 3.42 feet, and (8) S68°38'33"W, 922.76 feet, and (9) along a tangent curve to the right, 101.80 feet, said curve having a radius of 208.40 feet, a central angle of 27°59'15" and a long chord bearing S82°38'11"W, 100.79 feet, and (10) N83°22'12"W, 301.40 feet to a point on the East line of Third Avenue; thence N22°02'53"W, 75.23 feet along said East line to a point on the North line of Civic Center Drive; Thence the following twelve courses along the North and West line of Civic Center Drive: (1) S83°22'12"E, 337.50 feet along the South Building line of Joe Louis Arena, and (2) along a tangent curve to the left, 69.56 feet, said curve having a radius of 142.40 feet, a central angle of 27°59'15" and a long chord bearing N82°38'11"E, 68.87 feet, and (3) N68°38'33"E, 915.71 feet, and (4) S20°34'43"E, 1.91 feet, and (5) N72°54'00"E, 147.23 feet, and (6) N68°43'39"E, 173.64 feet, and (7) along a tangent curve to the left, 77.73 feet, said curve having a radius of 590.00 feet, a central angle of 7°32'53" and a long chord bearing N64°57'13"E, 77.67 feet, and (8) along a non-tangent curve to the right, 72.37 feet, said curve having a radius of 174.00 feet, a central angle of 23°49'55",

and a long chord bearing N5°14'12"W, 71.85 feet, and (9) N6°40'45"E, 55.35 feet, and (10) along a tangent curve to the left, 58.93 feet, said curve having a radius of 91.65 feet, a central angle of 36°50'27" and a long chord bearing N11°44'29"W, 57.92 feet, and (11) N30°09'42"W, 164.29 feet and (12) N59°50'28"E, 12.79 feet to the Point of Beginning and containing 2.906 acres.

Washington Boulevard (from Civic Center Drive to West Jefferson Avenue)

Land in the City of Detroit, County of Wayne, State of Michigan, "Being part of Lot H, in resubdivision of part of Welle's and Military Tract between Jefferson Avenue, Woodbridge, Wayne and Cass", as recorded in Liber 2, Page 13 of Plats, Wayne County Records; also part of Wayne Street, 50 feet wide, (previously vacated) adjacent to the above Lot, within the bounds of the following more particularly described parcel:

Commencing at the intersection of the West line of First Street (60 feet wide) with the North line of said Congress Street, 60 feet wide, said point also being the Southeast corner of Lot 12 of Block 13 of Map of the Western Addition to the City of Detroit as surveyed into Lots by John Mullett, Surveyor, as recorded in Liber 7, Page 164 of the City Records, Wayne County Records; Thence S59°51'24"W, 120.91 feet along the North Line of said Congress Street; Thence S30°09'42"E, 60.00 feet to a point on the South line of said Congress Street; Thence N59°51'24"E, 754.29 feet along said South line to a point on the West line of Washington Boulevard (variable width); Thence S30°09'06"E, 731.29 feet along said West line to the point of beginning on the South line of Jefferson Avenue (210 feet wide) extended; Thence N59°50'26"E, 92.16 feet along said South line; Thence S30°31'44"E, 77.25 feet; Thence S59°50'26"W, 92.67 feet to a point on the West line of said Washington Boulevard extended; thence N30°09'06"W, 77.25 feet along said line to the Point of Beginning and Containing 0.164 Acres.

Civic Center Drive (from new dedicated Washington Boulevard to Civic Center Drive)

Land in the City of Detroit, County of Wayne, State of Michigan, being part of Lots 37 and 38 of the Plan of Section 3 of the Governor and Judges Plan, as recorded in Liber 34, Page 548 Deeds, Wayne County Records; also part of the "Audrain Lot" of part of Section 3 of the Governor and Judges Plan of the City of Detroit, as recorded in Liber 1, Page 290 of Plats, Wayne County Records; within the bounds of the following more particularly described parcel; Commencing at the intersection of West line of First Street (60 feet wide) with the North line of said

Congress Street (60 feet wide) said point also being the Southeast corner of Lot 12 of Block 13 of "Map of the Western Addition to the City of Detroit as surveyed into Lots by John Mullett, Surveyor", as recorded in Liber 7, Page 164 of City Records, Wayne County Records; Thence S59°51'24"W, 120.91 feet along the North line of said Congress Street; Thence S30°09'42"E, 60.00 feet to a point on the South line of said Congress Street; Thence N59°51'24"E, 754.29 feet along said South line to a point on the West line of Washington Boulevard (variable width); Thence S30°09'06"E, 808.54 feet along said West line; thence N59°50'26"E, 92.67 feet to the Point of Beginning; Thence N30°31'44"W, 45.93 feet; Thence along a non-tangent curve to the left, 15.64 feet, said curve having a radius of 10.00 feet, a central angle of 89°37'50" and a long chord bearing S75°20'39"E, 14.10 feet; Thence N59°50'26"E, 7.26 feet to a point on the Southwest line of existing Civic Center Drive, as established by City Council and recorded in J.C.C. 1972, Page 2320; Thence along the South and Southwest line of said existing Civic Center Drive along a non-tangent curve to the left, 71.63 feet, said curve having a radius of 63.33 feet, a central angle of 64°48'07", and a long a chord bearing S88°07'56"E, 67.87 feet; Thence S59°50'26"W, 74.50 feet to the Point of Beginning and Containing 0.028 acres.

Provided, That any and all existing encroachments (overhead and underground) will be the sole responsibility of the current user and/or abutting property owners, also said existing encroachments (overhead and underground) will follow and/or be held to same rules, regulations, liability and standards as stated in the City Code for typical right-of-way encroachments in the City of Detroit; and further

Provided, That the entire work is to be performed in accordance with plans and specifications approved by CED and constructed under the inspection and approval of CED; and further

Provided, That the entire cost of the proposed dedication/widen construction, including inspection, survey and engineering shall be borne by the petitioner; and further

Resolved, Land in the City of Detroit, County of Wayne, State of Michigan, being part of Civic Center Drive, as established by City Council and recorded in J.C.C. 1972, Page 2320, said part of Civic Center Drive being part of Lots 1, 2 and 3 of "Plat of the Kinzie or Forsythe Lot", as recorded in Liber 38, Page 1 of Deeds, Wayne County Records; Also part of Lot 37 of the Plan of Section 3 of the Governor and Judges Plan, as recorded in Liber 34, Page 548 of Deeds, Wayne County Records; also part of the "Audrain Lot" of part of Section 3 of the Governor

and Judges Plan of the City of Detroit, as recorded in Liber 1, Page 290 of Plats, Wayne County Records; also part of a 20 foot wide alley adjacent to the above Lots within the bounds of the following more particularly described parcel:

Commencing at the intersection of West Line of First Street, 60 feet wide, with the North line of said Congress Street, 60 feet wide, said point also being the Southeast corner of Lot 12 of Block 13 of "Map of the Western Addition to the City of Detroit as surveyed into Lots by John Mullett, Surveyor, as recorded in Liber 7, Page 164 City Records, Wayne County Records; Thence S59°51'24"W, 120.91 feet along the North line of said Congress Street; Thence S30°09'42"E, 60 feet to a point on the South line of said Congress Street; Thence N59°51'24"E, 754.29 feet along said South line to a point on the West line of Washington Boulevard, variable width; Thence S30°09'06"E, 731.29 feet along said West line to a point on the South line of Jefferson Avenue, 210 feet wide, extended; Thence N59°50'26"E, 99.04 feet along said line to the Point of Beginning; Thence continuing N59°50'26"E, 46.96 feet along said line; Thence along a non-tangent curve to the left, 57.53 feet, said curve having a radius of 27.30 feet, a central angle of 120°44'19" and a long chord bearing S59°46'57"E, 47.46 feet; Thence S59°50'26"W, 59.84 feet; Thence along a non-tangent curve to the right, 15.41 feet, said curve having a radius of 63.33 feet, a central angle of 13°56'43", and a long chord bearing N48°45'30"W, 15.38 feet; Thence N42°09'34"W, 27.28 feet to the Point of Beginning and Containing 0.041 Acres.

Be and the same is hereby vacated as a public alley 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 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, concrete slabs or driveways, 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 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 an easement, the full width of the existing right-of-way, is reserved for the Detroit Water and Sewerage Department for the purpose of installing, maintaining, repairing, removing, or replacing any sewers, water mains, fire hydrants and appurtenances, with the right of ingress and egress at any time to, and over said easement for the purpose above set forth; and be it further

Provided, That no structures or barricades can be built over Public Lighting Departments (PLD) installations or on existing utility easement areas. As per PLD requirements, any structure proposed to be built shall maintain a 10 feet horizontal clearance from the overhead PLD lines and installations Any structure proposed to be built shall maintain a minimum of three feet horizontal and 12-inch

vertical clearances from the PLD conduit bank and manholes. The contractor and/or petitioner should take necessary precautions not to damage PLD's utilities; and be it further

Provided, That free and easy access to the sewers, water mains, fire hydrant and appurtenances within the easement is required for Detroit Water and Sewerage Department equipment, including the use of backhoes, bull dozers, cranes or pipe trucks, and other heavy construction equipment, as necessary for the alteration or repair of the sewer or water main facilities; and be it further

Provided, That the Detroit Water and Sewerage Department retains the right to install suitable permanent main location guide post over its water mains at reasonable intervals and at points deflection; and be it further

Provided, That said owners of the adjoining property, for themselves, their heirs and assigns, agree that no building or structure of any nature whatsoever, including fences, porches, patios, balconies, etc., shall be built upon or over said easement, or that no grade changes or storage of materials shall be made within said easement without prior written approval and agreement with the Detroit Water and Sewerage Department; and be it further

Provided, That if at any time in the future, the owners of any lots abutting on said vacated street shall request the removal and/or relocation of the aforementioned utilities in said easement, such owners shall pay all costs incidental to such removal and/or relocation. It is further provided that if sewers, water mains, and/or appurtenances in said easement shall break or be damaged as a result of any action on the part of the owner, or assigns, then in such event, the owner or assigns shall be liable for all costs incidental to the repair of such broken or damaged sewers and water mains, and shall also be liable for all claims for damages resulting from his action; and be it further

Provided, That if it becomes necessary to remove the paved alley return at the entrances (into West Jefferson), 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 abutting owner(s), their heir or assigns; 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.

Resolved, The Planning and Development Department Director is hereby authorized to issue quit-claim deeds to transfer the following described parcel of land for the fair market value and/or other valuable consideration:

Resolved, Land in the City of Detroit, County of Wayne, State of Michigan, being part of Civic Center Drive, as established by City Council and recorded in J.C.C. 1972, Page 2320, said part of Civic Center Drive being part of Lots 1, 2 and 3 of "Plat of the Kinzie or Forsythe Lot", as recorded in Liber 38, Page 1 of Deeds, Wayne County Records; Also part of Lot 37 of the Plan of Section 3 of the Governor and Judges Plan, as recorded in Liber 34, Page 548 of Deeds, Wayne County Records; Also part of the "Audrain Lot" of part of Section 3 of the Governor and Judges Plan of the City of Detroit, as recorded in Liber 1, Page 290 of Plats, Wayne County Records; also part of a 20 foot wide alley adjacent to the above Lots, within the bounds of the following more particularly described parcel:

Commencing at the intersection of West Line of First Street, 60 feet wide, with the North line of said Congress Street, 60 feet wide, said point also being the Southeast corner of Lot 12 of Block 13 of "Map of the Western Addition to the City of Detroit as surveyed into Lots by John Mullett, Surveyor, as recorded in

Liber 7, Page 164 City Records, Wayne County Records; Thence S59°51'24"W, 120.91 feet along the North line of said Congress Street; Thence S30°09'42"E, 60 feet to a point on the South line of said Congress Street; Thence N59°51'24"E, 754.29 feet along said South line to a point on the West line of Washington Boulevard, variable width; Thence S30°09'06"E, 731.29 feet along said West line to a point on the South line of Jefferson Avenue, 210 feet wide, extended; Thence N59°50'26"E, 99.04 feet along said line to the Point of Beginning; Thence continuing N59°50'26"E, 46.96 feet along said line; Thence along a non-tangent curve to the left, 57.53 feet, said curve having a radius of 27.30 feet, a central angle of 120°44'19" and a long chord bearing S59°46'57"E, 47.46 feet; Thence S59°50'26"W, 59.84 feet; Thence along a non-tangent curve to the right, 15.41 feet, said curve having a radius of 63.33 feet, a central angle of 13°56'43", and a long chord bearing N48°45'30"W, 15.38 feet; Thence N42°09'34"W, 27.28 feet to the Point of Beginning and Containing 0.041 Acres.

