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**City Planning Commission**

May 12, 1988

Honorable City Council:

Re: Petition #1902 — Community and Economic Development Department — Requesting the portion of Orleans St. between Erskine and Wilkins be vacated. (Recommend Approval.)

The Community and Economic Development Department (CEDD) has requested Your Honorable Body to approve the above-noted street vacation with utility easement. If this request is approved, this vacation will continue the process of land consolidation within the Wholesale Distribution Center urban renewal project area.

CEDD has indicated that the land on both sides of Orleans St. is owned by the City of Detroit. The approved Wholesale Distribution Center urban renewal project plan also indicates that this portion of Orleans St. is to be vacated with a utility easement.

Our site review indicates vacant land or deteriorated buildings scheduled for demolition on the east and west sides of Orleans between Erskine and Wilkins.

In our opinion, this street vacation will act to consolidate property as planned in the Wholesale project area while allowing adequate vehicular circulation on the surrounding streets. For these reasons, CPC staff recommends that this request be granted subject to positive recommendations by all concerned parties and subject to provisions of the resolution to be provided by the City Engineering Department.

Respectfully submitted,

MARCUS D. LOPER

Deputy Director

SHARON B. McDONNELL

Staff

**City Engineering Department**

October 23, 1989

Honorable City Council:

Re: Petition No. 1902, Community and Economic Development Department Wholesale Distribution Center Rehabilitation Project, Street to Easement, Orleans between Wilkins and Erskine.

To develop properties in Wholesale Distribution Center Rehabilitation Project it is necessary to convert Orleans Street, 40 and 50 feet wide, between Wilkins and Erskine Streets into an easement for public utilities.

The public street closing was approved by the Department of Transportation.

Provisions protecting utility installations are part of the resolution.

Satisfactory arrangements have been made with all City departments and privately-owned utility companies.

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

Respectfully submitted,

CLYDE R. HOPKINS

Director

By Council Member Collins:

Resolved, All that part of Orleans Street, 40 and 50 feet wide, lying between and abutting the south line of Erskine Street (40 feet wide), and the north line of Wilkins Street (65 feet wide); a part of said Orleans Street (40 and 50 feet wide) having been opened on February 14, 1899 (J.C.C. page 71) through part of the southerly 342.10 feet of Outlot 6 of the "Subdivision of the Rear of the A. Dequindre Farm for the Administration of the Estate of Antoine Rivard", City of Detroit, Wayne County, Michigan as recorded on March 25, 1844 in Liber 15, Pages 348 and 349, (Chy. File #3235) City Records; also a part of said Orleans Street (40 feet wide) lying westerly of and abutting the west line of the north 16.00 feet of Lot 23, and the west line of Lot 24; also lying easterly of and abutting the east line of the north 56.30 feet of Lot 22 of "Lingeman's Subdivision of part of Outlot

7, Dequindre Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 240, Plats, Wayne County Records;

Be and the same is hereby vacated as a public street and is hereby converted into a public easement 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 tasks, 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 (except necessary line fence) shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering Department.

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 be it further

Resolved, Pursuant to the Court ruling in Center Line v. Michigan Bell Telephone Co., 26 Mich. App 659 (1970), aff. 387 Mich. 260 (1972), the Community and Economic Development Department is hereby authorized to process billings from utility companies and others for the relocation of their equipment in connection with this urban renewal project; and further

Provided, That a certified copy of this resolution shall be recorded (by the Community and Economic Development Department) with the Wayne County Register of Deeds.

Adopted as follows:

Yeas — Council Members Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 8.

Nays — None.

*Nov. 8, 1989*

*J.C.C. Pgs. 2582-84*

PETITION NO. 1902  
C.B.E.D.D.  
% R. RYBINSKI  
PHONE: 224-2304

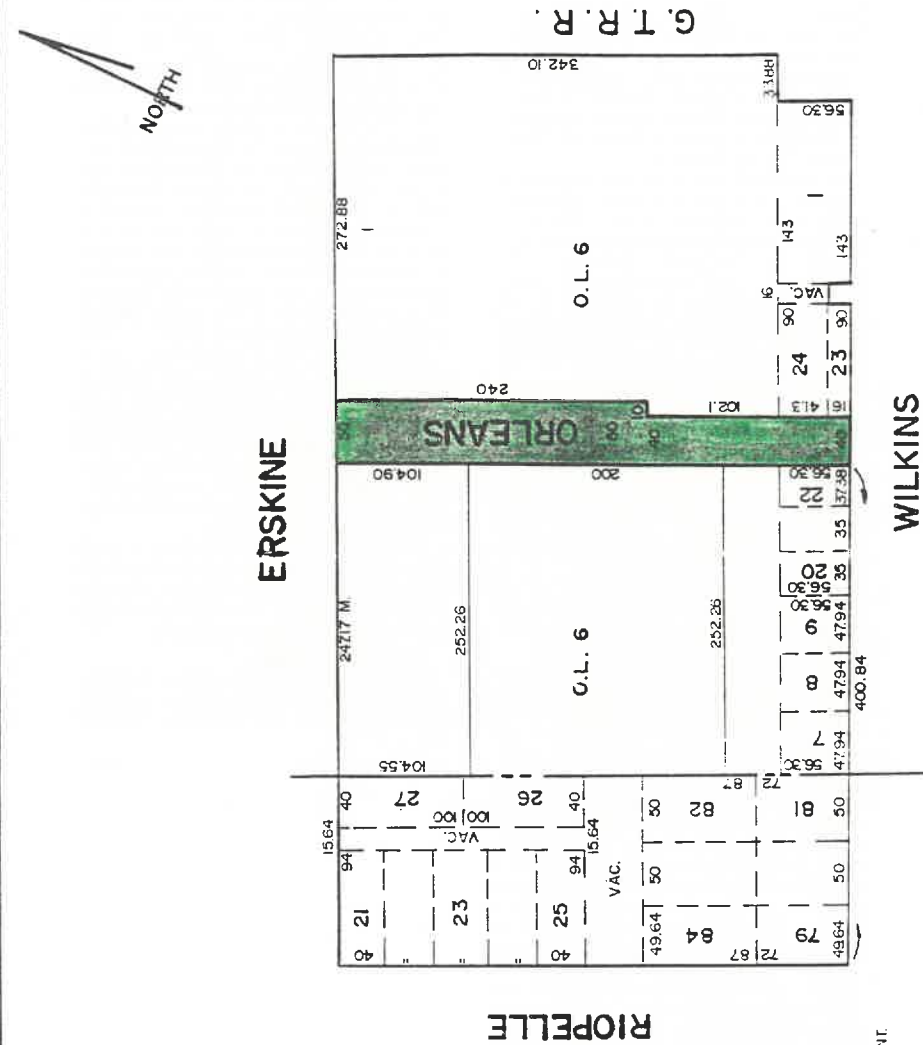
OUTLOT 6  
LINGEMANS SUBN OF PART OF O.L. 7

CARTO. NO. 39C

REQUESTED CONV. TO EASEMENT OF ORLEANS BTWN WILKINS  
& ERSKINE.

SCALE \_\_\_\_\_ DATE 5/18/88

Form C of C-346 SH-A



**WILLTESTED CONV. TO EASEMENT.**

	DESCRIPTION	DWG.	S.D.	APP.	DATE	DESIGNED BY	CHECKED BY
E						JAMES F. DRAWINGS	
F						BY	
G						TRACED BY	
H							
I							
A							

**APPROVED:**

CITY OF DETROIT

REQUESTED CONV. TO EASEMENT OF ORLEANS BTWN WILKINS  
& ERSKINE.

SCALE \_\_\_\_\_ DATE 5/18/88

Form C of C-346 SH-A