

7

City Engineering Department

February 13, 1989

Honorable City Council:

Re: Petition No. 2704 — Selden Court Non-Profit Housing Corp (C. & E.D.D.): Street to Easement — Harrison between Brainard and Magnolia; also Correction of Resolution — Alleys to Vacation in the block bounded by Rosa Parks, Harrison, Brainard, and Magnolia.

To develop a parcel in Selden Court Rehabilitation Project it is necessary to convert Harrison Avenue, 65 feet wide, between Brainard and Magnolia Streets into an easement for public utilities.

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

City departments and privately-owned utility companies have reported no objection to the conversion of public right-of-way into a utility easement. Provisions protecting utility installations are part of the resolution.

Also, Petition No. 2759 of the Community and Economic Development Department (Selden Court Rehabilitation Project; vacating all of the public alleys in the block bounded by Rosa Parks Boulevard, Harrison Avenue, Brainard and Magnolia Streets) was granted by your Honorable Body on July 15, 1987 (J.C.C. pages 1613-14).

However, an error in the legal description will require correction.

An appropriate resolution (granting the public street closing, and correcting the legal description) is attached for consideration by your Honorable Body.

Respectfully submitted,

CLYDE R. HOPKINS
Director

By Council Member Ravitz:

Resolved, All of Harrison Avenue, 65 feet wide, between Brainard and Magnolia Streets lying easterly of and abutting the east line of Lots 1 to 4; also lying westerly of and abutting the west line of Lots 5 to 8 as platted in "Dickinson's Subdivision of the Southerly 119.72 feet of the Westerly 397.84 feet of Out Lot 10, Subdivision of the Rear Concession to Private Claim 27," City of Detroit, Wayne County, Michigan as recorded in Liber 9, Page 96, Plats, Wayne County Records; also lying easterly of and abutting the east line of Lots 489 to 492; also lying westerly of and abutting the west line of Lots 493 to 496 as platted in "Crane and Wesson's Section of the Jones Farm, so-called, being a subdivision of Lots 5 and 6 in the plat of the division between the heirs of Louis Lignon on the Lignon Farm, so-called, lying North of the Chicago Road and known as Private Claim 27 confirmed by Jacques Peltier," City of Detroit, Wayne County, Michigan as recorded in Liber 2, Page 5, 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 or 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 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 any change of surface grade made, without 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 further

Provided, That a certified copy of this resolution shall be recorded with the Wayne County Register of Deeds; and be it further

Resolved, That for the purpose of "correction," the legal description (part of the resolution adopted on July 15, 1987 — J.C.C. pages 1613 thru 1614, granting Petition No. 2759 of the Community and Economic Development Department; Selden Court Rehabilitation Project; Alleys to Vacation in the block bounded by Rosa Parks, Harrison, Brainard, and Magnolia) is hereby replaced as follows (corrections underlined):

"Resolved, All of the north-south public alley, 15 feet wide, in the block

bounded by Rosa Parks Boulevard, Harrison Avenue, Brainard and Magnolia Streets lying easterly of and abutting the east line of Lots 152 to 158, also lying westerly of and abutting the west line of Lot 151, the east-west public alley (20 by 30 feet wide), and Lot 159 all in the "Albert Crane's Section of the Thompson Farm, being part of Private Claim No. 227, late Springwells," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 11, Plats, Wayne County Records; also

All of the east-west public alley, 20 and 30 feet wide, in the block bounded by Rosa Parks Boulevard, Harrison Avenue, Brainard and Magnolia Streets lying southerly of and abutting the south line of Lots 149 to 151, also lying northerly of and abutting the north line of Lots 159 to 161 all in the "Albert Crane's Section of the Thompson Farm, being part of Private Claim No. 227, late Springwells," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 11, Plats, Wayne County Records; also

All of the north-south public alley, 14 feet wide, in the block bounded by Rosa Parks Boulevard, Harrison Avenue, Brainard and Magnolia Streets lying westerly of and abutting the west line of Lots 1 to 4 of "Dickinson's Subdivision of the Southerly 119.72 feet of the Westerly 397.84 feet of Out Lot 10, Subdivision of the Rear Concession to Private Claim 27," City of Detroit, Wayne County, Michigan as recorded in Liber 9, Page 96, Plats, Wayne County Records; also lying westerly of and abutting the west line of Lots 489 to 492 of "Crane and Wesson's Section of the Jones Farm, so-called, being a subdivision of Lots 5 and 6 in the plat of the division between the heirs of Louis Lignon on the Lignon Farm, so-called, lying North of the Chicago Road and known as Private Claim 27 confirmed to Jacques Peltier," City of Detroit, Wayne County, Michigan as recorded in Liber 2, Page 5, Plats, Wayne County Records; also lying easterly of and abutting the east line of Lot 149, the east-west public alley (20 and 30 feet wide), and Lot 161 all in the "Albert Crane's Section of the Thompson Farm, being part of Private Claim 227, late Springwells," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 11, Plats, Wayne County Records;"

Adopted as follows:

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

Nays — None

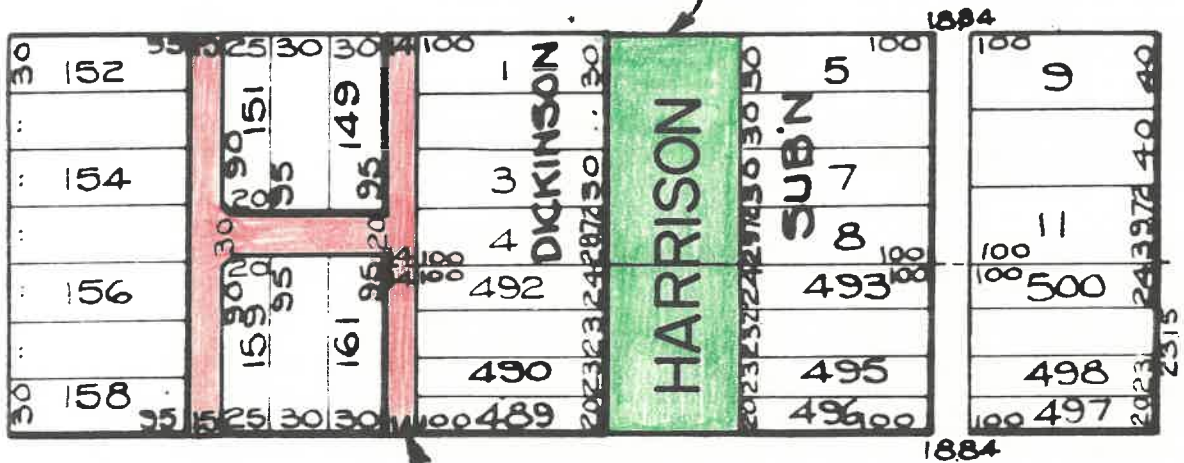
Council Member Hood abstained from voting due to a possible conflict of interest

MARCH 1, 1989

J.C.C. PG. 498-99

MAGNOLIA

STREET TO EASEMENT



COCHRANE

BRAINARD

CORRECTIONS FOR
ALLEYS TO VACATION

PET. NO. 2704
CARTO NO. 19-A