

City Engineering Department

November 22, 1988

Honorable City Council:

Re: Addendum to Petition No. 1657, Grixdale Park Property Owner's Association, Inc. Requesting conversion to easement of berm area property near the northeast corner of Dequindre and E. Nevada to acquire ownership.

Grixdale Park's berm use request (Petition No. 1657) was approved by your Honorable Body on January 13, 1988 (J.C.C. pp. 81-83). Under the authority of the berm use permit, the petitioner developed a historical mini-park. Grixdale Park received a grant from the Michigan Chamber of Commerce for the construction.

However (to retain State funds), Grixdale Park must acquire ownership of the developed berm area from the City. In 1929, the property was taken for the relocation/widening of E. Nevada Avenue between Dequindre and St. Aubin. The referenced berm property is a part of public right-of-way.

Therefore, it is necessary to convert the referenced berm area (a part of public right-of-way) at the northeast corner of Dequindre Street and E. Nevada Avenue (variable width) into an easement for public utilities. This addendum to Petition No. 1657 requests the conversion into a utility easement, and the transfer of the referenced berm to "Grixdale Park Property Owner's Association, Inc." The petitioner (through the State) has submitted an addendum letter to the City Engineering Department.

The (addendum) request conversion into an easement for public utilities was approved by the Community and Economic Development Department. Also, the Department of Transportation reported, there are no plans to use the property for public street widening.

Because the referenced berm property was acquired by condemnation, Grixdale Park must reimburse the fair market value to the City. The Community and Economic Development Department — Real Estate Division has submitted a market value of \$2,900.00.

The City owns the berm property in fee. Therefore, the Finance Director must execute a quit-claim deed to transfer converted berm (right-of-way) to Grixdale Park Property Owner's Association, Inc.

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.

The adoption of the resolution (as an addendum) is recommended.

Respectfully submitted,

CLYDE R. HOPKINS

Director

By Council Member Mahaffey:

Resolved, All that part of the berm area near the northeast corner of Dequindre Street and E. Nevada Avenue (variable width; referenced in the City Council resolution adopted on January 13, 1988 — J.C.C. pp. 81 to 83; Petition No. 1657 of "Grixdale Park Property Owner's Association, Inc."), property described as follows:

Land in the City of Detroit, Wayne County, Michigan, being part of Lots 416, 417, 262 and 263 of the "Oakdale Subdivision of the West part of the Southwest ¼ of Section 7, Town 1 South, Range 12 East, Hamtramck Township," as recorded in Liber 29, Page 79, Plats, Wayne County Records, also that part of Nevada Avenue (as platted 65 feet

wide) and that part of the north-south public alley, 18 feet wide, adjoining said lots, all being more particularly described as follows: Beginning at the point of intersection of a line that is 70.00 feet northerly of and parallel with the southerly line of Nevada Avenue (as widened by City Council action November 26, 1929) with a line, 10.00 feet east of and parallel with the east line of Dequindre Street, 66 feet wide; thence North along said line to the intersection of the line 10.00 feet east of and parallel with the east line of said Dequindre Street, with a line 10.00 feet north of and parallel with the south line of Nevada Avenue, 65 feet wide (as platted); thence East along said line, 208.00 feet; thence South along the extension of the east line of said Lot 262, to the line 70.00 feet northerly of and parallel with the southerly line of Nevada as widened; thence Southwesterly along the line 70.00 feet northerly of the southerly line of Nevada as widened, to the point of beginning, containing 8,320 square feet or 0.191 acres more or less;

Be and the same is hereby vacated as public berm area and is hereby converted into a public easement of the full width of the berm area, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of said berm area 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 berm area 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 berm area 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 berm area 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, landscape plantings, a community "ID" marker, and a historical marker) shall be built or placed upon said easement, nor any change of surface grade made, without prior approval of the City Engineering Department,

FOURTH, that if the owners of said vacated berm area 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

PROVIDED FURTHER, That a certified copy of this resolution shall be recorded with the Wayne County Register of Deeds. The petitioner shall pay all incidental recording costs; and be it further

RESOLVED, The Finance Director is hereby directed to execute a quit-claim deed to transfer (for the price of \$2,900.00) the following converted public right-of-way to Grixdale Park Property Owner's Association, Inc.:

"Land in the City of Detroit, Wayne County, Michigan, being part of Lots 416, 417, 262 and 263 of the "Oakdale Subdivision of the West part of the Southwest ¼ of Section 7, Town 1 South, Range 12 East, Hamtramck Township," as recorded in Liber 29, Page 79, Plats, Wayne County Records, also that part of Nevada Avenue (as platted 65 feet wide) and that part of the north-south public alley, 18 feet wide, adjoining said lots, all being more particularly described as follows: Beginning at the point of intersection of a line that is 70.00 feet northerly of and parallel with the southerly line of Nevada Avenue (as widened by City Council action November 26, 1929) with a line, 10.00 feet east of and parallel with the east line of Dequindre Street, 66 feet wide; thence north along said line to the intersection of the line 10.00 feet east of and parallel with the east line of said Dequindre Street, with a line 10.00 feet north of and parallel with the south line of Nevada Avenue, 65 feet wide (as platted); thence East along said line, 208.00 feet; thence South along the extension of the east line of said Lot 262, to the line 70.00 feet northerly of and parallel with the southerly line of Nevada as widened; thence Southwesterly along the line 70.00 feet northerly of the southerly line of Nevada as widened, to the point of beginning, containing 8,320 square feet or 0.191 acres more or less; subject to an easement for public utilities."

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 9.

Nays — None.

NOV. 30, 1988

J.C.C. PGS. 2955-57

SEE ALSO

JAN. 13, 1988

J.C.C. PGS. 81-83

City Engineering Department
December 15, 1987

Honorable City Council:

Re: Petition No. 1657. Grixdale Park Property Owner's Association, Inc. Request to use (berm area) property near the northeast corner of Dequindre and Nevada to erect a historical monument and landscaped park.

Petition No. 1657 of Grixdale Park Property Owner's Association, Inc. requests permission to use (berm area) property near the northeast corner of Dequindre Street and E. Nevada Avenue (variable width) to erect a historical monument and landscaped mini-park.

The petitioner has obtained a grant from the State of Michigan-Chamber of Commerce to pay all necessary expenses.

A field investigation of the request was made by the City Engineering Department.

In compliance with City Council policy adopted on August 24, 1972 (J.C.C. pages 2195-97) the request was reviewed by the Berm Committee.

Plant materials and landscaping plans shall be subject to permit-review by the Recreation Department — Detroit Code Section 57-2-18. Tree plantings and placement of historical monument(s) with below grade footing(s) shall be subject to City department and privately-owned utility company clearance requirements from existing conduits, mains or service lines.

An appropriate resolution, granting the petition, is attached for consideration by your Honorable Body.

Respectfully submitted,
CLYDE R. HOPKINS
Director

By Council Member Kelley:

Resolved, The City Engineering Department is hereby authorized and directed to issue permits to Grixdale Park Property Owner's Association, Inc. to use a portion of berm area near the northeast corner of Dequindre Street and E. Nevada Avenue (variable width) to erect a historical monument and develop a landscaped mini-park; over property described as:

Land in the City of Detroit, Wayne County, Michigan, being part of Lots 416, 417, 262 and 263 of the "Oakdale Subdivision of the West part of the Southwest 1/4 of Section 7, Town 1 South, Range 12 East, Hamtramck Township" as recorded in Liber 29, Page 79, Plats, Wayne County Records, also that part of Nevada Avenue (as platted 65 feet wide) and that part of the north-south public alley, 18 feet wide, adjoining said lots, all being more particularly described as follows: Beginning at the point of intersection of a line that is 70.00 feet northerly of and parallel with the southerly line of Nevada Avenue (as widened by City Council action November 26, 1929) with a line, 10.00 feet east of and parallel with the east line of Dequindre Street, 66 feet wide; thence North along said line to the intersection of the line 10.00 feet east of and parallel with the east line of said Dequindre Street, with a line 10.00 feet north of and parallel with the south line of Nevada Avenue, 65 feet wide (as platted); thence East along said line, 208.00 feet; thence South along the extension of the east line of said Lot 262, to the line 70.00 feet northerly of and parallel with the southerly line of Nevada as widened; thence Southwesterly along the line 70.00 feet northerly of the southerly line of Nevada as widened, to the point of beginning, containing 8,320 square feet of 0.191 acres more or less;

Provided, The petitioner shall file with

the Finance Department an indemnity agreement in form approved by the Law Department, saving and protecting the City of Detroit harmless from any and all claims, damages or expenses that may arise by reason of the issuance of said permits and the faithful performance by the permittee of the terms thereof, and in addition to pay all claims, damages or expenses that may arise out of the maintenance of said permission; and

Provided, That such use of public property shall be under the rules and regulations of the City Engineering Department in conjunction with the Department of Transportation and the Community and Economic Development Department; and

Provided, the petitioner shall submit landscaping plans for permit-review to the Recreation Department in accord with Detroit Code Section 57-2-18; and

Provided, That any tree plantings and the placement of historical monument(s) with below grade footing(s) shall be subject to City department and private utility company clearance requirements from existing conduits, mains or service lines; and

Provided, The herein above described berm area shall be subject to the proper zoning or regulated use (Board of Zoning Appeals Grant) over the total width and length of said berm; and

Provided, That no building or structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, retaining or partition walls (except necessary line fence, landscape plantings approved by the Recreation Department, a community "ID" marker, and a historical marker) shall be built or placed upon said berm area, nor any change of surface grade made, without the prior approval of the City Engineering Department; and

Provided, The City of Detroit retains all rights and interests in the berm area. Further, the City and all utility companies retain their rights of ingress and egress to establish, maintain, inspect and service any utilities in or over said berm area. The utility companies shall use due care in crossing or use to perform the above mentioned tasks. Any property damaged by the utility companies (other than that specifically prohibited by this resolution) shall be restored to a satisfactory condition; and

Provided, Said berm use permission and permit issuance does not waive the rights of the City to use the area for street widening or other public purposes; and

Provided, The petitioner shall negotiate an occupancy agreement for payment of an annual private use (rental)

fee with the Community and Economic Development Department — Real Estate Division and the Law Department prior to the City Engineering Department issuing a berm use permit; and

Provided, That no rights in the public streets, alleys or other public places shall be considered waived by this permission. This private use of public right-of-way is a conditional encroachment-grant. Encroachments and all obstructions must be removed by the permittee at any time when directed by the City Council. The public property shall be restored to a condition satisfactory to the City Engineering Department by the petitioner at the petitioner's expense; and

Provided, This resolution is revocable at the will, whim or caprice of the City Council, and the permittee waives any right to claim damages or compensation. Further, the permittee acquires no implied or other privileges not expressly stated herein; and

Provided, That this permit shall not be assigned or transferred without the written approval of the City Council; and

Provided, That a certified copy of this resolution shall be recorded with the Wayne County Register of Deeds. The petitioner shall pay all incidental recording costs.

Adopted as follows:

Yeas — Council Members Collins, Eberhard, Hood, Kelley, Peoples, Ravitz and President Henderson — 7.

Nays — None.

*RECONSIDERATION (No. 7), per Motions before Adjournment.

JAN. 13, 1988

J.C.C. PGS. 81-83

SEE ALSO

NOV. 30, 1988

J.C.C. PGS. 2955-57

PETITION NO. 1657. (ADDENDUM)
GRIKDALE PARK PROPERTY OWNERS ASSOCIATION
% OREAN HUDDLESTON
PHONE: 893-3045

ST. AUDIN

DEQUINDRE 66 FT. WD.

E. NEVADA (OLD - 65 FT. WD.)

138'

S 89° 24' E

208.00

E. NEVADA

(NEW/RELOCATED - 70 FT. WD.)

2.63

4.16

R 70.0'

R 120.8'

19.53

58.46

40.5'

908.1526
1176.7421

41.54

902.2175
1218.7416

97.07

97.6

16.8

4.4'

871.2005
1200.3514

REQUESTED BERM
CONV. TO EASEMENT

AREA BY SCALE = 8320 SQ. FT.
0.1910 AC. ±

OAKDALE SUB'N

CARTO. NO. 45 CED
SCALE: 1" = 40'

FOR OFFICE USE ONLY

DESCRIPTION	Drawn	Chkd	Appd	Date
REVISIONS				
DRAWN BY RRB/JDF	APPROVED			
TRACED BY	APPROVED			
CHECKED	APPROVED			
	CITY ENGINEER			

REQUESTED BERM USE
NEAR N/E CORNER OF
DEQUINDRE & E. NEVADA
TO ERECT HISTORICAL
MONUMENT AND LAND-
SCAPED MINI-PARK.
ADDENDUM-CONV. TO EASE.

CITY OF DETROIT
City Engineering

Job No. 01-01

Drwg. No. X-1657

Date 12-16-87