

**City Engineering Department**  
September 16, 1988

Honorable City Council:

Re: Petition No. 2340. Little Caesar Enterprises/Forbes Management Theatre District — Phase I Conversion to easement of Columbia between Park and Woodward; also portion of Columbia between Woodward and Witherell.

Petition No. 2340 of "Little Caesar Enterprises/Forbes Management" (Theatre District — Phase I) requests the conversion of Columbia Street, 50 feet wide, between Park and Woodward Avenues; also the conversion of a portion of Columbia Street, 50 feet wide, between Woodward Avenue and Witherell Street into easements for public utilities.

A "resolution of intent" (submitted by the Community and Economic Development Department) was adopted by your Honorable Body on August 3, 1988 (J.C.C. p. 2040).

The requested conversions into easements for public utilities were approved by the Community and Economic Development Department. The petition was referred to the City Engineering Department for investigation and report. This is our report:

The petitioner has deposited the following city department reimbursement cost:

Public Lighting Department: \$2,000.00. Receipt No. C-9373. Deposit for the estimated cost to remove 4 light poles in Columbia between Woodward and Witherell.

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

The adoption of the attached resolution is recommended.

Respectfully submitted,  
CLYDE R. HOPKINS  
Director

By Council Member Mahaffey:

RESOLVED, All of Columbia Street, 50 feet wide, lying between and abutting the east line of Park Avenue (60 feet wide) and the west line of Woodward Avenue (120 feet wide); lying southerly of and abutting the south line of the west 120.07 feet of Lot 9, and Lots 43 to 50; also lying northerly of and abutting the north line of the west 116.95 feet of Lot 8, and Lots 35 to 42 as platted in "A Plat of Park Lots 84, 85 and 86" as subdivided in May 7, 1835 by A. E. Hathon, City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 27, Deeds, Wayne County Records; also

All that part of Columbia Street, 50 feet wide, between Woodward Avenue and Witherell Street lying southerly of and abutting the south line of Lots 143 to 149; also lying northerly of and abutting the north line of Lots 89 to 95 of "Plat of William's Park Lots 1, 2, 3 and 4" as made and adopted by the Commissioners for the Partition of the Estate of John R. Williams (referred to in their partition) and their report duly filed in the City of Detroit, 1857, City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 39, Plats, Wayne County Records;

Be and the same are hereby vacated as public streets and are hereby converted into a public easement of the full width of the streets, 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 streets 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 streets 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, retaining or partition walls (except necessary line fence, lighting, paving, signage, landscaping and vehicular circulatory improvements as shown on preliminary drawings, submitted to the City Engineering Department, entitled "Theatre District Easement Agreement Plan" and "Forbes Super-block Plan — Sidewalk and Driveway Curb Cut Locations") shall be built or placed upon said easement, any change of surface grade shall be subject to the advance approval of the City Engineering Department and review by existing utilities.

Fourth, that if the owners of any lots abutting on said vacated streets 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, 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 Cleveland, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 8.

Nays — None.

SEPT. 21, 1988  
J.C.C. PGS. 2309-10

**ADDENDUM**

SEPT. 28, 1988.

J.C.C. PGS 2354-55  
(PAGE 1 OF 2)

**City Engineering Department**  
September 22, 1988

Honorable City Council:

Re: Petition No. 2340, Little Caesar Enterprises/Forbes Management Theatre District — Phase I Addendum — Alley to Easement east-west public alley in the block bounded by Park, Woodward, Elizabeth, and Columbia.

To develop the "Fox", "Palms" and "Gem" vicinity as a "Theatre District", a resolution closing portions of Columbia Street was adopted by your Honorable Body on September 21, 1988.

However, a public alley was omitted by error from the closing resolution. To consolidate properties (owned by the petitioners) linking the "Fox" to the "Palms" it is necessary to convert the east-west public alley, 10 and 20 feet wide, in the block bounded by Park and Woodward Avenues, Elizabeth and Columbia Streets into an easement for public utilities. The petitioner has submitted an addendum letter to the City Engineering Department.

The (addendum) requested conversion into an easement for public utilities was approved by the Community and Economic Development Department.

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

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

Respectfully submitted,  
E. M. KENNEDY for  
CLYDE R. HOPKINS  
Director

By Council Member Eberhard:

Resolved, All of the east-west public alley, 10 and 20 feet wide, in the block bounded by Park and Woodward Avenues, Elizabeth and Columbia Streets lying southerly of and abutting the south line of the west 111.02 feet of Lot 7, and Lots 35 to 42; also lying northerly of and abutting the north line of the west 110.40 feet of Lot 6, and Lots 27 to 34 as platted in "A Plat of Park Lots 84, 85 and 86" as subdivided in May 7, 1835 by A. E. Hathon, City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 27, Deeds, Wayne County Records;

Be and the same is hereby vacated as a public alley and is hereby converted into a public easement of the full width of the alley, 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

68

said alley 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 alley 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 alley 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 alley 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, retaining or partition walls, (except necessary line fence, lighting, paving, signage, landscaping and vehicular circulatory improvements as shown on preliminary drawings, submitted to the City Engineering Department, entitled "Theatre District Easement Agreement Plan") shall be built or placed upon said easement, any change of surface grade shall be subject to the advance approval of the City Engineering Department and review by existing utilities.

Fourth, that if the owners of any lots abutting on said vacated alley 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.

Adopted as follows:

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

Nays — None.

SEPT. 28, 1988  
J.C.C. PGS. 2354-55  
(PAGE 2 OF 2)

