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City Engineering Department

January 27, 1989

Honorable City Council:

Re: Petition No. 1145, Joe Muer's Restaurant Conversion to easement of the remaining street and alleys within the Muer's Oyster House, Inc., property at 2000 Gratiot.

Petition No. 1145 of "Joe Muer's Restaurant" requests the conversion of the remaining portions of public street (a triangular part of Waterloo Street, 50 feet wide), and alleys (the remaining parts of public alley being variable width, 15 and 20 feet wide) within the Muer's Oyster House, Inc. property at 2000 Gratiot Avenue into easements for public utilities.

The Muer's parcel was excepted from the public street and alley vacations adopted (in 1978) as part of Elmwood Park Rehabilitation Project No. 3.

The conversions 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:

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 is recommended.

Respectfully submitted,
CLYDE R. HOPKINS
Director

By Council Member Kelley:

Resolved, All that part of the remaining public street and public alleys within the Muer's Oyster House, Inc. parcel, located at the southeasterly corner of Gratiot Avenue and E. Vernor Highway (a/k/a 2000 Gratiot Avenue; being more particularly described later in this resolution), said public rights-of-way described as follows:

(1) a triangular part of remaining Waterloo Street 50 feet wide, west of St. Aubin Avenue (120 feet wide); also

(2) part of the remaining public alley, 15 feet wide and variable width, in the block bounded by Dequindre, St. Aubin, Waterloo, and Gratiot as opened on September 28, 1868 through Outlot 31 of the "Plat of the Subdivision of Private Claims 14 and 587 by J. Mullett, June 1847 for Basilique St. Aubin", City of Detroit, Wayne County, Michigan as recorded in Liber 31, Page 91, Deeds, Wayne County Records (excepting therefrom that part of said public alley vacated by City Council on December 2, 1913 — J.C.C. pages 1737 to 1738; also excepting therefrom that part of said public alley taken for the relocation-widening of St. Aubin Avenue, 120 feet wide); also

(3) part of the remaining public alley, 20 feet wide and variable width, in the block bounded by Dequindre, St. Aubin, Waterloo, Vernor, and Gratiot (excepting therefrom that part taken for E. Vernor Highway, as now established).

The above public rights-of-way are contained within the bounds of a land parcel, being more particularly described as:

Beginning at the intersection of the Southerly line of E. Vernor Highway (as now established) and the Westerly line of St. Aubin Avenue, 120 feet wide; thence along said Westerly line of St. Aubin Avenue 307.04 feet, on the arc of a curve to the right, with a radius of 520.00 feet, a delta angle of 33° 49' 51.8" and a long chord which bears S. 5° 15' 19" W., 302.60 feet; thence continuing along said Westerly line of St. Aubin Avenue, S. 22° 10' 15" W., 205.68 feet; thence N. 68° 35' 22" W., 63.85 feet, to the Southwesterly corner of the Easterly 6.50 feet of Lot 4 of "Kerger's Subdivision of Lots

7, 6 and part of 5, Block 11, Witherell Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 234, Plats, Wayne County Records; thence along the Westerly line of said Easterly 6.50 feet of Lot 4 of said "Kerger's Subdivision", N. 30° 07' 10" W., 142.52 feet; thence N. 45° 07' 43" W., 20.00 feet, to the Southeastery corner of Lot 10 of "Dutton and Dowlings Subdivision of Lots 12, 13, 14, 15 and 16, Block Eleven, Witherell Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 6, Page 36, Plats, Wayne County Records; thence along the Southerly line of Lot 10 of said "Dutton and Dowlings Subdivision", N. 60° 09' 46" W., 85.96 feet; thence along the Southeastery line of Gratiot Avenue, 120 Feet wide, N. 29° 35' 52" E., 257.28 feet; thence along the Southeastery line of Gratiot Avenue and the Southerly line of E. Vernor Highway (as widened and/or now established), along the next 5 courses: (1) N. 40° 54' 08" E., 26.31 feet, (2) N. 49° 00' 22" E., 25.98 feet, (3) N. 57° 00' 55" E., 27.69 feet, (4) N. 76° 04' 10" E., 27.99 feet, and (5) N. 86° 57' 14" E., 110.91 feet, to the point of beginning, containing 99,916.74 square feet or 2.29377 acres, more or less;

All of the above mentioned street and alleys appear in the following subdivisions:

(1) Anton Pulte's and Michel Beyer's Subdivision of the Northerly part of Section 31, St. Aubin Farm, City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 104, Plats, Wayne County Records; also

(2) Kerger's Subdivision of Lots 7, 6 and part of 5, Block 11, Witherell Farm, City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 234, Plats, Wayne County Records; also

(3) Dutton and Dowlings Subdivision of Lots 12, 13, 14, 15 and 16, Block Eleven, Witherell Farm, City of Detroit, Wayne County, Michigan as recorded in Liber 6, Page 36, Plats, Wayne County Records; also

(4) Pulte's Subdivision of part of Block No. 31 of the Subdivision of the St. Aubin Farm, City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 6, Plats, Wayne County Records; also

(5) Pulte's Subdivision of part of Out Lot 31, St. Aubin Farm, City of Detroit, Wayne County, Michigan as recorded in Liber 20, Page 48, Plats, Wayne County Records; also

(6) Plat of the Subdivision of Private Claims 14 and 587 as surveyed by J. Mullett, June 1847, for Basilique St. Aubin, City of Detroit, Wayne County, Michigan as recorded in Liber 31, Page 91, Deeds, Wayne County Records; also

(7) Plat of the Subdivision of Blocks 6, 7, 8, 9, 10, 11 and 13, Witherell Farm, City of Detroit, Wayne County, Michigan as recorded in Liber 34, Page 3, Deeds, Wayne County Records;

Be and the same are hereby vacated as public street and alleys and are hereby converted into a public easement of the full width of the street and alleys, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of said street and alleys 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 and alleys 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 or 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 street and alleys 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 (additional) partition walls (excepting therefrom any pre-existing conditions, before the date of adoption of this Council resolution, such as, line fence, partition walls, and parking lot surface) shall be built or placed upon said easement, any further changes of surface grade shall be subject to the review and approval of the City Engineering Department.

FOURTH, that if the owners of any lots abutting on said vacated street and alleys 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.

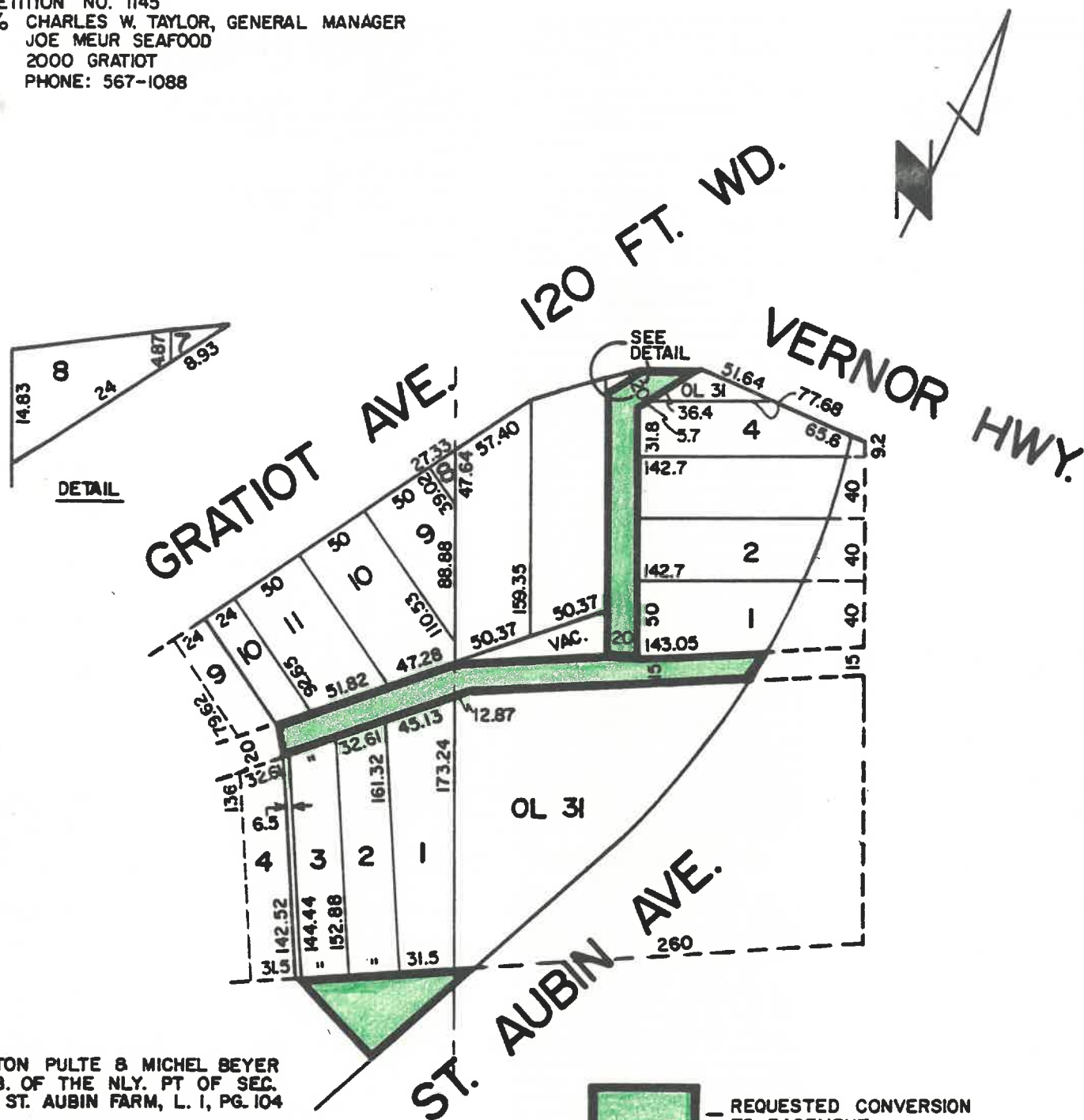
Adopted as follows:

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

Nays — None.

J.C.C. PG5. 321-23
FEB 8, 1989

PETITION NO. 1145
 % CHARLES W. TAYLOR, GENERAL MANAGER
 JOE MEUR SEAFOOD
 2000 GRATIOT
 PHONE: 567-1088



ANTON PULTE & MICHEL BEYER
 SUB. OF THE NLY. PT OF SEC.
 31, ST. AUBIN FARM, L. 1, PG. 104

PULTE'S SUB. OF PART OF BLK. 31
 OF THE SUB. OF ST. AUBIN FARM,
 L. 7, PG. 6

PULTE'S SUB OF PART OF OL 31,
 ST. AUBIN FARM, L. 20, PG. 48

PLAT OF THE SUB. OF P.C.s 14 & 587
 L. 31, PG. 91, DEEDS

REQUESTED CONVERSION
 TO EASEMENT

PETITION NO. 1145
 CARTO NO. 39-E
 DRWG. NO. X-1145

FOR OFFICE USE ONLY

B	REQUEST REVIS	CM	DM	1/89
	DESCRIPTION	Drwn	Chkd	Appd
REVISIONS				
DRAWN BY	APPROVED			
C. MACHLEIT				
TRACED BY	APPROVED			
CHECKED	APPROVED			
CITY ENGINEER				

REQUESTED EASEMENTS AT 2000
 GRATIOT (JOE MEUR'S PARCEL)

CITY OF DETROIT
 City Engineering

Job No. 01-01

Drwg. No. X-1145

Date 6-6-87