

49
City Engineering Department

November 6, 1989

Honorable City Council:

Re: Petition No. 2003. Shopper's Pride Food Center, Street to Easement, Portion of Lumley between Michigan and the Ford Fwy.

Petition No. 2003 of "Shopper's Pride Food Center" requests the conversion of a portion of Lumley Avenue, 50 feet wide between Michigan Avenue and the Edsel Ford Freeway into an easement for public utilities.

The City Planning Commission has submitted a favorable report and recommendation to your Honorable Body (dated June 6, 1988).

The requested conversion was approved by the Community and Economic Development Department and the Department of Transportation. 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(s) reimbursement costs:

Public Lighting Department (PLD): \$650.00. Receipt No. C-15977. Deposit to move and rehang one public street light on Lumley to another (public property) pole; labor by PLD.

Water and Sewerage Department (DWSD): \$12,500.00. Receipt No. C-15978. The estimated cost to relocate one hydrant from (to be vacated) Lumley to the northwest corner of Michigan and Lumley (as required by the Fire Department-Water Supply Division); labor by private contract, subject to DWSD (and M-DOT) plan review, permits, inspection and specifications. (Balance to be refunded by DWSD to the petitioner, following approved private contract hydrant installation.)

All other City departments and privately-owned utility companies have reported no objections 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 Hood:

Resolved, All that part of the easterly 42.00 feet of Lumley Avenue, 50 feet wide, between Michigan Avenue and the Edsel Ford Freeway lying westerly of and abutting the west line of Lot 5 of the "Plat of Latham and Quinn's Subdivision of Lot 6 and Easterly 22.13 feet of Lot 5 H. Haggerty's Subdivision of part of Private Claim 543 and Lots 14 and 15, Private Claim 60," City of Detroit, Wayne County, Michigan as recorded in Liber 21, Page 79, 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 alley in the City of Detroit, with the rights 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

Provided, That if it becomes necessary to remove (any part of) the paved street return at the entrance (into Michigan Avenue), such removal and construction of new curb and sidewalk shall be done under Michigan-Department of Transportation (M-DOT) permits, inspection, and specifications with all costs borne by the petitioner, their heirs or assigns; and

Provided, That the petitioner shall relocate one hydrant from said portion of Lumley Avenue to the northwest corner of Michigan and Lumley Avenues (as required by the Fire Department-Water Supply Division). The Fire Department shall approve the actual hydrant location. The hydrant relocation work shall be done by private contract with all costs borne by the petitioner (subject to Water and Sewerage Department and M-DOT plan review, permits, inspection and specifications); and

Provided, That the petitioner shall request a refund of the (\$12,500.00) deposit from the Water and Sewerage Department-Accounting Division (except that part as may be necessary to pay DWSD plan review, permit, and inspection fees), whenever the hydrant relocation is completed by private contract and approved (inspected) by the Water and Sewerage Department in conjunction with the Fire Department; and

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

Resolved, The Public Lighting Department is hereby directed to remove and rehang one public street light from said portion of Lumley Avenue to another (public property) pole.

Adopted as follows:

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

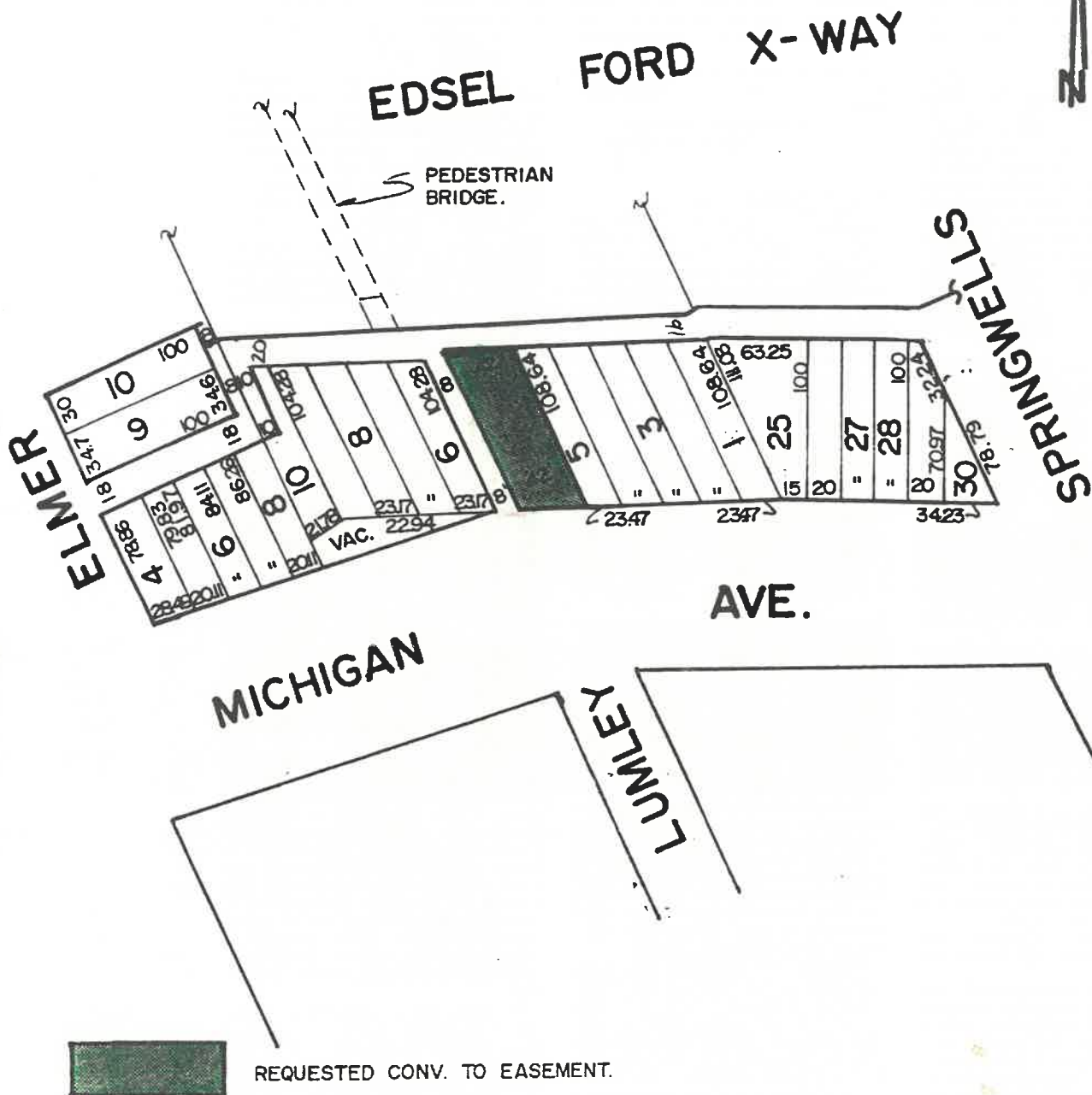
Nays — None.

DEC. 6, 1989

J.C.C. Pgs. 2795-96

PETITION NO. 2003
 SHOPPERS PRIDE FOOD CENTER, ET AL
 % STANLEY LITWA, ARCH.
 PHONE: 583- 4990

44



LATHAM & QUINN SUB'N

CARTO. NO. 5-F 4-A
 SCALE: 1" = 100'

B						REQUESTED CONV. TO EASEMENT OF THE EAST 42 FT. OF LUMLEY AVE. 50 FT. WD. IN THE AREA BND BY ELMER, SPRINGWELLS MICHIGAN, EDSEL FORD X-WAY, ALSO PORTION OF THE E/W ALLEYS 20 & 16 FT. WD.	CITY OF DETROIT CITY ENGINEERING DEPARTMENT	
A								
DESCRIPTION		DRWN	CHKD	APPD	DATE			
REVISIONS								
DRAWN BY		APPROVED					JOB NO. 01-01	
TRACED BY		APPROVED					DRWG. NO. X-2003	
CHECKED		APPROVED					DATE 8/29/88	