

City Engineering Department
July 26, 1989

Honorable City Council:

Re: Petition No. 2033. Michigan Bell Telephone Company, et al (Madison Office Building) Street and Alleys to Easement. Smith between Woodward and John R.; also portions of public alleys in the area bounded by Woodward, John R., Bethune and Chandler.

Petition No. 2033 of "Michigan Bell Telephone Company, et al — Madison Office Building" requests the conversion of Smith Avenue, 60 feet wide, between Woodward Avenue and John R. Street; also the conversion of portions of north-south and east-west public alleys (all 20 feet wide; several of said alleys having been temporarily closed until February 1, 1992, Petition No. 511 A & B of "The Lelli's Organization" granted by Council on January 28, 1987 — J.C.C. pp. 203-04) in the area bounded by Woodward Avenue, John R. Street, Bethune and Chandler Avenues into an easement for public utilities.

Michigan Bell plans to develop and share a landscaped and secured parking area. This petition is the first phase of a site development plan. The proposal expands New Center Revitalization concepts east of Woodward at no expense to the City.

The Community and Economic Development Department reports Michigan Bell has reached written agreement with "Lelli's", "Metropolitan Methodist Church", and other adjoining property owners.

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:

The Water and Sewerage Department will require unimpeded access to an existing 8-inch water main in Smith Avenue. The petitioner must maintain a 3.5 feet horizontal clearance between the water main and any parking lot appurtenances (e.g., guardhouses, tree planter boxes, lighting conduit or poles).

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 Mahaffey:

All of the remaining part of the east-west public alley, 20 feet wide, in the block bounded by Woodward Avenue, John R. Street, Bethune and Smith Avenues lying southerly of and abutting the south line of Lot 156; also lying northerly of and abutting the north line of Lot 157 of the Plat of William Y. Hamlin and S. J. Brown's Subdivision of Lots No. 3 and 4, Quarter Section 57, Ten Thousand Acre Tract, Hamtramck Township, City of Detroit, Wayne County, Michigan as recorded in Liber 8, Page 72, Plats, Wayne County Records; also

All of the north-south public alley, 20 feet wide, in the block bounded by Woodward Avenue, John R. Street, Bethune and Smith Avenues lying westerly of and abutting the west line of Lot 156; also lying westerly of and abutting the west line of the (remaining) east-west public alley, 20 feet wide (in the above mentioned block); also lying westerly of and abutting the west line of Lot 157; also lying easterly of and abutting the east line of Lots 4 to 9 of the Plat of William Y. Hamlin and S. J.

Brown's Subdivision of Lots No. 3 and 4, Quarter Section 57, Ten Thousand Acre Tract, Hamtramck Township, City of Detroit, Wayne County, Michigan as recorded in Liber 8, Page 72, Plats, Wayne County Records; also

All that part of the north-south public alley, 20 feet wide, first east of Woodward Avenue lying between the south line extended westerly of Clay Avenue (20 feet wide; as established on July 2, 1901 — J.C.C. pgs. 591-92), and the north line of Smith Avenue (60 feet wide) of the Plat of William Y. Hamlin and S. J. Brown's Subdivision of Lots No. 3 and 4, Quarter Section 57, Ten Thousand Acre Tract, Hamtramck Township, City of Detroit, Wayne County, Michigan as recorded in Liber 8, Page 72, Plats, Wayne County Records; also

All of Smith Avenue, 60 feet wide, lying between the east line of Woodward Avenue (100 feet wide), and the west line of John R. Street (60 feet wide); also lying southerly of and abutting the south line of Lot 10; also lying southerly of and abutting the south line of the north-south public alley (20 feet wide; in the block bounded by Woodward Avenue, John R. Street, Smith and Chandler Avenues); also lying southerly of and abutting the south line of

Lots 13 to 24; also lying northerly of and abutting the north line of Lots 145 to 156; also lying northerly of and abutting the north line of the north-south public alley (20 feet wide; in the block bounded by Woodward Avenue, John R. Street, Bethune and Smith Avenues); also lying northerly of and abutting the north line of Lot 9 of the Plat of William Y. Hamlin and S. J. Brown's Subdivision of Lots No. 3 and 4, Quarter Section 57, Ten Thousand Acre Tract, Hamtramck Township, City of Detroit, Wayne County, Michigan as recorded in Liber 8, Page 72, Plats, Wayne County Records;

Be and the same are hereby vacated as a 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 an 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 partition walls (excepting therefrom the parking lot

appurtenances shown on the plan entitled "Parking Lot Layout" by Wade-Trim Dziurman, Architects, Engineers, Planners; 155 Romeo Road, Rochester, MI 48063; submitted to the City Engineering Department on May 17, 1989 by Michigan Bell) shall be built or placed upon said easement, any 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, hydrants, 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, The petitioner shall maintain a 3.50 feet horizontal clearance between an existing 8-inch water main (in Smith Avenue) and any parking lot appurtenances (e.g., guardhouses, tree planter boxes, lighting conduit or poles) as required by the Water and Sewerage Department, and

Provided, That if it becomes necessary to remove the paved street or alley returns (into Woodward, John R., or Bethune) at the entrances, such removal and construction of new curb and sidewalk shall be done under City permit and inspection according to City Engineering Department specifications with all costs borne by the petitioner, their heirs or assigns; 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 Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 9.

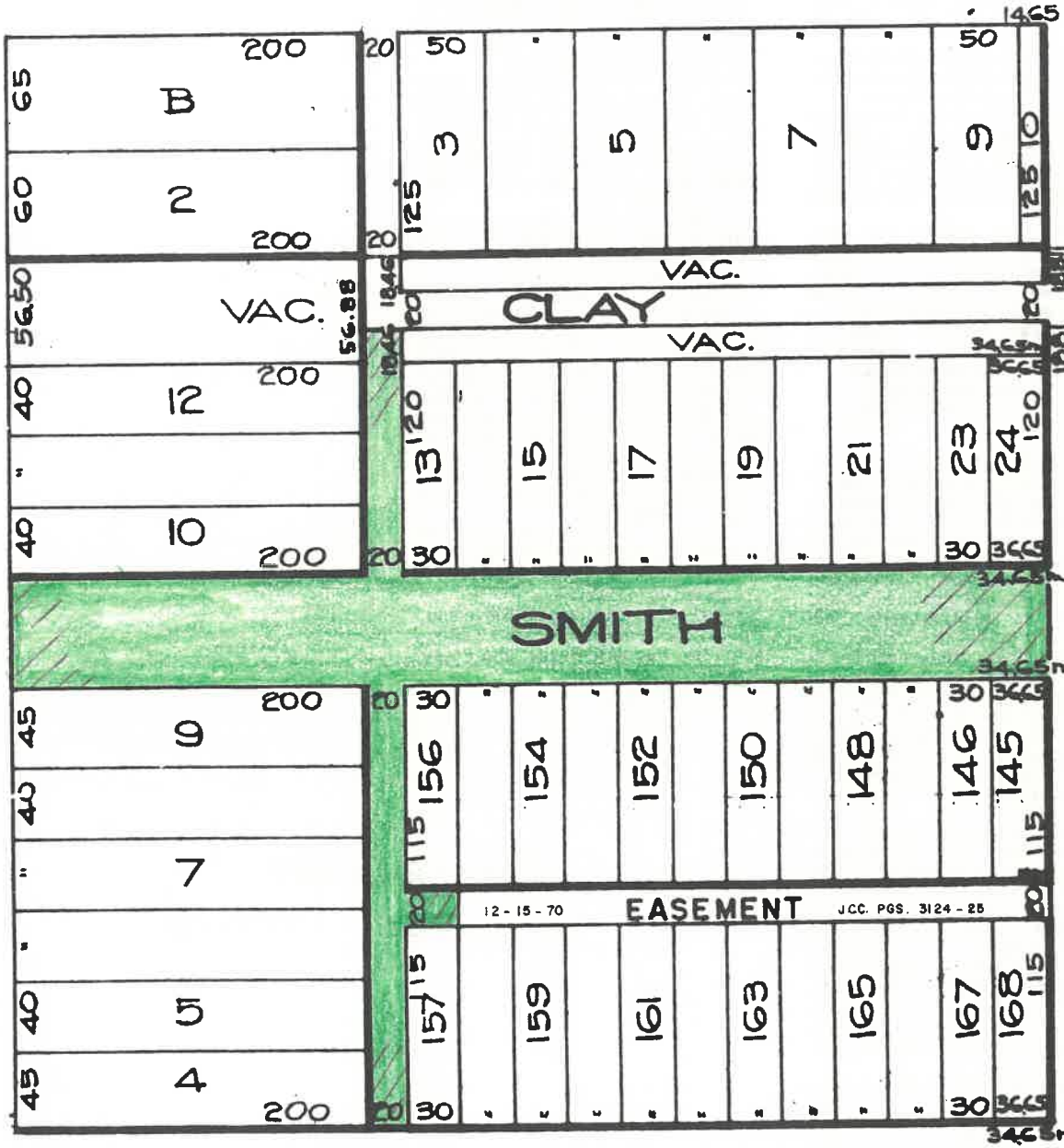
Nays — None.

AUG. 2, 1989
J.C.C. PGS. 1915-17



WOODWARD

CHANDLER



STREET AND ALLEYS
TO EASEMENT

PET. NO. 2033
CARTO NO. 31-A