

45
City Engineering Department
September 4, 1990

Honorable City Council:

Re: Petition No. 267, Comerica, Inc.,
Street and Alleys to Easement,
Brewster St. and adjoining public

alleys in the area bounded by Dubois, Chene, Gratiot and Wilkins.
Petition No. 267 of "Comerica, Inc." requests the conversion of Brewster Street, 50 feet wide, and the adjoining public alleys, 16 and 20 feet wide, in the area bounded by Dubois and Chene Streets, Gratiot and Wilkins Avenues into an easement for public utilities.

Comerica plans to develop parking area for a new bank branch. Also, the petitioner has reached written agreement with "Peoples Restaurant Equipment Company" and "Al's Loan Office", the other adjoining property owners at 2209 and 2309 Gratiot (respectively).

The Community and Economic Development Department has submitted a report (dated June 11, 1990) to your Honorable Body recommending the public street and alley closings. The petition was referred to the City Engineering Department for investigation (utility clearances) and report. This is our report:

The Fire Department will require the relocation of an existing hydrant from (to be converted) Brewster Street. At the time of application for a building permit, the Fire Marshal will determine the location for the new hydrant. However, if the hydrant is relocated to Gratiot Avenue, a State trunkline, permits will have to be obtained from the Michigan Department of Transportation. The petitioner must pay all expenses for the hydrant relocation work.

Further, the City owns a portion of the north-south public alley, 16 feet wide, in the block bounded by Dubois Street, Gratiot Avenue, and Brewster Street (outlet into Brewster) in fee. Therefore, the Finance Director must execute a quit-claim deed to convey a part of the converted public right-of-way to the petitioner.

Satisfactory agreement has been reached with Barden Cablevision regarding their installations therein. 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 Eberhard:

Resolved, All of Brewster Street, 50 feet wide, between Dubois Street and Gratiot Avenue lying southerly of and abutting the south line of Lots 1 to 4, Block 42; also lying northerly of and abutting the north line of Lots 6 to 9, Block 39, of the "Plat of the Subdivision of the West Half of Private Claim 91, from German Street (now Waterloo Street) to Railroad Street (now Watson Street), inclusive," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 283, Plats, Wayne County Records; also lying southerly of and abutting the south (and southeasterly) line of Lot 17, Block 25; also lying westerly of and abutting the west line of the north-south public alley, 20 feet wide,

(first northerly of and parallel to Gratiot Avenue between Brewster Street and Wilkins Avenue); also lying northerly of and abutting the north line of Lot 2, Block 25; also lying easterly of and abutting the east line of Lot 2, Block 25, of the "Subdivision of part of James Campau Farm, East Half of Private Claim 91," City of Detroit, Wayne County, Michigan as recorded in Liber 2, Page 18, Plats, Wayne County Records; also lying westerly of and abutting the west line of Lot 3 of the "Amended and Corrected Plat of Lots 3, 4, 5, 6, 7, 8, 9, 10 in Block 25, Subdivision of James Campau Farm, East Half of Private Claim 91," City of Detroit, Wayne County, Michigan as recorded in Liber 6, Page 22, Plats, Wayne County Records; also

All that part of the north-south public alley, 20 feet wide, first northerly of and parallel to Gratiot Avenue between Brewster Street and Wilkins Avenue lying southerly of and abutting the southeasterly line of Lot 18, Block 25, of the "Subdivision of part of James Campau Farm, East Half of Private Claim 91," City of Detroit, Wayne County, Michigan as recorded in Liber 2, Page 18, Plats, Wayne County Records; also lying northerly of and abutting the north line of Lots 3 to 6 of the "Amended and Corrected Plat of Lots 3, 4, 5, 6, 7, 8, 9, 10 in Block 25, Subdivision of James Campau Farm, East Half of Private Claim 91," City of Detroit, Wayne County, Michigan as recorded in Liber 6, Page 22, Plats, Wayne County Records; also

All of the north-south public alley(s), 16 feet wide, in the block bounded by Dubois Street, Gratiot Avenue, and Brewster Street part of said public alley (into Brewster Street) having been deeded to the City of Detroit on April 5, 1910 (J.C.C. pp. 532-33); also the remaining portion of said public alley (into Dubois Street) having been platted in Block 39 of the "Plat of the Subdivision of the West Half of Private Claim 91, from German Street (now Waterloo Street) to Railroad Street (now Watson Street), inclusive," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 283, Plats, Wayne County Records;

Be and the same are hereby vacated as public street and alleys 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 the lots abutting on 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 parking lot appurtenances, subject to the plan review and approval of any underground utilities; also except necessary line fence) 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, That the petitioner shall make application to the Buildings and Safety Engineering Department for a building permit. The Fire Marshal shall review building plans to determine the position of relocation of an existing hydrant from said vacated Brewster Street. The petitioner shall pay all costs incidental to such hydrant removal and/or relocation. Also, if it becomes necessary to relocate the hydrant into Gratiot Avenue permits must be obtained from the Michigan Department of Transportation; and

Provided, That if it becomes necessary to remove the paved street or alley returns (into Dubois) 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

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Provided, That if it becomes necessary to remove the paved street return (into Gratiot) at the entrance, such removal and construction of new curb and sidewalk shall be done under a permit and inspection from the Michigan Department of Transportation with all costs borne by the petitioner, their heirs or assigns; and

Provided, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds, and send a certified copy to the State Treasurer; and be it further

Resolved, The Finance Director is hereby directed to execute a quit-claim deed to transfer the following portion of vacated public (alley) right-of-way to "Comerica, Incorporated" (for the fair market value and/or other valuable considerations):

"Land in the City of Detroit, Wayne County, Michigan being part of Lots 5, 6 and 7, Block 39, of the 'Plat of the Subdivision of the West Half of Private Claim 91, from German Street (now Waterloo Street) to Railroad Street (now Watson Street), inclusive,' as recorded in Liber 1, Page 283, Plats, Wayne County Records; also being part of Rodier Lot,

north of Gratiot Avenue, prt of the West Half of Private Claim 91; (said portion of vacated public alley, into Brewster Street, having been deeded to the City of Detroit, and accepted by City Council on April 5, 1910 — J.C.C. pages 532 to 533), being more particularly described as follows:

Commencing at a point on the south line of Brewster Street (50 feet wide), 34.08 feet easterly from the intersection of the west line of Lot 6 with the southerly line of Brewster Street; thence S. 24° 55' E., 48.14 feet; thence S. 34° 44' W., 38.12 feet, to the west line of said Rodier Lot; thence S. 30° 41' W., 18.82 feet; thence N. 59° 19' W., 16.00 feet; thence N. 30° 41' E., 17.38 feet; thence N. 35° 55' E., 31.15 feet; thence N. 24° 55' W., 40.00 feet to the southerly line of Brewster Street; thence N. 64° 00' E., along said southerly line of Brewster Street, 16.00 feet to the point of beginning containing 1,433 square feet or 0.0329 acres more or less."

Adopted as follows:

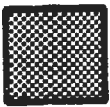
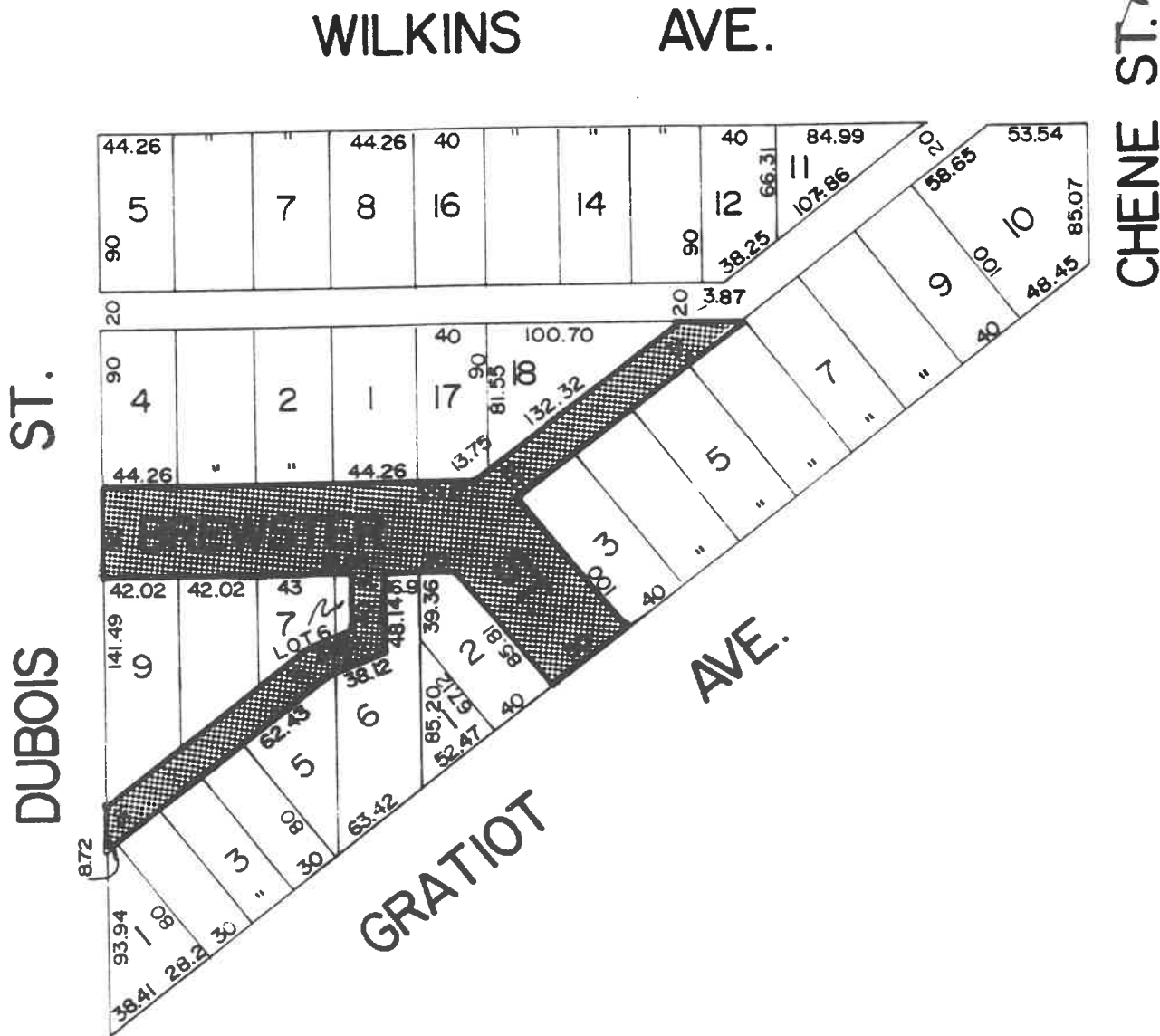
Yeas — Council Members Butler, Cleveland, Collins, Eberhard, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 9.

Nays — None.

*WAIVER OF RECONSIDERATION
(No. 18) per motions before Adjournment.

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PETITION NO. 267
COMERICA INC.
DETROIT, MI 48275-2210
% ROBERT W. REAS
PHONE: (313) 370-5598



REQUESTED AREA FOR CONV. TO EASEMENT

CARTO NO. 39E

SCALE: 1"=100'

| | | | | |
|-------------|--|----------|------|------|
| B | | | | |
| A | | | | |
| DESCRIPTION | | DRWN | CHKD | APPD |
| REVISIONS | | | | |
| DRAWN BY | | APPROVED | | |
| V. MARSHALL | | | | |
| TRACED BY | | APPROVED | | |
| CHECKED | | APPROVED | | |

REQUESTED AREA FOR CONV. TO ESM'T.
FOR UTILITIES INCLUDING
PORTIONS OF BREWSTER ST. (50 FT. WD.).
AND ALLEYS (16 FT. WD.)(20 FT. WD.) IN
THE AREA BND. BY DUBOIS, CHENE,
GRATIOT & WILKINS

CITY OF DETROIT
CITY ENGINEERING
DEPARTMENT

JOB NO. 01-01
DRWG. NO. X-267
DATE APR. 11, 90