

City Planning Commission

June 8, 1989

Honorable City Council:

Re: Petition #2730, Milford Fabricating Co., for vacation of triangular piece adjacent to Lot 40 in the vicinity of Westwood and Glendale Avenue.

Below is the CPC staff report regarding the above mentioned petition.

On or about October 5, 1965 the petitioner reports that Your Honorable Body dedicated a portion of Lot 40 in the B.E. Taylor's Consolidated Railroad Site Subdivision. The subject portion is at the northeast corner of Westwood and Glendale. This portion of the parcel is now a right-of-way owned by the City of Detroit.

At this time the subject portion is used as a parking lot for the adjacent business. The owner of the adjacent business parcel and lot 40 wishes to expand and rebuild a portion of its facilities. The business is interested in acquiring the subject parcel upon vacation by the City to accommodate its expansion.

Upon a site visit by CPC staff it appears that it is no longer necessary for the subject portion to remain right-of-way. CPC staff recommends approval of the proposed vacation upon approval of appropriate City departments, including City Engineering and affected utility companies.

Respectfully submitted,
MARSHA S. BRUHN,
Director
JOHN F. BARAN,
Staff

City Engineering Department

August 27, 1990

Honorable City Council:

Re: Petition No. 2730, Milford Fabricating Company, Street to Easement, triangular portion at the northeast corner of Westwood and Glendale.

Petition No. 2730 of "Milford Fabricating Company" requests the conversion of a triangular portion of public street right-of-way at the northeast corner of Westwood and Glendale Avenues into an easement for public utilities.

The original request for an outright vacation was approved by the Community and Economic Development Department. The petition was referred to the City Engineering Department for investigation (utility clearances) and report. This is our report:

The petitioner plans to secure a paved parking lot, including the referenced portion of public street right-of-way. Milford Fabricating has submitted an addendum letter to the City Engineering Department changing the petition from an outright vacation (requiring the relocation of utilities) to a request for conversion into a utility easement.

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.

An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,
CLYDE R. HOPKINS
Director

By Council Member Collins:

Resolved, All that part of a triangular-shaped portion of public street right-of-way at the northeast corner of Westwood and Glendale Avenues lying southwesterly of and adjoining the southwest line of Lot 40 as platted in "B. E. Taylor's Brightmoor Consolidated Railroad Sites Subdivision" lying South of Grand River Avenue, being a part of the Northwest Quarter of Section 26, Town 1 South, Range 10 East, Redford Township, City of Detroit, Wayne County, Michigan as recorded in Liber 52, Page 48, Plats, Wayne County Records; being more particularly described as follows: Commencing at the southeast corner of said Lot 40; thence S.89°27'45"W., 57.70 feet; thence N.0°49'50"W., 70.81 feet; thence S.38°27'28"E. 91.12 feet to the point of beginning containing 2,043 square feet or 0.0469 acres more or less;

Be and the same is hereby vacated as 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 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, 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, than in such event said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility, and further

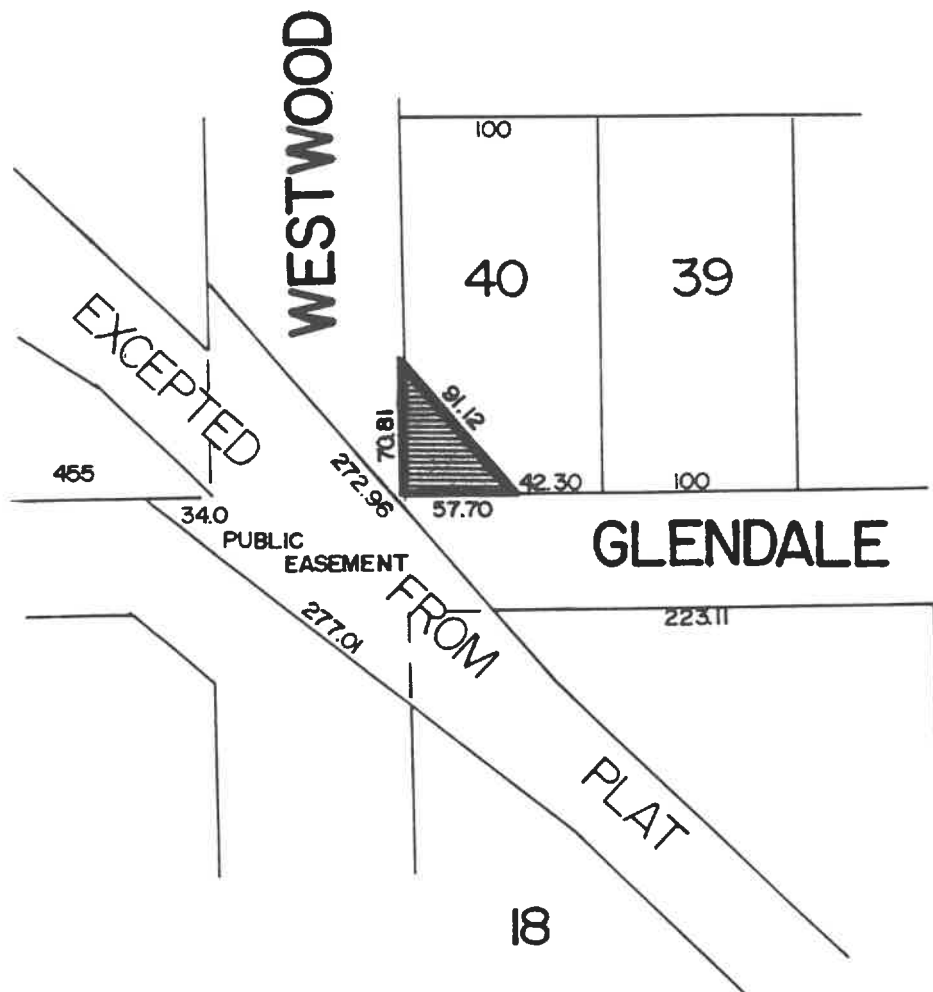
PROVIDED, That the City Clerk shall within 30 days, record a certified copy of this resolution with the Wayne County Register of Deeds, and send a certified copy to the State Treasurer.

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Collins, Hill, Hood, Kelley, Ravitz, and President Mahaffey — 8.

Nays — None.

SEPT. 12, 1990
J.C.C. PGS. 1899-1901



CARTO NO. 111A

SCALE: 1" = 100'

B										REQUESTED AREA FOR AN CONV. TO EASEMENT OF THE N/E CORNER IN THE BLK. BND. BY WESTWOOD, ARTESIAN, GLENDALE & DAVISON	CITY OF DETROIT
A											CITY ENGINEERING DEPARTMENT
DESCRIPTION		DRWN	CHKD	APPD	DATE						
REVISIONS											
DRAWN BY V. MARSHALL		APPROVED									JOB NO. 01-01
TRACED BY		APPROVED									DRWG. NO. X 2730
CHECKED		APPROVED									DATE JUN. 26, 89