

City Engineering Department
July 9, 1990

Honorable City Council:

Re: Petition No. 3048. John W. Vincent,
17304 Parkside Avenue, Street
Vacation and Easement, Santa
Maria between Parkside and Fair-
way Drive (a private street).

Petition No. 3048 of "John W. Vincent
(owner of 17304 Parkside Avenue)"
requests the conversion of a portion of
Santa Maria Avenue, 50 feet wide,
between Parkside Avenue and Fairway
Drive (a private street) into an easement
for public utilities; also the outright vaca-
tion of the remaining (10' x 129') portion
of said Santa Maria Avenue.

The unimproved (dead end) public
street right-of-way has been maintained
by the adjoining property owner since
1926 (estimate). The petitioner owns lots
on both sides of said Santa Maria Ave-
nue.

The requested conversion was
approved by the Community and Eco-
nomic Development Department. The
petition was referred to the City Engi-
neering Department for investigation and
report. This is our report:

The City Engineering Department has
made a field investigation of the request.
A sun porch and patio encroaches within
the public street right-of-way. Also, the
petitioner has a private asphalt driveway
across the public street right-of-way. Our
field survey notes (containing the exist-
ing encroachments) were reviewed by the
public and privately-owned utilities. The
outright vacation of a (10' x 129') portion
of the public street will remove an
encumbrance to any sale of the residen-
tial parcel.

The existing driveway is paved with
asphalt. The petitioner can be allowed to
maintain the existing driveway, but resur-
facing must be with asphaltic (or other
bituminous) material on an earth sub-
grade.

City departments and privately-owned
utility companies have reported no
objections to the outright vacation (of a
10' x 129' portion) and the conversion of
public rights-of-way into a utility ease-
ment. Provisions protecting utility instal-
lations are part of the resolution.

The adoption of the attached resolu-
tion is recommended.

Respectfully submitted,
CLYDE R. HOPKINS,
Director

By Council Member Cleveland:

Resolved, All that part of the north
10.00 feet of the west 129.00 feet of
Santa Maria Avenue, 50 feet wide, east
of Parkside Avenue lying southerly of
and abutting the west 129.00 feet of the
south line of Lot 652 as platted in "Golf
Club Addition of a Part of the West Half

of Section 10, Town 1 South, Range 11
East, Greenfield Township", City of
Detroit, Wayne County, Michigan as
recorded in Liber 37, Page 1, Plats,
Wayne County Records;

Be and the same is hereby vacated as
public (street) right-of-way to become a
part and parcel of the abutting property;
and be it further

Resolved, All that part of the south
40.00 feet of Santa Maria Avenue, 50
feet wide, east of Parkside Avenue lying
northerly of and abutting the north line of
Lot 653 as platted in "Golf Club Addition
of a Part of the West Half of Section 10,
Town 1 South, Range 11 East, Green-
field Township", City of Detroit, Wayne
County, Michigan as recorded in Liber
37, Page 1, Plats, Wayne County
Records; also

All that part of the north 10.00 feet of
the east 6.00 feet of Santa Maria Ave-
nue, 50 feet wide, west of Fairway Drive
(a private street, 45 feet wide) lying
southerly of and abutting the east 6.00
feet of the south line of Lot 652 as platted
in "Golf Club Addition of a Part of the
West Half of Section 10, Town 1, South,
Range 11 East, Greenfield Township",
City of Detroit, Wayne County, Michigan
as recorded in Liber 37, Page 1, Plats,
Wayne County Records;

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 agree-
ments, uses, reservations and regula-
tions, which shall be observed by the
owners of the lots abutting on said street
and by their heirs, executors, administra-
tors 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 com-
panies, or those specifically authorized
by them, for the purpose of inspecting,
installing, maintaining, repairing, remov-
ing, 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 nec-
essary 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 com-
panies, other than that specifically prohib-
ited 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 concrete driveways, retaining or
partition walls (except necessary line
fence, and the existing residential
asphalt driveway) shall be built or placed
upon said easement, nor change of sur-
face 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 con-
struction 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 any part of the exist-
ing driveway over said utility easement is
resurfaced, then it must be resurfaced
with asphaltic (or other bituminous)
materials on an earth subgrade. Also, if
any concrete slab is placed over said uti-
lity easement (prohibited by Section 3,
mentioned above), then said owners or
assigns shall be liable for all additional
removal costs incurred by public or pri-
vate utilities in the installation, mainte-
nance, or repair of utility facilities; 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:

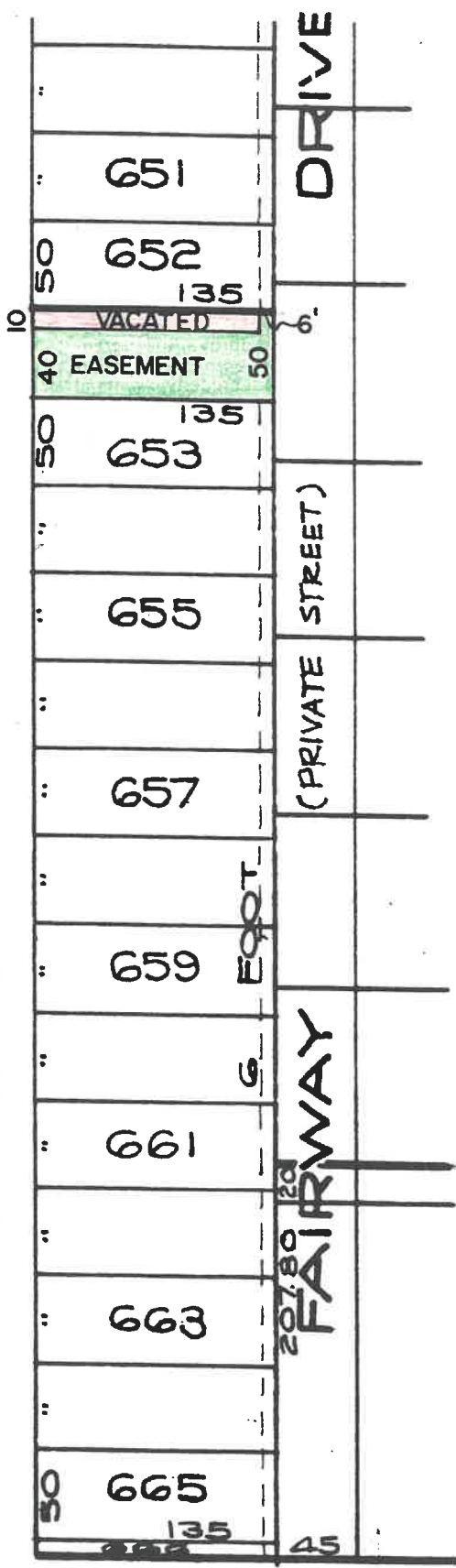
Yeas — Council Members Butler,
Cleveland, Collins, Eberhard, Hill,
Hood, Kelley, Ravitz, and President
Mahaffey — 9.

Nays — None.

JULY 18, 1990
J.C.C. P&S. 1651-52

SANTA MARIA

PARKSIDE



W. McNICHOLS

PET. NO. 3048
CARTO NO. 26-D