

City Engineering Department
April 19, 1990

Honorable City Council:

Re: Petition No. 58 — Detroit International Bridge Company. Street and Alley to Easement. Portions of 23rd and the north-south public alley in the area bounded by the Fisher Fwy., 22nd, W. Lafayette and Howard.

Petition No. 58 of "Detroit International Bridge Company" requests the conversion of a portion of Twenty-Third Street, 60 feet wide, between the Fisher Freeway Service Drive and West Lafayette Boulevard; also the conversion of a portion of the north-south public alley, 20 feet wide, in the block bounded by Twenty-Third and Twenty-Second Streets, West Lafayette Boulevard, and Howard Street into an easement for public utilities.

The Community and Economic Development Department (C&EDD) held an administrative public hearing on March 6, 1990. The C&EDD has submitted a report (dated April 2, 1990) to Council.

The conversions were 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:

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 Twenty-Third Street, 60 feet wide, between the Fisher Freeway Service Drive and West Lafayette Boulevard lying westerly of and abutting the west line of Lots 15, 16, 17, 21, and 22; also lying easterly of and abutting the east line of the south 25.04 feet of Lot 11; also lying easterly of and abutting the east line of Lots 12, 13, and 14 of the "Plat of Davis Subdivision of part of Lots 39 and 42, Porter Farm, being part of Private Claims 20 and 21, Town 2 South, Range 11 East (Springwells Township)," City of Detroit, Wayne County, Michigan as recorded in Liber 4,

Page 27, Plats, Wayne County Records; also lying westerly of and abutting the west line of Lots 43, 44, and 45 of the "Subdivision of Lots 32, 33, 34, 36 and 38, G. B. Porter Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 21, Plats, Wayne County Records; also lying easterly of and abutting the east line of the north 78.38 feet of Lot 1 of the "Resubdivision of Lots 21, 22, 23 and Outlot 38, G. B. Porter Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 2, Page 23, Plats, Wayne County Records; also

All that part of the north-south public alley, 20 feet wide, in the block bounded by Twenty-Third and Twenty-Second Streets, West Lafayette Boulevard, and Howard Street lying westerly of and abutting the west line of the south 33.89 feet of Lot 14; also lying westerly of and abutting the west line of Lots 12 and 13 of the "Plat of the Subdivision of the Easterly Part of Private Claim 20," City of Detroit, Wayne County, Michigan as recorded in Liber 48, Page 569, Deeds, Wayne County Records; also lying easterly of and abutting the east line of Lots 15, 16, 17, 21, and 22 of the "Plat of Davis Subdivision of part of Lots 39 and 42, Porter Farm, being part of Private Claims 20 and 21, Town 2 South, Range 11 East (Springwells Township)," City of Detroit, Wayne County, Michigan as recorded in Liber 4, Page 27, Plats, Wayne County Records;

Be and the same are hereby vacated as a public street and alley and are hereby converted into a public easement of the full width of the street and alley, 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 alley 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 alley herein above described for the purpose 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 of right-of-way in and over said vacated street and alley 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 approved parking lot appurtenances; see Provision 1 below) 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 alley 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 submit a plan to the City Engineering Department and the Buildings and Safety Engineering Department that details all proposed parking lot appurtenances including, but not limited to, paving materials, drainage, guardhouses, landscaping, traffic diverters, sidewalks, driveways, lighting conduit and poles. Further, the petitioner's plan shall be subject to the review and approval of the Department of Transportation (external traffic safety issues), and utilities in said easement(s), and

Provided, That if it becomes necessary to remove the paved street return (into W. Lafayette Blvd.) at the entrance, 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, Hill, and Hood — 5.

Nays — Council Members Ravitz and President Mahaffey — 2.

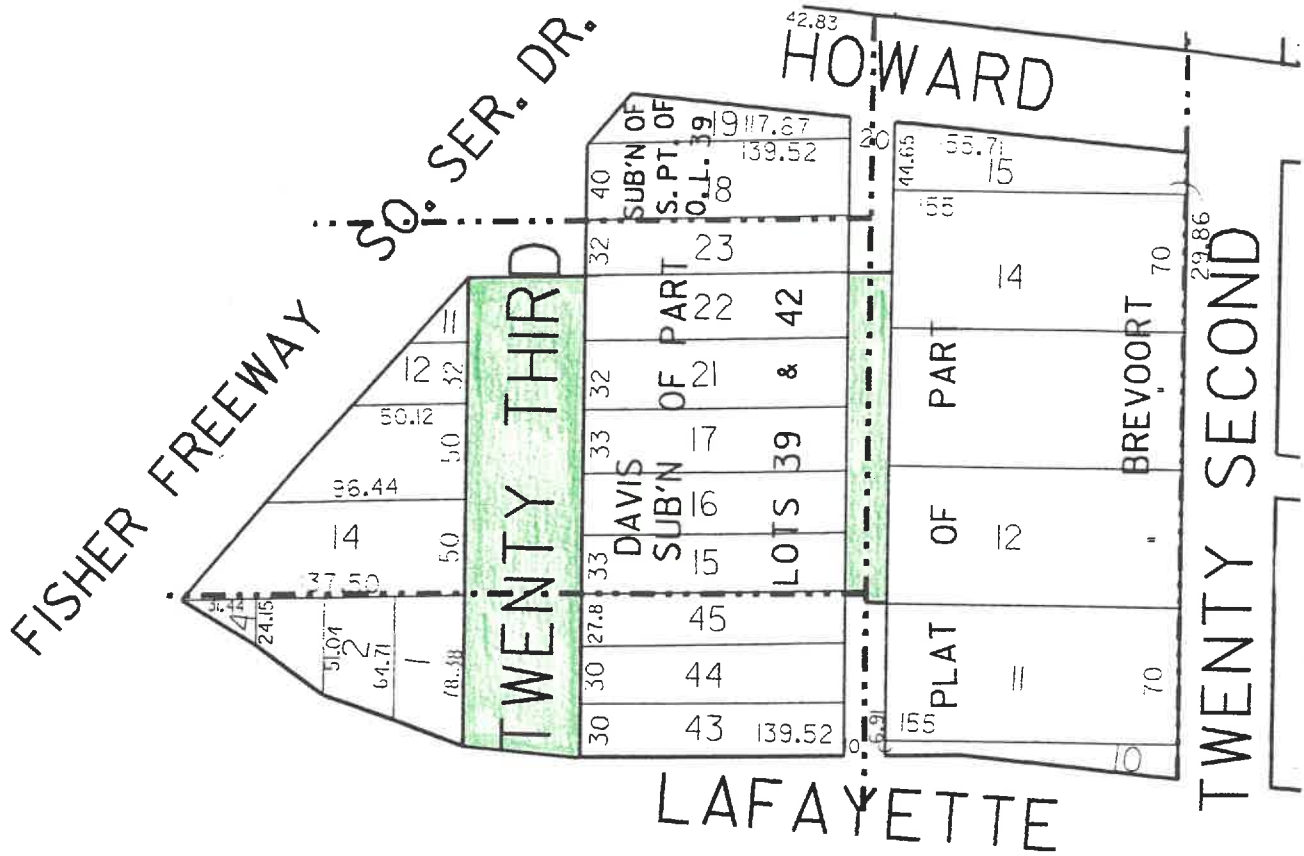
*WAIVER OF RECONSIDERATION (No. 6) per motions before Adjournment.

STATEMENT OF MEL RAVITZ
RE: CLOSING 23RD STREET
AND ALLEY

My vote against closing 23rd Street at this time was based primarily on my commitment to the Citizens District Council not to act on any proposals relating to bridge expansion until replacement housing is built within the Hubbard Richard community.

I was also opposed because there is a serious question whether the land adjacent to the proposed street and alley closing is zoned for the intended use. I would have preferred to delay a vote on this issue until the zoning decision was clarified, housing and bridge expansions plans made, and a public hearing held.

MAY 2, 1990
J.C.C. PG5. 948-49



STREET AND ALLEY TO EASEMENT

PET. NO. 58

CARTO NO. 18-B & C