

**City Engineering Department**  
November 29, 1990

Honorable City Council:

Re: Petition No. 591, United Parcel Service — International Bldg. at 2115 Howard Street. Alley to Easement remaining east-west public alley in the block bounded by 14th, Vermont, Lafayette, and Howard; also land dedication for widening of Vermont.

Petition No. 591 of "United Parcel Service (UPS)" requests the conversion of the remaining portion of the east-west public alley, 20 feet wide, in the block bounded by Fourteenth and Vermont (60 feet wide) Avenues, Lafayette Boulevard, and Howard Street into an easement for public utilities.

The requested conversion was approved by the Community and Economic Development Department (as part of the development plan for West Side Industrial Project No. 2, Michigan R-97). The petition was referred to the City Engineering Department for investigation (utility clearances) and report. This is our report:

The petitioner plans to use the paved alley return entrance (into Vermont) and requests such remain in its present status. The petitioner shall pay all incidental removal costs whenever discontinuance of use makes removal necessary.

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 Kelley:

Resolved, The following describe City-owned property is hereby dedicated for public street widening:

**Land Dedication for Vermont  
Avenue Widening Between  
Lafayette Blvd. and  
Howard Street**

Land in the City of Detroit, County of Wayne, State of Michigan, being parts of Lots 8 and 9, and part of the east-west public alley (20 feet wide; having been opened on September 9, 1901, through said Lots 8 and 9) of the "Plat of the Subdivision of the Estate of Petronel Trudel, being Lots numbered 3 of the Subdivision of Private Claim 228, known as the Lafferty Farm," as recorded in Liber 1, Page 137 of Plats, Wayne County Records; being more particularly described as follows:

Beginning at the intersection of the northerly line of Lafayette Boulevard, 80 feet wide, and a line 60 feet westerly of and parallel to the easterly line of Vermont Avenue (as platted in the "Plat of Johnston's Subdivision of Lot No. 2 North of Fort Street of the Lafferty Farm in the town of Springwells," City of Detroit, Wayne County, Michigan as recorded in Liber 67, page 36, Deeds, Wayne County Records); thence N.23°32'10"W., 237.39 feet to a point of curvature; thence 67.68 feet along the arc of a curve concave to the southwest having a radius of 40.00 feet, a delta of 96°56'42" and a long chord of 59.89 feet which bears N.72°0'31"W. to a point of tangency on the southerly line of Howard Street, 60 feet wide; thence N.59°31'08"E., along said southerly line of Howard Street, 66.06 feet to the northeasterly corner of said Lot 9; thence S.23°32'10"E., along the easterly line of said Lot 9, 282.50 feet to the southeasterly corner of said Lot 9; thence S.59°21'29"W., along said northerly line of Lafayette Boulevard (80 feet wide),

20.90 feet to the point of beginning, containing 6,313 square feet or 0.1449 acres more or less; and be it further

Resolved, All that part of the east-west public alley, 20 feet wide, in the block bounded by Fourteenth and Vermont (60 feet wide) Avenues, Lafayette Boulevard, and Howard Street lying southerly of and abutting the south line of the northerly 131.04 feet of the westerly 28.94 feet of Lot 9; also lying southerly of and abutting the south line of the northerly 131.04 feet of Lot 8; also lying northerly of and abutting the north line of the southerly 131.04 feet of the westerly 28.94 feet of Lot 9; also lying northerly of and abutting the north line of the southerly 131.04 feet of Lot 8 of the "Plat of the Estate of Petronel Trudel, being Lots numbered 3 of the Subdivision of Private Claim 228, known as the Lafferty Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 137, Plats, Wayne County Records; (said public alley having been opened on September 9, 1901, through said Lots 8 and 9);

Be and the same is hereby vacated as a public alley and is hereby converted into a public easement of the full width of the alley, 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 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 alley 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 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 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 (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 alley 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 is 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 if it becomes necessary to remove the paved alley return at the entrance (into Vermont Avenue), 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 further

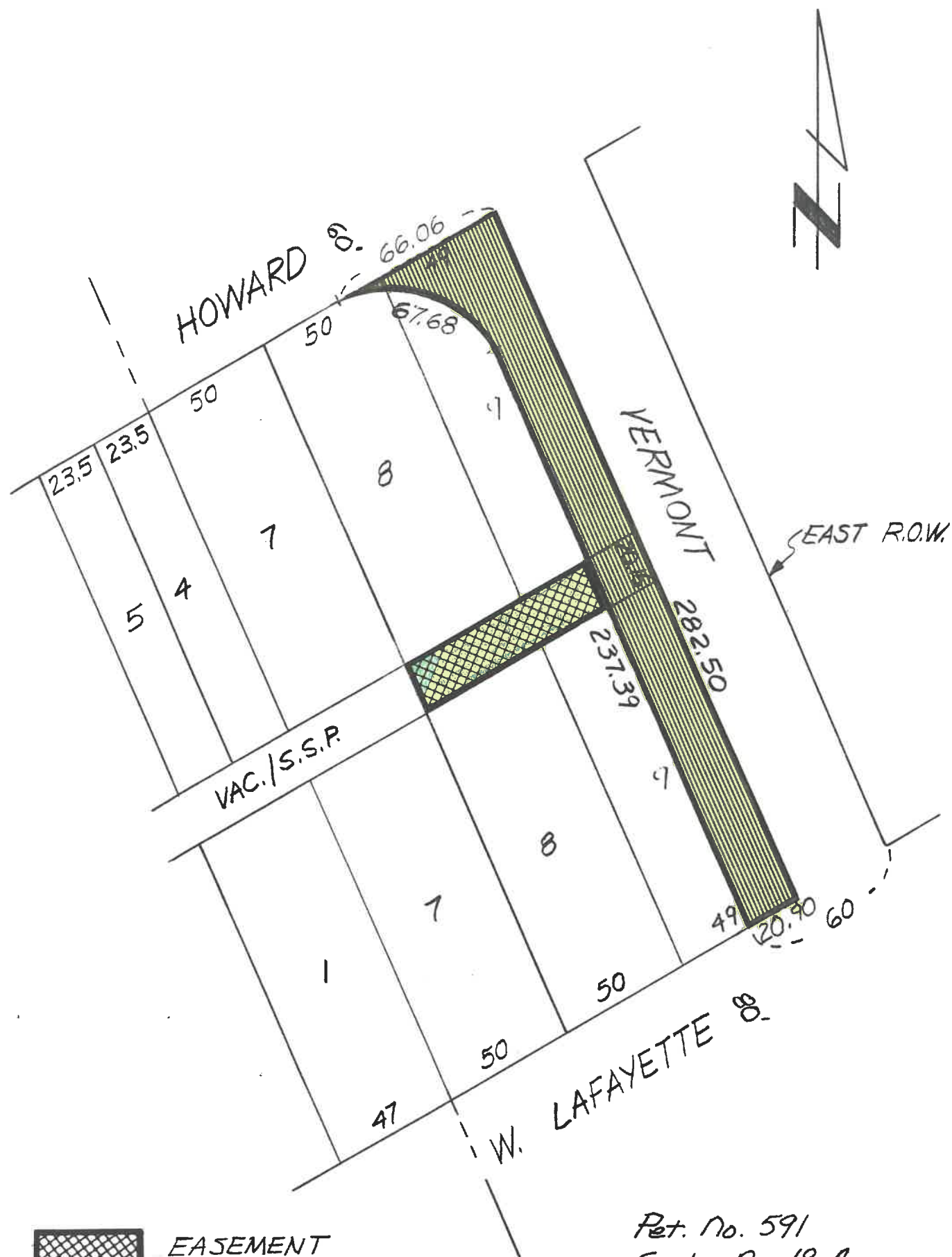
Provided, That the City Clerk shall within 30 days, record a certified copy of this resolution with the Wayne County Register of Deeds.

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Hood, Kelley, Ravitz, and President Pro Tem. Hill — 6.

Nays — None.

DEC. 5, 1990  
J.C.C. Pgs. 2719-20



 EASEMENT  
 DEDICATED FOR WIDENING

Ret. No. 591  
Carto No. 18-A