

City Engineering Department

November 22, 1991

Honorable City Council:

Re: Petition No. 1208, Community and

Economic Development Department, University City Rehabilitation Project No. 2, Street and Alley Vacations in the area bounded by Trumbull, Sixth, Canfield and Forest.

To develop properties in University City Rehabilitation Project No. 2 it is necessary to vacate public streets and alleys in the area bounded by Trumbull Avenue, Sixth Street, Canfield and Forest Avenues.

The public street and alley closings were approved by the Department of Transportation.

Provisions protecting the Water and Sewerage Department's interests in the remaining public sewers are incorporated into the resolution. Also, other provisions protecting underground utility installations (within Lysander, Lincoln and Brooklyn) are part of the resolution.

Satisfactory arrangements have been made with all City departments and privately-owned utility companies.

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

Respectfully submitted,

CLYDE R. HOPKINS

Director

By Council Member Everett:

Resolved, All of the north-south public alley, 18 feet wide, in the block bounded by Trumbull, Lincoln, Lysander, and Forest Avenues lying westerly of and abutting the west line of Lots 169 thru 175; also lying easterly of and abutting the east line of Lots 176 thru 182 of "Hodges Brothers Subdivision of Outlots 98, 99, 102 and 103, Woodbridge Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 308, Plats, Wayne County Records (subject to a provision later in this resolution to construct a new sewer manhole into Forest Avenue as required by the Water and Sewerage Department); also

All of the north-south public alley, 18 feet wide, in the block bounded by Trumbull, Lincoln, Canfield, and Lysander Avenues lying westerly of and abutting the west line of Lots 140 thru 144; also lying easterly of and abutting the east line of Lots 135 thru 139 of "Hodges Brothers Subdivision of Outlots 98, 99, 102 and 103, Woodbridge Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 308, Plats, Wayne County Records (subject to a provision later in this resolution to construct a new sewer manhole into Canfield Avenue as required by the Water and Sewerage Department); also

All of the north-south public alley, 20 feet wide, in the block bounded by Lincoln, Brooklyn, Lysander, and Forest Avenues lying westerly of and abutting the west line of Lots 33 and 34; also lying westerly of and abutting the west line of the east-west public alley, 15 feet wide,

having been platted in the "Plat of Snow's Subdivision of Lots 50 and 58 of Wesson's Section of Labrosse and Baker Farms, and Lots 30 and 31 of the Subdivision of the Baker Farm, North of the Chicago Road, Town 2 South, Range 12 East", City of Detroit, Wayne County, Michigan as recorded in Liber 9, Page 20, Plats, Wayne County Records; also lying westerly of and abutting the west line of the northerly 13.00 feet of Lot 1, and Lots 2 thru 5 (said lots and part of lot) having been platted in "Hodges Subdivision of Lots No. 48 and 49, Baker Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 5, Page 57, Plats, Wayne County Records (subject to a provision later in this resolution to construct a new sewer manhole into the south 50.00 feet of Lysander Avenue, 70 feet wide, as required by the Water and Sewerage Department); also

All of the east-west public alley, 15 feet wide, in the block bounded by Lincoln, Brooklyn, Lysander, and Forest Avenues lying southerly of and abutting the south line of the easterly 10.00 feet of Lot 35, and Lots 36 thru 39; also lying northerly of and abutting the north line of Lot 34 of the "Plat of Snow's Subdivision of Lots 50 and 58 of Wesson's Section of Labrosse and Baker Farms, and Lots 30 and 31 of the Subdivision of the Baker Farm, North of the Chicago Road, Town 2 South, Range 12 East", City of Detroit, Wayne County, Michigan as recorded in Liber 9, Page 20, Plats, Wayne County Records (subject to a provision later in this resolution to construct a new sewer manhole into Brooklyn Avenue as required by the Water and Sewerage Department); also

All of the east-west public alley, 15 feet wide, in the block bounded by Brooklyn Avenue, Sixth Street, Lysander and Forest Avenues lying southerly of and abutting the southline of Lots 27 thru 30; also lying northerly of and abutting the north line of Lot 31; also lying northerly of and abutting the north line of the (vacated) north-south public alley (20.08 and 12 feet wide; having been previously vacated in the City Council resolution adopted on April 17, 1962 - J.C.C. pgs. 821-23) of the "Plat of Snow's Subdivision of Lots 50 and 58 of Wesson's Section of Labrosse and Baker Farms, and Lots 30 and 31 of the Subdivision of the Baker Farm, North of the Chicago Road, Town 2 South, Range 12 East", City of Detroit, Wayne County, Michigan as recorded in Liber 9, Page 20, Plats, Wayne County Records (subject to a provision later in this resolution to construct a new sewer manhole into Brooklyn Avenue as required by the Water and Sewerage Department);

Be and the same are hereby vacated as public (alley) rights-of-way to become a part and parcel of the abutting property, subject to the following provisions:

Provided, That whenever urban renewal parcel(s) containing the above described vacated public alleys are transferred or assigned, the Community and Economic Development Department is hereby authorized and directed to draft and execute (for and on behalf of the City of Detroit, Water and Sewerage Department, through its Board of Water Commissioners) an "Agreement and Grant of Sewer Easement" with the new owners or their assigns, as a condition associated with the transfer or assignment of City-owned property. The costs (and whether such costs shall be paid from

"project funds", or paid by the new owners) for plan review, sewer manhole(s), bulkheading, or other related construction that may be required by the Water and Sewerage Department (designed to prevent damage to the existing sewers that must remain publicly-owned to service other properties downstream from the above described vacated public alleys), including inspection and permits, shall be enunciated in said "Agreement and Grant of Sewer Easement". Also, the executed document referenced as an "Agreement and Grant of Sewer Easement" shall be recorded (by the Community and Economic Development Department) with the Wayne County Register of Deeds; and further

Provided, That prior to construction within any parcel(s) containing the above described vacated public alleys, the owners shall apply to the Buildings and Safety Engineering Department for a building permit. Simultaneously, the owners shall submit said building plans to the Water and Sewerage Department (DWSD) - Sewer Services Section for review and approval; and be it further

Resolved, All of the north-south public alley, 20 feet wide, in the block bounded by Brooklyn Avenue, Sixth Street, Lysander and Forest Avenues being the westerly 20.00 feet of the northerly 151.06 feet of Lot 6 of the "Plat of Snow's Subdivision of Lots 50 and 58 of Wesson's Section of Labrosse and Baker Farms, and Lots 30 and 31 of the Subdivision of the Baker Farm, North of Chicago Road, Town 2 South, Range 12 East", City of Detroit, Wayne County, Michigan as recorded in Liber 9, Page 20, Plats, Wayne County Records (said public alley having been deeded to the City of Detroit and accepted by City Council on April 17, 1962 - J.C.C. pg. 823);

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

Resolved, All that part of the northerly 20.00 feet of Lysander Avenue, 70 feet wide, lying between and abutting the easterly line of Trumbull Avenue (70 feet wide) and the westerly line of Lincoln Avenue (70 feet wide); also lying southerly of and abutting the south line of Lot 175; also lying southerly of and abutting the south line of the north-south public alley, 18 feet wide; also lying southerly of and abutting the south line of Lot 176 as platted in "Hodges Brothers Subdivision of Outlots 98, 99, 102 and 103, Woodbridge Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 308, Plats, Wayne County Records; also

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All that part of the northerly 20.00 feet of Lysander Avenue, 70 feet wide, lying between and abutting the easterly line of Lincoln Avenue (70 feet wide) and the westerly line of the southerly 20.00 feet of Lot 1 as platted in "Hodges Subdivision of Lots No. 48 and 49, Baker Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 5, Page 57, Plats, Wayne County Records; also lying southerly of and abutting the south line of Lot 162 as platted in "Hodges Brothers Subdivision of Outlots 98, 99, 102, and 103, Woodbridge Farm" City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 308, Plats, Wayne County Records; also lying southerly of and abutting the south line of the north-south public alley, 20 feet wide (in the block bounded by Lincoln, Brooklyn, Lysander, and Forest Avenues), having been platted in "Hodges Subdivision of Lots No. 48 and 49, Baker Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 5, Page 57, Plats, Wayne County Records;

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

Resolved, All that part of the southerly 50.00 feet of Lysander Avenue, 70 feet wide, lying between and abutting the easterly line of Trumbull Avenue (70 feet wide) and the westerly line of Lincoln Avenue (70 feet wide); also lying northerly of and abutting the north line of Lot 139; also lying northerly of and abutting the north line of the north-south public alley, 18 feet wide; also lying northerly of and abutting the north line of Lot 140 as platted in "Hodges Brothers Subdivision of Outlots 98, 99, 102 and 103, Woodbridge Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 308, Plats, Wayne County Records; also

All that part of the southerly 50.00 feet of Lysander Avenue, 70 feet wide, lying between and abutting the easterly line of Lincoln Avenue (70 feet wide) and the westerly line extended southerly of Lot 1 as platted in "Hodges Subdivision of Lots No. 48 and 49, Baker Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 5, Page 57, Plats, Wayne County Records; also lying northerly of and abutting the north line of Lot 1 of "Gillett, Carson and Craig's Subdivision of Lots 157 to 161 inclusive of Hodges Brothers Subdivision of Outlots 98, 99, 102 and 103, Woodbridge Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 19, Page 34, Plats, Wayne County Records; also lying northerly of and abutting the north line of the westerly 20.00 feet of (vacated) Gibson Avenue (variable width; having been previously vacated by City Council resolution adopted on October 30, 1956 - J.C.C. pgs. 2329-30); also

All of Lincoln Avenue, 70 feet wide, lying between and abutting the southerly line of Forest Avenue (70 feet wide) and the northerly line of Canfield Avenue (50 feet wide); also lying easterly of and abutting the east line of Lots 169 thru 175; also lying easterly of and abutting the east line of Lysander Avenue, 70 feet wide; also lying easterly of and abutting the east line of Lots 140 thru 144; also lying westerly of and abutting the west line of Lots 162 thru 168; also lying westerly of and abutting the west line of Lysander Avenue, 70 feet wide, as platted in "Hodges Brothers Subdivision of Outlots 98, 99, 102 and 103, Woodbridge Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 308, Plats, Wayne County Records; also lying westerly of and abutting the west line of Lots 1 thru 8 of "Gillett, Carson and Craig's Subdivision of Lots 157 to 161 inclusive of Hodges Brothers Subdivision of Outlots 98, 99, 102 and 103, Woodbridge Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 19, Page 34, Plats, Wayne County Records; also

All of the remaining part of Brooklyn Avenue, 60 feet wide, lying southerly of and abutting the south line of Forest Avenue (70 feet wide); also lying westerly of and abutting the west line of Lot 27; also lying westerly of and abutting the west line of the east-west public alley, 15 feet wide (in the block bounded by Brooklyn Avenue, Sixth Street, Lysander and Forest Avenues); also lying easterly of and abutting the east line of Lot 39; also lying easterly of and abutting the east line of the east-west public alley, 15 feet wide (in the block bounded by Lincoln, Brooklyn, Lysander, and Forest Avenues) of the "Plat of Snow's Subdivision of Lots 50 and 58 of Wesson's Section of Labrosse and Baker Farms, and Lots 30 and 31 of the Subdivision of the Baker Farm, North of the Chicago Road, Town 2 South, Range 12 East", City of Detroit, Wayne County, Michigan as recorded in Liber 9, Page 20, Plats, Wayne County Records;

Be and the same are hereby vacated as public streets and are hereby converted into a public subsurface easement of said width of the streets, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of said streets and by their heirs, executors, administrators and assigns, forever to wit:

First, said owners hereby grant to and for the use of the public a subsurface easement or right-of-way over said vacated public streets herein above described for the purposes of maintaining, installing, repairing, removing, or replacing underground public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits 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 subsurface utility easement or right-of-way in and over said vacated streets 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, or any utility facility placed or installed in the subsurface 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 subsurface 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 subsurface easement, nor any change of surface grade made, without prior approval of the City Engineering Department,

Fourth, that if the owners of said vacated streets shall request the removal and/or relocation of any utilities in said subsurface 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 be it further

Resolved, Pursuant to the Court ruling in *Center Line v Michigan Bell Telephone Co.* 26 Mich. App 659 (1970), aff. 387 Mich. 260 (1972), the Community and Economic Development Department is hereby authorized to process billings from utility companies and others for the relocation of their equipment in connection with this urban renewal project. However, prior to the processing of bills, the Community and Economic Development Department shall consult with the Law Department to determine which utility removal and/or relocation costs incidental to this urban renewal project are obligatory under current Michigan court rulings; 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, Eberhard, Everett, Hill, Hood, Kelley, Ravitz and President Mahaffey — 9.

Nays — None.

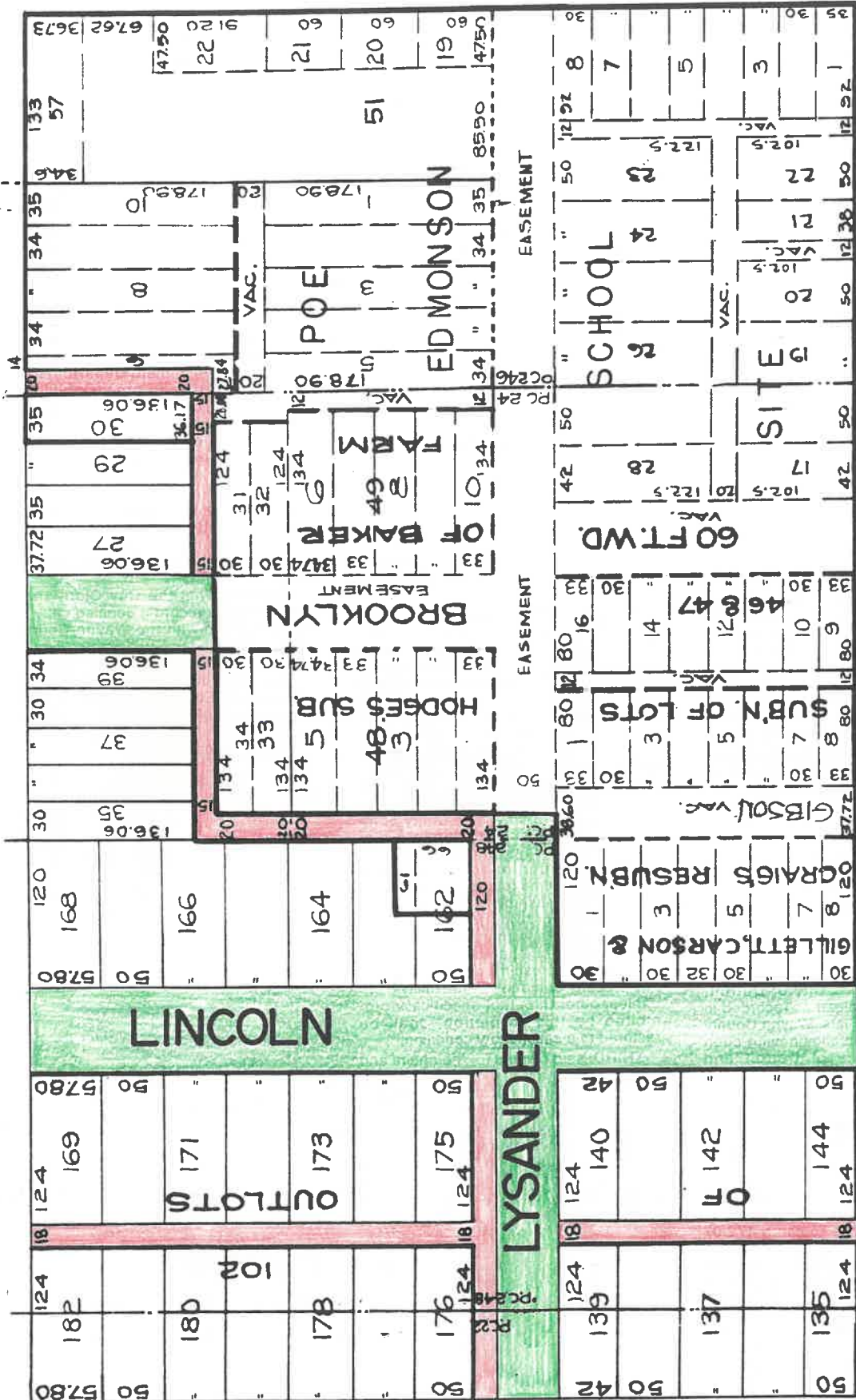
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SEE ALSO
MARCH 18, 1992
J.C.C. Pgs. 559

FOREST

TRUMBULL

SIXTH



CANFIELD

SUB-SURFACE EASEMENT

VACATION

PET. NO. 1208
CARTO NO. 30-D