

City Engineering Department

November 21, 1991

Honorable City Council:

Re: Petition No. 1209. Community and Economic Development Department University City Rehabilitation Project No. 2. Street and Alley Vacations in the area bounded by Fourth, Third, Hancock, and Warren.

To develop properties in University City Rehabilitation Project No. 2 it is necessary to vacate public streets and alleys in the area bounded by Fourth and Third Streets, Hancock and Warren Avenues.

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

Provisions protecting underground utility installations 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 that part of the north-south public alley, 16.90 feet wide, in the block bounded by Fourth and Third Streets, Hancock and Warren Avenues lying westerly of and abutting the west line of Lots 2 thru 5 of the "Plat of T. J. Cox Subdivision of the East Half of Lot 23 of the Crane Farm, excepting the southerly 40 feet, Town 2 South, Range 12 East", City of Detroit, Wayne County, Michigan as recorded in Liber 6, Page 53, Plats, Wayne County Records; also lying easterly of and abutting the east line of the westerly 95.00 feet of the northerly 132.07 feet of the southerly 172.07 feet of Lot 23 of the "Plat of Subdivision of the Crane Farm being the rear concession of Private Claim 247 known as the Jones Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 117, Plats, Wayne County Records; also

All of the east-west public alley, 20 feet wide, in the block bounded by Fourth and Third Streets, Hancock and Warren Avenues being the northerly 20.00 feet of the southerly 60.00 feet of the westerly 95.00 feet of Lot 23 of the "Plat of Subdivision of the Crane Farm being the rear concession of Private Claim 247 known as the Jones Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 117, Plats, Wayne County Records (said public alley having been deeded to the City of Detroit and accepted by City Council on August 5, 1924 — J.C.C. pgs. 1846-47); also

All of Fourth Street, 50 feet wide, lying between and abutting the south line of Hancock Avenue (70 feet wide) and the south line of Warren Avenue (146 feet wide); also lying westerly of and abutting the west line of the northerly 254.49 feet of Lot 22; also lying westerly of and abutting the west line of the southerly 172.07 feet of Lot 23; also lying easterly of and abutting the east line of the northerly 254.49 feet of Lot 21; also lying easterly of and abutting the east line of the southerly 171.34 feet of Lot 24 of the "Plat of Subdivision of the Crane Farm being the rear concession of Private Claim 247 known as the Jones Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 117, Plats, Wayne County Records; also

All that part of Hancock Avenue, 70 feet wide, being the northerly 70.00 feet of the southerly 85.51 feet of the westerly 130.90 feet of Lot 22 of the "Plat of Subdivision of the Crane Farm being the rear concession of Private Claim 247 known as the Jones Farm", City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 117, Plats, Wayne County Records (said part of Hancock Avenue, 70 feet wide, having been opened on August 25, 1887 by Recorder's Court, File #612);

Be and the same are hereby vacated as public streets and alleys and are hereby converted into a public subsurface easement of said width of the streets and alleys, 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 alleys 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 and alleys 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 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 subsurface utility easement or right-of-way in and over said vacated streets and alleys 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 and alleys 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

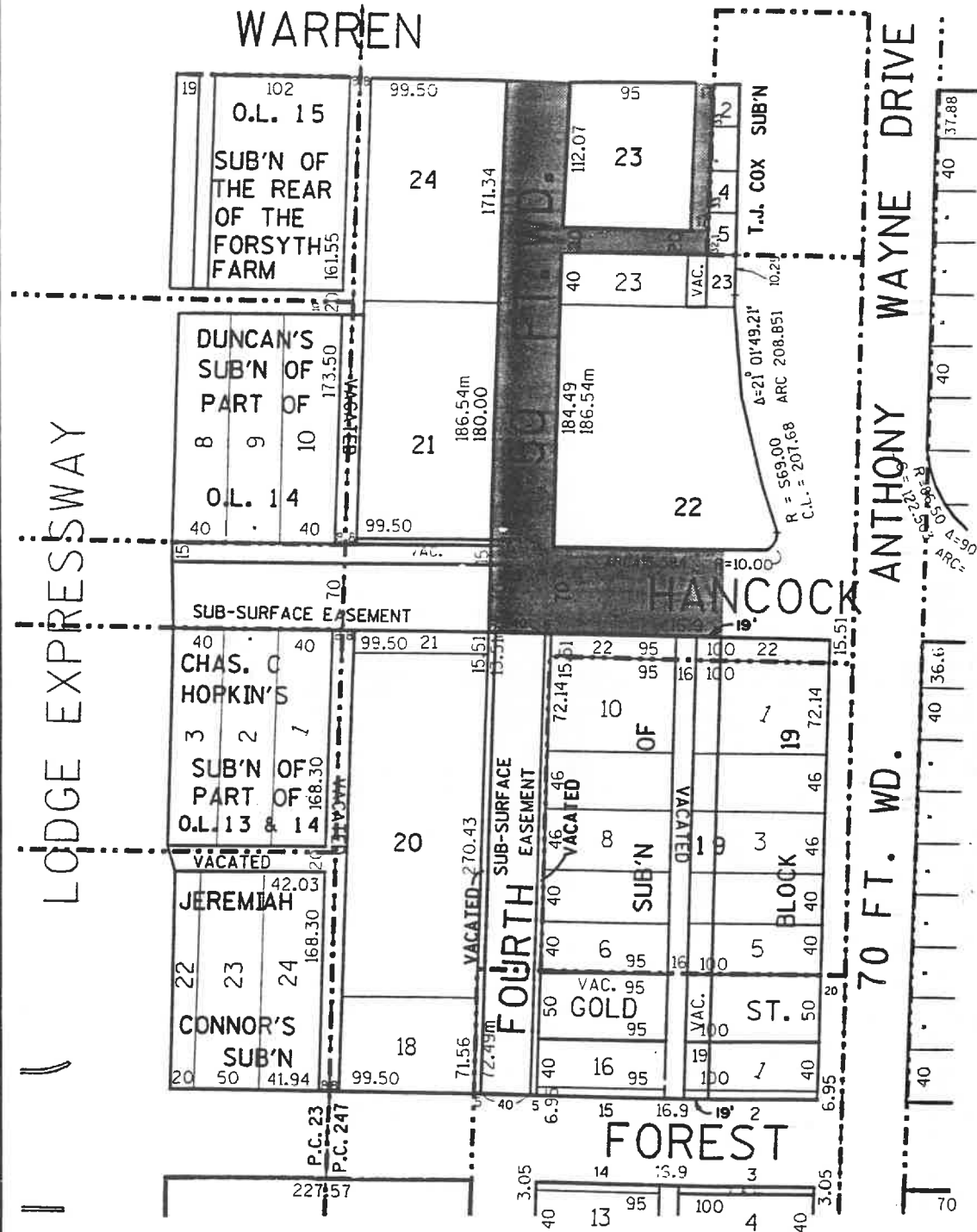
Provided, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

Adopted as follows:

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

Nays — None.

Nov. 27, 1991
J.C.C. Pgs. 2647-49



CARTO NO. 30E
SCALE: 1"=100'

B							CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
A							JOB NO.	01-01
DESCRIPTION		DEWN	CHKO	APPD	DATE		DRWG.NO.	X-1209
REVISIONS								
DRAWN BY	CHECKED							
DATE	APPROVED							