

City Engineering Department
December 12, 1991

Honorable City Council:

Re: Petition No. 1003 — General Services Administration, Region 5 — Utility Easement (within an urban renewal plat) restricted to existing utilities in the block bounded by Second, First, Howard and Abbott.

Petition No. 1003 of the "General Services Administration (GSA), Region 5" requests the restriction of a portion of the (customary) public utility easement, 20 feet wide (established within the "Detroit Urban Renewal Plat No. 1," City of Detroit, Wayne County, Michigan as recorded in Liber 90, Pages 85 and 86, Plats, Wayne County Records; said urban renewal plat having been accepted in the City Council resolution adopted on December 26, 1967 — J.C.C. pgs. 3168-69), in the block bounded by Second Avenue, First, Howard and Abbott Streets into an easement for "existing" public utilities.

The petition was referred to the City Engineering Department for investigation and report. This is our report:

If it becomes necessary to remove the alley return entrance (into First), the petitioner shall pay all incidental removal costs.

City departments and privately-owned utility companies have reported no objections to the restrictive utility easement. Provisions protecting existing utility installations (including the Water and Sewerage Department, the Public Lighting Department, and the Detroit Edison Company) are part of the resolution.

The adoption of the attached resolution is recommended.

Respectfully submitted,
CLYDE R. HOPKINS
Director

By Council Member Eberhard:

Resolved, All that part of the public utility easement, 20 feet wide, in the block bounded by Second Avenue, First, Howard and Abbott Streets; being parts of Lots 22 and 23 of the "Detroit Urban Renewal Plat No. 1, of part of Private Claims 23, 247, 55 and Military Reserve," City of Detroit, Wayne County, Michigan as recorded in Liber 90, Pages 85 and 86, Plats, Wayne County Records (said urban renewal plat having been accepted in the City Council resolution adopted on December 26, 1967 — J.C.C. pgs. 3168-69); being more particularly described as follows: Beginning at the northeast corner of said Lot 23; thence S.29°57'15"E. (along the easterly line of said Lot 23), 10.00 feet; thence S.59°59'55"W. (along a line 10.00 feet southerly of and parallel to the northerly line of said Lot 23), 100.25 feet; thence N.30°00'55"W. (along the westerly line of said Lot 23), 10.00 feet; thence N.14°59'05"E., 14.14 feet; thence N.59°59'55"E. (along a line 10.00 feet northerly of and parallel to the northerly line of said Lot 23), 90.27 feet; thence S.29°57'15"E. (along the easterly line of said Lot 23), 10.00 feet to the point of beginning, containing 1,955 square feet or 0.0449 acres, more or less;

Be and the same is hereby vacated as a public utility easement to become part and parcel of the abutting property (subject to any and all other instruments, grants, covenants, and/or attachments to land of public record; whether specifically stated in this resolution or not); being subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of the lots and by their heirs, executors, administrators and assigns, forever to wit:

First, said owners hereby grant to and for the use of the Water and Sewerage Department (DWSD), the Public Lighting Department (PLD), and the Detroit Edison Company (DECo.) an easement or right-of-way over said vacated public utility easement herein above described for the purposes of maintaining, repairing, removing, or replacing existing public utilities such as water mains, sewers, electric (light, power, and/or communication) conduits or things usually placed or installed in a public utility easement by DWSD, PLD, or DECo. (within the Central Business District) 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 easement or right-of-way in and over said vacated public utility easement herein above described shall be forever accessible to the maintenance and inspection forces of the DWSD, PLD, and DECo., or those specifically authorized by them, for the purpose of inspecting, maintaining, repairing, removing, or replacing any sewer, conduit, water main, or any existing utility facility placed or installed in the easement or right-of-way. The DWSD, PLD, and DECo. 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 easement with any necessary equipment to perform the above-mentioned tasks, with the understanding that the DWSD, PLD, and DECo. shall use due care in such crossing or use, and that any property damaged by the existing utilities, 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 (except necessary line fence) shall be built or placed upon said easement, nor change of surface grade made, without the review and approval of the City Engineering Department, the DWSD, PLD, and DECo.,

Fourth, that if the owners of the lots containing said vacated utility easement shall request the removal and/or relocation of any existing 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 existing 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 First Street), 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, 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:

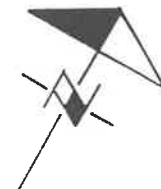
Yeas — Council Members Butler, Cleveland, Eberhard, Everett, Hill, Kelley, Ravitz, and President Mahaffey — 8.

Nays — None.

JAN. 8, 1992
J.C.C. Pgs. 26-28

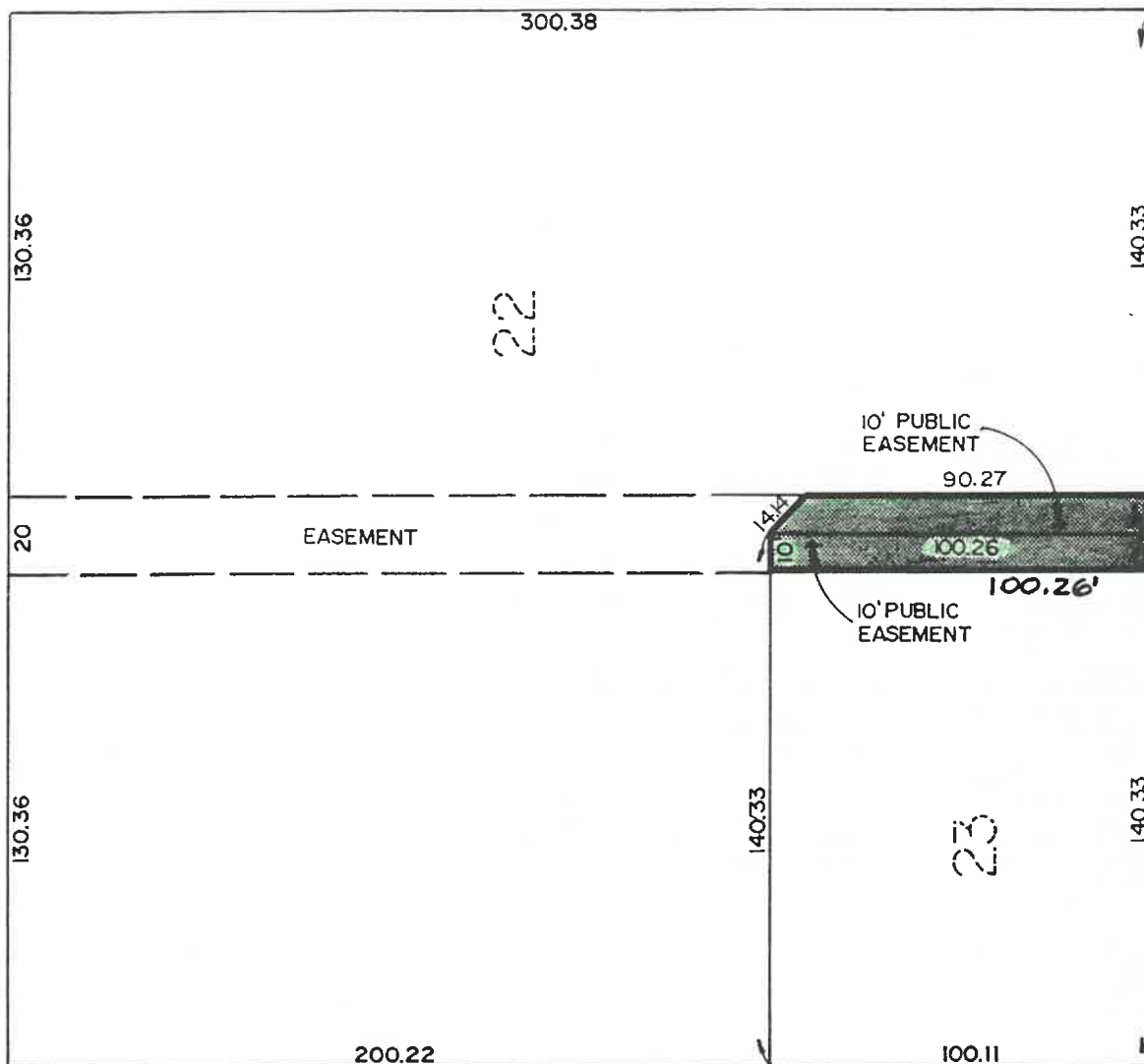
PETITION NO. 1003
GENERAL SERVICES ADMIN. REGION 5
% MICHAEL GELBER
PHONE: (312) 886-4170

REVISED



ABBOTT ST.

SECOND AVE.



HOWARD ST.

FIRST ST.



REVISED TO EASEMENT FOR EXISTING UTILITIES

CARTO NO. 28B

SCALE: 1"=50'

(FOR OFFICE USE ONLY)

B					
A	REVISED TO EASEMENT	V.M.			8/91
	DESCRIPTION	DRWN	CHKD	APPD	DATE
REVISIONS					
DRAWN BY V. MARSHALL		APPROVED			
TRACED BY		APPROVED			
CHECKED		APPROVED			

REQUESTED AREA FOR EASEMENT FOR EXIST-
-ING UTIL. OF REMAINING P.A. (20 FT. WD.)
IN THE BLK. BND. BY SECOND, FIRST,
HOWARD & ABBOTT

CITY OF DETROIT
CITY ENGINEERING
DEPARTMENT

JOB NO. 01-01

DRWG. NO. X-1003

DATE APR. 2, 91