

City Engineering Department  
December 1, 1992

Honorable City Council:

Re: Petition No. 1572(a), General Services Administration (GSA), Region 5, Cargo Inspection Facility Expansion Project, Ambassador Bridge, Street to Easement, part of Porter, east of 20th to the alley.

Petition No. 1572 (a) of the "General Services Administration (GSA), Region 5" requests the conversion of part of Porter Street, 50 feet wide, east of Twentieth Street to the alley into an easement for public utilities.

A public hearing was held on September 29, 1992 by City Council to consider a petition of the "Hubbard Richard Citizens District Council (#2721)", relative to closing said part of Porter Street between 20th and the alley east thereof. Generally, the public hearing findings were as follows: (1) trucks have ignored the city posted traffic control signs; and (2) the community wants said part of Porter Street closed at 20th for neighborhood safety.

In a letter (dated November 10, 1992) submitted to the City Clerk GSA states: "This request is made in response to the Hubbard-Richard Citizen's District Council's concerns regarding truck traffic through this community, and in conjunction with the Federal project at the Ambassador Bridge border crossing." The referenced GSA letter was brought before your Honorable Body on November 20, 1992.

As part of Petition No. 1572 the requested public street closing was approved by the Community and Economic Development Department and the Department of Transportation (now DPW-Traffic Engineering Division). The petition was referred to the City Engineering Department for investigation and report. This is our report:

An agreement between GSA and the "Detroit International Bridge Company" has been executed. Also, evidence of controlling interests in the properties abutting said part of Porter Street has been submitted to the City Engineering Department.

The Public Lighting Department (PLD) has extensive facilities within Porter Street that must remain accessible for public inspection, service, maintenance, and repair. PLD will be responsible for drafting specifications, details, and other provisions necessary to protect their facilities; to be enumerated in a separate "easement agreement". Therefore, PLD is requesting authorization from your Honorable Body to draft, execute, monitor, and administer (for and on behalf of the City of Detroit), a "four party easement agreement" for closing Porter Street. The four parties will include the "Detroit International Bridge Company", "GSA", "U.S. Customs Service", and PLD.

Further, the City is owner in fee of the referenced part of Porter Street, 50 feet wide. Consequently, the Finance Director must execute a quit-claim deed to transfer the vacated and converted part of public (street) right-of-way.

All other city departments and privately-owned utility companies have reported no objections to the conversion of public rights-of-way into a utility easement. Generally, provisions protecting utility installations are part of the resolution.

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

Respectfully submitted,  
CLYDE R. HOPKINS  
Director

By Council Member Butler:

Whereas, A public hearing was held on September 29, 1992 by City Council to consider a petition of the "Hubbard Richard Citizens District Council (#2721)", relative to closing part of Porter Street between Twentieth Street and the public alley east thereof. Generally, the public hearing findings were as follows: (1) trucks have ignored the city posted traffic control signs; and (2) the community wants said part of Porter Street closed east of 20th for neighborhood safety; and

Whereas, In a letter (dated November 10, 1992) submitted to the City Clerk the "General Services Administration (GSA), Region 5" states: "This request is made in response to the Hubbard-Richard Citizen's District Council's concerns regarding truck traffic through this community, and in conjunction with the Federal project at the Ambassador Bridge border crossing." The referenced GSA letter was brought before City Council on November 20, 1992; and

Whereas, The requested public street closing is a part of Petition No. 1572 as approved by the Community and Economic Development Department and the Department of Transportation (now Department of Public Works — Traffic Engineering Division). Also, evidence of controlling interests in the properties abutting said part of Porter Street has been submitted to the City Engineering Department; therefore be it

Resolved, All that part of Porter Street, 50 feet wide, east of Twentieth Street (having been opened as a public street in 1881, Recorder's Court File No. 488; resolution of necessity adopted by City Council on December 21, 1880 — J.C.C. pgs. 662-65); said portion of Porter Street having been platted as the southerly 29.15 feet of Lot 22, and the northerly 20.85 feet of Lot 23, Block 2, of the "Plat of Whitewood and Cargill's Subdivision of the West Half of the Loranger Farm, in the Township of Springwells, Wayne County, Michigan, North of Fort Street and South of the Michigan Central Railroad, being part of Private Claim 474", City of Detroit, Wayne County, Michigan as recorded in Liber 56, Page 269, Deeds, Wayne County Records;

Be and the same is hereby vacated as a public street and is hereby converted into a public easement of the full width of the street, 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 street 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 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 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 utility easement or right-of-way in and over said vacated street 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 and the Public Lighting Department.

FOURTH, that if the owners of any lots abutting on said vacated street 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 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 further

PROVIDED, That if it becomes necessary to remove the whole or part of any remaining public street or alley return(s) at the entrance(s), such removal and construction of new curb, pavement, and sidewalk shall be done under City permit(s) and inspection(s) according to City Engineering Department and Public Lighting 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; and be it further

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RESOLVED, The Public Lighting Department (PLD) is hereby authorized and directed to draft (or cause to be drafted), execute, monitor, and administer (for and on behalf of the City of Detroit, a Michigan municipal corporation (the "City")); a "four party easement agreement" for said vacation of Porter Street. The four parties shall include the "Detroit International Bridge Company", "General Services Administration — Region 5", "United States Customs Service", and PLD. The "easement agreement" shall enumerate specifications, details, and other provisions necessary to protect extensive PLD facilities within said Porter Street that must remain accessible for city inspection, service, maintenance, and repair. Also, PLD shall submit said "easement agreement" to the Law Department for approval of the document as to form and execution; and be it further

RESOLVED, The Finance Director is hereby authorized and directed to issue a quit-claim deed to transfer the following vacated public (street) right-of-way to the "United States of America and its assigns, Washington, D.C. (property is being acquired for the U.S. Customs Expanded Cargo Inspection Facility — Ambassador Bridge Border Station, Detroit, MI by the General Services Administration, Region 5)", for the fair market value and/or other valuable considerations:

"Land in the City of Detroit, Wayne County, Michigan being all that part of Porter Street, 50 feet wide, east of Twentieth Street (having been opened as a public street in 1881, Recorder's Court File No. 488; resolution of necessity adopted by City Council on December 21, 1880 — J.C.C. pgs. 662-65); said portion of Porter Street having been platted as the southerly 29.15 feet of Lot 22, and the northerly 20.85 feet of Lot 23, Block 2, of the 'Plat of Whitewood and Cargill's Subdivision of the West Half of the Loranger Farm, in the Township of Springwells, Wayne County, Michigan, North of Fort Street and South of the Michigan Central Railroad, being part of Private Claim 474', as recorded in Liber 56, Page 269, Deeds, Wayne County Records, containing 5,000 square feet or 0.1148 acres more or less; subject to an easement for public utilities;"

Adopted as follows:

Yeas — Council Members Eberhard, Everett, Hill, Hood and Kelley — 5.

Nays — Butler, Cleveland, Ravitz and President Mahaffey — 4.

STATEMENT FOR THE RECORD  
RELATIVE TO THE GENERAL  
SERVICES ADMINISTRATION  
CLOSING PART OF PORTER EAST  
TWENTIETH TO THE ALLEY  
BY COUNCIL PRESIDENT  
MARYANN MAHAFFEY

I oppose this action. City Planning Commission recommended that we do it in January when there is more time to investigate the options. I concur with the Planning Commission, we have waited long enough, another couple of weeks won't make a difference. I also view the Ambassador Bridge as having been a poor neighbor in the process of trying to satisfy their own needs.

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