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City Engineering Department

September 14, 1992

Honorable City Council:

Re: Petition No. 1909, Thorn Apple Valley, Inc., Street to Vacation (relocated) Farnsworth between Russell and Riopelle

Petition No. 1909 of "Thorn Apple Valley, Inc." requests the outright vacation of relocated Farnsworth Avenue, 50 feet wide, between Russell and Riopelle Streets. The referenced (relocated) Farnsworth Avenue was dedicated as a public street right-of-way within the resolution adopted by City Council on March 5, 1975 (J.C.C. pgs. 437-38).

The public street closing was approved by the Department of Transportation. The petition was referred to the City Engineering Department (on September 11, 1992 by the Community and Economic Development Department) for investigation (utility clearances) and report. This is our report:

Provisions protecting the Water and Sewerage Department's interests in the public sewer(s) and incorporated into the resolution.

All other City departments and privately-owned utility companies have reported no objections to the proposed outright vacation of public street right-of-way.

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

Respectfully submitted,
CLYDE R. HOPKINS
Director

By Council Member Cleveland:

Resolved, All that part of (relocated) Farnsworth Avenue, 50 feet wide, between Russell and Riopelle Streets as established within the resolution adopted by City Council on March 5, 1975 (J.C.C. pgs. 437-38), described as follows: Land in the City of Detroit, Wayne County, Michigan, being a strip of land, 50 feet wide, the north line of which is 112.00 feet southerly of and parallel to the south line of (old) Farnsworth Avenue as opened on March 14, 1870. Said strip parcel extending from the west line of Riopelle Street (50 feet wide) westerly to a line 20.00 feet easterly of and parallel to the east line of Russell Street (60 feet wide) and containing parts of Lots 4, 5, 6, and 17 thru 22; also contained within the bounds of said strip parcel are parts of the vacated north-south public alley, 16.60 feet wide, first east of Russell Street lying between (old) Farnsworth and Theodore Avenues (said public alley having been previously vacated by City Council resolution adopted on March 16, 1971 — J.C.C. pgs. 548-53); also part of the vacated east-west public alley, 18.78 feet wide, first south of (old) Farnsworth Avenue lying between Russell and Riopelle Streets (said public alley having been previously vacated by City Council resolution adopted on March 16, 1971 — J.C.C. pgs. 548-53) all in the plat of "Betzling's Subdivision of Lot 10 and the south 31.45 feet of Lot 9, Guoin Farm",

City of Detroit, Wayne County, Michigan as recorded in Liber 10, Page 86, Plats, Wayne County Records; also parts of Lots 60 thru 64 and part of the east-west public alley, 18.78 feet wide, first south of (old) Farnsworth Avenue lying between Russell and Riopelle Streets (portion of said public alley having been previously vacated by City Council resolution adopted on March 16, 1971 — J.C.C. pgs. 548-53) all in the "Plat of Freud and Schulte Subdivision of the Riopelle Farm, between Fremont and Farnsworth Streets, Town 2 South, Range 12 East", City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 17, Plats, Wayne County Records;

Be and the same is hereby vacated as a public street (right-of-way) to become a part and parcel of the abutting property; subject to the following provisions:

Provided, That by reason of the vacation of the above property, the City of Detroit does not waive any rights to the public sewers located or to be located therein, and shall have the right to enter upon the premises when necessary to repair, alter, service or install said public sewers; and further

Provided, That no building shall be constructed over (or near) said public sewers without prior approval (of any building construction) by the Water and Sewerage Department — Sewer Services Section and the Buildings and Safety Engineering Department. The property owner (petitioner) shall make application to the Board of Water Commissioners to obtain approval to construct over (or near) the public sewers; and further

Provided, If the public sewers located or to be located in said property shall break, causing damage to any construction, property or materials, the petitioner or their assigns (by acceptance of permits for construction over or near the public sewers) waives all claims for damages; and further

Provided, If the public sewers located or to be located in said property shall break or be damaged, as a result of any action on the part of the petitioner or their assigns (by way of illustration but not limitation, such as storage of excessive weights of materials or construction not in accordance with provision 2, mentioned above), then the petitioner or assigns shall be liable for all costs incidental to the repair of such broken or damaged public sewers. The petitioner and assigns shall be liable for all claims, damages, or expenses resulting from their actions; and be it further

Resolved, 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.

*WAIVER OF RECONSIDERATION (No. 20) per motions before Adjournment.

SEE ALSO - FEB. 26, 1992
J.C.C. Pgs. 387-88
DEC. 2, 1992
J.C.C. Pgs. 2125-26

SEPT. 30, 1992
J.C.C. Pgs. 2125-26

