

City Engineering Department

April 30, 1993

Honorable City Council:

Re: Petition No. 2103, Community and Economic Development Department Forest Park Rehabilitation Project — Parcels 15, 16 and 17, New Wayne County Medical Examiner Facility Site Street and Alley Vacations and Dedications in the area bounded by Chrysler Service Drive, Russell, E. Forest, and E. Warren.

To develop properties in Forest Park Rehabilitation Project it is necessary to vacate public streets and alleys in the area bounded by the Chrysler Service Drive, Russell Street, E. Forest and E. Warren Avenues; also it is necessary to set-aside city owned land to establish the southwest (right-of-way) corner at the intersection of Russell and Warren.

The public street and alley closings were approved by the Department of Public Works — Traffic Engineering Division. Also, the development plan and land exchange between the City and Wayne County was approved by your Honorable Body on May 21, 1992 (J.C.C. pgs. 1113-15).

Necessary provisions protecting underground utility installations are incorporated into 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 Hill:

Resolved, All that part of the north-south public alley, 20 feet wide, south of E. Warren Avenue between Rivard and Russell Streets having been platted as the westerly 20.00 feet of Lots 1 and 2 of the "Subdivision of Outlot 7, Mullett Farm, being Rear Concession of Private Claim 7", City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 220, Plats, Wayne County Records; said parts of lots having been deeded to the City of Detroit for public alley purposes within the City Council resolution adopted on March 6, 1962 (J.C.C. pg. 448); also

All of a triangular-shaped part of Lot 47 (located at the northwest corner of said

lot) of the "Plat of Patterson's Subdivision of Lot 6, Mullett Farm, Rear Concession of Private Claim 7", City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 35, Plats, Wayne County Records; said part of lot having been deeded to the City of Detroit for public alley purposes within the City Council resolution adopted on March 6, 1962 (J.C.C. pg. 448); also

All of the north-south public alley, 20 feet wide, in the block bounded by Rivard and Russell Streets, E. Hancock and E. Warren Avenues lying westerly of and abutting the west line of Lots 38, 39, 42, 43, 46 and 47; also lying easterly of the abutting the east line of Lots 37, 40, 41, 44, 45 and 48 of the "Plat of Patterson's Subdivision of Lot 6, Mullett Farm, Rear Concession of Private Claim 7", City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 35, Plats, Wayne County Records;

All of the above three parts of the north-south public alley, (generally) 20 feet wide, in the block bounded by Rivard and Russell Streets, E. Hancock and E. Warren Avenues are within the metes and bounds of a parcel, being more particularly described as follows: Beginning at the intersection of the southerly line of E. Warren Avenue, 142 feet wide, and the easterly line of Rivard Street, 50 feet wide, thence N 63° 47' 09" E., along said southerly line of E. Warren Avenue, 177.49 feet to a point; thence 101.63 feet along the arc of a curve concave to the south, which has a radius of 169.70 feet, a delta of 34° 18' 55" and a long chord of 100.12 feet which bears N 80° 56' 50" E. to a point of tangency; thence S 81° 53' 30" E., 33.99 feet to a point of curve; thence 39.30 feet along the arc of a curve concave to the south, which has a radius of 111.50 feet, a delta of 20° 11' 42" and a long chord of 39.10 feet which bears S 71° 47' 39" E., to a point of compound curve; thence 112.44 feet along the arc concave southwest, which has a radius of 181.34 feet, a delta of 35° 31' 38" and a long chord of 110.65 feet which bears S 43° 55' 22" E. to a point of tangency; thence S 26° 09' 33" E., along westerly line of Russell Street 60 feet wide, 70.42 feet; thence S 63° 51' 47" W. 362.92 feet to a point on the easterly line of Rivard Street (50 feet wide); thence N 26° 10' 33" W., along said easterly line of Rivard Street, 251.40 feet to the point of beginning; (containing 83.921 square feet or 1.9266 acres more or less);

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

Resolved, All that part of Rivard Street, 50 feet wide, between E. Hancock and E. Warren Avenues lying westerly of and abutting the west line of the south 9.45 feet of Lot 40, and Lot 37; also lying westerly of and abutting the west line of the east-west public alley, 18 feet wide (in the block bounded by Rivard and Russell Streets, E. Hancock and E. Warren Avenues); also lying westerly of and abutting the west line of Lot 36; also lying westerly of and abutting the west line E. Hancock Avenue (60 feet wide: between Rivard and Russell Streets) of the "Plat of Patterson's Subdivision of Lot 6, Mullett Farm, Rear Concession of Private Claim 7", City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 35, Plats, Wayne County Records; also lying easterly of and abutting the east line of the southerly 49.58 feet of the westerly 386.16 feet of Lot 190, and the northerly 162.87 feet of the westerly 386.16 feet of Lot 189 of the "Plat of that part of Claim No. 181, North of Jefferson Avenue for the Heirs of Antoine Rivard as subdivided into Lots", City of Detroit, Wayne County, Michigan as recorded on April 19, 1841 in Book 12, Pages 348-351, City Records; also

All that part of E. Hancock Avenue, 60 feet wide, between the Chrysler Freeway Service Drive and Rivard Street lying southerly of and abutting the south line of Lot 56; also lying northerly of and abutting the north line of Lot 77 of "T. W. Palmer's Subdivision of Outlots 6 and 7 and the South 292.85 feet of Outlot 5 of the Subdivision of the Rear Part of the Louis Moran Farm, Town 1 and 2 South, Range 12 East", City of Detroit, Wayne County, Michigan as recorded in Liber 9, Page 90, Plats, Wayne County Records; also

being the south 60.00 feet of the northerly 162.87 feet of the westerly 386.16 feet of Lot 189 of the "Plat of that part of Claim No. 181, North of Jefferson Avenue for the Heirs of Antoine Rivard as subdivided into Lots", City of Detroit, Wayne County, Michigan as recorded on April 19, 1841 in Book 12, Pages 348-351, City Records; also

All that part of E. Hancock Avenue, 60 feet wide, between Rivard and Russell Streets lying southerly of and abutting the south line of Lots 25 thru 36; also lying northerly of and abutting the north line of Lots 13 thru 24 of the "Plat of Patterson's Subdivision of Lot 6, Mullett Farm, Rear Concession of Private Claim 7", City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 35, Plats, Wayne County Records; also

All of the east-west public alley, 18 feet wide, in the block bounded by Rivard and Russell Streets, E. Hancock and E. Warren Avenues lying southerly of and abutting the south line of Lot 37; also lying southerly of and abutting the south line of the north-south public alley (20 feet wide;

in said block); also lying southerly of and abutting the south line of Lot 38; also lying northerly of and abutting the north line of Lots 25 thru 36 of the "Plat of Patterson's Subdivision of Lot 6, Mullett Farm, Rear Concession of Private Claim 7", City of Detroit, Wayne County, Michigan as recorded in Liber 7, Page 35, Plats, Wayne County Records;

Be and the same are hereby vacated as public streets and alley, and are hereby converted into a public underground easement of the full width of the streets and alley, 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 streets and alley 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 streets and alley 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 cable, electric light conduits or things usually placed or installed underground 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 utility easement or right-of-way in and over said vacated streets and alley 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 cable or any utility facility placed or installed underground 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.

MAY 19, 1993
J.C.C. Pgs. 921-24 (Pg 1 of 2)

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 underground

easement, without prior approval of the City Engineering Department.

Fourth, that if the owners of any lots abutting on said vacated streets and alley 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 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; and be it further

Resolved, The following described city-owned properties are hereby dedicated for public street purposes:

Land dedication for so-called relocated Hancock widening, South of Warren between Chrysler Service Drive and Rivard Street.

(1) Land in the City of Detroit, Wayne County, Michigan being the north 20.00 feet of Lot 56 of "T. W. Palmer's Subdivision of Outlots 6 and 7 and the South 292.85 feet of Outlot 5 of the Subdivision of the Rear Part of the Louis Moran Farm, Town 1 and 2 South, Range 12 East", as recorded in Liber 9, Page 90, Plats, Wayne County Records; also being the northerly 20.00 feet of the southerly ~~60.58~~ ^{69.58} feet of the westerly ~~100~~ ¹⁰⁷ feet of that part of Claim No. 181, North of Jefferson Avenue for the Heirs of Antoine Rivard as subdivided into Lots", as recorded on April 19, 1841 in Book 12, pages 348-351, City Records; containing 8,368 square feet or 0.1921 acres more or less; also

LAND DEDICATION TO ESTABLISH THE SOUTHWEST CORNER INTERSECTION OF E. WARREN AVENUE AND RUSSELL STREET.

(2) Land in the City of Detroit, Wayne County, Michigan being part of Lots 1 and 2 of the "Subdivision of Outlot 7, Mullett Farm, being Rear Concession of Private Claim 7", as recorded in Liber 1, Page 220, Plats, Wayne County Records; also part of Lots 42, 43, 46 and 47 of the "Plats of Patterson's Subdivision of Lot 6, Mullett Farm, Rear Concession of Private Claim 7", as recorded in Liber 7, Page 35, Plats, Wayne County Records; being more particularly described as follows:

Commencing at the intersection of the southerly line of E. Warren Avenue, 142 feet wide, and the easterly line of Rivard Street, 50 feet wide, thence N. 63° 47' 09" E., along said southerly line of E. Warren Avenue, 177.49 feet to the point of beginning; thence 101.63 feet along the arc of a curve concave to the south, which has a radius of 169.70 feet, a delta of 34° 18' 55" and a long chord of 100.12 feet which bears N. 80° 56' 50" E. to a point of tangency; thence S. 81° 53' 30" E., 33.99 feet to a point of curve; thence 39.30 feet along the arc of a curve concave to the south, which has a radius of 111.50 feet, a delta of 20° 11' 42" and a long chord of 39.10 feet which bears S. 71° 47' 39" E., to a point of compound curve; thence 112.44 feet along the arc concave southwest, which has a radius of 181.34 feet; and delta of 35° 31' 38" and a long chord of 110.65 feet which bears S. 43° 55' 22" E. to a point of tangency; thence N. 26° 09' 33" W., along the westerly line of Russell Street, 60 feet wide, 181.43 feet to the southerly line of E. Warren, 142 feet wide; thence S. 63° 47' 09" W., 185.49 feet to the point of beginning containing 7,416 square feet or 0.1702 acres more or less.

Adopted as follows:

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

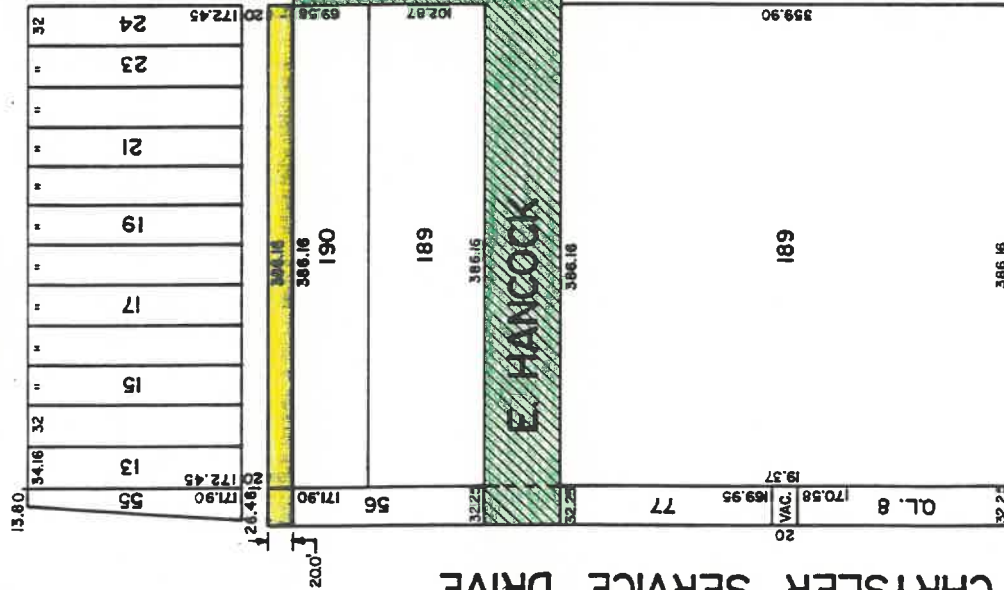
Nays — None.

MAY 19, 1993
J.C.C. Pgs. 921-24
(Pg 2 of 2)

PETITION NO. 2103
% JACK MANN - C.E.D.D.
PHONE: 224-6539

E. WARREN

142 FT. WD.



"A" - N. 63° 47' 09" E. - 177.49'
"B" - ARC - 101.63'
RADIUS - 169.70'
DELTA - 34° 18' 55"
CHORD - 100.12'
BEARING - N. 80° 56' 50" E.
"C" - S. 81° 53' 30" E. - 33.99'
"D" - ARC - 39.30'
RADIUS - 111.50'
DELTA - 20° 11' 42"
CHORD - 39.10'
BEARING - S. 71° 47' 38" E.
"E" - ARC - 112.44'
RADIUS - 181.34'
DELTA - 35° 31' 38"
CHORD - 110.65'
BEARING - S. 43° 55' 22" E.
"F" - S. 26° 09' 33" E. - 183.42'

"SUB'N OF Q.L. 7, MULLETT FARM, BEING REAR CONVECTION OF P.C. 7, L. 1, P. 220, PLATS
"PLAT OF PATTERSON'S SUB'N OF LOT 6, MULLETT FARM, REAR CONVECTION OF P.C. 7, L. 7, P. 35, PLATS
"T.W. PALMER'S SUB'N. OF OUTLOTS 6 & 7 AND THE SOUTH 292'-85'/100 FEET OF OUTLOT 5 OF THE SUB'N. OF THE REAR PART OF THE LOUIS MORAN FARM, L. 9, P. 90, PLATS
"PLAT OF THAT PART OF CLAIM NO. 181, NORTH OF JEFFERSON AVENUE FOR THE HEIRS OF ANTOINE RIVARD AS SUBDIVIDED INTO LOTS", BK. 12, PPS. 348-51, CITY RECORDS

REQUESTED
OUTRIGHT VACATION
REQUESTED CONVERSION
TO EASEMENT
REQUESTED DEDICATION
FOR STREET PURPOSES

CARTO NO. 40-D

CHRYSLER SERVICE DRIVE

60 FT. WD.

RUSSELL



E. FOREST

70 FT. WD.

FOR OFFICE USE ONLY

VACATIONS AND DEDICATIONS IN THE AREA
BND. BY THE CHRYSLER SERVICE DRIVE, RUSSELL,
E. FOREST AND E. WARREN
(FOREST PARK REHABILITATION PROJECT NO. 2)

CITY OF DETROIT
CITY ENGINEER'S OFFICE

APPROVED,
ENGINEER OF
CITY ENGINEER

DESIGNED BY
DRAWN BY C.M.
TRACED BY
CHECKED BY

REVISIONS	DATE	APR.	CHK.	DATE
EASE. EXPANDED	10/11			
DESCRPT. CHANGE "A" - "F"	6/92			