

**City Engineering Department**  
March 22, 1993

Honorable City Council:

Re: Petition No. 2219, Community and Economic Development Department Forest Park Rehabilitation Project — Parcel 2 Pinnacle Limited Dividend Housing Association Street and Alley Vacations and Deductions in the area bounded by Rivard, Russell, Mack and Leland.

To develop properties in Forest Park Rehabilitation Project it is necessary to vacate public streets and alleys in the area bounded by Rivard and Russell Streets, Mack Avenue, and Leland Street; also it is necessary to set-aside city-owned land to establish the right-of-way of Mack Avenue between Rivard and Russell.

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

Public Works — Traffic Engineering Division. Also, the development plan of Pinnacle Limited Dividend Housing Association was approved by your Honorable Body on October 21, 1992 (J.C.C. pp. 2269-71).

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 of the north-south public alley, 19.24 feet wide; and all of the east-west public alley, 20 feet wide, in the block bounded by Rivard, Russell, Illinois, and Leland Streets; also

All of the north-south public alley, 19.24 feet wide; and all of the east-west public alley, 20 feet wide, in the block bounded by Rivard, Russell, Livingstone, and Illinois Streets; also

All of the north-south public alley, 19.24 feet wide; and all of the east-west public alley, 20 feet wide, in the block bounded by Rivard, Russell, Brady, and Livingstone Streets; also

All that part of the remaining north-south public alley, 19.24 feet wide; and all that part of the remaining east-west public alley, 20 feet wide, in the block bounded by Rivard Street, Russell Street (as proposed), Mack Avenue (120 feet wide), and Brady Street; said remaining public alleys being within the bounds of the following described parcel: Beginning at a point on the easterly line of Rivard Street, 50 feet wide, 18.08 feet southerly along the easterly line of Rivard Street, from the northwesterly corner of Lot 34 of "Wesson's Section of the Mullett Farm," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 96, Plats, Wayne County Records; thence N.26°09'33"W., along the easterly line of Rivard Street, 138.08 feet to the intersection of said line with the southerly line of Brady Street, 50 feet wide; thence N.63°48'42"E., along said southerly line, 350.44 feet to the (proposed) westerly line of Russell Street; thence S.15°39'33"E., along said (proposed) westerly line, 66.55 feet; thence 85.39 feet along the arc of a curve, concave to the southeast, not tangent to the previous line, having a radius of 805.00 feet, a delta of 5°56'57", and a long chord of 83.55 feet which bears S.52°03'56"W., to a point of tangency; thence S.49°05'28"W., 136.52 feet to a point of curvature; thence 126.88 feet along the

arc of a curve, concave to the northwest, having a radius of 695.00 feet, a delta of 10°27'36", and a long chord of 126.70 feet which bears S.54°19'16"W., to the point of beginning; also

All of Illinois Street, 50 feet wide, lying between and abutting the easterly line of Rivard Street (50 feet wide) and the westerly line of Russell Street (60 feet wide); also

All of Livingstone Street, 50 feet wide, lying between and abutting the easterly line of Rivard Street (50 feet wide) and the westerly line of Russell Street (60 feet wide);

All of the above public streets and alleys appear as platted in the "Wesson's Section of the Mullett Farm" being all that portion of said farm lying between Prospect and Russell Streets, and bounded on the Northwest by the northerly line of Lot 2 in the rear concession of said Mullett Farm, and on the Southeast by the Centre of Morse Street," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 96, Plats, Wayne County Records;

Be and the same are hereby vacated as public streets and alleys to become a part and parcel of the abutting property, subject to the two easements for underground electrical services granted to the Detroit Edison Company as established in the City Council resolution adopted on February 19, 1986 (J.C.C. pp. 302-03); and be it further

Resolved, All that part of Brady Street, 50 feet wide, lying between and abutting the easterly line of Rivard Street (50 feet wide) and the (proposed) westerly line of Russell Street as platted in the "Wesson's Section of the Mullett Farm" being all that portion of said farm lying between Prospect and Russell Streets, and bounded on the Northwest by the northerly line of Lot 2 in the rear concession of said Mullett Farm, and the Southeast by the Centre of Morse Street," City of Detroit, Wayne County, Michigan as recorded in Liber 1, Page 96, Plats, Wayne County Records; being more particularly described as follows: Beginning at the point of intersection of the easterly line of said Rivard Street with the southerly line of said Brady Street; thence N.26°09'33"W., along the easterly line of said Rivard, 50.00 feet; thence N.63°48'42"E., along the northerly line of said Brady Street, 360.08 feet; thence S.15°39'33"E., along the (proposed) westerly line of said Russell Street, 50.86 feet; thence S.63°48'42"W., along the southerly line of said Brady Street, 350.81 feet to the point of beginning;

Be and the same is hereby vacated as a public street and is hereby converted into a public underground easement of the full width of the street, which ease-

ment 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 public an underground easement or right-of-way over said vacated public street 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 cable, electric light conduits or things usually placed or installed underground 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 underground 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 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,

Third, said owners for their heirs and assigns further agree that no buildings 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, nor change of surface grade made, without prior approval of the City Engineering Department,

Fourth, that if the owners of any lots abutting on said vacated street shall request the removal and/or relocation of any utilities in said underground 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

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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 to establish Mack Avenue right-of-way between Rivard and Russell Streets; including a part of Russell widening at the northwest corner of said Mack and Russell

Land in the City of Detroit, Wayne County, Michigan being all of Lots 28, 29, 30, 32, 33; and parts of Lots 24 thru 27, 31, 34, and 42 thru 47 of "Wesson's Section of Mullett Farm being all that portion of said farm lying between Prospect and Russell Streets, and bounded on the Northwest by the northerly line of Lot 2 in the rear concession of said Mullett Farm, and on the Southeast by the Centre of Morse Street," as recorded in Liber 1, Page 96, Plats, Wayne County Records; also all of the remaining parts of public alleys, 19.24 and 20 feet wide, and a triangular part of Brady Street, 50 feet wide, all within the bounds of a parcel, being more particularly described as follows:

Commencing at the point of intersection of the southerly line of Livingstone Street (50 feet wide) with the westerly line of Russell Street (60 feet wide); thence S.26°09'33"E., along the westerly line of said Russell, 195.32 feet to the point of beginning; thence S.15°39'33"E., along the (proposed) westerly line of Russell, 132.40 feet; thence 83.59 feet along the arc of a

curve, concave to the southeast, not tangent to the previous line, having a radius of 805.00 feet, a delta of 5°56'57", and a long chord of 83.55 feet which bears S.52°03'56"W. to a point of tangency; thence S.49°05'28"W., 136.52 feet to a point of curvature; thence 126.88 feet along the arc of a curve, concave to the northwest, having a radius of 695.00 feet, a delta of 10°27'36", and a long chord of 126.70 feet which bears S54°19'16"W., to a point on the easterly line of Rivard Street (50 feet wide); thence S.26°09'33"E., along the easterly line of said Rivard, 71.92 feet; thence N.63°48'42"E., along the northerly line of Mack Avenue (50 feet wide), 243.99 feet; thence N.49°05'28"E., along the (proposed) southerly line of Mack Avenue, 89.00 feet; thence S.78°32'02"E., 6.10 feet; thence S.26°09'33"E., along a line 28.00 feet westerly of and parallel to the westerly line of Russell Street (60 feet wide), 18.89 feet; thence N.63°48'42"E., along the northerly line of Mack Avenue (50 feet wide), 28.00 feet; thence N.26°09'33"W., along the westerly line of Russell Street (60 feet wide), 274.68 feet to the point of beginning, containing 40,127 square feet or 0.9212 acres more or less.

Adopted as follows:

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

Nays — None.

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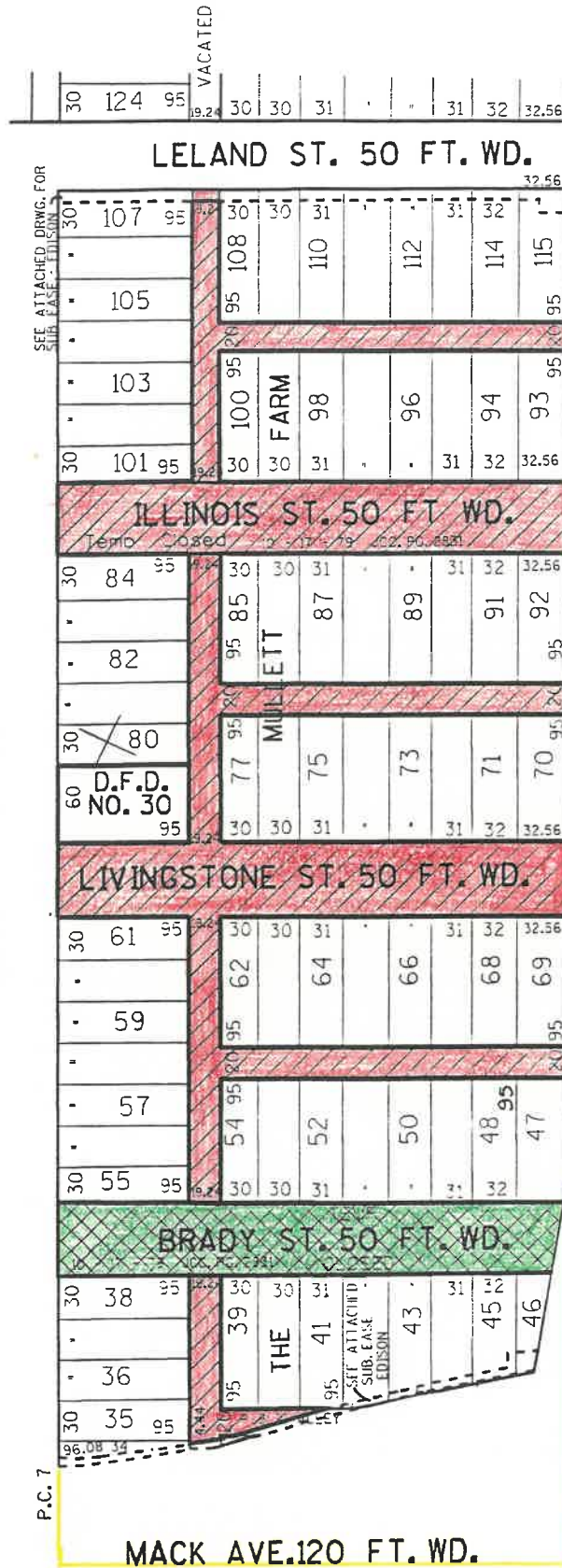
SEE ALSO  
NOV. 17, 1993  
J.C.C. Pgs. 2347-48

PETITION NO.2219  
C. & E.D.D.  
C/O JACK MANN  
PHONE:(313) 224-6539



RIVARD ST. 50 FT. WD.

RUSSELL ST. 60 FT. WD.



- REQUESTED AREA FOR OUT-RIGHT VACATION
- REQUESTED AREA FOR AN EASEMENT

(FOR OFFICE USE ONLY)

CARTO NO. 39C

|             |             |     |      |      |  |
|-------------|-------------|-----|------|------|--|
| B           |             |     |      |      |  |
| A           |             |     |      |      |  |
| DESCRIPTION | DRWN        | CHD | APPD | DATE |  |
| REVISIONS   |             |     |      |      |  |
| DRAWN BY    | CHECKED     |     |      |      |  |
|             | V. MARSHALL |     |      |      |  |
| DATE        | APPROVED    |     |      |      |  |

FOREST PARK PARCEL NO.2  
REQUESTING AREA BND. BY RIVARD, RUSSELL,  
MACK R.O.W.'S BE VACATED : EXCEPT  
BRADY & LELAND INTO AN EASEMENT

|                             |       |
|-----------------------------|-------|
| CITY OF DETROIT             |       |
| CITY ENGINEERING DEPARTMENT |       |
| SURVEY BUREAU               |       |
| JOB NO.                     | 01-01 |
| DRWG. NO.                   | X2219 |